



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
STINSON BEACH COUNTY WATER DISTRICT COASTAL PERMIT**

Item No:	C1	Application No:	CP 08-17
Applicant:	Ed Schmidt, General Manager	Owner:	Stinson Beach County Water District
Property Address:	The northern end of Laurel Avenue, Stinson Beach	Assessor's Parcel:	195-260-48
Hearing Date:	April 17, 2008	Planner:	Jeremy Tejirian, AICP

RECOMMENDATION: Approve With Conditions
APPEAL PERIOD: 5 Business Days to the Planning Commission
LAST DATE FOR ACTION: May 10, 2008

PROJECT DESCRIPTION:

The project involves the replacement of the District's existing Surface Water Treatment Facility and existing Surface Water Treatment Facility buildings with new water treatment equipment of equal capacity (200 gallons per minute), a new water treatment plant building, and related tanks. The existing backwash pond, process unit for conventional treatment, and lab building would be demolished and replaced with a new treatment building in approximately the same location. The proposed 2,100 square foot treatment building would reach a maximum height of 16.5 feet above grade and would have the following minimum setbacks: more than 100 feet from the southern front property line; 4 feet from the western side property line; 40 feet from the eastern side property line; and 5 feet from the northern rear property line. The facility would remain fenced and inaccessible to the public. The exterior walls would be tan and the roof would be grey composition shingles.

GENERAL INFORMATION:

CWP Designation	CSF-4 (Coastal, Single-family)
Zoning:	C-RA:B-3 (Single family residential, 1 unit per 20,000 square feet)
Lot Area:	0.75 acres
Adjacent Land Uses:	Residential and open space
Vegetation:	Introduced and natural vegetation
Topography and Slope:	Level to moderate slope
Environmental Hazards:	Earthquakes and landslides

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that the project is Categorical Exempt from CEQA pursuant to CEQA Guidelines section 15303, Class 3, because it would not result in substantial grading, vegetation removal or other potential impact to the environment..

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property.

PLAN CONSISTENCY:

The proposed project is subject to the goals and policies of the Local Coastal Plan, Unit I, and the Marin County Interim Zoning Ordinance. Please refer to the consistency findings contained in the attached resolution for more information.

PROJECT ANALYSIS:

The subject property is currently developed with the Stinson Beach County Water District’s water treatment plant, which consists of a water tank and treatment facilities. The District is seeking to upgrade it’s facilities to meet or exceed current standards for water treatment, but does not propose to increase its existing capacity. Generally, the subject property is located at the interface between the village of Stinson Beach and the Golden Gate National Recreation area, which minimizes the impacts of the operation of the District’s facilities on the residents of Stinson Beach. There is a relatively level building pad on the property where the existing treatment facilities are located, and the proposed new treatment building and other equipment would be located in the same general area. Parkland lies to the north and east of the property. To the north of the property, the hillside slopes more steeply and there is evidence of unstable soil conditions in this area. To the east of the property, the slope descends steeply into a ravine with a drainage course at its base. A residential neighborhood lies to the south and west of the property.

The proposed project is subject to the California Coastal Act and Unit I of the Local Coastal Plan (LCP), and the mandatory findings for Coastal Permit approval. Pursuant to Government Code section 53091, the County’s zoning and building ordinances do not apply to the proposed project because it involves the production, generation, storage, and transmission of potable water. Therefore, the District is not required to obtain Building Permits for the project, but may choose to request that the Building and Safety Division conduct a Building Permit review. LCP policies apply to the project because the County is acting on behalf of the State of California when it issues Coastal Permits, and therefore the District is not immune from Coastal Permit requirements. However, since the County derives its authority to issue Coastal Permits from the LCP, and the Countywide Plan is not incorporated by reference into the LCP, the policies contained in the Countywide Plan do not apply to the proposed project. Further, since the Stinson Beach Community Plan is not incorporated into the LCP by reference, the policies contained in the Community Plan do not apply. The mandatory findings for Coastal permit approval are addressed in the attached resolution.

The applicant has submitted plans for the development as well as a geotechnical investigation prepared by Kleinfelder Inc, and a biological assessment prepared by WRA Environmental Consultants. The geotechnical investigation indicates that there are seismic and landslide hazards affecting the site that should be addressed by the design, and recommends measures to address these issues. The applicant has

incorporated these recommendations into the design. The biological assessment indicates that the project site does not support any streams, wetlands, special status species or other sensitive habitats and also indicates that the ravine supports a stream course which meets the coastal zone definition of an Environmentally Sensitive Habitat Area (ESHA) approximately 200 feet south of the subject property. The biological assessment indicates that the project would not adversely affect this ESHA because a 200 foot buffer is more than sufficient to protect the watercourse.

The project has been reviewed by the Department of Public Works, the Stinson Beach Fire Protection District, the Stinson Beach Village Association and the California Coastal Commission's staff. The Department of Public Works has indicated that standard conditions of approval should apply. It should be noted that, with the exception of the requirements regarding the District's use of the right of way, those conditions are related to the issuance of a Building Permit. Unless the District voluntarily applies for a Building Permit, the majority of the Department of Public Work's requirements would not apply to the project. The Coastal Commission staff commented that any expansion to the capacity of the facility should be consistent with Public Facilities Policy 1 contained in the LCP. However, since no expansion of the facility is proposed, this policy does not apply to the project. As discussed in the attached resolution, the proposed project would comply with all the mandatory findings for Coastal Permit approval.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve with conditions the Stinson Beach County Water District Coastal Permit based upon the findings and subject to the conditions contained in the attached Resolution.

Attachments:

1. Recommended Resolution approving the Stinson Beach County Water District Coastal Permit
2. CEQA Categorical Exemption
3. Location Map
4. "Exhibit A", project plans
5. Department of Public Works Comments, received 3-6-08
6. Coastal Commission staff comments, received 2-25-08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION

A RESOLUTION APPROVING WITH CONDITIONS

THE STINSON BEACH COUNTY WATER DISTRICT COASTAL PERMIT

ASSESSOR'S PARCEL 195-260-48

NOTHERN END OF LAUREL AVENUE, STINSON BEACH

SECTION I: FINDINGS

- I. WHEREAS the project involves the replacement of the District's existing Surface Water Treatment Facility and existing Surface Water Treatment Facility buildings with new water treatment equipment of equal capacity (200 gallons per minute), a new water treatment plant building, and related tanks. The existing backwash pond, process unit for conventional treatment, and lab building would be demolished and replaced with a new treatment building in approximately the same location. The proposed 2,100 square foot treatment building would reach a maximum height of 16.5 feet above grade and would have the following minimum setbacks: more than 100 feet from the southern front property line; 4 feet from the western side property line; 40 feet from the eastern side property line; and 5 feet from the northern rear property line. The facility would remain fenced and inaccessible to the public. The exterior walls would be tan and the roof would be grey shingles. The subject property is located at the northern end of Laurel Avenue, Stinson Beach, which is also identified as Assessor's Parcel 195-260-48.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on April 17, 2008 to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it would not result in substantial grading, tree removal, or other adverse effects to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of Marin County Code) as specified below.

A. Water Supply:

The proposed project would modernize the existing water treatment facility in conformance with State requirements, but would not increase the existing rate of water withdrawal because the project would not increase the existing water treatment capacity. Further, the design of the project would not include the potential for increasing treatment capacity because the sizing of the individual components of the project, including the pressure membrane equipment, has been calibrated to be sufficient for 200 gallons per minute. As indicated in section IV of the Local

Coastal Plan, Unit I, the anticipated maximum capacity of the Stinson Beach County Water District was specified as 550 gallons per day, which is well above the 200 gallons per day of existing and proposed capacity. LCP Public Services Policy 1 does not apply to the project because no expansion of a utility service would result from the development. Therefore, the project is consistent with this finding.

B. Septic System Standards:

The wastewater from the bathroom would be pumped to a wastewater holding tank on the site, and periodically removed for transportation to an off-site wastewater treatment facility in a manner that is consistent with the Stinson Beach County Water District's own requirements. Therefore, the project is consistent with this finding.

C. Grading and Excavation:

The proposed project would not entail substantial grading outside of the footprints of the proposed structures. The proposed structures would be located in approximately the same location as the existing treatment building, which is on a relatively level building pad. Grading would be necessary for the construction of retaining walls at the uphill perimeter of the proposed development envelope and the existing 10-foot deep backwash pond would be filled. The height of the retaining walls outside of the footprint of the treatment building would average approximately 5 feet, and would have a maximum height of 10 feet above the level of the building pad. These improvements would not substantially reform the existing topography or alter drainage patterns on the site outside of the development envelope. Therefore, the project is consistent with this finding.

D. Archaeological Resources:

The subject property is not located within an area of high archaeological sensitivity and is not expected to result in adverse effects to cultural resources. Therefore, the project is consistent with this finding.

E. Coastal Access:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

F. Housing:

The subject property is not governed by the C-VCR zoning district and would not result in the demolition of any housing. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection:

The applicant submitted a biological assessment for the proposed project, which evaluated the surrounding area to determine whether the ravine adjacent to the subject property has the characteristics of a stream, wetland, or other environmentally sensitive habitat area (ESHA). The biological assessment found that the site does not support any streams or wetlands. Further, the biological assessment found that there is an ESHA within the ravine approximately 200 feet south of the project site, but that it would not be affected by the proposed development. Therefore, the project is consistent with this finding.

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 Plan. Therefore, the project is consistent with this finding.

I. Wildlife Habitat:

The biological assessment which evaluated the proposed development indicates that the project would not adversely affect special status species, and the property lacks the wetland or riparian habitats that would generally be suitable for the widest diversity of special status animals. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities:

The biological assessment which evaluated the proposed development indicates that the project would not adversely affect sensitive plant communities because the site has been previously disturbed with development. Therefore, the project is consistent with this finding.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

L. Geologic Hazards:

The applicant submitted a geotechnical investigation of the proposed project, which evaluated the surrounding area's geologic conditions. The investigation found that the area is seismically active and is within the Alquist-Priolo Special Studies zone. Further, the investigation found that small landslides had occurred uphill from the site to the north. The geotechnical report indicates that measures should be taken to adequately address hazards associated with earthquakes and landslides, including designing the structures withstand earthquakes and building retaining walls with excess height above the uphill grade to provide a catchment to reduce future debris deposits. These recommendations are being incorporated into the design of the facility. Therefore, the project is consistent with this finding.

M. Public Works Projects:

The proposed project would not affect any existing or proposed public works project in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards:

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

O. Visual Resources:

The structures would be well below the maximum 25 foot height limit allowed in the coastal zone and would be located a sufficient distance from property lines to avoid impeding views from the surrounding area. Further, the design and exterior materials of the structures would be

compatible with the rural character of the Stinson Beach community. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities:

The proposed project would be constructed on a lot developed for public utility purposes and would have no effect on visitor or recreation facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation:

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Plan. Therefore, the project is consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Stinson Beach County Water District Coastal Permit (CP 08-17) subject to the following conditions:

Marin County Community Development Agency

1. Except as modified by these conditions of approval, this Coastal Permit allows the replacement of the District's existing Surface Water Treatment Facility with new water treatment equipment of equal capacity (200 gallons per minute), a new water treatment plant building, and related tanks in conformance with "Exhibit A" consisting of the project plans on file with the Marin County Planning Division. The existing backwash pond, process unit for conventional treatment, and lab building shall be demolished and replaced with a new treatment building in approximately the same location. The proposed 2,100 square foot treatment building shall reach a maximum height of 16.5 feet above grade and shall have the following minimum setbacks: more than 100 feet from the southern front property line; 4 feet from the western side property line; 40 feet from the eastern side property line; and 5 feet from the northern rear property line. The facility shall remain fenced and inaccessible to the public. The subject property is located at the northern end of Laurel Avenue, Stinson Beach, which is also identified as Assessor's Parcel 195-260-48.
2. Building Permits are not required for the proposed project. However, if the Stinson Beach County Water District voluntarily decides to submit a Building Permit application, then the plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Water Treatment Plant Replacement Project," consisting of 8 sheets prepared by Stetson Engineers and Kreiger and Stewart, with final revisions submitted on February 11, 2008 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials description and sample which is identified as "Exhibit B," prepared by the applicant and on file with the Marin County Community Development Agency. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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 this approval, for which action is brought within the applicable statute of limitations.
9. 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.

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

10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:

- A. 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.
- B. The letter shall include any geotechnical changes since the 2005 report.
- C. Note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
- D. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp. Advise applicant that no portion of any structure, including retaining walls, shall extend beyond property lines or easements. This includes footings (particularly the westside retaining wall).
- E. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
- F. Submit Erosion and Siltation Control plans.

11. BEFORE ISSUANCE OF A BUILDING PERMIT OR COMMENCING CONSTRUCTION, the applicant shall fulfill the following requirements:

- A. An encroachment permit shall be required for work within a county-maintained road right-of-way.
- B. Move the gate and fence portion that extends beyond the property lines back to the property line (eastside of property).

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Stinson Beach County Water District Coastal Permit (CP 08-17) approval by April 17, 2010, by substantially completing work as approved or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and it is approved by the Agency Director. An extension of up to four years may be granted for cause pursuant to Section 22.56.050I of the Marin County Code.

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 April 24, 2008.

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 17th day of April, 2008.

JOHANNA PATRI
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary