



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
NEUMANN/STEINBACK COASTAL PERMIT AND SECOND UNIT AMNESTY PROJECT**

Item No:	C2	Application No(s):	CP 05-49 and SA 07-5
Applicants:	Yeshi Neumann and Alan Steinbach	Owners:	Yeshi Neumann and Alan Steinbach
Property Address:	195 Sunset Way, Muir Beach		
Hearing Date:	January 31, 2007	Assessor's Parcel:	199-235-65
		Planner:	Veronica Corella
	RECOMMENDATION:	Approve With Conditions	
	APPEAL PERIOD:	5 Working days to the Planning Commission	
	LAST DATE FOR ACTION:	January 31, 2007	

PROJECT SUMMARY:

The applicants and owners, Yeshi Neumann and Alan Steinbach, are requesting Coastal Permit and Second Unit approval to legalize the following: 1) conversion of an attached garage to a second unit that will be modified to be 600 square feet in size; 2) approximately 585 square feet of illegally constructed deck and stairs; and 3) 273 square feet of storage area above 7.5 feet in height. The proposed project would result in a new floor area for the main residence of 2,391 square feet in size, and 600 square feet for the second unit. The proposed project will maintain the existing setbacks: 1) 43 feet, 11 inches side (west) setback; 2) 26 feet, 2 inches rear setback; 3) 17 feet, 8 inches front setback; and 4) 8 feet, 1 inch side (east) setback. The proposed decks to be legalized are all within the required setbacks. A Coastal Permit is required to allow the conversion of garage space, and the modifications that result in more than 10 percent of additional living space within the existing structure. Second Unit approval is required to approve the converted garage into a second unit.

The un-permitted deck and stairways occur off of the two floors below the main residence as follows: on the second unit level 307 square feet and 277 square feet on the storage room level. The original garage, which was approximately 538 square feet, has been converted into a kitchen and living room and is connected to the previously existing bathroom. The proposed plans show a restructuring of the interior walls so that the second unit will be a separate unit, as defined by a new firewall. The new firewall will separate the second unit kitchen and living area, and a bathroom. The main residence

will be defined by the upper story, which consists of a living room, kitchen, bedroom, bathroom, office alcove, and stairway that leads to a meditation room/office and a laundry room. The main residence will be modified by removing an existing wall between the meditation room and office, and the office alcove on the upper floor will replace a full wall with a half wall.

GENERAL INFORMATION:

Countywide Plan: C-SF5 (Coastal, Single Family, two to four units per acre)
Zoning: C-RA:B2 (Coastal, Residential, 10,000 square foot minim lot size)
Lot size: 12,000 square feet
Adjacent Land Uses: Residential
Vegetation: Introduced landscaping
Topography And Slope: Steep to moderate northwest facing slope
Environmental Hazards: None Identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails conversion of an existing garage to living space for use as a second dwelling unit within an existing single-family residence on a residentially zoned property with no potentially significant impacts on the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property. At the time this Staff Report was drafted, no comments had been received in response to the public notice.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Muir Beach Community Plan, and the Local Coastal Program, Unit I. Please refer to the Plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

Background

The existing residence was constructed in 1955 with a total square footage of 2,522 and a maximum height of 31 feet. The original house was configured as a two bedrooms, two

bathrooms, and a single car garage. Subsequent to the purchase of the residence by the present owner, and prior to 1987, the garage was converted into a second unit, as verified by a notarized letter submitted from the neighbor at 210 Sunset Way. In 1997, the applicant acquired the property and applied for Coastal Permit approval to legalize the unpermitted construction, yet never applied for building permits due to financial constraints resulting from the cost of upgrading the septic system.

In June of 2005, the applicant applied for Coastal Permit approval to legalize the unpermitted construction in response to a letter from Code Enforcement regarding the outstanding code violations. During the application review, it was determined that the applicant did not meet the minimum submittal requirements and additional information was requested, one of which was a requirement for a second unit application. In 2006, the application was put on hold until the Second Unit Amnesty program was approved by the Board of Supervisors.

Visual Impacts

Legalization of the existing construction poses no adverse visual impacts since all improvements are contained within the existing footprint of the original residence, and all decks and stairs are within the required setbacks. Furthermore, the constructed improvements are in keeping with the existing residence and are compatible with the neighborhood character.

Biological Impacts

Review of the California Diversity Database shows that the project site is within the Monarch butterfly (*Danaus plexippus*) habitat area. Yet, the project site is developed with a residence and driveway and legalization of the constructed improvements will not change the existing footprint of the residence and the project site is a disturbed residential property that has been occupied since 1955, and therefore would not have adverse impacts on biological resources. Furthermore, the applicant is not proposing any tree or vegetation removal.

CONCLUSION:

Staff finds the required findings for Coastal Permit and Second Unit Amnesty can be made to approve the project because constructed additions are compatible with the neighborhood and do not adversely affect neighboring properties or coastal resources. In addition, the project includes sufficient parking, water service, and sewage to adequately serve the main residence and second unit in accordance with Marin County codes.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the attached Resolution recommending approval of the Neumann/Yeshi Coastal Permit (CP 05-49) and Second Unit Amnesty (SA 07-5).

Attachments

1. Proposed Resolution recommending approval of the Neumann/Steinbach Coastal Permit and Second Unit Amnesty
2. CEQA Exemption
3. Location Map
4. Project Plans (9 sheets)
5. Department of Public Works, memorandum sent 10/10/07
6. Department of Environmental Health Services, transmittal sent 10/12/07
7. Marin County Fire Department, email sent 10/10/07
8. Marin County Development Agency – Building and Safety Division, housing inspection letter dated 3/22/07
9. Notarized letter from 210 Sunset Way, Muir Beach

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION CONDITIONALLY APPROVING THE NEUMANN/STEINBACH
COASTAL PERMIT AND SECOND UNIT AMNESTY PERMIT
195 SUNSET WAY, MUIR BEACH
ASSESSOR'S PARCEL 199-235-65

SECTION I: FINDINGS

- I. WHEREAS Yeshi Neumann and Alan Steinbach, owners and applicant, are requesting Coastal Permit and Second Unit Amnesty approvals to legalize the following: 1) conversion of an attached garage to a second unit that will be modified to be 600 square feet in size; 2) approximately 585 square feet of illegally constructed deck and stairs; and 3) 273 square feet of storage area above 7.5 feet in height. The proposed project would result in a new floor area for the main residence of 2,391 square feet in size, and 600 square feet for the second unit. The proposed project will maintain the following setbacks: 1) 43 feet, 11 inches side (west) setback; 2) 26 feet, 2 inches rear setback; 3) 17 feet, 8 inches front setback; and 4) 8 feet, 1 inch side (east) setback. The proposed decks to be legalized are all within the required setbacks. A Coastal Permit is required to allow the conversion of garage space, and the modifications that result in more than 10 percent of additional living space within the existing structure. Second Unit approval is required to approve the converted garage into a second unit. The subject property is located at 195 Sunset Way, Muir Beach and is further identified as Assessor's Parcel 199-235-65.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing January 31, 2008, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- II. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it the subject second unit is an existing facility.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Marin County Code Section 22.56.130) and finds that this project conforms to the requirements of Local Coastal Program, Unit I, as follows:

A. Water Supply:

The Muir Beach Community Service District has not responded to requests for comments, therefore staff has construed that the project does not adversely affect water service and has conditioned the project by requiring verification of service from the Muir Beach Community Services District by letter prior to issuance of a building permit.

B. Septic System Standards:

The Marin County Community Development Agency - Environmental Health Services has reviewed and verified that as conditioned, the existing septic system is adequate to serve the second unit and main residence as proposed.

C. Grading and Excavation:

No grading or excavation would be required since the structure is an existing structure.

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, as the project is existing construction, located within the footprint of an existing residence, no archaeological resources would be impacted.

E. Coastal Access:

The subject property is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit I, where public access is desirable or feasible. During a field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine. Nor would access be feasible due to the steep slopes.

F. Housing:

The proposed second dwelling unit will increase the availability of housing stock in Muir Beach.

G. Stream Conservation Protection:

The project site is not sited on or near a blue line stream as identified on the National Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Muir Beach/Point Bonita Quadrangle of the U.S. Geological Survey.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I 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 potentially containing rare wildlife species. However, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is in a potential habitat area for monarch butterfly (*Danaus plexippus*). Yet, the project does not entail any new construction as the second unit located within an existing structure and therefore legalization of existing second unit would not impact any listed wildlife species.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the property is not located in an area potentially containing rare plants. In addition, a review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the property is not located in an area containing listed species.

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 not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit I of the Local Coastal Program nor is the project site located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources:

The proposed project has no adverse impacts on visual resources since it is contained in the existing footprint and layout of the residence as built in 1955, and the un-permitted decks are within the side and rear setback and do not intrude on the scenic qualities of the site, or deter from the community character. In addition, the second unit incorporates colors, and materials that are commonly found throughout the community and does not adversely impact scenic resources from public roads, beaches, trails, and vista points.

P. Recreation/Visitor Facilities:

The proposed project will 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 project site is located outside of the historic preservation boundaries for Muir Beach as identified in the Marin County Historic Study for the Local Coastal Program and does not entail impacts to any historic resources.

VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory findings to approve a Second Unit Second Unit Amnesty Permit per Section 22.32.140 of the Marin County Code and as modified by requirements set forth pursuant to Marin County Board of Supervisors Ordinance #3463

- A. The existing residential second unit proposed for legalization was constructed or established prior to June 3, 2003 when the current Housing Element was adopted.
- B. The unit will provide a minimum of 220 square feet of floor area and will not exceed a maximum of 600 square feet of floor area.
- C. The property owner will maintain either the residence or the residential second unit as a primary residence.
- D. Satisfactory completion of a Second Unit Housing Inspection by a Building & Safety Division Inspector was completed by Building and Safety Division staff on February 23, 2007. The second dwelling unit complies with the following minimum Uniform Housing Code standards:

- 1. The unit has independent heating controls;
- 2. The unit has adequate light and ventilation;

3. The unit has kitchen amenities including a sink, refrigerator, and stove; and,
 4. The unit has at least one bathroom with a sink, tub or shower, and toilet.
- E. The unit will comply with all current Marin County fire safety standards, including Section 19.04.065 of the Marin County Code, including that it will be reconstructed to conform to the 600 square foot floor area and a one-hour rated separation between the two units, and smoke detectors will be installed in the sleeping rooms and in rooms leading into sleeping rooms.
 - F. The owner/applicant will demonstrate that there is an adequate amount of water for fire suppression purposes, in compliance with local and State fire code regulations by providing a letter from the Muir Beach Community Services District prior to issuance of a building permit.
 - G. One parking space shall be provided in addition to the required or existing parking for the primary residence.
 - H. The Muir Beach Community Services District currently provides water to the property and adequate water is available to serve the proposed second dwelling unit subject to payment of fees.
 - I. EHS has reviewed the subject second unit and onsite septic system and determined that the project is acceptable as proposed.
 - K. The second unit is not located in a floodplain according to flood hazard maps maintained by the Marin County Department of Public Works.
 - L. The second dwelling unit is not located within 100 feet of a blue-line creek as identified on USGS maps.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Neumann/Steinbach Coastal Permit and Second Unit Amnesty Permit pursuant to Section 22I.56, 22I.82, and 22.32.140 of the Marin County Code, subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Board of Supervisors Ordinance #3463, the Neumann/Steinbach Second Unit Amnesty Permit legalizes the following: 1) conversion of an attached garage to a second unit that will be modified to be 600 square feet in size; 2) approximately 585 square feet of illegally constructed deck and stairs; and 3) 273 square feet of storage area above 7.5 feet in height. The proposed project will result in a new floor area for the main residence of 2,391 square feet in size, and 600 square feet for the second unit. The proposed project

will maintain the existing setbacks: 1) 43 feet, 11 inches side (west) setback; 2) 26 feet, 2 inches rear setback; 3) 17 feet, 8 inches front setback; and 4) 8 feet, 1 inch side (east) setback. The legalized decks are all within the required setbacks. The property is located at 195 Sunset Way, Muir Beach and is further identified as Assessor's Parcel 199-235-65. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, **the street address for the primary residence will be 195 Sunset Way, Muir Beach , and the street address for the second unit that is approved herein shall be 197 Sunset Way, Muir Beach.**

2. The second unit approved herein shall meet the following adopted standards established by Marin County Code Section 22.32.140 and as amended by Marin County Board of Supervisors Ordinance #3463 in addition to any other applicable requirements of County Code.
 - a. The primary or the secondary unit shall be owner occupied. Owner occupancy shall be defined as the maintenance of a Home Owner's Exemption by the owner of record with the County Assessor. No additional dwelling units other than the primary dwelling unit and the subject second dwelling unit shall be permitted on the subject property. A second unit may be rented but shall not be sold separately from the single-family unit.
 - b. The addresses for the primary dwelling unit and the second unit shall be posted in conformance with the latest adopted version of the California Fire Code.
 - c. The Community Development Agency shall file this Notice of Decision, including all second unit amnesty standards, with the Marin County Recorder's Office. Recordation of the Notice of Decision shall serve to advise future property owners of the standards applicable to maintenance of the second unit.
 - d. Any changes or additions to the project shall be submitted to the Community Development Agency staff for review and approval before the contemplated modifications may be initiated. PLEASE BE APPRISED, this Second Unit Amnesty Permit obtains a legal, non-conforming status for the second unit. Any future addition or expansion of the second unit beyond what is legalized in this determination will be required to meet current regulatory standards.
 - e. Within 30 days of this decision, the applicant must submit an Amnesty Building Permit application to legalize the second unit. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

- f. Within 90 days of this decision, an Amnesty Building Permit for all approved work must be issued. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
- g. Within 120 days of this decision, the applicant must complete the approved work and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

3. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- a. The owner will provide verification from the Muir Beach Community Services District that it is adequately able to provide water service for the second unit and there is adequate water supply for fire suppression purposes.
- b. The applicant shall install smoke detectors in sleeping rooms and rooms leading to sleeping rooms
- c. A one-hour rated fire separation will be installed between the main residence and the second unit.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

The applicant must vest this approval by obtaining an Amnesty Building Permit or other construction permit, if required, for the approved work, and substantially completing the improvements in accordance with the approved permits consistent with the time lines specified in Conditions of Approval 2e through g above, or all rights granted in this approval shall lapse.

This Second Unit Amnesty Permit is vested in perpetuity as long as the standards for the second unit are maintained.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on February 7, 2008.**

SECTION IV: ACTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 31st day of January 2008.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Recording Secretary