



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

MEMORANDUM

TO: Jeremy Tejirian, Deputy Zoning Administrator

FROM: Lorene Jackson, Planner

RE: January 14, 2010 Deputy Zoning Administrator Hearing – Item H2
Santos Coastal Permit 09-29, Variance 09-10, and Design Review 09-61
4 Francisco Patio, Stinson Beach
Assessor's Parcel 195-104-04

DATE: January 7, 2010

REVISED PROJECT DESCRIPTION

In response to comments at the November 12, 2009 public hearing, the applicant submitted plans for the following revised project:

The applicant Mark Hulbert, on behalf of the owner Allen Santos, is requesting Coastal Permit and Design Review approval to construct a new 664-square foot single-family residence and 325-square foot attached garage on a 2,212-square-foot vacant lot. The two-story, 23.2-foot high structure would result in a 30% floor area ratio (FAR) and maintain the following setbacks: (1) 9.3 feet from the southerly front property line; (2) 6.9 feet from the easterly side property line; (3) 6 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. Associated site elements would include 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 not required since the revised project would no longer exceed a 30% FAR. *Note: The current project incorporates the following revisions from previous plans: 58-square foot reduction in floor area, elimination of the easterly second floor cantilevered deck, reduced overall maximum height by 10 inches, increased rear and east side setbacks, and reduced mass and bulk, particularly on the easterly side property line. Additionally, the previously-referred-to carport meets the California Building Code definition of a garage and was modified to meet code requirements.* Zoning for the proposed site is C-R1 (Coastal Single-family, Residential, 7,500 square foot minimum lot area).

PROJECT ANALYSIS:

Background

On November 12, 2009, a public hearing was held to consider the construction of a 722-square foot single-family residence with a maximum height of 24 feet. After a public hearing and comments by the Deputy Zoning Administrator, the applicant agreed to a continuance to January 14, 2009 so they could respond to concerns raised about visual impacts and the FAR.

Variance

Since the applicant further reduced the size of the proposed single-family residence to comply with standards for a 30% FAR limit, a Variance is no longer required. Variance application 09-29 is effectively withdrawn. It is noted that renaming of the carport to a garage does not affect the FAR. The garage remains open on two sides. The storage and utility area within the garage cannot be enclosed because of FAR limits and FEMA flood requirements. Further, the split-level second floor limits the ability for this space to be raised in the future and used as living area.

Design Review

Mass and Bulk

In reducing the floor area of the proposed project, the applicant further reduced the overall mass and bulk of the project, while also preserving the privacy of neighbors. Revisions include:

- Reduced overall building height by 10 inches;
- Reduced the roof ridges and eaves at the front;
- Reduced height of the east side of the structure up to 5.5 feet by lowering the height of the garage and creating a split-level second floor;
- Eliminated cantilevered second floor, increasing the rear yard setback by 2 feet 11 inches, from 10.7 feet to 13.5 feet; and
- Eliminated the cantilever east deck, increasing the east side yard setback by 11 inches, from 6 feet to 6.9 feet.

During the revision process, it was realized that the previously referred to carport meets the California Building Code definition of a garage and needs to meet all the code requirements thereof. Minor revisions were made to accommodate this change that do not affect design review findings.

Preserving Privacy

Many of the revisions to reduce mass and bulk also serve to preserve the privacy of neighbors. In particular, the removal of the cantilevered second floor and easterly deck, as well as landscaping, as conditioned, would adequately preserve privacy for the single-story residence at 2 Francisco Patio. Additionally, the window area has been reduced on the east and north side of the residence. The variation in building materials and color will offset the resulting loss of articulation along these walls.

Traffic and Parking Concerns

The Deputy Zoning Administrator encouraged the applicant to contact the Department of Public Works to meet parking requirements without a carport. According to the Department of Public Works, parking requirements could be met by providing two on-site parking spaces parallel to the front property line and two off-site guest parking spaces parallel to the on-site parking. This would require the removal of the non-conforming fence and shed at 2 Francisco Patio that extend into the road right-of-way in front of the subject property.

The applicant opted to retain the garage, asserting this is the best way to satisfy parking requirements. By providing three on-site parking spaces, the applicant seeks to allay neighbors' concerns about increased traffic and parking associated with the development of this vacant lot, as well as anticipated future development of the adjoining parcel at 6 Francisco Patio. Additionally, the garage area would provide valuable space for storage and utility services, which are constrained with the reduced floor area.

To offset the height of the residence created by the understory garage, the applicant reduced the height of the garage and created a split-level second floor. This lowered the building height by as much as 5.5 feet along the eastern portion of the house.

Landscaping

No revisions to the landscape plan have been submitted. Staff remains 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.

Summary

By December 29, 2009, story poles were modified to demonstrate the revised 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 modified, the residence would not unduly affect 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.

As discussed in the November 12, 2009 staff reported and presented in Section IX of the proposed resolution, given the overall constraints on the site and FEMA elevational requirements, a reduced front yard setback can be supported. As revised, the building is carefully designed to minimize apparent mass and bulk, and provide visual interest and consistency with the neighborhood. As discussed in the Coastal Permit findings portion of the attached resolution, the project does not adversely affect any coastal resources and would be adequately served by utilities.

RECOMMENDATION

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

- Attachments:
1. Proposed resolution recommending approval of the Santos Coastal Permit and Design Review applications
 2. Mark Hulbert Letter, December 12, 2009
 3. Revised Site Plan
 4. Revised Floor Plans and Elevation

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.

A RESOLUTION 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. At the hearing, the applicant agreed to a continuance to January 14, 2009 so they could respond to concerns raised about visual impacts and the FAR.
- III. WHEREAS Mark Hulbert, on behalf of the owner Allen Santos, submitted revised plans seeking Coastal Permit and Design Review approval to construct a new 664-square foot single-family residence and 325-square foot attached garage on a 2,212-square-foot vacant lot. The two-story, 23.2-foot high structure would result in a 30% floor area ratio (FAR) and maintain the following setbacks: (1) 9.3 feet from the southerly front property line; (2) 6.9 feet from the easterly side property line; (3) 6 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. Associated site elements would include 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 not required since the revised project would no longer exceed a 30% FAR.
- IV. 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.

- V. 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.
- VI. 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.
- VII. 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.
- VIII. 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 garage 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 23.2-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. 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.

IX. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review (Section 22.82.040I 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;

The project is consistent with this finding because 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;

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. By maintaining required rear and side yard setbacks, reducing the proposed structure to a 30% floor area ratio, providing adequate on-site parking, and landscaping, the propose project 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 adequately 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);**

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 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 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 new 664-square foot single-family residence and 325-square foot attached garage on a 2,212-square-foot vacant lot. The two-story, 23.2-foot high structure would result in a 30% floor area ratio (FAR) and maintain the following setbacks: (1) 9.3 feet from the southerly front property line; (2) 6.9 feet from the easterly side property line; (3) 6 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. Approved site elements include 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 A4**, entitled "4 Francisco Patio" consisting of 5 sheets prepared by Preservation Architecture, received December 29, 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 A5** and shall supersede Exhibit A4.
 - a. 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.
 - b. Hardscaping for the driveway and garage shall be of pervious materials and called out on the building permit plans.
 - c. 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 (around entire house) – 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, Tuscan 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. The garage shall remain open on two sides to comply with the 30% floor area ratio limit and FEMA requirements. All fixtures and outlets shall comply with FEMA standards.

7. 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.
8. 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.
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. 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.
11. 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.
12. 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.

13. 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.
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.
15. 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.
16. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the all 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 property lines based on the approved setbacks as shown on the Building Permit plans.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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.
22. 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.
23. BEFORE FINAL INSPECTION AND UPON VESTING OF THE PROJECT, the Community Development Agency shall file this resolution, with the Marin County Recorder's Office to advise future property owners all these conditions of project approval.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT:

24. The approved project may be subject to additional conditions and/or revisions of these conditions as a result of project revisions:
25. 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.

26. 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.
27. Revise plans to show all exterior parking spaces to be 8.5'x18', min. Interior parking space for the garage shall be 9'x20'. If the interior parking space is not met, approval for an exception for substandard size garage is required.
28. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
29. Construction of floor joists, floor insulation, and HVAC components below the BFE shall meet the requirements of FEMA Technical Bulletins 2-93 and 11-01. Electrical and sanitary utilities shall also meet FEMA Technical Bulletins.
30. Submit an Erosion and Siltation Control Plan for the construction phase of the project.
31. Provide a grading & drainage plan showing surface drainage away from the foundation a minimum of 5% for 10-ft [2007 CBC].
32. 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.
33. Provide approval from the Stinson Beach Community Water District for parking over the septic system.
34. Provide utility tie-in points for water supply.
35. Propane tanks shall be securely anchored to resist flotation or lateral movement.
36. 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.

37. 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

38. 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.
39. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the District that the required water service has been connected.

Stinson Beach Fire Department

40. 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 **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 22.56.120I 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 **January 21, 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.

Jeremy Tejirian
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans, DZA Secretary

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