



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY
DEPUTY ZONING ADMINISTRATOR
RIESENFELD COASTAL PERMIT AND DESIGN REVIEW**

RECOMMENDATION: Approve with conditions
HEARING DATE: March 17, 2011

Application No(s):	EX11-23	Applicant(s):	Mark Riesenfeld
Project ID:	11-0045		
Agenda Item:	1	Owner(s):	Mark Riesenfeld
Last Date for Action:	May 14, 2011	Assessor's Parcel No(s):	119-082-34
		Property Address:	22 Cypress Road, Point Reyes Station
		Project Planner:	Scott Greeley (415) 499-7043 sgreeley@co.marin.ca.us
		Signature:	

Countywide Plan Designation: C-AG3 (Coastal, Agricultural, 1-9 acre minimum lot size)
Community Plan Area: Point Reyes Station
Zoning: C-ARP-1 (Coastal, Agriculture-Residential, Planned, 1 dwelling unit/acre)
CEQA: The project was been found to be Categorically Exempt, State CEQA Guidelines, Section 15303, Class 3, New Construction

PROJECT DESCRIPTION:

The applicant is requesting an extension of the expiration date for Coastal Permit 09-20 and Design Review 09-38, which permitted the construction of a 750 square foot detached second unit on a property that is currently developed with a 2,500 square foot single family residence. The second unit would reach a maximum height of 15 feet above grade and would have the following minimum setbacks: (1) 163 feet from the southerly front property line; (2) 40 feet from the northerly rear property line; (3) 105 feet from the westerly side property line; and (4) 18 feet from the easterly side property line. The Coastal Permit and Design Review approvals are necessary because it is a new structure in a planned district within the coastal zone. A separate Second Unit Permit extension for SU09-11, approved administratively, will also be required following an extension approval for the Coastal Permit and Design Review.

PROJECT SETTING AND BACKGROUND:

Lot size: 1-acre
Adjacent Land Uses: Rural Residential
Vegetation: Native trees and mixed grasses
Topography and Slope: Gently sloping
Environmental Hazards: None

The applicant is proposing to extend Coastal Permit 09-20 and Design Review 09-38. On May 14, 2009, the Deputy Zoning Administrator, with Resolution 09-118, approved this Coastal Permit and Design Review with an expiration date of May 14, 2011. A separate Second Unit Permit (09-11) was needed and subsequently approved, administratively, on July 16, 2009.

Pursuant to Resolution 09-118 and Sections 22.56.120I and 22.82.130I of the Interim Development Code, the applicant needed to submit an application at least 10 days before the May 14, 2011 expiration date. Pursuant to Chapter 22.56.120I 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.

For stated financial reasons, the owner/applicant has been unable to apply for and proceed to vest the above permits. On February 4, 2011, Mr. Riesenfeld submitted an application requesting an extension be granted on his Coastal Permit and Design Review until May 14, 2015.

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.

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 Design Review, and the project is consistent with the Local Coastal Program and the Coastal Permit and Design Review findings of the Interim Development Code, staff is recommending approval of the Riesenfeld Coastal Permit and Design Review extension. Following adoption of the attached resolution, staff will proceed to process an extension for the second unit permit.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Riesenfeld Extension of Coastal Permit 09-20 and Design Review 09-38.

- Attachments:**
1. *Recommended Resolution approving the Riesenfeld Extension of Coastal Permit 09-20 and Design Review 09-38*
 2. *CEQA Exemption*
 3. *Assessor's Parcel Map*
 4. *DZA Resolution 09-118 and Riesenfeld Staff Report for Coastal Permit 09-20 and Design Review 09-38*
 5. *Notice of Administrative Decision approving the Riesenfeld Second Unit Permit*
 6. *Application request, dated February 3, 2011*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 11-
A RESOLUTION APPROVING THE RIESENFELD COASTAL PERMIT AND DESIGN REVIEW
EXTENSION
22 CYPRESS ROAD, POINT REYES STATION
ASSESSOR'S PARCEL 119-082-34

SECTION I: FINDINGS

- I. WHEREAS, Mark Riesenfeld, is seeking extension of the expiration date for Coastal Permit 09-20 and Design Review 09-38, which permitted the construction of a 750 square foot detached second unit on a property that is currently developed with a 2,500 square foot single family residence. The second unit would reach a maximum height of 15 feet above grade and would have the following minimum setbacks: (1) 163 feet from the southerly front property line; (2) 40 feet from the northerly rear property line; (3) 105 feet from the westerly side property line; and (4) 18 feet from the easterly side property line. A separate Second Unit Permit extension for SU09-11, approved administratively, will also be required following an extension approval for the Coastal Permit and Design Review. **The subject property is located at 22 Cypress Road in Point Reyes Station, and is further identified as Assessor's Parcel 119-082-34.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing March 17, 2011, 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 of the CEQA Guidelines because it entails construction of a second unit which will not result in substantial grading, vegetation removal or other potentially significant impacts to the environment.
- 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, Point Reyes Station Community Plan, and the mandatory findings for a Coastal Permit (Section 22.56.130I of the Marin County Code) and Design Review (Section 22.82.120I of the Marin County Code), as originally approved and conditioned by the Deputy Zoning Administrator, with Resolution 09-118 on May 14, 2009.

SECTION II: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before May 14, 2015, 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 **March 31, 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 17th day of March 2011.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary