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Date: July 28, 2011

To: Coastal Commissioners

From: Charles Lester, North Central Coast District Director

RE: **Appeal A-2-MAR-11-027**, (Helmberger & Stinson Beach Cabin LLC, Stinson Beach). 6 Francisco Patio, Stinson Beach Marin County. Filed: 6/02/11. 49 Days: waived (6/15/11).

Recommendation: Staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which appeal A-2-MAR-11-027 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-11-027 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 following findings. 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 April 26, 2011 the Marin County Board of Supervisors approved Coastal Permit CP 10-42 with conditions for the construction of a 709 square foot single family residence with a 208 square foot attached garage on a legal, non-conforming 2,365 square foot vacant lot located at 6 Francisco Patio, Stinson Beach, in Marin County (Exhibit 2). The project site is zoned C-R-1 (residential) and is located in an existing developed area (Exhibit 1). The two-story 23.2 foot tall structure would result in a 30% floor area ratio (FAR). The minimum setbacks from corresponding property lines would be as follows: 10.3 feet front (southerly), 6 feet side (easterly), 7.5 feet side (westerly), and 13.5 feet rear (northerly). Pursuant to Coastal Act section 30603, this approval is appealable to the Commission because it is located between the sea and the first public road paralleling the sea.

Appellants (Roselund et al) claim that the County approval (1) violates the Stinson Beach Village Plan regarding density in the Patios of Stinson Beach; (2) will push additional vehicles into areas used for day use visitor parking, reducing such parking; and (3) will result in a loss of coastal view of the coastal ridge for property owners of this project. (See Exhibit 3 for detail). Although not an appellant, the Stinson Beach Village Association has submitted a letter of concern (exhibit 4).

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.¹ Commission staff has analyzed the County's Notice of Final Local Decision for the development, the local record, appellants' claims (Exhibit 2), aerial photos, and the relevant requirements of the LCP. The appeal raises no substantial issue of conformance with the LCP as follows.

First, claim 1 raises no substantial issue of conformity with the LCP because the Stinson Beach Village Plan is not part of the certified LCP. Nonetheless, even considering the density issue against the relevant LCP requirements, no substantial issue is raised. The LCP provides:

22.57.050I C-R-1--Coastal one-family residence district.

22.57.051I Purpose. The purpose of this district is to allow development of single family detached units subject to specific development requirements.

22.57.052I Principal Permitted Uses. The following uses are permitted in all C-R-1 districts:

- 1. One-family dwelling;...*

22.57.054I Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 27.57.200I, "Design standards table".

As discussed in the County's findings, the project achieves a 30% FAR, consistent with LCP sections 22.57.054 and 22.57.200 (exhibit 2). In addition, the project is an in-fill project located in an existing developed area (exhibit 1), is a principally-permitted use in the residential zone, and has received relevant water and wastewater authorizations. As originally certified, the LCP originally contemplated additional residential build-out in this area. Although the lot is substandard (the LCP requires a minimum of 7,500 square feet in this zone), the County found that it is a separately-owned legal lot, created as part of the Upton Tract in 1931 (Exhibit 2). Therefore, merger of the lot with adjacent property to address the minimum lot size requirement was not an option. Moreover, as discussed in the County findings, there are other two-story residences immediately adjacent to the proposed residence and the house is not out of scale with the density and character of surrounding residential development (see exhibit 5).

¹ 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.

Second, the appellants' concerns about potential impacts on beach visitor parking do not raise a substantial issue because the County required that four onsite parking spaces be provided which should adequately address the parking demand of the project (see exhibit 2). In addition, the County, including the Planning Commission and Board of Supervisors on appeal specifically addressed the concern that the garage may be converted to a second unit by requiring that a deed restriction be recorded that stipulates that the carport area shall not be converted into habitable space, and that the main structure function as one single-family residence. The Board also required that the garage be converted into a carport unless redesigned in the alternative to strengthen the project's conformance with surrounding community character. Public access is an important concern at Stinson Beach. However, as approved to provide onsite parking, and given the substantial existing public access parking nearby at Stinson Beach, no substantial issue is raised by this claim.

Finally, with respect to the potential loss of coastal views, no public views would be impacted by the project. As discussed in the LCP, "[t]he primary concern of the Coastal Act is to protect views to scenic resources from public roads, beaches, trails, and vista points." The LCP provides:

Visual Resources

21. Existing development standards and the design review ordinance (Chapter 22.52) shall continue to be enforced. The following explicit standards shall apply to selected areas and projects:

- All new construction in Bolinas, Stinson Beach and Muir Beach shall be limited to a maximum height of twenty-five (25) feet; except that in the Highlands neighborhood of Stinson Beach, the maximum height shall be seventeen (17) feet, and in the Seadrift section of Stinson Beach, the maximum height shall not exceed fifteen (15) feet.*
- To the maximum extent feasible, new development shall not impair or obstruct an existing view of the ocean, Bolinas Lagoon, or the national or State parklands from Highway 1 or Panoramic Highway.*

The project would be located in an existing developed area but not in a view corridor to the shoreline or other important public coastal view. Protection of private views is not an issue addressed by the LCP, the project is consistent with relevant height requirements, and the County found that the project was consistent with design standards to address the character of the development. Thus, no substantial issue is raised by this claim.

Overall, appellants' claims do not raise a substantial issue. First, the County has strong legal and factual support for its decision. Second, the extent and scope of the project approved is small – a 709 square foot home with 280 square foot carport/garage in an existing developed residential area. Third, there are no significant coastal resources affected by the project. As discussed by the County, adequate services will be provided, the project conforms to surrounding community character, onsite parking is provided to protect public access, public views are not impacted, and there are no sensitive resources such as habitats, wetlands, or streams, in the vicinity. Fourth, no

adverse precedent for interpretation of the LCP will be set by the County's approval. Finally, the appeal does not raise any issues of regional or statewide significance. Rather, the project provides in-fill residential development in an existing developed area, as contemplated by the Coastal Act.

EXHIBITS

1. Project Location
2. County Final Action, excerpts
3. Appeal Document
4. Correspondence, Stinson Beach Village Association
5. Project Plans, excerpts

Project Location Map and Aerial Photos



Source: California Coastal Commission



Source: California Coastal Commission



Source: Marin County online GIS system.

RESOLUTION NO. 2011-26

RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
DENYING THE ROSENLUND ET AL. APPEAL AND
CONDITIONALLY APPROVING THE STINSON BEACH CABIN LLC
COASTAL PERMIT 10-42 AND DESIGN REVIEW 10-95
6 FRANCISCO PATIO, STINSON BEACH

ASSESSOR'S PARCEL 195-104-05

SECTION I: FINDINGS

- I. WHEREAS Bruce Helmberger, the applicant and owner, is requesting Coastal Permit and Design Review approval to construct a new 709-square foot single-family residence with a 280-square foot attached garage on a 2,365-square foot vacant lot. The two-story, 23.2-foot high structure would result in a 30% floor area ratio (FAR) and maintain the following setbacks: (1) 10.3 feet from the southerly front property line; (2) 6 feet from the easterly side property line; (3) 7.5 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. An attached deck approximately 2.4 feet above grade would be located 6 feet from the westerly side property line and 13.5 feet from the northerly rear property line. The project includes rooftop solar panels, a new septic system, and a landscaped garden with native and Mediterranean plants. A propane tank located 4.4 feet from the southerly front property line and approximately 10 inches from the easterly side property line would be screened by landscaping. Exterior finishes include 1) "revere gray" fiberboard shingle siding, 2) "rustic green" trim, accent siding, and foundation, 3) "sage green" aluminum clad windows and doors, and 4) "crystal gray" composition shingle roof. Design Review is required because the proposed project is located within the 25-foot front yard setback on a parcel that is approximately 68.5% smaller than the minimum 7,500 square feet lot size established by the governing C-R1 zoning district. The subject property is located at **6 Francisco Patio, Stinson Beach**, and is further identified as **Assessor's Parcel 195-104-05**.
- II. WHEREAS the Marin County Deputy Zoning Administrator (DZA) held a duly-noticed public hearing December 16, 2010 to consider the merits of the project and hear testimony in favor of and in opposition to the project, after which the DZA, in accordance with Marin County Code (MCC) Sections 22.56.130I (Coastal Permit) and 22.82.040I (Design Review), issued a conditional approval of the project.
- III. WHEREAS on December 22, 2010, Dave Rosenlund, Rodger Faulkner, Kevin Donahue, and Lynne Stickrod filed a timely appeal of the DZA decision to the Planning Commission, objecting to the Stinson Beach Cabin LLC Coastal Permit and Design Review approval. The appellants objected to the approved project for the following reasons: (1) the project is inconsistent with the Stinson Beach Community Plan, 2) the project's encroachment into the front yard setback, 3) the project's mass and bulk, 4) the enclosed garage, and 5) increased density in the neighborhood.
- IV. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing February 28, 2011 to consider the merits of the project and hear testimony regarding the project, after which the Planning Commission, in accordance with Marin County Code (MCC) Sections 22.56.130I (Coastal Permit) and 22.82.040I (Design Review), denied in part the Rosenlund et al. Appeal and issued a conditional approval of the project. The approval included an additional condition that the proposed garage shall be converted into a carport by eliminating the door and wall enclosures on the southerly front and westerly side elevations. Up to 50% of the westerly elevation of the carport may be enclosed if the applicant can demonstrate that it is needed to meet structural (sheer) wall requirements.

CCC Exhibit 2
(page 1 of 24 pages)

- V. WHEREAS on March 7, 2011, Dave Rosenlund, Kevin Donahue, and Lynne Stickrod filed a timely appeal objecting to the Planning Commission's decision for the following reasons: (1) inconsistency with the Stinson Beach Community Plan, 2) encroachment into the front yard setback, 3) mass and bulk with impacts on views, light, and privacy, and 4) duplex potential with related parking problems.
- VI. WHEREAS the Marin County Board of Supervisors held a duly noticed public hearing on April 26, 2011 to consider the merits of the project and appeal, and hear testimony regarding the project.
- VII. WHEREAS the Marin County Board of Supervisors finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it entails construction of a single-family residence in a residential zone that would not result in potentially significant impacts to the environment.
- VIII. WHEREAS the Marin County Board of Supervisors finds that the Rosenlund et al. Appeal lacks sufficient bases and merit to overturn the Planning Commission's conditional approval of the Stinson Beach Cabin LLC Coastal Permit and Design Review as discussed below.
- A. *The appellants assert that the approved project is inconsistent with the Stinson Beach Community Plan (SBCP), objecting to the density of the proposed development and claiming that the future residence could potentially be converted to a duplex.*

Response

The subject property is a legal lot of record. The construction of a single-family residence on this lot is consistent with the applicable C-R1 zoning district. The project's consistency with the Stinson Beach Community Plan is described in Section X below.

The appellants express concern that the split level structure has the potential to be converted into a duplex with related parking problems. However, conversion of a single-family residence into a duplex would not be possible under the single-family zoning for the property. Although the owner may seek to convert part of the residence into a second unit, it is unlikely that such an application would be approved due to a number of site constraints, including the lack of on-site parking to support a second unit.

- B. *The appellants object to the project's encroachment into the front yard setback.*

Response

The front yard setback is approved because the proposed project is carefully designed to minimize apparent mass and bulk, and provide visual interest and compatibility with the neighborhood. Despite constraints of a small lot, the project meets design guidelines, including articulation and second floor setbacks. Notwithstanding site constraints, the applicant proposes a small-sized, single-family residence that would meet 30% floor area ratio requirements, have 6-foot setbacks to both side yard property lines, and maintain a 13.5-foot rear yard setback between adjoining properties. The proposed front yard setback of 10.3 feet would be consistent with neighboring properties. A review of other properties within the Stinson Beach "Patios" shows several variances have been approved for construction within the front yard setback due to substandard lot sizes. Three homes on Francisco Patio appear to encroach into the front yard setback, although there are no surveys to confirm this.

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Code requirements for septic and parking on this small, irregular lot create a constrained building envelop. The leach field was approved by the Stinson Beach County Water District to be located in the rear yard. This creates an effective rear yard setback of 13.5 feet, which exceeds the 12.7-foot setback that would be required for a non-standard sized lot. The proposed single-family residence is required to provide four parking spaces. Since the narrow front width of the property (23 feet) limits off-site parking along the street front property line, the project would accommodate four parking spaces on-site. The Stinson Beach County Water District approved a septic tank that would enable parking over the underground tank.

Given the project design and overall constraints on the site, Design Review Findings can be made supporting a reduced front yard setback. Please refer to Design Review Findings Section XII below.

- C. *The appellants assert that the mass and bulk of the approved project will negatively impact the light, views, and privacy in the neighborhood.*

Response

The project would not result in the loss of light, views, or privacy to adjacent properties. Pursuant to MCC Section 22.56.130.O.2I, the proposed project will not impair or obstruct existing coastal views. By maintaining the rear and side yard setbacks that would be required for a standard sized lot in the C-R1 zoning district, limiting the structure to a 30% floor area ratio, providing adequate on-site parking, and adequate landscaping, the proposed project will allow full use and enjoyment of neighboring properties.

Pursuant to MCC Section 22.56.130.O.3I, the height, scale, and design of the new structure will be compatible with the character of the surrounding built environment. There are currently five two-story homes on Francisco Patio and five one-story homes, making the two-story aspect of the proposed project visually consistent and compatible with the neighborhood. To construct a single-story house surrounded entirely by two-story structures would limit the light to the residence, a privilege enjoyed by adjoining properties. When considering visual impacts, it is important to note that structures on two of the adjoining properties encroach into the required rear and side property setbacks (1 and 7 Joaquin Patio.) The proposed project has been designed to minimize adverse visual effects related to design and massing. Please refer to Design Review Finding Section XII.F1 below.

- IX. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:

- A. The construction of a new single-family residence is consistent with the C-R1 (Coastal One-family, Residential District, 7,500 square foot minimum lot area) land use designation.
- B. The project will provide housing opportunities in the Coastal Corridor without adversely affecting agricultural areas or public open space in the project vicinity.
- C. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because, according to the California Natural Diversity Database, the subject property does not provide habitat for special-status species of animals and the habitat value of special status plants in the vicinity is low.

- D. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the subject property.
 - E. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*) because the proposed drainage system complies with the standards and best management practices required by the Department of Public Works.
 - F. The project would be constructed in conformance County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
 - G. The project design and conditions of approval ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), water for fire suppression (*CWP Policy EH-4.c*), defensible space and compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
 - H. The project would meet energy efficient standards for exterior lighting, and would reducing excessive lighting and glare (*CWP Policy DES-1.h*) because standard conditions of project approval require that lighting be downward directed and the minimum necessary for safety purposes. Additionally, the Building Permit process will ensure that the project minimizes energy use.
 - I. The project would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*) because the proposed development would be consistent with the Marin County Single-family Residential Design Guidelines.
 - J. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (*CWP Policy EN-1.c*) because the Energy Efficiency Ordinance requirements would be implemented during the Building Permit review process to ensure that the project minimizes energy use..
- X. WHEREAS, the Marin County Board of Supervisors finds that the proposed project is consistent with the Stinson Beach Community Plan for the following reasons:
- A. The proposed project involves construction of a single-family residence, which is a principally permitted use on the property.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats, or on-site drainage.
 - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.

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D. The proposed project is less than the 25-foot maximum building height. As conditioned, the proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, access from Francisco Patio, and building design, mass, and bulk.

XI. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Marin County Code Section 22.56.130I) as specified below.

A. Water Supply

The Stinson Beach County Water District, which will serve the subject property, has reviewed and approved the proposed project.

B. Septic System Standards:

The Stinson Beach County Water District, which regulates individual sewage disposal systems in the area of the subject property, has reviewed and approved the proposed project.

C. Grading and Excavation:

The subject property is level and minimal grading is proposed. Excavation would occur for construction of the foundation for the residence and garage slab areas. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, minimal grading is proposed and would not disturb cultural resources. Project approval requires that in the event cultural resources are discovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access:

The project is not located adjacent to the shoreline and would not impede the coastal access provided by existing rights-of-way.

F. Housing:

The proposed project would not involve the demolition of housing affordable to households of lower or moderate income.

G. Stream and Wetland Resource Protection:

The project site is not located near a creek or in an area subject to the streamside conservation policies of the Marin Countywide Plan or Local Coastal Program.

H. Dune Protection:

The project site is not located near dunes or in a dune protection area of the Local Coastal Program.

I. Wildlife Habitat:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is not located in the habitat area for special status species. However, Monarch Butterfly (*Danaus plexippus*) is known to reside in trees in Stinson Beach. The project site is outside the area identified as buffer zone, does not contain any trees, and does not provide suitable habitat for the Monarch Butterfly. The project will have a minimal impact to the habitat value of the site because there are no existing trees on-site and the project involves the construction of a single-family residence on a disturbed site surrounded by developed parcels. In addition, human activity on and around the subject property would likely discourage species from nesting in the area. Based on these factors, development of the proposed residence would not significantly alter or disturb potential wildlife habitat.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the vicinity of habitat area for the following special status species: Showy Indian Clover (*Trifolium amoenum*), Marin Hesperian (*Vespericola mariensis*), Point Reyes Bird's Beak (*Cordylanthus maritimus ssp palustris*), Coastal marsh vetch (*Astragalus pycnostachyus var. pycnostachyus*), Lyngbye's Sedge (*Carex lyngbyei*), Dune Gilia (*Gilia capitata ssp. chamissonis*), and Tiburon Paintbrush (*Castilleja affinis ssp. neglecta*). However, the habitat value of the proposed development site for these plants is low because the site has been covered for some time with invasive bamboo, recently grubbed to clear the bamboo, and is resprouting bamboo. Further, the proposed project is located on a small, vacant, infill lot that is surrounded by developed parcels and would not have an adverse impact on the habitat or individual plants.

K. Shoreline Protection:

The project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards:

The project site is located within 5,000 feet of the Alquist-Priolo Special Study Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of project approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

M. Public Works Projects:

The proposed project will not affect any existing or proposed public works project in the area.

N. Land Division Standards:

No land division or lot line adjustment is proposed as part of this project.

O. Visual Resources:

The 23.2-foot height of the new residence complies with the 25-foot height limitation of the governing C-R-1 zoning district. In accordance with Local Coastal Program policies, the project would not obstruct public views of the coast or shoreline vistas. The height, scale, and design of the proposed development will be compatible with the character of the surrounding community. Conditions of approval require all utilities serving the project site to be placed underground and all exterior lighting to be shielded.

P. Recreation/Visitor Facilities:

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

Q. Historic Resource Preservation:

The subject property is not located within any designated historic preservation boundaries for Stinson Beach as identified in the Marin County Historic Study for the Local Coastal Program.

XII. WHEREAS, the Marin County Board of Supervisors finds that the project is consistent with the following mandatory findings for a Design Review approval (Marin County Code Section 22.82.040I):

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

As noted in Sections IX, X, and XI above, the proposed project would be consistent with the Countywide Plan, the Stinson Beach Community Plan, and the Local Coastal Program. The project would be consistent with the zoning district regulations and would not be detrimental to the public health, safety, and welfare.

B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

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

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

The project would maintain sufficient setbacks from all property lines so that the project would not result in the loss of light or privacy to adjacent neighbors. All development will be contained within the parcel and would not impact development on public lands or rights-of-way. By maintaining required rear and side yard setbacks, limiting the structure to a 30% floor area ratio, providing adequate on-site parking, and landscaping, the proposed project will allow full use and enjoyment of neighboring parcels. Specifically, the encroachment into the front yard setback would not result in significant visual, privacy, and light impacts to surrounding residences.

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

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

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

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

- F. **The proposed development will minimize or eliminate adverse physical or visual effects, which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

1. **The area, heights, mass, materials, and scale of structures;**

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

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

2. Drainage systems and appurtenant structures;

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

3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);

The subject property is level and minimal grading is proposed. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

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

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.

As noted in XI.O and XII.C above, the project would not result in the loss of light, views, or privacy to adjacent properties.

G. It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.

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

SECTION II: CONDITIONS OF APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby denies the Rosenlund et al. Appeal in part and approves the Stinson Beach Cabin LLC Coastal Permit (CP 10-42) and Design Review (DR 10-95) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits) and Section 22.82.040I (Design Review), the Stinson Beach Cabin LLC Coastal Permit (CP 10-42) and Design Review (DR 10-95) are approved to construct a new 709-square foot single-family residence with a 280-square foot attached carport on a 2,365-square foot vacant lot. The two-story structure is approved to have a maximum height of 23.2 feet in the rear and 20 feet in the front, to result in a 30% floor area ratio, and to have the following minimum setbacks: (1) 10.3 feet from the southerly front property line; (2) 6 feet from the easterly side property line; (3) 7.5 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. An attached deck approximately 2.4 feet above grade is approved to be located 6 feet from the westerly side property line and 13.5 feet from the northerly rear property line. Approval is granted for rooftop solar panels, a new septic system, landscaping, and propane tank. The location and screening of the propane tank and trash enclosures are subject to the approval of the Community Development Agency staff. The subject property is located at **6 Francisco Patio, Stinson Beach**, and is further identified as **Assessor's Parcel 195-104-35**.

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

2. Except as modified by these conditions of approval, plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A** entitled "6 Francisco Patio," consisting of six sheets prepared by Mark Hulbert, dated September 27, 2010, and received September 28, 2010; except as modified by the conditions listed herein, and one sheet prepared by True North Surveying dated November 10, 2004 and received June 17, 2010, and entitled "Helmberger Property," consisting of four sheets prepared by Questa Engineering dated March 19, 2010 and received June 17, 2010. All exhibits are on file in the Marin County Community Development Agency.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant/property owner(s) shall:
 - a. Submit a revised landscape plan for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as part of **Exhibit A**.
 - i. Revise the landscape plan to remove existing acacia along the back fence and replace with a small tree or tall shrub selected and allowed to grow to sufficient height to screen the adjoining rear property.

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- ii. Include the cluster of three trees, which include two oak trees, in the right-of-way fronting the property and adjacent property at 8 Francisco Patio, identifying them to be protected.
 - iii. Include native shrubs in the westerly side of the carport to the extent feasible to soften views of the residence.
- b. Submit revised site and landscape plans indicating the modified location of the propane tank and trash enclosure to provide adequate setbacks from property lines.
 - c. Record a notarized deed restriction against the title of the property prepared by the Community Development staff stipulating the following;
 - i. The carport area shall not be converted into habitable space without County approvals, and
 - ii. The structure shall function as one single-family residence.
 - d. Convert the garage into a carport by eliminating the door and wall enclosures on the southerly front and westerly side elevations. However, up to 50% of the westerly elevation of the carport may be enclosed if the applicant can demonstrate that it is needed to meet structural (sheer) wall requirements. Alternatively, the applicant may retain the garage design upon review and approval by the Director of design refinements to the residence through a substantial compliance review and finding that the design refinements would further strengthen those elements that maintain sensitivity to the character of the surrounding neighborhood, including the views and privacy enjoyed by surrounding properties. These may include changes to the location and size of windows, adjustments to the roofline, incorporation of other exterior architectural features, and similar modifications. These design refinements shall not increase the size, height, location, and mass/bulk characteristics of the residence as depicted in Exhibit A.
4. Approved exterior building materials and colors shall substantially conform to the Exterior Color Schematic dated June 14, 2010 and color/materials samples, both of which comprise **Exhibit B**, received June 17, 2010, and on file with the Marin County Community Development Agency including:
- a. Foundation – Colored concrete walls, Kelley Moore Rustic Green (#834-M)
 - b. Siding – Cement fiber board siding, Kelly Moore Revere Gray (857-L), with accents of Rustic Green
 - c. Trim, Gutters, & Downspouts – Kelly Moore Rustic Green
 - d. Window Frame and Door – Aluminum clad wood, Loewen Sage Green
 - e. Roof – Composition shingle roofing, Certain Teed Solaris series Crystal Gray
 - f. Skylights – Dark tinted
 - g. Decking – Trex color Gravel Path; upper decks cementitious
 - h. Second floor railings – cable with sections of siding to match house

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

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5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
6. 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.
7. Exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes. Cut sheets of proposed lighting fixtures shall be included in the building permit submittals.
8. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
9. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**.. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
10. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.

11. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
12. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Special Conditions

13. 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 install property line survey hubs with connecting colored line in locations that can be readily used by the Building and Safety Inspection staff to verify building setbacks prior to approval of the foundation inspection. If new survey hubs are installed, the project land surveyor or civil engineer must submit written confirmation that the staking of property lines has been properly completed and submit a written (stamped) confirmation to the Planning Division. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used to definitely measure building setbacks. It is recommended that the surveyor or civil engineer set the required setback and/or property lines with clearly marked stakes or colored line. The building setback verification can also be satisfied by having a licensed land surveyor or civil engineer with proper certification conduct a survey of all property lines and the installed project foundation forms. The surveyor or engineer would then verify that the proposed project foundation complies with the approved setback distances from adjacent property lines as shown on the approved building permit plans and submit written (stamped) confirmation to the Planning Division. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at [http://www.co.marin.ca.us/depts/CD/Forms/Building Inspection Procedures.pdf](http://www.co.marin.ca.us/depts/CD/Forms/Building%20Inspection%20Procedures.pdf) for additional details regarding this requirement.
14. BEFORE APPROVAL OF THE UNDERFLOOR INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification prepare and submit a written (stamped) survey or certification to the Planning Division confirming that the building's finish floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at [http://www.co.marin.ca.us/depts/CD/Forms/Building Inspection Procedures.pdf](http://www.co.marin.ca.us/depts/CD/Forms/Building%20Inspection%20Procedures.pdf) for additional details regarding this requirement.
15. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf for additional details regarding this requirement.

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16. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall submit documentation from the project engineer or "as-built" service, to be approved by the Chief Building Inspector, confirming that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans. A registered engineer or "as-built" service must stamp and wet sign this verification. Please refer to the "Building Inspection Procedures" document available at the County Planning Department and on-line at http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf for additional details regarding this requirement.

Landscaping and Tree Protection

17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install temporary construction fencing around the dripline of the existing trees and shrubs to remain, including the cluster of trees in the front right-of-way called out in Condition 3a.ii above. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
18. PRIOR TO FINAL INSPECTION, any damaged or removed trees or vegetation included in the approved landscape plan to remain shall be replaced with adequately sized specimens to the satisfaction of the Planning Director.
19. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion with photos, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping, including an automatic drip irrigation system, has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.

Department of Public Works

20. Site and access improvement plans under the purview of Marin County Code, Chapter-24 shall be prepared by a registered civil engineer with wet-stamp and signature [MCC§24.10.005(b)].
21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate that the project complies with all flood zone requirements for the Special Flood Hazard Area, Zone-A0, as shown on the Flood Insurance Rate Map (FIRM Community-Panel Number 06041C0444D, May 4, 2009). The Base Flood Elevation (BFE) for Zone-A0 on both FIRM Maps is a depth of 3-ft (above highest adjacent grade). All finish floor levels of habitable space shall be at or above the BFE. All improvements shall conform to Marin County Code §23.09, Floodplain Management. DPW recommends use of the FEMA Coastal Construction Manual for design of all structures within a coastal flood hazard zone. Note that MCC §23.09 prohibits fill to be used for structural support of buildings and man-made alteration of sand dunes which would increase potential flood damage.
- Designers are advised to reference FEMA Technical Bulletins TB11-01, TB1-08, TB7-93, and TB2-08 for design guidance in a Flood Hazard Zone.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, all fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered civil engineer or architect or meet or exceed the following minimum criteria:

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- a. Either a minimum of two openings having a total net area of not less than one square-inch for every square-foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters; or
 - b. Be certified to comply with a local flood-proofing standard approved by the Federal Insurance Administration.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to show that all propane tanks will be securely anchored to resist flotation or lateral movement.
 24. BEFORE ISSUANCE OF A BUILDING PERMIT, submit Erosion and Siltation Control plans.
 25. BEFORE ISSUANCE OF A BUILDING PERMIT, provide a note on the plans stating that the Design Engineer and/or Architect shall certify to the County in writing prior to final inspection that all grading, drainage, and retaining wall construction was completed in accordance to approved plans and field direction. Also state that the driveway, parking, and all other site improvements shall be inspected by a DPW engineer prior to final inspection.
 26. BEFORE ISSUANCE OF A BUILDING PERMIT, all design recommendations made by the Geotechnical engineer in the June 25, 2009 report by Earth Mechanics consulting Engineers shall be incorporated into the plans. References to the Geotechnical report within the plans shall not be accepted.
 27. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.

Stinson Beach County Water District

28. BEFORE FINAL INSPECTION, the applicant shall verify that the septic system has been installed in compliance with the septic system design approved by the Stinson Beach County Water District.
29. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the District that the required water service has been connected.

Stinson Beach Fire Department

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

SECTION III: VESTING

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **April 26, 2013**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

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

SECTION IV: VOTE

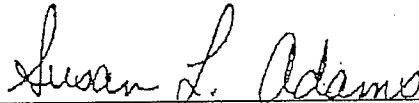
PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 26th of April, 2011.

AYES: SUPERVISORS Judy Arnold, Steve Kinsey, Susan L. Adams

NOES: NONE

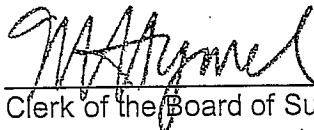
ABSENT: SUPERVISOR Harold C. Brown, Jr.

VACANT: ONE

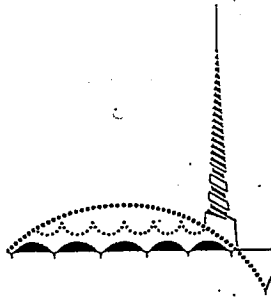


SUSAN ADAMS, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:



Clerk of the Board of Supervisors



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION

ROSENLUND ET AL. APPEAL OF THE STINSON BEACH CABIN COASTAL PERMIT AND DESIGN REVIEW APPROVAL

Item No:	4	Project ID No:	10-0154
Applicant:	Bruce Helmberger	Applications No:	CP-10-42 & DR-10-95
Appellants:	Dave Rosenlund, Rodger Faulkner, Kevin Donahue, and Lynne Stickrod	Owner:	Stinson Beach Cabin LLC
Hearing Date:	February 28, 2011	Address:	6 Francisco Patio, Stinson Beach
		Assessor's Parcel:	195-104-05
		Planner:	Lorene Jackson

RECOMMENDATION: Deny the Appeal and Sustain the Deputy Zoning Administrator's approval of the Stinson Beach Cabin Coastal Permit and Design Review Applications

APPEAL PERIOD: Five business days to the Marin County Board of Supervisors (March 7, 2011)

LAST DATE FOR ACTION: February 28, 2011

SUMMARY

On December 16, 2010, the Deputy Zoning Administrator issued a decision approving the Stinson Beach Cabin Coastal Permit and Design Review applications to construct new 709-square foot single-family residence with a 280-square foot attached garage on a 2,365-square foot vacant lot. On December 22, 2010, Dave Rosenlund, Rodger Faulkner, Kevin Donahue, and Lynne Stickrod, filed a timely appeal objecting to the construction of a single-family residence on the subject property. Staff recommends the Planning Commission deny the Rosenlund et al. Appeal and sustain the conditional approval of the Stinson Beach Cabin Coastal Permit and Design Review applications.

PROJECT DESCRIPTION

The project includes the construction of a new, 709-square foot single-family residence with a 280-square foot attached garage on a 2,365-square foot vacant lot. The two-story, 23.2-foot high structure would result in a 30% floor area ratio (FAR) and maintain the following setbacks: (1) 10.3 feet from the southerly front property line; (2) 6 feet from the easterly side property line; (3) 7.5 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. An attached deck approximately 2.4 feet above grade would be located 6 feet from the westerly side property line and 13.5 feet from the northerly rear property line. The project includes rooftop solar panels, a new septic system, and a landscaped garden with native and Mediterranean plants. A propane tank located 4.4

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feet from the southerly front property line and approximately 10 inches from the easterly side property line would be screened by landscaping. Exterior finishes include 1) "revere gray" fiberboard shingle siding, 2) "rustic green" trim, accent siding, and foundation, 3) "sage green" aluminum clad windows and doors, and 4) "crystal gray" composition shingle roof. Design Review is required because the lot size is less than 50% of the minimum 7,500 square feet lot size required by the C-R-1 zoning district.

GENERAL INFORMATION

Countywide Plan: SF6 (Single-family, below 10,000-square foot minimum lot area, 4-7 units/acre)
Zoning: C-R1 (Coastal Single-family, Residential District, 7,500 square foot minimum lot area)
Community Plan Area: Stinson Beach Community Plan
Lot size: 2,365 square feet
Adjacent Land Uses: Single-family Residential
Vegetation: Recently cleared of vegetation; invasive bamboo re-sprouting
Topography and Slope: Level
Environmental Hazards: Urban Wildland Interface and within 5,000 feet of the Alquist-Priolo Special Study Zone and within a FEMA Special Flood Hazard Area

ENVIRONMENTAL REVIEW

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 of the CEQA Guidelines because it entails construction of a single-family residence in a residential zone that would not result in potentially significant impacts to the environment.

PUBLIC NOTICE

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

PLAN CONSISTENCY

The proposed project entails the construction of a single-family residence on an infill site within the Coastal Corridor in conformance with zoning standards and FEMA requirements, and with no adverse impacts to coastal resources. Therefore, the proposed project is consistent with the goals and policies of the Marin Countywide Plan, the Stinson Beach Community Plan, and the Local Coastal Program, Unit I. Please refer to the attached recommended resolution for detailed findings. Further discussions are also included in the staff reports and memorandum for the December 16, 2010 public hearing. (See Attachment 7.)

PROJECT ANALYSIS

Project Setting

The subject property is a level lot with frontage along Francisco Patio, a private, unpaved cul-de-sac. The property is located approximately 225 feet inland from the beach. During the initial site visit, the property was covered with a dense thicket of invasive bamboo approximately 15 to 20 feet tall. The site has since been cleared in preparation of story poles and development. Existing tall shrubs along the

westerly side property line provide screening to the adjacent property at 8 Francisco Patio. There is a cluster of three trees in the right-of-way fronting the subject property, two of which are oaks.

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

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

According to data from the County's Geographic Information System, the subject property is not a habitat area for special status species of wildlife. The data base indicates the property is in the vicinity of habitat areas for the following special status plant species: Showy Indian Clover, Marin Hesperian, Point Reyes Bird's Beak, Coastal Marsh Milk-vetch, Lyngbye's Sedge, Blue Coast Gilia, and Tiburon Paintbrush. However, the Marin Hesperian, Point Reyes Bird's Beak, Coastal Marsh Milk-vetch, and Lyngbye's Sedge are all found in salt marshes, wetlands, or riparian habitat, which are not present on the subject property. Marin Checker Lily is only found rarely on Point Reyes coastal grasslands, scrub, and exposed rocky slopes near the lighthouse, which are not applicable to this site. Showy Indian Clover is found on hillsides, particularly steep slopes and rocky ridges, which do not apply to this site. Tiburon paintbrush occurs in valley and foothill grasslands, which similarly do not pertain to this site. Blue Coast Gilia is found on sandy flats and dunes near Limantour Spit and Tom's Point Preserve near Tomales.

Background

The subject property is a legal, non-conforming lot of record created as part of the Upton Tract in 1931. Since 1981 and until recently, the subject property had been owned by Allen Santos, the current owner of the adjoining 2,212-square-foot property at 4 Francisco Patio (APN 195-104-04). Mr. Santos sold the subject property to the current owner, Stinson Beach Cabin LLC, a couple of years ago, before receiving Coastal Permit and Design Review approval for his house, which is currently under construction. If the two properties had been under the same ownerships at the time Santos submitted his applications for Design Review and Coastal Permit, the County would have required their merger into a single property. With separate ownership of the two adjoining parcels, a county initiated merger is no longer possible. Stinson Beach Cabin LLC purchased the subject property with knowledge of a self-imposed hardship associated with developing a substandard size lot.

On June 17, 2010, Bruce Helmberger submitted the current Coastal Permit and Design Review applications. The project was transmitted to the Marin County Department of Public Works (DPW), Stinson Beach County Water District (SBCWD), Stinson Beach Fire Department, Stinson Beach Village Association, California Coastal Commission, and the Gulf of Farallons National Marin Sanctuary. The reviewing agencies did not raise any major problems with the project. Planning and DPW staff visited the site to verify the information in the application. Story poles were correctly erected on November 10, 2010 to demonstrate the visual impacts of the project; at which time, the project was deemed complete.

During the Design Review process and in response to staff merit comments, the applicant submitted revised plans with the following modifications to the project: added the front garage door, gate, and entry trellis across the front of the house, eliminated the front second-story cantilever, lowered the front

section of the house to meet a 20-foot height limit within the 5-foot second floor stepback area, and reduced the depth of the second floor balcony by 1.5 feet. The architect included a response to preliminary merit comments and an analysis that the proposed project meets the County's Single-family Residential Design Guidelines. (Attachment 7 of the DZA staff report.) Additionally, a letter was submitted from Vincent Smith, Smith, Sickler & Associates, September 28, 1020, evaluating the project design for consistency with County plans and policies. (Attachment 8 of the DZA staff report.)

On December 1, 2010, a letter was received from 11 neighbors and residents of Stinson Beach objecting to development on the substandard sized lot, encroachment into the front yard setback, the project's mass and bulk, and enclosure of the garage. (Attachment 11 of the DZA staff report.) A response to this letter is in the Public Comment section of the DZA staff report and further discussed below in the Appeal Analysis.

On December 10, 2011 an email was received from Tara Evans, Coordinator of the Stinson Beach Village Association; with a follow-up letter received January 4, 2011, which objected, without elaboration, to Design Review Findings A-D and F and the Stinson Beach Community Plan Findings. (See Attachment 8 for the formal letter of the email.)

On December 15, 2010, a letter was received from the Stinson Beach Water District (SBWD) expressing concern about the potential for an unpermitted conversion of the garage to habitable space. (See supplemental memo after the DZA staff report in Attachment 7.) In response, the Deputy Zoning Administrator (DZA) added Condition of Approval 3.c, which requires a notarized deed restriction to be recorded against the title of the property stating that the garage area shall not be converted into habitable space without County approvals, and that the structure shall function as one single-family residence. SBWD General Manager Ed Schmidt indicated that this deed restriction would satisfy their concerns.

On December 16, 2010, a public hearing was conducted and the Deputy Zoning Administrator issued a decision approving the revised project with conditions. At the DZA's suggestion, the applicant agreed to move the location of propane tank and trash enclosure further away from the front and side property line. As conditioned, this revision would be subject to the approval of the Community Development Agency staff.

On December 22, 2010, the appellants filed a timely appeal objecting to the Stinson Beach Cabin Coastal Permit and Design Review approval. (See Attachment 2 for the entirety of the appeal.) An analysis of the appellants' bases for appeal is presented below.

Project Analysis

Story poles were constructed on-site to demonstrate the size, siting, and height of the proposed residence. The proposed development would be of a comparable height, size, and scale with other structures in the surrounding community. The proposed home would not unduly impact the existing light or privacy of surrounding residences because it would not exceed a height of 25 feet above grade and would maintain side and rear yard setbacks. The exterior materials would be unobtrusive earthtone colors and the property would be adequately landscaped. While story poles provide a sense of the height and size, they do not show the full exterior facades of the residence which would be articulated with porches, fenestration, and varied building forms and materials. The design of the residence has been responsive to the constraints of the subject property, while being compatible with the surrounding natural environment and the character of the local community.

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APPEAL ANALYSIS

The bases of the Rosenlund et al. Appeal are summarized below with staff responses. The underlying objection is the construction of a second, new single-family residence on Francisco Patio.

1. *The appellants assert that the approved project would inappropriately increase the density in the neighborhood and is inconsistent with the Stinson Beach Community Plan (SBCP), specifically Land Use Goals and Policies, Objective 4.0, Policy A to "Maintain the current potential single family residential densities throughout the community by retention of the existing zoning."*

Response

The proposed project would not change the zoning of the property and is therefore consistent with this policy. The subject property is a legal lot of record and subject to the density requirements of the C-R1 zoning district. The construction of a single-family residence on this parcel is consistent with the existing zoning. Section VIII of the attached recommended Resolution further describes the project's consistency with the Stinson Beach Community Plan.

2. *The appellants object to the project's encroachment into the front yard setback.*

Response

Through Design Review, Marin County Code Section 22.82.0251 provides relief for substandard sized lots by allowing encroachments into a required setback area. Where a vacant lot is at least 50% smaller than what is otherwise required by the applicable minimum zoning regulations, the required setbacks for a proposed single-family residence may be waived. The subject property is 68% smaller than the 7,500-square foot minimum and qualifies for such a waiver, subject to Design Review findings. A review of other properties within the Stinson Beach "Patios" shows several variances have been approved for construction within the front yard setback due to substandard lot sizes. Three homes on Francisco Patio appear to encroach into the front yard setback, although there are no surveys to confirm this.

The small lot size and irregular shaped front property line leave a constrained building footprint that is approximately 25 to 27 feet deep and 21 to 31.5 feet wide. The applicant proposes to build a small-sized, single-family residence that would meet the 6-foot setback to both side yard property lines and have a 13.5-foot rear yard setback, where 12.7 feet is required by the governing C-R-1 zoning district (20% of the lot depth.) The larger rear yard setback is necessary to meet setback requirements for the leach field, which is located in the rear yard.

That portion of the residence that encroaches 9.1 feet into the 25-foot front yard setback (36%) would attain a maximum height of 20 feet, which is a step down from the overall project height of 23.2 feet, which is below the 25-foot allowed maximum height. This would be comparable to the new home under construction at 4 Francisco Patio, although the currently proposed residence (not including the trellis) would be set back over 6 feet further from the front property line. Some of the overall height is attributed to FEMA requirements mandating the first floor of habitable space to be at least 3 feet above grade. Surrounding homes at similar heights appear to have been constructed at grade without this limitation. The building is carefully designed to minimize apparent mass and bulk, and provide visual interest and consistency with the neighborhood.

Due to concern about the proximity of the propane tank and trash enclosures to the side and front property lines; the applicant agree to relocate them. Therefore a condition of approval has been imposed allowing for this revision, e.g. along the westerly side of the garage. This revision

would be submitted to the Community Development Agency staff for approval. (See Condition of Approval 3.b in Attachment 1.)

Given the overall constraints on the site, Design Review Findings can be made supporting a reduced front yard setback. Please refer to Design Review Findings Section X in the Recommended Resolution (Attachment 1.)

3. *The appellants assert that the mass and bulk of the approved project will negatively impact the light and views in the neighborhood.*

Response

The median home size within 300 feet of the property is 1,120 square feet; the median home size on Francisco Patio is 894 square feet, which is 27% larger than the subject project. It is also noted that several homes in the "Patios" exceed the 30% FAR. This includes the following nearby homes at 5 Francisco Patio with a 35.3% FAR, 14 Francisco Patio with a 35.7% FAR, 5 Joaquin Patio with a 48.6% FAR, and 9 Joaquin Patio with a 54.8% FAR. Therefore, the proposed development would not result in an inappropriately massive residence in comparison to other homes in the neighborhood.

There are currently five two-story homes on Francisco Patio and five one-story homes, making the two-story aspect of the proposed project visually consistent and compatible with the neighborhood. To construct a single-story house surrounded entirely by two-story structures would limit the light to the subject project, a privilege enjoyed by adjoining properties. When considering visual impacts, it is important to note that structures on two of the adjoining properties encroach into the required rear and side property setbacks (1 and 7 Joaquin Patio.) This is a self-imposed constraint to the neighboring properties that reduces some of the light and view that would otherwise be present between properties and is not due to the design of the project.

During the Santos Coastal Permit and Design Review, the appellants asserted that the development of the properties at 4 and 6 Francisco Patio would have been best achieved by merging the two lots. However, the two parcels are now held in separate ownership and cannot be merged by the County. Notwithstanding, a single home on one merged parcel or two smaller homes on the two existing parcel, the character of the Francisco Patio would be similar as long as the 30% FAR is maintained. Two smaller homes would fit the character of the Patios. Additionally, the 12-foot setback between two separate structures may provide more light and view than a single residence.

Please refer to Design Review Finding F1 in Section X in the Recommended Resolution for more information (Attachment 1.)

4. *The appellants object to the enclosed garage, expressing concern that an enclosed garage would eventually be illegally converted to additional living space.*

Response

To alleviate parking concerns resulting from the addition of a new single-family residence in the neighborhood, the project includes a garage within the building envelope. Garages commonly include storage and utilities. The approved project provides four on-site parking spaces. Given the narrow front width of the property (23-feet), there is no room for off-site parking along the front property line.

CCC Exhibit 2
(page 22 of 24 pages)

As initially proposed, the garage did not include a front door. Given the configuration of the subject lot, an open garage/carport became a prominent visual component from the street. The Single-Family Design Guidelines discourage the visual prominence of garages along the front of the property, particularly on small lots. By adding a front door to match the siding of the house and adding an angled trellis above, the garage became less apparent and Design Review findings can be made.

Any unpermitted conversion of the garage to habitable space would exceed the allowable floor area ratio, violate FEMA requirements for finished floor height, and necessitate an upgrade to the approved septic system. Since the subject property is narrower and deeper than adjoining 4 Francisco Patio, the proposed project does not lend itself to a carport that is open along the front and back sides. To protect against such illegal conversions, a condition of approval is included, which requires a notarized deed restriction to be recorded against the title of the property stating that the garage area shall not be converted into habitable space without County approvals, and that the structure shall function as one single-family residence. (See Condition of Approval 3.c in Attachment 1.)

CONCLUSION

The DZA's decision to approve the Stinson Beach Cabin LLC Coastal Permit and Design Review with conditions is appropriate and consistent with the goals and policies of the Marin Countywide Plan, the Stinson Beach Community Plan, and the Local Coastal Program, Unit I. As conditioned, Coastal Permit and Design Review findings can be made for the project. The appeal lacks sufficient bases to overturn the DZA's decision and conditions of approval. Accordingly, staff recommends that the Rosenlund et al. Appeal be denied and the DZA's conditional approval of the Stinson Beach Cabin LLC Coastal Permit and Design Review be upheld.

RECOMMENDATION

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and move to adopt the attached resolution denying the Resenlund et al. Appeal and sustaining the Community Development Agency's conditional approval by approving the Stinson Beach Cabin LLC Coastal Permit and Design Review, based on the findings and subject to the conditions contained in the attached resolution.

ATTACHMENTS

1. Recommended Resolution Denying the Rosenlund et al. Appeal and Conditionally Approving the Stinson Beach Cabin LLC Coastal Permit and Design Review
2. Petition for Appeal, received December 22, 2010
3. Notice of Decision and Minutes, Stinson Beach Cabin Coastal LLC Permit and Design Review, December 16, 2010
4. Vicinity Map
5. Assessor's Parcel Map
6. Architect's Schematic, received December 16, 2010

The following attachments are provided to the Planning Commission only, but are available for public review at the Community Development Agency, Room 308 from 8 a.m. to 4 p.m. Monday - Friday.

CCC Exhibit 2
(page 23 of 27 pages)

7. DZA Staff Report with Project Plans, December 16, 2010 and Memorandum, December 15, 2010
8. Stinson Beach Village Association Letter, dated December 10, 2010 with the letter received January 4, 2011

CCC Exhibit 2
(page 24 of 24 pages)

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: June 3, 2011
TO: Lorene Jackson, Planner
County of Marin, Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157
FROM: Ruby Pap, District Supervisor *RP*
RE: **Commission Appeal No. A-2-MAR-11-027**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: I.D. 10-0408 / CP-10-42
Applicant(s): Bruce Helmberger; Stinson Beach Cabin Llc
Description: To construct a new 709-square foot single-family residence with a 280-square foot attached carport on a 2,365-square foot vacant lot.
Location: 6 Francisco Patio, Stinson Beach (Marin County) (APN(s) 195-104-05)
Local Decision: Approved w/ Conditions
Appellant(s): Rosenlund Et Al.
Date Appeal Filed: 6/2/2011

The Commission appeal number assigned to this appeal is A-2-MAR-11-027. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Ruby Pap at the North Central Coast District office.

cc: Bruce Helmberger; Stinson Beach Cabin Llc

CCC Exhibit 3
(page 1 of 31 pages)

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
TDD (415) 597-5885



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Rosenlund et al.

Mailing Address: PO Box 583

City: Stinson Beach

Zip Code: CA

Phone: 415-686-1580

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Marin

2. Brief description of development being appealed:

Construction of a new 709 square foot single family dwelling with a 280 square foot garage on a 2,365 square foot lot. Two story house would result in a 30% floor area ratio. Encroaches into the front yard set back by approximately 60%. New septic system required a variance.

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

#6 Francisco Patio, Stinson Beach. Assessor's Parcel #195-104-05. Cross street Calle del Arroyo

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

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

RECEIVED

JUN 02 2011

CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

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.

<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO:	<u>A-2-MAR-11-027</u>
DATE FILED:	<u>6/2/11</u>
DISTRICT:	<u>North Central Coast</u>

CCC Exhibit 3
(page 2 of 31 pages)

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: April 26, 2011

7. Local government's file number (if any): Coastal permit #10-42 Design Review #10-95

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:

Bruce Helmberger Glen Canyon Properties, 1252A Valencia Street, San Francisco, ca 94110

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) Stinson Beach Village Asso. Vice president Chris Ruppee, PO Box 706, Stinson Beach, Ca. 94970

(2) Dave Rosenlund, PO Box 583, Stinson Beach, Ca 94970

(3) Lynne Stickrod, #3 Joaquin Patio, Stinson Beach, Ca 94970

(4) Kevin Donahue, #3 Francisco Patio, Stinson Beach, Ca 94970

Refer to the following pages as parties who object to this project.

CCC Exhibit 3
(page 3 of 31 pages)

21 March 2011

Re: Proposed building project: 6 Francisco Patio, Stinson Beach, CA

To Whom It May Concern,

I am opposed to the proposed building project slated for development at 6 Francisco Patio and the precedent that it sets. I am asking that you reevaluate the proposed project and deny the plans as submitted.

This project follows on the immediate heels of approval for 4 Francisco Patio, a 2,212 square foot lot that was granted a building permit for 30% FAR (floor area ratio) through encroachments into setback requirements, including a 15.6 foot encroachment into the front setback. In fact, the builder for 4 Francisco Patio is the owner/builder of the 6 Francisco Patio project. One owner owned both sub-standard lots. Rather than merge the two to create one buildable lot, the owner sold off 6 Francisco patio to his builder/developer, creating a dramatic change in the character and density of the Patios and Stinson Beach.

Project description:

The project includes the construction of a new 709 square foot single-family residence with a 280 square foot carport on a 2,365 square foot vacant lot. The two story, 23.2 foot high structure would result in 30% FAR, which is the maximum allowable home size. A front yard encroachment of 9'3" into the setback has been granted to achieve this.

I object to this development on the following basis:

- 1) Project does not comply with the existing Stinson Beach Community Plan.
- 2) Stinson Beach Village Association Board of Directors voted unanimously against the current proposed building project. The village association also sent three letters to County Planners opposing the project at 4 Francisco Patio.
- 3) Total scale, mass, height, density, loss of sunlight, views and privacy must be considered, especially in connection with the development at 4 Francisco Patio and the duplication of all components of two homes, especially two septic systems, which were only allowed on these small lots because of new septic technology.
- 4) Variance applications should be screened by the Stinson Beach Village Association per Land Use 4.0 item I. This was not done.
- 5) Impact of increased traffic and number of cars parking on Francisco Patio and Calle Del Arroyo. Maneuverability of emergency vehicles is reduced.

CCC Exhibit 3
(page 4 of 31 pages)

Name: Belinda Zell Address: P.O. Box 31

Stinson Address: 6 Calle del Onda

Signature: Belinda Zell Date: April 3, 2011

21 March 2011

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Name: Alice Zell Address: P.O. Box 31, Stinson Beach

Stinson Address: P.O. Box 31, Stinson Beach

Signature:  Date: 4/3/2011

CCC Exhibit 3
(page 5 of 31 pages)

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Name: JAMES M. ZELL Address: P.O. BOX 31, STINSON BEACH

Stinson Address: P.O. BOX 31 STINSON BEACH

Signature: James M. Zell Date: April 3, 2011

CCC Exhibit 3
(page 6 of 31 pages)

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Name: DON ANDERSON Address: #6 CALLE DEL PIÑOS PO BOX 364

Stinson Address: #6 CALLE DEL PIÑOS

Signature: DEAR Date: 4/2/11 **CCC Exhibit 3**
(page 7 of 31 pages)

21 March 2011

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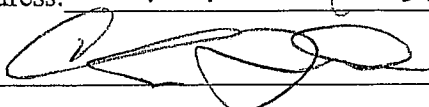
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Name: CHARLES ZIBITT Address: PO Box 504

Stinson Address: STINSON BEACH, CA 94970

Signature:  Date: 4/9/11

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Name: Azzie Puckard Address: P.O. Box 409
Stinson Address: 27 B Calle del Ribera
Signature: Azzie Puckard Date: 4/9/11

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Name: Ralph Wood Address: Po Box 305, Stinson Beach CA
94970

Stinson Address: 129 Calle del Arroyo

Signature:  Date: 3/30/11

CCC Exhibit 3
(page 10 of 31 pages)

21 March 2011

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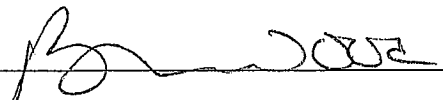
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Name: Bever Wood Address: PO Box 305 Stinson
128 Calle Del Arroyo

Stinson Address: 128 Calle Del Arroyo

Signature:  Date: 4/1/11

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Name: Sarah Atwater Address: 355 Belvedere Avenue

Stinson Address: Stinson Beach

Signature: [Signature] Date: 4/9/11

21 March 2011

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Name: Ann Walsh Address: 35 Dipsea POB 823

Stinson Address: _____

Signature: Ann Walsh Date: 4/7/2011

CCC Exhibit 3
(page 13 of 31 pages)

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Name: Anne deBeers Rand Address: 7733 Panoramic
Stinson Address: PO 4298 Stinson Beach, CA 94970
Signature: Anne deBeers Rand Date: 4.9.11

CCC Exhibit 3
(page 14 of 31 pages)

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Name: Clint Graves Address: Box 1087

Stinson Address: Son?

Signature: Clint D. Graves Date: 4/2/11

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Name: CHRIS AIREY Address: 3524 SHORELINE HWY

Stinson Address: YES

Signature: Chris Airey Date: 4/9/11

21 March 2011

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Name: Persis Norton Address: 178 Elm Balinas 94970

Stinson Address: P.O. Box 1107

Signature: PERSIS NORTON Date: 9 Apr 11

CCC Exhibit 3
(page 17 of 31 pages)

21 March 2011

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Name: Chris FITTING Address: _____

Stinson Address: 210 Calle del MAR

Signature: [Handwritten Signature] Date: 4-9-11

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Name: Rosgea Fulkner Address: 200 William Ave, Carleson

Stinson Address: #2 Francisco Patio

Signature: Rosgea F Date: 4/9/2011

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Name: Donna Faulkner Address: 200 William Ave, Larkspur

Stinson Address: #2 Francisco Patio

Signature: Donna J Faulkner Date: 4/9/2011

CCC Exhibit 3
(page 20 of 31 pages)

21 March 2011

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Name: RL McIL Address: Box 471

Stinson Address: SHORELINE HIGHWAY RESIDENT SINCE 1959

Signature: RL McIL Date: APRIL 9 2011
CCC Exhibit 3
(page 21 of 31 pages)

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Name: RON CRISKA Address: P.O. Box 682

Stinson Address: 682 BEVERENE

Signature: [Handwritten Signature] Date: 4/10/11

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Name: WARNER YULL-HORNBY Address: 126 CALLE DEL ARROYO

Stinson Address: SAME

Signature: [Handwritten Signature] Date: 3/30/11

21 March 2011

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Name: LUCINDA CALAWAY Address: 126 CALLE DEL ARROYO

Stinson Address: SAME

Signature: Lucinda Callaway Date: 3/30/11

CCC Exhibit 3
(page 24 of 31 pages)

21 March 2011

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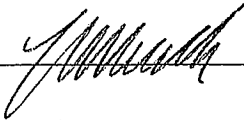
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6) *Outside stairways from bedroom to bathroom in order to avoid square footage rules.*

Name: Lance Meady Address: 2 Joaquin Patio

Stinson Address: PO Box 513 Stinson Beach CA 94970

Signature:  Date: 3/30/11

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The project includes the construction of a new 709 square foot single-family residence with a 280 square foot carport on a 2,365 square foot vacant lot. The two story, 23.2 foot high structure would result in 30% FAR, which is the maximum allowable home size. A front yard encroachment of 9'3" into the setback has been granted to achieve this.

I object to this development on the following basis:

- 1) Project does not comply with the existing Stinson Beach Community Plan.
- 2) Stinson Beach Village Association Board of Directors voted unanimously against the current proposed building project. The village association also sent three letters to County Planners opposing the project at 4 Francisco Patio.
- 3) Total scale, mass, height, density, loss of sunlight, views and privacy must be considered, especially in connection with the development at 4 Francisco Patio and the duplication of all components of two homes, especially two septic systems, which were only allowed on these small lots because of new septic technology.
- 4) Variance applications should be screened by the Stinson Beach Village Association per Land Use 4.0 item I. This was not done.
- 5) Impact of increased traffic and number of cars parking on Francisco Patio and Calle Del Arroyo. Maneuverability of emergency vehicles is reduced.

Name: Tanni Meade Address: 2 Joaquin Patio

Stinson Address: PO Box 513 Stinson Beach

Signature: Tanni Meade Date: 3/30/11

21 March 2011

Re: Proposed building project: 6 Francisco Patio, Stinson Beach, CA

To Whom It May Concern,

I am opposed to the proposed building project slated for development at 6 Francisco Patio and the precedent that it sets. I am asking that you reevaluate the proposed project and deny the plans as submitted.

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Name: Delanie Borden Address: 15 Vaquin Patio Stinson Beach

Stinson Address: 15 Vaquin Patio

Signature: Delanie Borden Date: 3/30/2011

CCC Exhibit 3
(page 27 of 31 pages)

21 March 2011

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Name: MICHAEL MONTI Address: 6 JOAQUIN PATIO

Stinson Address: STINSON BEACH CA 94970

Signature: [Handwritten Signature] Date: 4/15/11

21 March 2011

Re: Proposed building project: 6 Francisco Patio, Stinson Beach, CA

To Whom It May Concern,

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- 5) Impact of increased traffic and number of cars parking on Francisco Patio and Calle Del Arroyo. Maneuverability of emergency vehicles is reduced.

Name: Minnie McBride Address: 6 Joaquin Patio

Stinson Address: _____ ↙

Signature: Minnie McBride Date: April 14, 2011

CCC Exhibit 3
(page 29 of 31 pages)

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

SECTION IV. Reasons Supporting This Appeal

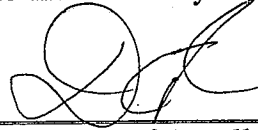
PLEASE NOTE:

- 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.
1. Violates the Stinson Beach Village Plan adopted by the board of supervisors with regards to density in the Patios of Stinson Beach (Page 45, Objective 4.0 A). Builder is attempting to over develop two small substandard lots with in the coastal zone.
 2. Marin County Board of Supervisors have approved removing the carport from this project allowing for additional enclosed car space on this project. History has show that these enclosed spaces are rarely used for vehicles, which in turn will push additional vehicles onto Calle del Arroyo. This will elimtate further day use parking for coastal vistors in Stinson Beach. Refer to Citation memo by Ruby Pap dated April 21, 2010 at the PC Hearing regarding "Carry-over transportation policies.
 3. Project will result in a loss of views of the coastal ridge for property owners of this project.

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: 6-1-2011

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: _____



P.O. Box 706 • Stinson Beach • California • 94970
www.stinsonbeachvillage.com

May 31, 2011

California Coastal Commission
North Central Coast District
45 Fremont, Suite 2000
San Francisco, California 94105-2219

Re: CP 10-42 Stinson Beach Cabin, LLC
#6 Francisco Patio, Stinson Beach

To whom it may concern:

The Stinson Beach Village Association has gone on record with the County as opposing the building of the above-captioned property and strongly believes that this project does not support the Community Plan. As you are aware, the Stinson Beach Village Association's mission statement is to act as liaison between the Village and the County, and to support the Stinson Beach Community Plan which went into effect in 1976 (revised in 1985). Stinson Beach has never had an official Local Coastal Plan. However, by long association, the rules and regulations regarding construction in Stinson Beach have been in harmony with the 1985 Community Plan, a plan that has also been considered to be the Village's Local Coastal Plan.

Given that the SBVA's goal is to support the Community Plan and to "preserve the character of the neighborhood", issues of concern are as follows:

1) The SBVA has been opposed to the building of both #4 and #6 Francisco Patio. Several years ago, these properties (which are adjacent to each other and are both substandard lots) were owned by the same individual, a Mr. Allen Santos. In 1984, the Subdivision Map Act was amended, and the County lost the right to "administratively" merge discrete adjacent properties; instead the County could merge properties held under the same legal title only after providing notice and scheduling a hearing. The owner could then register objections to any potential merger. Mr. Santos navigated around this constraint by keeping # 4 Francisco Patio, a 2012 square foot property, and selling the adjacent parcel, #6 Francisco Patio, which measured 2365 square feet, to builder/developer, Mr. Helmberger, prior to filing a development application. The County admits that had the two properties remained under single ownership that they would have required their merger into a single property. The SBVA's understanding is that Mr. Helmberger (who now owns #6 Francisco Patio) approached County Counsel and

CCC Exhibit 4
(page 1 of 3 pages)

received a determination that there was nothing that would prohibit Mr. Santos from selling off the adjacent parcel to him. It seems obvious that County Counsel never communicated with the planning director who should have gotten the BOS to instruct County Counsel to file a Notice of Intent to merge and a *lis pendens* on the respective titles.

2) The SBVA has supported a group of neighbors in the Patios who filed an appeal regarding the plans under "Design Review" for #4 Francisco Patio, making the point that any setback encroachment permitted should be limited to what is necessary to permit the minimum construction footprint for a legal dwelling. Mr. Santos, however, proposed a footprint significantly larger than the minimum building code requirements for a single family dwelling. Title 22.83.040 specifies six necessary findings for "Design Review". The finding that deserves particular attention is finding F. It required that the Santos proposal minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects include scale, mass, height area, and materials of structures in addition to diminishing or eliminating sun and light exposure, views, vistas and privacy to adjacent properties. The County Planners ignored both the SBVA and the neighbor's concerns regarding the Santos project and have now just approved the Helmberger project as well; the result is that two, two-story homes have been approved by the County Planners under "Design Review" in the Patios on adjacent, substandard lots both with a 30% FAR, which create density issues that do not meet Community Plan standards, which change the character of the Patios, which reduce completely the privacy and light for neighbors, and which set a dangerous precedence for building in Stinson Beach.

3) Traffic is of major concern in Stinson Beach, especially in the Calles and Patios. As State Parks are being shut down, more people are coming to Stinson Beach on the week-ends, causing the GGNRA's parking lot to fill up quickly and forcing people to park illegally in and around the Calles and Patios. Recent increases in the parking fines approved by the County have not deterred people from parking illegally. The result is that the county- maintained Calle del Arroyo, as well as the private Patios and Calles and homeowner's personal driveways, are clogged with vehicles, and both the garbage company and fire department have complained at SBVA meetings that sometimes it is not possible to get into these areas. Building two houses on adjacent substandard lots exacerbates this problem. These properties will impact the traffic problem by adding a minimum of 6 more vehicles to the mix, not including the number of vehicles parked on the roads from their visiting friends. What is the point of trying to fix traffic issues on public roads if you create a building precedence allowing a density of dwellings that increases rather than diminishes the traffic issues in town?

4) In a recent article written by Nels Johnson of the Marin Independent Journal (see attached), Supervisor Steve Kinsey inferred that the reason that both #4 and #6 Francisco Patio building plans were approved by the County was because the Stinson Beach County Water District approved septic systems for these two "postage stamp lots". New septic system technology and any septic system approvals represent only one part of the process and does not relieve the County of their responsibilities; the County needs to also

take into consideration the Stinson Beach Community Plan, the Local Coastal Plan, density issues, traffic, size of lot, Design Review etc. before issuing a building permit.

The Stinson Beach Village Association believes that there is an inconsistency in the County Planners' thinking in that they are changing rules and regulations to justify their actions, and that the Stinson Beach Community Plan /Local Coastal Plan has been ignored completely. Please review the building plans for #6 Francisco Patio taking into consideration the SBVA's prior negative responses to both #4 and #6 Francisco Patio and make your decision accordingly.

Very truly yours,

Stinson Beach Village Association
Don, Anderson, Lead Coordinator

PROJECT

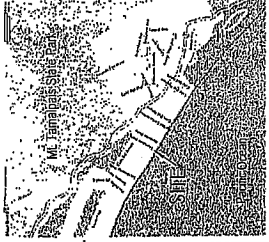
6 Francisco Patio
Stinson Beach
CA

APN: 195-104-05

PROJECT TEAM

OWNER:
BARBARA KUECKER & BRUCE HELMBERGER
300 Sunny St., San Francisco, CA 94131

ARCHITECT:
MARY HILBERT
PRESERVATION ARCHITECTURE
448 17th St. East, Oakland, CA 94612
mhilbert@earthlink.net



VICINITY PLAN 1
North
1/8" = 1' SCALE

PROJECT INFORMATION

LOCATION:	FRANCISCO PATIO, STINSON BEACH, MARIN COUNTY, CA
ACCESSORS PARCEL #:	195-104-05
ZONING:	COUNTY OF MARIN CM-1
LOT AREA:	2,365 sf
PROPOSED FLOOR AREAS:	234 sf (incl. Garage = 280 sf)
PROPOSED FAS:	+428 sf (See Sched. F)
ALLOWED FLOOR AREA & FAS:	= 50%
FLOOR AREA IN FRONT SETBACK:	= 710 sf
AREA OF GARAGE:	= 280 sf
PROPOSED BUILDING HT.:	25'-0" MAX. (top of roof)
ALLOWED BUILDING HT.:	25'-0" MAX. (top of roof)
PROPOSED PARKING:	4 TOTAL ON-SITE (1 COVERED)
REQUIRED PARKING:	+1 (PARTIALLY) @ PUDO
REQUIRED PARKING:	MIN. 2 ON-SITE (+ 2 GUEST)

LANDSCAPE NOTES

PROPOSED LANDSCAPE IS A CALIFORNIA NATIVE GARDEN WITH 40% OF PROPOSED SPECIES TO BE NATIVE, REMAINING 20% TO BE NON-NATIVE, AND 40% TO BE SPECIES.

ALL PROPOSED PLANTING TO COMPENSATE GREEN POINT IN THIS SUBMITTAL. SEE LIST OF PROPOSED.

ALL EXISTING PLANTING TO REMAIN UNLESS OTHERWISE NOTED.

ALL EXISTING PLANTING TO BE REMOVED AND REPLACED WITH CALIFORNIA NATIVE SPECIES.

ALL EXISTING PLANTING TO BE REMOVED AND REPLACED WITH CALIFORNIA NATIVE SPECIES.

ALL EXISTING PLANTING TO BE REMOVED AND REPLACED WITH CALIFORNIA NATIVE SPECIES.

- A. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- B. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- C. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- D. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- E. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- F. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- G. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
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- I. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
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- Q. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- R. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- S. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- T. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- U. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- V. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- W. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- X. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- Y. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.
- Z. ALL OTHER EXISTING PLANTINGS ARE IN SPACES TO BE REMOVED.

RECEIVED

SEP 28 2010

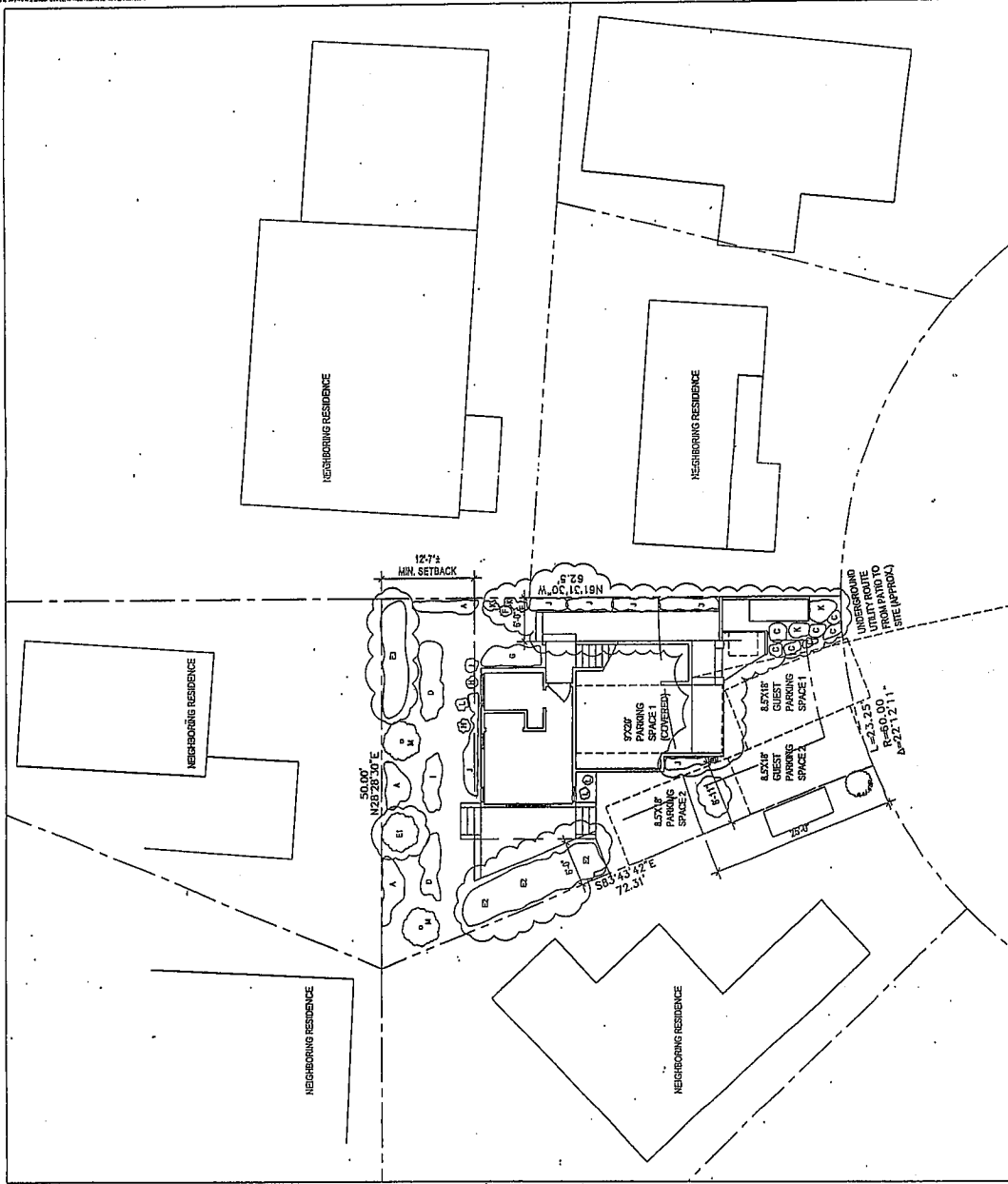
COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

Project Info &
Notes;
& Site Plan

A1.1

DZA ATTACHMENT # 5

18" x 11" (DZA PLAN)
1/8" = 1' (SITE PLAN)



VICINITY PLAN 1
North
1/8" = 1' SCALE

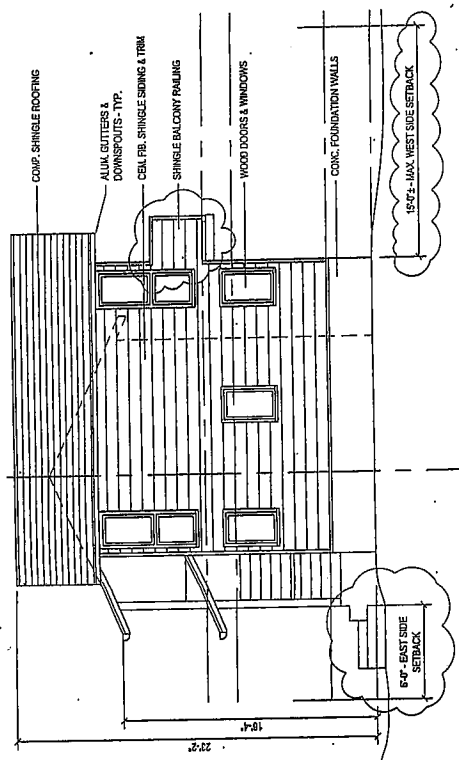
SITE PLAN 2
North
1/8" = 1' SCALE

File Case

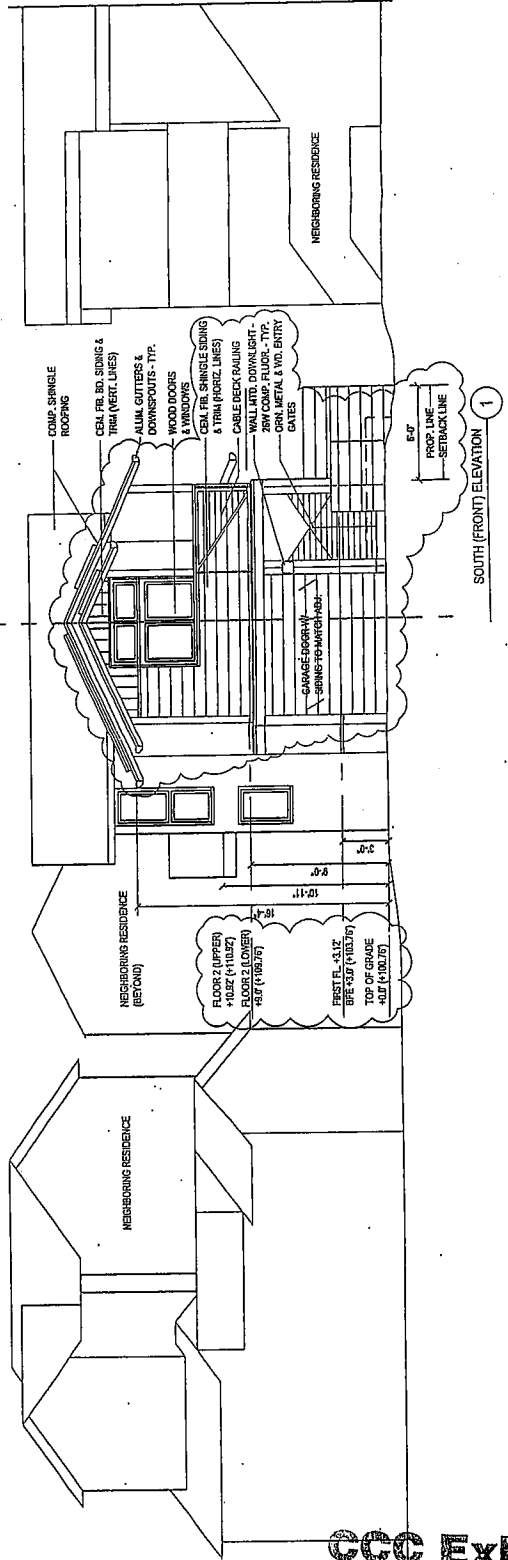
Owner:
 ROSA M. KUCIUS & BRUCE BERENBERGER
 300 Sunny St., San Francisco, CA 94111

Architect:
 MARK HILBERT
 PRESERVATION ARCHITECTURE
 1525 15th St., Oakland, CA 94612
 mhilbert@earthlink.net

NO.	DATE	DESCRIPTION
1	05/14/19	Coastal Permit/Design Review
2	06/27/19	CPDR Re-submittal



NORTH (REAR) ELEVATION 2



SOUTH (FRONT) ELEVATION 1

PRESERVATION
ARCHITECTURE

Th 5.3a

RECEIVED

August 5, 2011

AUG 08 2011

California Coastal Commission
North Central Coast District Office
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

CALIFORNIA
COASTAL COMMISSION

Re: Appeal A-2-MAR-11-027, 6 Francisco Patio, Stinson Beach, Marin County

Commissioners:

I write to you on behalf of property owners Barbara Kuecker and Bruce Helmberger, and with respect to the above cited appeal of their single-family residential project to the California Coastal Commission.

This very small, single-family residential project was first submitted to Marin County's Community Development Agency in June of last year, and subsequently approved by the County's Deputy Zoning Administrator (DZA) in December, 2010. That approval was appealed to the Planning Commission, who unanimously denied the appellants at a public hearing in late-February. That unanimous denial was then appealed to the County Board of Supervisors, who again unanimously denied the appellants in late-April. To that point, no staff report or hearing at any level identified any Local Coastal Plan (LCP) issues raised by the application.

The appellants have since appealed this project to the CCC. The CCC staff report has recommended a finding that the appellants have raised no substantial issue. We are relieved and thankful for the detailed and forthright response.

The appellants state three grounds for their appeal.

The first; that the project violates the Stinson Beach Village Plan (Plan). As is carefully presented in the CCC staff report recommendation, the Plan is irrelevant to the current determination because it is not part of the certified LCP. Yet, were it relevant, it is our understanding that the Plan presents no objectives discouraging the construction of an in-fill project consisting of a very small, single-family residence on an existing legal lot. The LCP identifies such potential in-fill by projecting a range of additional single-family residential units on the Patios in Stinson Beach.

The appellants specifically state that our project "violates" Objective 4.0 of the Plan, under which individual policies pertinent to single-family residential development state the following:

- A. Maintain the current potential single family residential densities throughout the community by retention of the existing zoning.
- G. Maintain the maximum height for buildings throughout Stinson Beach at 25 feet....
- I. Support strict enforcement of County codes and ordinances.

These are the extent of specific policies relevant to single-family development under the stated Objective 4.0, none of which is violated by our project. We have carefully crafted this house to

meet and even exceed the development standards without variance. The proposed house is under the allowed height of 25 feet. Despite the small site, setbacks at neighboring properties exceed the minimum allowable. All parking requirements have been met. Step backs in the design meet the County's residential design guidelines. And the project meets seismic and urban wildfire design requirements, assuring that it is a safe neighbor. Altogether, this project strictly meets Marin County codes and ordinances. Thus, we have obtained a unanimous approval from the County.

The second ground for appeal concerns impacts on beach visitor parking. The appeal raises an objection that "the Board of Supervisors approved removing the carport from this project...," the stated consequence of which will "push additional vehicles onto Calle del Arroyo...[and] eliminate further day use parking for coastal visitors..." Evidence does not support this objection. The Board of Supervisors did not make any such approval. Rather, the Board allowed for the potential that the originally approved garage door (which had been removed by condition by the Planning Commission) might be reinstated based on further consultation with County staff, with the Board's stated intention being to improve elements of the project relative to the neighbors. Of further importance to this issue is the reason we petitioned the Board of Supervisors to overturn the Planning Commission's condition. In this very small house, the garage not only houses a desirable, covered parking space, but necessarily houses storage, utilities and infrastructure that require enclosure and protection. The CCC staff report finds that there is substantial public parking nearby and that the project provides four parking spaces as required by regulations.

The third ground for appeal states that our project will cause a loss of views "of the coastal ridge for [neighboring] property owners of this project." As found in the staff report to this appeal, private views are not an LCP concern. Our project does not encroach on public views to and from the public beach, parklands or rights-of-way.

In conclusion, we find nothing in the LCP to support this appeal. Nonetheless, we understand and respect that neighborhood change is often uncomfortable. In response, we have endeavored to make this a good, small, livable and appropriate house, for us and for the neighborhood. Towards that end, we thank the CCC for their engagement and urge you to find that there is no substantive issue underlying this appeal.

Signed:

Signature on File

Mark Hulbert
Architect

cc: Barbara Kuecker and Bruce Helmberger

Th 5.3a

August 8, 2011

REGARDING: Agenda Number: Th5.3a

RECEIVED

AUG 08 2011

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
North Central Coast District Office
45 Fremont, Suite 2000
San Francisco, California 94105

Dear Administrator:

I object to the construction proposed by Bruce Helmberger for the single family home at # 6 Francisco Patio. I live next door to the first house (at # 4 Francisco Patio) that Mr. Helmberger built on a lot owned by Mr. Santos . That house, nearing completion, clearly does not fit the character of the neighborhood, which is locally known, as "The Patio's". While numerous objections were raised in public hearings, the Zoning Administrator granted variances to the set backs to allow construction at # 4 Francisco Patio where Mr. Helmberger is the developer.

As the attached photographs will show (all photographs include a portion of my single story cottage):

1. The Marin County Community Development Agency allowed a design that clearly encroaches on my privacy. From the front balcony/stairs, there view is directly into my hammock area.
2. This balcony view of Mr. Helmbengers first house (on the Santos property at # 4 Francisco Patio) also looks directly into my outdoor patio living area.
3. The window view from his living room looks directly into my main bedroom and the rear ping pong deck area.
4. Essentially, all my privacy has been removed, due to the approval by the various agencies of Marin County.
5. The propane tank on # 4 Francisco Patio is about 3 feet from my family bar-bo-que which has been in use for several years; potentially an unsafe condition. So even the placement of a propane tank should be considered when approving development projects.
6. This type of overdevelopment with no consideration to the property rights of others should not be allowed in the future for the project in question (at # 6 Franciso Patio) or any other similar situation on sub standard lot sizes.

7. Single family homes on one level would seem to be more appropriate use of land in the "Patios"

Thank you for your consideration.

Sincerely, **Signature on File**

Rodger Faulkner

Owner, # 2 Francisco Patio, Stinson Beach, California

Attachments:

Photograph A.

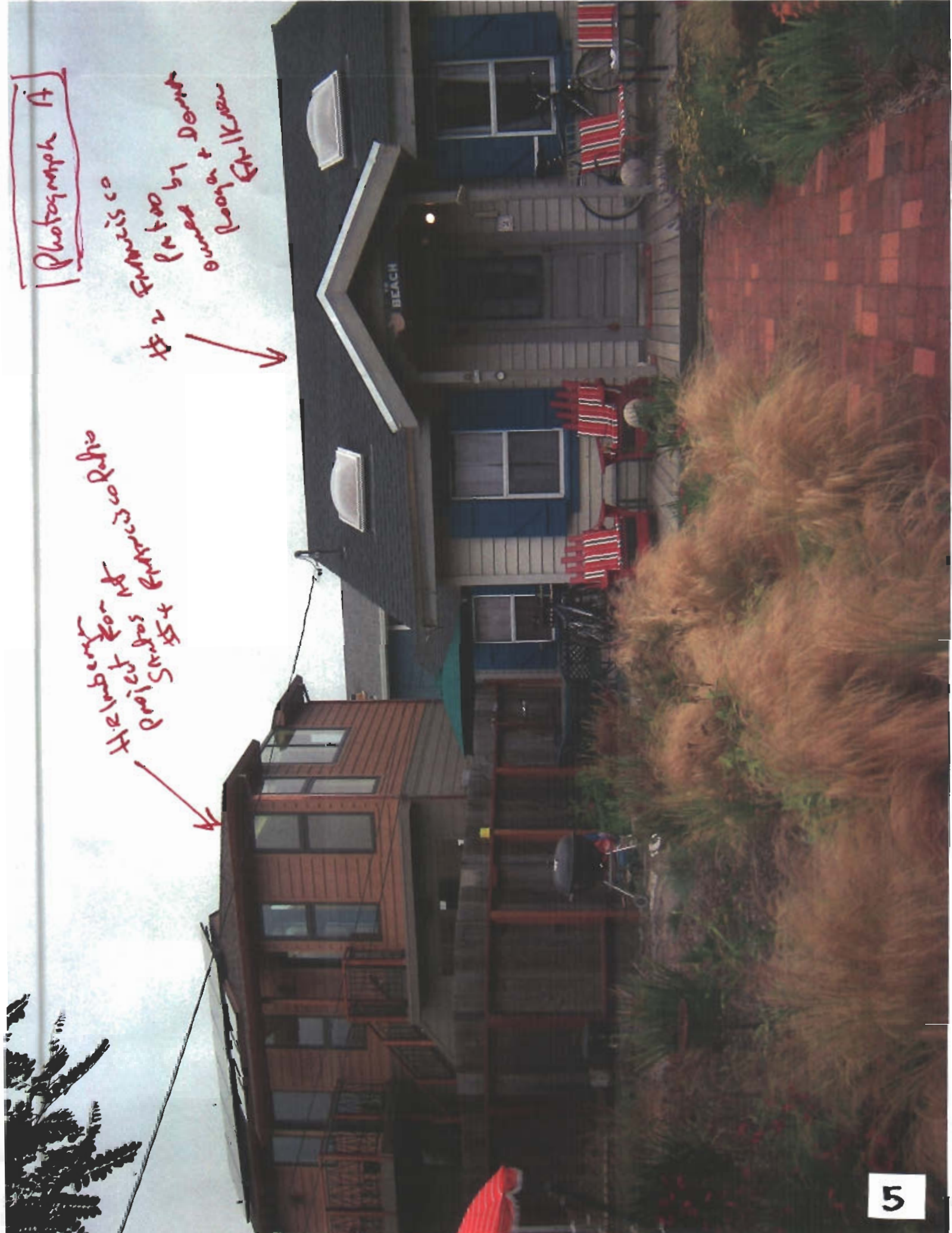
Photograph B.

Photograph C.

Photograph A

Helmut for Mt
Pritchard
Sims & Associates
Ralph

#2 Furriss Co
for too
owned by Don
Pogon & Dennis
Galkow





Photograph B

San Francisco Lake Garden
The Garden of San Francisco
Garden

San Francisco
Lake Garden

Photograph
C

Frukkar, break deck,
Play Pong Area.