



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

GANSKY COASTAL PERMIT AND VARIANCE

RECOMMENDATION: Approve with Conditions
HEARING DATE: June 16, 2011

Project ID No:	11-0062	Applicant:	Michael Brown
Agenda Item:	1	Owner:	Lisa Gansky
Last Date for Action:	July 4, 2011	Assessor's Parcel No:	195-174-06
		Property Address:	25 Lincoln Avenue, Stinson Beach
		Project Planner:	Veronica Corella-Pearson
		Signature:	

Countywide Plan Designation:	C-SF6 (Coastal, Single-family Residential, 4-7 units per acre)
Community Plan Area:	Stinson Beach Community Plan
Zoning:	C-R1 (Coastal, Residential, 7,500 square foot minimum lot area)
CEQA:	Categorically Exempt per Section 15303, Class 3 (a)
Lot size:	7,069 square feet
Adjacent Land Uses:	Single-family residential
Vegetation:	Mixed native and non-native shrubs
Topography and Slope:	Average slope approximately 50%
Environmental Hazards:	None

PROJECT DESCRIPTION

The applicant, Michael Brown, has requested an amendment to Coastal Permit 03-09 and Variance 03-36 on behalf of the owner, Lisa Gansky, which was approved in 2005. The applicant is requesting an amendment to the approval to maintain the existing cottage that is 233 square feet in size, and the applicant has revised the plans for the single-family home. The applicant now proposes a single-story, 1,111 square foot home. The residence would have board and batten siding, and zinc siding colored dark green. The revised project would result in a new floor area of 1,344 square feet, with a 227 square foot garage, and a new floor area ratio of 19% on the 7,069 square foot lot. The residence would attain a maximum height of 25 feet above grade and the following setbacks from the nearest corresponding property line: 0-foot front (north), 2-foot side (west), 50-foot rear (south), and 12-foot side (east). The project would amend Coastal Permit and Variance approval for a new 1,935 square foot residence with a 225 square foot garage that was approved to be 24.5 feet above existing grade with three-stories,

and included the removal of the existing cottage. The residence was approved to maintain the following setbacks from the nearest corresponding property line: 2-foot side (west), 50-foot rear (south), and 6-foot side (east). Variance approval was given to permit a 0-foot front setback where 25 feet is required and a 2-foot side setback where 6 feet is required under the governing C-R-1 zoning district.

BACKGROUND

The 7,069 square foot lot consists of Lot 8 of the Map of N.H. Stinson's Subdivision No 2, recorded in 1909. According to Assessor's Records, the property was developed with a residence since approximately 1920, over 40 years before the first setback requirements for the property were enacted in 1964 with the adoption of Ordinance 1380, which applied the current C-R-1 zoning development standards to the property.

The applicant, Lisa Gansky, acquired the subject property in 2000. In September of 2002, a Building Permit was issued for exterior remodeling of the residence (including new siding, insulation, windows, and roofing). However, once the work was underway, it was determined that more extensive structural repairs were needed, which triggered the requirement for Variance and Coastal Permit approval. Most of the residence above the foundation was subsequently removed.

On March 17, 2005, the Deputy Zoning Administrator approved a Coastal Permit, Variance, and Lot Line Adjustment. The lot line adjustment increased the size of the lot from 5,569 square feet to 7,069 square feet. Findings were also made that the parcel, created as Lot 8 of the Map of N.H. Stinson's Subdivision No. 2, is one of the smallest lots within Block 174 in relation to its steep slope (approximately 50%), and other lots in the vicinity created by the subdivision are either larger or have been combined with adjacent lots to create a more substantial development site. Together, the relatively small size and steep slope of the property are considered a special physical circumstance which limits the development potential of the property in comparison with other properties in the vicinity that are larger in size or are not as steeply sloped.

It was also found that granting of a Variance for the subject property would not constitute a grant of special privilege which is inconsistent with the limitations placed upon other nearby properties because many of the existing home in the Stinson Beach village area were constructed in the 20's and 30's prior to adoption of the current zoning requirements, and therefore are legal non-conforming with respect to yard setbacks. The project was also found to not result in a detriment with respect to light, air, privacy and views since it was approved to be within the footprint of the previous home and would be screened by existing mature vegetation. The residence was also approved to be lower in height, as viewed from the street and uphill properties, than the previous structure.

The current application was filed on February 28, 2011. In addition to the project plans, the applicant submitted a Preliminary Title Report by Fidelity National Title Company, January 21, 2011.

The project was reviewed by the Marin County Department of Public Works (DPW), Stinson Beach County Water District, the Stinson Beach Fire Protection District, and the California Coastal Commission. The reviewing agencies did not raise any major problems with the project. Comments received from DPW and the Stinson Beach County Water District are attached. Minor modifications have been made to the conceptual plans during the review process and consist of a new walkway from the main residence, along the eastern side of the residence to the cottage. Story poles have been erected to demonstrate the visual impacts of the project. No other agency comments were received. The project was deemed complete on May 5, 2011.

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. One call has been received from the adjacent neighbor at 15 Lincoln Avenue regarding the setback of the residence to the eastern property line. On file with the Records office is an agreement that was recorded by both parties, which states that all future development on 25 Lincoln Avenue will be 9 feet from the eastern property line. Concerns have been raised regarding proposed drainage improvements within the agreed upon setback. Staff has reviewed the agreement; yet, this is a private agreement and is civil in nature. Staff is not required to review the project for compliance with civil agreements, only with the Marin County Interim Development Code, the Marin Countywide Plan, and the Local Coastal Program for Unit 1.

PROJECT SETTING

The project is located on a developed lot. As stated above, the existing residence was removed but the cottage remains, along with the foundation of the former residence. There are no wetlands or streams on or adjacent to the property, and the site is heavily vegetated with native and non-native species. The majority of the vegetation is non-native ornamental species with a population of California bay (*Umbellularia californica*) located along the eastern property line. No tree removal is proposed and the proposed new residence would be located within the footprint of the former residence.

A review of the California Natural Diversity Database (CNDDDB) and the Marin County Local Coastal Program Resource Map was conducted by staff. Based on research, it was found that the project site is potentially within 1 mile of following special-status species: Marin Hesperian (*Vespericola marinensis*), Lyngsby sedge (*Carex lyngbyei*), Blue coast gilia (*Gilia capitata ssp. chamissonis*), Point Reyes birds beak (*Cordylanthus maritimus ssp. palustris*), Showy Rancharia clover (*Trifolium amoenum*), Coastal marsh milk-vetch (*Astragalus pycnostachyus var. pycnostachyus*), Tiburon paint brush (*Castilleja affinis ssp. neglecta*), and monarch butterfly (*Danaus plexipuss*). An analysis of the proposed project and impacts on flora and fauna that have potential to be within the region is in the recommended resolution for the Gansky Coastal Permit and Minor Design Review.

RECOMMENDATION

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

Attachments:

1. Proposed Resolution recommending approval of the Gansky Coastal Permit and Variance amendment.
2. CEQA Exemption
3. Location Map
4. Assessor's Parcel Map
5. Resolution # 05-142 Approving with Conditions the Gansky Coastal Permit, Variance and Lot Line Adjustment
6. Proposed Plans, 16 sheets
7. Department of Public Works Memo, March 21, 2011

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8. Stinson Beach County Water District Letter, March 22, 2011
9. Settlement Agreement with Mutual Release, filed August 15, 2005
10. Marna Griffen email, sent June 7, 2011

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING WITH CONDITIONS THE
GANSKY COASTAL PERMIT AND VARIANCE AMENDMENT
25 LINCOLN AVENUE, STINSON BEACH
ASSESSOR'S PARCEL 195-174-06

SECTION I: FINDINGS

- I. WHEREAS the applicant, Michael Brown, has requested an amendment to Coastal Permit 03-09 and Variance 03-36 on behalf of the owner, Lisa Gansky, which was approved in 2005. The applicant is requesting an amendment to the approval to maintain the existing cottage that is 233 square feet in size, and the applicant has revised the plans for the single-family home. The applicant now proposes a single-story, 1,111 square foot home. The residence would have board and batten siding, and zinc siding colored dark green. The revised project would result in a new floor area of 1,344 square feet, with a 227 square foot garage, and a new floor area ratio of 19% on the 7,069 square foot lot. The residence would attain a maximum height of 25 feet above grade and the following setbacks from the nearest corresponding property line: 0-foot front (north), 2-foot side (west), 50-foot rear (south), and 6-foot side (east). The project would amend Coastal Permit and Variance approval for a new 1,935 square foot residence with a 225 square foot garage that was approved to be 24.5 feet above existing grade with three-stories, and included the removal of the existing cottage. The residence was approved to maintain the following setbacks from the nearest corresponding property line: 2-foot side (west), 50-foot rear (south), and 12-foot side (east). Variance approval was given to permit a 0-foot front setback where 25 feet is required and a 2-foot side setback where 6 feet is required under the governing C-R-1 zoning district. The subject property is located at **25 Lincoln Drive, Inverness** and is further identified as **Assessor's Parcel 195-174-06**.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing June 16, 2011 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.

- II. 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 (a) because it entails the construction of a new residence on an in-fill lot in a residential neighborhood that would result in minor site disturbance and no vegetation removal.

- 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-SF6 (Coastal, Single-family, Residential, 4-7 units per acre) land use designation.
 - B. The project would improve housing opportunities in the Coastal Recreation Corridor and would not adversely affect agricultural areas or public open space in the project vicinity because the project would not result in the loss of agricultural or public open space lands.
 - C. The project as conditioned would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because the subject property does not provide habitat for special-status species that have potential to occur near the project area.
 - 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 project would be constructed with a drainage system that complies with the standards and best management practices required by the Department of Public Works.
 - F. The project would be constructed in conformance with County earthquake standards, which would be verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
 - G. The project design ensures 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 reduce excessive lighting and glare (*CWP Policy DES-1.h*) because exterior up-lighting is not proposed, and standard conditions of project approval require that lighting be downward directed.
 - 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 project would be reduced in size from the former approved residence and would meet all size requirements of the C-R1 zoning district.
 - J. The project would 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 because:

- A. The project would retain all native California bay trees preserving the privacy of adjacent neighbors.
 - B. The project would provide adequate parking for the residence and would be conditioned to meet the requirements of the Stinson Beach Water District.
 - C. The single-family residence would not exceed the 25 foot height limit for the subject C-R1 zoning district (Coastal, Residential, 7,500 square foot minimum lot area).
 - D. The residence would have adequate water facilities, utilities, protective services (fire and police), and a roadway network currently exists to serve the project.
 - E. The project requires Variance approval, which allows for the proposed residence to be located within the front and side setbacks and utilize the existing foundation from the former residence.
- 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 1, for the reasons listed below:

A. Water Supply:

The project is conditioned to require written verification from Stinson Beach County Water District stating that the project meets all of their requirements.

B. Septic System Standards:

The project is conditioned to require written verification from the Stinson Beach County Water District stating that the designed system is acceptable.

C. Grading and Excavation:

Grading and excavation would be limited since the project proposes to use the existing foundation from the former residence. Only a minor amount of grading is required for construction of the garage and visitor parking.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. The project is for new construction on a developed lot, and utilizes the foundation of the former residence, and therefore would require a minimal amount of site disturbance. Conditions of project approval require that in the event that cultural resources are uncovered during site preparation, all work shall be stopped immediately, and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access:

The subject property is sited on the hillside above Stinson Beach and is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit I, where public access is desirable or feasible. During site inspection, staff found no evidence of historic public use of the site, and found that the site is not located near any tidelands or submerged lands subject to the Public Trust doctrine.

F. Housing:

The proposed project consists of the construction of a modestly-sized single-family residence, which would increase the availability of housing stock in the Stinson Beach community.

G. Stream and Wetland Resource Protection:

This finding is not applicable. The project site is not situated in an area subject to the LCP's stream or wetland conservation policies as identified on the National Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Bolinas Quadrangle of the United States Geological Survey.

H. Dune Protection:

The proposed project is not located in a dune protection area as identified by the Natural Resources Map for Unit 1 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. Review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is potentially within the identified habitat area for Marin hesperian (*Vespericola marinensis*) and the Monarch Butterfly (*Danaus plexippus*). Marin hesperian is a mollusk found in moist spots in coastal brush fields and chaparral vegetation, and under leaves of cow parsnip, around spring seeps, in leaf mold, and in alder and mixed evergreen forest; none of which are present on the property. In addition, the subject property does not contain suitable vegetation for monarch butterflies, which require large groves of *Eucalyptus* or Monterey pine (*Pinus radiata*). Therefore, there would be no impacts to special status wildlife species.

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 and endangered plants. Review of the Natural Diversity Data Base Maps on file with the Marin County Community Development Agency indicates that there is potential for the following plant species: Lyngsby sedge (*Carex lyngbyei*), Blue coast gilia (*Gilia capitata ssp. chamissonis*), Point Reyes birds beak (*Cordylanthus maritimus ssp. palustris*),

Showy Rancheria clover (*Trifolium amoenum*), Coastal marsh milk-vetch (*Astragalus pycnostachyus* var. *pycnostachyus*), and Tiburon paint brush (*Castilleja affinis* ssp. *neglecta*). Lyngsby sedge and Point Reyes birds beak are located in marsh habitats. Blue coast gilia, Coastal marsh milk-vetch, and Showy Rancheria clover are located in dune, coastal scrub communities, and valley foothill grassland. Tiburon paint brush is located on serpentine soils throughout the county. The subject property is a developed lot and is not located near marsh, coastal scrub, dune, foothill grassland habitat, or on serpentine soils. In addition, a site visit was conducted and no special plant species were detected. Therefore, there would be no impacts to special status plant species.

K. Shoreline Protection:

The subject property is not located along a shoreline and the project does not include construction of any shoreline protective works that would alter natural shoreline processes.

L. Geologic Hazards:

The subject property is not located within the delineated boundaries of the San Andreas Fault zone. However, the subject property is located approximately one mile east of the San Andreas Fault and would be subjected to strong ground shaking during a proximate seismic event. The proposed single family residence would require an approved building permit and would be inspected to ensure compliance with the Building Code. Pursuant to Marin County Code Section 22.56.130(L.1.a), a condition of project approval would also require the property owner to execute and record a waiver of public liability holding the County, other governmental agencies, and the public harmless because of losses due to geologic hazards.

M. Public Works Projects:

This finding is not applicable. The proposed project would not affect any existing or proposed public works project in the area.

N. Land Division Standards:

The proposed project does not include a land division.

O. Visual Resources:

No adverse impact to visual resources would result from construction of the project. The proposed residence is not located in a significant public view corridor along the beach, and the height and size of the structure is consistent with the previous residence that existed on the site and is compatible with the character of existing development in the area. In accordance with Marin County Code Section 22.56.130(O), a recommended condition of approval requires that all new utility lines serving the project be placed underground.

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 encourage a mixture of residential and commercial uses.

Q. Historic Resource Preservation:

The project site does not contain any historic structures and is located outside of the historic preservation boundaries 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 findings to approve a Variance (Section 65906 of the California Government Code, Section 22.86.025 of the Marin County Code,) as specified below.

1. 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 existing 7,069 square foot subject property consists of a steeply sloping, rectangular-shaped parcel of land located on the south side of Lincoln Avenue. The parcel was created as Lot 8 of the Map of N.H. Stinson's Subdivision No 2, recorded in 1909. Although the shape of the property is not unusual, it is one of the smallest lots within Block 174 in relation to its steep slope (approximately 50 percent). Other lots in the vicinity created by this map are either larger or have been combined to create a more substantial development site. Together, the relatively small size and steep slope of the property are considered a special physical circumstance which limits the development potential of the property in comparison with other properties in the vicinity which are larger in size or are less steeply sloped, or both. Although not a characteristic of the lot itself, it should be noted that the pre-existing siting of the original residence, which was constructed prior to the adoption of building setback requirements, is also a unique circumstance which differentiates the subject property from surrounding parcels. As noted above, the applicant is proposing to rebuild the residence utilizing portions the existing foundation of the previous home on the property. Based on these factors, staff finds that the strict application of the required front and side yard setbacks would deprive the property owners of the ability to reuse the existing foundation on the property to construct a new home of the same size as the former residence.

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

The proposed project would have no detriment with respect to light, air, privacy and views to surrounding properties. In order to utilize portions of the existing foundation of the previous residence, the new structure would generally have the same footprint as the former residence and would be sited on a portion of the site which is almost completely screened from adjacent homes by existing mature vegetation. Community Development Agency staffs have received no adverse comments from

surrounding property owners or the public regarding the project. Based on these factors, the proposed project would not result in adverse impacts to the public welfare or surrounding properties.

3. **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.**

The granting of a Variance for the subject property would not constitute a grant of special privilege which is inconsistent with the limitations placed upon other nearby properties. Many of the existing homes in the Stinson Beach village area were constructed in the 1920's and 30's prior to adoption of the current zoning requirements, and therefore are legal non-conforming with respect to yard setbacks. In addition, the County has granted a number of setback Variances on similarly zoned properties in the area. Consequently, approval of the proposed Variance would not be inconsistent with previous County actions in the community. Overall, the proposed Variance would allow for the reconstruction of a residence utilizing the foundation of the previous home on the property, without blocking views or increasing privacy impacts to neighboring properties.

4. **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 granting of a Variance for construction of a single-family residence would authorize a use or activity which is principally permitted under the governing C-R-1 zoning district.

SECTION II: ACTION

WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Gansky Coastal Permit and Variance Amendment subject to the conditions of approval listed below. This approval allows for the owner to maintain the existing cottage that is 233 square feet in size, and approves the revised plans for the single-family home. The single-family residence is approved to be single-storied and 1,111 square feet in size. The residence will have board and batten siding, and zinc siding colored dark green. The revised project will result in a new floor area of 1,344 square feet, with a 227 square foot garage, and a new floor area ratio of 19% on the 7,069 square foot lot. The residence will attain a maximum height of 25 feet above grade and the following setbacks from the nearest corresponding property line: 0-foot front (north), 2-foot side (west), 50-foot rear (south), and 12-foot side (east). The subject property is located at 25 Lincoln Drive, Stinson Beach and is further identified as Assessor's Parcel 195-174-06.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code 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, Stinson Beach County Water District, and the water and sewer providers.

SECTION III: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A** entitled "Gansky Residence," consisting of 17 sheets prepared by SageModern, dated April 21, 2011 and received April 25, 2011, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," dated February 28, 2011, and on file with the Marin County Community Development Agency including:

Siding: Board and batten, and zinc siding colored dark green
Roof: Asphalt shingles in weatherwood
Trim: Dark orange and red

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call-out the approved building setbacks on the Building Permit plans indicating the minimum front and side yards, and the distance of the building from the nearest property line at the closest point.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
6. The applicant shall receive written approval from the Stinson Beach County Water District Public Utility District stating that the septic system is approved as designed and that all requirements for water service have been met.
7. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
8. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community

Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

9. All construction activities shall comply with the following standards:

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.

It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

10. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
11. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
12. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
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.

SPECIAL CONDITIONS:

14. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front and side 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 the front and side 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 for additional details regarding this requirement.
15. 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 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 in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. 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. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT

18. Provide a Geotechnical evaluation of the site for the hillside stability status and site drainage recommendations.

Site Plan

19. Provide Civil Plans with an industry standard scale, e.g. $\frac{1}{8}$ " or $\frac{1}{4}$ " = 1.0'; 1:10, etc.
20. Provide Parcel-Two on the Site Plan as described in the Title Report.
21. No portion of the proposed retaining wall shall be closer than 4-ft from the Lincoln Avenue edge-of-pavement. Revise the new retaining wall design to meet this requirement.
22. The proposed retaining wall shall not extend any further into the Lincoln Avenue right-of-way than the existing retaining wall already does.
23. All utilities shall be underground.

Driveways

24. The proposed driveway retaining wall shall not extend into the Lincoln Avenue right-of-way any further than the existing retaining wall does, a result of which will require a driveway width of less than 12-ft. As a result, the driveway width is allowed to be less than 12-ft wide, but shall not be any less than 10-ft wide.
25. Due to site constraints, approximately 50% of the main driveway is allowed to be within the Lincoln Avenue right-of-way.
26. Due to site constraints, the proposed additional parking space to the east of the main driveway is allowed, but shall meet the minimum requirements for a driveway in a city/village corridor. The space shall be a minimum of 8.5-ft by 18-ft and shall be paved with asphalt per minimum county standards.
27. The driveway approach from the Lincoln Avenue edge-of-pavement to where the driveway and retaining wall begin shall be paved in asphalt per minimum county standards.
28. 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.
29. A separate Building Permit is required for site/driveway retaining walls with a height of 4-ft or more or 3-feet when backfill area is sloped or has a surcharge (measured from the bottom of the footing to the top of the wall). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
30. A registered Engineer shall design the site/driveway retaining walls. Plans and calculations must have the Engineer's/Architect's wet stamp and signature.

Parking

31. Due to the site constraints, the two required resident spaces may be in tandem. One space in the garage and one space in the main driveway.
32. Due to the site constraints, the proposed parking space within the Lincoln Avenue right-of-way east of the main driveway/retaining wall may be dedicated for the cottage, but shall meet the minimum surfacing requirements for driveways in city/village areas which requires the driveway to be paved. Due to the driveway being within a county-maintained right-of-way, the surfacing shall be asphalt.
33. Due to site constraints the guest parking may be within the Lincoln Avenue right-of-way.
34. All parking slopes should not exceed 5% and shall not exceed 8% in any direction.

Drainage Plan

35. Provide a surface water drainage system/plan for up-slope of the foundation. The drainage shall achieve the same intent as the required for surface drainage away from foundations, pursuant to 2010CBC§1804.4.
36. Provide an outfall for the rain gutters and downspouts that drain away from the foundation and have energy dissipation/erosion control.
37. Provide in the plans any drainage recommendations from the Geotechnical engineer evaluation. Such recommendation shall be incorporated into the plans/design. A note referring to a Geotechnical report will not suffice.
38. Provide a back drain for the proposed retaining wall. Include a plan for its outfall. The retaining wall back drain system shall be a separate system from surface water drainage systems and the outfall shall be designed with energy dissipation/erosion control.
39. Due to the steep slope/hillside construction, a detailed stormwater control plan is required. The plan shall address post-construction stormwater control and treatment requirements per instructions in the Marin County Stormwater Pollution Prevention Program's (MCSTOPPP) guidance manual "Stormwater Quality Manual for Development Projects in Marin County" (stormwater control plan template and guidance manual available at <http://www.mcstoppp.org/newdevresources.htm>). The stormwater control plan shall address permanent BMPs that control pollutant sources, treat runoff, and control the rate and duration of runoff that meet the criteria in the most recent version of the Guidance Manual (as defined in §23.18.030) and the applicable development runoff requirements of Chapter 23.18. Permanent BMPs may include but are not limited to: site and drainage design features that route runoff from roofs and paved surfaces to landscaped areas and to engineered bioretention facilities. The Guidance Manual contains specific guidance applicable to the project.

Grading and Erosion Control Plan

40. The proposed erosion control plan is incomplete. Provide an Erosion and Siltation Control plan commensurate with the requirements depicted in "Minimum Erosion Control Measures for Construction Sites". See the following web-link for details: http://mcstoppp.org/acrobat/MECM_final_2009.pdf

41. Erosion control measures shall be installed prior to site disturbing activities, shall be maintained or modified to remain effective for the duration of the work and shall be installed as needed for post-construction.
 42. All new grading shall be within the property boundaries. For the proposed driveway retaining wall, excavation and grading shall not extend into the Lincoln Avenue right-of-way any further than the existing wall already does.
 43. 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.
- Administrative
44. An encroachment permit shall be required for work within the road right-of-way. Provide a traffic plan and a plan for connecting new driveways to the existing Lincoln Avenue edge-of-pavement.
 45. All frontage improvement within the Lincoln Avenue right-of-way shall be included in the encroachment permit work plans.
 46. The final 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.

SECTION IV: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Variance Amendment approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **June 16, 2013** 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 June 23, 2011**.

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 June, 2011.

BEN BERTO
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary