

**1. COASTAL PERMIT, DESIGN REVIEW AND USE PERMIT EXTENSION
(Project I.D. 11-0141): JAMES SUTTON**

The subject property is located at **3715 Shoreline Highway, Stinson Beach**, and is further identified as **Assessor's Parcel 195-162-48 (formerly 195-162-45 & -46)**.

The Hearing Officer read the project description, and acknowledged receipt of a letter dated July 25, 2011, from Prunuske Chatham, Inc. regarding a planting plan.

The Deputy Zoning Administrator asked if staff had any additional comments or had received additional correspondence since the staff report was distributed and the staff responded, noting the following:

- Staff had received a sheet with a timeline of the process, as well as a landscape plan;
- Correction: The staff report stated the applicant must apply for an extension 10 days before the expiration date to vest, however the original Resolution stated 30 days;
- Correction: The staff report incorrectly stated that following adoption of the resolution, a Second Unit Permit extension was needed; and
- Addition: Include "Use Permit" in the SECTION II: Vesting, Permit Duration, and Appeal Rights as part of the vesting language with the Coastal Permit and Design Review.

The public testimony portion of the hearing was opened.

The applicant/owner spoke regarding the favorable elements of the project.

Members of the public objecting to the project included: Tara Evans, Stinson Beach Village Association; Scott Tye, Stinson Beach Village Association; and Jim Zell.

Detrimental elements of the project were noted by members of the public, including the following:

- Stones were put into the creek;
- Planting occurred without an approved plan;
- Deadline was missed for the extension date;
- Failed to commit to a riparian agreement;
- Applicants are residing in the house;
- Significant impact on habitat and stream flow;
- State and Federal violations occurred when dumping into the stream occurred; and
- Concerns that the County will ignore other Conditions in the resolution.

James Sutton, applicant responded to the testimony noting:

- Christine Gimmler, Senior Planner and original project manager, told him that he could file within 10 days of the Code provisions;
- Permission was granted from the Department of Fish and Game to put the boulders in the creek and he did what was necessary for flood insurance;
- the boulders were removed at the request of Dave Nicholson, Department of Public Works;
- The plantings were consistent with the creek restoration plan;
- The riparian plan will be finalized with the initial Building Permit;
- Red Alders were planted 8 feet from the edge of the creek
- The road division of the Department of Public Works cut the trees back to their right-of-way for ten feet; and
- The Suttons intend to comply with every Condition of Approval put forth.

The public testimony portion of the hearing was closed.

Michel Jeremias, Department of Public Works spoke regarding Condition of Approval #18 from the previously adopted Planning Commission Resolution for the project.

The Deputy Zoning Administrator made several comments pertaining to the project, including the following:

- The intent of the vesting language from the original Planning Commission Resolution was to ensure an application to extend the entitlements was made before the permit had expired, which indeed had occurred;
- The plant types and location were commented on as acceptable in the letter from Prunuske Chatham, Inc.;
- The project will be a major improvement over current conditions;
- Subsequent to the original approval, the applicant has applied and received approval for a merger of the two properties, eliminating potential for future development of two properties;
- Fill in the creek was a mistake that has been remedied;
- In the Coastal zone, a Use Permit was done in place of a Second Unit Permit; and
- The County intends to fulfill its obligations with respect to Conditions, and the neighbors and community will undoubtedly closely monitor the project.

The Deputy Zoning Administrator approved the project with the following modifications to the project:

- SECTION II: VESTING, PERMIT DURATION, AND APPEAL RIGHTS, first paragraph add: "Coastal Permit (CP-06-3), Design Review (DR 09-14) and Use Permit Extension (UP 09-8)." And
- The recommendations made by staff are adopted.

The Hearing Officer concurred with staff's findings and conditions of approval and the revised Resolution, and approved the Sutton Coastal Permit, Design Review and Use Permit Extension.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days.