



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

**STAFF REPORT TO THE MARIN COUNTY
DEPUTY ZONING ADMINISTRATOR**
SUTTON COASTAL PERMIT, DESIGN REVIEW, AND USE PERMIT EXTENSION

RECOMMENDATION: Approve with conditions
HEARING DATE: July 28, 2011

Application No(s):	EX11-33	Applicant(s):	James Sutton
Project ID:	11-0141	Owner(s):	James and Lynette Sutton
Agenda Item:	1	Assessor's Parcel No(s):	195-162-48 (formerly 195-162-45 & -46)
Last Date for Action:	August 9, 2011	Property Address:	3715 Shoreline Highway, Stinson Beach
		Project Planner:	Scott Greeley (415) 499-7043 sgreeley@co.marin.ca.us
		Signature:	

Countywide Plan Designation: C-GC (Coastal, General Commercial/Mixed Use)
Community Plan Area: N/A
Zoning: C-H-1 (Coastal, Limited Roadside Business District)
CEQA: The Planning Commission, through a negative declaration, found the project to have less than significant environmental impacts.

PROJECT DESCRIPTION:

The applicant is requesting an extension of the expiration date for Coastal Permit 06-31, Use Permit 09-8, and Design Review 09-14, which permit the construction of two new residences including a single-family residence containing 1,624 square feet and a 663 square foot second dwelling unit, and an associated septic system on the subject property. As approved, the structures would not exceed a maximum height of 23 feet, 3 inches above existing grade, would result in a floor area ratio of 15.9 percent, and would be located with the following setbacks to corresponding property lines: 18 feet from the east front property line along Calle del Onda, 6 feet from the southern side property line, 19.4 feet from the western rear property line along Calle del Resaca, and 3.6 feet from the nearest portion of the northern side property line (along Calle del Arroyo).

PROJECT SETTING AND BACKGROUND:

Lot size: 14, 369 square feet
Adjacent Land Uses: Single-family Residential
Vegetation: Native and introduced landscaping materials
Topography and Slope: Level
Environmental Hazards: Proximity to Alquist-Priolo Earthquake Zone

The applicant is proposing to extend Coastal Permit 06-31, Design Review 09-14, and Use Permit 09-8 which were approved by the Planning Commission via Resolution 09-007 on May 11, 2009, with an expiration date of May 11, 2011. The project was subsequently appealed to the California Coastal Commission on June 30, 2009. On October 7, 2009, the California Coastal Commission made a ruling that there were no substantial issues raised and, on October 14, 2009 issued a decision which upheld the Planning Commission's decision.

Pursuant to Resolution 09-007 and Sections 22.56.120I, 22.82.130I, and 22.88.050I of the Interim Development Code, the applicant needed to submit an application at least 10 days before the May 11, 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 April 18, 2011, Mr. Sutton submitted an application requesting an extension to May 11, 2015 be granted for his Coastal Permit, Design Review, and Use Permit. For stated financial reasons, the owner/applicant has been unable to apply for and proceed to vest the above permits.

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.

According to neighboring residents, the property owners have proceeded with plantings in and near the stream which runs across the property (the Easkroot Creek). According to Resolution 09-007, these plantings are tied directly to several conditions of approval for this project, including one which requires that a biologist verify the plantings are compatible with the Easkroot Creek replanting plan, as well as prior to final permit inspection, verification submitted by Prunske Chatham or another consulting biologist to verify the landscaping has been properly installed. The applicant has been reminded of these existing conditions of approval and has confirmed an intent to satisfy these and all other existing conditions of approval adopted by the Planning Commission resolution. The owners have stated that they are not requesting any modification to the project and an intent to satisfy all prior conditions of approval.

As such, because the project has not changed, the owners are facing financial hardship, have applied in a timely manner for an extension of the expiration date for the Coastal Permit, Design Review, and Use Permit and the project is consistent with the Local Coastal Program and the Coastal Permit, Design Review, and Use Permit findings of the Interim Development Code, staff is recommending approval of the Sutton Coastal Permit, Design Review, and Use Permit 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 Sutton Extension of Coastal Permit 06-31, Design Review 09-14, and Use Permit 09-8.

- Attachments:**
1. *Recommended Resolution approving the Sutton Extension of Coastal Permit 06-31, Design Review 09-14, and Use Permit 09-8*
 2. *CEQA Exemption*
 3. *Assessor's Parcel Map*
 4. *California Coastal Commission Notification of Appeal, dated June 30, 2009*
 5. *California Coastal Commission W6a (staff report) form, dated September 17, 2009*
 6. *California Coastal Commission Notification of Final Appeal Action, dated October 14, 2009*
 7. *Planning Commission Resolution 09-007 for Coastal Permit 06-31, Design Review 09-14, and Use Permit 09-8*
 8. *Application request, dated April 7, 2011*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 11-
A RESOLUTION APPROVING THE SUTTON COASTAL PERMIT, DESIGN REVIEW, AND USE
PERMIT EXTENSION
3715 SHORELINE HIGHWAY, STINSON BEACH
ASSESSOR'S PARCEL 195-162-48 (FORMERLY 195-162-45, & -46)

SECTION I: FINDINGS

- I. WHEREAS, James Sutton, is seeking extension of the expiration date for Coastal Permit 06-31, Design Review 09-14, and Use Permit 09-8, which permitted the construction of two new residences including a single-family residence containing 1,624 square feet and a 663 square foot second dwelling unit, and an associated septic system on the subject property. As approved, the structures would not exceed a maximum height of 23 feet, 3 inches above existing grade, would result in a floor area ratio of 15.9 percent, and would be located with the following setbacks to corresponding property lines: 18 feet from the east front property line along Calle del Onda, 6 feet from the southern side property line, 19.4 feet from the western rear property line along Calle del Resaca, and 3.6 feet from the nearest portion of the northern side property line (along Calle del Arroyo). **The subject property is located at 3715 Shoreline Highway, in Stinson Beach, and is further identified as Assessor's Parcel 195-162-48 (formerly 195-162-45 & -46).**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing July 28, 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 will not result in any significant environmental impacts per the Negative Declaration adopted by the Planning Commission.
- 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, and the mandatory findings for a Coastal Permit (Section 22.56.130l of the Marin County Code), Design Review (Section 22.82.120l of the Marin County Code), and Use Permit (Section 22.88.020l) as approved and conditioned by the Planning Commission, with Resolution 09-007 on May 11, 2009, and again later upheld by the California Coastal Commission.

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 11, 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 **August 11, 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 28th day of July 2011.

BEN BERTO
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary