



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

April 7, 2015

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SUBJECT: Hurley, Lowry, Et Al. Appeal of the Planning Commission's Approval of the Heidi Hjorth Coastal Permit 14-16
4 Calle del Embarcadero, Stinson Beach
Assessor's Parcel 195-132-03

RECOMMENDATION:

On February 9, 2015, the Planning Commission upheld by a 6-0 vote, the Deputy Zoning Administrator's decision conditionally approving the Heidi Hjorth Coastal Permit application to construct a new 1,400 square foot residence with an attached 535 square foot garage on a 4,800 square foot lot. On behalf of the Planning Commission, staff recommends the Board deny the appeal filed by Hurley, Lowry, et al. and sustain the Planning Commission's action by adopting the attached resolution to approve the project.

SUMMARY:

The property is a vacant lot located on Calle del Embarcadero, which extends off of Calle del Arroyo in Stinson Beach. The project is subject to a Coastal Permit, as well as the development standards of the C-R-2 zoning district. The Deputy Zoning Administrator issued an approval of the project on August 28, 2014 which was subsequently appealed to the Planning Commission by Hurley, Lowry, Et Al.

The appeal to the Planning Commission asserted that the property is located within a 100-year flood zone, the neighborhood floods regularly, the Local Coastal Program restricts development in the 100-year floodplain, there needs to be clarity as to the distance between the lot and the top of bank of Easkoot Creek, that the proposed design is out of character with the neighborhood, and that the Visual Resources finding could not be made. In its October 27, 2014 hearing, the Planning Commission granted a continuance to give the applicant an opportunity to confirm the location of nearby riparian areas and demonstrate that the project complied with the stream and riparian area buffers. On February 9, 2015, the Planning Commission considered a supplemental biological site assessment, as well as a site survey. As a result of the delineation of the stream buffer, the applicant proposed shifting the development 2 feet 2 ½ inches to the south as well as relocating an underground tank to avoid encroaching into the 100 foot buffer area. The Commission partially granted the appeal by a 6-0 vote, and conditionally approved the project.

The appellants filed a subsequent appeal of the Planning Commission’s decision, asserting that: 1) the biological site assessments undertaken are inadequate; 2) the interpretation of development in the Easkoot Creek floodplain should be based on Federal Emergency Management Agency’s (FEMA’s) definition for floodplains since the Army Corps of Engineers never provided a definition; 3) the Planning Commission’s decision nullifies the intent of the Local Coastal Plan; 4) restricting development on this lot would not constitute a regulatory taking; and 5) the project as conditioned is no longer consistent with the previously approved septic permit and that the original permit was issued in error due to incorrect information. These issues were considered by the Planning Commission in its public hearings on October 27, 2014 and February 9, 2015 and are further addressed in the attached resolution.

REVIEWED BY: (These boxes must be checked)

[] Department of Finance [X] N/A
[X] County Counsel [] N/A
[] Human Resources [X] N/A

SIGNATURE:

REVIEWED BY:

Scott Greeley
Planner

Brian C. Crawford
Director

ATTACHMENTS

- 1. Recommended Resolution Denying the Hurley, Lowry, Et Al. Appeal and Conditionally Approving the Heidi Hjorth Coastal Permit
- 2. Hurley, Lowry, Et Al. Petition for Appeal and attachment, February 17, 2015

Note: In order to conserve resources, the following documents have been provided only to the Board of Supervisors. These documents are available for public review on line at <http://www.marincounty.org/depts/cd/divisions/planning/projects> and at the Community Development Agency, Planning Division during regular business hours: Monday through Thursday, 8:00 am to 4:00 pm.

- 3. Minutes and approved Resolution PC15-002 from the Planning Commission Hearing on February 9, 2015
- 4. Planning Commission Memo, January 28, 2015
- 5. PC Staff Report from the Planning Commission Hearing on October 27, 2014