



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR

Donahoe Coastal Permit (CP 09-10), Design Review (DR 09-17), and Variance (VR 09-4)

Item No:	C1	Application No(s):	CP 09-10, DR 09-17, and VR 09-4
Applicant:	Michael Mitchell	Owners:	John and Eileen Donahoe
Property Address:	142 Seadrift Road, Stinson Beach	Assessor's Parcel:	195-041-14
Hearing Date:	March 26, 2009	Planner:	Veronica Corella-Pearson

RECOMMENDATION: Approve With Conditions
APPEAL PERIOD: 5 Working Days to the Planning Commission
LAST DATE FOR ACTION: March 26, 2009

PROJECT DESCRIPTION:

The applicant, Michael Mitchell, is applying on behalf of the owners, John and Eileen Donahoe, for Coastal Permit, Design Review, and Variance approval for the demolition of an existing, 2,167 square foot single-family residence and detached 2-car garage, and replacement with a new single-family residence that would be 3,021 square feet in size, with a 440 square foot garage. The proposed residence would have a maximum height of 35.9 feet above M.L.L.W (34 feet NGVD), as measured from the northern (front) elevation and would maintain the following setbacks to the nearest property line: 6 feet side (east), 29 feet, 6 inches rear (north), and 6 feet side (west). The residence would contain one habitable floor level and would be elevated above the base flood elevation to comply with FEMA flood control requirements. The four-bedroom, three and a half bathroom residence would be served by a new private septic system on site. A Variance from MCC Section 22.57.094.I(2) is required for the proposed maximum height of 35.9 feet above M.L.L.W. (34 feet NGVD), where 33 feet above M.L.L.W is the maximum height standard and for the proposed finished floor elevation of 22.4 feet above M.L.L.W, where 18 feet above M.L.L.W. is the maximum standard allowed by the C-RSPS-2.9 zoning district. Variance approval is also required from MCC 22.56.130.O.I(1) for deviation from the Sea Drift Subdivision maximum height limit of 15 feet above finished floor elevation. The applicant further proposes: 1) two decks on the south and central portion of the residence; 2) new landscaping; 3) new septic system; 4) new arbor; and 5) the removal of five trees that are from 5 inch to 12 inches in diameter.

GENERAL INFORMATION:

Countywide Plan:	C-SF5 (Coastal, Single-Family Residential)
Zoning:	C-RSPS-2.9 (Coastal, Planned Residential, Seadrift District 2.9 units/acre)
Lot size:	27,369 square feet
Adjacent Land Uses:	Single-family Residential
Vegetation:	Introduced and natural vegetation
Topography and Slope:	Level

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(a) of the CEQA Guidelines because it entails construction of a new single-family residence on a previously developed residentially zoned parcel that would not result in any potentially significant impacts 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 accordance with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. Two letters have been received, one from the adjacent property owners at 140 Seadrift Avenue (195-041-13) regarding concerns with the location of the proposed beach front deck at the southeast corner of the property and potential loss of privacy, which is discussed below in Design Analysis. The second letter was from 144 Seadrift Avenue (APN 195-041-15) in support of the project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Local Coastal Program-Unit I, and Titles 22I and 24 of the Marin County Code. Please refer to the consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

The property is an approximately 27,369 square foot ocean-front lot located within the Seadrift Subdivision. The property is generally level and is currently developed with an existing 2,167 square foot residence, and a detached 2-car garage. The applicant proposes to demolish the existing house and construct a new 3,021 square foot single-family residence with an attached 440 square foot two-car garage. Portions of the subject property are located within Special Flood Hazard Zone V4, with a Base Flood Elevation (BFE) of 19 feet NGVD as determined by the Federal Emergency Management Agency (FEMA). Accordingly, residential improvements within this flood zone must be constructed with the bottom of the lowest supporting horizontal beams above the BFE. The project is proposed with the bottom of the lowest supporting horizontal beams of the primary residence at 19 feet NGVD in compliance with this FEMA BFE.

Variance Analysis

The FEMA BFE was established in 1983 subsequent to the promulgation of the current height standards of the C-RSPS zoning for the Seadrift Subdivision in 1982 (Marin County Code Section 22.57.094.I). This zoning code established a building height standard of 15 feet above the finished floor level and also established maximum floor level elevations for different areas of the subdivision based on flood hazards. Consequently, the zoning for the subject property requires a maximum finished floor elevation of 18 feet above M.L.L.W., and a maximum height of 33 feet above M.L.L.W (31.14 NGVD). Because noncompliance with the FEMA BFE requirements would jeopardize the County's participation in the federal flood insurance program and put properties and residents at risk, all new structures are required to comply with the FEMA BFE. Any development proposed in compliance with FEMA standards would also need to comply with the maximum height standard for the zoning code. Therefore, the vertical building envelope for a structure in conformance with the 33 foot M.L.L.W (31.14 NGVD) height limit would only be 12.14 feet

high above the BFE. Given that over 20 inches of this vertical building envelope would be taken up by the thickness of the floor, and another several feet of this envelope would be taken up by the thickness and pitch of the roof, it becomes clear that constructing a viable residence within these height parameters would be quite difficult. Furthermore, it would be impossible to construct a new residence that complies with both the maximum finished floor height standard of 18 feet M.L.L.W (16.14 feet NGVD) as well as the 19 feet BFE as required by FEMA standards.

Although the subject property is not considered substandard or irregularly shaped, variances have historically been approved for exceeding height requirements at the following addresses: 134, 162, 212, 358, and 320 Seadrift Road. Staff finds that the location of the subject property on the Seadrift Spit within FEMA Special Flood Zone V4 is a special physical circumstance which could allow Variance approval for a maximum height over 33 feet M.L.L.W. (31.14 feet NGVD) and finished floor height over 18 feet M.L.L.W (16.14 feet NGVD) to allow the property owner to exercise a reasonable property right without being a grant of special privilege.

Design Analysis

The applicant has designed a structure which takes advantage of the elevated residence to make the best use of available space by locating a two-car garage in the understory. The applicant has broken the roof line of the residence into four roof sections, which allows for variation in height and articulation of the exterior walls, minimizing the appearance of mass and bulk. The proposed building materials for the project are wood siding with a translucent stain, and trim and fascia in grey, with a dark grey composite shingled roof, which would be in keeping with the community character.

In response to the letter received from 140 Seadrift Avenue, staff find that the applicant has placed the majority of the residence away from this residence, and has buffered the area with decks, one in the southeastern portion of the residence and a large main deck that is located within the center of the parcel. Staff further finds that the applicant has provided a setback of 6 feet, from the eastern property line, where no construction is proposed, and where *Myrica californica* would be planted. The plans also show that the existing fence shall remain along with all existing vegetation along the property line, which is of a large size and would minimize any intrusion of privacy. Therefore, staff finds that the proposed project provides a sufficient amount of vegetative screening and sufficient setbacks, and would not result in adverse privacy impacts.

In summary, the proposed project is for a new single-family residence with one habitable floor level that is consistent with similar projects that have recently been approved within the surrounding area. The proposed height of 35.9 feet M.L.L.W (34 feet NGVD) is primarily a function of FEMA BFE requirements, and the structure has been designed to minimize the appearance of mass and bulk and is in compatible with the other development within the community. For all of the reasons above, staff is recommending approval of the project.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and move to approve with conditions the Donahoe Coastal Permit (CP 09-10), Design Review (DR 09-17), and Variance (VR 09-4) based upon the findings and subject to the conditions contained in the attached resolution.

- Attachments: 1. Proposed Resolution recommending approval of the Donahoe Coastal Permit (CP 09-10), Design Review (DR 09-17), and Variance (VR 09-4)

2. CEQA Categorical Exemption
3. Location Map
4. Cover Sheet
5. Site Survey
6. Topographic Map
7. Site Plan and Landscape Plan
8. Floor Plan with Garage and Bedroom # 4
9. Floor Plan North
10. Floor Plan South
11. Section Drawings and North Elevation
12. East and South Elevations
13. West Elevation
14. Department of Public Works Memorandum, October 31, 2008
15. Stinson Beach Fire Protection District Memorandum, November 25, 2008
16. Seadrift Association Memo, dated February 25, 2009
17. Letter from 140 Seadrift Road, received January 2, 2009