



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR LOWRY COASTAL PERMIT AND VARIANCE EXTENSION

Item No:	C2.	Application No:	EX10-7
Applicant:	Mike Mitchell	Owner:	Stephen Lowry
Property Address:	2 Calle del Embarcadero, Stinson Beach	Assessor's Parcel:	195-132-02
Hearing Date:	August 12, 2010	Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	August 19, 2010
LAST DATE FOR ACTION:	N/A

PROJECT DESCRIPTION:

The applicant is requesting an extension of the expiration date for Coastal Permit 07-28 and Variance 07-20, which permitted the elevation of an existing, two-level, single family residence in order that the lowest finished floor conform to Federal Emergency Management Agency base flood elevation (BFE) requirements to prevent flooding of habitable space. The approved project includes construction of new concrete foundation, new stairs at the front porch and new perimeter concrete footings. The resultant residence shall have a maximum height of 23 feet above grade and maintain the following minimum setbacks from corresponding property lines: 18 feet from the westerly front property line; 22 feet from the easterly rear property line; 2.5 feet from the northerly side property line; and 3 feet from the southerly side property line. The elevated residence shall maintain the same location (footprint) and the same approximately 795 square feet of residential floor area, 165 square foot attached garage, 117 square foot attached front porch, and 169 square foot attached rear deck as the existing residential development.

GENERAL INFORMATION:

Countywide Plan:	C-MF-2 (Coastal, Residential, Multi-family, 1-4 dwelling units per acre)
Zoning:	C-R-2 (Coastal, Residential, Two-family, 7,500 square foot minimum lot size)
Community Plan Area:	Stinson Beach
Lot size:	2,400 square feet
Adjacent Land Uses:	Residential
Vegetation:	Some introduced landscaping
Topography and Slope:	Flat to gently sloping towards the Calle del Embarcadero roadway
Environmental Hazards:	Within a recognized Special Flood Hazard Area

ENVIRONMENTAL REVIEW:

The Deputy Zoning Administrator found on July 26, 2007 that the Lowry Coastal Permit (CP 07-28) and Variance (VR 07-20) project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15301, Class 1(d) of the CEQA Guidelines because it entails minor alterations of an existing private structure, involving negligible expansion beyond the existing structure, to meet FEMA standards for health and safety purposes. The project will not result in any additional encroachment into the SCA associated with Easkoot Creek and would not result in any potentially significant impacts to the environment, either individually or cumulatively.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 300 feet of the subject property. No comments, adverse or otherwise have been received by staff in response to the public notice for the proposed project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Stinson Beach Community Plan, the Local Coastal Program, and Titles 22I (Zoning) and 24 (Development Standards) of the Marin County Code, because it will not result in tree removal, significant grading, or other adverse impacts on the environment and surrounding property owners. Please refer to the plan consistency findings contained in the attached resolutions for more information.

PROJECT ANALYSIS:

The applicant is proposing to extend Coastal Permit 07-28 and Variance 07-20. On July 26, 2007, the Deputy Zoning Administrator, with Resolution 07-135, approved Coastal Permit 07-28 and Variance 07-20 with an expiration date of July 26, 2009. On August 11, 2009, the Marin County Board of Supervisors adopted Ordinance 3524, which extended all land use and development permits which were to expire in the 2009-2010 fiscal year, which extends from July 1, 2009-June 30, 2010, by 1-year. As a result, the expiration date for the Lowry Coastal Permit and Variance was reset to expire on July 26, 2010.

Pursuant to Resolution 07-135 and Sections 22.56.120I and 22.86.070I of the Interim Development Code, the applicant needed to submit an application at least 10 days before the July 26, 2010 expiration date. Pursuant to Chapter 22.86.070I of the Interim Development Code, such a request needs to be heard again by the Deputy Zoning Administrator. The Deputy Zoning Administrator has the authority to extend the expiration date an additional 4 years from the original date of expiration.

A building permit was issued on August 5, 2008, with an extension granted until August 5, 2010. As a result of health and financial issues, on June 23, 2010, the applicant submitted an application to request that the Lowry Coastal Permit and Variance be extended.

Coastal project permit extensions may be granted upon findings that the project continues to be in conformance with the requirements and objectives of the certified local coastal program. The applicant is not requesting any modification to the project. The project was originally approved to meet FEMA flood standards.

As such, because the project has not changed, the owner is facing financial hardship, has applied in a timely manner for an extension of the expiration date for the Coastal Permit and Variance, and the project is consistent with the Local Coastal Program and the Coastal Permit and Variance findings of the Interim Development Code, staff is recommending approval of the Lowry Coastal Permit and Variance extension. It should be noted that due to the original building permit having expired, a new building permit will need to be applied for and issued by the Building and Services Division prior to construction.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Lowry Extension of Coastal Permit 07-28 and Variance 07-20.

- Attachments:**
1. *Recommended Resolution approving the Lowry Extension of Coastal Permit 07-28 and Variance 07-20*
 2. *CEQA Exemption*
 3. *Assessor's Parcel Map*
 4. *DZA Resolution 07-135 and Lowry Staff Report for Coastal Permit 07-28 and Variance 07-20*
 5. *Board of Supervisors Ordinance 3524*
 6. *Application request, dated June 23, 2010*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-
A RESOLUTION APPROVING THE LOWRY COASTAL PERMIT AND VARIANCE
EXTENSION
2 CALLE DEL EMBARCADERO, STINSON BEACH
ASSESSOR'S PARCEL 195-132-02

SECTION I: FINDINGS

- I. WHEREAS, Mike Mitchell, on behalf of Stephen Lowry, is seeking extension of the expiration date for Coastal Permit 07-28 and Variance 07-20, which permitted the elevation of an existing, two-level, single family residence in order that the lowest finished floor conform to Federal Emergency Management Agency base flood elevation (BFE) requirements to prevent flooding of habitable space. The approved project includes construction of new concrete foundation, new stairs at the front porch and new perimeter concrete footings. The resultant residence shall have a maximum height of 23 feet above grade and maintain the following minimum setbacks from corresponding property lines: 18 feet from the westerly front property line; 22 feet from the easterly rear property line; 2.5 feet from the northerly side property line; and 3 feet from the southerly side property line. The elevated residence shall maintain the same location (footprint) and the same approximately 795 square feet of residential floor area, 165 square foot attached garage, 117 square foot attached front porch, and 169 square foot attached rear deck as the existing residential development. **The subject property is located at 2 Calle del Embarcadero in Stinson Beach, and is further identified as Assessor's Parcel 195-132-02.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing August 12, 2010, 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 15301, Class 1(d) of the CEQA Guidelines because it entails minor alterations of an existing private structure, involving negligible expansion beyond the existing structure, to meet FEMA standards for health and safety purposes. The project will not result in any additional encroachment into the SCA associated with Easkoot Creek and would not result in any potentially significant impacts to the environment, either individually or cumulatively.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project has not changed and remains consistent with the Marin Countywide Plan, Local Coastal Program, Stinson Beach Community Plan, and the mandatory findings for a Coastal Permit (Section 22.56.130I of the Marin County Code) and Variance (Section 22.86.025I of the Marin County Code), as originally approved and conditioned by the Deputy Zoning Administrator, with Resolution 07-135 on July 26, 2007.

SECTION II: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Variance approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before July 26, 2013, or all rights granted in this approval shall lapse.

The Building Permit approval expires if the building or work authorized in this approval does not commence within one year from issuance of such permits. 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 the permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the approval, and no extensions have been granted, the Building Permit may become null and void. Should you have difficulties in meeting deadlines for completing the work pursuant for a Building Permit, the applicant may apply for an extension at least ten days before the expiration.

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 August 19, 2010.**

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 12th day of August 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary