



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR Groom Floating Home Adjustment

RECOMMENDATION: Approve with Condition
HEARING DATE: January 13, 2011

Project ID No:	10-0317	Applicant(s):	Paul Bergeron
Application No(s):	FH 11-3	Owner(s):	Robert Groom
Last Date for Action:	January 13, 2011	Assessor's Parcel No(s):	901-070-18
		Property Address:	18 East Pier, Sausalito
		Project Planner:	Veronica Corella-Pearson
		Signature:	
Countywide Plan Designation:	FH (Floating Home, 4-7 units/acre)		
Community Plan Area:	Waldo Point		
Zoning:	BFC-RF (Bayfront Conservation Area, Residential Floating Home Marina)		
CEQA:	Categorically Exempt Pursuant to Section 15301, Class 1		

PROJECT DESCRIPTION

The applicant, Paul Bergeron, is applying for Floating Home Adjustment approval on behalf of the owner, Robert Groom, for the legalization of an addition. The addition is located above the entry level floor and is 198 square feet in size. The addition maintains the existing height of 20 feet, 7 inches above the waterline. Prior to construction, the upper level was 221 square feet in size. The lower level maintains its current size of 561 square feet. The proposed project would result in a new floor area of 980 square feet. The home maintains setbacks of 10 feet from the floating home to the northwest, and 8 feet, 4 inches from the floating home to the southeast. Floating Home Adjustment approval is required for the encroachment of 1 foot, 8 inches into the required setback for the northwest side, and for the height exceedance of 4 feet, 7 inches.

PROJECT SETTING

The existing floating home is located on East Kappas Pier. It faces the east and maintains a setback of 8 feet, 4 inches from 16 East Pier and 10 feet from 20 East Pier. The floating home at 16 East Pier has two stories above the waterline and is approximately 1,150 square feet in size. The floating home at 20 East Pier has one story above the waterline and is approximately 20 square feet in size. The subject floating home has a length of 42 feet and a width of 17 feet. The lower level is 561 square feet in size.

and the upper level with the addition is 419 square feet, resulting in an upper level ratio of 74.4%; therefore, the project does not exceed MCC 22.32.075.B.1 standard floating home maximum dimensions of 46 feet in length, 20 feet in width, and a upper level floor area of 80% of the lower level. A summary of general characteristics of the site is provided below.

Adjacent land uses: Residential
Topography and slope: At waterline
Existing vegetation: None
Environmental hazards: None

A review of the California Natural Diversity Database reveals potential for three special status species near the project vicinity. These species include *Laterallus jamaicensis coturniculus* (California black rail), *Plagiobothrys glaber* (Hairless popcorn flower), and *Pentachaeta bellidiflora* (White rayed pentachaeta). The California black rail is associated with tidal salt marshes, as is the Hairless popcorn flower. Since the project does not involve any ground disturbance, and it is not located within tidal salt marshes, there will be no impacts to these two species. The White rayed pentachaeta is extirpated from Marin County, and is now only found in San Mateo County and in the Santa Lucia Mountains.

BACKGROUND

The subject floating home and 16 East Pier were both moored in their current location in the 70's and at the time, they both had two story super structures. At the time of placement, the subject floating home was 704 square feet in size and maintained its existing height of 20 feet, 7 inches above the water line, and had an upper level that was 192 square feet in size. At that time, both floating homes maintained a setback of less than 10 feet from each other.

The proposed project would legalize the addition of 198 square feet to the upper level. It is estimated that the unpermitted addition was constructed between 1995 and 1996. The addition was disclosed to the Planning Division during the transfer of ownership in August of 2010 and was referred to code enforcement for review.

On October 15, 2010 the applicant requested Floating Home Adjustment approval. The project was transmitted to the Department of Public Works, Kappas Harbor Master, Sausalito Marin City Sanitary District, Marin County Fire Department, and Marin Municipal Water District. Responses were received from the Department of Public Works and Marin County Fire Department. Since the side (southeast) setback is less than 10 feet, the Marin County Fire Department will require that the entire structure have fire sprinklers and the siding on the north side (facing 16 East Pier) be noncombustible/ignition resistant construction and all openings fire-rated before receiving final approval at the building permit stage. A site visit was conducted by staff prior to completion of the application.

All required submittal information was provided at time of application and the project was deemed complete on November 14, 2010. A public notice was posted on-site and all neighbors within 300 feet of the property were notified of the project via mail. To date, no comments have been received from the public or interested parties.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Groom Floating Home Adjustment (ID # 10-0317).

Attachments:

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1. Proposed Resolution recommending approval of the Groom Floating Home Adjustment
2. CEQA Exemption
3. Location Map
4. Assessor's Parcel Map
5. Project Plans, 2 sheets
6. Department of Public Works Memo, 11/8/10
7. Marin County Fire Department Email, 11/12/10

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING THE GROOM FLOATING HOME ADJUSTMENT

18 EAST PIER, SAUSALITO

ASSESSOR'S PARCEL 901-070-18

SECTION I: FINDINGS

- I. WHEREAS the applicant, Paul Bergeron, is applying for Floating Home Adjustment approval on behalf of the owner, Robert Groom, for the legalization of an addition. The addition is located above the entry level floor and is 198 square feet in size. The addition maintains the existing height of 20 feet, 7 inches above the waterline. Prior to construction, the upper level was 221 square feet in size. The lower level maintains its current size of 561 square feet. The proposed project would result in a new floor area of 980 square feet. The home maintains setbacks of 10 feet from the floating home to the northwest, and 8 feet, 4 inches from the floating home to the southeast. Floating Home Adjustment approval is required for the encroachment of 1 foot, 8 inches into the required setback for the northwest side, and for the height exceedance of 4 feet, 7 inches. The subject property is located at **18 East Pier, Sausalito**, and is further identified as **Assessor's Parcel 901-070-18**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing January 13, 2011 to consider the merits of the project, and hear testimony regarding the project. The Community Development Agency, Planning Division has provided public notice identifying the applicant(s), describing the project and its location, and giving the scheduled date of the public hearing in accordance with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property and to interested parties and organizations.
- 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 15301, Class 1 because it entails an addition to an existing floating home that would result in no site disturbance that would negatively impact the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:
 - A. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*) because the project would not entail the removal of any mature, native trees and the project site was previously developed.
 - B. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because, the project does not entail any site disturbance that would alter habitat for special-status species of plants or animals.

- C. The project would not significantly impact the ecotones on the project site (*CWP Policies BIO-2.3 and BIO-2.4*) because the subject property is located far enough from the shoreline to avoid being constrained by ecotones.
 - D. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because the project would not fill any wetlands, or disturb any 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 project will be conditioned to comply 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 there is no vegetation around the proposed structure (*CWP Policy EH-4.h*).
 - H. The project would meet energy efficient standards for exterior lighting, and would reduce excessive lighting and glare (*CWP Policy DES-1.h*) because exterior up-lighting is not proposed, and standard conditions of project approval require that lighting be downward directed.
 - 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 compatible with the existing floating homes in the vicinity.
 - 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.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Floating Home Adjustment (Marin County Code Section 22.46.040).

1. The requested adjustment will not adversely or substantially diminish:

A. Light and ventilation to floating homes berthed adjacent to the proposed floating home; and

Floating Home Adjustment approval is required for the encroachment of 1 foot, 8 inches into the required setback for the southeast side, and for the height exceedance of 4 feet, 7 inches. Both 16 East Pier and 18 East Pier have historically been approximately the same height and

two stories. The addition occurs at the rear (southeast) of the boat and does not affect any windows of 16 East Pier. Therefore, the project would not result in significant changes to the light or ventilation between 16 and 18 East Pier.

B. Existing views and/or view corridors enjoyed by owners or tenants of neighboring or adjoining floating homes and floating home sites. The term “neighbor” is not to be construed to mean the owners or occupants of land-based properties or improvements.

The addition occurs to the rear of the floating home and would not impact views of the water to any of the nearby floating homes.

2. The size of the requested adjustment is:

A. Comparable and compatible with the size of neighboring floating homes; and

The project results in a new floor area of 980 square feet. The project would result in a square footage that is less than that of 16 East Pier which is 1,150 square feet in size, but it would be greater than the average floor area of 644 square feet. The house boat is similar in appearance to many of the floating homes in the vicinity and is comparable in mass and bulk.

B. Will not encroach into any right-of-way, fairway, adjoining berth or any required open space

The project would not encroach into the fairway or negatively affect any adjoining berth since it maintains its existing footprint.

3. The requested adjustment is the minimum necessary to satisfy the objectives sought by the owner, an/or builder of the floating home.

The floating home is currently 980 square feet in size, which is sufficient to meet the needs of the owner while maintaining a size that is comparable with majority of the neighboring floating homes.

4. The requested adjustment will not result in any detriment to other floating homes in the immediate vicinity of the proposed floating home

The floating home would not restrict the development potential of the single level floating home to the northwest since the project maintains the 10 foot setback, and the super structure of the floating home to the southeast already has two levels and is at the maximum allowed dimension. With the required conditions of approval, the subject floating home would not pose a health or safety hazard, nor alter the pre-existing setback requirements applicable to the adjacent floating homes.

5. The deviation will not result in public health and safety hazards, including, but not limited to applicable fire safety standards.

The project has been reviewed by all applicable service districts and as conditioned it will meet the fire safety standards and will not result in a public health or safety hazard.

II. WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Groom Floating Home Adjustment, subject to the conditions of approval listed below, for the legalization of an addition. The addition is located above the entry level floor and is 198 square feet in size. The

addition maintains the existing height of 20 feet, 7 inches above the waterline. The lower level maintains its current size of 561 square feet. The project shall result in a new floor area of 980 square feet. The home maintains setbacks of 10 feet from the northwest, and 8 feet, 4 inches from the southwest. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approval may be required from the Department of Public Works, the appropriate Fire Protection Agency, Environmental Health Service Services, San Francisco Bay Conservation and Development Commission and the water and sewer providers. The subject property is located at **18 East Pier, Sausalito**, and is further identified as **Assessor's Parcel 901-070-18**.

SECTION II: CONDITIONS OF APPROVAL

Community Development Agency – Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Groom, 18 East Kappas Pier, Sausalito, Cal 94965," consisting of 2 sheets prepared by Cobb Design and Drafting, dated September 28, 2010 and received October 15, 2010, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. 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 Floating Home Adjustment conditions of approval as notes.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call-out the approved building setbacks on the Building Permit plans indicating the distance of the floating home from 16 and 20 East Pier.
4. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
5. 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.
6. 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.

7. 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.

Code Enforcement

8. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the addition. 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.
9. Within 60 days of this decision, a Building Permit for all approved work must be obtained. 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.
10. Within 120 days of this decision, the applicant must complete the approved construction 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.

Marin County Fire Department

11. On the southeast side of the addition, all siding shall be noncombustible/ignition resistant construction and openings shall be fire rated.
12. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

SECTION III: VESTING AND APPEAL RIGHTS

NOW THEREFORE, BE IT RESOLVED that the applicant must vest this approval by obtaining a Building Permit for the approved work and approval of a final inspection by the Building and Safety Division within the time limits specified in the conditions of approval. Requests for an extension to the time limits specified therein may be granted administratively by the Community Development Agency staff, in consultation with the Code Enforcement Section, for good cause, such as delays beyond the applicant's control. In no event may such extensions be granted beyond two years from the effective date of this approval. Time extensions to vest the approval beyond two years and up to a maximum of four years may only be granted upon the filing of an extension application with required fees pursuant to Section 22.44.050.B and/or Section 22.56.050.B.3 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 January 27, 2011.**

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 13th day of January, 2011.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary