

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION ~~ADOPTING~~ APPROVING THE
JOHNSON TRUST COASTAL PERMIT (P3049)
SUBSEQUENT MITIGATED NEGATIVE DECLARATION
21 CALLE DEL ONDA, STINSON BEACH
ASSESSOR'S PARCEL: 195-162-49

The Planning Commission of the County of Marin hereby resolves as follows:

SECTION I: FINDINGS

1. Brian Johnson, on behalf of the owners inclusive of the Brian Johnson Trust; Janiele Herbert, successor trustee of the Modestine Bagwell 2003 Revocable Trust; Scott Combs, Rene Wicks, and Eileen Combs, has submitted a Coastal Permit application to construct a new one-story, 1,296 square-foot single-family residence on a vacant lot in Stinson Beach. The 1,296 square feet of proposed development would result in a floor area ratio of nine percent on the 15,200 square-foot lot. The proposed building would reach a maximum height of 20 feet, seven inches above surrounding grade and the exterior walls would have the following setbacks: 25 feet from the northwestern front property line; 46 feet from the northeastern side property line; 100 feet from the southwestern side property line; 16 feet from the southeastern rear property line. Various site improvements would also be entailed in the proposed development, including a new septic system, a new permeable paving driveway, decks, and landscaping improvements.

The property is located at 21 Calle Del Onda, Stinson Beach and is further identified as Assessor's Parcel 195-162-49.

2. On July 18, 2020, the Stinson Beach County Water District (SBCWD) approved a variance for an onsite septic system on the project site. The variance authorized a reduction in the setback requirements from the Pacific Ocean, a waterbody adjacent to and which covers part of the property. As the variance qualified as a project under CEQA, SBCWD prepared an Initial Study (IS) to determine whether the variance would result in one or more significant environmental impacts. The IS determined that impacts could occur but included mitigation measures to reduce all impacts to less than significant, and the applicant agreed to incorporate the measures the project plans. Consequently, prior to approving the variance, SBCWD adopted a Mitigated Negative Declaration (MND).
3. The IS/MND focused on the wastewater system variance but considered future development of a residence a reasonably foreseeable consequence of project approval. Therefore, construction of a residence was considered a part of the project and included in the environmental analysis. As a design for the future residence had not yet been developed, the IS/MND considered generally the potential impacts of construction of a residence, based on reasonable assumptions about scale, location within the parcel, and construction methods.
4. Following SBCWD's approval of the septic system variance, the applicant submitted an application to the Marin County Community Development Agency for a Coastal Permit to

allow development of the septic system and a 1,563 sf, two-story residence with a 288 sf accessory building/garage. The application was deemed complete on July 7, 2021. At its November 22, 2021 meeting, the Planning Commission conducted a public hearing to consider the application. The Planning Commission did not make a decision on project approval, but continued the hearing to allow County staff to look further into issues raised in comment letters received from the public and from the California Coastal Commission, and to determine the environmental review requirements for the project. Upon further review, the County, as a Responsible Agency per State CEQA Guidelines Section 15381, determined that it would be necessary to prepare a Subsequent Environmental Review (SER) to determine the correct CEQA document to support a decision on the project. Pursuant to State CEQA Guidelines Section 15162: an addendum can be prepared to a previous Initial Study/Mitigated Negative Declaration or to a previous Environmental Impact Report (EIR).

5. After the Planning Commission hearing in November 2021, the applicant reduced the scale of the proposed development from 1,563 square feet to the currently proposed one-story, 1,296 square-foot residence. The revised proposal also reduced the deck and stair area from 528 square feet to 252 square feet, and eliminated a free-standing 288 square-foot garage.
6. The Marin County Environmental Coordinator determined that, based on the SER, a subsequent Mitigated Negative Declaration of Environmental Impact was required for the project pursuant to the California Environmental Quality Act (CEQA).
7. The Subsequent Mitigated Negative Declaration of Environmental Impact for the project consists of the Mitigated Negative Declaration, Initial Study, responses to comments, and all supporting information incorporated by reference therein.
8. The Subsequent Mitigated Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's CEQA process.
9. On Monday, January 9, 2023, the Initial Study and proposed Subsequent Mitigated Negative Declaration of Environmental Impact were completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Subsequent Mitigated Negative Declaration, and a notice of the public review period and public hearing was published in a general circulation newspaper pursuant to CEQA.
10. On July 31, 2023, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project. **By a vote of three ayes and three noes, the Planning Commission denied the Subsequent Mitigated Negative Declaration. The Planning Commission voted to continue the hearing to August 14, 2023.**
- ~~10-11.~~ On August 14, 2023, the Planning Commission held a duly noticed public hearing to take public testimony and consider the project. **By a vote of one no and five ayes, the Planning Commission voted to reconsider the prior decision on the Subsequent Mitigated Negative Declaration that was made on July 31, 2023.**

11.12. On August 28, 2023, the Planning Commission held a duly noticed public hearing to take public testimony and consider the project, including the Subsequent Mitigated Negative Declaration.

SECTION II: ACTION

THEREFORE, BE IT FURTHER RESOLVED that the Marin County Planning Commission adopt the Subsequent Mitigated Negative Declaration for the Brian Johnson Coastal Permit project as adequate and complete in compliance with CEQA, the State CEQA Guidelines and the County Environmental Review Procedures, and as adequate and complete for consideration in making a decision on the merits of the project.

SECTION II: VESTING

~~NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.~~

SECTION III: 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 the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than ten business days from the date of this decision.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 28th ~~31st~~ day of ~~August~~ July 2023 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

Margot Biehle, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Sindy Palencia
PLANNING COMMISSION RECORDING SECRETARY

