



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

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

Item No:	C1.	Application No:	CP 10-12, DM 10-15, and VR 10-6
Applicant:	Peter Bauman	Owner:	Peter and Alison Bauman
Property Address:	276 Seadrift Road, Stinson Beach	Assessor's Parcel:	195-340-05
Hearing Date:	January 14, 2010	Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	January 22, 2010
LAST DATE FOR ACTION:	February 6, 2010

PROJECT DESCRIPTION:

The applicant is requesting Coastal Permit, Design Review, and Variance approval to construct a 101 square-foot addition, along with an interior remodel to an existing, two level, 4,037 square foot single family residence. The addition will attain a height of 21 feet 7 inches and will maintain the following setbacks: 1) 31 feet from the northerly front property line; 2) 96 feet from the southerly rear property line; 3) 6 feet from the westerly side property line; and 4) 6 feet from the easterly side property line.

GENERAL INFORMATION:

Countywide Plan:	C-SF5 (Coastal, Single Family, 2-4 dwelling units per acre)
Zoning:	C-RSPS-2.9 (Coastal, Residential, Single Family Planned, Seadrift, 2.9 dwelling units per acre)
Community Plan Area:	Stinson Beach
Lot size:	20,570 square feet
Adjacent Land Uses:	Residential
Vegetation:	Moderate concentrations of native trees and vegetation
Topography and Slope:	Flat to moderately sloping
Environmental Hazards:	Located within FEMA Flood Zones VE (100-year flood with Velocity [wave action] and Flood Zone B (100-year to 500-year Flood Zone), and the San Andreas Fault 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 15301, Class 1 of the CEQA Guidelines because it entails construction of a minor addition to an existing residence and 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. No comments, adverse or otherwise have been received by staff in response to the public notice for the proposed project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Stinson Beach Community Plan, the Local Coastal Program, and Titles 22 (Zoning) and 24 (Development Standards) of the Marin County Code, because it will not result in tree removal, significant grading, or other adverse impacts on the environment and surrounding property owners. Please refer to the plan consistency findings contained in the attached resolutions for more information.

PROJECT ANALYSIS:

The applicant is proposing to construct a 101 square-foot addition, along with an interior remodel to an existing, two level, 4,037 square foot single family residence. The proposed colors and materials for the addition are to match the existing residence. The 20,570 square foot property is primarily flat to moderately sloping, with a light planting of native vegetation. The southerly rear of the property abuts the Pacific Ocean, with 12,000 square feet of the lot being above the Mean High Water line.

The project is located in the Seadrift Subdivision in the community of Stinson Beach, with nearby single family developed lot areas ranging from approximately 7,500 square feet to 40,680 square feet. The development in this area is almost entirely planned single family units, with varying setbacks. The applicant has applied for Design Review because he is proposing an addition to a residence in a C-RSPS-2.9 zone, which is a planned zoning district. The finished floor elevation achieves a height of 23 feet above Mean Lower Low Water (MLLW) elevation, which is in excess of the 18 feet above MLLW permitted by the Interim Marin County Code (Section 22.57.094I). In addition, the total height of the residence is not to exceed a total height of 33 feet above MLLW, which the proposed addition achieves a height of 35 ½ feet above MLLW. Coastal Permit approval is required because the project is in the coastal zone. This decision can be appealed to the California Coastal Commission.

The project is an addition to a principally permitted use in the C-RSPS-2.9 zoning district. The project is minimal in scope, as it includes a small addition and interior renovations, which will not increase the overall height or noticeable bulk of the residence from the street. In 1990, a Coastal Permit, Design Review, and Variance were approved by the Deputy Zoning Administrator permitting the existing residence and allowing the Variance due to elevation

requirements of the Federal Emergency Management Agency (FEMA) and enforced by the Department of Public Works (DPW) to ensure safety. As outlined in the attached resolution, the proposed project complies with the design standards found in the Countywide Plan and the Stinson Beach Community Plan.

The Department of Public Works, Stinson Beach County Water District, and Seadrift Association, have reviewed, commented, and provided conditions of approval with regards to the full scope of the project, which are identified in the attached resolution.

Based on these factors, the proposed project, as conditioned in the attached resolution, would not result in adverse impacts to the public welfare or surrounding properties, and the Coastal Permit and Design Review findings can be made.

RECOMMENDATION:

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

- Attachments:**
1. *Proposed Resolution recommending approval of the Bauman Coastal Permit, Design Review, and Variance*
 2. *CEQA Exemption*
 3. *Assessor's Parcel Map*
 4. *Project Plans*
 5. *Notice of Decision, Minutes, and Findings from Coastal Permit 90-052, Design Review 90-124, and Variance 90-011, dated 7/12/90*
 6. *Seadrift Subdivision 2, Lots 84-101*
 7. *Marin County Department of Public Works Memo, received 11/23/09*
 8. *Stinson Beach County Water District Memo, received 10/14/09*
 9. *Seadrift Association memo, received 9/22/09*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-
A RESOLUTION APPROVING THE BAUMAN COASTAL PERMIT, DESIGN REVIEW, AND
VARIANCE
276 SEADRIFT ROAD, STINSON BEACH
ASSESSOR'S PARCEL 195-340-05

SECTION I: FINDINGS

- I. WHEREAS, Peter Bauman, is seeking Coastal Permit, Design Review, and Variance approvals to construct a 101 square-foot addition, along with an interior remodel to an existing, two level, 4,037 square foot single family residence. The addition will attain a height of 21 feet 7 inches and will maintain the following setbacks: 1) 31 feet from the northerly front property line; 2) 96 feet from the southerly rear property line; 3) 6 feet from the westerly side property line; and 4) 6 feet from the easterly side property line. **The subject property is located at 276 Seadrift Road in Stinson Beach, and is further identified as Assessor's Parcel 195-340-05.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing January 14, 2010, 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 15301, Class 1 of the CEQA Guidelines because it entails construction of a minor addition to an existing residence and 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 C-SF5 (Coastal, Single Family, 2-4 units per acre) land use designation;

 - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday. (CWP Policies Noise Policies NO-1.1, NO-1.3);

 - C. The project has been designed to avoid hazards from erosion, landslide, floods, and fires, and will result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. (CWP Policies Environmental Hazards Policies EH-2.1, EH-2.3, EH-3.m, EH-3.n, EH-4.c, Community Design Policies DES-1.1, DES-1.g, DES-4.c, DES-5.1);

- D. The project, as designed and conditioned, will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the project at building permit will need to comply with fire safety codes and standards enforced by the Stinson Beach Fire Protection District. (CWP Policies, Environmental Hazards Policies, EH-4.1 and EH-4.c);
 - E. The project is being built within the established building limit line and is minimal in scope and as such will not impact special status species habitats or established wildlife corridors (CWP Policies Biological Resources, BIO-1.1, BIO-2.1, BIO-2.2, BIO-2.7);
 - F. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance due to the project needing to meet a Green rating under the Marin Green Home: Green Building Residential Certification Program CWP Policies, Energy and Green Building EN-3.1 and EN-3.a.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent land use policies of the Stinson Beach Community Plan including:
- A. The project was transmitted to both the Stinson Beach Village Association and Seadrift Property Owners Association and comments have been received and included as an attachment to the staff report.
- 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

Prior to final inspection, the applicant will need to satisfy all water standards required by the Stinson Beach County Water District. Therefore, the project is consistent with this finding.
 - B. Septic System Standards

The project has been reviewed and accepted by the Stinson Beach County Water District. Therefore, the project is consistent with this finding.
 - C. Grading and Excavation

The project, as designed and conditioned, will keep grading to the minimum amount necessary. Therefore, the project is consistent with this finding.
 - D. Archaeological Resources

The project is in an already highly developed part of Stinson Beach and therefore the discovery of archaeological resources on the site is unlikely. In addition, a standard condition of approval has been applied to the project requiring that in the event 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 mitigation measures. Therefore, the project is consistent with this finding.

E. Coastal Access

The subject property is located adjacent to the shoreline but does not affect existing coastal access. Therefore, the project is consistent with this finding.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Stinson Beach community because it does not involve removing any existing housing stock. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any recognized sensitive streams or creeks subject to stream protection of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project entails a 101 square foot addition to an existing residence, and is within the established building limit line for the parcel and therefore would not disturb natural dunes. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

The subject parcel is located in the community of Stinson Beach, which has been identified by federal and state authorities as being home to several federal and state listed species including the Snowy Plover and the Sandy Beach Tiger Beetle, both of which, if on the property, would be found away from the residence, on the beach. Neither species was not seen on the site. In addition, the subject parcel is located in the Seadrift subdivision in the community of Stinson Beach which has an established rear building limit line, which this project does not exceed. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on review of the California Natural Diversity Database, this region of Stinson Beach does not contain any recognized protected native plant communities. Therefore, the project is consistent with this finding. Therefore, the project is consistent with this finding.

K. Shoreline Protection

A rip-rap wall was constructed in 1983 by the Seadrift Property Owners Association which extends through the property and provides the necessary shoreline protection. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is located outside of the Alquist-Priolo Special Study Zone. The project has also been designed to conform with safety standards required by FEMA. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code and as a condition of project approval, the applicant shall agree to hold 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. Therefore, the project is consistent with this finding.

M. Public Works Projects

The proposed project will not affect any existing or proposed local public works projects in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The project is located in a residentially dense portion of Stinson Beach. The property, at its rear does face out towards the Pacific Ocean and is located in a visually prominent area, however the height and scale of the proposed addition will not be any taller than any other part of the existing residence and will be compatible with the surrounding community. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation or visitor facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1930. Therefore, the project is consistent with this finding.

VII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

- A. **It is consistent with the countywide plan and any applicable community plan and local coastal program;**

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF5 policies of the General Plan and the Stinson Beach Community Plan. Therefore, the project is consistent with this finding.

- B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;**

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence. The project has been designed to be consistent with the design, color, scale, and material commonly found in the surrounding community and will not increase the perceived height or bulk of the residence. Therefore, the project is consistent with this finding.

- C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence. The project, as it is located and designed, will not limit potential development on neighboring properties and should not have an impact on further investment or improvements on this or any other properties in the area. Therefore, the project would be consistent with this finding.

- D. It will not directly, or in a cumulative fashion, 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 entails the construction of a 101 square foot addition and interior remodel to an existing residence. The project, based on it not developing beyond the established building limit line, its limited scope, overall design, and as it is conditioned, will not limit potential development on neighboring properties and should not have an impact on further investment or improvements on this or any other properties in the area. Therefore, the project would be consistent with this finding.

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

The proposed project will not result in the removal of any trees or protected vegetation. Therefore, the project would be consistent with this finding.

- F. It 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 scale, mass, height, area and materials of buildings and structures,

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence. The addition has been designed to be consistent with the scale, size, and design of other structures found in the surrounding community and will not increase the overall height or perceived bulk of the residence.

2. Drainage systems and appurtenant structures,

The project should not result in substantial changes to existing drainage patterns. In addition, the Department of Public Works will review and approve a drainage plan prior to Building Permit issuance.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

The site is not subject to steep slopes and the proposed project would result in a minimal level of ground disturbance.

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

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence. This is entirely upon the owner's property and will not result in an increase in overall traffic and should have no impact on pedestrian, animal, or vehicular access.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence, which shall not result in an increase of the overall size of the residence. The project as proposed would not result in impacts upon sun and light exposure, views, vistas and privacy presently enjoyed by neighboring properties.

Therefore, the project would be consistent with this finding.

G. **It may contain 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 proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence, in a Residential Planned zoning district. The materials, coloring, design, and scale are consistent with the existing residence as well as others found in the surrounding community. The project will also need to satisfy all energy saving standards required by the Building Division prior to issuance of building permit. Therefore, the project would be consistent with this finding.

VIII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Variance per Section 22.86.025I of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Variance, based on the following findings:

- 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 project site abuts the Pacific Ocean and the property is zoned C-RSPS-2.9. Pursuant to Section 22.57.094I of the Interim Marin County Code, for Seadrift Subdivisions 1 & 2, finished floor elevation shall not exceed 18 feet above mean lower low water. In addition, total height of the structure shall not exceed 33 feet above mean lower low water. In July 1990, the parcel received Coastal Permit (90-052), Design Review (90-124), and Variance (90-011) approval for a residence which exceeded both of these. Findings were made that because of requirements made by FEMA and the need to exceed Base Flood Elevation by 1 foot or more, that meeting the height requirement outlined by the Interim County Code was not otherwise achievable. A Variance was granted allowing the residence to exceed the 18 feet finished floor elevation, as well as the total height of 33 feet. The applicant is now requesting a Variance to allow a 101 square foot addition and interior remodel which does not exceed the current height of the structure and matches the heights permitted with the original Variance. No other Variance requests are being made at this time. Because the same special circumstances still remain with this property and the same findings can be made, the project is consistent with this finding.

- 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.**

With exception to the deviation of the height limit, the proposed addition would comply with all other development standards applicable to the governing zoning district. In addition, as noted above in Section I: Findings, subsections IV, V, and VII, the proposed project complies with the C-SF5 policies of the General Plan and the Stinson Beach Community Plan. The residence would be of comparable height, size, and scale with other nearby residences. The addition would also be subject to review and compliance with the most current Uniform Building Code. Therefore, the project would be consistent with this finding.

- 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.**

Approving the application would not constitute a grant of special privilege because other properties in Stinson Beach under the C-RSPS-2.9 zoning district are not faced with the same physical constraints as the subject property. The purpose of the development standards for the C-RSPS-2.9 zoning district is to minimize adverse affects to the surrounding area that would otherwise result from inappropriate development. The conditions of approval would ensure that the

proposed project would not result in inappropriate development. The project description included in the conditions of approval reflects a project design which would ensure that the development would be consistent with the Countywide Plan, the Stinson Beach Community Plan, and also compatible with the character of the local community. Therefore, the project would be consistent with this finding.

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

The property is zoned C-RSPS-2.9, which is a planned single family residential zoning district. The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence which is tied to an existing principally permitted use. Therefore, the project is consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I (Coastal Permit), 22.82I (Design Review), and 22.86I (Variance) of the Marin County Interim Development Code, the Bauman Coastal Permit, Design Review, and Variance approval to construct a 101 square-foot addition, along with an interior remodel to an existing, two level, 4,037 square foot single family residence. The addition shall attain a height of 21 feet 7 inches, not to exceed the total height of the existing residence and shall maintain the following setbacks: 1) 31 feet from the northerly front property line; 2) 96 feet from the southerly rear property line; 3) 6 feet from the westerly side property line; and 4) 6 feet from the easterly side property line. The subject property is located at **276 Seadrift Road, Stinson Beach** and is further identified as **Assessor's Parcel 195-340-05**.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "Bauman Residence," consisting of nine sheets prepared by Steve Wisenbaker AIA - Architects & Planners, dated September 1, 2009 and originally received on September 22, 2009, with revisions dated November 6, 2009 and received on November 10, 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 revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Design Conformance contained in the Green Building Residential Certification Form demonstrating that the project meets or exceeds the required green building rating
6. 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.

7. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties
8. 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.
9. 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.
10. 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.

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. 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.

Marin County Public Works Department, Land Development Division

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit plans which provide the elevation of the lowest horizontal structural member in NAVD-88. The project is in a Special Flood Hazard Area, Zone-VE, as show on the FEMA Flood Insurance Rate Map (FIRM Community-Panel Number 06041C0441D, May 4, 2009). The Base Flood Elevation (BFE) has been determined to be 23-feet NAVD-88. FEMA requires that the lowest horizontal structural member to be at or above the BFE within V-designated Flood Hazard Zones.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit plans which show the VE-Line. The FEMA Maps have been updated as of May 4, 2009 and in some instances hazard zone delineations have changed. The latest VE-Zone delineation is approximately 25-feet to the east (toward Seadrift Road) from the line shown on the original September 1, 2009 Site Plan.

Stinson Beach Fire Protection District

15. BEFORE FINAL INSPECTION, the applicant shall provide written confirmation from the Marin County Fire Department that all 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 January 14, 2012, 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 22.88.050I of the Marin County Code.

The Building Permit approval expires if the building or work authorized in this does not commence within one year from issuance of such permits. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of the permit. Please be advised that if your Building

Permit lapses after the vesting date stipulated in the approval, and no extensions have been granted, the Building Permit may become null and void. Should you have difficulties in meeting deadlines for completing the work pursuant for a Building Permit, the applicant may apply for an extension at least ten days before the expiration.

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 January 22, 2010.**

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 14th day of January 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary