

**1. COASTAL PERMIT AND DESIGN REVIEW EXTENSION (11-0342):
BAR-OR (HOPPE)**

SG

The subject property is located at **11815 State Route One in Point Reyes Station** and is further identified as **Assessor's Parcel No.119-182-26**.

The project is a request for an extension of the expiration date of Coastal Permit 10-5 and Design Review 10-15, which permit the construction of two single-family residences on a vacant 1.71 acre parcel, created as Lot 4 of the Bar-Or Subdivision, approved December 2006. One of the proposed residences is designed to meet the affordable housing requirements of the subdivision. Both of the proposed residences will attain a maximum height of 17 feet, 6 inches above grade and will be 1,455 square feet in size. The inclusionary housing unit will have 3 bedrooms and will maintain a front (west) setback of over 50 feet, a side yard setback of 19 feet and will have light beige siding, with dark grey accent siding, and dark brown doors and windows. The main residence will have 2 bedrooms, and will maintain a front (west) setback of approximately 40 feet, and a side (south) setback of 19 feet, and will have medium grey /siding, with dark grey accent siding, and dark brown doors and windows. Also included in the development is a new mound septic system. The location of all proposed development is within the building envelope reviewed and approved in the Bar-Or Subdivision. The zoning for this parcel is C-R-A:B-3. The subject property is located at **54 Viento Way, Point Reyes Station** and is further identified as **Assessor's Parcel No.119-182-26**.

The original application that would apply to the second unit lapsed.

The Deputy Zoning Administrator (DZA) 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:

- The address as shown on the agenda should be corrected to "54 Viento Way".

The public testimony portion of the hearing was opened.

The applicant, Bruce Berman, of Jazz Building, spoke regarding elements of the project, including the following:

- He was under the impression that the request would be granted but was informed that the project would be denied because the Use Permit from 2006 had expired in 2009;
- Jazz Builders started after original appeals in 2010 and oversaw the building plans and were ready to submit in April of 2010;
- He had discussed the affordable unit language with County staff;
- Financing was very difficult to obtain because the lender wanted to limit the affordability term to five years;
- He looked for another house to give to the County and believes there is a suitable candidate. The affordable unit requirement language prompted the owners law suit with the County;
- The permits approved in November of 2009, lapsed in November of 2011. He applied for an extension in a timely manner and would like a two year extension;
- Two affordable units are planned in a much needed area;
- He asked why the approvals for the Use Permit lapsed a month after the County granted the Design Review and Coastal Permit based on which he thought the project was vested; and
- His clients are willing to pay the in-lieu fee but the County has refused.

The public testimony portion of the hearing was closed.

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

- After reviewing the history of the project, he noted that a housing agreement was in place concerning 2nd unit details;
- Two parcels have already been sold by the applicant;
- The type of units are in question while there is a lawsuit in place; and
- The owners are in process of buying and deed restricting an affordable parcel in Point Reyes on Friday, December 16th, 2011.

In response to the Hearing Officer, the applicant stated that his client intends to proceed in good faith to finalize the property purchase and the bank is anxious to close the deal.

The Hearing Officer stated that he is not ready at this time to grant an extension of the approvals, but if the sale and affordability alternative use of the property goes through and provides a long-term accessible unit, that may satisfy the inclusionary requirement so the remainder of the project can proceed.

Staff noted that the Final Date for Action is January 9, 2012, which can be extended for 60 days to March 9, 2012. The applicant is proceeding in good faith to purchase the property for the affordable unit.

The Hearing Officer continued the hearing to March 1, 2012 to give the applicant time to resolve the issues with affordable housing.