

260 Belvedere Avenue, Stinson Beach, CA 94970
Jeffrey and Nicole Bernstein, owners/applicants

PROJECT DESCRIPTION

The owners/applicants, Jeffrey and Nicole Bernstein, are requesting Coastal Permit approval to construct a new two-story, 2,458 sq ft single-family home and retain an existing 852 sq ft structure as a detached accessory dwelling unit (ADU) which includes a 290 sq ft one-car garage located at 260 Belvedere Avenue in Stinson Beach, CA. The proposed project would be located on a single parcel identified as Assessor's Parcel 195-141-07. A new on-site wastewater system, consistent with the Stinson Beach County Water District (SBCWD) development standards and setbacks, would be developed in the side yard. The project also includes the construction of new deck, above ground pool, and site and retaining walls with associated landscaping. Three off street parking spaces (including one within the existing garage) will be provided on-site.

The construction of the new residence and the conversion of the ADU would result in a floor area ratio of 30 percent of the total lot area of 12,000 square feet. However, per SBCWD requirements, the project would only entail 3,300 sq ft of "conditioned" space. The new residence would have a maximum height of 24'1" above existing grade and the ADU building has a maximum height of 16' above surrounding grade and the exterior walls would have the following setbacks:

1. 67' 5" from the southeastern/front property line;
2. 24' 3" from the north/rear property line;
3. 6' from the eastern/side property line;
4. 44' from the western/side property line.

The proposed septic system would have the following approximate setbacks: 5 feet from the northern/rear property line; 5 feet from the western side property line; 29 feet from the southern/front property line; and 58 feet from the eastern/side property line. Various site improvements would also be entailed in the proposed development, including site retaining walls to provide walkways and support for a new deck and new above ground pool.

Coastal Permit approval is required pursuant to Marin County Code Section 22.56.0551 because the project entails improvements to a property located in a Coastal zoning district not otherwise exempt from Coastal Permit requirements. The proposed project is consistent with the Marin Countywide Plan, the Marin County Local Coastal Program Unit I, the Stinson Beach Community Area Plan, and the California Coastal Act of 1976.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Lot Area:	Total area of 12,000 square feet.
Countywide Plan:	Coastal Single Family (C-SF6 -, Low Density Residential/Coastal Zone – 4-7 units/acre)
Zoning:	C-R1, Coastal Residential, 1 unit/7,500 sq ft min
Adjacent Land Uses:	Single Family Residential.
Topography and Slope:	Sloping from north to south with an average slope of 21.36%
Existing Vegetation:	Ornamental vegetation and grasses.

Environmental Hazards: There are no identified constraints on the subject parcel.

Topography and Landform

The highest point of the property, the northeastern corner, is approximately 240-feet NAVD '88. The lowest elevation is approximately 210-feet NAVD '88 in the southeastern area of the site where the property meets Belvedere Ave. The existing disturbed area and proposed residential addition is located closer to middle of the site, approximately within the 228-feet NAVD '88. The topography is generally sloping from north to south towards Belvedere Avenue with an average slope of 21.36%.

Existing and Adjacent Land Uses

The proposed project site is located on a property currently developed with one small single-family residence. Single-family residential properties surround the project site. The Countywide Plan's land use designation for 260 Belvedere is Coastal Single Family (C-SF6 -, Low Density Residential/Coastal Zone – 4-7 units/acre). The County's zoning designation is (C-R1, Coastal Residential, 1 unit/7,500 sq ft min).

The vegetation on the site is mainly comprised of non-native ornamentals along the central driveway of the site. One olive in the northern area of the property and one large palm near Belvedere Ave will remain untouched as a central landscape features of the property. There are no stream or wetland specific features on the site.

Property Constraints

Prior to developing the proposed site plan, the applicant retained the services of numerous technical consultants to evaluate the existing on-site conditions, including geotechnical and soils reconnaissance, septic, survey, and drainage and water. The findings from these investigations and reports are contained in the appendices attached to the project description. The physical representation of the on-site constraints is depicted in the plan set (Sheet CP.3).

Grading and Drainage

The proposed project will include site disturbance to create new foundations and retaining walls as well as site disturbance for the new septic system resulting in 1,973 sq ft of new impervious surfaces. New impervious surfaces include building footprint, parking areas, and pedestrian walkways. Any proposed site improvements would be designed to meet Marin County Stormwater Pollution Prevention Program (MCSTOPP) and the SF Bay Regional Water Quality Control Board (RWQCB) requirements for Best Management Practices related to stormwater runoff and erosion control.

PROJECT CONSISTENCY

The project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

- A.** The project is consistent with the CWP woodland preservation policy (810-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B.** The project is consistent with the CWP special-status species protection policy (810-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C.** There are no riparian corridors, wetlands, baylands or woodlands present on the

project site. Therefore, the project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.

- D. The project is consistent with the CWP stream and wetland conservation policies (810-3.1 and CWP 810-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during the review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during the review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I. The project is consistent with CWP residential design policies and programs (DES-3. b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines. No new window openings will have direct access to the adjoining properties. Further, the proposed fencing, coupled with landscaping and vegetation, would preserve and maintain privacy. Therefore, the addition would not cause any substantial reduction in privacy from what currently exists to residents of adjoining properties.

Mandatory Findings for Design Review (Marin County Code Section 22.82.0401)

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

As discussed above, the proposed project is consistent with the Countywide Plan, the Stinson Beach Community Plan, and Marin County's Local Coastal Program Unit I.

- 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 proposed project is designed to minimize visual impacts to adjacent neighbors or

from public vantage points, including along the Pacific Ocean. The maximum height of the residence is 24-feet above the lowest grade, but when viewed from the south, has the appearance of a shorter structure due to retaining the existing structure. The proposed project will not result in new unsightly or disharmonious development.

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

The project property is already developed with a single-family residence. The proposed project will minimize impacts on views. The project would neither inhibit future development of the area, nor create a disruption to the overall rural nature of the area. Further, the proposed project would not impair, or interfere with the public's ability to enjoy the surrounding public land in the vicinity of the project site because the development is located solely on private property.

D. It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;

The proposed project would not limit potential development on neighboring properties and would not have an impact on further investment or improvements on this or any other properties in the area due to the proposed design and location.

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

The proposed residence has been placed to minimize impacts to existing trees on the property, and construction of accessory structures and septic system will not necessitate removal of heritage or protected trees from the property. The project requires several ornamental trees to be removed, however, existing and proposed trees on the property, located along both side property lines, will continue to provide, ample screening of the residence on the property. New landscaping is consistent with drought-tolerant native species and will provide further screening when mature.

F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:

1. The scale, mass, height, area and materials of buildings and structures,

The residence incorporates colors and materials which are in keeping with the surrounding community and will not detract from views, from Panoramic Highway looking towards the mountain above, or from any public vantage point along the ocean looking towards the project site. The exterior colors and construction materials are unobtrusive and in keeping with the natural surroundings. All exterior lighting would be directed downward and shielded so as not to cast glare on nearby properties.

2. Drainage systems and appurtenant structures,

A drainage and stormwater management plan has been prepared by AYS Civil

Engineering including best management practices (BMPs) for construction activities and site management as required by the Department of Public Works.

3. *Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,*

The proposed project requires removal of 65 cubic yards of hillside material, with approximately 54 cu yds off hauled from the project site. Stepping the residential addition up the hillside reduces the overall site work. Recommendations in the geotechnical investigation report prepared by Herzog Geotechnical Engineering will ensure proper site stability during and post construction. The residence and improvements are designed to step with the hillside, which further minimizes the visual impacts of the house on the landscape.

4. *Areas, paths and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances and watercraft,*

The proposed project includes construction of a new single-family residence that would be located entirely on the subject property. No driveway or other improvements would affect the movement of people or vehicles. The project is surrounded on all sides by existing development, therefore new improvements would not affect the circulation of wildlife.

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

The proposed project as designed is consistent with the general height and bulk of other residences found in the community. It would not result in impacts upon sun and light exposure, views, vistas, and privacy presently enjoyed by neighboring properties because the structure's maximum height is generally 24 feet above the natural landscape and it is screened by trees along both property lines with contiguous developed lots. Existing mature vegetation on the south property boundary screens the existing residence to the south and the overall proposed development is lower in height than the existing residence to the north, thereby preserving 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.

The materials, design, and scale of the proposed residence are consistent with the style of houses found in the surrounding community. The proposed project has also been designed to satisfy all energy saving standards required by the Building Division prior to issuance of building permit. Therefore, the project would be consistent with this finding.

Mandatory findings for Coastal Permit approval (Marin County Code Section 22.56.1301).

A. Water Supply.

The proposed project is within the jurisdiction of the Stinson Beach Community Water District (SBCWD). The project would also retain the existing structure as a detached accessory structure (Accessory Dwelling Unit). The SBCWD has confirmed that there

is adequate quantity and quality of water available to serve the proposed project.

B. Septic System Standards.

The SBCWD has preliminarily reviewed the proposal and found the project to be acceptable. The project would comply with the requirements of the SBCWD standards but requires a development permit for review and approval.

C. Grading and Excavation.

The subject property is sloped from north to south with an average slope of 21 percent. The proposed grading would include 184 cubic yards of excavation, 132 cubic yards of fill, and a net export of fill material of approximately 52 cubic yards. The grading associated with the proposed project consists of cuts to construct foundations and retaining walls to create level areas adjacent to the main residence.

D. Archaeological Resources.

The subject property is not located in an area of high archaeological sensitivity. The existing structure (converted to an ADU) will not be modified as part of the project. As required by the Marin County Code, in the event archeological resources are uncovered during construction, all work shall immediately cease, 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 property is not located adjacent to the shoreline and the project would have no impact upon coastal access because it is sited entirely on the owner's private property.

F. Housing.

The project entails the construction of a new single-family residence and the conversion of an existing house to a detached ADU.

G. Stream and Wetland Resource Protection.

The project site is not located adjacent to any streams or wetlands as identified on maps on file with Marin County.

H. Dune Protection.

There are no natural dunes in the development area.

I. Wildlife Habitat Protection

A search of the California Natural Diversity Database (CNDDDB) mapping database shows that the project site is not located near any known special-status animal or plant species. Furthermore, the subject property has been previously disturbed and developed with a single-family home and accessory structures.

J. Protection of Native Plant Communities.

The project site consists primarily of various grasses and small ornamental trees. The applicant has submitted a landscaping plan that includes the planting of primarily native vegetation such as Blue and Yellow Cosmos, California Poppy, and Blue Fescue (*Festuca ovina glauca*).

K. Shoreline Protection.

The project is not located near the shoreline or any potentially hazardous bluff areas.

L. Geologic Hazards.

The proposed project includes a geotechnical site investigation prepared by Herzog Geotechnical. Construction of the project would require consistency with the recommendations provided in the attached geotechnical report.

M. Public Works Projects.

The project is proposed entirely on private property and does not constitute a public works project. Therefore, the project is consistent with this finding.

N. Land Division Standards.

No Land Division is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources and Community Character.

The project entails the construction of a new single-family residence and detached ADU on a lot developed with a single-family home and accessory structures. The Marin County LCP requires that the height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment. Further, structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.

The project site for the proposed new residence is located along Belvedere Avenue, which is a County maintained road in Stinson Beach and is not visible from Panoramic Highway or the Stinson Beach State Beach Park. The surrounding area consists of small to moderate sized lots and residences of varying architectural styles including single and two-story residences. The project site has a slope of approximately 21 percent, which is consistent with the topography of adjacent properties.

The project entails the construction of a new, two-story residential structure that is proposed to reach a maximum height of 24 feet above surrounding grade where a maximum height of 25 feet is allowed for new residential construction by the governing C-R1 (Coastal, Single Family Residential, 7,500 square-foot minimum lot size) zoning district. The top of the proposed home would be several feet below the lower floor elevation of the existing residence located uphill from the project site, therefore, the project would not impair or obstruct significant views as seen from public viewing places such as a beach or to the ocean from a public roadway.

P. Recreational/Commercial/Visitor Facilities.

The proposed project would not provide commercial or recreational facilities, and the subject property is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Preservation.

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Program.

CALIFORNIA COASTAL ACT

ARTICLE 6 – DEVELOPMENT

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The project would be consistent with this section because the proposed design has been developed based on an evaluation of all the potential land constraints. The project has been designed to minimize areas of new disturbance and is located within areas of existing development. The project has water for domestic and fire protection purposes, has adequate access, is situated away from streams and sensitive vegetation and has favorable soil conditions for septic facilities.

Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project would be consistent with this section because the proposed project is designed to minimize visual projections or intrusions above ridgelines or views through the project site. The project proposes minimal alterations to natural landforms and would not alter views to or through the project site.

Section 30253 Minimization of adverse impacts

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The project would be consistent with this section because the proposed project has been designed based on existing soil, drainage and woodland conditions. The proposed grading and construction plan will assure stability and structural integrity. Furthermore, proposed drainage improvements plans have been designed to limit substantially altering the existing natural landforms. Sustainable building and design principles have been included as part of the project design.