

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 12-105

A RESOLUTION APPROVING THE BAR-OR (HOPPE) SUBDIVISION, COASTAL PERMITS, AND
DESIGN REVIEW AMENDMENTS
54 VIENTO WAY (A.K.A. 11815 STATE ROUTE ONE), POINT REYES STATION
ASSESSOR'S PARCEL 119-182-26

SECTION I: FINDINGS

- I. WHEREAS, Bruce Berman, on behalf of Gal Bar-Or, submitted a request to extend the expiration date for Coastal Permit 10-5 and Design Review 10-15, which permitted 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 14, 2006. One of the previously approved residences was intended to meet the affordable housing requirements of the Bar-Or subdivision. Both of the previously approved residences would attain a maximum height of 17 feet, 6 inches above grade and will be 1,455 square feet in size. The inclusionary housing unit would have 3 bedrooms and would have a front (west) setback of over 50 feet, a side yard setback of 19 feet and would have light beige siding, with dark grey accent siding, and dark brown doors and windows. The main residence would have 2 bedrooms, and would maintain a front (west) setback of approximately 40 feet, and a side (south) setback of 19 feet, and would 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 subject property is located at 54 Viento Way (aka 11815 State Route One) in Point Reyes Station, and is further identified as Assessor's Parcel 119-182-26.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing December 15, 2011, to consider the merits of the project and hear testimony in favor of and in opposition to the project, and continued the project to a future date per the request of the applicant.
- III. WHEREAS Bruce Berman, on behalf of Gal Bar-Or, has revised the proposed project and is requesting modifications to existing entitlements. The project now entails an amendment to the Design Review, Coastal Permit, as well as the original Coastal Permit and Subdivision (SD06-1). The original Coastal Permit and Subdivision approval was for a 5-lot subdivision, which included a condition of approval for construction of a second, affordable residence through a now expired Use Permit on Lot 4. The original Coastal Permit and Land Division were approved with Deputy Zoning Administrator Resolution 06-186 on December 14, 2006. The proposed amendment will allow the affordable housing condition as part of the original subdivision resolution to be met by allowing the dedication of a developed lot outside of the subdivision as an affordable rental unit perpetuity. The proposed amendment will also amend the Coastal Permit and Design Review, approved on November 12, 2009 with Deputy Zoning Administrator Resolution 09-145, to no longer include approval for two residences, but one primary residence along with a detached, second unit. The second unit would be constructed within the same footprint as the previously approved affordable unit, but would not be allowed to exceed 750 square feet in area and is subject to future review and approval of a ministerial Second Unit Permit application.

- IV. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing March 29, 2012, to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project will not result in any significant environmental impacts pursuant to Section 15162 of the CEQA Guidelines.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the overall project remains substantially the same to what was approved with Deputy Zoning Administrator Resolutions 06-185 and 09-145, and requires no new findings to be made, with exception to Finding F (Housing) of the original Coastal Permit which made findings that *"the project would result in five buildable lots for future development of residences, including the development of one affordable unit with the subdivision"*. This finding was necessary to demonstrate that the County's inclusionary housing ordinance was being satisfactorily addressed. With the expiration of the original Use Permit which permitted an affordable, and in perpetuity, deed restricted, second residence to be placed on one of the new lots, a recent amendment to Section 22.20 (Affordable Housing Regulations) of the Development Code, and prohibition by the property's zoning district for second residences (which are not otherwise subject to Second Unit Permits), this is no longer a possible option for addressing the affordable housing requirements of this subdivision. Pursuant to 22.20.060A(1) of the Development Code, for satisfying the County affordable housing requirements, an applicant may request a waiver of the on-site, affordable unit requirement. The applicant has demonstrated that the preferred alternative is not feasible and that an off-site residential property that is deed restricted in perpetuity as an affordable rental unit will provide a more effective type of affordable housing. is for an affordable unit to be constructed off-site within the community, which is what the applicant is proposing.
- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that all findings for approval of the detached structure that would contain the future second unit can be made since the original application contained a larger second residence in the same location as the proposed second unit and there has been no new information or changes that would necessitate a modification to those findings for approval.

SECTION II: ACTION

WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Bar-Or (Hoppe) Coastal Permits, Subdivision, and Design Review amendments subject to the conditions of approval listed below. This approval authorizes the amendment to the Design Review, Coastal Permit, as well as the original Coastal Permit and Subdivision (SD06-1). The original Coastal Permit and Subdivision approval was for a 5-lot subdivision, with no remainder lot, which included a condition of approval for construction of a second, affordable residence through a now expired Use Permit on Lot 4. The original Coastal Permit and Land Division were approved with Deputy Zoning Administrator Resolution 06-186 on December 14, 2006. The amendment shall allow the affordable housing condition as part of the original subdivision resolution to be modified by allowing the dedication of a developed lot outside of the subdivision as the required affordable housing unit. The amendment shall also amend the Coastal Permit and Design Review, approved on November 12, 2009 with Deputy Zoning Administrator Resolution 09-145, to no longer include approval for two residences, but one primary residence along with a detached, second unit. The second unit would be constructed within the same footprint as the previously approved affordable unit, but would not be allowed to exceed 750 square feet in area and is subject to future review and approval of a Second Unit Permit application. The

subject property is located at 54 Viento Way (aka 11815 State Route One) in Point Reyes Station, and is further identified as Assessor's Parcel 119-182-26.

SECTION III: CONDITIONS OF PROJECT APPROVAL

1. The project shall remain consistent and meet all conditions previously approved by Deputy Zoning Administrator Resolutions 06-186 and 09-145, except as modified by the listed conditions herein.
2. The applicant may propose a second unit at 54 Viento Way in Point Reyes Station in the same location as the previously approved second residence, but shall conform to all second unit standards outlined by the Development Code. In the event that the owner chooses to pursue a second unit for this location, the applicant shall submit an application for a Second Unit Permit to the Community Development Agency for review and approval. A Second Unit Permit cannot be issued until final approval of this resolution.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall enter into an Amended and Restated Affordable Rental Housing agreement with the County. The proposed affordable unit shall be subject to the approval by the Director and meet the following standards:
 - a. The unit shall remain affordable as a rental unit shall be offered at an affordable rent not exceeding 30 percent of the gross income of households earning at most 50 percent of the Area Median Income, adjusted for household size;
 - b. The unit shall be within or in close proximity to the Point Reyes Station community; and
 - c. The unit shall be approximately the same size of other market rate homes in the area.
4. Within 60 days of this decision, an Amended and Restated Affordable Rental Housing Agreement shall be finalized between the County and the applicant, and recorded. No less than 10 days before the expiration date, the applicant may apply in writing for an extension, which may be granted by the Community Development Director if the applicant can show that he has acted in good faith to comply with the conditions and terms and that circumstances beyond his control have resulted in not being able to meet the deadline.

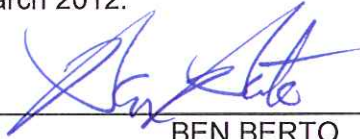
SECTION IV: VESTING AND APPEAL RIGHTS

The applicant must also vest the Bar-Or 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 **March 29, 2014**, 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 four years may be granted for cause pursuant to Section 22.56.120I and 22.82.130I of the Marin County Code.

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 **April 5, 2012**.

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 29th day of March 2012.



BEN BERTO
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:



Joyce Evans
DZA Secretary