



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR**  
**SANTOS COASTAL PERMIT, VARIANCE, AND DESIGN REVIEW**

Item No:	H1	Application No:	CP 09-29, VR 09-10, and DR 09-61
Applicant:	Mark Hulbert	Owners:	Allen Santos
Property Address:	4 Francisco Patio, Stinson Beach	Assessor's Parcel:	195-104-04
Hearing Date:	November 12, 2009	Planner:	Lorene Jackson

**RECOMMENDATION:** **Approve with Conditions**  
**APPEAL PERIOD:** **5 business days to the Planning Commission**  
**LAST DATE FOR ACTION:** **December 20, 2009**

**PROJECT DESCRIPTION:**

The applicant Mark Hulbert, on behalf of the owner Allen Santos, is requesting Coastal Permit, Variance, and Design Review approval to construct a new 722-square foot single-family residence on a 2,212-square-foot vacant lot. The two-story, 24-foot high structure would result in a 32.6% floor area ratio (FAR) and maintain the following setbacks: (1) 9.3 feet from the southerly front property line; (2) 6 feet from the easterly side property line; (3) 6 feet from the westerly side property line; and (4) 10.7 feet from the northerly rear property line. Associated site elements would include a carport, rooftop solar panels, septic system, and landscaping. A propane tank would be located in the front southeast corner of the property with zero setbacks from the front and side property lines. Design Review is required because the proposed project is located within the 25-foot front yard setback on a parcel that is 70% smaller than required in the applicable zoning district. A Variance is required since the project would result in a FAR greater than 30%.

**GENERAL INFORMATION:**

Countywide Plan:	SF6 (Single-family, below 10,000-square foot minimum lot area, 4-7 units/acre)
Zoning:	C-R1 (Coastal Single-family, Residential District, 7,500 square foot minimum lot area)
Community Plan Area:	Stinson Beach Community Plan
Lot size:	2,212-square feet
Adjacent Land Uses:	Single-family Residential
Vegetation:	Recently cleared of vegetation; invasive bamboo re-sprouting
Topography and Slope:	Level
Environmental Hazards:	Urban Wildland Interface and within 5,000 feet of the Alquist-Priolo Special Study Zone

## **ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303(a), Class 3 of the CEQA Guidelines because it entails construction of a single-family residence in a residential zone that would not result in potentially significant impacts to the environment.

## **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 300 feet of the subject property. Story poles were erected by October 21, 2009 to demonstrate the visual implications of this project. The Community Development Agency received several adverse comments from the public regarding the development of this project and the anticipated development of the adjoining parcel at 6 Francisco Patio. Please see Attachments 13-17.

## **PLAN CONSISTENCY:**

The proposed project entails the construction of a single-family residence on an infill site within the Coastal Recreation Corridor in conformance with zoning standards and FEMA requirements, and with no adverse impacts to coastal resources. Therefore, the proposed project is consistent with the goals and policies of the Marin Countywide Plan, the Stinson Beach Community Plan, and the Local Coastal Program, Unit I. Please refer to the recommended resolution for detailed findings.

## **PROJECT ANALYSIS:**

### ***Setting and Background***

The subject property is a level lot with frontage along Francisco Patio, an unpaved cul-de-sac. The property was grubbed clear of all vegetation before a site assessment could be made. The grubbing was apparently intended to remove invasive bamboo (which is currently re-sprouting) in preparation of story poles and site development.

The property is located approximately 250 feet inland from the beach. The surrounding neighborhood is characterized by single-family residences with varied sizes and architectural styles. Many of the residences in the neighborhood were constructed in the 1930's and 1940's and appear to be legal non-conforming with respect to regulations governing setback, floor area ratio, and finish floor elevation above grade (FEMA requirements for Special Flood Hazard Areas.) Sizes of neighboring residences in the immediate vicinity vary from approximately 452 square feet to 2,258 square feet:

The applicant proposes to build a small-sized single-family dwelling that would exceed the 30% floor area ratio (FAR) limit and encroach 15.7 feet (62.8%) into the 25-foot front yard setback required by the governing C-R-1 zoning district. The proposed project would meet standards for the 20% rear setback, 6-foot side yard setback, and 25-foot height limit. Three of the four adjoining properties are two-story structures, making the two-story aspect of the proposed project visually consistent with the neighborhood.

The property owner, Allen Santos, has owned this parcel and the adjoining 2,100-square-foot parcel at 6 Francisco Patio (APN 195-104-04) since 1981. Combined, these two parcels would still have been below the 7,500-square-foot minimum lot size for the applicable zoning district. If the applicant still owned both parcels, the County could require their merger into one parcel, thereby

allowing the construction of a home up to 1,293 square feet. However, the owner recently sold 6 Francisco Patio and the two parcels are currently held in separate title. Selling the adjoining parcel reduced (by approximately 50%) the floor area available for development for a project consistent with the FAR limitations..

**Variance**

Floor Area Ratio

A 30% FAR would allow the construction of a 664-square foot single-family residence on the subject parcel. The applicant is proposing a 722-square-foot structure with a 32.6% FAR - a difference of 58 square feet. During the project review with staff, the applicant has substantially reduced the size of the residence from an initial submittal of 932 square feet, lowered the maximum height 1.3 feet, and decreased the amount of living area encroaching within the front yard setback.

The median lot size within 300 (and 600) feet of the subject property is 3,600 square feet, roughly 50% of the minimum 7,500-square-foot lot size in the CR1 zoning district. The median home size within 300 feet of the property is 1,120 square feet; the median home size on Francisco Patio is 894 square feet. There are six homes within 300 feet that are smaller than 620 square feet; most of these are small beach cottages that add to the character and history of the community.

**Table 1 - Comparison of Francisco Patio Properties**

Address	Year Constructed	Lot Size (sq. ft.)	Size of Residence (sq. ft.)**	Estimated FAR %
1 Francisco Patio	1997*	7,880	1,528	19
5 Francisco Patio	1944	6,400	2,258	35
7 Francisco Patio	1956	3,600	528	15
9 Francisco Patio	1949	9,000	830	9
2 Francisco Patio	1937	3,200	504	16
4 Francisco Patio	proposed	2,212	722	32.6
6 Francisco Patio	vacant	2,100	-	-
8 Francisco Patio	1948*	4,050	1,120	28
10 Francisco Patio	1937*	3,600	452	13
12 Francisco Patio	1937*	3,000	958	32
14 Francisco Patio	1937*	3,000	1,070	36
<b>Median</b>		<b>3,600</b>	<b>894</b>	

\*Subsequent remodel or addition

\*\*Note: Does not reflect unpermitted additions that may exist.

(Source: Marin County CDA Planning and Building Division records)

A review of permit history in the “Patios” area of Stinson beach over the past 10 years indicates that no variances have been granted to allow a FAR greater than 30%. There are older homes that exceed the 30% FAR, including three of the nine developed lots on Francisco Patio. Some of the homes were constructed in the 1930's and 1940's, or remodeled before zoning standards were strictly applied. However, this does not entitle the applicant any privileges to build a home greater than 30% FAR.

The property owner sold the adjoining parcel, creating a self-imposed hardship of a small lot. Since there are other smaller homes within 300 feet of the subject property, there are no special circumstances to make variance findings.

While it is acknowledged that a 722-square-foot structure is quite modest, an examination of the story poles reveals that in the context of the extremely small lot, the overall scope of development would be detrimental to other property in the vicinity. In addition, with the adjacent vacant parcel of roughly the same size that the applicant sold, granting such a FAR variance would either a) set a precedence for another similarly-sized house on 6 Francisco Patio, or b) be a special privilege that the County would not allow for the neighboring parcel. In any event, the findings for an FAR variance cannot be made. Please see Variance Findings in Section VII of the attached proposed resolution.

### ***Design Review***

#### ***Front Yard Setback***

In the Coastal Zone, where a vacant lot is at least 50% smaller than what is otherwise required by the applicable minimum zoning regulations, the required setbacks for a proposed single-family residence may be waived subject to design review (Marin County Code Section 22.82.025I.) Since the subject parcel is nearly 70% smaller than the 7,500 square foot minimum, the proposed project qualifies for such a waiver if design review findings can be made.

The small parcel size and irregular shaped front property line leaves a constrained building footprint that is 9 to 14 feet deep and 36 to 39 feet wide. The proposed project meets the 6-foot side yard setback, 8.5 to 10.6-foot rear yard setback (20% of the lot depth), and 25-foot building height limit. As proposed, the project would encroach 15.6 feet into the 25-foot front yard setback, a 62.8% encroachment. A look at other properties within the "Patios" shows several approved variances that allow for construction within the front yard setback. Three homes on Francisco Patio appear to encroach into the front yard setback, although there are no surveys to confirm this.

When considering visual impacts, it is important to note that structures on two adjoining properties encroach into their rear and side property setbacks, thereby reducing some of the visual and privacy buffers that would otherwise be present between properties. Staff could not find records for any permits for the encroaching portions of those structures. Further, the roof of the single-family structure at 2 Francisco Patio extends 1.24 feet into the applicant's property; the closest wall of the structure extends 0.55 feet across the property line. This exacerbates any potential loss of light and privacy for both properties.

FEMA requirements mandate raising the first floor of the structure 3-feet above grade. The applicant has minimized the height of the first floor to keep the structure below the 25-foot maximum height. Surrounding homes at similar heights appear to have been constructed at grade without this limitation. Further, to alleviate parking concerns, the project included a covered carport within the building envelope. A portion of the project's mass and bulk is attributed to the carport (which takes up approximately 35% of the lower floor.)

As discussed above, staff does not believe findings for a FAR variance can be made. However, given the overall constraints on the site, and FEMA elevational requirements, a reduced front yard setback can be supported. With the exception of the additional square footage, the building is carefully designed to minimize apparent mass and bulk, and provide visual interest and consistency with the neighborhood.

Story poles were constructed on-site to demonstrate the size, siting, and height of the proposed residence. The proposed development would be of a comparable height, size, and scale with other structures in the surrounding community. As conditioned, the residence would not unduly impact the existing light or privacy of surrounding residences because it would not exceed a height of 25 feet above grade and would maintain side and rear yard setbacks. The exterior materials would be unobtrusive earthtone colors, the property would be adequately landscaped, and exterior lighting would be directed downward and hooded. The exterior facades of the residence would be articulated

with porches, fenestration, and varied building forms and materials. Further, the design of the residence would be responsive to the constraints of the subject property, while being compatible with the surrounding natural environment and the character of the local community.

#### Traffic and Parking Concerns

In response to neighbors' concerns about increased traffic and parking associated with the development of this vacant lot (and anticipated future development of the adjoining parcel at 6 Francisco Patio) the project includes three on-site parking spaces, one of which is a covered carport. This further complies with County parking standards.

#### Landscaping

Staff is concerned about the planting of three California fan palms within 6-feet of the east side and rear property lines. Since these trees can attain a canopy diameter of 20 feet, the project has been conditioned to plant them no closer than 10 feet from the property lines. To protect the privacy of the neighbor at 2 Francisco Patio, landscaping along the eastern side of the property will need to include plants that can be maintained at a height of 14 feet. This also provide the applicant with some screening from the encroaching portion of this neighbor's single-family residence.

#### **Coastal Permit**

As a new residence in the Coastal Zone, a Coastal Permit is required. However, as discussed in the Coastal Permit findings portion so the attached resolution, the project does not adversely affect any coastal resources and would be adequately served by utilities.

#### **Public Comment**

Neighbors and Stinson Beach residents have submitted written comments regarding the project. The primary comments are against the increased FAR and development of two parcels instead of a merged single parcel, resulting in twice as much congestion and parking. Two of the expressed complaints were from properties enjoying the benefits of a FAR greater than 30%. Adjoining neighbors also expressed concern about loss of light, privacy, and view. However, each of these neighbors has a structure within the zoning district's required side and/or rear yard setbacks.

#### **RECOMMENDATION:**

As conditioned, staff is recommending the size of the project be reduced by 58 square feet, to eliminate the FAR Variance. Staff believes this reduction should be made by increasing the upper floor setback from the easterly side property line by at least 2 to 3 feet, making up any difference by further stepping back the front portion of the living room.

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution denying the Santos Variance and approving with conditions the Santos Coastal Permit and Design Review .

- Attachments:**
1. Proposed resolution recommending denial of the Santos Variance and approval of the Santos Coastal Permit and Design Review applications
  2. CEQA Exemption
  3. Location Map
  4. Assessor's Parcel Map
  5. Project Plans – Exhibit A3
  6. Exterior Color Schematic Exhibit A (sheet A1.2)
  7. Site Survey – Exhibit B
  8. Sketched Perspectives of Project
  9. Marin County Department of Public Works Memo, 9/25/09

10. Stinson Beach County Water District (Water) Email, 10/20/09
11. Stinson Beach County Water District (Septic) Letter, 9/14/09
12. Allen Santos Letters, April 24, July 3, and September 17
13. Stinson Beach Village Association Letter, 4/10/09
14. Rodger and Donna Faulker Letter, 4/19/09
15. Dave Rosenlund Letter, 4/20/09 and 7/25/09
16. Lynn Stickrod Letter, 4/22/09
17. J. Kevin Donahue Letter, 7/25/09

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.

A RESOLUTION DENYING THE SANTOS VARIANCE AND  
APPROVING THE SANTOS COASTAL PERMIT AND DESIGN REVIEW  
4 FRANCISCO PATIO, STINSON BEACH  
ASSESSOR'S PARCEL 195-104-04

\*\*\*\*\*

**SECTION I: FINDINGS**

- I. WHEREAS Mark Hulbert, on behalf of the owner Allen Santos, is seeking Coastal Permit, Variance, and Design Review approval to construct a new 722-square-foot single-family residence on a 2,212-square-foot vacant lot. The two-story, 24-foot high structure would result in a 32.6% floor area ratio (FAR) and maintain the following setbacks: (1) 9.3 feet from the southerly front property line; (2) 6 feet from the easterly side property line; (3) 6 feet from the westerly side property line; and (4) 10.7 feet from the northerly rear property line. Associated site elements would include a carport, rooftop solar panels, septic system, and landscaping. A propane tank would be located in the front southeast corner of the property with zero setbacks from the front and side property lines. Design Review is required because the proposed project is located within the 25-foot front yard setback on a parcel that is 70% smaller than required in the applicable zoning district. A Variance is required since the project would result in a FAR greater than 30%. **The subject properties are located 4 Francisco Patio, Stinson Beach, and is further identified as Assessor's Parcel 195-104-04.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing November 12, 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(a), Class 3 of the CEQA Guidelines because it entails construction of a single-family residence in a residential zone that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
  - A. The project would be consistent with the SF6 (Single-family, below 10,000-square foot minimum lot area, 4-7 units/acre) land use designation.
  - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
  - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works.
  - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic, and circulation, or other services.

- E. The project would minimize soil disturbance and incorporate adequate landscaping to displace the existing and invasive bamboo.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Stinson Beach Community Plan because:
  - A. The proposed project involves construction of a single-family residence, which is a principally permitted use on the property.
  - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats or on-site drainage.
  - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
  - D. The proposed project is less than the 25-foot maximum building height. As conditioned, the proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, access from Francisco Patio, and building design, mass, and bulk.
- 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 the Marin County Code) as specified below.

**A. Water Supply**

The Stinson Beach County Water District, which will serve the subject property, has reviewed and approved the proposed project.

**B. Septic System Standards**

The Stinson Beach County Water District regulates individual sewage disposal systems in the area of the subject property. The Stinson Beach County Water District has reviewed and approved the proposed project.

**C. Grading and Excavation**

The subject property is level and minimal grading is proposed. Excavation would occur for construction of the foundation for the residence and carport slab areas. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

**D. Archaeological Resources**

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, minimal grading is proposed and would not disturb cultural resources. Project approval requires that in the event cultural resources are discovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures.



#### **E. Coastal Access**

The project is not located adjacent to the shoreline and would not impede the coastal access provided by existing rights-of-way.

#### **F. Housing**

The proposed project would not involve the demolition of housing affordable to households of lower or moderate income.

#### **G. Stream and Wetland Resource Protection**

The project site is not located near a creek or in an area subject to the streamside conservation policies of the Marin Countywide Plan or Local Coastal Program.

#### **H. Dune Protection**

The project site is not located near dunes or in a dune protection area of the Local Coastal Program.

#### **I. Wildlife Habitat**

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is not located in the habitat area for special status species. However, Monarch Butterfly (*Danaus plexippus*) is known to reside in trees in Stinson Beach. The project site is outside the area identified as buffer zone, does not contain any trees, and does not provide suitable habitat for the Monarch Butterfly. The project will have a minimal impact to the habitat value of the site because there are no existing trees on-site and the project involves the construction of a single-family residence on a disturbed site surrounded by developed parcels. In addition, human activity on and around the subject property would likely discourage species from nesting in the area. Based on these factors, development of the proposed residence would not significantly alter or disturb potential wildlife habitat.

#### **J. Protection of Native Plant Communities**

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the vicinity of habitat area for the following special status species: Showy Indian Clover (*Trifolium amoenum*), Marin Hesperian (*Vespericola mariensis*), Point Reyes Bird's Beak (*Cordylanthus maritimus ssp palustris*), Coastal marsh vetch (*Astragalus pycnostachyus var. pycnostachyus*), Lyngbei's sedge (*Carex lyngbyei*), Dune Gilia (*Gilia capitata ssp. chamissonis*), and Tiburon paintbrush (*Castilleja affinis ssp. neglecta*). However, the habitat value of the proposed development site for these plants is low because the site has been covered for some time with invasive bamboo, recently grubbed to clear the bamboo, and is resprouting bamboo. Further, the proposed project is located on a small, vacant, infill lot that is surrounded by developed parcels and would not have an adverse impact on the habitat or individual plants.

**K. Shoreline Protection**

The proposed project is not located adjacent to the shoreline.

**L. Geologic Hazards**

The project site is located within 6,000 feet of the Alquist-Priolo Special Study Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of project approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

**M. Public Works Projects**

The proposed project will not affect any existing or proposed public works project in the area.

**N. Land Division Standards**

No land division or property line adjustment is proposed as part of this project.

**O. Visual Resources**

The 24-foot height of the new residence complies with the 25-foot height limitation of the governing C-R-1:B-D zoning district. In accordance with Local Coastal Plan policies, the project would not obstruct public views of the coast or shoreline vistas. As conditioned, the height, scale, and design of the proposed development will be compatible with the character of the surrounding community. The approved setback would not result in significant visual, privacy, and light impacts to surrounding residences. The exterior facades of the residence would be articulated with porches, fenestration, and varied building forms. The exterior materials would be varied and unobtrusive earthtone colors. As conditioned, landscaping will provide screening for adjacent neighbors. Conditions of approval require that all utilities serving the project site to be placed underground and all exterior lighting to be shielded.

**P. Recreation/Visitor Facilities**

The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

**Q. Historic Resource Preservation**

The subject property is not located within any designated historic preservation boundaries for Inverness as identified in the Marin County Historic Study for the Local Coastal Program.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is not consistent with the mandatory findings for Variance approval (Section 22.86.025[4]) of the Marin County Code) as described below.

**A. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity under an identical zoning district.**

The subject property and adjoining 6 Francisco Patio are the smallest developable lots within 600 feet. Through the years, many small lots that were present historically have been merged. Having a substandard-size lot imposes a commensurate smaller home size based on the 30% floor area limits imposed by the zoning ordinance. There are also several homes in the vicinity that are smaller than the 664-square-foot home size limit allowed for this parcel. Further, the very modest homes size directed by FAR compliance is a limit the owner imposed upon himself when he sold the adjoining property, which, if merged, would have allowed for a single-family residence up to 1,293 square feet, larger than the median home on Francisco Patio.

Although there are several examples of construction within the Stinson Beach Patios that have resulted in greater than 30% FAR, this does not entitle the applicant to any privileges to do the same. Many homes were constructed in the 1930's and 1940's before zoning standards were strictly applied, and no variance for homes size appear to have been granted nearby within the past ten years..

The irregular shape of the front property line and the narrow width of the building envelope as defined by the required setbacks are long-standing constraints and create special circumstances depriving the property of the same privileges as other properties in Stinson Beach under the governing C-R-1 zoning district. Moreover, since the subject parcel is nearly 70% smaller than the 7,500-square-foot minimum required by the zoning district, the proposed project qualifies for a waiver of the front yard setback if design review findings can be made. A Variance is not required to allow construction within the 25-foot front yard setback.

**B. The granting of a Variance for the property will not be detrimental to the public welfare or injurious to other property in the vicinity.**

The proposed development would be of a comparable height, size, and scale with other structures in the surrounding community. The project would minimize potential adverse visual impacts because, as modified by the conditions of approval, it would be constructed of building materials that would be unobtrusively integrated into the surrounding community. However, as proposed, the scope of development with the FAR variance could be detrimental to the adjoining neighbor at 2 Francisco Patio. By restricting construction to that allowed by the FAR limits, impacts of the project on this neighbor would be within general standards.

**C. The granting of a Variance for the property does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity under an identical zoning district.**

Granting a Variance to exceed the 30% FAR would constitute the granting of special privilege because construction of single-family residences in the vicinity has occurred in compliance with FAR limits for the C-R-1 zoning district. The purpose of the development standards for the C-R-1 zoning district is to minimize adverse affects to the surrounding area that would otherwise result from inappropriate development. As proposed, the project would result in inappropriate development. If development on the adjoining vacant lot were allowed at this extent, it would be out of scale with the neighborhood and constitute a

special privilege. The granting of a Variance would allow development inconsistent with the limitations placed on other properties in the surrounding area, in conflict with California Government Code Section 65906.

**D. The granting of a Variance for the property does not authorize a use or activity that is not otherwise expressly authorized by the particular zoning district regulations governing such property.**

Granting this Variance would not allow a use or activity that is not otherwise expressly authorized by the governing C-R1 zoning district regulations because it involves the construction of a single-family residence.

VIII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review (Section 22.82.0401 of the Marin County Development Code) can be made based on the following findings:

**A. 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;**

As conditioned, the project is consistent with this finding because the it would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development.

**B. 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;**

As conditioned, the project would maintain sufficient side and rear setbacks from all property lines so that the project would not result in the loss of light or privacy to adjacent neighbors. All development will be contained within the parcel and would not impact development on public lands or rights-of-way. As conditioned, the modest reduction in floor area and provisions of additional landscaping will allow full use and enjoyment of neighboring parcels.

**C. 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 parcel and would not result in development which would impact future improvements to the surrounding properties.

**D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;**

The property has been previously graded and covered with invasive bamboo with no remaining trees. The proposed project includes a new garden with native and Mediterranean plants that will adequate landscape the property and, as conditioned, provide sufficient screening to adjoining property. The design includes windows, sky lights, and solar panels to conserve energy and resources.

**E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

As conditioned, the project conforms to the planned district development standards by developing an articulated design, incorporating varied materials, and utilizing earth tone colors that would blend with the character of the community.

**F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

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

The proposed project has been designed to minimize adverse visual effects related to design and building massing. The project meets the required setbacks along side and rear property lines abutting neighboring structures. As conditioned, the project would step back on the eastern side of the second floor and would be adequately landscaped to preserve privacy for the single-story residence at 2 Francisco Patio. The project incorporates articulations, porches, fenestration, varied materials, and roof angles, which minimize overall mass and bulk. There are no large, unbroken vertical walls on the structure.

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

Conceptual plans have been reviewed by the Department of Public Works with no adverse comments.

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

The subject property is level and minimal grading is proposed. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

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

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

**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, with conditions, the project would not result in the loss of light, views, or privacy to adjacent properties.

**G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.**

As conditioned, the proposed project would exceed the required 60 points Certified Green Building Rating by 40 points, and include the installation of solar panels. As a small home,

it will require less resources and energy for construction and maintenance. Further, construction will be required to meet Title 24 and Ordinance 3492. F

- H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposed project, as conditioned, is consistent with all applicable regulations and, as described in "F" above, meets the design guidelines and would not be detrimental to the public or County.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby denies the Santos Variance (VR 09-10) and approves the Santo Coastal Permit (CP 09-29) and Design Review (DR 09-61) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits) and Section 22.82.040I (Design Review), the Santo Coastal Permit and Design Review are approved to construct a 644-square-foot single-family residence on a 2,212-square-foot vacant lot. The approved two-story residence shall attain a maximum height of 24 feet, result in a 30% floor area ratio (FAR), and maintain the following setbacks: (1) 9.3 feet from the southerly front property line; (2) 6 feet from the easterly side property line; (3) 6 feet from the westerly side property line; and (4) 10.7 feet from the northerly rear property line. Approved site elements include a carport, rooftop solar panels, septic system, and landscaping. The subject property is located at 4 Francisco Patio, Stinson Beach, and is further identified as Assessor's Parcel 195-104-04.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as **Exhibit A3**, entitled "4 Francisco Patio" consisting of 5 sheets prepared by Preservation Architecture, dated September 14, 2009 and received September 16, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A4** and shall supersede Exhibit A3.
  - a. The exterior of the upper floor shall be reduced 58 square feet by increasing the setback from the easterly side property line by at least 2 to 3 feet, making up any difference by further stepping back the front portion of the living room.
  - b. Revised landscape plan to include tall shrubs along the easterly side property lines selected and allowed to grow to sufficient height to screen the adjoining property at 2 Francisco Patio from the northeasterly upper floor exterior deck.
  - c. Hardscaping for the driveway and carport shall be of pervious materials and called out on the building permit plans.

- d. Relocate the propane tank to minimize visibility from the street. Alternatively, with fire department approval, the propane tank may be situated where it is shown on the plans if it is sunken into the ground so that it does not exceed a height of 18 inches above grade.
4. Approved exterior building materials and colors shall substantially conforming to the Exterior Color Schematic in **Exhibit A** (sheet A1.2) and color/materials samples identified as **Exhibit D**, both received March 18, 2009, and **Exhibit D1** received October 22, 2009, all on file with the Marin County Community Development Agency including:
    - a. Foundation – Concrete, Dark brown
    - b. Siding Lower Floor – Cement board, Kelly Moore Faded Ochre  
Siding Upper Floor– Cedar shingles, clear stain
    - c. Roof - Rolled composition, Timberline Hickory
    - d. Window Frame and Door – Aluminum clad wood, Tuscany Brown (dark brown)
    - e. Wood Trim – Kelly Moore Foxborough Gold
    - f. Skylights – Dark tinted
    - g. Decking – TimberTech, Earthwood grooved plank, Tropical Walnut

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
  5. Finished floor and roof elevations shall be based on existing or finished elevations, whichever is more restrictive with respect to height. Existing elevations shall be based on the site survey presented in **Exhibit B** prepared by Treu North Surveying, Inc., dated November 10, 2004 and received March 18, 2009, and on file with the Marin County Community Development Agency.
  6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other 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.
  7. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties. Cut sheets of proposed lighting fixtures shall be included in the building permit submittals.
  8. 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 mitigations 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 mitigations to protect resources. 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.

9. All construction activities shall comply with the following standards:
  - a. 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.
  - b. 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.
10. 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.
11. The applicant/owner 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 this application, for which action is brought within the applicable statute of limitations.
12. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
13. 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.
14. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Construction Conformance contained in the Green Building Residential Certification Form certifying that the measures identified in the Statement of Design Conformance have been installed and/or utilized as part of the project to meet or exceed the required green building rating level.
15. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In



addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks. Alternatively, the applicant may submit a written (stamped) confirmation from a licensed land surveyor or qualified civil engineer confirming the property line markers and the building setbacks to the front property lines based on the approved setbacks as shown on the Building Permit plans.

16. BEFORE APPROVAL OF THE UNDERFLOOR INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification prepare and submit a written (stamped) survey or certification to the Planning Division confirming that the building's finish floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may request that the Building and Safety Inspection staff conduct a laser level survey to verify compliance with this condition.
17. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.
18. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall submit documentation from the project engineer or "as-built" service, to be approved by the Chief Building Inspector, confirming that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans. A registered engineer or "as-built" service must stamp and wet sign this verification. Alternatively, the applicant may request that the Building and Safety Inspection staff verify the floor area based on measurement marks on the subfloor and second/third floor framing.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.
20. 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.
21. BEFORE FINAL INSPECTION, the applicant shall enter into a landscape maintenance agreement with the Community Development Agency that is secured by a financial deposit that is equivalent to one and one-half times the value of the labor and materials for all landscaping. The agreement shall be for a period of two years from the date of occupancy, during which time the applicant shall agree to maintain the landscaping in a healthy and vigorous condition. At the end of the two-year landscape maintenance period, any specimen which has not survived or is in poor or declining health, as determined by the Community Development Agency staff, shall be replaced with a specimen with a comparable size.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT:

22. The property is within a Special Flood Hazard Area, Zone-A0, as show on the Flood Insurance Rate Map (FIRM Community-Panel Number 606173 0419B, November 19, 1986 and, effective May 4, 2009, FIRM Community-Panel Number 06041C0441D). The Base Flood Elevation (BFE) for Zone-A0 on both FIRM Maps is a depth of 3-ft (above highest adjacent grade). All finish floor levels of habitable space shall be at or above the BFE. All improvements shall conform to Marin County Code §23.09, Floodplain Management. DPW recommends use of the FEMA Coastal Construction Manual for design of all structures within a coastal flood hazard zone. Note that MCC §23.09 prohibits fill to be used for structural support of buildings and man-made alteration of sand dunes which would increase potential flood damage is prohibited.
23. All fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered civil engineer or architect or meet or exceed the following minimum criteria:
  - a. Either a minimum of two openings having a total net area of not less than one square-inch for every square -foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters; or
  - b. Be certified to comply with a local flood-proofing standard approved by the Federal Insurance Administration.
24. Revise plans to show all parking spaces to be 8.5'x18', min.
25. Submit an Erosion and Siltation Control Plan for the construction phase of the project.
26. Provide a grading & drainage plan showing surface drainage away from the foundation a minimum of 5% for 10-ft [2007 CBC].
27. 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.
28. Provide approval from the Stinson Beach Community Water District for parking over the septic system.
29. Provide utility tie-in points for water supply.
30. Propane tanks shall be securely anchored to resist flotation or lateral movement.
31. All design recommendations made by the Geotechnical engineer in the June 25, 2009 report by Earth Mechanics consulting Engineers shall be incorporated into the plans. References to the Geotechnical report within the plans shall not be accepted.

32. 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.

Stinson Beach County Water District

33. BEFORE FINAL INSPECTION, the applicant shall verify that the septic system has been installed in compliance with the septic system design approved by the Stinson Beach County Water District in November 2008.
34. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the District that the required water service has been connected.

Stinson Beach Fire Department

35. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all Fire Department requirements have been met.

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **November 19, 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 Section 22.56.120I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 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 November 19, 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 12<sup>th</sup> day of November 2009.

---

Jeremy Tejirian  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

---

Joyce Evans, DZA Secretary