

MARIN COUNTY PLANNING COMMISSION HEARING MINUTES
April 11, 2005
Marin County Civic Center, Room #328 - San Rafael, California

Commissioners Present: Steve C. Thompson, Chairman
Jo Julin, Vice Chair
Allan Berland
Hank Barner
Don Dickenson
Randy Greenberg
Wade Holland

Commissioners Absent: None

Staff Present: Alex Hinds, Director, Community Development Agency
Brian Crawford, Deputy Director of Planning Services
Christine Gimmler, Senior Planner
Jessica Woods, Recording Secretary

Minutes Approved on: *April 25, 2005*

Convened at 1:03 p.m.
Adjourned at 3:15 p.m.

1. INITIAL TRANSACTIONS

- a. Incorporate Staff Reports into Minutes

M/s, Holland/Julin, and passed unanimously to incorporate the staff reports into the minutes. Motion passed 7/0.

- b. Continuances - None

- c. Approval of Minutes – March 28, 2005

M/s, Julin/Dickenson, to approve the Minutes of March 28, 2005 as amended. Motion passed 7/0.

2. COMMUNICATIONS – The Commission and staff noted several pieces of correspondence for their review.

Alex Hinds, Agency Director, encouraged the Commission to consider summary minutes in the future. Commissioner Julin provided her comments in regard to the minutes for the Commission's review. Commissioner Berland expressed concern for matters being appealed to the Board in regard to summary minutes and desired the positions and reason for the motion to be noted. He also agreed with Commissioner Julin's comments. Commissioner Dickenson stated his preference for the minutes as currently prepared. Commissioner Holland concurred with Commissioner Dickenson's comments.

Brian Crawford, Deputy Director, provided the Commission with a copy of Board minutes for their review as an example of how the Board and staff's comments are summarized.

Agency Director Hinds noted that staff desired less editing time on the minutes, so he recommended including the basic conclusions. Commissioner Julin suggested trying the new method out for the next few meetings and then revisit the issue in August. Chairman Thompson agreed.

3. DIRECTOR'S REPORT

- a. Update on Board of Supervisors Actions

The Board recently discussed the Community Development Agency's Department Performance Plan as well as budget considerations for the coming fiscal year. Additional discussions with the Board regarding these matters would occur during the budget hearings.

- b. Report on On-Going/Pending Development Projects

Agency Director Hinds recommended further continuing the Design Guidelines to May 23, 2005 in order for staff to make the necessary revisions to meet their concerns.

Agency Director Hinds announced that a staff meeting would occur next week with the EIR and legal consultants in regard to the Countywide Plan (CWP). Staff believed the matter would come back to the Commission in the fall. Staff noted that the EIR would be evaluating the CWP project description that was amended based on input by the Commission, Board, and public. Staff further stated that if substantial changes are made to the policies or programs, then re-circulation of the EIR may be required.

4. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER) - None

5. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

April 25, 2005

- King Design Review Appeal
- Sorroko Final EA (Adopt)

- Single Family Residential Design Guidelines (recommended for continuance to hearing of May 23, 2005)

May 9, 2005

- Marin Horizon School Use Permit/Design Review/Negative Declaration

May 23, 2005

- Single Family Residential Design Guidelines

Proposal 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 existing barge is 25 feet wide and 69 feet, 4-inches long, where a maximum barge 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 subject property is located at **16 A Dock, Waldo Point Harbor**, and is further identified as **Assessor's Parcel 901-040-16**.

(This item was continued from the hearing of March 14, 2005.)

Christine Gimmler, Senior Planner, summarized the staff report and recommended that the Commission consider the revised plans proposed by the applicant and the design alternative recommended by staff; conduct a public hearing; and adopt the recommended resolution approving the Champe Floating Home Adjustment with conditions requiring that the upper floor structure be reduced in size to a maximum square-footage of 736 square feet.

The hearing was opened to the public.

Sally Champe, applicant/owner, asked the Commission to approve her revised plans rather than staff's recommendation. She then provided the Commission and staff with comments in support of her request.

Hugh Lawrence, resident of A-Dock, had no opinion or objection in regard to the plans proposed by Ms. Champe or staff's recommendation.

The public hearing was closed.

In response to Chair Thompson's question about the existing floor area, Senior Planner Gimmler responded that it is 702 square feet according to the Assessor's records, but that did not include the entire lower level of the barge. According to the submitted plans, the upper floor of the existing boat contains 920 square feet. Staff also pointed out to the Commission that the entry deck was not included in the floor area.

Commissioner Barner asked whether the same findings could be made with or without the 207 square feet. Staff explained that Findings 2 and 3 are subjective and could be modified as necessary.

Commissioner Holland indicated that he had visited the site and that the structure is deteriorating. He was very impressed with how the owner has maintained and cared for the boat. He felt it is very unreasonable to require the applicant to squeeze into a smaller space, and believed what the applicant is proposing is acceptable in his view. Accordingly, he recommended deleting Condition 3.

Commissioner Greenberg stated her opinion that the County's previous approval of an oversize barge to accommodate the existing boat did not imply a right to an oversize houseboat. She believed what staff is proposing is fair. She then recommended adding an additional condition that the length be reduced rather than the width because increasing the deck would be an enhancement for the owner.

Commissioner Berland stated that the owner's objective should be taken into consideration, which is to make an aesthetically appealing structure. He believed Ms. Champe should be allowed to achieve her objective. He then noted his support for Ms. Champe's current proposal.

Commissioner Dickenson indicated that visually the length of the second story structure was more critical than the total square footage and that some reduction in length could be justified that would not create a real problem for the applicant and would improve the appearance of the boat.

Commissioner Julin supported staff's recommendation, which would acknowledge concerns addressed by members of the community.

Commissioner Barner expressed concern for staff's recommendation and concurred with Commissioners Holland and Berland in support of the applicant's current proposal.

Chairman Thompson recommended approving the recommendation in the staff's report.

Chairman Thompson asked for a motion.

M/s, Holland/Berland, to approve the Resolution approving the Champe Floating Home Adjustment with conditions; eliminating Condition 3; revising the first sentence of Condition 6 to read, "Reasonable efforts shall be made by the holder of the building permit to limit the number of vehicles;" and instruct staff to make the necessary modifications in the findings for the conditions being approved. Motion failed 3:4 (Commissioners Dickenson, Greenberg, Julin, and Thompson opposed).

Chairman Thompson asked for another motion.

M/s, Dickenson/Thompson, to approve staff's recommendation with the revision that the floor area be reduced by approximately 100 square feet and that the length of the second story be reduced to 38 square feet.

Agency Director Hinds indicated support for Commissioner Dickenson's suggested compromise and encouraged the Commission to approve that recommendation.

Commissioner Greenberg supported staff's recommendation as a way to consistently apply the rules in this case. She further believed the Commission should have a chance to vote for staff's recommendation.

Commissioner Dickenson withdrew his previous motion in order for Commissioner Greenberg to make a motion supporting staff's recommendation.

M/s, Greenberg/Julin, to approve the Resolution approving the Champe Floating Home Adjustment as drafted by staff including Commissioner Holland's revised wording to Condition 6. Motion failed 3:4 (Commissioners Barner, Berland, Dickenson and Holland opposed).

Chairman Thompson asked for another motion.

M/s, Dickenson/Thompson, his previous motion, to approve staff's recommendation with the revision that the floor area be reduced by approximately 100 square feet and the length of the second story be reduced to 38 feet, including Commissioner Holland's revised wording to Condition 6.

Senior Planner Gimmler noted that, depending on how it was designed, the length of the upper floor could be reduced to 38 feet in a manner whereby the actual square-footage reduction would be less than 100 square feet. Commissioner Dickenson confirmed that the length was more important than the precise square footage and indicated that the main living area could be easily reduced in length by four feet.

Motion failed 3:4 (Commissioners Barner, Berland, Greenberg and Holland opposed).

Chairman Thompson asked for another motion.

M/s, Holland/Barner, his previous motion, to approve the Resolution approving the Champe Floating Home Adjustment with conditions; eliminating Condition 3; revising the first sentence of Condition 6 to read, "Reasonable efforts shall be made by the holder of the building permit to limit the number of vehicles;" and instruct staff to make the necessary modifications in the findings for the conditions to be approved. Motion failed 3:4 (Commissioners Dickenson, Greenberg, Julin, and Thompson opposed).

Chairman Thompson asked for another motion.

M/s, Dickenson/Holland, his original motion, to approve staff's recommendation with the revision that the floor area be reduced by approximately 100 square feet and the total length of the second story be reduced from 42 square feet to 38 square feet, including Commissioner Holland's revisions to Condition 6 and revisions to the findings and other conditions to reflect this motion. Motion passed 4:3 (Commissioners Barner, Berland and Greenberg opposed).

MARIN COUNTY PLANNING COMMISSION

RESOLUTION PC 05-005

A RESOLUTION APPROVING WITH MODIFICATIONS AND CONDITIONS
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. As proposed, the structure would contain 2,436 square feet of living area (including a 1,493 square foot lower level and a 943 square foot 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 duly noticed public hearing on March 14, 2005, to consider a proposed reconstruction and expansion of the Champe floating home, and after reviewing staff's report and testimony provided during the public hearing by the owner and neighboring residents, the Planning Commission continued the hearing to the meeting of April 11, 2005, with the consent of the owner, to allow further design revisions in response to staff's recommendation and comments from the Planning Commission.

- III. WHEREAS the Marin County Planning Commission held a continued public hearing on April 11, 2005, to consider the merits of a revised proposal submitted by the owner, 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 an 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, as modified by conditions of approval that would require a lesser reduction in the upper floor area than recommended by staff, would be consistent with the following policies of the Marin Countywide Plan and the Richardson Bay Special Area Plan:
 - A. Countywide Plan Policy CD-14.5 and Richardson Bay Special Area Plan Policy 1 (Residential Vessels and Floating Structures), which allow floating homes on the Bayfront Conservation Floating Home Marina land use designations, since the subject property would continue to be used as a residential floating home.

- B. Countywide Plan Policy EQ-3.11 and Richardson Bay Special Area Plan Policy 10, (Public Access, Views, and Vistas,) which emphasize the consideration of visual qualities and view potential of the surrounding environment, since the proposed project would not result in loss of views and would not adversely effect the visual quality of the site.
- C. The project will utilize a berth that has been historically occupied by a residential floating home and therefore is consistent with the BFC-RC land use designation and Policy 1 of the Richardson Bay Special Area Plan-Residential Vessels and Floating Structures, which allow floating homes on property under the Bayfront Conservation Floating Home Marina land use designation.

V. WHEREAS the Marin County Planning Commission finds that the Mandatory Findings for a Floating Home Adjustment, Section 22.46.040.B of the Marin County Code, can be made for the following reasons:

1. **The requested adjustment will not adversely or substantially diminish light and ventilation to floating homes berthed adjacent to the proposed floating home; and existing views and/or view corridors enjoyed by owners or tenants of neighboring or adjoining floating homes and floating home sites.**

As modified by conditions of approval, the proposed floating home adjustment would not impact the light, air, or views of neighboring floating homes because the granted adjustment only applies to the lower barge level of the new floating home, which does not extend more than 8 feet above the surrounding waterline. In addition, the upper floor of the floating home, as conditioned, would reduce the length of the second story to 38 feet to maintain both a scale that is compatible with other floating homes in the marina, taking into consideration the exceptionally large setbacks and unique berthing space noted below, as well as the owner's objectives for seeking approval of the project. Finally, the existing floating home maintains unusually large setbacks to the two adjacent floating homes (over 12 feet and 18 feet, respectively) and is located at the bayward terminus of the dock where larger houseboats are typically found in Waldo Point Harbor.

2. **The size of the requested adjustment is comparable and compatible with the size of neighboring floating homes; and will not encroach into any right-of-way, fairway, adjoining berth or any required open space.**

The approved floating home adjustment would allow for the construction of an approximately 2,340 square foot houseboat, which would be approximately 700 square feet larger than the maximum size new houseboat built according to current code requirements. However, the overall size of the structure would be similar to a number of other larger legal nonconforming houseboats in the vicinity. Further, the additional living area approved as part of this adjustment would be located within a barge which has existed since 1992 and would not encroach into any right-of-way, fairway, or adjoining berth.

3. **The requested adjustment is the minimum necessary to satisfy the objectives sought by the owner and/or builder of the floating home.**

As approved, the size of the adjustment is the minimum necessary to allow the efficient reuse of an existing, non-conforming barge which was approved by the County in 1992, while restricting the more visible upper floor living space of the structure to a length and height which conforms with current code requirements.

4. **The requested adjustment will not result in any detriment to other floating homes in the immediate vicinity of the proposed floating home.**

Please refer to Finding 1 above.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Champe Floating Home Adjustment subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Sections 22.46.040B of the Marin County Development Code, the Champe Floating Home Architectural Adjustment approval authorizes the construction of a new floating home on an existing barge in the subject berth. As modified by conditions of approval, the floating home would not exceed a height of 16 feet above waterline and a maximum size of 2,336 square feet (including 1,493 square feet on the lower barge level, and no more than 843 square feet on the upper level). The existing barge on which the new floating home would be built maintains setbacks of 12.75 feet and 18.75 feet respectively from the two nearest floating homes. The subject property is located at **Berth 16, A Dock, Waldo Point Harbor, Sausalito**, and is further identified as **Assessor's Parcel 901-040-16**.
2. EXCEPT AS MODIFIED BELOW, plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "Champe Floating Home" consisting of 2 sheets, date stamped March 17, 2005, with a revised upper floor plan date stamped March 29, 2005, and on file in the Marin County Community Development Agency.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans for review and approval of the Community Development Agency which reduce the size of the second (upper) floor of the houseboat to a maximum size of 843 square feet by reducing the length of the second story floating home to a total length of 38 linear feet.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Floating Home Adjustment Conditions of Approval as notes.
5. All exterior lighting shall be directed downward and hooded.
6. Reasonable efforts shall be made by the holder of the building permit to limit the number of vehicles used to transport workers and materials to the site to the minimum number necessary. No authorization to trespass upon other private property is granted or implied by this approval. Work at the site shall be limited to the hours of 7:00 AM and 5:00 PM, Monday through Friday, and 9:00 AM to 4:00 PM Saturday. No work shall be permitted on Sundays or holidays. At the applicant's request, the Community Development Agency Director may administratively authorize minor modifications to these hours of construction.
7. The applicant shall submit written verification from the Southern Marin Fire Protection District that the Building Permit plans conform to the District's requirements.
8. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval before the contemplated modifications may be initiated.

Waldo Point Harbor Marina is located within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). The property owner is advised to contact BCDC regarding possible permit requirements and/or standards prior to initiating work on this project.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Floating Home Architectural Adjustment approval by obtaining a Building Permit for the approved work and substantially completing all work before April 11, 2007, 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 it is approved by the Community Development Agency.

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 11th day of April 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

STEVE C. THOMPSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary

Proposal to construct a 2,896 square foot single-family residence with an attached 596 square foot two-car garage on a 16,472 square foot vacant lot. As proposed, the residence will attain a height of 34 feet above finished grade (28 feet from natural grade). Also included in the proposal is the creation of a new rear yard area with retaining walls varying in height from 2 feet to 6 feet, and the construction of a new wood deck attached to the single-family dwelling. The appellant, Rupert Hansen, sets forth the following bases of appeal of the Community Development Agency staff's approval of the Design Review application: (1) the development does not adequately address the technical and legal impacts of storm water management and distribution from the site; (2) the proposed single-family dwelling is not appropriate for the site due to the home size relative to the lot area; (3) the development does not adequately address slope stability and geotechnical issues; and (4) the mass and bulk of the proposed single-family dwelling would be excessive based on the 34-foot height and amount of site disturbance. The subject property is located at **27 Martling Drive, San Anselmo**, and is further identified as **Assessor's Parcel 176-041-02**.

Alex Hinds, Agency Director, announced that the Community Development Agency has received correspondence from the appellant, Rupert Hansen, withdrawing his appeal of the Community Development Agency's conditional approval of the Fitzpatrick Design Review at 27 Martling Road in San Anselmo. Staff has accepted the withdrawal of the appeal and the administrative approval of the project is no longer subject to the Planning Commission's jurisdiction.

Chairman Thompson adjourned the Planning Commission meeting at 3:15 p.m.