



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY  
 DEPUTY ZONING ADMINISTRATOR**  
 STINSON BEACH CABIN COASTAL PERMIT AND DESIGN REVIEW

**RECOMMENDATION: Approve with Conditions**  
**HEARING DATE: December 16, 2010**

Project ID No:	10-0154	Applicant:	Bruce Helmberger (415) 726-9659 metrobuilder@gmail.com
Application No(s):	CP 10-42 & DR 10-95	Owner:	Stinson Beach Cabin LLC
Agenda Item:	1	Assessor's Parcel No:	195-104-05
Last Date for Action:	December 25, 2010	Property Address:	6 Francisco Patio, Stinson Beach
		Project Planner:	Lorene Jackson (415) 473-5084 lajackson@co.marin.ca.us
		Signature:	

Countywide Plan Designation: C-R-1 (Coastal Single-family, Residential District, 7,500 square foot minimum lot area)  
 Community Plan Area: Stinson Beach Community Plan  
 Zoning: SF6 (Single-family, below 10,000-square foot minimum lot area, 4-7 units/acre)  
 CEQA: Categorical Exempt per Section 15303, Class 3

**PROJECT DESCRIPTION**

The owner and applicant, Bruce Helmberger, is requesting Coastal Permit and Design Review approval to construct a new, 709-square foot single-family residence with a 280-square foot attached garage on a 2,365-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) 10.3 feet from the southerly front property line; (2) 6 feet from the easterly side property line; (3) 7.5 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. An attached deck approximately 2.4 feet above grade would be located 6 feet from the westerly side property line and 13.5 feet from the northerly rear property line. The project includes rooftop solar panels, a new septic system, and a landscaped garden with native and Mediterranean plants. A propane tank located 4.4 feet from the southerly front property line and approximately 10 inches from the easterly side property line would be screened by landscaping. Exterior finishes include 1) "revere gray" fiberboard shingle siding, 2) "rustic green" trim, accent siding, and foundation, 3) "sage green" aluminum clad windows and doors, and 4) "crystal gray" composition shingle roof. Design Review is required because the

proposed project is located on a lot that is less than half the minimum lot area of 7,500 square feet required by the C-R-1 zoning district, per Marin County Code (MCC) Section 22.82.025I. The subject property is located at **6 Francisco Patio, Stinson Beach**, and is further identified as **Assessor's Parcel 195-104-35**.

## **PROJECT SETTING**

The subject property is a level lot with frontage along Francisco Patio, a private, unpaved cul-de-sac. During the initial site visit, the property was covered with a dense thicket of invasive bamboo approximately 15-20 feet tall. The site has since been cleared in preparation of story poles and development. Existing tall shrubs along the westerly side property line provide screening to the adjacent property at 8 Francisco Patio. There is a cluster of three trees in the right-of-way fronting the subject property, two of which are oaks.

The property is located approximately 225 feet inland from the beach. The surrounding neighborhood is characterized by single-family residences with varied sizes and architectural styles. Many of the residences in the neighborhood were constructed in the 1930's and 1940's and appear to be legal non-conforming with respect to regulations governing setback, floor area ratio, and finish floor elevation above grade (FEMA requirements for Special Flood Hazard Areas.) Sizes of neighboring residences in the immediate vicinity vary from approximately 452 square feet to 2,258 square feet.

Construction is currently underway on the adjacent property at 4 Francisco Patio for a new and similarly designed 664-square foot single-family residence with attached 325-square foot carport. This two-story structure was approved to a maximum height of 23.2 feet and to be located 9.3 feet from the southerly front property line on February 22, 2010 (CP 09-24 and DR 09-1.)

The characteristics of the area are summarized below:

Lot size:	2,365 square feet
Adjacent Land Uses:	Single-family Residential
Vegetation:	Mostly cleared of invasive bamboo re-sprouting
Topography and Slope:	Level
Environmental Hazards:	Wildland Urban Interface fire area, within 5,000 feet of the Alquist-Priolo Special Study Zone, and within a FEMA Special Flood Hazard Area

According to the County's GIS mapping, the subject property is not a habitat area for special status species of wildlife. The property is in the vicinity of habitat areas for the following special status plant species: Showy Indian Clover, Marin Hesperian, Point Reyes Bird's Beak, Coastal marsh vetch, Lyngbei's sedge, Dune Gilia, and Tiburon paintbrush.

## **BACKGROUND**

Since 1981 and until recently, the subject property had been owned by Allen Santos, the current owner of the adjoining 2,212-square-foot property at 4 Francisco Patio (APN 195-104-04). Santos sold the subject property to the current owner, Stinson Beach Cabin LLC, a couple of years ago, before receiving Coastal Permit and Design Review approval for the house currently under construction. If the two properties had been under the same ownerships at that time, the County

would have required their merger into a single property. Stinson Beach Cabin LLC purchased the subject property with knowledge of a self-imposed hardship associated with developing a substandard size lot.

The current application was filed on June 17, 2010. The applicant has provided the following:

- Geotechnical Investigation prepared by Earth Mechanics Consulting Engineers, dated June 25, 2009.
- Letter from Vincent Smith, Smith, Sickler & Associates, September 28, 1020, evaluating the project design for consistency with County plans and policies. (Attachment 8)

The project was reviewed by the Marin County Department of Public Works (DPW), Stinson Beach County Water District (SBCWD), Stinson Beach Fire Department, Stinson Beach Village Association, California Coastal Commission, and the Gulf of Farallons National Marin Sanctuary. The reviewing agencies did not raise any major problems with the project. Comments received from DPW and the SBCWD are attached. (Attachments 9 and 10.) No other comments were received from reviewing agencies or association. Story poles were correctly erected on November 10, 2010 to demonstrate the visual impacts of the project; at which time, the project was deemed complete.

During the design review process, the applicant submitted revised plans with the following modifications to the project: added a garage door, gate and entry trellis across the front of the house, eliminated the front cantilever, lowered the front section of the house to meet a 20-foot height limit within the 5-foot second floor setback area, and reduced the depth of the second floor balcony by 1.5 feet. The architect included a response to preliminary merit comments and an analysis that the proposed project meets the County's Single-family Residential Design Guidelines. (Attachment 7.)

The Community Development Agency provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice was mailed to all property owners within 300 feet of the subject property.

## **PUBLIC COMMENT**

A December 1, 2010 letter was received from 11 neighbors and residents of Stinson Beach objecting to development on a substandard sized lot, in particular the project's mass and bulk, encroachment into the front yard setback, and enclosed garage. (Attachment 11.) The letter also cites the Stinson Beach Community Plan - Objective 4.0, Policy A, to "Maintain the current potential single-family residential densities through the community by retention of the existing zoning." The current project is consistent with this policy.

To respond to public comments, where a vacant lot is at least 50% smaller than what is otherwise required by the applicable minimum zoning regulations, the required setbacks for a proposed single-family residence may be waived. The subject parcel is 68% smaller than the 7,500 square foot minimum and qualifies for such a waiver if Design Review findings can be made.

The small parcel size and irregular shaped front property line leaves a constrained building footprint that is approximately 25 to 27 feet deep and 21 to 31.5 feet wide. The applicant proposes to build a small-sized, single-family residence that would meet the 6-foot side yard setback on both sides,

exceed the 12.7-foot rear yard setback (20% of the lot depth), and would be less than the 25-foot building height limit. To meet setback requirements for the leach field located in the rear yard, the structure would be 13.5 feet from the rear property line.

The proposed structure would be located 15.9 feet from the front property line; this is a 36% encroachment into a 25-foot front yard setback otherwise required by the governing C-R-1 zoning district. Cantilevered architectural features are allowed to extend 2.5 feet into a front yard setback, per MCC Section 22.72.025I. The proposed front trellis would be located 10.3 feet from the property, which would be a 54% encroachment into a 22.5-foot front yard setback. By comparison, a covered porch may extend up to 6 feet into the front yard setback. If the trellis were allowed the same, the proposed trellis would entail a 45.8% encroachment. A look at other properties within the "Patios" shows several approved variances that allow for construction within the front yard setback. In addition to the adjacent home at 4 Francisco Patio, three other homes on Francisco Patio appear to encroach into the front yard setback, although there are no surveys to confirm this.

FEMA requirements mandate raising the first floor of the new structure 3-feet above grade. The applicant has minimized the height of the first floor to keep the structure below the 25-foot maximum height. This would be comparable to the new home under construction at 4 Francisco Patio. Surrounding homes at similar heights appear to have been constructed at grade without this limitation. Further, to alleviate parking concerns, the project includes a garage within the building envelope. A portion of the project's mass and bulk is attributed to the garage, which takes up approximately 28% of projects mass and bulk.

The building is carefully designed to minimize apparent mass and bulk, and provide visual interest and consistency with the neighborhood. Given the overall constraints on the site, a reduced front yard setback can be supported. Please refer to Design Review Findings in the Recommended Resolution, (Attachment 1.)

## **RECOMMENDATION**

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

- Attachments:
1. Recommended Resolution approving the Stinson Beach Cabin Coastal Permit and Design Review
  2. CEQA Exemption
  3. Location Map
  4. Assessor's Parcel Map
  5. Exhibit A – Site Plan, Floor Plan, Elevations, Landscape Plan, Septic Site Plan, and Site Survey
  6. Exterior Color Schematic - Exhibit C
  7. Mark Hulbert Letter with Sketched Perspectives, 9/27/2010
  8. Vincent Smith Letter, 9/28/2010
  9. Department of Public Works Memo, 7/9/2010
  10. Stinson Beach County Water District Letter, 7/6/2010
  11. Neighborhood Letter, 12/1/2010

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE  
STINSON BEACH CABIN COASTAL PERMIT AND DESIGN REVIEW  
6 FRANCISCO PATIO, STINSON BEACH  
ASSESSOR'S PARCEL 195-104-05

\*\*\*\*\*

SECTION I: FINDINGS

- I. WHEREAS the applicant, is requesting Coastal Permit and Design Review approval to construct a new, 709-square foot single-family residence with a 280-square foot attached garage on a 2,365-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) 10.3 feet from the southerly front property line; (2) 6 feet from the easterly side property line; (3) 7.5 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. An attached deck approximately 2.4 feet above grade would be located 6 feet from the westerly side property line and 13.5 feet from the northerly rear property line. The project includes rooftop solar panels, a new septic system, and a landscaped garden with native and Mediterranean plants. A propane tank located 4.4 feet from the southerly front property line and approximately 10 inches from the easterly side property line would be screened by landscaping. Exterior finishes include 1) "revere gray" fiberboard shingle siding, 2) "rustic green" trim, accent siding, and foundation, 3) "sage green" aluminum clad windows and doors, and 4) "crystal gray" composition shingle roof. Design Review is required because the proposed project is located within the 25-foot front yard setback on a parcel that is approximately 68.5% smaller than required in the applicable zoning district. The subject property is located at **6 Francisco Patio, Stinson Beach**, and is further identified as **Assessor's Parcel 195-104-05**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing December 16, 2010, to consider the merits of the project, and hear testimony regarding the project. The Community Development Agency, Planning Division has provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property and to interested parties and organizations.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails the construction of a single-family residence in a residential zone that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:
  - A. The construction of a new single-family residence is consistent with the C-R1 (Coastal One-family, Residential District, 7,500 square foot minimum lot area) land use designation.

- B. The project will provide housing opportunities in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity.
  - C. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because, according to the California Natural Diversity Database, the subject property does not provide habitat for special-status species of animals and the habitat value of special status plants in the vicinity is low.
  - D. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the subject property.
  - E. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*) because the proposed drainage system complies with the standards and best management practices required by the Department of Public Works.
  - F. The project would be constructed in conformance County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
  - G. The project design and conditions of approval ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), water for fire suppression (*CWP Policy EH-4.c*), defensible space and compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
  - H. The project would meet energy efficient standards for exterior lighting, and would reducing excessive lighting and glare (*CWP Policy DES-1.h*) because standard conditions of project approval require that lighting be downward directed and the minimum necessary for safety purposes. Additionally, during the Building Permit process will ensure that the project minimizes energy use.
  - I. The project would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*) because the proposed development would be consistent with the Marin County Single-family Residential Design Guidelines, as discussed above in the Design Review findings in Section VII.
  - J. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (*CWP Policy EN-1.c*) because the Energy Efficiency Ordinance requirements would be implemented during the Building Permit review process to ensure that the project minimizes energy use.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Stinson Beach Community Plan:

- A. The proposed project involves construction of a single-family residence, which is a principally permitted use on the property.
  - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats, or on-site drainage.
  - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
  - D. The proposed project is less than the 25-foot maximum building height. As conditioned, the proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, access from Francisco Patio, and building design, mass, and bulk.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Coastal Permit findings pursuant to Marin County Code Section 22.56.130I and that this project conforms to the requirements of Local Coastal Program, Unit I, for the reasons listed 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, which regulates individual sewage disposal systems in the area of the subject property, 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 project site is not located adjacent to the shoreline or within a bluff erosion zone.



**L. Geologic Hazards:**

The project site is located within 5,000 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 lot 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 zoning district. In accordance with Local Coastal Program 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. 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 Stinson Beach as identified in the Marin County Historic Study for the Local Coastal Program.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Design Review findings pursuant to Marin County Code Section 22.82.040I for the reasons listed below.

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

As noted in Sections IV, VI, and VI above, the proposed project would be consistent with the Countywide Plan, the Stinson Beach Community Plan, and the local coastal

program. The project would be consistent with the zoning district regulations and would not be detrimental to the public health, safety, and welfare.

**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 is consistent with this finding because it would result in a structure with a size, height, mass, bulk, and design proportionately appropriate to the site and neighboring development. The design of the two-story structure would be compatible with the community, site surroundings, and all the adjoining residences, which are two-story.

**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 project would maintain sufficient 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, limiting the 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. Specifically, the encroachment into the front yard setback would not result in significant visual, privacy, and light impacts to surrounding residences.

**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 is located entirely within the subject lot and would not result in development that would impact future improvements to the surrounding properties.

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

The property has been covered primarily with invasive bamboo and recently. Existing shrubs along the westerly side property line will remain; there are no existing trees on the property. The existing cluster of trees in the right-of-way fronting the subject property would provide relief to the built environment and, as conditioned, would be protected during construction. The proposed project includes a new garden with native and Mediterranean plants that will adequate landscape the property and provide sufficient screening to adjoining property. Proposed plans include the retention of yellow flowering acacia, which may be an invasive species. As conditioned, this will be removed and replaced with an alternative native and drought resistant plant subject to the approval of the Planning Division. The design includes windows, sky lights, and solar panels to conserve energy and resources.

**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 development would be comparable in height, size, and scale to other nearby single-family residences. All five of the adjoining properties are two-story structures, making the two-story aspect of the proposed project visually consistent with the neighborhood. To construct a single-story house surrounded entirely by two-story structures would limit the light and air of the subject project, a privilege enjoyed by adjoining properties. Additionally, it appears that four of the five neighboring structures on adjoining properties encroach into their rear, side, or front property setbacks, thereby reducing some of the visual and privacy buffers that would otherwise be present between properties.

The proposed project has been designed to minimize adverse visual effects related to design and massing. The project incorporates articulations, fenestration, a trellis, roof angles, and varied building forms and materials, which minimize overall mass and bulk. There are no large, unbroken vertical walls on the structure. The front-facing gable is stepped down from the taller rear portion of the house. The residence would not unduly impact the existing light or privacy of surrounding residences because it would not exceed a height of 25 feet above grade and would maintain side and rear yard setbacks abutting neighboring structures. The exterior materials would be unobtrusive natural colors, the property would be adequately landscaped, and exterior lighting would be directed downward and hooded. Further, the design of the residence would be responsive to the constraints of the subject property, while being compatible with the surrounding natural environment and the character of the local community.

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

Plans have been reviewed by the Department of Public Works (DPW) and, as conditioned, comply with DPW standards.

**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.

- 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 applicant submitted a preliminary checklist indicating the project's design will foster energy and natural resource conservation. During the building permit process, the project's compliance with the County's Green Building Standards will be verified. The project would also be required to meet California Title 24 standards and Marin County Ordinance 3492. The roof, materials, and design of the project are compatible with the character of the surrounding community

- VIII. WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Stinson Beach Cabin Coastal Permit (CP 10-42) and Design Review (DR 10-95) subject to the conditions of approval listed below. This approval authorizes the construction of a new, 709-square foot single-family residence with a 280-square foot attached garage on a 2,365-square foot vacant lot. The two-story, 23.2-foot high structure is approved to result in a 30% floor area ratio and have the following setbacks: (1) 10.3 feet from the southerly front property line; (2) 6 feet from the easterly side property line; (3) 7.5 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. An attached deck approximately 2.4 feet above grade is approved to be located 6 feet from the westerly side property line and 13.5 feet from the northerly rear property line. Approval is granted for rooftop solar panels, a new septic system, and a landscaped garden with native and Mediterranean plants. The propane tank is approved to be located 4.4 feet from the southerly front property line and approximately 10 inches from the easterly side property line, and to be screened by landscaping. The subject property is located at **6 Francisco Patio, Stinson Beach**, and is further identified as **Assessor's Parcel 195-104-35**.

This decision certifies the proposed project's conformance with the requirements of the Marin County Interim Zoning Ordinance and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. A Building Permit and additional permits and/or approval may be required from the Department of Public Works, the appropriate Fire Protection Agency, and the Stinson Beach Community Water District.

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

Marin County Community Development Agency, Planning Division

### Standard Conditions

1. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A** entitled "4 Francisco Patio," consisting of six sheets prepared by Mark Hulbert, dated September 27, 2010, and received September 28, 2010; except as modified by the conditions listed herein, and one sheet prepared by True North Surveying dated November 10, 2004 and received June 17, 2010, and **Exhibit B** entitle "Helmberger Property," consisting of four sheets prepared by Questa Engineering dated March 19, 2010 and received June 17, 2010. All exhibits are on file in the Marin County Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscape plan 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 part of **Exhibit A**.

- a. Revise the landscape plan to remove existing acacia along back fence and replace with a small tree or tall shrub selected and allowed to grow to sufficient height to screen the adjoining rear property.
  - b. Include the cluster of three trees, which include two oak trees, in the right-of-way fronting the property and adjacent property at 8 Francisco Patio, identifying them to be protected.
3. Approved exterior building materials and colors shall substantially conforming to the Exterior Color Schematic in dated June 14, 2010 and color/materials samples, both of which comprise **Exhibit C**, received June 17, 2010, and on file with the Marin County Community Development Agency including:
- a. Foundation – Colored concrete walls, Kelley Moore Rustic Green (#834-M)
  - b. Siding – Cement fiber board siding, Kelly Moore Revere Gray (857-L), with accents of Rustic Green
  - c. Trim, Gutters, & Downspouts – Kelly Moore Rustic Green
  - d. Window Frame and Door – Aluminum clad wood, Loewen Sage Green
  - e. Roof – Composition shingle roofing, Certain Teed Solaris series Crystal Gray
  - f. Skylights – Dark tinted
  - g. Decking – Trex color Gravel Path; upper decks cementitious
  - h. Second floor railings – cable with sections of siding to match house

All flashing, metalwork, 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 actions.
6. Exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes. Cut sheets of proposed lighting fixtures shall be included in the building permit submittals.
7. 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.

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. 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.
10. 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.
11. 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.

Special Conditions

12. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey all property lines and install property line survey hubs with connecting colored line in locations that can be readily used by the Building and Safety Inspection staff to verify building setbacks prior to approval of the foundation inspection. If new survey hubs are installed, the project land surveyor or civil engineer must submit written confirmation that the staking of property lines has been properly completed and submit a written (stamped) confirmation

to the Planning Division. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used to definitely measure building setbacks. It is recommended that the surveyor or civil engineer set the required setback and/or property lines with clearly marked stakes or colored line. The building setback verification can also be satisfied by having a licensed land surveyor or civil engineer with proper certification conduct a survey of all property lines and the installed project foundation forms. The surveyor or engineer would then verify that the proposed project foundation complies with the approved setback distances from adjacent property lines as shown on the approved building permit plans and submit written (stamped) confirmation to the Planning Division. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at [http://www.co.marin.ca.us/depts/CD/Forms/Building\\_Inspection\\_Procedures.pdf](http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf) for additional details regarding this requirement.

13. 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. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at [http://www.co.marin.ca.us/depts/CD/Forms/Building\\_Inspection\\_Procedures.pdf](http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf) for additional details regarding this requirement.
14. 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. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at [http://www.co.marin.ca.us/depts/CD/Forms/Building\\_Inspection\\_Procedures.pdf](http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf) for additional details regarding this requirement.
15. 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. Please refer to the "Building Inspection Procedures" document available at the County Planning Department and on-line at [http://www.co.marin.ca.us/depts/CD/Forms/Building\\_Inspection\\_Procedures.pdf](http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf) for additional details regarding this requirement.

#### Landscaping and Tree Protection

16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install temporary construction fencing around the dripline of the existing trees and shrubs to remain, including the cluster of trees in the front right-of-way called out in Condition 2.b above. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.

17. PRIOR TO FINAL INSPECTION, any damaged or removed trees or vegetation included in the approved landscape plan to remain shall be replaced with adequately sized specimens to the satisfaction of the Planning Director
18. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion with photos, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping, including an automatic drip irrigation system, has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.

Department of Public Works

19. Site and access improvement plans under the purview of Marin County Code, Chapter-24 shall be prepared by a registered civil engineer with wet-stamp and signature [MCC§24.10.005(b)].
20. BEFORE ISSUANCE OF A BUILDING PERMIT, yhe property is within a Special Flood Hazard Area, Zone-A0, as show on the Flood Insurance Rate Map (FIRM Community-Panel Number 06041C0444D, May 4, 2009). 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
  - Designers are advised to reference FEMA Technical Bulletins TB11-01, TB1-08, TB7-93, and TB2-08 for design guidance in a Flood Hazard Zone.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, 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.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, propane tanks shall be securely anchored to resist flotation or lateral movement.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, submit Erosion and Siltation Control plans.



24. BEFORE ISSUANCE OF A BUILDING PERMIT, provide a note on the plans stating that the Design Engineer and/or Architect shall certify to the County in writing prior to final inspection that all grading, drainage, and retaining wall construction was completed in accordance to approved plans and field direction. Also state that the driveway, parking, and all other site improvements shall be inspected by a DPW engineer prior to final inspection.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, 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.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, 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

27. 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.
28. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the District that the required water service has been connected.

Stinson Beach Fire Department

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

**SECTION III: VESTING 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 **December 16, 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.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. 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 such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

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 December 23, 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 16th day of December, 2010.

---

JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

---

Joyce Evans  
DZA Secretary