



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

M E M O R A N D U M

TO: Deputy Zoning Administrator

FROM: Scott Greeley, Planner

RE: Patterson Coastal Permit (CP10-35), Variance (VR10-17), and Design Review (DR10-82)
Project ID: 10-0075

DATE: August 23, 2010

Eric Davies, Architect and applicant, on behalf of the property owners, Arthur and Louise Patterson has submitted a statement and new plans which reject staff's recommendation to increase the height of the safety railing to six (6) feet using lattice and climbing vines going up from natural grade in order to preserve the privacy of the neighbor at 314 Seadrift Drive, Jane Witter.

Mr. Davies argues that the proposed lattice would severely impact the Patterson's views and building rights and further states that this has not been a requirement for other homes built in the area which meet current FEMA flood safety standards. He also argues that this sets a precedent on future home builders in the area. Mr. Davies further argues that complete visual privacy is near impossible in Seadrift. As an alternative, Mr. Davies is proposing building a nine (9) foot tall fence on the property line, with the top three (3) feet being open lattice, along with climbing vines, which he feels would offer at least as much privacy as staff's recommendations. Mr. Davies states that the Seadrift Association would permit this alternative, as long as both neighbors are amenable to the solution. Mr. Davies also argues that Ms. Witter is more than within her right to build her own house which is compliant with current FEMA flood safety standards.

In response, staff must first point out that per Section 22.82.040(F)((5)) of the Interim Development Code, a project must be found to minimize or eliminate adverse physical or visual effects, which includes diminution or elimination of privacy. The project being reviewed is discretionary and is subject to findings based on the site and situation and this does not set precedent for future projects. As such, what works in one situation does not necessarily apply to another. It should also be added that complete preservation of existing panoramic views are not a guarantee and that this would not constitute an unfair taking. In addition, staff's proposed solution of increasing the height of the safety railing to six (6) feet using lattice and climbing vines extending from natural grade would only extend from the stairway on the easterly side of the residence to the chimney. The lattice, even with the climbing vines at eventual full maturity, will still be partially open and the total amount obscured would be minimal.

Staff's proposed solution has not been disputed by Mr. Davies in reducing potential privacy impacts on Ms. Witter. As of the date of this memo, Ms. Witter has also stated a preference for this alternative over Mr. Davies solution. Further, Ms. Witter has previously stated that she does not support Mr. Davies solution, therefore Mr. Davies argument that an agreed upon solution between two neighbors by the Seadrift Association is moot. Lastly, while support by the Seadrift Association is sought in all new homes and discretionary permits in the Seadrift subdivision, their bylaws and agreements do not supersede the findings which must be made with the Coastal Permit, Design Review, and Variance being considered. If the discretionary permit review findings and policy consistency cannot be made, then the project must either be made to be consistent through conditions of approval or otherwise be denied.

The proposed 9 foot tall fence along the property line Mr. Davies is proposing will be located approximately 6 feet from Ms. Witter's residence, which is not consistent with County policy relating to standard fence heights, regulating mass and scale, and respecting the overall character of the community (CWP Policies, Community Design, DES-1.c, DES-4.c). It should be noted that a 9 foot tall fence has been approved on another property in Seadrift, but while this may be the case, this is a separate discretionary review which is subject to its own separate review and, as with all other discretionary permit reviews, must be considered on its own merits and circumstances. It therefore does not a precedent here. Lastly, the surrounding neighborhood has no other 9 foot tall fences and it would be inconsistent with the design found in the area and would likely not be something the Seadrift Association would like to see become the norm for Seadrift.

Mr. Davies final argument that nothing precludes Ms. Witter from applying for and eventually building a house which meets current FEMA flood safety standards, while technically correct and may reduce safety flood-related risks for Ms. Witter, is inappropriate. Further, the proposed residence would be creating impacts on Ms. Witter that do not presently exist and simply pushes the responsibility of addressing the newly created issues on Ms. Witter. The Patterson's do have a right to utilize their property and to have a house which meets FEMA flood safety standards. They also have the right to a deck to be able to appreciate the views from their residence, but this is not an entitlement to be granted at the expense of their neighbors. If, in the future, Ms. Witter elects to apply for and build a house which complies with current FEMA flood safety standards and the privacy issue which presently exists with the proposed design no longer applies, the Patterson's or any future owner may apply for a Coastal Exclusion Permit and Design Review Exemption, or some other discretionary review type which may, at that time, be appropriate to remove the lattice and climbing vines.

Based on this, staff must recommend adopting the attached revised Resolution which supports staff's original solution requiring increasing the height of the safety railing to six (6) feet using lattice and climbing vines, climbing up from grade, extending from the stairway on the easterly side of the residence to the chimney.

These changes will be reflected in the attached revised Resolution.

Attachments: Revised Patterson Resolution

Walker & Moody Architects plan and written statement submittal, dated August 18, 2010

August 12, 2010 Staff Report and Draft Resolution for the Patterson Coastal Permit, Variance, and Design Review

cc: Eric Davies

Arthur Patterson
Louise Patterson
Jane Witter
Michel Jeremias, DPW

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-
A RESOLUTION APPROVING THE PATTERSON COASTAL PERMIT, DESIGN REVIEW,
AND VARIANCE
316 SEADRIFT ROAD, STINSON BEACH
ASSESSOR'S PARCEL 195-310-20

SECTION I: FINDINGS

- I. WHEREAS, Eric Davies, on behalf of Arthur and Louise Patterson, is seeking Coastal Permit, Design Review, and Variance approvals to demolish an existing 1,624 square foot residence and construct a 2-level, 2,280 square foot residence, with an attached 500 square foot, 2-car garage on the lower level. In addition, the applicant is proposing to remove the existing septic system and replace it with a new septic system, construct a new 6 foot high fence, as well as a new deck. The two-level residence will have a floor area ratio of 17.8% and attain a height of 37.50 feet North American Vertical Datum (NAVD)/34.81 feet Mean Lower Low Water (MLLW)/23 feet 4 inches total height above grade and will maintain the following setbacks: 1) 25 feet from the northerly front property line; 2) 6 feet from the easterly side property line; and 3) 6 feet from the westerly side property line. A Coastal Permit is required because the project is in the coastal zone and Design Review is required because the proposed residence is within a planned district. Pursuant to Section 22.57.094I of the Interim Development Code, a Variance is required because the finished floor exceeds 18 feet and the total height exceeds 33 feet. **The subject property is located at 316 Seadrift Road in Stinson Beach, and is further identified as Assessor's Parcel 195-310-20.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held duly-noticed public hearings on August 12, 2010 and August 26, 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 15303, Class 3 of the CEQA Guidelines because it entails demolition of an existing residence and construction of a new, larger residence in a planned, residential zoning district 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.c, 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 residence will comply with the current green building standards of Marin County (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 (Stinson Beach Community Plan, Land Use Policy J).
 - B. The project is being built within the established building line of development established with the creation of the Seadrift Subdivision, thereby protecting the beach and other natural resources (Stinson Beach Community Plan, Environmental Goals and Policies, General Goal).
- 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 lot is already served by the Stinson Beach County Water District. The water district has found that water supply is adequate. 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 existing residence is served by an existing private on-site septic system. The new residence will be served a new septic system, which the Stinson Beach County Water District has reviewed and found to be adequate. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The project site is relatively flat. In addition, 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, while located adjacent to the shoreline, is a residentially-developed lot with an established building limit line that the proposed residence conforms to. The proposed residence will 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 demolition of an existing residence and construction of a new residence within the established building limit line for the parcel. There are no natural dunes in this area. 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, the Sandy Beach Tiger Beetle, and the California Clapper Rail, all of which, if on the property, would be found away from the residence, on the beach. None of the species were seen on the site. In addition, the subject parcel is located in the Seadrift Subdivision in the community of Stinson Beach which has established building limit lines, 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. However, the site is located within one mile of the San Andreas Fault Zone and would be subjected to strong ground shaking during a seismic event. The project has 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. This shall be in the form of a signed waiver of liability by the owners. 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 residence is compatible

with neighboring residence on the ocean facing side, as well as the surrounding community. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project is located in a residential community and not near any existing 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. The existing residence was built in 1970. 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 22.82.0401 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 demolition of an existing residence and construction of a residence in a planned residential zoning district. 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 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 residence will increase in overall height, in order to be consistent with the Federal Emergency Management Agency (FEMA) flood control guidelines. The rear of the proposed residence will include a deck on the upper level on the easterly side property line. This is known to be in line with the neighboring residence's master bedroom at 314 Seadrift Road and may, as a result, be otherwise inconsistent with this finding. The neighboring resident has proposed switching the location of the deck to the westerly side of the residence, however this would simply shift the problem to the other neighbor. A safety railing is already

part of the proposed residence along the easterly side of the residence from the start of the stairs to the chimney. In order to be consistent with this finding, the applicant shall install a lattice from the ground level, which extends from the stairway to the chimney, to a height of six feet above the floor of the deck. In addition, the property owner shall install five or more climbing vine plants to grow in and up the lattice work. The applicant shall submit a revised landscaping plan to the Community Development Agency which will be subject to approval by the Planning Division. As conditioned, the project would not interfere with the use, enjoyment, or future development presently enjoyed by neighboring properties. 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 project, based on it not developing beyond the established building limit line, and overall design, 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 significant removal of native trees or protected vegetation. The applicant has also presented a landscape plan for the residence. 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 residence has been designed to be consistent with the scale, size, design, and construction of other structures found in the surrounding community.

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, as such, 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 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 demolition of an existing residence and construction of a new, larger residence. The residence will increase in overall height, in order to be consistent with the Federal Emergency Management Agency (FEMA) flood control guidelines. The rear of the proposed residence will include a deck on the upper level on the easterly side property line. This is known to be in line with the neighboring residence's master bedroom at 314 Seadrift Road and may, as a result, be otherwise inconsistent with this finding which protects privacy. The neighboring resident has proposed switching the location of the deck to the westerly side of the residence, however this would simply shift the problem to the other neighbor. A safety railing is already part of the proposed residence along the easterly side of the residence from the start of the stairs to the chimney. In order to be consistent with this finding, the applicant shall install a lattice from the ground level, which extends from the stairway to the chimney, to a height of six feet above the floor of the deck. In addition, the property owner shall install five or more climbing vine plants to grow in and up the lattice work. The applicant shall submit a revised landscaping plan to the Community Development Agency and is subject to approval by the Planning Division. As conditioned, the project 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 materials, coloring, design, and scale are consistent with 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 is located on the seaward side of Seadrift Road and abuts the Pacific Ocean. The property is zoned C-RSPS-2.9. Pursuant to Section 22.57.0941 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, however in order to meet FEMA standards which require that Property owners exceed Base Flood Elevation by 1 foot or more, meeting the height requirement outlined by the Interim County Code is not otherwise achievable. The strict application of the zoning height standards for roof elevation (33 feet above Mean Lower Low Water (MLLW) and finished floor elevation (18 feet MLLW) would not allow the proposed residence. Presently, a residence exists on the site, however it does not comply with current FEMA standards. In order not to jeopardize Marin County's participation in the Federal flood insurance program, it is necessary that the project be designed to conform to FEMA standards regarding minimum Base Flood Elevations (BFE) with a finished floor elevation of 19.31 feet MLLW. Therefore, Variance approval is necessary to comply with the FEMA standards..

- 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 Countywide Plan and the Stinson Beach Community Plan. The 34.81 foot MLLW visible height of the proposed two-level residence is comparable in height, size, and scale with other more recently approved nearby residences that have been developed in compliance with FEMA standards. The project's maximum height would not result in significant detrimental effects on the public welfare and surrounding properties.

- 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 effects to the surrounding area that would otherwise result from inappropriate development. New improvements that comply with the current FEMA BFE standards cannot be constructed without a Variance approval; therefore, approval of the Variance to allow the proposed addition would not be a grant of a special privilege that is inconsistent with the limitations placed on other surrounding

properties in the Seadrift Subdivision. The proposed project that complies with FEMA standards would not result in inappropriate development.

- 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 granting of a Variance for the additional height would not authorize a use or activity that is not authorized by the governing C-RSPS zoning district. The proposed project entails the demolition of a residence which does not presently meet FEMA flood control standards and construction of a new residence which does. In addition, a residence is a principally permitted use, consistent with the provisions of the zoning district.

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 Patterson Coastal Permit, Design Review, and Variance is approved to allow the demolition of an existing 1,624 square foot residence and construction of a 2-level, 2,280 square foot residence, with an attached 500 square foot, 2-car garage on the lower level. In addition, the applicant shall remove the existing septic system and replace it with a new septic system, construct a new 6 foot high fence, as well as a new deck. The two-level residence shall have a floor area ratio of 17.8% and attain a height of 37.50 feet North American Vertical Datum (NAVD)/34.81 feet Mean Lower Low Water (MLLW)/23 feet 4 inches total height above grade and shall maintain the following setbacks: 1) 25 feet from the northerly front property line; 2) 6 feet from the easterly side property line; and 3) 6 feet from the westerly side property line. The subject property is located at **316 Seadrift Road, Stinson Beach** and is further identified as **Assessor's Parcel 195-310-20**.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "Patterson Residence," consisting of ten sheets prepared by Walker & Moody Architects A.I.A., dated March 20, 2010, with revisions on May 26, 2010 and received on May 26, 2010 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
 - a. The applicant shall install a lattice along the easterly side of the property from the ground level, which extends from the stairway to the chimney, to a height of six feet above the floor of the deck. In addition, the property owner shall install five (5) or more climbing vine plants to grow in and up the lattice work. The applicant shall submit a revised landscaping plan to the Community Development Agency and is subject to approval by the Planning Division.
3. Approved exterior building materials and colors for the residence and garage shall substantially conform to the color/materials sample board which is identified as "Exhibit B," received March 31, 2010, and on file with the Marin County Community Development Agency including:

- a. "Western Red Cedar" siding, window trim, and fencing
- b. Black window frames

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

4. 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.
5. 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 or flooding actions. The waiver of public liability shall be prepared by the Community Development Agency.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscape plan which includes a lattice along the easterly side of the property from the ground level, which extends from the stairway to the chimney, to a height of six feet above the floor of the deck. In addition, the property owner shall install five (5) or more climbing vine plants to grow in and up the lattice work. The revised landscape plan is subject to approval by the Planning Division.
7. 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.
8. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties
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. 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.
11. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the landscaping installed conforms to the revised landscaping plan which has been approved by the Planning Division.
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. 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

14. BEFORE ISSUANCE OF A BUILDING PERMIT, the project is in known Special Flood Hazard Area, Zone VE and 0.2% Zone-X, as show on the Flood Insurance Rate Map (FIRM Community-Panel Number 06041C0441D revised May 4, 2009). The County has determined the Base Flood Elevation (BFE) to be 22.0-feet NAVD88 for the Zone VE. Therefore, all new construction within the VE Zone shall have the lowest horizontal structural members at or above the BFE. There are no requirements for 0.02% Zone-X.

15. BEFORE ISSUANCE OF A BUILDING PERMIT, FEMA has changed its designation for Zones-B to Zone-X. Plans shall be revised to depict the change.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, label the BFE on all elevations as "FEMA Base Flood Elevation".
17. BEFORE ISSUANCE OF A BUILDING PERMIT, all new construction below the BFE shall be constructed with materials resistant to flood damage. For example, any electrical, sanitary utilities, etc. shall meet FEMA Technical Bulletins TB2-08 and TB11-01.
18. All new construction within Zone VE shall be elevated above the BFE on pilings or columns and shall be constructed so that the pile or column foundations and the structure attached thereto are anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on all building components. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered professional engineer or architect shall review the structural design, specifications, and plans for the construction, and shall certify to the County that the design and methods of construction to be used are in accordance with these requirements. *Reference to the FEMA Coastal Construction Manual and Technical Bulletins is strongly recommended.*
19. The plans shall indicate that all new construction within the Zone VE have the space below the lowest horizontal portion of the structure either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system in accordance with FEMA Technical Bulletins TB9-08 and TB5-08. A breakaway wall shall have a design safe loading resistance of not less than 10 lbs/ft² and no more than 20 lbs/ft². BEFORE ISSUANCE OF A BUILDING PERMIT, designs for meeting this requirement must be certified by a registered civil engineer or architect (preferably a registered structural engineer). Also, upon completion of construction and prior to final inspection by the Building and Safety Division, a registered professional engineer or architect shall certify to the county that the completed construction is in accordance with these requirements.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, solid horizontal structures perpendicular to wave action below the BFE within the VE Zone are prohibited. Horizontal beams perpendicular to flood water flow are allowed only for seismic stability requirements of the columns and shall be below the existing surface so as not to interfere with or divert flood waters.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, solid foundations of any type below the BFE within the VE Zone are prohibited (including, but not limited to rat-slab concrete). Revise the plans to remove the concrete rat slab floor within the VE Zone.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, all exterior stair risers below the BFE, within the VE Zone, shall either be break-away or shall be constructed to allow the passage of wave action and still meet the minimum 2007CBC requirements.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, the propane tank shall be securely anchored to resist flotation or lateral movement.

24. BEFORE ISSUANCE OF A BUILDING PERMIT, manmade alteration of sand dunes which would increase potential flood damage is prohibited.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, the final set of plans (after all revisions required by public agencies have been made) 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.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall 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 prior to Building Final.
27. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a note on the site plan depicting the location of easement Items-10 and 11 in the Title Report. No portion of any recorded easement shall be used for anything other than its intended use.
28. BEFORE FINAL INSPECTION, prior to the foundation-pour inspection, and upon completion of construction (prior to final inspection), a FEMA elevation certificate [Form 81-31, Mar-09], prepared by a registered civil engineer, licensed architect, or licensed land surveyor, shall be submitted to the Department of Public Works (2 Elevation certificates throughout the project are required).

Stinson Beach County Water District

29. BEFORE FINAL INSPECTION, the applicant shall provide written confirmation from the Stinson Beach County Water District that all requirements have been met.

Stinson Beach Fire Protection District

30. BEFORE FINAL INSPECTION, the applicant shall provide written confirmation from the Stinson Beach Fire Protection District 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 August 12, 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 22.88.0501 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 September 9, 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 26th day of August 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary