



# MARIN COUNTY

## COMMUNITY DEVELOPMENT AGENCY

**STAFF REPORT TO THE MARIN COUNTY  
DEPUTY ZONING ADMINISTRATOR  
DROSIHN COASTAL PERMIT AND DESIGN REVIEW  
(Formerly Jeeka Coastal Permit and Design Review)**

**RECOMMENDATION: Approve with Conditions**  
**HEARING DATE: February 16, 2012**

Project ID No:	09-0393	Applicant:	Joseph Drosihn
Application No(s):	CP 10-22 & DR 10-56	Owner:	Joseph and Elly Drosihn
Agenda Item:	2	Assessor's Parcel No:	195-222-28
Last Date for Action:	February 27, 2012	Property Address:	3265 State Route 1, Stinson Beach
		Project Planner:	Lorene Jackson (415) 473-5084 lajackson@co.marin.ca.us
		Signature:	

Countywide Plan Designation: SF5 (Single-family, 10,000 to 20,000-square foot minimum lot area, 2-4 units/acre)

Community Plan Area: Stinson Beach Community Plan

Zoning: C-R1:B2 (Coastal Single-family Residential, 10,000 square foot minimum lot area)

CEQA: Categorically Exempt per Section 15303, Class 3

### PROJECT DESCRIPTION

The owner and applicant, Joe Drosihn, is requesting Coastal Permit approval to construct a new 1,781-square foot single-family residence with a 1,898-square foot, attached garage and 476-square foot, detached guest house on a 14,979-square foot lot. The two-story residence and garage would attain a maximum height of approximately 28 feet above finished grade and have the following setbacks: 3 feet from the northerly front property line, 3 feet from the easterly side property line, 30 feet from the westerly side property line, and approximately 58 feet from the southerly rear property line. That portion of the structure located within the 25-foot front and 10-foot side yard setbacks required for a single-family residence would be a two-story garage. The lower level garage would be accessed from an existing driveway and the upper level would be accessed from an existing driveway on the adjacent vacant lot (Assessor's Parcel Number 195-222-29.) The guest house would attain a maximum height of 14.8 feet and would be located 10 feet from the easterly side property line and approximately 31 feet from the rear property line. The project would result in a 24.1% floor area ratio. The applicant is also requesting Coastal Permit and Design Review approval

to construct the following: 1) an inward facing retaining wall located 43 feet from the northerly front property line and running along the easterly side property line that attains a maximum height of approximately 11 feet and 2) an outward facing terraced retaining wall located approximately 59 feet from the southerly rear property line and 44 feet from the westerly side property line that attains a maximum height of approximately 7.3 feet. All outdoor construction would take place between August 1 and January 31 during any year. A Coastal Permit is required for substantial development in the Coastal Zone and Design Review is required for the proposed retaining walls exceeding 6 feet in height. Zoning for the proposed site is C-R1:B2 (Coastal Single-family Residential, 10,000 square foot minimum lot area.) The subject property is located at **3265 State Route 1, Stinson Beach** and is further identified as **Assessor's Parcel 195-222-28**.

## **PROJECT SETTING**

The subject property is irregularly shaped and located southeast of the town of Stinson Beach, just southeast of the junction of State Route 1 and Panoramic Highway. The property slopes downhill from State Route 1 towards the ocean and is approximately 350 feet inland from the beach. The slope of the front half of the property is 29%. (Please see Attachment 6.) Stinson Beach Park, within the Golden Gate National Recreation Area, abuts the rear of the property and slopes steeply downhill to the public parking area approximately 115 feet below. The adjacent property to the east (APN 195-222-29) is vacant and owned by the Joseph and Elly Drosihn Trust.

The property is bordered by vegetation and fences along the front property line and hedges along the westerly side property line. Although previously developed, the only remaining structure on the subject property is a 120-square foot shed along the southeasterly corner of the property. The site has been extensively landscaped with retaining walls, pathways, steps, and several lawn areas. A biological site assessment characterized the site as non-native grassland and Monterey pine forest. There is one 12-inch Douglas fir tree along the westerly side property line and three 16 to 28 inch diameter redwood trees at the lower driveway entrance to the property, which are in the Caltrans right-of-way and outside the property line.

The surrounding neighborhood is characterized by single-family residences with varied sizes and architectural styles. Sizes of neighboring residences within 600 feet of the project vary from approximately 550 square feet to 4,944 square feet. The characteristics of the subject property are summarized below:

Lot size:	14,979 square feet
Adjacent Land Uses:	Single-family residential and Stinson Beach Park
Vegetation:	Mixture of introduced and native landscaping
Topography and Slope:	Moderate downslope from State Route 1
Environmental Hazards:	Approximately 1.8 miles from the Alquist-Priolo Special Study Zone

According to the County's GIS Natural Diversity Database, the subject property is habitat area for Marin Hesperian, a special status species of wildlife: The database also indicates the potential location of the following special status plant species: Point Reyes Bird's-beak, Lyngbye's Sedge, Tiburon Paintbrush, Coastal March Milk-vetch, Showy Rancharia clover, and Blue Coast Gilia. While the property is mapped as an oak woodland area in the Local Coastal Program Natural Resource, as noted above, the property has been developed and landscaped; there are no oak trees present on the property.

## **BACKGROUND**

The property was previously developed with an approximately 594-square foot single-family residence. Coastal Permit (CP-01-17) approval was granted on July 26, 2001 for a new, two-story, 1,831-square foot single family residence with a 1,893-square foot attached garage and two-story, detached 394-square foot cabana and 421-square foot guest room. Retaining walls up to a maximum height of six feet were approved within the rear yard setback. The approved project was of similarly design and location as the subject application. On June 28, 2004, a two-year extension to vest was granted until July 26, 2006. This approval was not vested and has expired. A fire destroyed the previously existing cottage in February 2009. A demolition permit was issued on September 2, 2009, which expired on November 2, 2011.

The current application was filed on December 29, 2009. The applicant provided the following reports:

- Sewage Disposal System Completion Inspection, letter from Barry Ruderman to the Stinson Beach County Water District, October 28, 2005
- Supplemental Geotechnical Investigation/Update prepared by Earth Science Consultants, dated August 17, 2009
- Cultural Resource Assessment, letter from Miley Holman, Holman & Associates Archeological Consultants, November 30, 2010
- Biological Resource Assessment, prepared by Daniel Edelstein, July 31, 2011

The project was transmitted to 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 Caltrans. Comments received from DPW, SBCWD, and Caltrans are attached. (Please see Attachments 7, 8, and 9.) No other comments were received from reviewing agencies or associations. During project review, story poles were installed to demonstrate the visual impacts of the project. After a site visit, the project was deemed complete.

During the review process, the applicant submitted revised plans with the following modifications to the project: deleted the detached cabana and reduced the roof overhang near the front property line from 3 feet to 2.5 feet. Revisions were proposed for the upper level garage to be accessed directly from State Route 1. However, since Caltrans does not allow two driveways from State Route 1 for a single residence, the project was revised to the initial plan for the upper level garage to be accessed from the adjacent property owned by the Joe and Elly Drosihn Trust.

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. No public comments had been received at the time this report was prepared.

## RECOMMENDATION

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

- Attachments:
1. Recommended Resolution approving the Drosihn 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, and Site Survey
  6. William Schroeder, Land Surveyor Letter, December 10, 2010
  7. Department of Public Works Memo, 12/29/2011
  8. Stinson Beach County Water District Letter, 1/21/2010
  9. California Department of Transportation Letters, 7/21/2011 and 8/23/2011

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

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

A RESOLUTION APPROVING THE  
DROSIHN COASTAL PERMIT (CP 10-27) AND DESIGN REVIEW (DR 10-56)  
3265 STATE ROUTE 1 STINSON BEACH  
ASSESSOR'S PARCEL 195-222-28

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SECTION I: FINDINGS

- I. WHEREAS the applicant is requesting Coastal Permit approval to construct a new 1,781-square foot single-family residence with a 1,898-square foot, attached garage and 476-square foot, detached guest house on a 14,979-square foot lot. The two-story residence and garage would attain a maximum height of approximately 28 feet above finished grade and have the following setbacks: 3 feet from the northerly front property line, 3 feet from the easterly side property line, 30 feet from the westerly side property line, and approximately 58 feet from the southerly rear property line. That portion of the structure located within the 25-foot front and 10-foot side yard setbacks required for a single-family residence would be a two-story garage. The lower level garage would be accessed from an existing driveway and the upper level would be accessed from an existing driveway on the adjacent vacant lot (Assessor's Parcel Number 195-222-29.) The guest house would attain a maximum height of 14.8 feet and would be located 10 feet from the easterly side property line and approximately 31 feet from the rear property line. The project would result in a 24.1% floor area ratio. The applicant is also requesting Coastal Permit and Design Review approval to construct the following: 1) an inward facing retaining wall located 43 feet from the northerly front property line and running along the easterly side property line that attains a maximum height of approximately 11 feet and 2) an outward facing terraced retaining wall located approximately 59 feet from the southerly rear property line and 44 feet from the westerly side property line that attains a maximum height of approximately 7.3 feet. All outdoor construction would take place between August 1 and January 31 during any year. A Coastal Permit is required for substantial development in the Coastal Zone and Design Review is required for the proposed retaining walls exceeding 6 feet in height. Zoning for the proposed site is C-R1:B2 (Coastal Single-family Residential, 10,000 square foot minimum lot area) The subject property is located at **3265 State Route 1, Stinson Beach** and is further identified as **Assessor's Parcel 195-222-28**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing February 16, 2012, 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

on previously developed property in a residential area that would not result in potentially significant impacts to the environment.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the retaining walls requiring Design Review approval are consistent with the Marin Countywide Plan (CWP) for the following reasons:
- A. Pursuant to CWP Implementation Program BIO-2.a, a biological site assessment was conducted for the project site by Daniel Edelstein. His report, dated July 21, 2011, concluded that 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.
  - B. No wetlands or stream conservation areas would be affected by the retaining walls (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the subject property.
  - C. The proposed retaining walls 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 would comply with the standards and best management practices required by the Department of Public Works, as verified during the Building Permit application.
  - D. The retaining walls would be constructed in conformance with 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.
  - E. The design of the retaining walls, conditions of approval, and compliance with California Building Code during the building permit process would ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), defensible space and compliance with Marin County fire safety standards, construction of fire-resistant 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*).
  - F. As conditioned, the retaining walls would meet energy efficient standards for exterior lighting, and would reducing excessive lighting and glare (*CWP Policy DES-1.h*) because approval require that lighting be downward directed and the minimum necessary for safety purposes.
  - G. As modified by the conditions of approval, 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 retaining walls would be consistent with the Marin County Single-family Residential Design Guidelines, as discussed below in the Design Review findings in Section VII below.

- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the retaining walls requiring Design Review approval are consistent with the Stinson Beach Community Plan:
- A. The proposed retaining walls involve construction, which is allowed as part of a principally permitted use on the property.
  - B. The proposed retaining walls would not adversely impact the surrounding natural environment relative to vegetation, species habitats, or on-site drainage.
  - C. The proposed retaining walls would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
- 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 currently serves the subject property, has reviewed and approved the proposed project.

**B. Septic System Standards:**

The Stinson Beach County Water District, which regulates the individual sewage disposal systems of the subject property, has reviewed and approved the proposed project up to 1,900 square feet of habitable space, as defined in the Stinson Beach County Water District's Wastewater Management Code, Title IV Section 4.03.237. Conditions of approval require the applicant to not exceed 1,900 square feet of habitable space, unless, prior to issuance of a building permit, written verification is provided that the Water District has granted approval for a larger area.

**C. Grading and Excavation:**

The subject property is moderately sloped and has been previously graded. The proposed project has been designed to be generally compatible with the site's topography and existing soil, geology, and hydrologic conditions so that grading, cut, and fill have been minimized. The proposed project would be cut into the hillside to minimize visual mass and bulk and to provide driveway access for the upper level garage, which is near street level. The house and garage would entail 439-square feet of cut and 318 feet of fill. The detached accessory structure would also be cut into the hillside to minimize visual height and mass. Fill not used on-site for landscaping would be removed from the site. Conditions of project approval require that construction activities conform to the Department of Public Works erosion and sediment control requirements established in Marin County Code §23.08 and the provisions of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP).

**D. Archaeological Resources:**

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. An archival research and field study was performed by Holman & Associates Archeological Consultants, which indicated no evidence of historic and/or prehistoric cultural resources on the property. Additionally, the project was previously developed and graded. Nonetheless, a standard condition of 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 subject property is on a steep slope overlooking and adjacent to Stinson Beach Park, which provides beach access to the general public. There is no historic public use of this site for access and the property is not identified in the LCP Unit 1 as an access point. Additionally, given the topography and vegetation, any access through the subject property is severely limited. Therefore public access across the subject property to the coastline is neither desirable nor appropriate.

**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, wetlands, or in an area subject to the stream or wetland protection policies of the Local Coastal Program.

**H. Dune Protection:**

The project site is not located in a dune protection area identified by 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. 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 habitat area for the Marin Hesperian (*Vespericola mariensis*), a special status species. Subsequently, pursuant to the Countywide Plan (CWP) Implementation Program BIO-2.a, the applicant conducted a biological site assessment for the project. Biologist Daniel Edelstein conducted an assessment of the subject property and determined that the Marin Hesperian is not present on-site. Further, given the project design, there would be no impacts on common or other special-species of wildlife.



**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 Rancharia clover (*Trifolium amoenum*), Point Reyes Bird's Beak (*Cordylanthus maritimus ssp palustris*), Coastal marsh vetch (*Astragalus pycnostachyus var. pycnostachyus*), Lyngbei's sedge (*Carex lyngbyei*), Blue Coast Gilia. (*Gilia capitata ssp. chamissonis*), and Tiburon paintbrush (*Castilleja affinis ssp. Neglecta.*) As noted above, biologist Daniel Edelstein conducted a biological assessment that determined none of these species occur on-site and that the project would have no adverse impacts on 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 1.8 miles from the Alquist-Priolo Special Study Zone and would be subjected to ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the California 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:**

Height

As proposed, the single-family residence and garage exceed the 25-foot maximum height limit of the governing C-R1:B2 zoning district. Therefore, as a condition of approval, the project would be modified to meet this standard. Further, the applicant has inaccurately applied MCC Section 22.20.060I, which applies to detached accessory buildings, in measuring the height of the garage as 15 feet from finished garage of the parking area. The proposed height of the attached two-story garage is 28 feet and, as conditioned, will be modified to meet the 25-foot height limit. The height of the guest house would be below the 15-foot maximum height limit allowed for detached accessory structures.

### Setback

While MCC Section 22.72.055I provides setback relief for garages on steep slopes, the proposed project exaggerates the encroachment into the 25-foot front yard by adding storage up to three feet from the front property line. This front setback would have been appropriate for an upper level driveway with access directly from State Route 1, as previously proposed. MCC Section 22.02.3001 defines a private garage as “an accessory portion of the main building designed or used only for the shelter of vehicles owned or operated by the occupants of the main building.” A portion of both the basement and upper floor garages within the 25-foot front yard setbacks does not meet this definition. Additionally, while Section 22.72.035I allows roof overhangs to encroach up to 2.5 feet into the required setback, as proposed, the roof overhang would be located up to six inches from the front property line and up to the easterly side property line. Given the proximity of the project to State Route 1 and the adjacent developable property, the proposed roof overhangs do not provide adequate setbacks and separation to the public right-of-way and adjoining properties. Therefore as a condition of approval, the project will be revised to eliminate the extra area not required for parking (e.g. storage for bicycles) and increase the front yard setback to 5.5 feet for the garage with the respective setback for the roof overhang increased to 3 feet. Similarly, the garage roof overhangs shall be setback at least 3 feet from the easterly side property line.

MCC Section 22.72.035I allows decks, porches, and stairways to be located up to, but no closer than, three feet from a side property line. The proposed project meets this standard.

### Mass and Bulk

The proposed project would result in a 24.1% floor area ratio. While the project includes 1,085 square feet of additional covered porch, the project incorporates articulations, fenestration, angles, varied building forms, and colors, and is set into the hillside so that the mass and bulk is suitable for the property. There is concern about light pollution at night from the open patio. Therefore, as a condition of approval, the proposed skylight would be a dark tint and the placement of exterior lighting, including lighting in the patio area, would be reviewed during the building permit phase to prevent glare that may be visible off-site.

### Landscaping

The proposed structure is cut into the hillside and, as conditioned, the peak of the roof would be approximately 5.8 feet above the elevation of the edge of pavement. The project would be screened with appropriate landscaping. While the property is adjacent to State Route 1, existing landscaping and vegetation along the public right-of-way limit coastal views from the roadway. In accordance with Local Coastal Program policies, the project would not further obstruct public views of the coast or shoreline vistas.

Therefore, as conditioned, 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 a designated historic preservation boundary 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 retaining walls requiring Design Review approval are 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, and as modified by the conditions of approval, the proposed retaining walls would be consistent with the Countywide Plan, the Stinson Beach Community Plan, and the local coastal program.

**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, as discussed below in Section VII.F and modified in the conditions of approval, the retaining walls would be proportionately appropriate to the site and neighboring development. As verified during the building permit process, the color and design of the retaining walls would be compatible with the community, site surroundings, and the adjacent neighbor.

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

The proposed retaining walls would be contained within the parcel and would not impact development on public lands or rights-of-way. The inward facing retaining wall along the easterly side property line, as discussed in below in Section VII.F and modified by the conditions of approval, would allow full use and enjoyment of the adjacent parcel. The outward facing terraced retaining wall, as also discussed in Section below in VII.F and modified by the conditions of approval, would not result in significant visual, privacy, and light impacts to surrounding neighborhood and public lands.

- 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 retaining walls are 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 existing and proposed plantings would adequately landscape the property, provide sufficient screening to adjoining properties, and incorporate native, drought resistant plants. Planting beds would separate the two retaining walls below the main patio terrace. A series of planting areas are also proposed near the retaining wall along easterly property line. Four 6 to 12-inch diameter Monterey pines would be removed within the footprint of a proposed terrace area. The applicant has already planted approximately four redwood trees on the adjacent property upslope from the retaining wall along the easterly property line that provides sufficient replacement trees.

- 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 scale, mass, height, area, and materials of structures;**

Since the submitted plans do not adequately indicate top and bottom of all retaining walls, revised plans are required as a condition of approval. As presented, it appears that the retaining wall along the easterly side property line attains a maximum height of 11 feet. The visibility of the project to the public beach below underscores the need for compliance the Single-family Residential Design Guidelines:

- Guideline C-1.7 recommends the maximum height of inward facing retaining walls be limited to 6 feet. The topography of the adjacent property would allow the retaining wall to be stepped down the hillside. Therefore, as a condition of approval, the project will be revised so that the inward facing retaining wall does not exceed a height of 6 feet.
- Design Guideline C-1.7 also calls for minimizing the height of terraced retaining walls by breaking them into smaller components with landscaped terraces. The guidelines call for terraced retaining walls not to exceed four feet in exposed height and to be separated by a landscaped area of at least three feet. The proposed landscaped area separating the retaining walls below the lower terrace would only be two feet. Therefore, as a condition of approval, the project will be revised to ensure the outward facing retaining walls do not exceed a height of 4 feet and that the landscaped area separating the retaining walls is at least three feet.

Therefore as modified by the conditions of approval, the height, scale, and design of the retaining walls are compatible with the character of the surrounding community and would not be visually prominent from off-site locations. The project includes design elements, planting areas, angles, and articulation that minimize overall mass and bulk. The proposed retaining walls would be sited so as not to obstruct public views from roads or adjacent properties. As conditioned, the exterior materials would be unobtrusive natural colors, the property would be adequately landscaped, and exterior lighting would be directed downward and hooded. Further, a condition of approval requires all utilities serving the project site to be placed underground.

**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);**

Grading would be limited to the minimum amount necessary on a previously graded and disturbed site. Most of the cut would be used on site for landscaping, with the excess removed from the site. 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 retaining walls are located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

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

As conditioned, the project is consistent with the policies of the Countywide Plan, Stinson Beach Community Plan, Interim Zoning Code, and is otherwise consistent with the general development found in the community. Existing vegetation and the location of the project tucked into the hillside would not result in impacts upon sun and light exposure, views, vistas, and privacy presently enjoyed by neighboring properties.

**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.**

Energy standards do not apply to retaining walls. As conditioned, the materials, and design of the project are compatible with the character of the surrounding community.

## SECTION II: DECISION

WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Drosihn Coastal Permit (CP 10-27) and Design Review (DR 10-56) subject to the conditions of approval listed below. This approval authorizes the construction of a new 1,781-square foot single-family residence with a 1,898-square foot attached garage and 476-square foot detached guest house on a 14,979-square foot lot. The two-story residence and garage is approved to attain a maximum height of 25 feet above natural or finished grade, whichever is more restrictive, and have the following setbacks from exterior walls: 5.5 feet from the northerly front property line, 3 feet from the easterly side property line, 30 feet from the westerly side property line, and approximately 58 feet from the southerly rear property line. That portion of the structure located within the 25-foot front and 10-foot side yard setbacks required for a single-family residence is approved to be only for a two-story garage. The lower level garage is approved to be accessed from an existing driveway and the second level is approved to be accessed from an existing driveway on the adjacent vacant lot (Assessor's Parcel Number 195-222-29.) The guest house is approved to attain a maximum height of 14.8 feet and to have exterior walls located 10 feet from the easterly side property line and approximately 31 feet from the rear property line. The project is approved to result in a 24.1% floor area ratio. Approval is granted for 1) an inward facing retaining wall located 43 feet from the northerly front property line and running along the easterly side property line to attain a maximum height of 6 feet and 2) an outward facing terraced retaining wall located approximately 59 feet from the southerly rear property line and 44 feet from the westerly side property line to attain a maximum height of approximately 4 feet. All outdoor construction is approved to only take place between August 1 and January 30 during any year. The subject property is located at **3265 State Route 1, Stinson Beach** and is further identified as **Assessor's Parcel 195-222-28**.

This decision pertains only to the proposed development and grants no approval for existing unauthorized or non-conforming structures located on or adjacent to the subject property.

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 III: 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 "Construction of a New Residence," consisting of twelve sheets prepared by Drosihn Architecture, dated November 1, 2000, revised October 18, 2011, and received December 19, 2011; one sheet Landscape/Revegetation Plan prepared by Drosihn Architecture, dated November 1, 2000, revised December 21, 2009, and received December 29, 2009; and one sheet entitled Topographic Map prepared by William Schroeder and Associates, dated August 2009 and received December 29, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A-1** and shall supersede Exhibit A.
  - a. Revise project plans so that no portion of the structure, including the garage and covered porch, do not exceed the maximum height limit of 25 feet above natural or finished grade, whichever is more restrictive. Plans shall call out the maximum height in relation to the topography of the adjoining existing and finished grades.
  - b. Revise project plans to show the northerly front yard setback to be at least 5.5 feet. The roof plans shall be revised accordingly so that the roof overhangs are at least 3 feet from the northerly front and easterly side property lines.
  - c. Plans for retaining walls shall indicate the top and bottom of wall elevations, and shall be designed so that all inward facing retaining walls do not exceed 6 feet in height and all outward facing retaining walls do not exceed four feet in height. Provide color and materials board for all retaining walls, which shall be earth toned and natural colored to match the proposed single-family residence and existing stone terraces.
  - d. Revise the elevations to depict the location and type of all exterior lighting, including lighting within the covered porches and any garden lighting.
  - e. Remove building area from the set of plans for the Planning Division.
  - f. Skylights shall be tinted dark.
  - g. Revise the landscape plan as follows:
    - i. Indicate the location of trash containers and propane tanks.
    - ii. The new terraced retaining walls shall be separated by a landscaped area of at least three feet while maintaining a maximum exposed height of four feet.
    - iii. Specify the materials and/or landscaping for the lower terrace areas adjacent to the grass areas.
    - iv. The landscape plan shall reflect the approved project and indicate the total square footage of landscaped area.
3. Approved exterior building materials and colors shall substantially conforming to the material board and samples identified as **Exhibit B**, which are on file with the Marin County Community Development Agency including:
  - a. Siding – Stucco, color River Rock
  - b. Doors, columns, and trellises – natural redwood
  - c. Windows – Aluminum clad, Hartford Green
  - d. Roof – Mineral surfaced rolled roofing, dark green
  - e. Gutters and chimney caps – copper

All flashing, metalwork, and trim, including gutters and chimney caps, shall be treated or painted an appropriately subdued, non-reflective color.

4. No portion of the garage located within 25 feet of the front and within 10-feet of the side property lines shall be used for living area without approval from the Community Development Agency.
5. 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.
6. If the total landscape area identified in Condition 2 above is greater than 5,000 square feet, then 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.
7. 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.
8. If the total landscape area identified in Condition 2 above is greater than 5,000 square feet, then 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.
9. Exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties. Cut sheets of proposed lighting fixtures shall be included in the building permit submittals.
10. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.



11. 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.
12. 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.
13. 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.
14. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Special Conditions

15. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the northerly front and easterly wide 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 northerly front and easterly wide property lines and the installed project foundation forms. The surveyor or engineer would then verify that the proposed project foundation (including the decks, porches, and stairways) 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 [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.

16. 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 [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.
17. 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 (including the garage and detached accessory structure) 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 [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.
18. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification verify that the proposed roof overhangs comply with the approved setback distances from front 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 [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

19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install temporary construction fencing around the dripline of the existing trees and shrubs to remain. 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.

20. Only those trees and native vegetation identified in Exhibit A shall be removed for this project. No other existing trees and native vegetation on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to reasonably prevent safety hazards to people and property. If additional trees or vegetation are proposed for removal, the applicant shall obtain prior written approval from the Director for such action. 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
21. 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
22. 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

23. BEFORE ISSUANCE OF A BUILDING PERMIT, provide the recorded documents for the joint access easement within APN 195-222-34.
24. BEFORE ISSUANCE OF A BUILDING PERMIT, provide all proposed cut and fill earth quantities for the project. Also, for all cut surpluses proposed to be hauled off-site, provide the location where the surpluses will be taken. A non-specific note on the plans stating that cut surpluses will be taken to an authorized facility will not suffice. Provide the exact location.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall include all site retaining wall and drainage recommendations described in the August 17, 2009 Geotechnical Report by Earth Science Consultants. A note on the plans referring to the Geotechnical Report will not suffice.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate Building Permit is required for site/driveway retaining walls with a height more than 4-feet, 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. Note that the above criteria are required for all existing retaining walls. Additionally, the terraced retaining walls separated by a distance less than their height are considered to be one wall.
27. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.

28. BEFORE ISSUANCE OF A BUILDING PERMIT for all approved work within the Cal-Trans right-of-way, a copy of a Cal-Trans encroachment permit is required.
29. BEFORE ISSUANCE OF A BUILDING PERMIT, no portion of any structure shall extend beyond property boundaries including retaining walls of any type. However, if retaining structures are deemed necessary within the Cal-Trans right-of-way by the applicant's design professionals in order to gain access to the property, the retaining structure(s) shall require additional permitting from Cal-Trans.

[Note that placement and/or designs of structures within the Cal-Trans right-of-way and the driveway approach may require design changes by Cal-Trans. DPW highly recommends that the applicant begins the Cal-Trans permitting/approval process immediately following Coastal Permit/Design Review approval of the project to avoid delays in building permit issuance.]

30. BEFORE ISSUANCE OF A BUILDING PERMIT, in the event Cal-Trans does not require any permitting for work within the State Highway-1 right-of-way, the driveway from the State Highway edge-of-pavement shall meet the County of Marin minimum driveway approach requirements per MCC§24.04.300-320 [asphalt pavement to the property line or for the first 30-ft, whichever is greater] and shall have a minimum of 20-ft radius flares at the driveway entrance.
31. BEFORE ISSUANCE OF A BUILDING PERMIT, portions of the existing access driveway, the rock curb and a stone pillar extend into parcel 195-222-34. Either remove the portion of the curb from the neighboring parcel, or provide a recorded easement for the curb. Note that removing the structures that encroach into the neighboring property will reduce the width of the access driveway to be less than the minimum as required by MCC§24.04.260. Additionally, the access gate will be reduced to less than the minimum required 12-ft of passable width. As a result, the existing driveway access will need to be expanded and/or modified in order to meet the minimum driveway requirements of 12-ft or by the County Fire Marshall requirements.
32. BEFORE ISSUANCE OF A BUILDING PERMIT, provide a minimum of two-guest parking spaces. The spaces shall be a minimum size of 8.5-ft x 18-ft, shall be within the property boundaries and shall not be in tandem to each other.
33. BEFORE ISSUANCE OF A BUILDING PERMIT, the upper driveway shall conform to the driveway surfacing and dimension requirements under MCC§24.04.260; §24.04.300-320. Also, the upper driveway gate shall have a minimum clear-passable width of 12-ft or by the County Fire Marshall requirements. Note that any portion of the gate swing radius cannot be counted as parking space.
34. BEFORE ISSUANCE OF A BUILDING PERMIT, submit Erosion and Siltation Control plans.
35. BEFORE ISSUANCE OF A BUILDING PERMIT, provide separate drainage facilities between the surface runoff collection and the foundation/retaining wall back drains.
36. BEFORE ISSUANCE OF A BUILDING PERMIT, all drainage facilities shall terminate within 10-ft from property boundaries.

37. 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.
38. BEFORE ISSUANCE OF A BUILDING PERMIT, provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

#### Stinson Beach County Water District

39. Habitable space, as defined in Title IV Section 4.03.237, shall not exceed 1,900 square feet, unless written verification is provide that the Water District has granted approval for service to a larger area BEFORE ISSUANCE OF A BUILDING PERMIT.
40. BEFORE FINAL INSPECTION, replace the inoperable control panel.
41. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the District that the required water service has been connected.

#### Stinson Beach Fire Department

42. BEFORE FINAL INSPECTION, the applicant shall provide confirmation 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 **February 16, 2014**, 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 **12:00 noon on March 2, 2012**.

**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 February, 2012.

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BEN BERTO  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary

It is noted that the property owner previously constructed unpermitted solid fencing, stone columns, and gates outside the front property lines in the right-of-way of State Route 1 and uses the area for storage and trash containers. This decision would grant no approval for these structures; all existing fencing and gates located outside the front property line are subject to Caltrans approval. As conditioned, the project would be revised so that all trash containers, propane tanks, etc. would be located entirely on the subject property. Additionally, Marin County Single-family Residential Design Guidelines discourage solid fences and walls over four feet along public streets. If Caltrans approval is not received for the location of the existing fencing, This decision grants the approval for a new fence along the front property line that would attain a maximum height of six feet, with any portion of the fence above four feet in height to be 50% open. (JT - Is this tricky since we don't want to require them ,we just want to give them the option.)

- i. A new six foot fence is approved along the front property line. Solid portions of the fence are limited to four feet in height, with any additional height up to six feet open at least 50%.