

Marin County Community Development Agency

Alex Hinds, Director

STAFF REPORT TO THE PLANNING COMMISSION

Item No.:	7.	Application No.:	FH 05-1
Applicant:	Sally Champe	Owner:	Sally Champe
Property Address:	16 A Dock, Waldo Point Harbor, Sausalito	APN:	901-040-16
Hearing Date:	March 14, 2005	Planner:	Christine Gimmler
RECOMMENDATION:	Denial		
APPEAL PERIOD:	10 working days to the Board of Supervisors		
LAST DATE FOR ACTION:	March 14, 2005		

PROJECT DESCRIPTION:

The owner, Sally Champe, is requesting Floating Home Adjustment approval to build a new floating home on the existing barge located in Berth 16, A Dock, in the Waldo Point Harbor Marina. Floating Home Adjustment approval is required because the proposed superstructure on the existing barge would be 25 feet wide and 69 feet, 4-inches long, where a maximum floating home dimension of 20 feet by 46 feet is allowed pursuant to Marin County Development Code Section 22.32.075. In addition, the proposed floating home would attain a maximum height of 19 feet, 1/2-inch above the waterline, where a height of 16 feet is permitted pursuant to Marin County Development Code Section 22.32.075.B.b. As proposed, the structure would contain 2,675 square feet of living area (including a 1,493 square foot lower level and a 1,182 square foot upper level) with 311 square feet of exterior deck area on the upper level. The proposed floating home would be located at the terminus of A Dock, and would maintain a minimum barge-to-barge setback of 12 feet from the nearest floating home to the north, in conformance with the setback requirements of Marin County Code, Section 22.32.070.C.2.

SUMMARY RECOMMENDATION

Staff is recommending denial of the Champe Floating Home Adjustment because the size of the proposed floating home is significantly larger than that of neighboring floating homes, and the requested adjustment is not the minimum necessary to allow construction of a reasonably-sized replacement floating home for the owner.

GENERAL INFORMATION:

General Plan Land Use Designation: FH (Floating Homes, 4-7 units per acre)
Zoning: BFC-RF (Bay Front Conservation, Floating Home Marinas)
Adjacent Land Uses: Residential Floating Homes
Vegetation: None
Environmental Hazards: None identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines because it entails construction of a new floating home on and existing barge in the Waldo Point Floating Home Marina with no potentially significant impacts on the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accordance with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property, and notices have been posted on A Dock and Issaquah Dock, Waldo Point Harbor.

PLAN CONSISTENCY:

The proposed project is subject to Marin Countywide policies, including policy EQ-2.43, EQ-3.8, EQ-3.9, EQ-3.10, and EQ-3.11, which emphasize protecting the natural resources of the Bay and preserving the visual quality of the surrounding area. The proposed project is also subject to the policies of the Richardson Bay Special Area Plan, which emphasizes maintaining water quality and public access to the Bay.

PROJECT ANALYSIS:

Background

According to Marin County records, the existing floating home located in Berth 16 on A Dock in Waldo Point Harbor, was originally constructed as a navigable wooden-hulled river freighter (the Yolo), and was subsequently converted to residential use. It appears that the vessel was originally located in the Yellow Ferry Harbor. However, the structure has been sited in its current location on A Dock in Waldo Point Harbor since at least 1985. On March 20, 1989, the County issued an occupancy permit for the subject floating home in its current location, which indicated that the 1-1/2 level vessel attained a maximum height of 13 feet, and measured 22 feet in width by 68 feet in length.

In 1992, the current owner applied for and received approval for a barge transfer to allow the boat to be placed into a concrete barge. In order to accommodate the dimensions of the existing vessel, the barge was approved and constructed at its current size (25 feet wide and 69 feet, 4-inches long). At the time of the barge transfer, the approved floating home was shown on the plans as maintaining minimum setbacks of 12-feet, 9-inches and 18-feet, 9-inches respectively, from the adjacent floating homes located at Berths 12 and 15, A Dock, in compliance with the setbacks required by Marin County Code.

As described previously, the applicant has applied for Floating Home Adjustment approval to demolish the existing houseboat and construct a new floating home superstructure utilizing the existing concrete barge. As proposed, the new superstructure has been designed to take advantage of the over-sized barge (25 feet by 69-feet, 4-inches), and therefore would exceed the maximum width and length standards set forth in Section 22.32.075.B.1.c. & d. of the Development Code. As proposed, the floating home would contain 2,675 square feet of living area (including a 1,493 square foot lower level and a 1,182 square foot upper level) where a maximum of 1,656 square feet would be permitted under current code requirements. In addition, the proposed floating home would attain a maximum height of 19 feet, 1/2-inch above the waterline, where a height of 16 feet is permitted pursuant to Development Code Section 22.32.075.B.1.b.

Development Issues

Pursuant to Section 22.46.040 of the Development Code, adjustments to the height, length and width standards for floating homes may be approved provided that findings can be made that the adjustment would not adversely impact the light, views, ventilation, and privacy of surrounding neighbors, that the size of the requested adjustment is comparable and compatible with the size of neighboring floating homes, and that the requested adjustment is the minimum necessary to satisfy the objectives of the applicant. Given the location and orientation of the proposed floating home, it does not appear that the project would result in adverse view or privacy impacts to adjacent floating homes on A Dock to the north, which have views primarily toward Mount Tamalpais the north. In addition, although the project would present a significantly larger side elevation profile as viewed from the floating homes on the north side of Issaquah Dock to the south, these houseboats are located approximately 60 feet to the south across an open water fairway. Therefore, it is possible that the view corridor of these floating homes toward Mount Tamalpais may not be significantly impacted. However, as further described below, staff is unable to make the findings that the size of the proposed project would be comparable with neighboring floating homes, or that the proposed adjustment is the minimum necessary to accomplish the applicant's objectives.

Floating Home Size

Section 22.46.040.B.2.a of the Development Code states that a Floating Home Adjustment may be approved if it is found that, "The size of the requested adjustment is comparable and compatible with the size of neighboring floating homes." In order to address this issue, staff reviewed the size (based on Assessor's records) of all existing houseboats in the Waldo Point Harbor Floating Home Marina, as well as those in the nearby Yellowferry Marina and Kappas Marina. Together, these marinas contain a total of 342 houseboats. According to the data maintained by the Assessor's Department, there are currently 13 houseboats in the surveyed marinas which contain 2,000 square feet or more of living area, and 4 houseboats which exceed the size of the floating home proposed by the applicant. In other words, the proposed Champe

floating home would be larger than over 98 percent of other existing boats in the vicinity. Although the data on file with the Assessor's office may not represent a precise calculation of floor area and may not reflect recently completed additions or other work, it is clear that the proposed project would, nevertheless, be significantly larger than the typical houseboat.

It should also be noted that all of the larger houseboats identified above were constructed prior to the adoption of the County's current houseboat standards (related to length and width) in 1980 (Ordinance 2449), and, therefore, are considered legal non-conforming with respect to size. Given that the proposed project would consist of entirely new construction within the existing barge, it would be considered equivalent to a "tear down/rebuild" development on land, which would generally be subject to the development standards in effect at the time of construction.

Extent of Requested Adjustment

Section 22.46.040.B.3 of the Development Code states that a Floating Home Adjustment may be approved if it is found that, "The requested adjustment is the minimum necessary to satisfy the objectives sought by the owner and/or builder of the floating home." As described in the submitted application, the stated objective of the applicant is to replace her existing dilapidated houseboat with a new floating home which is more functional, attractive and safe than the existing structure, while utilizing the existing barge. As proposed, the new floating home would make full use of the existing oversize barge, resulting in a floating home that is over 1,000 square feet larger than what is permitted under current code requirements. However, it would be possible to design a new houseboat superstructure that utilizes the existing concrete barge as a foundation, but is consistent with current houseboat requirements with respect to length, width, and height. Therefore, staff is unable to find that the proposed adjustment is the minimum necessary to provide a functional, attractive, and safe replacement for the existing boat.

Conclusion

In summary, staff is unable to make the mandatory Floating Home Adjustment findings for the project as currently proposed, based on the factors discussed above. Accordingly, staff recommends denial of the Floating Home Adjustment application and encourages the applicant to consider design alternatives that would more closely comply with the current length, width, and height standards for floating homes

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and adopt the recommended resolution denying the Champe Floating Home Adjustment.

- Attachments:
1. Recommended Resolution
 2. Location Map
 3. Assessor's Parcel Map
 4. Aerial Photo
 5. Elevations (existing and proposed)
 6. Floor Plans
 7. Department of Public Works memo, received 1/13/05
 8. Marin Municipal Water District comments, received 1/6/05

MARIN COUNTY PLANNING COMMISSION

RESOLUTION _____

A RESOLUTION DENYING
THE CHAMPE FLOATING HOME ADJUSTMENT (FH 05-1)
ASSESSOR'S PARCEL 901-040-16
16 A DOCK, WALDO POINT HARBOR, SAUSALITO

SECTION I: FINDINGS

- I. WHEREAS the owner, Sally Champe, is requesting Floating Home Adjustment approval to build a new floating home on the existing barge located in Berth 16, A Dock, in the Waldo Point Harbor Marina. Floating Home Adjustment approval is required because the proposed superstructure on the existing barge would be 25 feet wide and 69 feet, 4-inches long, where a maximum floating home dimension of 20 feet by 46 feet is allowed pursuant to Marin County Development Code Section 22.32.075. In addition, the proposed floating home would attain a maximum height of 19 feet, 1/2-inch above the waterline, where a height of 16 feet is permitted pursuant to Marin County Development Code Section 22.32.075.B.b. As proposed, the structure would contain 2,675 square feet of living area (including a 1,493 square foot lower level and a 1,182 square foot upper level) with 311 square feet of exterior deck area on the upper level. The proposed floating home would be located at the terminus of A Dock, and would maintain a minimum barge-to-barge setback of 12 feet from the nearest floating home to the north, in conformance with the setback requirements of Marin County Code, Section 22.32.070.C.2. Zoning for the subject property is BFC-RF (Bay Front Conservation, Floating Home Marinas). The subject property is located at 16 A Dock, Waldo Point Harbor, Sausalito, and is further identified as Assessor's Parcel 901-040-16.
- II. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on March 14, 2005, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15301, Class 1 of the CEQA Guidelines because it entails construction of a new floating home on and existing barge in the Waldo Point Floating Home Marina with no potentially significant impacts on the environment.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed project would not be consistent with Marin Countywide Plan policies EQ-3.8 or EQ-3.11 because the subject floating home's substandard setbacks would adversely affect the visual quality of the surrounding area, as discussed in the findings for Floating Home Exception.
- V. WHEREAS the Marin County Planning Commission finds that the Mandatory Findings for a Floating Home Adjustment, Section 22.46.040 of the Marin County Code, can not be made for the following reasons:

- A. The requested adjustment is not the minimum necessary to satisfy the objectives of the property owner because a floating home that provides sufficient living area and other architectural amenities could be accommodated within the existing barge in the subject berth without violating the current houseboat requirements with respect to length, width, and height.
- B. The size of the requested adjustment is not comparable and compatible with the size of neighboring floating homes because the proposed project would result in a new floating home which is larger than over 95 percent of existing houseboats in the subject and surrounding marinas, and would significantly exceed the length and width standards applicable to new floating homes. In addition, it should be noted that the small number of existing houseboats larger than the proposed project were constructed prior to the adoption of the County's current houseboat standards (related to length and width) in 1980, and therefore, are considered legal non-conforming with respect to their dimensions.

SECTION II: APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$675.00 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 the tenth calendar day following the date of the action from which the appeal is taken.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 14th day of March 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Kim Shine
Recording Secretary