



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

**STAFF REPORT TO THE MARIN COUNTY
DEPUTY ZONING ADMINISTRATOR
FERGUS-BEEKMAN COASTAL PERMIT AND MINOR DESIGN REVIEW EXTENSION**

**RECOMMENDATION: Approve with conditions
HEARING DATE: June 30, 2011**

Application No:	EX 11-20	Applicant:	Gary Fergus
Project ID:	11-0400	Owners:	Gary Fergus & Isabelle Beekman
Agenda Item:	1	Assessor's Parcel No:	112-251-14
Last Date for Action:	n.a.	Property Address:	193 Park Avenue, Inverness
		Project Planner:	Lorene Jackson (415) 473-5084 lajackson@co.marin.ca.us

Signature:

Countywide Plan Designation: C-SF3 (Coastal, Single-family, one dwelling unit per one to five acres maximum density)

Community Plan Area: Inverness Ridge Communities Plan

Zoning: C-RSP-1 (Coastal, Residential Single-family, Planned District, one dwelling unit per acre)

CEQA: The project was been found to be Categorically Exempt, State CEQA Guidelines, Section 15303, Class 3,

PROJECT DESCRIPTION:

The applicant is requesting a one-year time extension to vest the Fergus-Beekman Coastal Permit 05-52 and Minor Design Review 05-93, which permitted the construction of a new 736-square foot second unit with a maximum height of 15 feet, 8 inches above natural grade to the roof ridge, with a maximum 91-square foot lower utility room with a maximum exterior height of 5 feet, excavated 2 feet below grade, or a maximum interior clearance of 7 feet in height on the 17,375-square foot lot. The structure would have the following minimum setbacks: 1) 22 feet from the north rear property line, 2) 8 feet 10 inches from the east side property line; 3) 70 feet from the west side property line. The structure would be finished with shingle siding and dark gray composition shingle roofing to match the existing residence. A separate administratively approved Second Unit Permit Extension for SU 08-18 would be required following an approved extension for the Coastal Permit and Design Review.

PROJECT SETTING AND BACKGROUND:

Lot size: 17,375 square feet
Adjacent Land Uses: Single-family residential
Vegetation: Native and introduced landscaping
Topography and Slope: Level to moderately sloping
Environmental Hazards: Urban Wildland Interface

The applicant is proposing to extend Fergus-Beekman Coastal Permit 05-52, Minor Design Review 05-93, and Second Unit Permit 08-18, which were approved by the Deputy Zoning Administrator by Resolution 08-109 on February 14, 2008, with an expiration date of February 14, 2010.

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 reconsidered by the Deputy Zoning Administrator. The Deputy Zoning Administrator has the authority to extend the expiration date an additional four years from the original date of expiration.

On August 24, 2009, the applicant requested a time extension up to four years and was informed that an automatic one-year extension was granted per the Board of Supervisor's Ordinance 3524 resulting in a vesting date of February 14, 2011. For stated financial reasons, the owner/applicant has been unable to apply for and proceed to vest the subject permits. On December 9, 2010, the applicant requested a one-year extension and submitted an application for an administrative extension. On December 21, 2010, an administrative extension was granted for a one-year period of time. However, a Coastal Permit that requires a public hearing can only be extended with a public hearing. The applicant submitted the additional fees for processing a public hearing extension on May 5, 2011.

Extensions for coastal permits 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 1) the project has not changed, 2) the project is consistent with the Local Coastal Program, the Inverness Ridge Communities Plan, and the Coastal Permit and Design Review findings of the Interim Development Code, 3) the owner is facing financial constraints, and 4) the owner has applied in a timely manner for an extension of the expiration date for the approved projects, staff is recommending approval of the Fergus-Beekman Coastal Permit and Minor Design Review extension for two years. Following adoption of the attached resolution, staff will 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 Fergus-Beekman Extension of Coastal Permit 05-52 and Minor Design Review 05-93.

- Attachments:**
1. Recommended Resolution approving the Fergus-Beekman Coastal Permit 05-52 and Design Review 05-93 Extension
 2. CEQA Exemption
 3. Vicinity Map
 4. Assessor's Parcel Map
 5. DZA Resolution 08-109 approving the Fergus-Beekman Coastal Permit 05-52, Design Review 05-93, and Second Unit Permit 08-18
 6. Fergus-Beekman Coastal Permit 05-52, Design Review 05-93, and Second Unit Permit 08-18 Staff Report, November 15, 2007 with supplemental memoranda dated January 25, January 30, and February 13, 2008. *Please note that attachments to these documents are not included here but are available for public review at the Community Development Agency, Room 308 from 8 a.m. to 4 p.m. Monday - Friday.*
 7. Gary Fergus Request for Extension, December 9, 2010 and May 5, 2011

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 11-
A RESOLUTION APPROVING FERGUS-BEEKMAN
COASTAL PERMIT AND MINOR DESIGN REVIEW EXTENSION
193 PARK AVENUE, INVERNESS
ASSESSOR'S PARCEL 112-251-14

SECTION I: FINDINGS

- I. WHEREAS, Gary Fergus, is seeking a time extension to vest the Fergus-Beekman Coastal Permit 05-52 and Minor Design Review 05-93, which permitted the construction of a new 736-square foot second unit with a maximum height of 15 feet, 8 inches above natural grade to the roof ridge, with a maximum 91-square foot lower utility room with a maximum exterior height of 5 feet, excavated 2 feet below grade, or a maximum interior clearance of 7 feet in height on the 17,375-square foot lot. The structure would have the following minimum setbacks: 1) 22 feet from the north rear property line, 2) 8 feet 10 inches from the east side property line; 3) 70 feet from the west side property line. The structure would be finished with shingle siding and dark gray composition shingle roofing to match the existing residence. A separate Second Unit Permit extension for SU 08-18, approved administratively, will also be required following an approved extension for the Coastal Permit and Design Review. The subject property is located at **193 Park Avenue, Inverness**, and is further identified as **Assessor's Parcel 112-251-14**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing June 30, 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 detached accessory structure, 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, Inverness Ridge Communities 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 08-109 on February 14, 2008.

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 **February 14, 2013**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to one year may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. 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 such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

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 **July 15, 2011.**

SECTION III: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 30th day of June 2011.

BEN BERTO
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary