

2. COASTAL PERMIT AMENDMENT (Project I.D. 2011-0177): WILLIAM LEVIN NEO

The subject property is located at 25 Ahab Drive, Muir Beach, and is further identified as Assessor's Parcel 199-283-11.

The project is a Coastal Permit for a Grading Permit (GP11-002) for emergency slide repair as approved by the Department of Public Works 20 feet downslope of the residence and approximately 35 feet from the rear property line, 37 feet from the east side property line, and 145 feet from the west side property line. The grading plan estimates 730 cubic yards of excavation of the slide area and placement of 800 cubic yards of engineered fill in keyways with subdrains leading to a rock dispersion area downslope of the existing drainage ditch. The subject property is located in the CRA:B4 zoning district. (Coastal Residential Agricultural District, B4 Building District, one acre minimum lot size.)

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

- His supplemental memorandum dated November 30, 2011 regarding e-mails and letters from neighbors expressing concerns with the project and an explanation summary of the engineer's observations in Attachments 9 and 10.

Staff noted that Richard Kohn asked to have SECTION – V of the resolution, modified to describe the project as a slide repair instead of an exercise room addition. However, this finding is not required because the Design Review was withdrawn.

Michel Jeremias, Department of Public Works, (DPW) noted that based on conversations with the area engineer, Dave Nicholson and Roads Department staff, a cash deposit in the amount of \$12,500 shall be required before further review to be used for repair of Ahab Drive.

The public testimony portion of the hearing was opened.

Members of the public objecting or questioning the project included: Gail Falls, Deborah McDonald, Richard Kohn, Brenda Kohn and Tayeko Kaufman.

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

- The cause of the slide and reason for two septic systems when there is a system on the west side with a leach field;
- E-mail from the architect of the original house who stated that the new construction may have caused the problem;
- Need for a large cement drain on the property to circumvent water drainage;
- Need for an 8 foot wall with drains to prevent sliding;
- The Muir Beach Community plan applies;
- A report dated March 31, 2011 filed with the County Community Development Agency in August 2011 from the engineer did not state that there was an emergency, but a letter submitted in October 2011 requested an emergency permit to repair the landslide before the raining season;
- There should have been a full hearing before allowing work to commence;
- The Department of Public Works inspector has not received word that the slide repair is ready for inspection;

- The \$25,000 bond for road repair required by DPW should not be reduced to \$12,500;
- A second look at drainage and slope stability is needed before the previously approved garage is constructed;
- The project has been ongoing for years and disruptive to the neighbors;
- The size of the house and pool are out of character for Muir Beach;
- The Levin's should be responsible for the road repair;
- Photos show earth removal damage, sewage pipe blocked with dirt and rip rap was placed, ditch is being filled with slide material; and
- Lack of notification and story poles regarding the exercise room above the garage.

Mike Evans, ILS Engineer, gave the history of the project, explaining improvements made to the drainage pipe and ditch to stabilize the project. The 8-inch pipe and repair improved the stability of the site. He further noted that the slide was due to unstable soils resulting from years of water from springs along the hill.

The public testimony portion of the hearing was closed.

Michel Jeremias, Department of Public Works noted that the final grading certification letter has been received and will be reviewed before completing the final inspection.

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

Public Testimony

- Concerns about the size of the existing residence cannot be addressed today, because the application is only for a slide repair that should be completed as quickly as possible.

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

- FINDING G – Stream land Wetland Conservation should be “protection”;
- Provide a complete project description in the decision section of the resolution;
- Condition of Approval 2 – dust control: Condition is taken care of by the Department of Public Works, delete;
- Condition of Approval 3: delete 6 (a) & (b);
- Condition of Approval 4: delete because it is vague;
- Add new Condition of Approval : “The applicant must submit a deposit of \$12,500 to the Department of Public Works prior to further review of the Grading Permit; and
- The finding in Section V for the Muir Beach Community Plan needs to be removed because there is no Design Review for this application.

The Deputy Zoning Administrator (DZA) concurred with staff's findings and conditions of approval in the recommended Resolution with modifications and approved the Levin Coastal Permit Amendment.

The Deputy Zoning Administrator (DZA) informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.