

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION \_\_\_\_\_

A RESOLUTION APPROVING THE SUTTON COASTAL PERMIT (CP 09-17) AND  
DESIGN REVIEW (DR 09-31)  
ASSESSOR'S PARCEL 195-233-09  
6976 PANORAMIC HIGHWAY, STINSON BEACH

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**SECTION I: FINDINGS**

- I. WHEREAS, the applicants and owners, David Sutton and Gary Serrano, have applied for Coastal Permit and Design Review approval for a new residence at 6976 Panoramic Highway in Stinson Beach. The property is currently developed with a 540 square foot "barrel house." The proposed new residence would be located to the west of the barrel house. The new residence would be 4,222 square feet in size, which includes an 824 square foot attached garage and a pool to the rear. The new residence would have a height of 19 feet, and have following setbacks: front (west) 30 feet, and side (north) 20 feet, and over 50 feet to the rear. The proposed project would be finished with metal roofing in grey, sand-finished stucco siding in tan, and cream colored stucco railing. Also proposed is a new septic system, and an asphalt concrete driveway with a length of 116 feet. The subject property is located at 6976 Panoramic Highway, Stinson Beach, and is further identified as Assessor's Parcel 195-233-09.
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly noticed public hearing on October 15, 2009 to consider the merits of the project, and hear testimony in favor of, and in opposition to the project.
- III. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails construction of a new single-family residence that will not impact sensitive habitats, nor involve adverse grading or tree removal.
- IV. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
  - A. The project as proposed complies with *CWP* natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).
  - B. The project as conditioned complies with *CWP* natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (*CWP Policies BIO-1.4, BIO-1.5 and BIO-1.6*).
  - C. The project will not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).
  - D. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on other lands adjacent to the project site, or impact corridors for wildlife movement (*CWP Policies BIO-2.3 and BIO-2.4*).

- E. No wetlands or stream conservation areas will be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
  - F. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
  - G. The project avoids hazardous geological areas and will be designed to County earthquake standards through review of the Building Permit application review (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
  - H. The project design and improvements ensure adequate fire protection (*CWP Policy EH-4.1*), water for fire suppression (*CWP Policy EH-4.c*), defensible space, compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
  - I. The project as conditioned will minimize exterior lighting to reduce light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).
  - J. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies contained in the Stinson Beach Community Plan due to the following factors.
- A. The project involves the construction of a new single-family residence, guest house and garage, and retaining walls, which are a principally permitted use under the governing C-R1-B6 zoning district.
  - B. The project would not impact sensitive habitats or listed species.
  - C. The project meets the maximum height limit for Stinson Beach of 25 feet above grade and is in keeping with the community character.
  - D. The property is currently being served by the Stinson Beach Water District and as conditioned, the applicant would be required to provide verification from the water district that they have received project approval and a copy of reviewed plans must be provided to the Planning Division prior to issuance of a building permit.
  - E. The project would not impact recreational opportunities in the area because the subject property is not located in an area where public access to recreational facilities is desirable or feasible.
  - F. The project complies with the Marin Countywide Plan as discussed in Section IV above.
- VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of Marin County Code) as specified below.

A. Water Supply:

The property is currently being served by the Stinson Beach County Water District.

B. Septic System Standards:

The proposed new single-family residence would be served by a private septic system. A condition of approval has been added that requires the applicant to provide written approval from the Stinson Beach County Water District, along with a copy of plans that have been reviewed prior to issuance of a building permit.

C. Grading and Excavation:

The proposed project has been designed to fit into the site's topography by tucking the residence into the hill to reduce the amount of visual bulk, which results in a remainder of 150 cubic yards of soil that will be removed from the site. An erosion and siltation control plan will be required by the Department of Works if construction will begin during the rainy season, along with a drainage plan and Stormwater Control Plan.

D. Archaeological Resources:

The proposed project site is not within an area of high archaeological sensitivity. Yet, a small portion of the southern property line is within an area of high archaeological sensitivity. It is unlikely that archeological resources exist within the project site, yet standard conditions of approval have been applied to the project which will require that in the event that cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access:

The subject property is located over 2,000 feet from the shoreline, and shows no evidence of historical use by the public.

F. Housing:

The proposed project will increase by one unit the amount of housing available within the Stinson Beach community.

G. Stream and Wetland Resource Protection:

The proposed residence is located outside of all designated wetlands and streams and their required buffer areas, and will therefore not have any impact upon nearby streams or wetland resources.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program.

I. Wildlife Habitat:

A search of the California Natural Diversity Data Base, for special status wildlife species with potential to occur within the vicinity was conducted. A list of special status species that have the potential for occurrence on the subject property was compiled and a site visit was conducted. It was found that three special status wildlife species, Pallid Bat (*Antozous pallidus*), Cooper's hawk (*Accipiter cooperi*) and Loggerhead shrike (*Lanius ludovicianus*), have a moderate potential for occurring on the property. During the site visit, no special status wildlife species were observed and none of them have a high potential for occurring on the property based on existing habitat conditions. The applicant has proposed to commence construction outside of the bird breeding season (February 1<sup>st</sup> through August 31<sup>st</sup>).

J. Protection of Native Plant Communities:

A search of the California Natural Diversity Data Base, for special status plant species with potential to occur within the vicinity was conducted and a list was developed with plant species with potential to occur on the site. Based on vegetation communities present, existing habitat conditions, and soils observed on site, none of the listed species have a moderate or high potential to occur on the property. All special status plant species are either unlikely to occur, or would not be present due to a lack of habitat or other environmental factors. There are a number of invasive species located on the property that were required to be removed in the Vegetation Management Plan approved in 2007. The Conditions of Approval require that all recommendations for invasive species removal, in the WRA letter dated June 15, 2009, be incorporated into the project. The applicant must provide a letter from a Biologist confirming that all actions have been taken to remove the invasive species. This letter must be provided to the Community Development Agency – Planning Division, prior to Final Inspection of the proposed residence.

K. Shoreline Protection:

The subject property is not located near the shoreline.

L. Geologic Hazards:

This finding is not applicable because the subject property is not located in an area of geologic hazards as indicated on Geologic Hazard Maps for Unit I of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo special Studies Zone Map.

M. Public Works Projects:

The proposed project has been reviewed by the Department of Public Works, and it was determined that the project as proposed and as conditioned is acceptable.

N. Land Division Standards:

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources:

No adverse impact to visual resources would result from construction of the project. The proposed residence is not located in a significant public view corridor along the beach and the height and design of the structure is in keeping with the requirements of the zoning district.

P. Recreation/Visitor Facilities:

The project is not located within the C-VCR zoning district and the replacement of an existing residence with a new residence would not have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation:

The project site does not contain any historic structures and is located outside of the historic preservation boundaries for Stinson Beach as identified in the Marin County Historic Study for the Local Coastal Program, Unit 1.

VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Design Review (Section 22.82.040I of the Marin County Code), which are made below:

**A. The proposed development is consistent with the Marin Countywide Plan and any applicable community plan and local coastal program:**

As noted in Section IV and V above, the project complies with all policies of the CWP and the findings required for Coastal Permit Application, and the Stinson Beach Community Plan which encourages diversity in architecture.

**B. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The project is consistent with this finding because the new residence and accessory structures would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development.

**C. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project has been sited in the best possible location to reduce impacts to the WCA and to reduce grading. The residence will be over 120 feet from the nearest adjacent residence at 7000 Panoramic Highway, and will not impact their light, and will not significantly impact their views. The new residence will be in sight of the 6986 Panoramic, and a condition of approval has been added that will require the applicant to plant three Coast live oaks, a minimum container size of 24 gallons, to reduce the visual impacts and preserve privacy from 6986 of the new residence.

- D. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project is located entirely within the subject property and as conditioned would not result in development that would impact future improvements to the surrounding properties.

- E. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural material;**

The proposed project would plant California native plants and would remove non-native and invasive vegetation, and proposes construction which would meet the "Platinum" rating under the New Home Green Building Residential Design Guidelines. A condition of approval has been added that will require that the applicant provide a Statement of Completion that the project has been constructed in conformance with the "Platinum" rating.

- F. The project will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

**1. The area, heights, mass, materials, and scale of structures;**

The project proposes colors and materials that are in keeping with the community. The residence meets all height and size restrictions for the zoning district, and the residence is located in an area that will minimize impacts to environmental resources.

**2. Drainage systems and appurtenant structures;**

All conceptual plans have been reviewed by the Department of Public Works and is approvable as conditioned. Prior to issuance of a Building Permit the applicant will be required to provide a drainage plan. No appurtenant structures are proposed at this time.

**3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);**

The applicant has sited the residence to minimize the amount of cut and fill from the new residence, and would result in 150 square feet of cut that will require removal from the site, which is determined to not result in significant impacts due to the environmental constraints.

**4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft; and**

The proposed project has been reviewed by DPW and it was found that the project could be approved as proposed with some conditions, and that it would not impact the movement of people. No fencing is proposed that would inhibit the circulation of animals.

**5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

As noted in B above, the project would not result in construction of a residence that would meet all setback requirements and would not result in the elimination of significant sun and light exposure to adjacent residences. Further, the property is at the end of Belvedere Avenue, and has no adjacent neighbors to the north, and those to the west, east and south would not have their views impacted from the project.

**G. The project contains features such as roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.**

The applicant is proposing construction that would meet the Green Building Rating of "Platinum," and the project would be required to meet Title 24 and Ordinance 3492.

**SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Sutton Coastal Permit (CP 09-17) and Design Review (DR 09-31) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 (Coastal Permit) and 22.82 (Design Review) of the Marin County Code, the Sutton Coastal Permit and Design Review is approved for a new residence at 6976 Panoramic Highway in Stinson Beach. The new residence will be 4,222 square feet in size, which includes an 824 square foot attached garage and a pool to the rear (east). The new residence will have a height of 19 feet, and have following setbacks: front (west) 30 feet, and side (north) 20 feet, and over 50 feet to the rear (east) and side (south). The project will be finished with metal roofing in grey, sand-finished stucco siding in tan, and cream colored stucco railing. Construction of the project will commence before or after the bird breeding season (February 1<sup>st</sup> through August 31<sup>st</sup>). Also approved are a new septic system, and an asphalt concrete driveway with a length of 116 feet.
2. The subject property is located at 6976 Panoramic Highway, Stinson Beach, and is further identified as Assessor's Parcel 195-233-09.
3. Plans submitted for a building permit shall substantially conform to plans entitled, "Sutton/Serrano Residence," consisting of 5 sheets, prepared by Michael Moyer, received December 2, 2008, and on file in the Marin County Community Development Agency with revisions received June 22, 2009.
4. Approved exterior materials shall substantially conform to the color board identified as "Exhibit B" entitled, "Color and Materials Sutton/Serrano Residence," received December 2, 2009 by the Community Development Agency.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review Conditions of Approval as notes.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not

create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.

7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide written verification, that the Stinson Beach County Water District has reviewed all plans and has approved the project. A copy of plans reviewed by the District must be provided to CDA-Planning Division.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a site plan that depicts the location of three Coast live oaks near the property line with 6986 Panoramic Highway. The plantings shall be a minimum container size of 24 gallons. The plant shall be provided to CDA-Planning Division for review and approval, and shall be reviewed by the owners of 6986 Panoramic Highway prior to submittal.
9. All construction activities shall comply with the following standards:

Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
10. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
11. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate measures to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement protection measures. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
12. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
13. The owners hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Sutton Coastal Permit and Design Review for which action is brought within the applicable statute of limitations.



14. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Platinum" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
15. BEFORE FINAL INSPECTION, the applicant shall remove all invasive species, in accordance with the letter dated June 15, 2009 by WRA. A letter of confirmation from a biologist must be provided to the Community Development Agency – Planning Division, confirming that all recommendations were met.
16. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

17. Provide a Stormwater Control Plan in conformance with Ordinance #3486, and the guidelines as established in "Start at the Source", published by the Bay Area Stormwater Management Agencies Association and the "Guidance for Applicants; Stormwater Quality Manual for Development Projects in Marin County", published by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP).
18. Provide a copy of the geotechnical report of June 1, 2004 referenced in the March 9, 2009 letter by Craig Herzog, GE.
19. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
20. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
21. Driveways serving 2 to 6 dwellings shall be a minimum of 16-feet wide or 12-feet wide with turnouts and Fire Department approval [MCC §24.04.260]. Turnouts shall meet the minimum requirements under MCC §24.04.275. Revise the plans to meet this requirement.
22. The driveway turnaround at the garage does not appear to allow a composite vehicle to make a turnaround in one 24-foot outside radius turning movement. Revise the plans to show a driveway turnaround that meets this requirement.
23. Provide two guest parking locations. Guest parking shall not be within turnarounds, shall not exceed a slope of 8% in any direction, and shall be independently accessible to each other. Also, show that the guest vehicles can achieve the desired direction for egress in one turning movement.

24. A registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
25. A separate Building Permit is required for site/driveway retaining walls with a height more than 4-feet (or 3-feet when backfill area is sloped or has a surcharge). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
26. Provide a drainage plan for drainage away from the foundation, for the retaining wall back-drain(s), for diversion around the septic leach-field and for bottom of the driveway. All drainage generated onsite and all drainage structures shall remain within the property lines.
27. Revise plans to show brushed-surface concrete for any portions of the driveway of slope greater than 18% (maximum of 25%).
28. Provide two independently accessible guest parking spaces.
29. Provide a location for the propane tank.
30. An encroachment permit shall be required for work within the road right-of-way of Panoramic Highway.

### **SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Sutton Coastal Permit (CP 09-17) and Design Review (DR 09-31) approval by obtaining a Building Permit for the approved work and substantially completing all work before **October 15, 2011**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120I and 22.82.130I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on October 22, 2009**.

### **SECTION IV: ACTION**

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15th day of October, 2009.

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JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary