

## CALIFORNIA COASTAL COMMISSION

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VOICE AND TDD (415) 904-5200  
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**W6a**

September 17, 2009

TO: Coastal Commissioners

FROM: Charles Lester, Deputy Director  
Ruby Pap, District Supervisor  
Tiffany S. Tauber, Coastal Analyst

RE: **Appeal No. A-2-MAR-09-014** (Sutton, CP-06-31), 3715 Shoreline Highway, Stinson Beach, Marin County. Filed: June 30, 2009. 49 Days: Waived

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**Recommendation:** Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which appeal A-2-MAR-09-014 was filed. Staff recommends a **YES** vote on the following motion & resolution:

***Motion & Resolution.** I move that the Commission determine and resolve that: Appeal Number A-2-MAR-09-014 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Coastal Act Section 30603 regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.*

Passage of this motion and resolution will result in a finding of no substantial issue and adoption of the findings below. The local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

**Findings:** On May 11, 2009, Marin County approved CP-06-31 for demolition of an existing 1,896-square-foot residence (formerly Elwood's Bar and Restaurant) spanning Easkoot Creek and an associated septic system and construction of (1) a new 1,649-square-foot primary residence, (2) a 663-square-foot second residential unit, and (3) an associated septic system located at 3715 Shoreline Highway, Stinson Beach, Marin County (see Exhibit 1). Pursuant to Coastal Act Section 30603, this approval is appealable to the Commission because the development is located within 100 feet of a stream (Easkoot Creek) and involves development approved by a coastal county that is not designated as the principal permitted use in the Coastal, Limited Roadside Business District (C-H-1) in the certified zoning ordinance.

The northern half of the approximately 14,300-square-foot subject property is bisected by Easkoot Creek, a designated blue line stream. As noted in the County's findings, due to the size, shape, and configuration of the subject property in relation to the creek, the entire site, with the exception of approximately 800 square feet in the northwest corner of the property, is located within 100-feet of the banks of the stream. The project as approved by the County involves removing an existing, dilapidated residential structure that spans the creek channel, and constructing a new primary residence and detached second residential unit with a 50-foot setback from Easkoot Creek.



California Coastal Commission

The Appellant, Anthony E. Lewis, asserts that the County's approval is inconsistent with LCP provisions regarding stream protection. Specifically, the appellant contends that the project as approved by the County is inconsistent with the LCP because it would result in an increase in the total area of development and an increase in the intensity of use within 100-feet of Easkoot Creek, because the development as approved by the County results in an increase in square footage over the existing residence to be removed and includes a second residential unit. The appellant also asserts that non-native landscaping, including a cypress hedgerow and a redwood tree, have been planted at the site without permits and could exacerbate flooding at the site, thereby causing a threat to public health, safety, and property. The appellant further asserts that the existing square footage figures and setback of proposed buildings on the plans submitted to and reviewed by the County are inaccurate. (See Exhibit No. 2.)

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.<sup>1</sup> Commission staff has analyzed the County's Final Local Action Notice for the development (Exhibit 1), appellant's claims (Exhibit 2), and the relevant requirements of the LCP (Exhibit 3). The appeal raises no substantial issue with respect to the LCP as follows.

LCP Unit 1 Policy II(3) regarding stream protection requires establishment of a stream buffer that shall extend a minimum of 50 feet from the outer edge of the riparian vegetation, but in no case shall be less than 100 feet from the banks of the stream. However, LUP Policy II(4) provides that, if a parcel is located entirely within the stream buffer, as is the case with the subject site, design review shall be required for any proposed structure and shall consider impacts on water quality, riparian vegetation, and the rate and volume of streamflow. The policy further requires that, in general, development be located on that portion of the site which results in the least impact on the stream, and shall include provision for mitigation measures to control erosion and runoff and to provide restoration of disturbed areas by replanting with plant species naturally found on the site.

With respect to the assertion that the project is inconsistent with the stream buffer policies, the County found that the project is consistent with the stream protection policies of the LCP because the project would replace an existing dilapidated residence that spans Easkoot Creek and an outdated septic system located in close proximity to the creek, with new residential structures of a similar size that that would be setback 50 feet from the stream and a new septic system that would be setback 75 feet from the stream. Removal of the existing structure from within Easkoot Creek will improve the streamflow and water quality of the stream and the development has been sited as far south toward the side property line and away from the creek as possible. Pursuant to the LCP stream protection policies, the County required design review of the proposed project and imposed conditions to control erosion and

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<sup>1</sup> The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues, or those of regional or statewide significance.



runoff, and to provide restoration of disturbed areas by planting native species. The conditions of approval require the applicant to submit a Stormwater Runoff Pollution Control Plan that incorporates construction and post-construction Best Management Practices (BMPs) to control erosion and sedimentation and ensure protection of the water quality of Easkoot Creek. With respect to the appellant's allegation that prior planting of non-native landscaping and a hedgerow would exacerbate flooding at the site, the conditions of approval also require the applicant to submit a final landscape plan and a restoration planting plan that provides for removal of non-native, invasive plants and replacement with native species. The applicant is further required to maintain the riparian vegetation in a healthy and vigorous condition for eight years from the date of occupancy.

With respect to the appellant's assertion that the approved project would result in an increase in development and intensity of use at the site, the County found that a residential second unit is permitted as an accessory use to the conditionally permitted single-family residence on the property under the applicable zoning designation (C-H-1, Coastal, limited roadside business). Additionally, the County imposed a condition requiring the applicant to merge four existing historical lots into one single parcel, thereby further limiting potential future development next to the creek. The project as approved by the County would replace an existing approximately 1,900-square-foot structure with a primary residence and second unit totaling approximately 2,300 square feet, an increase of approximately 400 square feet. During the County's review of the project, the applicant revised the proposed development to significantly reduce the total size of the proposed structures and to reduce the amount of impervious surface area at the site. The County found that the size of the proposed structures are modestly sized and are compatible with the character and scale of the surrounding area.

With respect to the appellant's assertion that the project plans submitted to the County include inaccurate setback and square footage figures, the County imposed a condition requiring the applicant to submit final plans accurately showing the development as approved relative to the required 50-foot stream setback line. The County also imposed a condition requiring that all property lines and the top of creek bank be surveyed to allow the County to verify building setbacks.

Overall, the County has provided sufficient factual and legal support for its decision (Exhibit 1). As summarized above, the extent and scope of the approved development is small. There are no significant coastal resources affected by the decision, and no adverse precedent will be set for future interpretations of the LCP. Finally, the appeal does not raise issues of regional or statewide significance.

For the reasons stated above, the Commission finds that Appeal Number A-2-MAR-09-014 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.

Exhibits:

1. County of Marin Notice of Final Action
2. Appeal from Anthony Lewis
3. Relevant LCP Policies
4. Site Plan



RECEIVED

JUN 29 2009

CALIFORNIA  
COASTAL COMMISSION

MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF FINAL LOCAL (PLANNING COMMISSION) DECISION

Pursuant to Coastal Act Section 30603(d), Coastal Commission Regulations Section 13571, and LCP Policy and/or Implementation Plan Section

SENT BY CERTIFIED MAIL

*2-MAR-06-119*

June 23, 2009

California Coastal Commission  
45 Fremont Street, #2000  
San Francisco, CA 94105

Attention: Coastal Planner

Applicant's Name: James & Lynette Sutton  
3715 Shoreline Highway  
Stinson Beach, CA 94970

Coastal Permit Number: CP 06-31

Assessor's Parcel Number: 195-162-45

Project Location: 3715 Shoreline Highway, Stinson Beach, CA 94970

Determination: Approved With Conditions  
Planning Commission Resolutions PC09-007 and PC09-008 are  
attached specifying action and applicable Conditions 1-33.)

Decision Date: 5/11/09

County Appeal Period: Five (5) working days

Local review is now complete.

This permit IS appealable to the California Coastal Commission (see Marin County Code Section 22.56.080 attached); please initiate the California Coastal Commission appeal period.

If you have any questions regarding this project, please contact Christine Gimmler at 499-6285.

Sincerely,

  
Christine Gimmler  
Senior Planner

Attachments

#### **22.56.080 APPEALS TO THE CALIFORNIA COASTAL COMMISSION**

**For those coastal project permits which are approved for developments defined as "appealable" under California Public Resources Code, Section 30603 (a), an appeal may be filed with the California Coastal Commission by: (1) an aggrieved party; (2) the applicant; or (3) two members of the coastal commission. Such appeals must be filed in the office of California Coastal Commission not later than 5:00 p.m. of the tenth working day following the date of action from which the appeal is taken. In the case of an appeal by an applicant or aggrieved party, the appellant must have first pursued appeal to the county appellate body (or bodies) as established in Section 22.56.074 of the Marin County Code to be considered an aggrieved party.**

JUN 29 2009

CALIFORNIA  
COASTAL COMMISSION

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC 09-007

**A RESOLUTION ADOPTING A NEGATIVE DECLARATION OF  
ENVIRONMENTAL IMPACT FOR THE SUTTON COASTAL PERMIT/USE PERMIT/DESIGN REVIEW  
ASSESSOR'S PARCELS 195-162-45 and 46  
3715 SHORELINE HIGHWAY, STINSON BEACH**

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- I. WHEREAS Lynette and James Sutton are requesting Coastal Permit, Use Permit and Design Review approval to demolish an existing 1,896 square foot residence that straddles Easkoot Creek (formerly Elwood's Bar and Restaurant) and construct two new residences containing 1,624 square feet and 663 square feet, respectively, and an associated septic system on the subject property at the corner of Shoreline Highway and Calle del Arroyo in Stinson Beach. As part of the project, all four historic lots comprising Assessor's Parcels 195-162-45 and -46 (formerly 195-162-39) would be merged into one building site. The northern half of the property is traversed by Easkoot Creek, a designated blue line stream. Due to the property's size and shape, almost the entire parcel is located within the designated 100-foot-wide Stream Conservation Area for this creek. The new residences and septic system are proposed to be constructed on the southern half of the 14,369 square foot site, with a minimum setback of 50 feet to the top of creek bank. A riparian planting plan is also proposed along the creek. The proposed 1,624 square foot residence would attain a maximum height of 23 feet, 3-inches above grade and the proposed 663 square foot residence would attain a maximum height of 16-feet, 9-inches above grade. Proposed development would maintain the following setbacks from corresponding property lines: 18 feet from the east front property line along Calle del Onda, 6 feet from the southern side property line, 19.4 feet from the western rear property line along Calle del Resaca, and 3-feet, 6-inches from the nearest portion of the northern side property line (along Calle del Arroyo). Proposed exterior building materials include clear cedar siding and standard seam zinc roofing. The subject property is located at 3715 Shoreline Highway, Stinson Beach, and is further identified as Assessor's Parcels 195-162-45 and -46.
- II. WHEREAS the Marin County Community Development Agency - Planning Division prepared an Initial Study for the project which determined that potential impacts relating to all topical issues are avoided or mitigated to a point where no significant effects would occur because revisions in the project plans have been made by or agreed to by the applicant and there is no evidence that the project as revised may have a significant effect on the environment.
- III. WHEREAS the Marin County Environmental Coordinator determined that based on the Initial Study, a Negative Declaration of Environmental Impact was required for the project pursuant to CEQA.
- IV. WHEREAS on June 30, 2008, a Negative Declaration was completed and distributed to agencies and interested parties to commence a 30 day public review period for review and comment on the Negative Declaration, and a Notice of the public review period and hearing date to consider approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.
- V. WHEREAS after the close of the public review period on July 29, 2008, the Marin County Planning Commission conducted public hearings on March 9, 2009, and May 11, 2009, to receive public testimony on the adequacy of the Negative Declaration for approval.

VI. WHEREAS the Marin County Planning Commission has reviewed and considered the information contained in the Initial Study, Negative Declaration and comments and responses thereto.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby makes the following findings:

1. Notice of the public review period and hearing on the Negative Declaration was given as required by law and said hearing was conducted pursuant to Sections 15073 and 15074 of the State CEQA Guidelines and the County CEQA process.
2. All individuals, groups and agencies desiring to comment on the Negative Declaration were given the opportunity to address the Marin County Planning Commission.
3. The Negative Declaration for the project consists of the Initial Study, Negative Declaration document, and supporting information incorporated by reference therein.
4. The Negative Declaration was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County EIR process.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Marin County Planning Commission hereby approves and adopts the Negative Declaration of Environmental Impact for the Sutton Coastal Permit, Use Permit, and Design Review as adequate and complete for purposes of approving the project and declares that the Negative Declaration of Environmental Impact has been completed and considered in conjunction with the comments thereto, in compliance with CEQA, the State CEQA Guidelines, and the County CEQA process.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$770.00 filing fee must be submitted in the Community Development Agency – Planning Division, Room 308, Civic Center, San Rafael, not later than 4:00 p.m. on May 18, 2009.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the County of Marin, State of California, on the 11th day of May, 2009, by the following vote, to-wit:

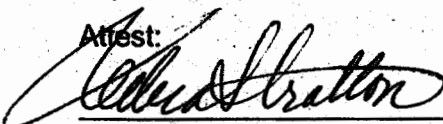
AYES: Katie Crecelius; Don Dickenson; Randy Greenberg; Wade Holland; Pete Theran;  
Mark Ginalski

NOES:

ABSENT: Joan Lubamersky



DON DICKENSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION



Debra Stratton  
Planning Commission Secretary

**MARIN COUNTY PLANNING COMMISSION**

**RESOLUTION NO. PC 09-008**

**A RESOLUTION GRANTING IN PART THE STINSON BEACH VILLAGE ASSOCIATION APPEAL  
AND APPROVING WITH REVISED CONDITIONS THE SUTTON COASTAL PERMIT/USE  
PERMIT/DESIGN REVIEW**

**ASSESSOR'S PARCELS 195-162-45 and 46  
3715 SHORELINE HIGHWAY, STINSON BEACH**

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**SECTION I: FINDINGS**

- I. WHEREAS Lynette and James Sutton are requesting Coastal Permit, Use Permit and Design Review approval to demolish an existing 1,896 square foot residence that straddles Easkoot Creek (formerly Elwood's Bar and Restaurant) and construct two new residences containing 1,624 square feet and 663 square feet, respectively, and an associated septic system on the subject property at the corner of Shoreline Highway and Calle del Arroyo in Stinson Beach. As part of the project, all four historic lots comprising Assessor's Parcels 195-162-45 and -46 (formerly 195-162-39) would be merged into one building site. The northern half of the property is traversed by Easkoot Creek, a designated blue line stream. Due to the property's size and shape, almost the entire parcel is located within the designated 100-foot-wide Stream Conservation Area for this creek. The new residences and septic system are proposed to be constructed on the southern half of the 14,369 square foot site, with a minimum setback of 50 feet to the top of creek bank. A riparian planting plan is also proposed along the creek. The proposed 1,624 square foot residence would attain a maximum height of 23 feet, 3-inches above grade and the proposed 663 square foot residence would attain a maximum height of 16-feet, 9-inches above grade. Proposed development would maintain the following setbacks from corresponding property lines: 18 feet from the east front property line along Calle del Onda, 6 feet from the southern side property line, 19.4 feet from the western rear property line along Calle del Resaca, and 3-feet, 6-inches from the nearest portion of the northern side property line (along Calle del Arroyo). Proposed exterior building materials include clear cedar siding and standard seam zinc roofing. The subject property is located at 3715 Shoreline Highway, Stinson Beach, and is further identified as Assessor's Parcels 195-162-45 and -46.
- II. WHEREAS the Marin County Deputy Zoning Administrator held duly noticed public hearings on August 14, September 11, and October 16, 2008, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project. As set out in the Notice of Decision, the Marin County Deputy Zoning Administrator adopted a Negative Declaration of Environmental Impact and approved the project based on findings which established that the project, as modified by conditions of approval, is consistent with the mandatory findings for Coastal Permit, Use Permit and Design Review approval as well as relevant policies and standards contained in the Marin Countywide Plan, Local Coastal Program, Unit I, Stinson Beach Community Plan, and Title 22 of the Marin County Code.
- III. WHEREAS a timely appeal of the Deputy Zoning Administrator's conditional approval of the project was filed on October 23, 2008, by G. Scott Tye, on behalf of the Stinson Beach Village Association, asserting primarily that the proposed project would result in significant impacts related to drainage and surface runoff, property hazards, and discharge of pollutants into surface waters.



IV. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on March 9, 2009, and a continued public hearing on May 11, 2009, to consider the Stinson Beach Village Association appeal of the Deputy Zoning Administrator's conditional approval of the Sutton Coastal Permit, Use Permit, and Design Review applications and finds that the appeal lacks sufficient basis to deny the project for the reasons specified below.

1. There is no evidence that the project would result in significant impacts related to drainage and surface runoff. The proposed project, as well as a detailed drainage plan for the site developed by Questa Engineering, has been reviewed by Department of Public Works engineers, who have concluded that the project would not cause any significant drainage problems on or off the project site, and that the proposed plan to collect and convey stormwater from the site would conform to the County hydrological engineering standards contained in Title 24. In addition, mitigation measures and conditions of approval require submittal of a Stormwater Runoff Pollution Control Plan incorporating best management practices related to both interim (during construction) and final (post construction) storm water pollution control, which would be evaluated by Department of Public Works staff to confirm that they comply with County standards. No evidence has been provided which would indicate that these measures would be inadequate to address drainage and surface runoff related to the proposed project.
2. There is no evidence that the project would result in significant impacts related to flooding hazards. The entire "Calles" area of Stinson Beach is subject to flooding during heavy storms, both from rising creek waters and storm surge from ocean waves. As a result, the project site as well as surrounding properties in the vicinity, are identified by Federal Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) as being located in a Flood Zone A1, which is designated as an area of 100-year flooding with base flood elevations and flood hazard factors determined. Due to this designation, FEMA regulations require that the proposed residences be constructed with a minimum finished floor elevation of 9.0 feet NGVD to ensure that improvements are located above the designated FIRM Base Flood Elevations. The proposed project has been designed in conformance with these FEMA requirements. Although the existing structure on the site, which was built in the 1930's well before current FEMA regulations, has been damaged by past flooding, the FEMA requirements established by federal law and enforced by Department of Public Works staff, would ensure that new development would not be subject to significant flooding hazards.
3. There is no evidence that the project would result in significant impacts related to the discharge of pollutants into surface waters. The project site is level, and with the exception of trenching for construction of the foundation and installation of the septic system, the project would not require significant grading work. In addition, the development of residential uses on the property would not generate any unusual quantities of pollutants. However, due to the site's proximity to Easkoot Creek, the Initial Study acknowledges that the project could potentially result in soil erosion impacts if not properly stabilized. Accordingly, mitigation measures and conditions of approval related to stormwater runoff pollution control have been identified which would reduce erosion potential during and after construction to a less than significant level. In addition the applicant's proposal to remove an existing outdated septic system located adjacent to Easkoot Creek and construct a new state of the art system located as far from the creek as feasible would eliminate a likely source of pollutants into Easkoot Creek. There is no evidence that implementation of the required mitigation measures would not be adequate to reduce erosion and pollutant impacts to a less than significant level.

V. WHEREAS the Marin County Planning Commission finds that changes proposed by the applicant in response to issues raised in the Stinson Beach Village Association Appeal would improve the project with respect to design and neighborhood compatibility and would further reduce impacts to Easkoot Creek by resulting in a net reduction of impervious surfaces on the property. Specifically, proposed modifications include:

1. Elimination of a previously proposed 306 square foot carport.
2. Elimination of a previously proposed 240 square foot covered breezeway.
3. Reduction of 85 square feet of living space from the proposed second unit.

Furthermore, the Marin County Planning Commission finds that the smaller 663 square foot residence proposed by the applicant should be considered to be a Residential Second Unit, which is permitted as an accessory use to the conditionally permitted single-family residence on the property, subject to Residential Second Unit Findings pursuant to Marin County Code Section 22.32.140 (see Finding XII below).

VI. WHEREAS the Marin County Planning Commission has reviewed and considered testimony in favor of and against a proposed Negative Declaration and finds, subject to the recommended conditions of project approval contained herein, that this project will not result in any potential significant environmental impacts and qualifies for a Negative Declaration of Environmental Impact in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County CEQA process.

VII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Marin Countywide Plan because, as modified by conditions of approval and mitigation measures, the project would not: 1) adversely impact special status species or substantially change the diversity of the existing vegetation and wildlife habitat; 2) result in significant impacts to existing drainage facilities, or expose people or property to significant flood hazards; 3) cause significant impacts on existing, available public services and utilities, such as water supply, police and fire protection, solid waste disposal, sewage disposal, and schools; 4) result in significant grading or tree removal; or 5) result in a significant increase in the number of vehicle trips or traffic congestion that would alter existing levels of service in the area. In addition, the proposed project would significantly increase the property's conformance with stream conservation policies by removing an existing structure spanning the creek, replacing it with development which provides a minimum creekbank setback of 50 feet, and providing a riparian planting plan which would supplement existing riparian vegetation and improve creek function with respect to habitat value, water quality, and flood control. Specifically, the proposed project is consistent with Marin Countywide Plan policies related to the following issues:

A. **Stream Conservation Area Protection** (CWP Policy BIO-4.1) – Due to the size, shape, and configuration of the subject property in relation to the creek, the entire site, with the exception of the extreme northwest corner of the property bordering Calle del Resaca (comprising approximately 800 square feet), is located within the 100-foot buffer zone encompassing Easkoot Creek. Therefore, it is not feasible to develop the property without encroaching into the 100-foot SCA. However, the project would significantly increase conformance of the property with SCA policies by removing an existing structure which actually spans the creek channel, and replacing it with development that provides a setback of 50 feet or more. The old septic system on the site, which is located immediately south of the structure, less than 20 feet from the stream bank, would also be removed. In addition, the proposed project includes a riparian planting plan which would supplement existing riparian vegetation and improve the creek functions with respect to habitat value, water quality and flood control,

- B. **Protection of Riparian Systems** (CWP Policies BIO-4.4, 4.7, and 4.8) – The proposed project would improve the hydraulic capacity and natural function of Easkoot Creek as it traverses the subject property by removing an existing structure which spans the creek and thereby replacing impervious surface with pervious surface. All existing riparian vegetation along Easkoot Creek would be retained and the project proposes a riparian planting plan which would revegetate previously disturbed portions of the creek banks with native riparian vegetation. Accordingly, the project would increase the amount and quality of riparian vegetation on the site.
- C. **Species and Habitat Preservation** (CWP Policies BIO-2.2 and 2.4) – Subject to recommended mitigation measures, the proposed project would not adversely impact special-status species and communities. In addition, the project would improve the quality of the riparian area along Easkoot Creek and its use as a wildlife movement corridor through the removal of an existing structure which currently spans the creek. Therefore, the project would be consistent with policies related to protection of special status species and wildlife linkage and movement corridors.
- D. **Avoidance of Hazards** (CWP Policies EH-2.1, 2.3, and 3.2) – Project design measures would avoid or minimize potential impacts related to soil stability and seismicity. In addition, the proposed project has been designed to conform with FEMA requirements intended to keep improvements above flood hazard levels. Therefore, the proposed project would not cause impacts that expose people or property to geologic hazards such as earthquakes, ground failure, or liquefaction or water related hazards such as flooding.
- E. **Erosion Control** (CWP Policies WR-2.3 and BIO-4.15) – Geotechnical investigations and a hydrological assessment were completed to evaluate the project with respect to erosion, sedimentation, and drainage systems. Subject to recommended mitigation measures resulting from these studies, the proposed project would avoid adverse impacts related to soil erosion from excavation, grading, and increased human activity.
- F. **Protection of Visual Resources** (CWP Policy DES-4.1) – The visual resources of the subject property would not be adversely impacted because the project would result in residential development that is compatible with single-family residences in the community and the proposed density is consistent with the density standards of the Countywide Plan. The development has been designed to conform to applicable zoning and community plan requirements for maximum height, architectural style, color, and materials to ensure that it harmonizes with existing community standards for new development. Within the constraints imposed by the location of Easkoot Creek, the project has been designed to minimize impacts on existing views of Bolinas Ridge currently enjoyed by adjacent neighbors to the south, as well as their privacy and light. Finally, standard conditions of approval would ensure that proposed and required landscaping intended to screen new development and minimize impacts on the overall visual character of the site is installed prior to occupancy of the structure.
- G. **Protection of Archaeological Resources** (CWP Policy HAR-1.3) – The existing structure on the project site proposed for demolition has not been identified as having historic value. Since the project is located in a mapped area of high archaeological sensitivity, the project incorporates mitigation measures which would ensure that the proposed project would result in less-than-significant impacts to archaeological resources.

VIII. WHEREAS the Marin County Planning Commission finds that the project, as modified by conditions of approval, is consistent with the pertinent policies of the Stinson Beach Community Plan for the reasons outlined below:

- A. The project will not adversely affect the neighborhood viewshed or watershed;
- B. The project site is served by the existing roadway network;
- C. The project will not result in adverse effects to the health of Easkoot Creek;
- D. The project will be served by water service provided by and an on-site sewage disposal system approved by the Stinson Beach County Water District; and
- E. The project will not adversely impact the surrounding built environment relative to off-site views from adjacent properties, privacy for the subject and surrounding properties, and building design, siting, height, mass and bulk.
- F. Design Review findings have been made to allow construction of a detached Second Unit on a parcel that is less than one acre in size.

IX. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Section 22.56.130 of the Marin County Code), as specified below.

**A. Water Supply:**

The subject property is within the service area of the Stinson Beach County Water District, which has indicated that water service will be available to serve the proposed development.

**B. Septic System Standards:**

The Stinson Beach County Water District has reviewed the proposed project and has approved plans for a septic system to serve the development. Conditions of approval require that the applicant comply with all District requirements regarding construction and installation of the new system prior to occupancy of the residence.

**C. Grading and Excavation:**

The subject property is level. Therefore, excavation work associated with construction of proposed development would be limited and would be reviewed by the staff of the Department of Public Works, Land Use and Water Resources Division, to ensure that it is the minimum grading necessary to accommodate the project.

**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. 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 not located adjacent to the shoreline and is not sited in an area identified by the Local Coastal Program, Unit I, where public coastal access is desirable or feasible.

**F. Housing:**

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



#### **G. Stream Conservation Protection:**

With the exception of the far southwest corner, the entire property is sited within the Stream Conservation Area of Easkoot Creek. However, the proposed project would significantly increase the property's conformance with stream conservation policies by removing an existing structure spanning the creek, replacing it with development which provides a minimum creekbank setback of 50 feet, and providing a riparian planting plan which would supplement existing riparian vegetation and improve creek function with respect to habitat value, water quality, and flood control.

#### **H. Dune Protection:**

The project site is not located in a dune protection area as identified by the Natural Resource Map for Unit I of the Local Coastal Program.

#### **I. Wildlife Habitat:**

The biological assessment prepared for the project site indicates that the property is located in an area of sensitive wildlife resources, including two federally-listed species of fish (Steelhead and Coho salmon), two species of amphibians (the federally-listed threatened California red-legged frog and the Foothill yellow-legged frog), two bird species (Saltmarsh common yellowthroat and San Pablo song sparrow), one mammal (Point Reyes mountain beaver), and one reptile (Northwestern pond turtle). However, recommended mitigation measures and conditions of project approval would ensure that potential project impacts to special status species which may use the creek channel as a migratory corridor (particularly the federally listed Steelhead, Coho Salmon, and Red-legged frog) are reduced to a less-than-significant level, both individually and cumulatively.

#### **J. Protection of Native Plant Communities:**

The biological assessment prepared for the project site did not detect any special status plants on the property and the report concludes that no special status plants are likely to occur on the site or be impacted by the project.

#### **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 from the San Andreas Fault and would be subjected to strong ground shaking during a proximate seismic event. The proposed structures will require an approved building permit and shall be inspected to ensure compliance with the Uniform Building Code and recommendations of the geotechnical engineer. Pursuant to Marin County Code Section 22.56.130(L.1.a), a condition of project approval will 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:**

No public works projects have been proposed in conjunction with this application.

**N. Land Division Standards:**

No land division is proposed as part of this project and the four historic lots comprising the property would be merged into one building site as part of the project.

**O. Visual Resources:**

No adverse impact to visual resources would result from construction of the project. The proposed project is not located in a significant public view corridor along the beach and the height and size of the proposed structures are consistent with that of existing development in the area. Within the constraints imposed by the location of Easkoot Creek, the residence has been designed to minimize impacts on existing views of Bolinas Ridge currently enjoyed by adjacent neighbors to the south, as well as their privacy and light. 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 is located outside of the historic preservation boundaries for Stinson Beach as identified in the Marin County Historic Study for the Local Coastal Program, and the existing structure on the property does not have historic or architectural significance.

- X. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings to approve a Use Permit (Section 22.88.020(3) of the Marin County Code) for the reasons listed below.

**The establishment, maintenance or conducting of the use for which a Use Permit is sought will not under this particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.**

1. Pursuant to Marin County Code, single and multi-family residential development are conditionally permitted land uses within the governing C-H-1 zoning district.
2. The proposed project would allow for the replacement of an existing dilapidated residence which spans Easkoot Creek and an outdated septic system located in close proximity to the creek with new residential structures of a similar size and an up-to-code septic system located as far as possible from the creek bank (with a setback of 50 or more feet for the residence and 75 or more feet for the septic system).
3. Department of Public Works staff have determined that adequate on-site and on-street parking exists to serve the proposed development and have reviewed and approved a

preliminary drainage plan for the site. In addition, the project would not result in a significant increase in the number of vehicle trips or traffic congestion that would alter existing levels of service in the area or entail expansion of public roads, flood control projects, or utility services.

4. Adequate water and septic service to the site would be provided in compliance with requirements of the Stinson Beach County Water District.
5. The proposed project includes a riparian planting plan which would supplement existing riparian vegetation along Easkoot Creek and improve the creek functions with respect to habitat value, water quality and flood control.
6. The proposed replacement of an existing residence with a new single-family residence and a second dwelling unit would be consistent with existing moderate density residential development in the vicinity, and would not result in adverse impacts to historic structures, visual resources, public views of the coast, or unreasonable privacy or view impacts to surrounding neighbors.

- XI. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings to approve a Design Review per Marin County Code Section 22.82.040 for the reasons listed below.

The project is consistent with the required findings cited above because the project would result in structures of a height, mass and bulk proportionately appropriate to the site and would provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. Construction of a single-family residence and residential second unit on the property would conform to a conditionally-permitted use in the C-H-1 zoning district which governs the subject property and would be situated solely on the subject property. The project has been designed to maintain existing drainage patterns on the property and would not result in extensive grading, excavation, tree removal, or other adverse physical effects on the natural environment. Although the residential structures would be visible from the adjacent properties, the project has been designed to reduce view and privacy impacts on the adjoining neighbors to the extent possible given FEMA elevation requirements and the site constraints created by Easkoot Creek (which requires that development be sited as far south toward the side property line and away from the creek as possible). A majority of the proposed project is one story in height, and would not exceed a height of 16 feet, 9 inches above grade. The two-story element is limited in overall size, less than 16 feet wide as viewed from adjoining properties, and would have a maximum height of 23 feet, 3 inches. The development would result in a total floor area ratio of less than 16 percent on the 14,369 square foot property, which is consistent with prevailing FAR's in the vicinity (which range from 8 to 44 percent, with an average floor area ratio of 23.7 percent for the 20 developed properties surveyed along Calle del Resaca and Calle del Onda). Although the proposed setbacks from surrounding rights of way are less than what would be required under the zoning applicable to adjacent properties, the smaller setbacks are justified by the unique characteristics of the site created by the location of Easkoot Creek. In addition, review of County records and aerial photos indicates that the proposed setbacks are consistent with the surrounding community, which is characterized by many structures with small or zero setbacks to adjoining property lines. Overall, the proposed project would be compatible with development in the vicinity and would not result in view or privacy impacts which are inconsistent with what should reasonably be anticipated given the size of properties in the vicinity and the development standards applicable to the subject and surrounding properties. Finally, the applicant's proposal to construct a detached (rather than attached) second unit on the property would reduce the visual mass and bulk and extent of impervious surfaces that could result if both structures were attached by

shared walls or a connecting breezeway, and would be appropriate for the site given the size and development constraints of the property and the character of surrounding development. Based on these factors, the proposed project would be consistent with the mandatory findings for Design Review.

- XII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings to approve a Second Unit per Marin County Code Section 22.32.140.G.1:

- A. The new second unit would be located on the same parcel on which the owner of record maintains a primary residence.**

The property owners have indicated that they intend to utilize the single-family residence on the subject property as a primary residence. Conditions of approval require that the primary or secondary unit shall be owner-occupied, which is defined as the maintenance of a Home Owner's Exemption by the owner of record with the County Assessor.

- B. The new second unit will meet all of the current property development standards of Title 22 (Development Code) for a dwelling unit in the residential zoning district in which it is located**

The governing C-H-1 zoning district allows single family and multi-family residential development subject to Use Permit approval. Use Permit findings have been made to allow the replacement of the existing residence on the property with a new single-family residence and associated Second Unit. The zoning does not specify setback, minimum lot size, or maximum floor area ratios standards. Instead, appropriate development standards are determined through the Design Review process. As noted in Finding XI above, Design Review findings have been made for the proposed development, including setbacks, floor area, and lot size. Both proposed units would comply with the 25-foot height limit applicable in the Coastal Zone

- C. The second unit will meet all applicable building codes adopted by the County.**

Through the Building Permit process, construction of the second unit will be required to comply with current Uniform Building Code as adopted by Marin County.

- D. The second unit is the only additional dwelling unit on the parcel.**

The subject property is developed with an existing residence, which would be removed as part of the project. As approved, the project entails construction of a new single-family residence and second unit. Therefore, the approved second unit will be the only additional dwelling unit on the property.

- E. Adequate sanitary service will be provided for the additional wastewater resulting from the new second unit, in compliance with County and State regulations, and with the requirements of the local sanitary district, if applicable.**

The Stinson Beach County Water District has reviewed the proposed project and has approved plans for a septic system to serve the development of two separate residential units containing up to 2,240 square feet of conditioned area. Conditions of approval require that the applicant comply with all District requirements regarding construction and installation of the new system prior to occupancy of the residence.



- F. Adequate water supplies would be provided to serve the new second unit in compliance with County and State regulations, and with the requirements of the local water district, if applicable.**

The subject property is within the service area of the Stinson Beach County Water District, which would provide water service to the proposed primary residence and second unit.

- G. The parcel on which the new second unit would be located meets the minimum building site area requirements of the zoning district in which it is located. The slope ordinance shall apply in determining the minimum parcel size, where appropriate. In Stinson Beach, new detached second units are permitted only on lots of one acre or more, subject to Design Review.**

The C-H-1 zoning governing the subject property does not specify a minimum lot size or building area and the site is level, therefore the slope ordinance does not apply. In the community of Stinson Beach, new detached second units are limited to lots of one acre or more. However, pursuant to Development Code Section 22.32.140.H. exceptions to the lot size requirements of this section can be considered through the Design Review process. As noted above, Design Review findings have been made confirming that the proposed development of a primary single-family residence and detached second unit would be appropriate in this case given the development constraints of the subject property, the character and scale of the surrounding community, and the desire to reduce the extent of impervious surfaces on the property to the maximum extent feasible.

- H. The addition of a second unit would incorporate materials, colors, and building forms that are compatible with the existing residence on the property.**

The proposed second unit will be finished in the same colors and materials as the proposed primary residence and would be compatible with the surrounding natural and built environment.

- I. The floor area of a new second unit shall not exceed 750 square feet. In addition, the floor area of the primary and second unit combined shall not exceed the floor area ratio of the particular residential zoning district in which the parcel is located, if applicable. For new-detached second units, the square footage of attached, potentially habitable storage or other accessory use areas (not including garage space) shall be counted toward the 750 square foot size limit.**

The proposed second unit will be 663 square feet in size, in conformance with this finding. The governing zoning district does not establish a floor area ratio (FAR) limitation.

- J. The parcel on which the new second unit will be located shall have a minimum of one off-street parking space assigned to a studio or one-bedroom second unit or two off-street parking spaces assigned to a two-or-more-bedroom second unit. Off-street parking spaces assigned to the second unit shall be independently accessible and shall be in addition to those required for the primary residence, in compliance with Title 24 standards.**

Two independently accessible on-site parking spaces would be provided for the proposed one-bedroom second unit, in compliance with this finding.

- K. A second unit shall be allowed only where the street providing access to the site is of the minimum width necessary to allow for the safe passage of emergency vehicles, in compliance with Title 24 standards, as determined by the Department of Public Works.**

The existing width of Calle del Arroyo and Calle del Resaca are adequate to provide safe passage for emergency vehicles, as reviewed by the Department of Public Works.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Sutton Coastal Permit/Use Permit/Design Review subject to the following revised conditions:

### Marin County Community Development Agency, Planning Division

1. Except as modified by these conditions, the Sutton Coastal Permit 06-31, Use Permit 08-9, and Design Review 09-14 is approved for the demolition of an existing 1,896 square foot residence and the construction of two new residences, including a single-family residence containing 1,624 square feet and a 663 square foot second dwelling unit, and an associated septic system on the subject property. As approved, the structures would not exceed a maximum height of 23 feet, 3 inches above existing grade, would result in a floor area ratio of 15.9 percent, and would be located with the following setbacks to corresponding property lines: 18 feet from the east front property line along Calle del Onda, 6 feet from the southern side property line, 19.4 feet from the western rear property line along Calle del Resaca, and 3.6 feet from the nearest portion of the northern side property line (along Calle del Arroyo. The subject property is located at 3715 Shoreline Highway, Stinson Beach, and is further identified as Assessor's Parcels 195-162-45 and -46.
2. Plans submitted for a Building Permit shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Sutton Residence, 3715 Highway One, Stinson Beach," prepared by Pfau Architecture, submitted April 22, 2009, except as modified by the conditions listed herein.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the approved plans, date stamped April 22, 2009, shall be revised to accurately show the 50-foot stream setback line (consistent with the site plan received May 8, 2009). It is acknowledged that, to maintain the proposed 6-foot southern (side) property line setback, the northeasternmost corners of the primary residence structure and decking may encroach approximately one foot into the designated 50-foot setback area.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval of the Community Development Director final proposed exterior building material and color samples. All flashing, metal work and trim shall be treated or painted an appropriately subdued, nonreflective color.
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 Coastal Permit/Use Permit/Design Review conditions of approval as notes.
6. No additional kitchens shall be installed within the structures without review and approval of the Marin County Community Development Agency and Stinson Beach County Water District.
7. The primary or the secondary unit shall be owner occupied. The owner shall comply with the owner occupancy requirements of the second unit ordinance. No additional dwelling units other

than the primary dwelling unit and the subject second dwelling unit shall be permitted on the subject property. A second unit may be rented but shall not be sold separately from the single-family unit.

8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a request for voluntary merger of the four historic lots comprising the subject property, which shall be recorded prior to issuance of a building permit. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, street addressing for the subject property shall be as follows:

Primary residence	2 Calle del Onda
Second unit	1 Calle del Resaca

9. 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.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance demonstrating that the project qualifies for a "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines. The Building Permit shall include specifications demonstrating compliance with all construction-related measures that are used to meet the "Certified" or better rating.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties.
12. Prior to any construction-related disturbance of the Easkoot Creek stream channel and banks, including removal of vegetation, a qualified biologist shall conduct a preconstruction survey of the site to ensure that no special-status species are occupying the site. If special-status species are observed within the project site or immediate surroundings, these areas shall be avoided until the animal(s) has (have) vacated the area, and/or the animal(s) shall be relocated out of the project area by a qualified biologist upon approval by the California Department of Fish and Game and the U.S. Fish and Wildlife Service. In addition, the site shall be surveyed periodically during construction to ensure that no aquatic and terrestrial species are being impacted by construction activities. The biologist shall also monitor to ensure water quality standards are being met and debris is not entering the aquatic habitat. A report documenting the findings shall be prepared and submitted by the biologist for review and approval by the Community Development Agency, Planning Division. PRIOR TO ISSUANCE OF GRADING OR BUILDING PERMITS, the applicant shall demonstrate that the required preconstruction survey has been conducted.
13. Prior to any work in the stream, if water is present and dewatering is deemed necessary, a dewatering and species protection plan shall be prepared by a qualified biologist in consultation with California Department of Fish and Game and US Fish and Wildlife Service staff, which would include a set of procedures and protective measures to follow during the dewatering process. PRIOR TO ISSUANCE OF GRADING PERMITS and prior to any work in the stream, the applicant shall demonstrate that a dewatering and species protection plan has been prepared and submitted if dewatering is deemed necessary.
14. Demolition of the existing residence spanning the creek shall occur under the supervision of a qualified biologist to ensure that the following recommendations are followed. The existing

structure shall be dismantled by hand. During demolition, workers should not enter the creek and work should be completed from the top of bank. All debris should be removed immediately and no materials should be allowed to enter the creek. Temporary construction fencing or similar material should be placed across the creek (perpendicular to the channel) immediately up- and downstream of the existing structure to catch any accidental debris from floating into surrounding aquatic habitats. The material should be of large enough mesh size to allow aquatic species to swim through. Stakes to hold up the temporary material should be placed at the top of the banks and not within the active channel. If existing concrete foundation piers cannot be removed without resulting in disturbance and sedimentation, they should be cut off at ground level with the underground portion allowed to remain in place. DURING DEMOLITION, a qualified biologist shall be present at all times to ensure that recommended deconstruction measures are followed.

15. If any demolition or construction activities are proposed during the critical breeding period for migratory birds (mid-March to mid-August), work areas with suitable breeding habitat shall be surveyed by a qualified biologist prior to the commencement of demolition or construction-related activities. If active nests are encountered, those areas plus a buffer area designated by the biologist shall be avoided until the nests have been vacated. The buffer area should be 50 feet for small song birds and 75 feet for larger birds (raptors, owls, etc). PRIOR TO ISSUANCE OF A DEMOLITION PERMIT OR GRADING OR BUILDING PERMITS between mid-March and mid-August, the applicant shall demonstrate that a preconstruction survey of work areas with suitable habitat has been conducted by a qualified biologist and that appropriate buffer areas around any active nests have been established.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval of the Community Development Agency a final landscape plan for the entire property which indicates all existing and proposed landscaping, including any tree specimens recently installed by the applicant. The submittal shall include written verification from the consulting biologist that the existing and proposed landscaping would be compatible with, and not adversely impact, the Easkoot Creek replanting plan referenced in Condition 17 below.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the Easkoot Creek replanting plan proposed by Prunuske Chatham shall be incorporated into the project plans for review and approval of the Community Development Agency Director. The Restoration Planting Plan shall indicate areas of planned non-native plant removal, including instructions for non-native/invasive plant removal and replacement with native species. PRIOR TO FINAL INSPECTION, the applicant shall submit verification from Prunuske Chatham or the consulting biologist certifying that all proposed plantings have been installed in accordance with the approved riparian planting plan.
18. BEFORE FINAL INSPECTION, the applicant shall enter into a riparian vegetation maintenance agreement with the Community Development Agency that is secured by a financial deposit that is equivalent to one and one-half times the value of the labor and materials for vegetation included in the Easkoot Creek planting plan. The agreement shall be for a period of up to eight years from the date of occupancy, during which time the applicant shall agree to maintain the riparian vegetation in a healthy and vigorous condition. After the initial planting, supplemental planting shall be required if at least 50 percent cover along the stream bank is not achieved after one year, and 80 percent cover in five years. Revegetated areas shall be monitored on a semi-annual basis for the first five years to document the percent cover and success of the revegetation efforts and plant community composition. Monitoring shall continue for three years after replacement plantings are installed.
19. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of all property lines and the top of creek bank and install property line markers that can be readily verified by the Building and Safety Inspection



staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks. Alternatively, the applicant may submit a written (stamped) confirmation from a licensed land surveyor or qualified civil engineer confirming the property line markers and the building setbacks to property lines and the top of bank based on the approved setbacks as shown on the Building Permit plans.

20. 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. Alternatively, the applicant may request that the Building and Safety Inspection staff conduct a laser level survey to verify compliance with this condition.
21. 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. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.
22. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall submit documentation from the project engineer or "as-built" service, to be approved by the Chief Building Inspector, confirming that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans. A registered engineer or "as-built" service must stamp and wet sign this verification. Alternatively, the applicant may request that the Building and Safety Inspection staff verify the floor area based on measurement marks on the subfloor and second/third floor framing.
23. A certified archaeologist and a culturally affiliated Native American shall be present to monitor all ground-disturbing activities. In the event that any human remains, artifacts, or other indicators of prehistoric or historic use of the parcel are encountered during site preparation or construction activities on any part of the project site, all work at the vicinity of the discovered site shall stop and the project sponsor shall contact the Marin County Environmental Coordinator immediately. If human remains are encountered, the County Coroner must also be contacted. The archaeologist, in consultation with the Federated Indians of Graton Rancheria, shall assess the site and shall submit a written evaluation to the Agency Director advancing appropriate conditions to protect the site and the resources discovered, including monitoring of all subsequent site work by a Native American monitor from the Federated Indians of Graton Ranch or other designated tribal representative. State law designates procedures should human remains be encountered. If the remains are deemed to be Native American and prehistoric, the Coroner must contact the Native American Heritage Commission so that a "Most Likely Descendant" can be designated. No work at the site may recommence without approval of the Agency Director. If it is determined that a prehistoric site exists the following shall be implemented:

- (a) No future development activity shall take place at or in close proximity to the prehistoric site within the development area;

- (b) The historical site(s) shall be filled to protect the resources there;
- (c) No additional excavation shall occur at these locations other than to remove surface organic material; and
- (d) The applicant may be required to submit a revised project to protect the resource(s). No further work at the site may recommence without approval of the CDA staff. All future development of the site must be consistent with findings and recommendations of the archaeological assessment including Appendix A, Monitoring Procedures, of the May 2001, "Archaeological Evaluation", prepared by Archaeological Resources Service, as approved by the CDA staff.

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

- A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:30 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 or the following holidays (New Year's Day, Presidents' Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. 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. 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.

- 25. 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. Consistent with the applicants' voluntary offer, the utility pole along the Calle del Arroyo frontage shall be removed prior to final inspection, unless written verification is received from the utility company that the pole cannot be removed.
- 26. 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 the approved project, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
- 27. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.

28. Only those trees shown on the site plan as proposed to be removed, if any, may be removed. No other existing trees 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 prevent safety hazards to people and property.
29. BEFORE FINAL INSPECTION of the creek restoration project and the first residence, the applicant shall record against the title of the property a Private Stream Conservation Area (SCA) Agreement with an Exhibit prepared by staff with the following provisions:
- a. Current and future owners are prohibited from removing existing healthy landscaping and trees within the delineated Stream Conservation Area (SCA) without County approval.
  - b. Structures and/or site disturbance are prohibited within the Stream Conservation Area without County approval.
  - c. The current owners or future owners(s) are prohibited from using toxic pesticides or herbicides within the Stream Conservation Area (SCA) that could result in the discharge of toxic materials into surface waters, ground waters or the creek.
30. BEFORE FINAL INSPECTION, the Notice of Decision shall be recorded against the title of the property by the Community Development Agency staff.
31. No further increase in the extent of impervious surfaces on the property (including carports, breezeways, roof extensions, paved areas, or other permanent structures) is permitted without prior review and approval of the Community Development Agency.
32. 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 is obtained by the applicant.

Marin County Department of Public Works, Land Use and Water Resources Division

33. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
- A. Provide scales on all plans.
  - B. Prior to framing inspection and when construction is finished, a FEMA elevation certificate prepared by a professional engineer, surveyor or architect shall be submitted to DPW.
  - C. Onsite waste-disposal system shall be located so as to avoid impairment and prevent waste-disposal discharge during flooding.
  - D. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes foundation walls, joists, insulation, or other material that extend below the BFE.
  - E. No portion of any structure shall extend beyond the property boundaries (including footings, rooflines and fences).
  - F. As per November 2, 2006 letter by Prunuske Chatham, a biological observer shall supervise demolition of the building spanning the creek to help assure that no aquatic and riparian

resources are significantly impacted by the demolition activities. This requirement shall be incorporated into the plan.

- G. All encroachments, including but not limited to fill/excavation, new construction, substantial improvements, fencing and other developments are prohibited within the floodway.
- H. 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.
- I. All fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic forces on exterior walls by allowing the entry and exit of floodwater. Designs for meeting this requirement must be certified by either a registered civil engineer or architect. Provide calculations and detail showing how the enclosed area floor is designed to automatically equalize hydrostatic floor forces (venting requirement is 1-sq-inch per 1-sq-foot, vents placed a maximum of 1-foot above grade).
- J. Provide information on the plans showing that all electrical heating, ventilation, plumbing, and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulation within the components during conditions of flooding, especially any underneath the floor joist elevation in Zone A1.
- K. 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 stamped and signed letter.
- L. The proposed compost filter berm is not acceptable as an erosion control measure. The compost berm itself may pose a pollution source. Remove the proposed compost berm along Easkoot Creek from the plans and incorporate industry-standard temporary erosion control measures.
- M. No solid structures shall be built within 20-ft of the top-of-bank of Easkoot Creek. This may include the "block" portion of the proposed 7-ft high wood and block fence.
- N. Submit an Erosion and Siltation Control Plan. Include special precautions/protection measures for Easkoot Creek during demolition activities.
- O. The Easkoot Creek re-planting plan proposed by Prunuske Chatham shall be incorporated into the plans. Include on the plans instructions to remove non-native/invasive plant species from the project site and to re-vegetate with native trees, shrubs and herbs. The Restoration Planting Plan shall indicate areas of planned non-native plant removal.
- P. For post construction re-vegetation survivability, a monitoring and maintenance plan shall be included within the plans.
- Q. Provide a final drainage plan for the property including the following modifications: 1) all roof drainage shall be collected and drained away from the foundation and cannot be piped directly into the street or the creek; 2) provide a 5% grade for a minimum of 10-feet from the foundations to direct drainage away from the structures, consistent with the new 2007 Building Code; 3) the drainage plan shall be internally consistent with the site plan and architectural plans; 4) proposed construction outside the property lines shall be removed from the plans. Prior to issuance of Building Permit, the design engineer shall provide calculations,



references, model studies, reports, watershed topography, and other pertinent information as deemed necessary by DPW. Analysis used in the design shall be based upon the one hundred year storm in accordance with Marin County Code Title 24, Section VI, Drainage Facilities.

- R. An encroachment permit shall be required for work within the road right-of-way of Calle Del Arroyo.
  - S. Revise plans to show a minimum of two on-site parking spaces for each of the two residential units.
  - T. The surface of all on-site parking areas shall be permeable except for driveway approaches from County-maintained roads. The area of the driveway approach for the western unit shall be a pervious surface acceptable to DPW between the property line and the edge of pavement of Calle Del Arroyo.
  - U. The two parking spaces along Calle Del Onda meet the guest parking requirements. However, being within the right-of-way, they cannot be dedicated to any individual property. Removing the word "guest" will suffice.
  - V. Indicate on plans the type of surface for the parking areas. All parking shall be surfaced with all-weather materials.
  - W. Construction, if any, within the Highway One right-of-way shall require Encroachment Permit approval from the California Department of Transportation.
34. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall follow Best Management Practices (BMP) by submitting a Stormwater Runoff Pollution Control Plan that addresses both interim (during construction) and final (post construction) stormwater pollution control measures. Permanent BMP's may include, but are not limited to, sediment basins, infiltration trenches, grassed swales, filter strips and buffers, oil/water separators, and site and landscaping management procedures. The plan should incorporate applicable recommendations contained in the Botanical and Biological Resource Surveys prepared by Prunuske Chatham, Inc., and follow guidelines as established in "Start at the Source," published by the Bay Area Stormwater Management Agencies Association. The Marin County Department of Public Works must approve the Stormwater Runoff Pollution Prevention Plan prior to issuance of a Building Permit.

#### Stinson Beach County Water District

35. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall comply with all requirements of the Stinson Beach County Water District regarding water and septic service to approved development, including review and approval of the final drainage plan for the property.

### **SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE, BE IT FURTHER RESOLVED that the applicant must vest the Sutton Coastal Permit/Use Permit/Design Review approval by securing a Building Permit for the construction of the approved work and substantially completing the approved work by May 11, 2011, 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 Community Development Agency Director approves it. An extension of up to four years may be granted for cause pursuant to Marin County Code Section 22.56.050 provided the applicant has made application and paid appropriate fees. Upon completion of the requirements to

vest this application, the Sutton Coastal Permit, Use Permit and Design Review shall remain valid indefinitely as long as all the terms of the permit are maintained.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this decision is final unless appealed to the Board of Supervisors. A Petition for Appeal and a \$770.00 filing fee must be submitted in the Community Development Agency, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on May 18, 2009.

#### SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 11th day of May, 2009, by the following vote, to wit:

AYES: Katie Crecelius; Don Dickenson; Randy Greenberg; Wade Holland; Pete Theran;  
Mark Ginalski

NOES:

ABSENT: Joan Lubamersky

  
\_\_\_\_\_  
DON DICKENSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

  
\_\_\_\_\_  
Debra Stratton  
Planning Commission Secretary

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE (415) 904-5260

FAX (415) 904-5400

JUN 18 2009

CALIFORNIA  
COASTAL COMMISSION

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)Name: Anthony E LewisMailing Address: PO Box 111City: Stinson BeachZip Code: 94970Phone: (415) 233-3240SECTION II. Decision Being Appealed1. Name of local/port government: County of Marin

2. Brief description of development being appealed:

Demolition of existing 1,896 sq ft residence, and construct 2 new residences containing 1,624 sq ft & 663 sq ft respectively within the Stream Conservation Area of Eastfoot Creek, a Blue Line Stream. The installation of 9 Cypress Trees & 1 Redwood tree within the

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Corner of Shoreline Highway & Calle del Arroyo, Stinson Beach. A.P. #195-162-45 & 46.SCA.

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO:

A-2-MAR-09-014

DATE FILED:

DISTRICT:

North Central Coast Dist.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator  
☐ City Council/Board of Supervisors  
☒ Planning Commission  
☐ Other

6. Date of local government's decision:

*(adopted)*  
May 11<sup>th</sup>, but Resolution not Finalized  
by mail 'till 6/12/09

7. Local government's file number (if any):

PC 09-007

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Anthony E. Lewis  
P.O. Box 111  
Stinson Beach, California 94970

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Bruce Wachtell  
P.O. Box General Delivery  
Stinson Beach, Ca.  
94970

(2) Jim & Belinda Zell  
P.O. Box General Delivery  
Stinson Beach, Ca.  
94970

(3) Scott Tye  
P.O. Box General Delivery  
Stinson Beach, Ca.  
94970

(4) Mike Mitchell  
P.O. Box 695  
Stinson Beach, Ca.  
94970

5) Elizabeth Zapani  
P.O. Box General Delivery  
Stinson Beach, California  
94970

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**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

*See attached/enclosed.*

**SECTION IV. Reasons Supporting This Appeal**

6/16/09

The proposed project is within 100' of Easkoot Creek, a Blue Line Stream under tidal influence at the project site. The proposed project is **an increase in development within the SCA** for the following reasons:

1. The proposal is an increase in development within the SCA because the proposed square footage of habitable area is an increase of 663 sq. ft. from the existing condition.
2. The proposal is an increase in use & development within the SCA because the proposed plan calls for the addition of a second residence on the property within the SCA. Only one residence exists on the property today. The addition of a second residence upon the property is an increase in use & development within the SCA.
3. The addition of un-permitted, non-native, flood inducing planting/landscaping have been planted (4/09) within the SCA. These un-permitted plantings within the SCA include; a cypress hedge row (9 trees), 1-redwood (actually inside the creek bank), and several native oak trees.

The entire property is within a flood zone. The property floods almost annually. No second units within flood zones. No increase in development within flood zones.

Existing square footage numbers submitted to the County of Marin for impervious area are incorrect, and should be reanalyzed. Setbacks of proposed buildings to the existing Creek bank, as submitted to the County are inaccurate, and should be reanalyzed.

The above mentioned cypress hedge row that was recently planted without permits within the SCA is a threat to public health, safety & property. The cypress hedge row has been planted perpendicular to the Creek's direction of flow & flood waters. The hedge row will act to trap floating debris, thereby creating a dam. This hedge row dam, in times of flooding will serve to increase the severity of flooding not only on the subject property, but to surrounding properties as well. This increase in flooding will act as a heightened threat to public health, safety & property.

There are many developed & un-developed properties in Stinson Beach within the SCA, as well as within 100' from wetlands. This project, as proposed sets a poor precedent for future developments within the SCA or within 100' to wetlands. A derelict, poorly maintained, neglected structure is no excuse to develop within the SCA. If an increase of use & development is allowed for this property within the SCA, then the doors open for dozens of like properties in Stinson Beach within the SCA or within 100' from wetlands. Consistency and fairness would seem to be the correct path for development, or lack thereof within the SCA and 100' from wetlands. There has been no increase in use/development within the SCA & within 100' from wetlands for many years now. To allow this project as a proposed increase in use & development not only goes against a hard

fought battle for Creeks, water ways & wetlands, but also serves as a poor precedent for future developments.

The project has positive potential by removing a structure which straddles/compromises the Creek, and additionally, by rehabbing the riparian zone to a more natural state. A single home, not two, at a similar size to the existing home (less than 1,900 sq. ft.), properly sited with an approved riparian rehab plan would seem to present, and continue to put forth a better precedent for the public, the community, and the greater good of this tidally influenced Blue Line Stream.

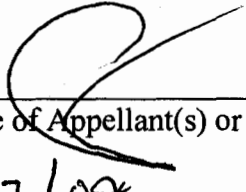
Thank you for considering these matters.

No increase in development within the SCA!

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: \_\_\_\_\_

6/17/09

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_



Based on existing County zoning and standards, development of this land to the highest density allowed by zoning (10,000 sq. ft. lots) could significantly impact the Creek. It would require the removal of significant amounts of riparian vegetation, seriously reducing its value to wildlife. The installation of septic systems or similar waste disposal method would be necessary and would require a 100 foot setback from the Creek. Percolation rates acceptable to the County are not assured due to the periodic flooding and high water table of the properties.

In order to assure protection of the resource values of Redwood Creek, the privately owned parcels along the Creek should be rezoned to a minimum one-acre lot size, including those parcels proposed for acquisition by the GWRRA. Pending acquisition, such lands are still subject to the provisions of the Coastal Act and must be designated for an intensity of use consistent with the resource protection policies of the Act.

#### LCP POLICIES ON STREAM PROTECTION

The following policies are applicable to all USGS Blue-line Streams.

1. Stream impoundments and diversions shall be limited to necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or developments where the primary function is the improvement of fish and wildlife habitat. Before any such activities are permitted, minimum flows necessary to maintain fish habitat and existing water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, estuarine habitats, spawning areas) and other downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. New impoundments or diversions which, individually or cumulatively, would decrease streamflows below the minimum shall not be permitted.
2. The alteration of stream channels and banks shall be allowed only for the developments identified in Policy II-1 in order to protect streamwater quality and the volume and rate of streamflow. All such developments shall incorporate the best mitigation measures feasible, including erosion and runoff control measures and revegetation of disturbed areas with native species.
- \* 3. A riparian protection area and a stream buffer area shall be established for all streams within Unit I. The riparian protection area shall include all existing riparian vegetation on both sides of the stream. The stream buffer area shall extend a minimum of 30 feet from the outer edge of the riparian vegetation, but in no case shall be less than 100 feet from the banks of the stream.
- \* 4. No construction, alteration of land forms, or vegetation removal, shall be permitted within the riparian protection area. However, if a parcel is located entirely within the stream buffer, design review shall be

required for any proposed structures and shall consider impacts on water quality, riparian vegetation, and the rate and volume of streamflow. In general, development shall be located on that portion of the site which results in the least impact on the stream, and shall include provision for mitigation measures to control erosion and runoff and to provide restoration of disturbed areas by replanting with plant species naturally found on the site.

The following policies are applicable to Pine Gulch Creek.

5. The USGS should install a stream gaging station as part of the Army Corps study of Bolinas Lagoon to measure creek flow below the last significant stream diversion or at a location selected by the Department of Fish and Game. This station shall be monitored by the County Employee who patrols the Duxbury Reef/Bolinas Lagoon area.
6. The Department of Fish and Game should begin studies to empirically determine the instream flow requirements of Pine Gulch Creek necessary to maintain the steelhead and silver salmon resource. In the event no funding is available for this work, Coastal Conservancy funds should be sought.
7. The County, landowners within the Pine Gulch Creek watershed, and the Soil Conservation Service should undertake a joint study to recommend agricultural uses and practices which will protect the water quality of the creek and also Bolinas Lagoon. The report should be prepared by the Soil Conservation Service. This report should also recommend alternative methods of supply water to agricultural users in the event stream diversions must be halted to protect anadromous resources. The report shall be distributed to all landowners within the watershed. SCS will be contacted to undertake the study upon adoption of this LCP. Where necessary, the findings of the study should be incorporated into the LCP as amendments. Recommended restoration techniques appropriate to permit applications should be included as conditions of permit approval.

The following policies are applicable to Redwood Creek.

8. The biotic resources of Redwood Creek shall be protected from intense development by the redesignation of the privately owned parcels along the Creek from 10,000 square foot lot size zoning to a 1 acre lot size zoning. (See Policy IV-27).
9. The USGS should install a stream gaging station to measure creek flow below the last significant stream diversion at a location selected by the National Park Service and California Department of Fish and Game. This station should be monitored by the Park Service.
10. The Department of Fish and Game should begin studies to empirically determine the instream flow requirements of Redwood Creek necessary to maintain the steelhead and silver salmon resource. In the event no funding is available for this work, Coastal Conservancy funds shall be sought.
11. The National Park Service should be encouraged to investigate the possibility of creating artificial pools through Muir Woods National

**SUTTON RESIDENCE**

Sirson Beach, California  
APN: 199-162-45

**RECEIVED**

APR 22 2009

COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

Project Name	SUTTON RESIDENCE
Project Number	2523
Site Plan	
Scale	1/8"=1'-0"
Sheet	A1.0

PC ATTACHMENT #4

