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49th Day:	10/27/2015
Staff:	S. Fiala - SF
Staff Report:	9/25/2015
Hearing Date:	10/8/2015

## **APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY**

<b>Appeal Number:</b>	<b>A-2-MAR-15-0057</b>
<b>Applicant:</b>	<b>Steven Schow</b>
<b>Appellant:</b>	Stinson Beach Village Association
<b>Local Government:</b>	Marin County
<b>Local Decision:</b>	Coastal development permit number 2015-0020 approved with conditions by the Marin County Deputy Zoning Administrator on August 13, 2015.
<b>Location:</b>	150 Seadrift Road (APN 195-041-18) in Stinson Beach, Marin County.
<b>Project Description:</b>	Demolition of an existing 2,354 square-foot residence and construction of a new, 3,206 square-foot residence and 406 square-foot garage.
<b>Staff Recommendation:</b>	Substantial Issue

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### **PROCEDURAL NOTE**

The Commission will not take testimony on this “substantial issue” recommendation unless at least three Commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the Executive Director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally, and at the discretion of the Chair, limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony.

## **SUMMARY OF STAFF RECOMMENDATION**

On August 13, 2015, Marin County approved a coastal development permit (CDP) to demolish an existing one-story, 2,354 square-foot single-family residence and to construct a new, 3,206 square-foot elevated residence with a 406 square-foot garage at 150 Seadrift Road in the Stinson Beach area of Marin County. The subject parcel is zoned coastal residential, single-family planned, Seadrift Subdivision (C-RSPS), and is adjacent to the beach to the south and surrounded by other residential uses to the east, west and north.

The Appellant contends that the County-approved project raises LCP conformance issues with respect to the protection of visual resources and community character, and with respect to grading. Specifically, the Appellant contends the approved development is inconsistent with the policies of the Marin County certified LCP because 1) its height and visual prominence would detract from the natural vistas, it is out of scale in height and size with surrounding residences and would stand out in stark contrast to community character, it is inconsistent with LCP required height standards, and FEMA’s requirement for minimum floor elevations is not sufficient to support a hardship finding or the need for a height variance; and 2) its grading is inconsistent with grading requirements.

Marin County LCP policies require that finished floor elevations not exceed 18 feet above mean lower low water (MLLW) and that the total height of structures not exceed 33 feet above MLLW for Seadrift Subdivision Number 1. The Marin County approval included two height variances, one to allow a finished floor elevation of 23.5 feet MLLW, 5.5 feet above the 18 foot maximum, and one to allow a total building height of 37.5 feet, 4.5 feet above the 33-foot height limit. FEMA flood zone regulations require a finished floor elevation of 23 feet in this case, which would result in a useable interior space that would be approximately 10 feet tall from floor to roof given the maximum LCP height requirements. The County found the above constraints would not result in a “modestly sized” structure and would deprive the subject property owner of privileges enjoyed by other properties in the vicinity, and thus the County authorized the height variances, which primarily serves the purpose of accommodating the peaked roof of the proposed “saltbox” architectural design.

While Staff concurs that a residence, regardless of design, could not be constructed in a way that meets FEMA flood elevation requirements on the western portion of the subject site without a

variance to the 18-foot MLLW maximum finished floor elevation, it appears that it would be possible for the Applicant to redesign the project to meet the maximum 33 foot MLLW height limit if the roof is altered from a pitched roof to a flat roof design. Based on a review of the California Coastal Records Project, numerous houses in the Seadrift area have flat roofs. In addition, it appears that the project site could have accommodated a smaller structure outside of the FEMA flood zone that met all floor elevation and height requirements specified in the LCP. Lastly, the County approval did not provide significant evidence to show that the proposed structure was consistent with the height and community character of the surrounding development nor that it would not impact public views from the adjacent beach or Highway 1. Therefore, the appeal of the proposed project raises a substantial issue of LCP conformance with respect to the Marin LCP policies regarding visual resources, community character, and design standards that apply to this site.

With respect to grading, Marin County LCP policies require grading to be kept to a minimum, and include specific standards for projects that involve grading and excavation of 150 cubic yards or more. The proposed project would be constructed in the same general location as the existing residence, which is sited on a relatively level site, with excavation of approximately 127 cubic yards. Thus, the appeal of the proposed project does not raise a substantial issue of LCP conformance with respect to the Marin LCP policies on grading.

The County's decision could have a significant impact on the interpretation of the Marin County LCP with respect to height variances in relation to flood hazards, especially in Seadrift, as well as have implications for redevelopment in other flood hazard areas to meet FEMA requirements throughout the state. Thus, the Appellant's contentions raise a substantial issue with respect to the certified LCP and Staff recommends that the Commission take jurisdiction over the CDP for this project. While staff would have preferred to consolidate substantial issue and de novo review for this matter, the appeal was received during the production process for the October meeting, limiting the amount of time available to review the appeal and to address appeal issues. Importantly, Staff also needs additional information regarding the characteristics of the built and natural environment to be able to help identify and evaluate potential project modifications to address LCP issues, as well as time to discuss any potential project modifications with the Applicant, and there was simply insufficient time prior to staff report production deadlines to account for either. Staff requested a 49-day hearing waiver from the Applicant to be able to facilitate such a process and to allow a consolidated hearing, but the Applicant refused to waive the hearing requirement. Thus, only the question of substantial issue is addressed here.

Accordingly, prior to bringing this matter back for Commission review in a de novo CDP hearing context, the Applicant will need to provide the information necessary to evaluate the project for consistency with the LCP. Further information and analysis needed includes: size data and related information regarding the characteristics of other residences in Seadrift, visual impact analysis for beach and Highway 1 views, and an evaluation of alternative designs for the residence that would reduce its height and/or move the footprint of the residence out of the FEMA flood hazard zone.

The single motion necessary to implement staff's substantial issue recommendation is found on page 5 below.

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## **EXHIBITS**

- Exhibit 1 – Project Location Map
- Exhibit 2 – Project Area Photos
- Exhibit 3 – County-Approved Project Plans
- Exhibit 4 – County’s Final Local CDP Action Notice
- Exhibit 5 – Appeal of County’s CDP Decision
- Exhibit 6 – Applicant Correspondence
- Exhibit 7 – Staff Comment Letter
- Exhibit 8 – County’s Initial CDP Denial Resolution

## I. MOTION AND RESOLUTION

Staff recommends a **NO** vote on the following motion. Failure of this motion, as is recommended by staff, will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

***Motion:*** *I move that the Commission determine that Appeal Number A-2-MAR-15-0057 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act. I recommend a **no** vote.*

***Resolution to Find Substantial Issue.*** *The Commission finds that Appeal Number A-2-MAR-15-0057 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program.*

## II. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION AND LOCATION

The County-approved project, located at 150 Seadrift Road in the Stinson Beach area of Marin County, includes demolition of an existing, one-story 2,354 square-foot single-family residence, construction of a 3,206 square-foot elevated residence and 406 square-foot garage, as well as construction of a new septic system, bocce ball court, hot tub, deck, patio, walkway, and landscaping (all on APN 195-041-18). The new residence would be comprised of two modules. The northeastern, or street-facing, module is not located in the FEMA flood zone, while the rear southwestern, or beach-facing, module is located in the FEMA flood hazard zone, requiring a Base Flood Elevation (BFE) of 22 feet.<sup>1</sup> The street-facing module would contain a garage, two bedrooms, two bathrooms, and a recreation room with a finished floor elevation of 13 feet and height of 24 feet (or 11 feet from floor to rooftop), while the beach-facing module would be elevated over a vacant ‘understory space’ and would contain a master bedroom, bathroom, dining and living room, kitchen, study, and breezeway entry gallery with a finished floor elevation of 23.5 feet and a height of 37.5 feet (or 14 feet from floor to rooftop). The parcel is zoned C-RSPS-2.9 (Coastal, Residential, Single-family Planned, Seadrift Subdivision, 2.9 units

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<sup>1</sup> The southwest beach fronting portion of most lots on the south side of Seadrift Road are in the Federal Emergency Management Agency (FEMA)’s Zone VE, a coastal flood zone with velocity hazards (e.g., wave action), where Base Flood Elevations have been determined. FEMA defines Base Flood Elevation (BFE) as the computed elevation to which floodwater is anticipated to rise during the base flood (defined as the 100-year flood), which has a 1% chance of being exceeded in any given year. BFEs are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. The BFE is part of FEMA’s requirements related to the elevation and floodproofing of structures. The LCP requires development be sited outside of flood hazard areas.

per acre) and is located within the boundaries the Stinson Beach Community Plan<sup>2</sup>. The site is located in a residential subdivision of some 300 homes.

See **Exhibit 1** for a location map, **Exhibit 2** for photographs of the site, and **Exhibit 3** for the County-approved project plans.

## **B. MARIN COUNTY COASTAL PERMIT APPROVAL**

On August 13, 2015, the Marin County Deputy Zoning Administrator approved CDP 2015-0020 authorizing the above-described demolition and new construction at the site. The County's Final CDP Action Notice (see **Exhibit 4**) was received in the Coastal Commission's North Central Coast District Office on Monday, August 24, 2015. The Coastal Commission's ten-working day appeal period for this action began on Tuesday, August 25, 2015 and concluded at 5pm on Tuesday, September 8, 2015. One valid appeal was received during the appeal period (see below).

## **C. APPEAL PROCEDURES**

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is located between the sea and the first public road paralleling the sea.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission finds a substantial issue and conducts a de novo CDP hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP.

If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest

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<sup>2</sup> The Stinson Beach Community Plan is not part of the Marin LCP but its land use and development policies are intended to reflect the unique character of the village of Stinson Beach and are used to evaluate discretionary planning applications.

public road and the sea, and thus this additional finding would need to be made if the Commission were to approve a project following a de novo hearing.

#### **D. SUMMARY OF APPEAL CONTENTIONS**

The Appellant contends that the County-approved project raises LCP conformance issues with respect to the protection of visual resources and community character, and with respect to grading. Specifically, the Appellant contends the approved development is inconsistent with the policies of the Marin County certified LCP because 1) its height and visual prominence would detract from the natural vistas, it is out of scale in height and size with surrounding residences and would stand out in stark contrast to community character, it is inconsistent with LCP required height standards, and FEMA's requirement for minimum floor elevations is not sufficient to support a hardship finding or the need for a height variance; and 2) its grading is inconsistent with grading requirements. See **Exhibit 5** for the appeal, and see **Exhibit 6** for additional Applicant correspondence.

#### **E. SUBSTANTIAL ISSUE DETERMINATION**

##### **Substantial Issue Background**

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government's CDP decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission determines that the County's approval of the project presents a substantial issue.

##### **Substantial Issue Analysis**

###### *Applicable Policies*

The Marin County LCP requires protection of visual resources and community character as follows:

###### *Visual Resources*

*21. Existing development standards and the design review ordinance (Chapter 22.52) shall continue to be enforced. The following explicit standards shall apply to selected areas and projects:*

- *All new construction in Bolinas, Stinson Beach and Muir Beach shall be limited to a maximum height of twenty-five (25) feet; except that in the Highlands neighborhood of Stinson Beach, the maximum height shall be seventeen (17) feet,*

*and in the Seadrift section of Stinson Beach, the maximum height shall not exceed fifteen (15) feet.*

- *To the maximum extent feasible, new development shall not impair or obstruct an existing view of the ocean, Bolinas Lagoon, or the national or State parklands from Highway 1 or Panoramic Highway.*

*Section 22.56.130I Development requirements, standards and conditions...*

*O. Visual Resources and Community Character.*

- 1. All new construction in Bolinas, Stinson Beach, and Muir Beach shall be restricted to a maximum height of twenty-five feet; except that the Stinson Beach Highlands will have a maximum height of seventeen feet, and the Seadrift Subdivision will have a maximum of fifteen feet above finished floor elevation.*
- 2. To the maximum extent feasible, new development shall be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 or Panoramic Highway.*
- 3. The height, scale and design of new structures shall be compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.*

Under the LCP, development in the Seadrift subdivision is required to meet the specific height regulations for development with the C-RSPS zoning district in addition to the general regulations of the C-RSP district as follows:

*Section 22.57.090I C-RSPS--Coastal residential, single-family planned, Seadrift Subdivision districts.*

*22.57.091I Application. The following specific regulations shall apply in all CRSPS districts in addition to the general regulations required under Sections 22.57.080I through 22.57.086I (C-RSP districts). Principal permitted uses in all C-RSPS districts shall be as allowed in Section 22.57.092I...*

*22.57.094I Height Limit. Development on all lots in Seadrift shall be limited to a maximum height as follows:...*

- 2. In Seadrift Subdivisions one and two finished floor elevation shall not exceed eighteen feet above mean lower low water. Total height of structure shall not exceed thirty-three feet above mean lower low water.*

*Section 22.57.080I C-RSP--Coastal residential single-family planned districts...*

*22.57.086I Site Preparation and Project Design...*

*2. Project Design...*

- e. Building Height. No part of a building shall exceed twenty-five feet in height above natural grade, and no accessory building shall exceed fifteen feet in height above natural grade. The lowest floor level shall not exceed ten feet above natural grade at the lowest corner.*



The Marin LCP incorporates the allowance of height variances outlined in the Marin Development Code Section 22.70I by reference as follows:

*Section 22.56.020I Applications.*

*The C district shall conform to the coastal zone as established by the Coastal Act of 1976. The following general regulations shall apply in all C zoning districts as noted below and should be subject to the provisions of Chapters 22.62 through 22.74I of this title. The provisions of Section 22.88.010I (3), (5), (6), (7a) through (7e) and (8) shall not apply in C districts.*

*Marin County Development Code*

*Section 22.70I Height Regulations<sup>3</sup>...*

*22.70.030I Effect of variance or use permit on height limitations.*

*Upon the securing of a variance, a main building may be erected to a height exceeding that specified in the zoning ordinance for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit specified for such districts. Upon the securing of a use permit, a detached accessory building may be erected to a height exceeding that specified in the zoning ordinance for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit specified for such districts.*

The LCP requires grading in C-RSP zoning district (which applies to the C-RSPS zone) be kept at a minimum. LCP development requirements prohibit development in areas of flood hazard and include specific standards which apply to projects which involve grading of 150 cubic yards or more and as follows:

*Section 22.57.080I C-RSP--Coastal residential single-family planned districts...*

*22.57.086I Site Preparation and Project Design.*

*1. Site Preparation*

*Grading. All grading shall be reviewed by the environmental protection committee or by staff members designated by the committee. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: Skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.*

*Section 22.56.130I Development requirements, standards and conditions...*

*C. Grading and Excavation. The following standards shall apply to coastal projects which involve the grading and excavation of one hundred fifty cubic yards or more of material:*

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<sup>3</sup> Incorporated by reference in Marin LCP Section 22.56.020I.

- 1. Development shall be designed to fit a site's topography and existing soil, geological, and hydrological conditions so that grading, cut and fill operations, and other site preparations are kept to an absolute minimum and natural landforms are preserved. Development shall not be allowed on sites, or areas of a site, which are not suited to development because of known soil, geology, flood, erosion or other hazards that exist to such a degree that corrective work, consistent with these policies (including but not limited to the protection of natural landform), is unable to eliminate hazards to the property endangered thereby.*
- 2. For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be discouraged during the winter rainy season and stabilizing slopes shall be in place before the beginning of the rainy season.*

#### *Visual Resources and Community Character*

The proposed development site is located in a visually sensitive area along the shoreline because it is visible from Highway 1 and the adjacent beach. Marin County LCP Section 22.56.130.O.2, on visual resources and community character, requires that new development be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 to the maximum extent feasible. LCP Section 22.56.130.O.3 also requires that new development be visually compatible with the character of surrounding areas and not obstruct significant views from public viewing places. LCP Section 22.57.094 on height limits in the C-RSPS zoning district for the Seadrift Subdivision area, where the project is located, requires that finished floor elevations not exceed 18 feet above mean lower low water (MLLW) and that the total height of the structure not exceed 33 feet above MLLW. LCP Section 22.57.086 on building heights in the C-RSP zoning district, which applies to the C-RSPS zoning district, limits building heights to a maximum of 25 feet above natural grade. Marin County Development Code Section 22.70.030I, incorporated by reference into Marin LCP Section 22.56.020, grants authority to the County to issue variances to allow a main building to be erected to a height exceeding that specified in the zoning ordinance for the respective district provided that variance findings are made, and provided that the total floor area of such building does not exceed that possible for a building in such respective district erected within the height limit specified for such districts.

As properties located on the ocean-facing side of Seadrift Road are substantially remodeled, they are required by the LCP to site development outside of flood hazard areas and be designed to meet the FEMA flood hazard zone regulations. As originally submitted to the County in February 2015, the residence was designed as two modules, allowing for the street-facing module of the residence to meet LCP finished floor regulations for the C-RSPS zoning district, while the beach-facing module, the only portion of the structure that is subject to FEMA's flood zone regulations, was proposed to be elevated above FEMA's required BFE of 22 feet. Marin County Land Development Division's regulations require one-foot of freeboard above BFE elevation to accommodate structure supports. As such, the originally proposed project required three variances, one variance to allow a finished floor elevation of 23.5 MLLW (i.e., 5.5 feet above the 18-foot maximum allowed under the LCP), a second variance to allow a building

height of 37.5 feet MLLW (i.e., 4.5 feet above the 33-foot maximum allowed under the LCP) for the beach facing module, and a third variance to allow a height of 25.5 feet above grade (i.e., half a foot over the 25-foot above grade maximum height allowed under the LCP).

The Appellant expressed concern in a letter to the County, dated March 13, 2015, that the granting of these variances would set an adverse precedent, encouraging other builders to design similarly sized structures, which the Appellant argued would erode the rural atmosphere of the Stinson Beach village. Commission staff also submitted a comment letter on March 10, 2015 (**Exhibit 7**) to the County, requesting that the County analyze the visual resources impacts of granting height variances in this visually sensitive area along the shoreline.

At a June 25, 2015 hearing, the Marin County Deputy Zoning Administrator (DZA) denied the proposed project, stating that the County could not make the required variance and coastal permit findings to approve the project for numerous reasons. First, the County found that granting the variances would constitute a special privilege because the FEMA flood zone affects all the properties along Seadrift Road and doesn't constitute a special physical circumstance. Further, the County found that the residence could be designed to minimize its encroachment into the FEMA flood hazard zone. In addition, the denial resolution stated that residential development in Stinson Beach is comprised largely of smaller, low-profile beach cottages with a varied mix of architectural styles, many of which were constructed prior to establishment of FEMA's flood hazard zone regulations, and that the project site is currently developed with an older single-story residence, representative of the rural heritage of Stinson Beach. While the County acknowledged that community character is gradually changing as newer development is designed to meet the flood hazard zone design standards established by FEMA, the County found that the mass and scale of the proposed project would be significantly greater than that of immediately adjacent residences to either side of the proposed structure, that it would not respect the prevailing community character and that it would result in visually prominent development. See **Exhibit 8** for the DZA's June 25, 2015 decision.

In response to the County's concerns, the Applicant revised the project design to reduce the bulk and massing of the beach-facing module and to reduce the height of the northernmost portion of the street-facing module by one foot, measured from grade, eliminating the need for one of three height variances. However, the Applicant did not significantly reduce the floor area, height, or location of the proposed residence.

In order to comply with FEMA's flood hazard zone requirement of 22 feet BFE, plus one foot of freeboard (i.e., clearance above BFE as required by the County), the revised project design maintains a finished floor elevation of 23.5 feet, which requires a variance for the excess of 5.5 feet above the 18-foot maximum allowed by the Marin County LCP. The natural grade at the southernmost building setback is 16 feet BFE. Therefore the living area must be raised 8 feet above natural grade, taking into account an additional foot of flooring material required for construction. The Commission concurs with the County that a residence, regardless of design, could not be constructed on the western portion of the subject site that meets FEMA requirements without a variance to the 18-foot MLLW maximum finished floor elevation height requirement. However, the Commission finds that even with a finished floor elevation of 23.5 feet MLLW, it appears that the Applicant could have designed a modestly-sized residence with a

floor-to-roof height of 9.5 feet, which would not have required a variance for the height of the beach-facing portion of the structure. California Building Code allows ceiling heights as low as 7.5 feet for habitable rooms.

The County's subsequent CDP approval on August 13, 2015, took a different tact than its denial on June 25<sup>th</sup>, and found that the strict application of LCP height requirements for the roof elevation would preclude the construction of a "modestly-sized" structure and would deprive the subject property owner of privileges enjoyed by other properties in the vicinity. However, the County did not provide the heights of surrounding properties to support this argument, nor did the County define a "modestly-sized structure." Similar to the findings outlined in the County's initial denial resolution (**Exhibit 8**), the Commission finds that it appears that the Applicant could have utilized the portions of the subject property that are not within the FEMA flood zone and reduced the floor area, so that the height and finished floor variance was not needed. In addition, since the variance primarily serves the purpose of accommodating the peaked roof of the proposed "saltbox" architectural design, it appears possible for the Applicant to redesign the project to meet the 33-foot MLLW height limit if the roof for the beach-facing module was altered from a pitched roof to a flat roof design. Based on an initial Commission staff review of the California Coastal Records Project, it appears that numerous houses in the Seadrift subdivision have flat roofs, suggesting that a flat roof could be appropriate in this case, as well as consistent with existing community character.

In addition, it is important to note that although this project is billed as a single-story, that is really not the appropriate way of characterizing what is proposed. Although the Applicant proposes a single floor of living space, the project appears predominantly as a two-story structure due to that single floor being elevated, particularly as seen from the beach side (see, for example, elevations in **Exhibit 3**). The area below that single floor of living space is sheathed with walls, and thus the proposed project does not present as a single level story, but rather as a two-story structure. And since the living space floor accounts for some 3,000 square feet, it is probably more accurate to indicate that the massing of the proposed residence looks like a 6,000 square foot house (i.e., 3,000 square feet of living space and 3,000 square feet of unused but enclosed space below).

The County coastal permit findings for visual resources states that the proposed residence is substantially taller than the existing residence, but that it would not impair or obstruct coastal views from any public street or public viewing location any more than the existing condition. In order to analyze the potential of the proposed project to impair or obstruct existing coastal views from Highway 1 or from the beach, the County should have described the average heights of buildings in Seadrift subdivision in comparison to the proposed project and provided visual simulations or an analysis of the potential visual impacts as seen from the public beach and Highway 1. However, the County's submitted files did not include such evidence (see **Exhibit 4**).

Therefore, the appeal of the proposed project raises a substantial issue of LCP conformance with respect to Marin County LCP policies related to visual resources, community character, and design standards that apply to this site.

*Grading Plan*

Regarding the Appellant's contention with respect to the grading plan, the appeal referenced Coastal Act Section 30253, which requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Marin County LCP policies require that grading be kept to a minimum, and applies a series of specific standards for projects that include grading of 150 cubic yards or more (LCP Sections 22.57.086I and 22.56.130.C). The proposed project consists of constructing a new residence in the same general location as the existing residence, which is sited on a relatively level site. The County findings state that approximately 127 cubic yards of excavation would be required to accommodate the installation of mechanical equipment beneath the proposed street-facing module. This is below the LCP threshold that would require any additional measures and it does not appear that the grading in and of itself raises any other LCP concerns. Thus, the appeal does not raise a substantial issue of LCP conformance with respect to the Marin County LCP policies related to grading and excavation.

**Conclusion: Substantial Issue**

In addition to the above analysis, the five factors oftentimes used by the Commission as guidance in determining whether a substantial issue exists, also support a finding that the appeal raises a substantial issue. First, the degree of legal and factual support for the decision is limited in important areas. To exceed maximum height, the County must make strict variance findings, and must find that primary compatibility standards are achieved. In this case, the arguments justifying the height variance is not supported by substantial evidence, such as the heights of surrounding residences and residences in the subdivision otherwise. It is also not supported by strong factual evidence to support statements about community character and visual resources protection, such as visual simulations from key public views, representative examples and assessments of the surrounding built environment.

Second, while the extent and scope of the proposed project are limited as the proposed residence would be built in the same general location as the existing residence, the decision could have implications for the entire Seadrift Subdivision, which is in a highly scenic area and extends approximately two miles.

Third, it appears that the project will adversely impact coastal resources. The subject parcel is located in a visually sensitive area along the shoreline that is visible from Highway 1 and the beach. LCP policies on visual resources and community character require that new development be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 to the maximum extent feasible. New development must also be visually compatible with the character of surrounding areas and not obstruct significant views from public viewing places. The proposed project would potentially block or impair public views from Highway 1 and there is insufficient evidence to verify that important public views are protected as required by the LCP, and to suggest that the project would be visually compatible with the character of the surrounding area.

Fourth, the locally approved project presents an adverse precedent for future interpretations of the County's LCP. Without defining a "modestly-sized" structure, the County's approval could set a precedent for the approval of larger, taller structures throughout the County, using the same

justification for variances. In addition, although the Commission certainly understands the flood elevation issues, it questions whether variances are appropriate in this and other Seadrift cases. While such a position may be reasonable within a very limited in-fill context, the County's findings appear to indicate that this is the norm for redevelopment in this area and not the exception. Over time, the cumulative effect of a series of such incremental variance decisions can threaten to make all development oversized in this area, confounding LCP policies and objectives. The LCP requirements from which variances would be required were developed to, among other things, protect public views and community character. Variances such as these allow larger-scale development than that envisioned by the LCP. While the burden on the public of such increased mass and bulk (over the LCP-established maximums) might in individual cases be considered fairly minor, cumulatively the negative impact could be significant if the whole area morphs into larger and larger homes and structures that exceed LCP maximums in order to address flooding requirements. Even the LCP-allowed maximum considerations of mass and scale (such as height) are not entitlements, but rather maximums that may need adjustment in light of resource constraints (such as the beach and Highway 1 viewsheds). As such, variances to LCP standards to allow even larger development than the maximums in places like this can be even more problematic.

As an alternative to continuing to process variances in each case, good planning and public policy dictate that the County develop specific regulations applicable to these low-lying areas against which projects such as this can be measured. Absent such specific guidance, individual requests for variances, each to different maximum/minimums, can be expected in the future. Compliance with LCP policies and directives for this area, and the effectiveness of them, is more difficult to measure when each case includes requests to vary development standards that have been established here. This will become even more critical as redevelopment of older structures increases in the future. Particularly given that it is directly on top of the beach, the Seadrift community is deserving of a vision for the future within which individual projects should fit, as opposed to a de facto vision that comes about as a result of incremental redevelopment decisions. Thus, a variance in this case, while potentially arguably minor when considered in a single lot case, can have major implications for LCP interpretation and outcomes moving forward.

Finally, the project raises issues of regional or statewide significance as it leads to significant coastal resource issues. As FEMA releases updated Flood Insurance Rate Maps throughout California, homeowners will continue to redevelop their properties to comply with FEMA's flood hazard zone regulations. Typically, coastal flood hazard zones coincide with visually sensitive areas. For example, the Commission's recently adopted Sea Level Rise Guidance document describes how elevated structures may block coastal views or detract from community character and recommends avoiding modifications to height limits in scenic areas and providing options to modify roof-lines. The County's approval of a height variance for complying with FEMA's BFE requirements could have statewide significance, including as described above in terms of the 'planning by variance' concept, justifying more careful analysis.

For the reasons stated above, the Commission finds that Appeal Number A-2-MAR-15-0057 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act. Thus, the Commission takes jurisdiction over the CDP application for the project.

**Information Needed for De Novo Review of Application**

Prior to bringing this matter back for Coastal Commission review in a de novo CDP hearing context, the Commission will need to obtain the following information necessary to evaluate the project for consistency with the LCP:

- Size and height data and related information for other residences along Seadrift Road and in the Seadrift subdivision more broadly
- Visual simulations and analysis of potential degradation of beach and Highway 1 views
- Evaluation of alternative designs for the residence that would reduce the height of the roof and/or relocate residential structures out of the FEMA flood hazard zone

PROJECT LOCATION MAP



1000 ft



## PROJECT AREA PHOTOS







# **SCHOW RESIDENCE** 150 SEADRIFT ROAD STINSON BEACH, CALIFORNIA



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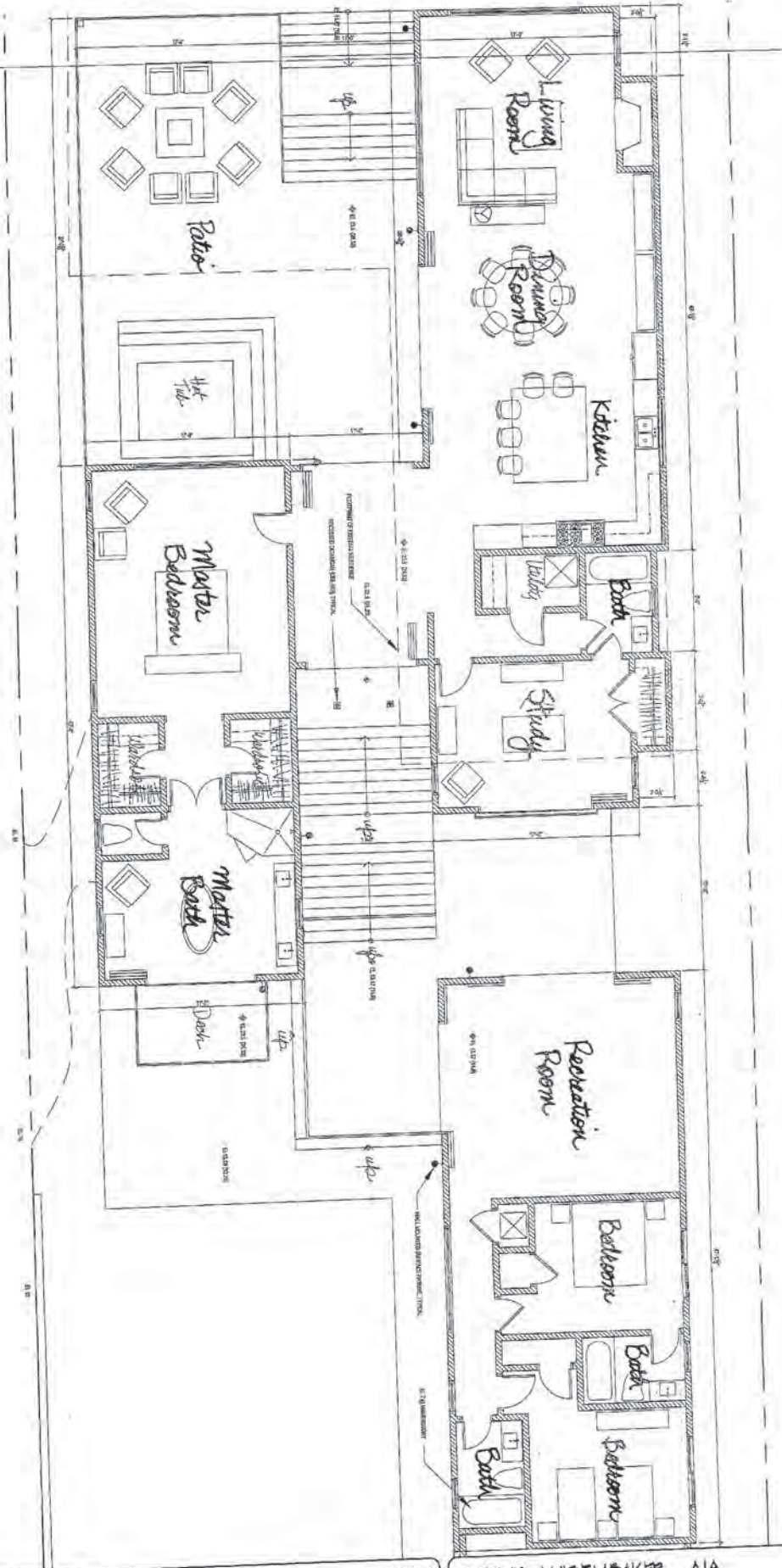
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APRIL 30, 2015  
JULY 22, 2016

**STEVE WISENDAKER AIA**  
**ARCHITECTS & PLANNERS**

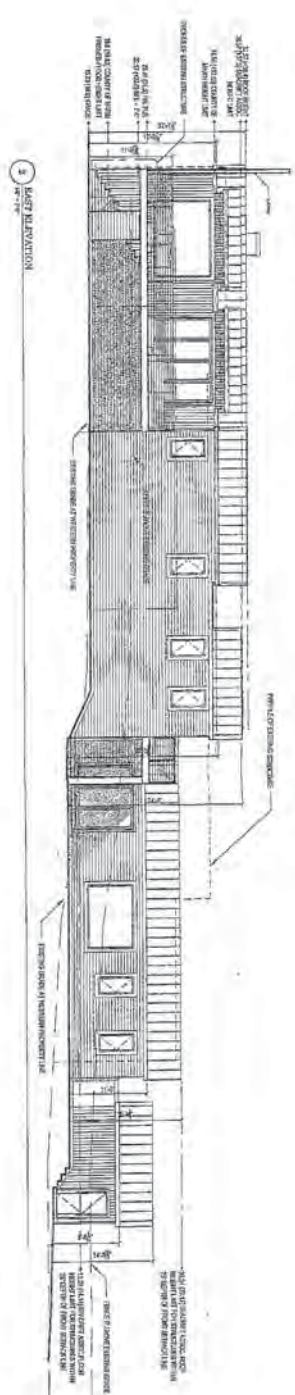
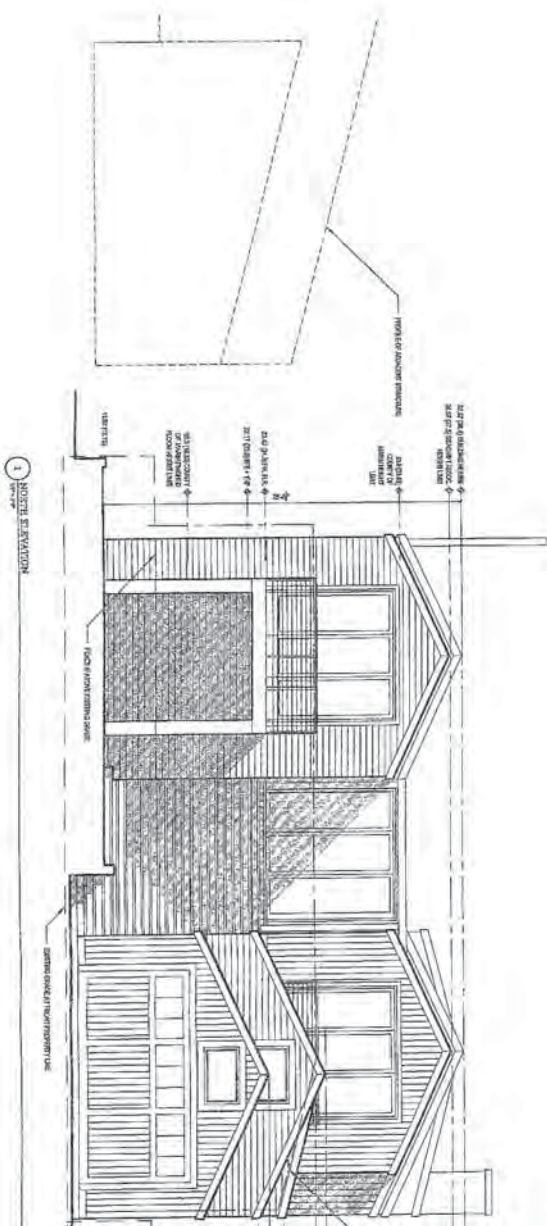
900 TANK PLAZA SUITE 200 COSTA MESA, CA 92626 415-754-1110

**EXTERIOR LIGHTING**  
TYPICAL EXTERIOR SURFACE MOUNTED LIGHT FIXTURE:  
SHOWN WITH STANDARD BRONZE METALLIC PAINT FINISH  
RETRACTABLE EXTERIOR RECESSED CEILING DOWN LIGHT:  
BY LIGHTING #2 SERIES REMOTE TRANSDUCER, DEEP  
HOUSING W/ALCOHOL W/19VAC, BRASS FINISH

1. FLOOR PLAN







# **MATERIALS OF CONSTRUCTION**

ROOF: Standing Seam Copper Metal Roof  
 WALLS: 8" Square Block "A" & D Single Bond Cinder Block and Vertical Sliding in Stone  
 Finished with Claytone (911) sand/straw/clay finish  
 FLOORS: 16 in. Cypress "F" Kiln-dried Douglas-fir, medium rough texture finish  
 WINDOWS & DOORS: Larchwood Association Cedar Window systems or equal, with white finish  
 PAINTS & STAIN: Cedar with stain to match siding  
 PATIOES and PORCHES: Natural Stone  
 GARAGE DOORS: Custom wood  
 FENCES: Cedar pickets with Claytone (911) sand/straw/clay finish

**3**

**SCHOW RESIDENCE**  
 150 SEADRIFT ROAD STINSON BEACH, CALIFORNIA

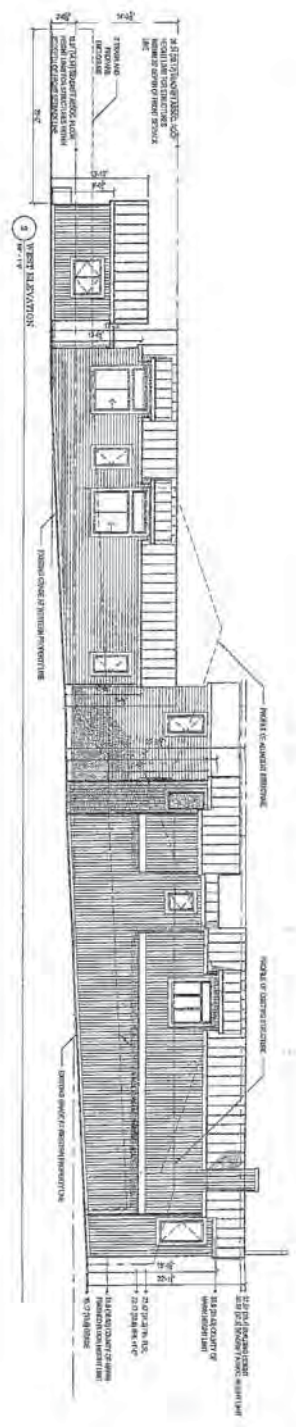
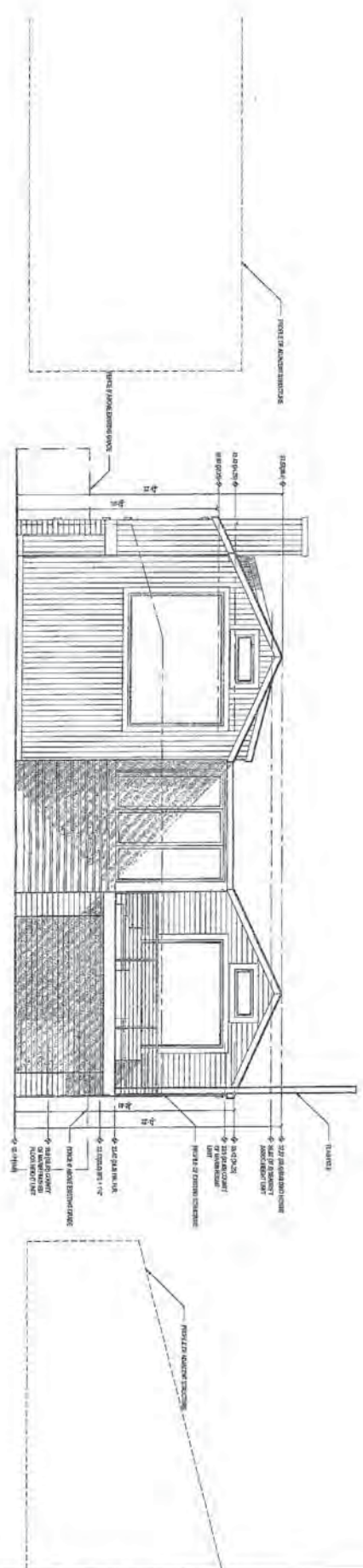
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FEBRUARY 15, 2014  
 APRIL 5, 2014  
 APRIL 22, 2014  
 JULY 22, 2014

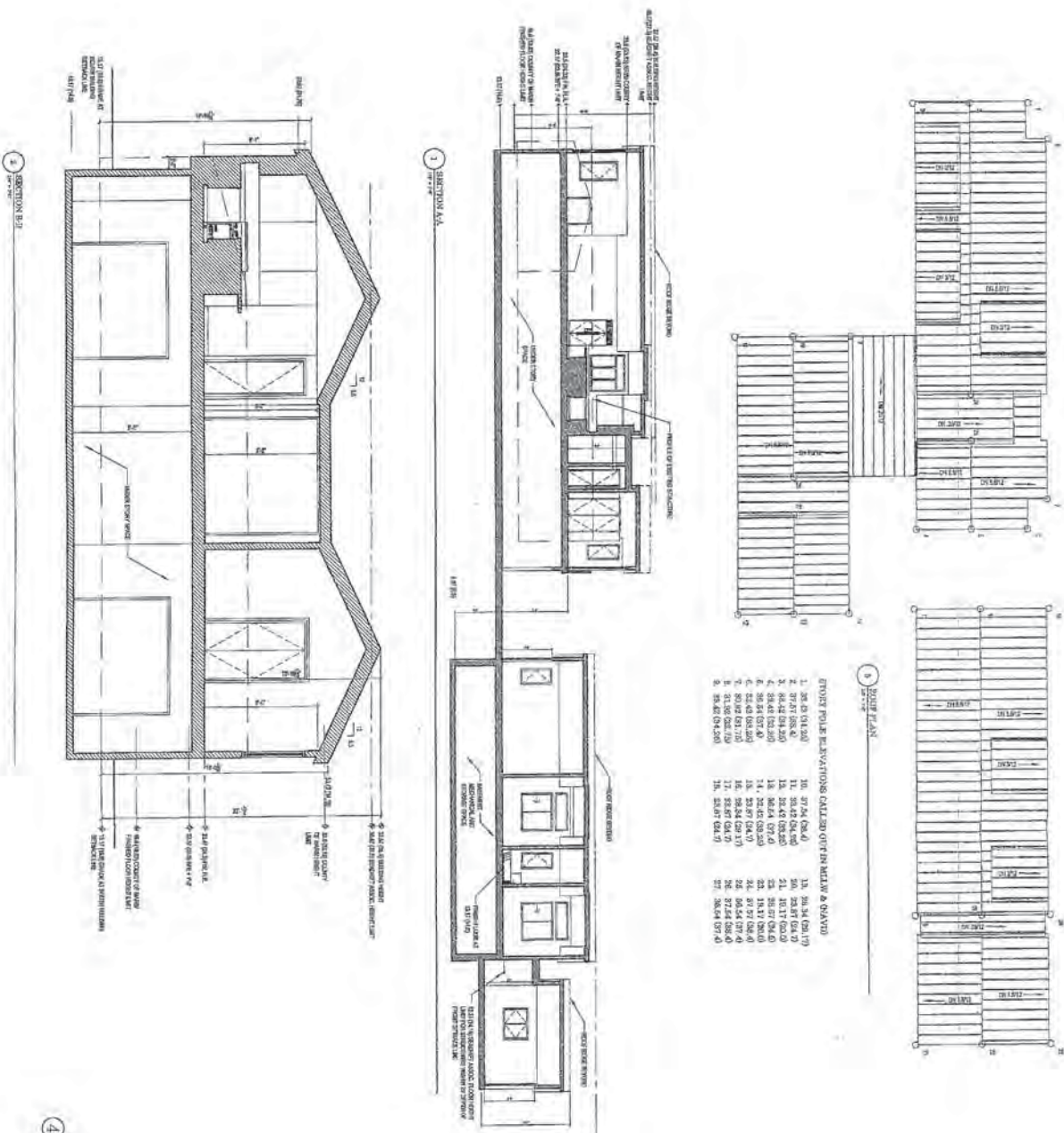
**STEVE WISENDAKER AIA**  
**ARCHITECTS & PLANNERS**

300 DAVALL PLACE SUITE 200 COSTA MESA CA 92626 415-967-1050

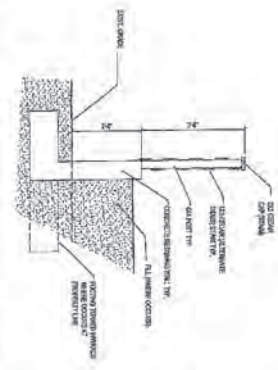
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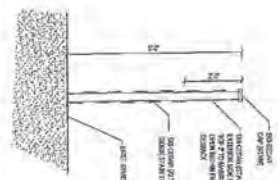




4 TYPICAL RETAINING WALL AND FENCE DETAIL



3 TYPICAL FENCE DETAIL



**SCHOW RESIDENCE**  
150 SEADRIFT ROAD STINSON BEACH, CALIFORNIA

FEbruary 14, 2015  
APRIL 8, 2015  
APRIL 30, 2015  
JULY 22, 2015

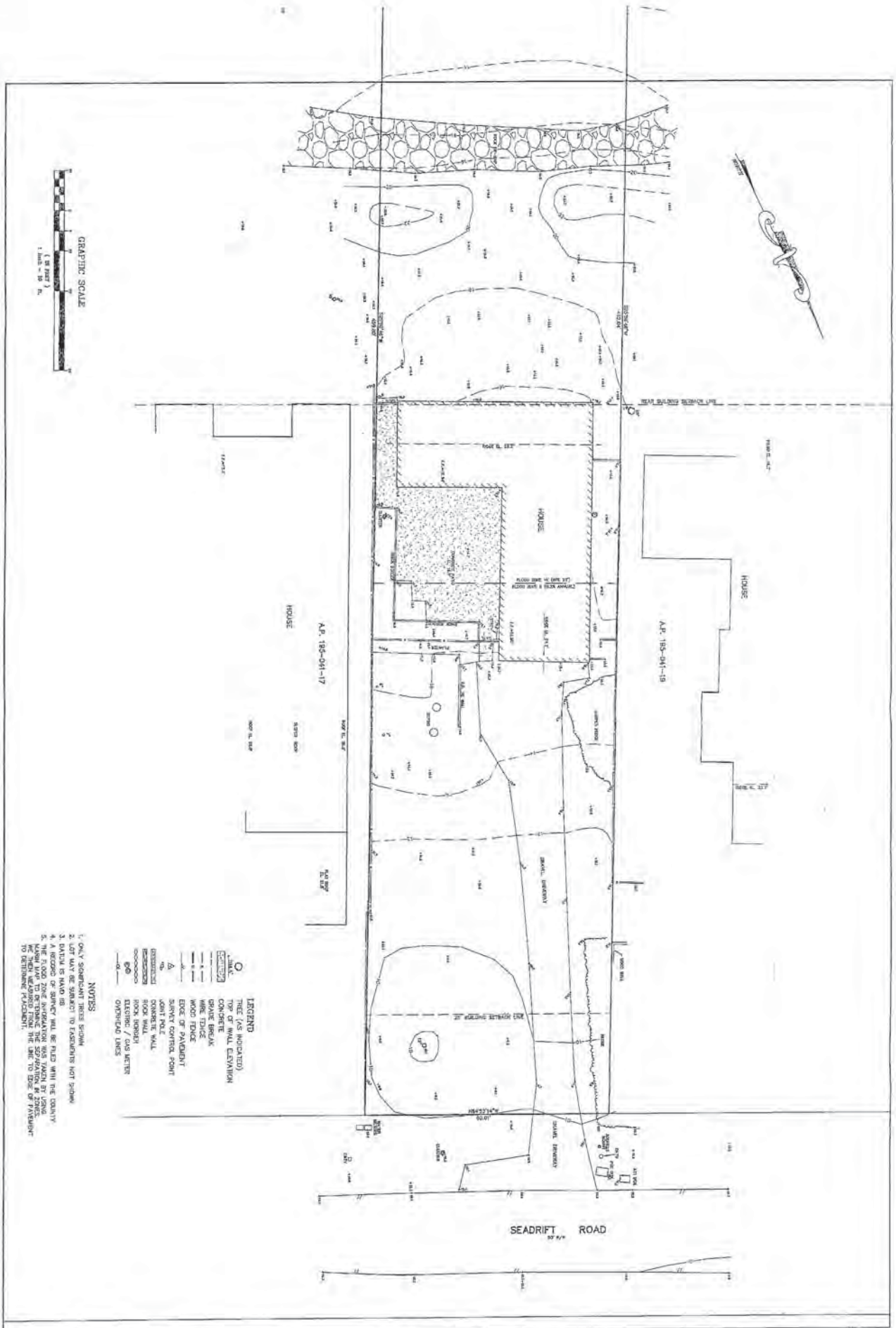
**STEVE WISENBAKER AIA**  
**ARCHITECTS & PLANNERS**

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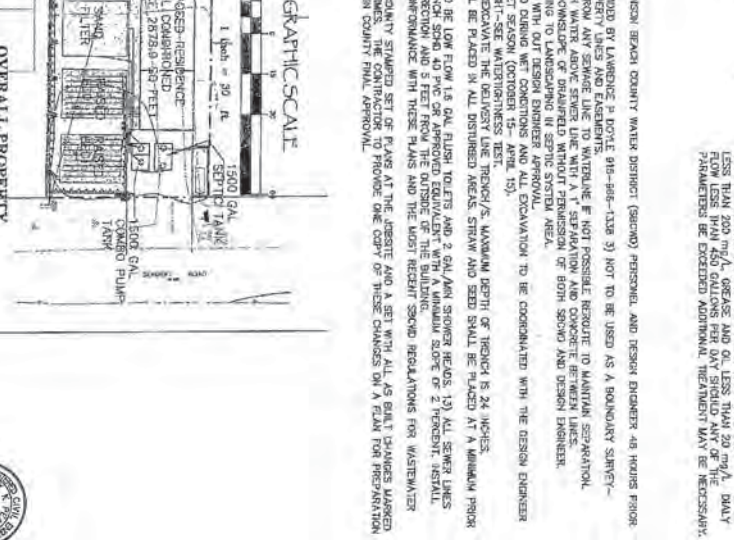
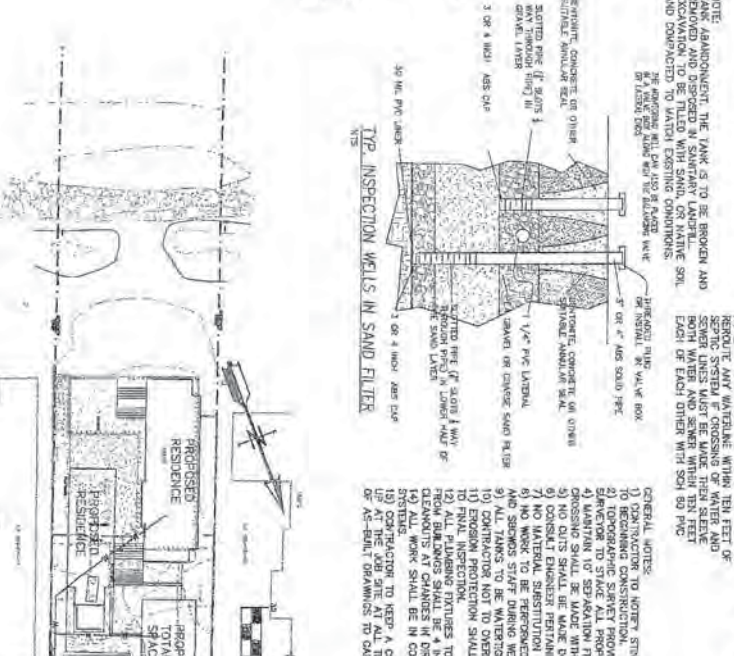
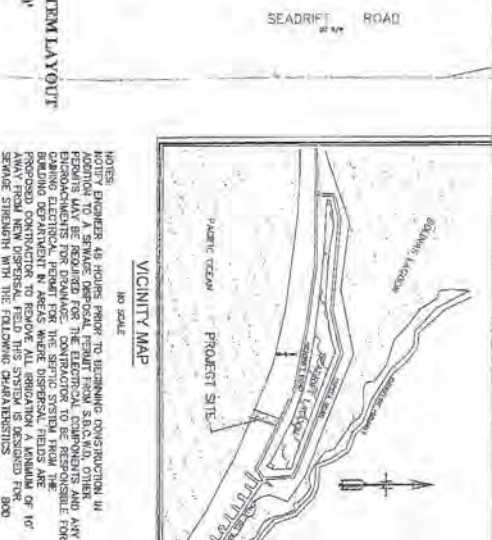
Scale: 1" = 10'

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**Exhibit No. 3**  
**A-2-MAR-15-0057 (Schow Residence)**  
**Page 5 of 12**







**NOTES**

NOTIFY ENGINEER 48 HOURS PRIOR TO BEGINNING CONSTRUCTION IN ORDER TO OBTAIN A LICENSE TO EXCAVATE. PERMIT FROM S&LCO, OTHER THAN THE STATE OF CALIFORNIA, IS NOT REQUIRED FOR ANY TYPE OF EXCAVATION WORK. CONTRACTORS ARE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND FOR DETERMINING THE LOCATION OF ALL UTILITIES. BUILDING DEPARTMENT IN AREAS WHERE SPECIFIC RULES ARE PRESCRIBED FOR CONSTRUCTION TO REMOVE ALL OBSTACLES TO A MINIMUM OF 10' CLEAR SPACE THROUGHOUT THE ENTIRE PROJECT AREA. FOR BEST RESULTS, STRENGTHEN WITH THE FOLLOWING CHARACTERISTICS:

- A) SOILS SHOULD BE CLASSIFIED AS GROUPS 1 OR 2.
- B) FLOW LOSS MAY BE ALLOWED IF ONE SIGNED ANALYSIS OF THE PARAMETERS DOES NOT INDICATE THAT ADDITIONAL TREATMENT MAY BE NECESSARY.

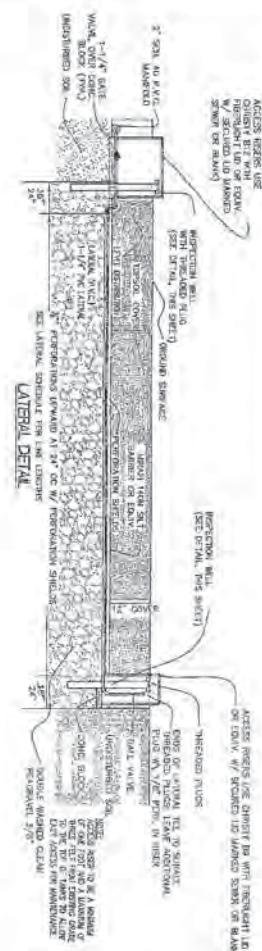
[illegible]

**PREPARED FOR:**  
Steve and Kim Schow C/o  
Steve Wisenbaker A-2-  
300 Tamal Plaza Suite 200  
Corte Madera, CA 94925

RAISED BED SAND FILTER SYSTEM  
150 Seadrift Road  
Stinson Beach, CA  
APN 195-041-18

**AYS** Engineering Group, Inc.  
PO Box 5693, Petaluma, CA 94955  
Voice (707) 763-6620, Fax (707) 781-8061

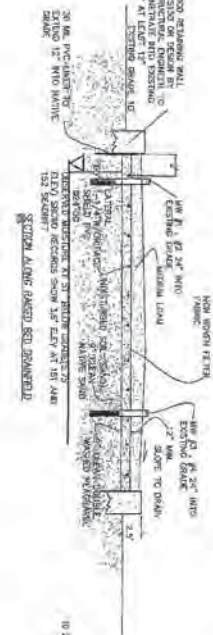




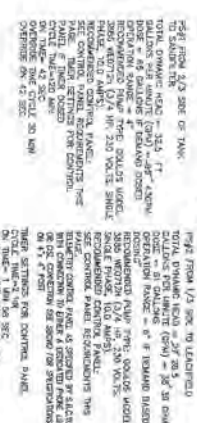
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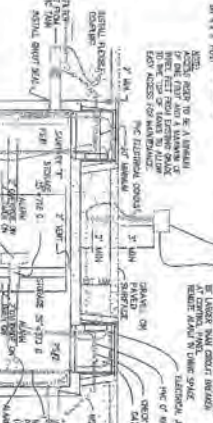
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### 1500 GALLON SEPTIC TANK DETAIL



### LATERAL SCHEDULE



### 1500 GALLON SEPTIC TANK DETAIL

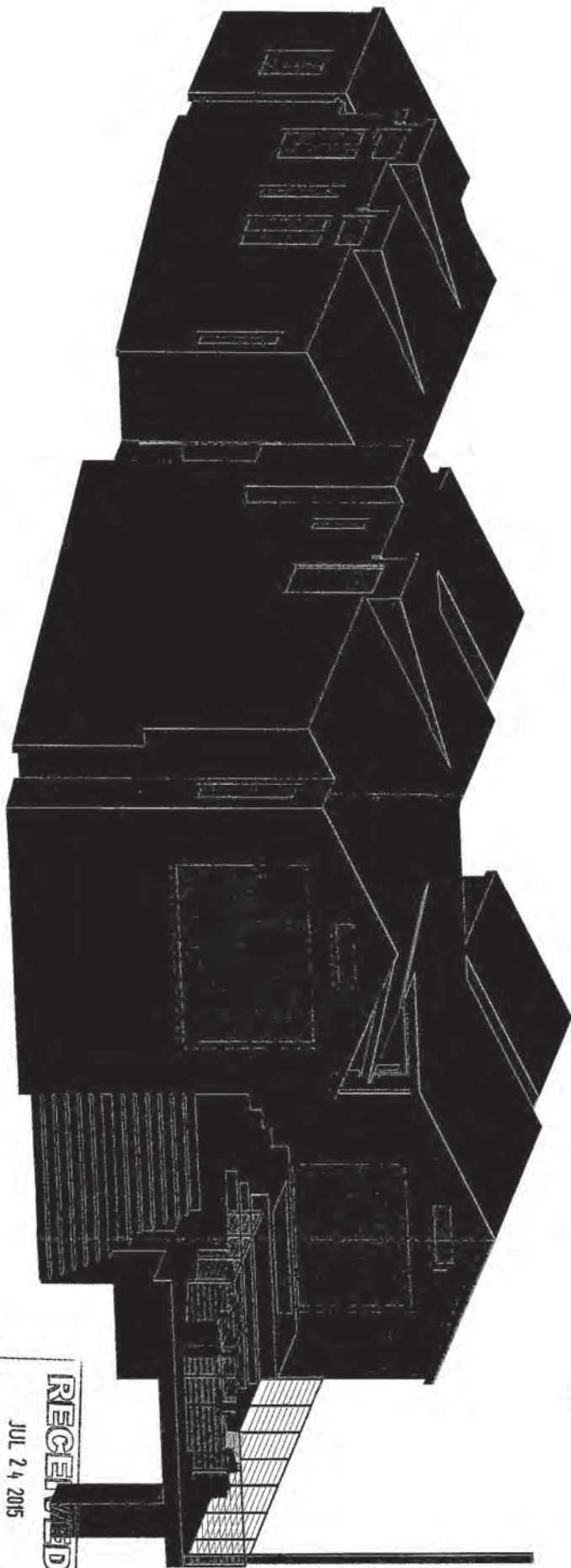


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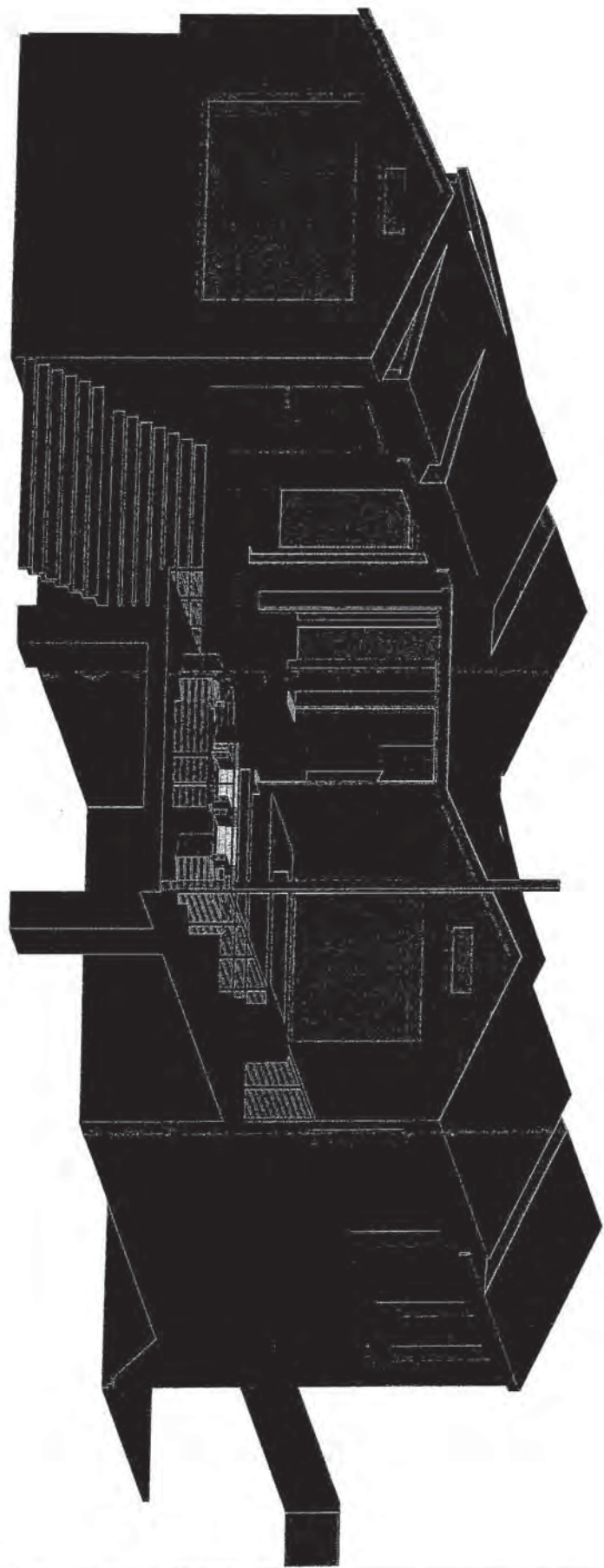
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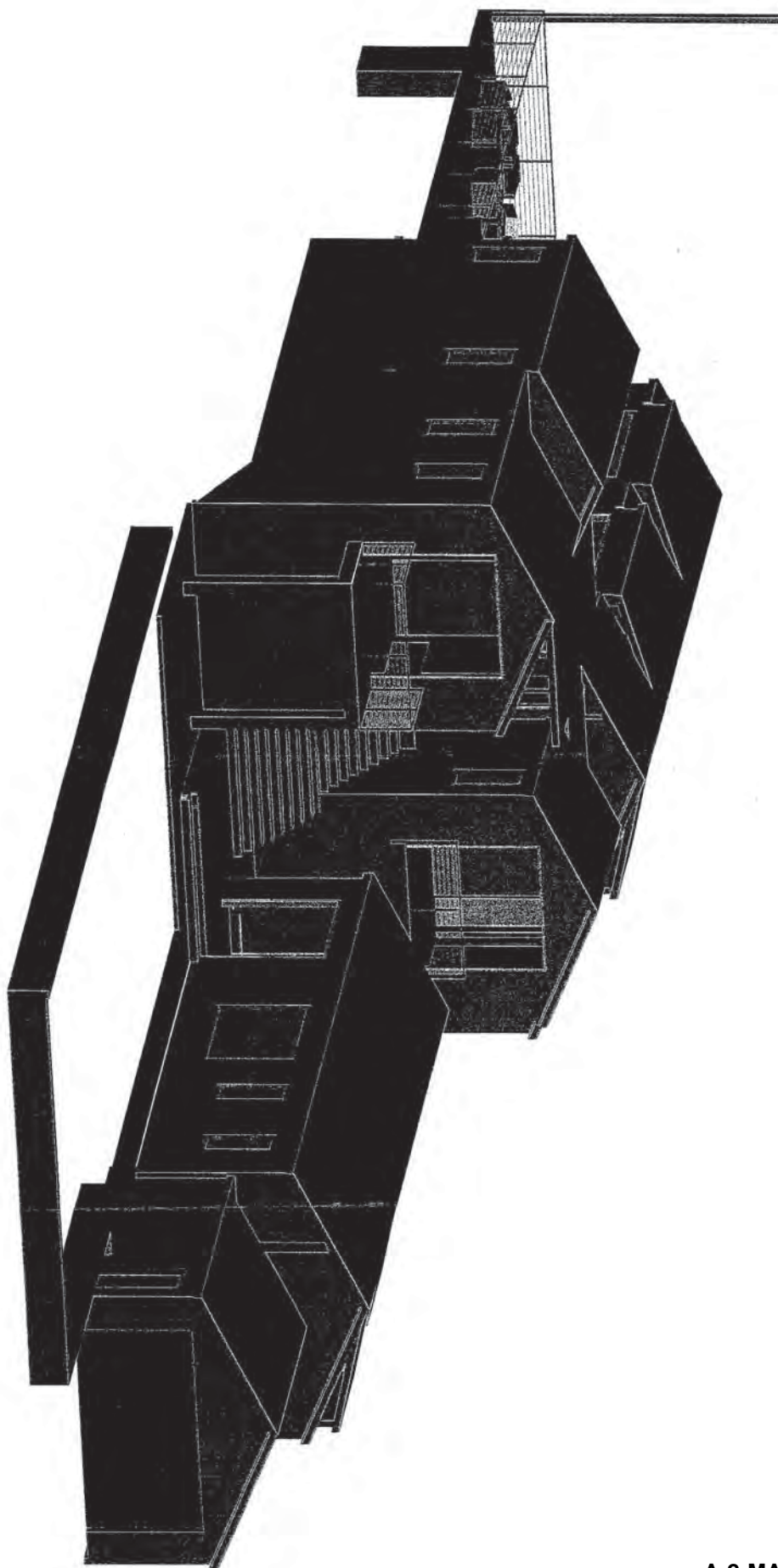


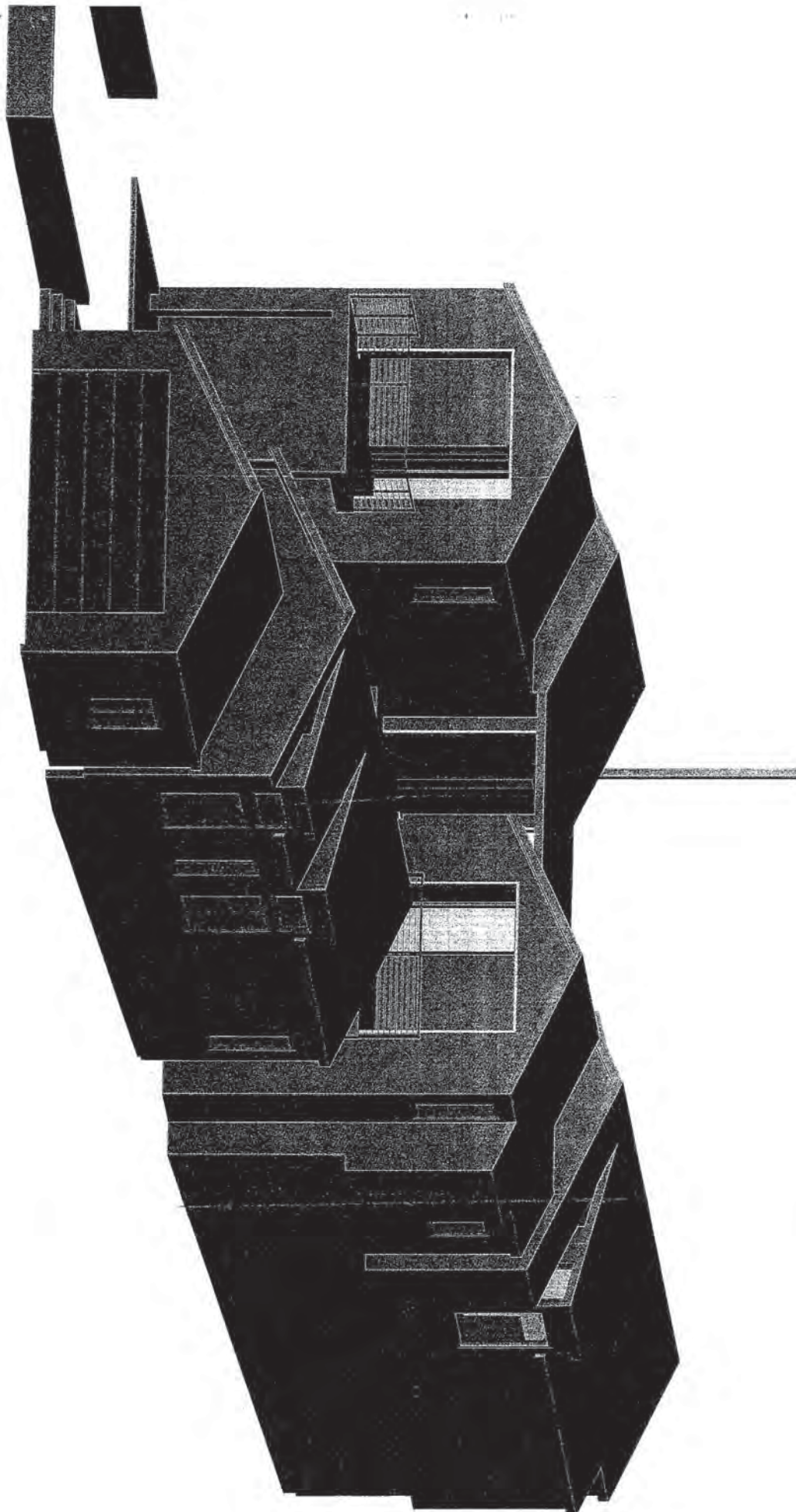


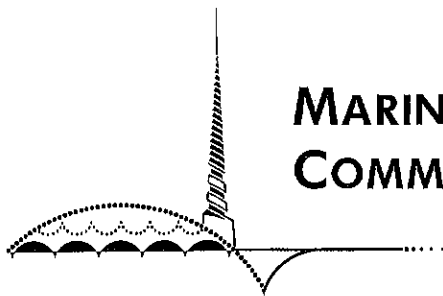
RECEIVED  
JUL 24 2015  
COMMUNITY DEVELOPMENT  
BUILDING AND SAFETY  
DZA ATTACHMENT # 3











# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

## NOTICE OF FINAL LOCAL (DEPUTY ZONING ADMINISTRATOR) DECISION

Pursuant to Coastal Act Section 30603(d), Coastal Commission Regulations Section 13571, and LCP Policy and/or Implementation Plan.

August 20, 2015

California Coastal Commission  
45 Fremont Street, #2000  
San Francisco, CA 94105

RECEIVED

AUG 24 2015

CALIFORNIA  
COASTAL COMMISSION

Attention: Coastal Planner

Applicant's Name: **Steven Schow**

Coastal Permit Number: Coastal Permit [CP 15-20]

Assessor's Parcel Number: 195-041-18

Project Location: 150 Seadrift Road, Stinson Beach

Determination: Approved With Conditions  
(Resolution of the August 13, 2015, Deputy Zoning Administrator hearing is attached specifying action.)

Decision Date: August 13, 2015

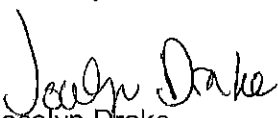
County Appeal Period: Five (5) Working Days

### Local review is now complete.

This permit IS appealable to the California Coastal Commission (see Marin County Code Section 22.56.080 attached); please initiate the California Coastal Commission appeal period.

Any correspondence concerning this matter should be directed to Jocelyn Drake, Planner at 473-6245.

Sincerely,

  
Jocelyn Drake  
Planner

Attachment 1

FINAL LOCAL ACTION NOTICE	
REFERENCE #	2-MAR-15-786
APPEAL PERIOD	8/25/15 - 9/8/15

#### **22.56.080 APPEALS TO THE CALIFORNIA COASTAL COMMISSION**

For those coastal project permits which are approved for developments defined as "appealable" under California Public Resources Code, Section 30603 (a), an appeal may be filed with the California Coastal Commission by: (1) an aggrieved party; (2) the applicant; or (3) two members of the coastal commission. Such appeals must be filed in the office of California Coastal Commission not later than 5:00 p.m. of the tenth working day following the date of action from which the appeal is taken. In the case of an appeal by an applicant or aggrieved party, the appellant must have first pursued appeal to the county appellate body (or bodies) as established in Section 22.56.074 of the Marin County Code to be considered an aggrieved party.

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**

**RESOLUTION NO. 15-109  
A RESOLUTION APPROVING SCHOW COASTAL PERMIT 15-20,  
VARIANCE 15-5 AND DESIGN REVIEW 15-65  
150 SEADRIFT ROAD, STINSON BEACH  
ASSESSOR'S PARCEL: 195-041-18**

\*\*\*\*\*

**SECTION I: FINDINGS**

- I. **WHEREAS**, Steve Wisenbaker, on behalf of the owners, Mr. and Mrs. Schow, has submitted Coastal Permit, Variance and Design Review applications for approval to construct a new 3,206 square-foot residence and 406 square-foot garage in Seadrift Subdivision Number 1, replacing an existing residence. The residence is comprised of two modules, or pods. The front (street facing) pod is not located within the FEMA flood zone and the rear (beach facing) pod is located within the FEMA flood zone. Both pods are single-storied structures. The residence, taking into account both pods, would have the following setbacks: 25 feet from the easterly front property line; 6 feet from the southerly side property line; 6 feet from the northerly side property line; and 0 feet from the rear westerly rear building setback line. Site improvements include: a new septic system; a bocce ball court (in the front yard); a hot tub and raised deck on the rear portion of the site; and patios, walkways, and landscaping within the interior courtyards of the residence, as well as around the perimeter of the project site.

The project would result in 3,612 square-feet of building area, 3,206 square-feet of which constitutes floor area, for a floor area ratio of 12.8% on the 25,023 square-foot dry lot. The proposed maximum height of the residence is 24 feet, 8 inches above natural surrounding grade. The proposed height of the finished floor of the street facing residential pod is 13.31 MMLW, and the proposed height of the finished floor of the beach facing residential pod is 23.5 feet MLLW.

A Coastal Permit is required pursuant to Marin County Code Section 22.56.055i because the project is located in a coastal zoning district. Design Review approval is required pursuant to Marin County Code 22.57.080i because the project is located in a planned zoning district. Two height variances are also required. Variance approval is required for construction of the beach pod because the height of the finished floor would be greater than 18 feet above mean lower low water level (MLLW - 18.83 feet NAVD). Variance approval is also required to allow the beach pod to exceed 33 feet above MLLW (33.83 feet NAVD.)

The property is located at 150 Seadrift Road, Stinson Beach, and is further identified as Assessor's Parcel 195-041-18.

- II. **WHEREAS**, on August 13, 2015, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.



- III. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because the project entails construction of a new single-family residence on a legal lot of record located in a residential zoning district that would not result in potentially significant impacts to the environment.
- IV. **WHEREAS**, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:
- A. The project would be consistent with the C-SF5 (Coastal, Single Family, 2-4 units per acre) land use designation.
  - B. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*) because the project site is a developed site and the project would not entail the removal of significant vegetation.
  - C. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because the project site is developed and does not provide substantial habitat for special status species.
  - D. The project would not significantly impact the ecotones on the project site (*CWP Policies BIO-2.3 and BIO-2.4*) because the subject property is located far enough from riparian, shoreline, and ridgeline areas to avoid being constrained by ecotones.
  - E. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the subject property.
  - F. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*) because the proposed drainage system would comply with the standards and best management practices required by the Department of Public Works, as verified during review of the Building Permit application.
  - G. The project would be constructed in conformance to County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8.*)
  - H. The project would be consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it will meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
  - I. Countywide Plan Implementing Program DES-3.b call for incorporating Marin County Single-family Residential Design Guidelines in the Design Review for new homes. The proposed project is broken into smaller components that help minimize

the overall mass and bulk compared to other homes in the Seadrift area that are subject to the Federal Emergency Management Agency (FEMA) standards for base floor elevation. The project would be generally consistent with the Marin County Single-family Residential Design Guidelines and preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1.*)

**V. WHEREAS,** the project is consistent with the goals and policies of the Stinson Beach Community Plan for the following reasons:

- A.** The project is consistent with the Environmental Goals and Policies related to tree protection (3.0 A, B, G, and H) because no large cypress, bay, or alder trees would be removed.
- B.** As designed, the project is consistent with the Land Use Goals and Policies related to building height (4.0 G) because, at 24 feet, 8 inches, the residence would not exceed the 25 foot height limit. As properties located on the south side of Seadrift Road are substantially remodeled, or demolished and replaced, they are required to be designed to meet the FEMA Base Flood Elevation (BFE) regulations. The proposed design incorporates articulation, compact building forms and varying roof pitches, in addition to a modestly sized deck that will be open below to allow for the growth of vegetation. Accordingly, the project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and building design, mass, and bulk.

**VI. WHEREAS,** the project is consistent with the mandatory findings for requirements and policies of the Local Coastal Program Unit 1, and the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

**A. Water Supply**

The proposed project would result in the demolition of an existing single-family residence and the construction of a new single-family residence on a lot that is already served by the Stinson Beach County Water District; therefore, the project site already has a viable water source and the proposed project would not result in any net increase in demand for water for the project site.

**B. Septic System Standards**

The proposed new single-family residence would be served by a new on-site private septic system. This system has been reviewed by the Stinson Beach County Water District, which is the agency that has jurisdiction over reviewing septic systems in this area of Marin County. The agency has determined that the proposed new system would comply with all relevant standards.

**C. Grading and Excavation**

The proposed project consists of the construction of a new single-family residence in the same general location as an existing single-family residence on a relatively level site. The project also includes a proposal to excavate approximately 127 cubic-yards of soils from beneath the street pod for use as a mechanical room. Development is required to be designed to fit a site's topography so that grading activities are kept to a minimum, thereby preserving the natural landforms at a site. In order to reduce grading and bring this project into greater conformance with this finding, a condition of approval will require that the grading associated with the proposed basement/mechanical room underneath the street pod be limited to the minimum size necessary to accommodate mechanical appurtenances.

**D. Archaeological Resources**

The proposed project is located within the Seadrift area of Stinson Beach. A review of the Marin County Archaeological Sites Inventory indicates that virtually the entire Stinson Beach area, including the subject property, is considered to be an area of high archaeological sensitivity. However, it is unlikely that the project would disturb cultural resources because it would result in the construction of a new single-family residence on an existing, previously disturbed residential building site. In addition, a standard condition of approval would be applied to the project requiring that, in the event that cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate measures to protect the resource.

**E. Coastal Access**

The subject property is a previously developed ocean-front property with coastal access along the southern shoreline of the parcel. The project will conform to the established building limit line for the property and will not affect existing coastal access. Additional coastal access is provided within an open space area at the end of Seadrift Road.

**F. Housing**

The proposed project would replace an existing single-family residence with a new single-family residence and would have no impact upon the availability of affordable housing stock within the Stinson Beach community.

**G. Stream and Wetland Resource Protection**

The proposed residence is not located within the vicinity of any sensitive streams or creeks and therefore is not subject to riparian protection policies. In addition, the proposed new residence would be located within the same general area that has already been developed with a single-family residence. Therefore, the project will

not result in any additional impact upon stream or wetland resources and will comply with the LCP's riparian protection policies.

#### **H. Dune Protection**

The proposed project entails demolition of an existing residence and construction of a new residence within the established building limit line for the parcel. There are no natural dunes in the development area.

#### **I. Wildlife Habitat**

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the habitat area for the federally listed threatened Western Snowy Plover (*Charadrius alexandrinus hivosus*); however, the project will have a minimal impact to the habitat value of the site because it involves the demolition of an existing residence and construction of a new single-family residence within the existing Seadrift Subdivision with no substantial change in the proximity of development to potential nesting areas along the beach and sand dune areas of the site. The project would not extend into the dunes or onto the beach past the current area of disturbance.

#### **J. Protection of Native Plant Communities**

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base on file with the Marin County Community Development Agency indicates that the subject property is located in the vicinity of habitat area for Tiburon paintbrush (*Castilleja affinis neglecta*), Showy rancheria Clover (*Trifolium amoenum*), Marin Hesperian (*Vespericola mariensis*), Point Reyes Bird's Beak (*Cordylanthus maritimus ssp palustris*), Coastal marsh milk-vetch (*Astragalus pycnostachyus var. pycnostachyus*), Lyngbye's sedge (*Carex lyngbyei*), and blue coast Gilia (*Gilia capitata ssp. Chamissonis*); however, the habitat value of the proposed development site for these plants is low because it is currently developed with a single-family residence. The relatively small-scale project within the Seadrift Subdivision will not have an adverse impact the surrounding habitat.

#### **K. Shoreline Protection**

The proposed new residence is adequately set back from the ocean as required by the development limits applied to all oceanfront properties within the Seadrift Subdivision. The proposed residence would replace an existing single-family residence on the lot in roughly the same location; therefore, the proposed project would not impact shoreline resources.

**L. Geologic Hazards**

The project site is located within 1-mile of the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency – Building and Safety Division would determine seismic compliance with the California Building Code. In addition, as a condition of approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

**M. Public Works Projects**

The proposed project will not affect any existing or proposed public works project in the area.

**N. Land Division Standards**

No Land Division or Lot Line Adjustment is proposed as part of this project.

**O. Visual Resources**

Seadrift is comprised of a varied mix of architectural styles. The bulk, massing, and height of the residences varies widely, ranging from single-story residences constructed prior to the current FEMA Base Flood Elevation (BFE) requirements, to taller and newer residences constructed in compliance with the FEMA BFE requirements. The project site is currently developed with an older single-story residence. Due to FEMA BFE requirements, the finished floor of the new residence must be 22 feet above BFE. The natural grade at the southernmost building setback is 16 feet above BFE; therefore the living area of the residence must be raised 8 feet above natural grade (taking into account an additional foot of flooring material required for construction). The beach pod reaches a maximum height of 24 feet, 8 inches at the northernmost ridge of the pod. The southernmost, beach facing, ridge of the pod will reach a height of approximately 22 feet from grade. The residence is designed to accommodate 8 and 9 foot plate heights and a 5.5 & 12 roof pitch. The proposed project would not impair or obstruct coastal views from any public street or public viewing location any more than the existing condition.

**P. Recreation/Visitor Facilities**

The project would not have any impact upon recreation or visitor facilities because it would be located within the existing development boundaries on the property and would maintain public access to the beach by dedicating an easement across the beach portion of the property for public access.

**Q. Historic Resource Preservation**

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Program. Additionally, completion of the proposed work would not affect or impact the character of the Seadrift community.

**VII. WHEREAS** the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Variance application (Section 22.86.025.4I of Marin County Code and Section 65906 of the California Government Code), as specified below.

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property owners in the vicinity and under identical zoning districts.**

The property is located on the seaward side of Seadrift Road, within the VE FEMA Special Flood Zone, which requires a Base Flood Elevation (BFE) of 22 feet North American Vertical Datum (NAVD). Further, the California Building Code (CBC) requires that an additional 12 inches of freeboard above the BFE elevation be provided for accommodation of the structural supports.

The combination of the FEMA flood zone and CBC requirements, and the height standards of the governing zoning would limit a structure to a maximum height of 11.83 feet above the BFE (or approximately 10.7 feet above finished floor). Therefore, the strict application of the zoning height standards for roof elevation (33 MLLW/33.83 NAVD) would preclude the construction of a modestly sized structure and deprive the subject property owner of privileges enjoyed by other properties in the vicinity. In order not to jeopardize Marin County's participation in the federal flood insurance program, it is necessary that the project be designed to conform to FEMA regulations regarding minimum Base Flood Elevations.

- 2. The granting of a Variance for the property will not be detrimental to the public welfare or injurious to other property in the vicinity.**

As designed, the project meets the 25-foot height limit for residences in Stinson Beach and provides for one habitable floor level that complies with the minimum Base Flood Elevation allowed by FEMA regulations. Additionally, the residence has been divided into two separate living area components, so that only one component is required to be raised for BFE purposes. The beach facing component, comprised of the kitchen, living room, and master bedroom, is the only portion of the project that requires Variance approval. The building component facing Seadrift Road, comprised of a two-car garage, two bedrooms, a bathroom and a recreational room, conforms to the maximum height limit of the governing zoning and the structure would be constructed utilizing earthtone colors and

materials to match the natural environment and surrounding structures in the neighborhood.

With exception to the deviation of the height limit, the proposed project as conditioned would comply with all other development standards applicable to the governing zoning district. In addition, as noted above in Sections IV, V, and VI, the proposed project complies with the C-SF5 policies of the Countywide Plan and the Stinson Beach Community Plan.

3. **The granting of a Variance for the property does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity under an identical zoning district.**

A residence, regardless of design, could not be constructed on the subject site without a Variance to the 18 foot MLLW/18.83 feet NAVD maximum finished floor height. To design a residence in compliance with the 33 foot MLLW/33.83 NAVD total maximum height limit required by the C-RSPS zoning district is challenging in that the FEMA requirements, when combined with the County's requirements, leaves 10.7 feet of height in which to construct the living area. The proposed architectural style, which consists of separate saltbox-style forms, provides architectural diversity within the Seadrift neighborhood. Therefore, approval of the above mentioned Variances would not constitute a grant of special privilege and would be consistent with privileges and limitations applied to other properties in the vicinity. The proposed project complies with FEMA standards and, as conditioned, would not result in inappropriate development.

4. **The granting of a Variance for the property does not authorize a use or activity which is not otherwise expressly authorized by the particular zoning district regulations governing such property.**

Granting the Variance for the finished floor in the Coastal Zone to be raised above 18 feet MLLW would not authorize a use or activity that is not authorized by the governing C-RSPS-2.9 zoning district. The Variance would authorize the construction of a single-family residence which exceeds the height standards, but does not change the residential use normally allowed.

**VIII. WHEREAS**, the Marin County, Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

- A. **It is consistent with the Countywide Plan and any applicable community plan and Local Coastal Program;**

The project, as designed, is consistent with the Stinson Beach Community Plan with regard to the height (25 foot maximum allowed) and the policies regarding flora and fauna. Further, the project site is relatively flat and sparsely landscaped; therefore significant vegetation removal would not be necessary to facilitate construction of the new residence.

**B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;**

The visual impacts from the vantage point of Highway 1 and the beach, as outlined in the Stinson Beach Community Plan and Local Coastal Plan, will not be impacted any more than they currently are as a result of this project. The project site is currently developed with a single-family residence and views towards Mt. Tamalpais from the vantage point of the beach are presently blocked. Likewise, views of the ocean from the vantage point of Highway 1 are obscured by existing vegetation and residential development along Seadrift Road. The proposed project would result in a taller residence than that which currently exists on the property, a single-story, flat roofed house that was built prior to the FEMA regulations, because the new residence must be designed in compliance with the restrictive requirements established by FEMA; however view impacts have been minimized as a result of the design, which consists of a series of small building forms that feature varied roof forms and heights and areas of visual relief via the incorporation of dormers, insets, and incorporation of a breezeway in the central portion of the beach pod.

The applicant has proposed to use earth tone colors and materials that would blend into the project site in construction of the new residence.

**C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

The residence has been designed in an effort to be consistent with the scale, size, design and construction of other structures found in the surrounding community. Many of the neighboring residences along Seadrift Road feature a solid wall along the beach facing elevation of the residence and an interior courtyard, facing the street. The proposed project is designed to reduce the massing along the beach facing elevation. The main living area, proposed at the rear building setback line is a modest 17 feet wide, with an open raised deck proposed along the remaining portion of the rear elevation. The underpinning of the deck is designed to be open, and therefore less bulky, while allowing plant material and sand to be located beneath the deck. The location of the proposed hot tub will not impact the views or privacy of the neighboring residence in that the hot tub is sited in a location that does not line up with the windows or outdoor area of the neighboring residence.

The recessed residential wing located north of the proposed deck is set back 38 feet from the rear building setback line, which serves to provide visual relief of the bulk and massing of the structure, as viewed from the beach.

Further, articulation is incorporated into the design of the beach pod. With the intent of breaking up the mass and bulk along the western elevation of the pod, the underpinnings of the structure are recessed by one foot. To further reduce the mass and bulk of the beach pod, the central portion of the pod has been designed



to incorporate a partially covered breezeway. The breezeway will be covered with a flat roof, lower in height than the roof ridges of the adjoining living areas.

Finally, the residence will not unduly impact the existing light or privacy of the surrounding residences because it would not exceed 24 feet, 8 inches above grade and is designed to provide front, side, and rear yard setbacks comparable to neighboring properties.

- D. It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The project would not limit potential development on neighboring properties and would not have an impact on further investment or improvements on this or any other properties in the area due to the proposed design and location. The neighboring properties are subject to the same FEMA Base Flood Elevation requirements as the project site, and as such substantial development on the neighboring properties will require elevation of the finished floor and corresponding plate heights and roof ridges.

In addition, the entire project is located upon the property and would not have an impact on public lands or rights-of-way. Therefore, the project would be consistent with this finding.

- E. It will be properly and adequately landscaped with maximum retention of trees and other natural material;**

The project site is minimally landscaped. There are a few existing trees on the property, including a 12" diameter at breast height California bay tree, which is proposed to be removed to facilitate construction of the new leech field. As part of the proposed project, the applicant intends to plant additional landscaping around the perimeter of the property. The new landscaping, indicated on the project site plan, includes planting of coast rosemary along the southern and northern side property lines, and Carmel creeper, pride of madeira, and four olive trees in the front yard. The proposed landscaping is consistent with the landscaping on neighboring properties.

- F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

- 1. The scale, mass, height, area and materials of buildings and structures**

The residence incorporates colors and materials which are in keeping with the surrounding community and will not detract from views, from Highway 1 looking towards the beach, or from the vantage point of the beach looking towards the highway. The residence is broken into two modules and incorporates articulations and height changes which minimize mass and bulk.

The project incorporates fenestration, decks, and a combination of pitched and flat roofs to minimize overall mass and bulk.

The residence would not unduly impact the existing light or privacy of surrounding residences because it would not exceed a height of 24 feet, 8 inches above grade, as conditioned, and would have front, side, and rear yard setbacks comparable to neighboring structures.

**2. Drainage systems and appurtenant structures**

The project has been reviewed and accepted by the Department of Public Works and the project has been conditioned so that a drainage plan will be required prior to Building Permit issuance.

**3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads**

The proposed project consists of the construction of a new single-family residence in the same general location as an existing single-family residence on a relatively level site. The project also includes a proposal to excavate approximately 127 cubic-yards of soils from beneath the street pod for use as a mechanical room. Development is required to be designed to fit a site's topography so that grading activities are kept to a minimum, thereby preserving the natural landforms at a site. In order to reduce grading and bring this project into greater conformance with this finding, a condition of approval will require that the grading associated with the proposed basement/mechanical room underneath the street pod be limited to the minimum size necessary to accommodate mechanical appurtenances.

**4. Areas, paths and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances and watercraft**

The project is located entirely upon the owner's property and would not result in an increase in overall traffic and should have no impact on pedestrian, animal, or vehicular access.

**5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy**

The proposed project entails the demolition of an existing residence and construction of a new, larger residence. The residence will increase in overall height, to be consistent with the FEMA base flood elevation regulations. However, the residence will reach a maximum height of 24 feet, 8 inches above grade, which is consistent with the maximum height limit in coastal zoning districts. The proposed residence is comparable in height to other recently approved development in the Stinson Beach community built in compliance with the FEMA base flood regulations.

6. **It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.**

The Seadrift neighborhood is comprised of a variety of building forms and architectural styles, including several homes that feature a classic "saltbox" design. Further, the materials proposed to be utilized in construction of the proposed project, cedar horizontal vertical and horizontal siding, custom wood garage doors, pre-aged copper roofing, natural stone patios, and cedar fencing, are consistent with the materials utilized on neighboring properties.

Lastly, the project would also need to satisfy all energy saving standards required by the Building Division prior to issuance of building permit. Therefore, the project would be consistent with this finding.

## **SECTION II: ACTION**

NOW THEREFORE, BE IT RESOLVED that the project described in Condition of Approval 1 is authorized by the Marin County Deputy Zoning Administrator and is subject to the conditions of project approval.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

## **SECTION III: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Schow Coastal Permit, Variance, and Design Review applications subject to the conditions as specified below:

### **CDA-Planning Division**

1. This approval permits the demolition of an existing 2,354 square foot residence and construction of a new 3,612 square-foot residence and garage in Seadrift Subdivision Number 1. The residence is comprised of two modules, or pods. The front (street facing) pod is not located within the FEMA flood zone and the rear (beach facing) pod is located within the FEMA flood zone. Both pods are single-storied structures. The residence, taking into account both pods, would have the following setbacks: 25 feet from the easterly front property line; 6 feet from the southerly side property line; 6 feet from the northerly side property line; and 0 feet from the rear westerly rear building setback line. Site improvements include: a new septic system; a bocce ball court (in the front yard); a hot tub and raised deck on the rear portion of the site; and patios, walkways, and landscaping within the interior courtyards of the residence, as well as around the perimeter of the project site.

The project will result in 3,612 square-feet of building area, 3,206 square-feet of which constitutes floor area, for a floor area ratio of 12.8% on the 25,023 square-foot dry lot. The

maximum height of the residence is 24 feet, 8 inches above natural surrounding grade. The height of the finished floor of the street facing residential pod is 13.17 MMLW, and the height of the finished floor of the beach facing residential pod is 23.5 feet MLLW.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Schow Residence," consisting of 8 sheets prepared by Steve Wisenbaker, architect, received in final form on July 24, 2015, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The project shall conform to the Planning Division's "Uniformly Applied Standards 2015" with respect to all of the standard conditions of approval and the following special conditions: 2, 4, 8, 9, 10, 11, 13, and 17.
4. *Prior to Issuance of a Building Permit* the project shall be revised to reduce the size of the basement/mechanical room underneath the street pod to the minimum size necessary to accommodate mechanical appurtenances in an effort to reduce the amount of excavation, and to balance the cut and fill on site.
5. *Prior to Close-in Inspection* the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification submit a written and stamped Elevation Certificate confirming that the building does not exceed 24 feet, 8 inches from natural grade to top of roof ridge.

#### **Department of Public Works- Land Development Division**

6. The garage shall be revised to accommodate standard interior parking spaces with dimensions of 9 feet by 20 feet.
7. Grading, Drainage and Erosion Control Plan:

Provide the location of the sea-levy and the limits of grading on the ocean side of the project. There shall be no grading on, near or over the sea-levy. Provide a note on the plans indicating that the existing sea-levy between the shoreline and the building site shall not be altered in any way, and shall not have any excavated material placed upon it for the duration of construction.

8. FEMA Flood Hazard Zone Requirements:

Portions of the project are in a Special Flood Hazard Area, Zone-VE, as show on the Flood Insurance Rate Map (FIRM Community-Panel Number 06041C0443D). FEMA has determined the Base Flood Elevation (BFE) to be 22-ft NAVD-88. FEMA requires that the lowest horizontal structural member of all structures within a Special Flood Hazard Area of new construction and/or significant improvements to be at or above the BFE, if placed parallel to the wave action, or have a minimum 1 foot freeboard to the BFE, if perpendicular to the wave action. Sheet 4 indicates horizontal floor members, perpendicular to the wave action thus raising the horizontal members an additional foot shall be required to achieve the needed freeboard. Also, all structures that are within or partially within the VE zone shall meet the minimum requirements pursuant to MCC§23.09 as well as FEMA TB5-08 (Free of Obstructions) and TB9-08 (Breakaway Walls in Coastal High Hazard Zones).

*Prior to Foundation Inspection and Building Permit Final:*

9. Provide an elevation certificate (FEMA Form 81-31) to be completed by a California registered professional engineer, architect or land surveyor and shall include their wet-stamp and signature.
10. Registered engineer/architect shall complete, sign and seal a FEMA V Zone Design Certificate upon completion of work prior to Building Permit Final.

#### **SECTION VI: VESTING**

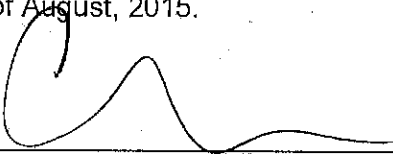
NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within 2 years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit 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 V: APPEAL RIGHTS**

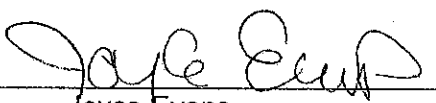
NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Planning Division, Suite 308, Civic Center, San Rafael, within 5 business days (August 20, 2015) of the date of this decision.

#### **SECTION VI: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 13<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
CURTIS HAVEL  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

  
\_\_\_\_\_  
Joyce Evans  
DZA Recording Secretary

**CALIFORNIA COASTAL COMMISSION**

North Central Coast District Office  
45 Fremont Street  
Suite 2000  
San Francisco, California 94105-2219  
(415) 904-5260 FAX (415) 904-5400  
WWW.COASTAL.CA.GOV

**COMMISSION NOTIFICATION OF APPEAL**

DATE: September 09, 2015  
TO: Jocelyn Drake  
Marin County Community Development Agency  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903-4157  
FROM: California Coastal Commission *AM*  
RE: **Commission Appeal No. A-2-MAR-15-0057**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

Local Permit #: CP 15-20

Applicant(s): Steve Wisenbaker on behalf of Steven Schow

Description: to construct a new 3,206 square-foot residence and 406 square-foot garage in Seadrift Subdivision Number 1, replacing an existing residence.

Location: 150 Seadrift Road, Stinson Beach, CA (APN: 195-041-18)

Local Decision: Approval with conditions

Appellant(s): Stinson Beach Village Association

Date Appeal Filed: September 9, 2015

The Commission appeal number assigned to this appeal is A-2-MAR-15-0057. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Shannon Fiala at (415) 904-5266 at the Headquarters Office.

cc: Steve Wisenbaker

**RECEIVED**

STATE OF CALIFORNIA - THE RESOURCES AGENCY

SEP 08 2015

EDMUND G. BROWN JR., Governor

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-3200  
FAX (415) 904-3400  
TDD (415) 597-6885

CALIFORNIA  
COASTAL COMMISSION

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Stinson Beach Village Association

Mailing Address: P.O. Box 706

City: Stinson Beach

Zip Code: 94970

Phone: 415-706-1951

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

County of Marin

2. Brief description of development being appealed:

Schow Coastal Permit-APN 195-041-18- 150 Seadrift Road, Local Applications-CP 15-20-VR-15-5-DR 15-65  
To construct a new 3206 square foot residence and a 406 square foot garage in Seadrift Subdivision #1 replacing  
existing structure

3. Development's location (street address, assessor's parcel no., cross street, etc.):

150 Seadrift Road, Stinson Beach, Ca 94970, APN06041-195-041-8

4. Description of decision being appealed (check one.):

☐ Approval; no special conditionsxx ☒ Approval with special conditions:☐ Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be  
appealed unless the development is a major energy or public works project. Denial  
decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO:

A-2-MAR-15-0057

DATE FILED:

9/8/15

DISTRICT:

North Central Coast

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- xx ☒ Planning Director/Zoning Administrator  
☐ City Council/Board of Supervisors  
☐ Planning Commission  
☐ Other

6. Date of local government's decision: August 13, 2015

7. Local government's file number (if any): Project 1-0048/Schow-Wisenbaker

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Steve Wisenbaker  
300 Tamal Plaza, #200  
Corte Madera CA 94925

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) none known

(2)

(3)

(4)



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)****SECTION IV. Reasons Supporting This Appeal****PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.


The County of Marin's DZA approved a large boxy house extending to the rear setback (the beach side) and granted a variance allowing a section of the house to tower 37.5 feet above its neighbors, the beach and the roadway. The proposed structure is out of scale with its neighbors, would detract from the natural vistas due to its visual prominence and would stand out in stark contrast to its environment. The approval does not accommodate the requirements of the Coastal Act and Local Coastal Program to preserve the visual quality and scenic resources of the coastal areas (Coastal Act Sec. 30251), and specifically violates the 15 foot height limit applicable to Seadrift in Stinson Beach, and the limit of houses in Seadrift to one story (LCP Unit 1, New Development and Land Use, Visual Resources, No. 21, No. 35 [p.65, p. 81]); does not meet the mandate of Coastal Act Sec. 30213 that new housing in the coastal zone be developed in conformity with the standards, policies and goals of local housing elements, particularly those applicable to the rural villages; and violates Coastal Act Sec. 30253(2) in its grading plan. To the extent that FEMA guidelines require certain minimum floor heights, that requirement is not sufficient to support a hardship finding or need for a variance from the mandates of the Coastal Act or LCP.

The Stinson Beach Village Association directs the Coastal Commission to its staff letter expressing concern with this project's visual effects.

The Stinson Beach Village Association reserves its rights to identify other issues or to refine its statements regarding the issues identified.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)****SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

 President  
Signature of Appellant(s) or Authorized Agent

Date: September 9, 2015

Note: If signed by agent, appellant(s) must also sign below.

J. Michael Matthews

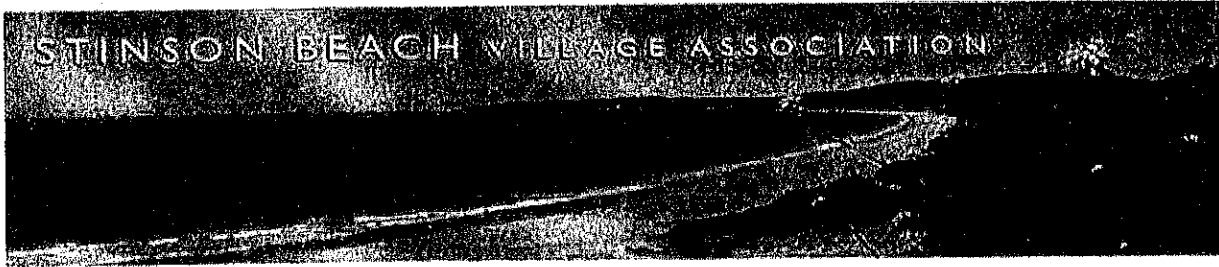
**Section VI. Agent Authorization**

I/We hereby  
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_



P.O. Box 706 • Stinson Beach • California • 94970  
www.stinsonbeachvillage.com

BY E-MAIL ONLY

Ms. Jocelyn Drake, Planner  
Marin County Development Agency  
3501 Civic Center  
San Rafael, CA 94903

RE: Schow Coastal Permit/Design Review/Variance Application  
150 Seadrift Road, Stinson Beach  
Parcel Number 195-041-18

Dear Ms. Drake:

The Stinson Beach Village Association has previously expressed its and its members' concern about the proposed mass and height of this project, and has more generally expressed to your department and to Supervisor Kinsey our concern that there seems to be little coordination or harmony between the Coastal Program (current or proposed), County development guidelines, Seadrift HOA architectural review criteria, and the Village's Community Plan, which is a design review document. I am writing to reiterate these concerns. Please consider this letter, include it as a part of the record, and submit it to the hearing officer, if that is not you.

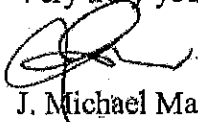
The Schows' proposed project requires height variances for every element, and the resulting structure, if just a one foot reduction in height is to be required, would loom above the beach and its neighbors, and obstruct hillside/mountain views. It does not comply with or preserve the rural character of the Village. Members of the Association discussed the application at our last meeting, uniformly expressed opposition, and authorized this letter expressing the Association's opposition. The proposed structure does not comply with the Stinson Beach Community Plan.

The Village Association has also previously expressed its concern about the southerly march of these large structures down the beach, toward the Seadrift gate, and has noted that the construction of a high wall of houses along the Seadrift portion of the public beach will irrevocably transform the public's experience of the hill and mountain, and of the entire character of the beach. Most recently, at a public hearing regarding the application for approval of the house at 174 Seadrift Road, we observed that if there is to

be no limit to construction of these houses, Stinson Beach, along Seadrift, will come to look like Del Mar or other Southern California localities, hardly rural. Mr. Wiesenbaker, who represents the Schows and also represented the owners of 174 Seadrift, replied on the record that that is the future of Seadrift. Is it? At a recent Village Association meeting, Supervisor Kinsey expressed his concern about the expansion of the height and mass of the houses in Seadrift, and reassured the Association and its members that the County does not favor such large, bulky and tall structures. We trust his guidance would lead you to the same conclusion.

Thus, the Village Association opposes the proposed variance for this house, and again asks that the County coordinate discussions among Planning staff, the Seadrift HOA, and the Village Association to develop uniform guidelines related to building heights and mass along the beach.

Very truly yours,



J. Michael Matthews

President, Stinson Beach Village Association

cc: Hon. Steve Kinsey (by e-mail)  
Members of the Village Association board

**Fiala, Shannon@Coastal**

**From:** J. Michael Matthews <matthews@pacbell.net>  
**Sent:** Thursday, September 24, 2015 5:36 PM  
**To:** Fiala, Shannon@Coastal  
**Subject:** Re: A-2-MAR-15-0057 (150 Seadrift Road)

Ms. Fiala:

Thanks for the follow-up. The Stinson Beach Village Association is concerned that the developer plans to import fill to raise the grade prior to construction, as the developer/architect has done on previous projects in Seadrift. Importing fill would result in a higher finished elevation than specified on the current plans, which show proposed heights measured from the existing grade. The Association is also concerned about a basement/storage area below existing grade in what has been identified as an area at risk from expected sea level rise.

Let me know if you need further information from us.

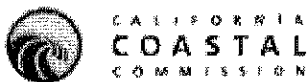
--Mike Matthews

On Monday, September 21, 2015 5:23 PM, "Fiala, Shannon@Coastal" <Shannon.Fiala@coastal.ca.gov> wrote:

Michael,

Could you please expand on Stinson Beach Village Association's specific concerns for 150 Seadrift Road regarding its grading plan and conformance with Coastal Act Section 30253?

Best regards,  
Shannon Fiala  
North Central Coast District  
California Coastal Commission  
45 Fremont Street – Suite 2000  
San Francisco, CA 94105-2219  
415-904-5266  
<http://www.coastal.ca.gov/>



Every Californian should conserve water. Find out how at:



[SaveOurWater.com](http://SaveOurWater.com) · [Drought.CA.gov](http://Drought.CA.gov)

**Fiala, Shannon@Coastal**

**From:** Steve Wisenbaker <swisbkr@pacbell.net>  
**Sent:** Monday, September 21, 2015 2:24 PM  
**To:** Fiala, Shannon@Coastal  
**Subject:** FW: 150 Seadrift Road, Stinson Beach - Appeal  
**Attachments:** 150 Seadrift Road - South East View.pdf; 150 Seadrift Road - North East View.pdf

Hi Shannon,

I appreciated the opportunity to talk to you this morning about the proposed residence at 150 Seadrift Road.

Attached are images that I believe are helpful in understanding the proposal. The South East View shows the proposal as seen from beach which is the public's primary point of perspective. The North East View shows the proposal as seen from Seadrift Road, the Seadrift Community's main view.

#### Major Project Elements

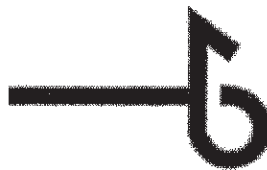
- The proposal is a "village" of small scaled "salt boxes" which breaks up the scale of the proposal and is consistent with the smaller scaled pre-FEMA homes in the community.
- The two "salt boxes" located in the VE Zone are connected by a low flat roof.
- The lowest floor members in the VE Zone are required by FEMA to be 1' above the Base Flood Elevation of 22 NAVD which results a finished floor height of 24.25 NAVD.
- The ridges of the 2 highest gable roofs in the VE Zone are 14.07' above the finished floors, at 38.4 NAVD.
- A portion of the proposal is detached from the FEMA structure and stepped down to Seadrift Road with the floors and roofs heights well below the pre-FEMA Height Limits.
- The unbroken line of development along the beach is interrupted with only one 17' wide "salt box" at the Rear Setback Line.
- The gable roofs slope down to the side property lines, minimizing bulk as seen from the neighbors.

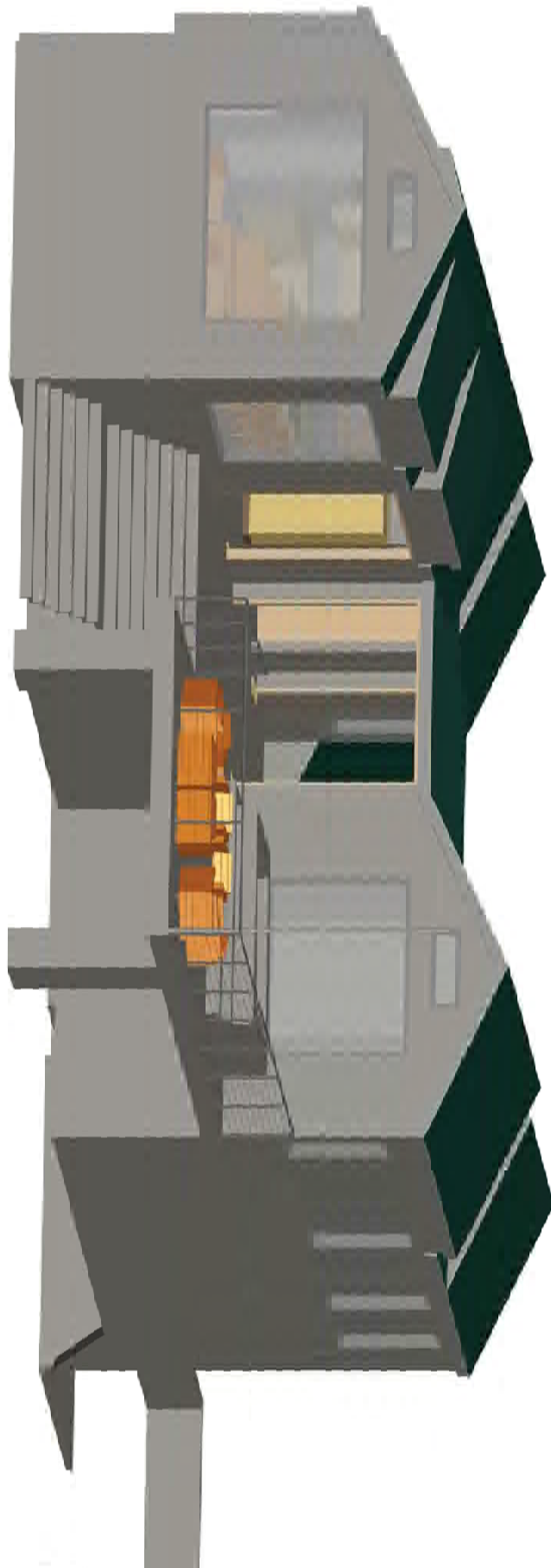
This proposal has the least overall height, bulk, mass, and visual impact of any of the numerous FEMA homes in Seadrift that have received Marin County Planning Approvals.

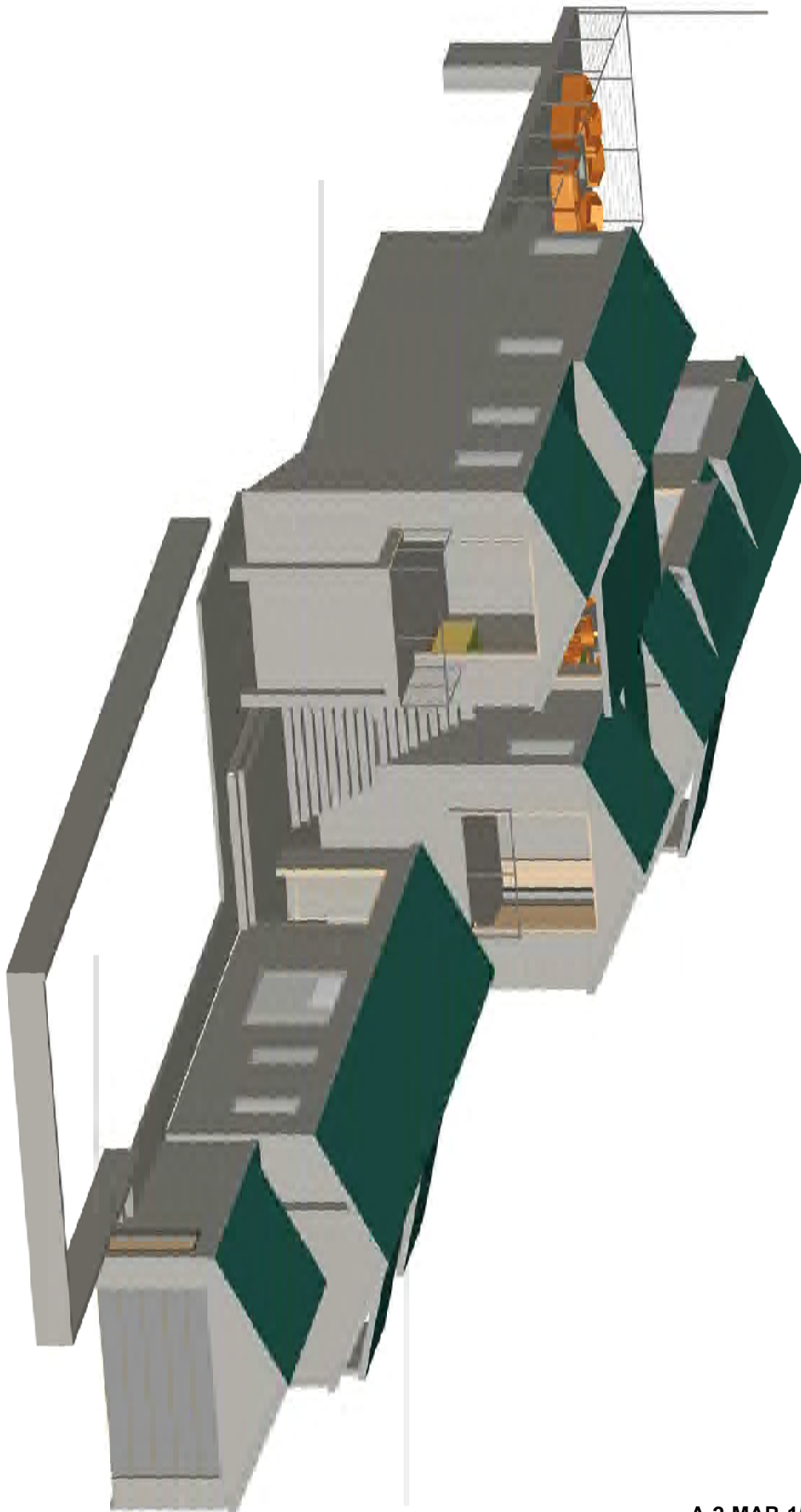
I hope these images and the description of major project elements are helpful.

Steve Wisenbaker

**Steve Wisenbaker AIA**  
Steve Wisenbaker AIA Architects & Planners  
300 Tamal Plaza, Suite 200  
Corte Madera, CA 94925  
(415) 924-7570 cell (415) 699-3399  
swisbkr@pacbell.net  
www.stevewisenbakerarchitects.com









**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



**March 10, 2015**

Jocelyn Drake, Planner  
County of Marin  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**RE: Planning Referral Transmittal for the Proposed Redevelopment Project at  
150 Seadrift Road (APN: 195-041-18) in Stinson Beach, CA**

Dear Ms. Drake:

Thank you for your recent transmittal regarding the coastal permit application for the redevelopment of 150 Seadrift Road in Stinson Beach referenced above. The Applicant is proposing the demolition of an existing 2,354 square-foot single-family residence and construction of a new 3,206 square-foot single-family residence and attached garage in Seadrift Subdivision Number 1. While the certified Marin Local Coastal Program (LCP) is supportive of redevelopment in Seadrift, after our initial review of this proposal we are providing the following comments regarding coastal resource issues raised by the proposed project.

**Visual resources**

The proposed project site is located in a visually sensitive area along the shoreline, i.e. it is visible from Highway 1 and the beach. Marin County LCP policies on location and density of new development limit the height of new construction in Seadrift to one story with a maximum height of 15 feet above the finished floor elevation. LCP policies on specific regulations for various coastal districts also require that finished floor elevations shall not exceed 18 feet above mean lower low water (MLLW) and that the total height of the structure shall not exceed 33 feet above MLLW for Seadrift Subdivision Number 1 (Coastal residential single-family planned, Seadrift Subdivision district (C-RSPS)). LCP policies on visual resources and community character require that new development be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 or Panoramic Highway to the maximum extent feasible. New development must also be visually compatible with the character of surrounding areas.

The proposed project has a maximum height of 37.5 feet NAVD, which would require a variance for the 4.5 feet in excess of the LCP maximum, noting that NAVD is not significantly different from MLLW in this area. Thus, the proposed project has the potential to impact coastal views due to its size and location. Please evaluate the visual and aesthetic impacts of the proposed project and include appropriate mitigations designed to avoid or minimize any adverse impacts to public scenic coastal views to the maximum extent feasible.

150 Seadrift Road, Stinson Beach

Thank you for the opportunity to comment on the planning referral transmittal. Please feel free to contact me at (415) 904-5266 or by email at [shannon.fiala@coastal.ca.gov](mailto:shannon.fiala@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Fiala". The signature is fluid and cursive, with the first name "Shannon" written in a larger, more prominent script than the last name "Fiala".

Shannon Fiala  
Coastal Program Analyst

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**

**RESOLUTION NO. 15-107  
A RESOLUTION DENYING THE SCHOW COASTAL PERMIT 15-20,  
VARIANCE 15-5 AND DESIGN REVIEW 15-65  
150 SEADRIFT ROAD, STINSON BEACH  
ASSESSOR'S PARCEL 195-041-18**

\*\*\*\*\*

**SECTION I: FINDINGS**

- I. **WHEREAS**, Steve Wisenbaker, on behalf of the owners, Steven and Kimberley Schow, has submitted an application for Coastal Permit, Variance and Design Review requesting approval to demolish an existing 2,354 square foot residence and construct a new 3,612 square-foot residence and garage in Seadrift Subdivision Number 1.

The proposed residence is comprised of two structures described as follows:

- A. The front, street-facing structure (identified as the "street pod") is approximately 1,370 square feet in size and contains a garage, 2 bedrooms, 2 bathrooms, and a recreation room. The street pod is detached from the "beach pod" and not located within the FEMA flood zone. The street pod would reach a maximum height of approximately 18 feet above grade (28.3 feet above mean lower low water) and would be located 25 feet from the northerly front property line (along Seadrift Road); 6 feet from the westerly side property line; and 30.5 feet from the easterly side property line.
- B. The rear, beach-facing structure (identified as the "beach pod") is approximately 2,242 square feet in size and contains a master bedroom and bathroom, dining and living room, kitchen, study and breezeway entry gallery. The beach pod is located partially within the FEMA flood zone and would reach a maximum height of 25.5 feet above grade (37.5 feet above mean lower low water) and would be located 6 feet from the easterly side property line; 6 feet from the westerly side property line; and 0 feet from the southerly rear building setback line.

Site improvements also include a new septic system and bocce ball court (in the front yard), an attached hot tub and raised deck along the southeasterly elevation of the beach pod, and various landscaping and hardscape improvements throughout the site.

A Coastal Permit is required pursuant to Section 22.56.055 of the Interim Marin County Zoning Ordinance because the project is located in a coastal zoning district. Design Review approval is required pursuant to Section 22.57.085 of the Interim Marin County Zoning Ordinance because the project is located in a planned zoning district. Variance approval is required pursuant to Section 22.57.094 of the Interim Marin County Zoning Ordinance for the following reasons: the proposed finished floor elevation above mean lower low water is 23.5 feet where a maximum finished floor elevation of 18 feet above mean lower low water would otherwise be allowed; the proposed height above mean lower low water is 37.5 feet where a maximum height of 33 feet above mean lower low water would otherwise be allowed; and, the height of the proposed residence is 25.5 feet from grade where a maximum height of 25 feet would otherwise be allowed.

The property is located at 150 Seadrift Road, Stinson Beach, and is further identified as Assessor's Parcel 195-041-18.

- II. **WHEREAS**, on June 25, 2015, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.
- III. **WHEREAS**, the Marin County Deputy Zoning Administrator finds that the project is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15270 of the CEQA Guidelines because CEQA does not apply to projects which a public agency rejects or disapproves.
- IV. **WHEREAS**, the Marin County Deputy Zoning Administrator finds that the proposed project is inconsistent with goals and policies of the Marin Countywide Plan related to mass and scale, and visual quality.

Residential development in Stinson Beach is comprised largely of smaller, low-profile beach cottages. Implementing Program DES-4.c of the Marin Countywide Plan (CWP) calls for the regulation of mass and bulk and states in part that, "...the mass and scale of new structures respect environmental site constraints and the character of the surrounding neighborhood..."

The mass and scale of the beach pod would be significantly greater than that of immediately adjacent residences to either side of the proposed structure and would not respect the prevailing community character. The height of the proposed residence would result in development that is visually prominent and markedly taller than other residences in the vicinity.

As a result, this project does not preserve visual quality of the community due to its mass and scale. The project incrementally changes the prevailing community character from a collection of smaller, lower-profile beach cottages with the introduction of a relatively larger new single family residence.

- V. **WHEREAS**, the Marin County Deputy Zoning Administrator finds that the project is inconsistent with goals and policies of the Stinson Beach Community Plan related to maintaining the rural village character of the community through the regulation of building height. A recommended height limit of 25 feet is established in Policy G of Objective 4.0 for buildings throughout Stinson Beach. This policy also defers to more restrictive height standards applied to the Seadrift Subdivision through the implementation of the Local Coastal Plan.

The beach pod component of the proposed single family residence would exceed the height limits established by Sections 22.56.130(O) and 22.57.094(2) of the Interim Marin County Zoning Ordinance. The excessive height would create a looming presence over the immediately adjacent residences. While some large homes do exist in the surrounding neighborhood, the proposed development is not appropriate for the site because the proposed residence would be out of scale with the streetscape and most of the existing homes along Seadrift Road that provide a context for the neighborhood most affected by the project.

VI. **WHEREAS**, the Marin County Deputy Zoning Administrator finds that the project is inconsistent with the mandatory findings for Coastal Permit approval (Section 22.56.130 of the Interim Marin County Zoning Ordinance) and the requirements and policies of the Local Coastal Program, Unit 1 as described below.

**A. Water Supply**

The proposed project would result in the demolition of an existing single-family residence and the construction of a new single-family residence on a lot that is already served by the Stinson Beach County Water District; therefore, the project site already has a viable water source and the proposed project would not result in any net increase in demand for water for the project site.

**B. Septic System Standards**

The proposed new single-family residence would be served by a new on-site private septic system. This system has been reviewed by the Stinson Beach County Water District, which is the agency that has jurisdiction over reviewing septic systems in this area of Marin County. The agency has determined that the proposed new system would comply with all relevant standards.

**C. Grading and Excavation**

The proposed project includes a proposal to excavate an unspecified volume of soils from beneath the street pod and in close proximity to the sand filter and leach field. Development is required to be designed to fit a site's topography so that grading activities are kept to a minimum, thereby preserving the natural landforms at a site. The proposed basement/mechanical room underneath the street pod would have a vertical clearing of at least 5.5 feet, width of approximately 20 feet and length of approximately 48 feet. This finding cannot be made because the amount of excavation and off-haul for the creation of the basement/mechanical room is excessive and unnecessary and ultimately does not minimize grading activities.

**D. Archaeological Resources**

The proposed project is located within the Seadrift area of Stinson Beach. A review of the Marin County Archaeological Sites Inventory indicates that virtually the entire Stinson Beach area, including the subject property, is considered to be an area of high archaeological sensitivity. However, it is unlikely that the project would disturb cultural resources because it would result in the construction of a new single-family residence on an existing, previously disturbed residential building site. In addition, a standard condition of approval would be applied to the project requiring that, in the event that cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate measures to protect the resource.

#### **E. Coastal Access**

The subject property is a previously developed ocean-front property with coastal access along the southern shoreline of the parcel. The project will conform to the established building limit line for the property and will not affect existing coastal access. Additional coastal access is provided within an open space area at the end of Seadrift Road.

#### **F. Housing**

The proposed project would replace an existing single-family residence with a new single-family residence and would have no impact upon the availability of affordable housing stock within the Stinson Beach community.

#### **G. Stream and Wetland Resource Protection**

The proposed residence is not located within the vicinity of any sensitive streams or creeks and therefore is not subject to riparian protection policies. In addition, the proposed new residence would be located within the same general area that has already been developed with a single-family residence. Therefore, the project will not result in any additional impact upon stream or wetland resources and will comply with the LCP's riparian protection policies.

#### **H. Dune Protection**

The proposed project entails demolition of an existing residence and construction of a new residence within the established building limit line for the parcel. There are no natural dunes in the development area.

#### **I. Wildlife Habitat**

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the habitat area for the federally listed threatened Western Snowy Plover (*Charadrius alexandrinus hivosus*); however, the project will have a minimal impact to the habitat value of the site because it involves the demolition of an existing residence and construction of a new single-family residence within the existing Seadrift Subdivision with no substantial change in the proximity of development to potential nesting areas along the beach and sand dune areas of the site. The project would not extend into the dunes or onto the beach past the current area of disturbance.

#### **J. Protection of Native Plant Communities**

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base on file with the Marin County Community Development Agency indicates that the subject property is located in the vicinity of

habitat area for Tiburon paintbrush (*Castilleja affinis neglecta*), Showy rancheria Clover (*Trifolium amoenum*), Marin Hesperian (*Vespericola mariensis*), Point Reyes Bird's Beak (*Cordylanthus maritimus* ssp *palustris*), Coastal marsh milk-vetch (*Astragalus pycnostachyus* var. *pycnostachyus*), Lyngbye's sedge (*Carex lyngbyei*), and blue coast Gilia (*Gilia capitata* ssp. *Chamissonis*); however, the habitat value of the proposed development site for these plants is low because it is currently developed with a single-family residence. The relatively small-scale project within the Seadrift Subdivision will not have an adverse impact the surrounding habitat.

#### **K. Shoreline Protection**

The proposed new residence is adequately set back from the ocean as required by the development limits applied to all oceanfront properties within the Seadrift Subdivision. The proposed residence would replace an existing single-family residence on the lot in roughly the same location; therefore, the proposed project would not impact shoreline resources.

#### **L. Geologic Hazards**

The project site is located within 1-mile of the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency – Building and Safety Division would determine seismic compliance with the California Building Code. In addition, as a condition of approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

#### **M. Public Works Projects**

The proposed project will not affect any existing or proposed public works project in the area.

#### **N. Land Division Standards**

No Land Division or Lot Line Adjustment is proposed as part of this project.

#### **O. Visual Resources**

Residential development in the Seadrift Subdivision is comprised of a varied mix of architectural styles. Much of the development in the Seadrift Subdivision consists of low-profile, single-story residences that were constructed prior to the implementation of current Federal Emergency Management Agency (FEMA) Base Flood Elevation (BFE) standards. The project site is currently developed with an older single-story residence and is representative of the rural heritage of Stinson Beach.

The community character is gradually changing as newer development is designed to meet the requirements of the minimum BFE standards established by FEMA. The proposed project would meet FEMA requirements, but would ultimately result in a

project that is markedly taller than residences in the vicinity. Additionally, the increase in size of the proposed residence (particularly the beach pod) results in more massive easterly and westerly elevations that are out of scale with neighboring residences.

The project as designed would potentially obstruct views currently enjoyed by neighboring residences to the east and west. The structure would detract from the enjoyment of natural vistas due to its visual prominence. Finally, the project would stand out in stark contrast to the surrounding built environment due to its height and scale. Therefore, this finding cannot be made.

#### **P. Recreation/Visitor Facilities**

The project would not have any impact upon recreation or visitor facilities because it would be located within the existing development boundaries on the property and would maintain public access to the beach by dedicating an easement across the beach portion of the property for public access.

#### **Q. Historic Resource Preservation**

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Program. Additionally, completion of the proposed work would not affect or impact the character of the Seadrift community.

**VII. WHEREAS**, the Marin County Deputy Zoning Administrator finds that the proposed project is inconsistent with the mandatory findings to approve the Variance application (Section 22.86.025(4) of the Interim Marin County Zoning Ordinance and Section 65906 of the California Government Code), as specified below.

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property owners in the vicinity and under identical zoning districts.**

The subject property is not subjected to special circumstances associated with the size, shape, topography, location or surroundings that are different from other properties in the area, or are specifically unique to the subject property. However, the property is burdened by the design requirements of VE flood zone as implemented the Federal Emergency Management Agency (FEMA).

In order to meet the requirements imposed by the VE flood zone, the proposed project would need to meet a finished floor elevation (FFE) of 22 feet mean lower low water (MLLW). This would exceed the height parameters established by the C-RSPS zoning district, thereby requiring Variance approval.

The Community Development Agency has granted Variances in limited instances in the past where the project design demonstrated that development within the VE zone was limited to the greatest extent feasible. The project site could accommodate development outside of the VE zone through the detachment of a portion of the beach



pod and a reduction of floor area. Ultimately, the proposed project did not accomplish this and as such, findings to grant the Variance could not be made.

**2. The granting of a Variance for the property will not be detrimental to the public welfare or injurious to other property in the vicinity.**

The granting of a Variance for the property will be detrimental to the public welfare and injurious to other property in the vicinity because the project results in development that would potentially impact views, stand out in stark contrast to the surrounding built environment and incrementally detract from the rural community character.

**3. The granting of a Variance for the property does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity under an identical zoning district.**

The granting of a Variance for the proposed project would constitute a grant of special privilege because other properties in the Seadrift Subdivision are faced with the same constraints as the subject property, and the project has not adequately minimized its placement in the VE zone, as discussed in Finding 1 above.

**4. The granting of a Variance for the property does not authorize a use or activity which is not otherwise expressly authorized by the particular zoning district regulations governing such property.**

The granting of a Variance for the construction of a new single-family residence will not authorize a use or activity which is not otherwise expressly authorized by the C-RSPS zoning district.

**VIII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the project is inconsistent with the mandatory Design Review findings A, B, C, F and G below per Section 22.82.040 of the Interim Marin County Zoning Ordinance.**

**A. It is consistent with the Countywide Plan and any applicable community plan and Local Coastal Program;**

The project is inconsistent with the Marin Countywide Plan, Local Coastal Program and Stinson Beach Community Plan for the reasons discussed in Findings IV, V and VI above.

**B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;**

The beach pod component of the proposed single-family residence would not satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings because it would stand out in stark contrast to residences to either side of the project, and would be incompatible with the prevailing community character of the area. The project would also result in the location of an outdoor patio and hot tub that would look down into the neighboring property. The

overall height and scale of the project would adversely contrast with the surrounding built environment.

- C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

The proposed project would impair and interfere with the development, use, and enjoyment of other property in the vicinity, as well as the orderly and pleasing development of the neighborhood as a whole, because the proposed project would result in development that continues to erode the established community character and would impose a large and visually obtrusive residence that looms over lower residential development to either side of the residence.

- D. It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The project would not limit potential development on neighboring properties and would not have an impact on further investment or improvements on this or any other properties in the area due to the proposed design and location. In addition, the entire project is located upon the property and would not have an impact on public lands or rights-of-way. Therefore, the project would be consistent with this finding.

- E. It will be properly and adequately landscaped with maximum retention of trees and other natural material;**

The project site is minimally landscaped. There are a few existing trees on the property, including a 12-inch diameter-at-breast-height California bay tree, which is proposed to be removed to facilitate construction of the new leach field. As part of the proposed project, the applicant intends to plant additional landscaping around the perimeter of the property. The new landscaping, indicated on the project site plan, includes planting of coast rosemary along the southern and northern side property lines, and Carmel creeper, pride of madeira, and four olive trees in the front yard. The proposed landscaping is consistent with the landscaping on neighboring properties.

- F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

- 1. The scale, mass, height, area and materials of buildings and structures**

While some large homes do exist in the surrounding neighborhood, the proposed development is not appropriate for the site because the proposed residence would be out of scale with the streetscape and most of the existing homes along Seadrift Road that provide a context for the neighborhood most affected by the project. The beach pod component of the proposed single family residence would exceed the height limits established by Sections 22.56.130(O) and 22.57.094(2)

of the Interim Marin County Zoning Ordinance. The mass and height of the beach pod would be significantly greater than that of immediately adjacent residences to either side of the proposed structure and would not respect the prevailing community character. The height of the proposed residence would result in development that is visually prominent and markedly taller than other residences in the vicinity. As a result, the project as it is currently designed does not minimize adverse visual effects related to height, scale and mass.

**2. Drainage systems and appurtenant structures**

The project has been reviewed and accepted by the Department of Public Works and the project has been conditioned so that a drainage plan will be required prior to Building Permit issuance.

**3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads**

The proposed project includes a proposal to excavate an unspecified volume of soils from beneath the street pod and in close proximity to the sand filter and leach field. The proposed basement/mechanical room underneath the street pod would have a vertical clearing of at least 5.5 feet, width of approximately 20 feet and length of approximately 48 feet. This finding cannot be made because the amount of excavation and off-haul for the creation of the basement/mechanical room does not minimize grading activities and is not compatible with the topographical conditions of the site.

**4. Areas, paths and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances and watercraft**

The project is entirely upon the owner's property and would not result in an increase in overall traffic and should have no impact on pedestrian, animal, or vehicular access.

**5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy**

The project as it is currently designed would likely interfere with views and privacy currently enjoyed by residents that live to the east and west of the residence. The beach pod component of the proposed project would locate outdoor living area that overlooks the neighboring residence to the east. The excessive height of the beach pod would create a looming presence over the immediately adjacent residences and potentially blocking light. Finally, the project would stand out in stark contrast to the surrounding built environment due to its height and scale, and as a result would detract from the enjoyment of natural vistas due to its visual prominence.

**G. It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.**

The Seadrift neighborhood is comprised of a variety of building forms and architectural styles, including several homes that feature a classic "saltbox" design. The majority of the materials proposed to be utilized in construction of the proposed project (including cedar siding, custom wood garage doors, natural stone patios, and cedar fencing) are consistent with the materials utilized on neighboring properties. However, the proposed copper roofing is not earth-toned in nature and is not appropriate for use as a roofing material for this project.

## **SECTION II: ACTION**

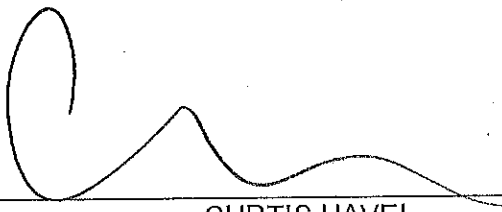
NOW THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator denies the Schow Coastal Permit, Variance and Design Review application.

## **SECTION V: APPEAL RIGHTS**

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Planning Division, Suite 308, Civic Center, San Rafael, within 5 business days of the date of this decision.

## **SECTION VI: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 25<sup>th</sup> day of June, 2015.

  
\_\_\_\_\_  
CURTIS HAVEL  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

  
\_\_\_\_\_  
Joyde Evans  
DZA Recording Secretary

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT ST, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5260  
FAX (415) 904-5400  
TDD (415) 597-5885

**Memorandum****October 2, 2015**

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director  
North Central Coast District

Re: ***Additional Information for Commission Meeting  
Thursday, October 8, 2015***

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th 6	2-06-017-A2, Altman	Correspondence, Scott Miller	1
Th 9a	A-2-MAR-15-0057, Schow	Correspondence, Peter Sandmann Email, J. Michael Matthews	1-2 3-6

PETER B. SANDMANN

PLEASE REPLY TO:

PAULINE H. TESLER  
CERTIFIED FAMILY LAW SPECIALIST  
STATE BAR OF CALIFORNIA

→ MILL VALLEY OFFICE  
SAN FRANCISCO OFFICE

August 10, 2015

Curtis Havel  
Deputy Zoning Administrator  
County of Marin  
Community Development Agency  
3501 Civic Center Drive  
San Rafael, CA 94903

RE: 150 Seadrift Road, Stinson Beach, CA  
APN 195-041-18  
Resolution 15-107; Permit 15-20; Variance 15-5

Dear Mr. Havel:

I am General Counsel to the Seadrift Association, which is the homeowners association for the Seadrift subdivisions in Stinson Beach. The above-referenced property is within the Seadrift subdivisions.

As I am sure you know, in the mid-1990's, the Federal Emergency Management Agency (FEMA) began requiring that in order to develop properties along the Pacific Coast, the minimum finished floor elevations of the developed properties had to be raised to levels that exceeded the existing maximum floor heights set by existing standards. Previously, beach front properties in Seadrift and elsewhere had often been developed with homes that were constructed on concrete pads, set at grade. Many homes in Seadrift still exist at that level. However, since the time that FEMA established new minimum floor heights, and Marin County started enforcing those minimums, many beach front properties have been developed in Seadrift with new or replacement homes that have been built with finished floor levels above the maximums set forth in the County Development Code and in the Seadrift Architectural Guidelines.

Seadrift has recently amended its Architectural Guidelines to take into account the FEMA minimum floor level requirements; however, the County has not yet amended its Development Code on this issue, and for that reason, developers of ocean front property in Seadrift and elsewhere must seek a variance from the County in order to construct homes that comply with FEMA requirements. The variance application for the above property is such a request.



Curtis Havel  
Deputy Zoning Administrator  
County of Marin  
Community Development Agency  
August 10, 2015  
Page 2

There are approximately 120 ocean front lots in Seadrift. FEMA has created maps that divide those lots into two "zones;" in the zone on the ocean side the minimum floor elevation must exceed the maximum presently allowed by Marin County. The zone on the landward side allows a minimum floor elevation that complies with County standards. The building envelopes on the ocean front lots in Seadrift were established in the original subdivision maps which were approved in the late 1940's and early 1950's, long before FEMA came into existence. Those subdivision maps, along with County and Seadrift guideline set back requirements, limit the building envelope on each lot such that restricting development of new homes on those lots to the landward FEMA zone would have the effect, on many of the lots, of halting all such development entirely. The landward FEMA zone simply does not provide enough space on the ocean front lots in Seadrift to construct a reasonably sized home, or in many cases any home at all. It is for this reason that Marin County has for a number of years routinely approved variance applications for the construction of homes on ocean front lots at Seadrift that have finished floor elevations exceeding the maximums allowed by the County Development Code.

In your Resolution 15-107, adopted June 25, 2015, you denied the application for a variance regarding the above property. The requested variance sought, among other things, authorization to construct a home that would have a finished floor elevation exceeding the Development Code standard, but which would be set at the minimum level required by FEMA. The denial of that variance request essentially denies the applicant of substantially all of the economic value of the property. The denial also sets a precedent that could have the effect of reducing the value of ocean front properties in Seadrift enormously. Millions of dollars have been spent by property owners purchasing and developing those properties, both before and after FEMA began imposing minimum floor elevations. If your Resolution is not reconsidered and altered, the economic effect will be incalculable.

I am aware that the applicant for the variance of the above property also sought a variance regarding the maximum roof height of the structure. This letter is not intended to support, or oppose that request. The only concern of the Seadrift Association at this time is the issue of being permitted to comply with FEMA minimum floor elevations in the construction of new and/or replacement homes on ocean front lots in Seadrift. Please take whatever steps are necessary to alter the Resolution in order to continue to permit appropriate development in Seadrift.

Sincerely,



Peter B. Sandmann

PBS:me

cc: Tom Lai, Deputy Director  
Steve Kinsey, Supervisor



P.O. Box 706 • Stinson Beach • California • 94970

AS AN E-MAIL ATTACHMENT ONLY  
October 2, 2015

California Coastal Commission  
North Central District Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

RE: Appeal of Schow Coastal Permit  
150 Seadrift Road, Stinson Beach  
Appeal No. A-2-MAR-15-0057  
CDP number 2015-0020  
Hearing Date: October 8, 2015  
Item No. Th9a

Ladies/Gentlemen:

The Stinson Beach Village Association has appealed the County of Marin's issuance of a coastal permit for this project. The appeal is set for a "substantial issue" hearing on October 8, 2015. Because an Association representative cannot be present that day to offer testimony, the Association is submitting this letter for consideration by the Commission.

In 1976, the County of Marin adopted the Stinson Beach Community Plan, which created the Stinson Beach Village Association. The Association was given certain responsibilities, among them monitoring proposed development to assure that any new project respects the existing community character and preserves the rural atmosphere of the Village. Any resident, business owner, and/or property owner may be a member of the Association. The Community Plan governs all areas of the Village: Seadrift, the Calles and Patios, the commercial district, the Highlands and Panoramic Highway.

There has been a growing concern in the Village over the last several years, discussed at most recent monthly meetings, about the evolution of development from low profile houses toward higher and boxier ones along the beach side of Seadrift Road, which negatively impact the enjoyment of what's left of the natural environment while walking along the public area of the beach to the channel of the Bolinas Lagoon. Members have expressed their concern that if this trend is allowed to continue, the beach will be bordered on the north by a wall of thirty to forty foot tall edifices, thus transforming the character and atmosphere of the town from rural to suburban.

The Village Association has called for coordinated discussion and development of up-to-date guidelines, involving the Coastal Commission (most likely in preparation and enactment of the Amended Local Coastal Program), the County Development Agency, the Seadrift Homeowners' Association, and the Village Association. We recognize that there are competing interests and that at best there can only be compromises, but we are nevertheless making the effort. To date, we have not been successful.

The Association has appealed this application, the Schow/Wiesenbaker application, for a permit to develop a new structure at 150 Seadrift because it implicates all of these concerns regarding community character and preserving the rural atmosphere, and is in violation of the existing Local Coastal Program and the Coastal Act, as we indicate in our appeal. We appreciate and endorse staff's report and submit that the appeal raises substantial issues that should lead to a *de novo* review.

Thank you for your consideration of this appeal and this letter. We invite questions at any time.

Very truly yours,



J. Michael Matthews  
President, Stinson Beach Village Association

cc: Members of the Village Association Board  
Curtis Havel, Marin County Deputy Zoning Administrator  
Jocelyn Drake, County of Marin Community Development Agency

Incl (2): Photo of 154, 152, 150, 148, and 146 Seadrift Road from public beach  
October 2, 2015 letter to Curtis Havel, Marin County CDA

RE: Appeal of Schow Coastal Permit  
150 Seadrift Road, Stinson Beach  
Appeal No. A-2-MAR-15-0057  
CDP number 2015-0020  
Hearing Date: October 8, 2015  
Item No. Th9a

Built Environment



October 1, 2015 4:48 p.m.

Photo taken from the public area of the sand spit, Stinson Beach, CA  
Houses from left to right: 154, 152, 150, 148, 146 Seadrift Road.



P.O. Box 706 • Stinson Beach • California • 94970  
www.stinsonbeachvillage.com

October 3, 2015

Curtis Havel  
Marin County Deputy Zoning Administrator  
County Development Agency  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

RE: RESOLUTION NO. 15-109  
A RESOLUTION APPROVING SCHOW COASTAL PERMIT 15-20,  
VARIANCE 15-5 AND DESIGN REVIEW 15-65  
150 SEADRIFT ROAD, STINSON BEACH  
ASSESSOR'S PARCEL: 195-041-18

Dear Mr. Havel,

Board members of the Stinson Beach Village Association were caught unawares by a phone call inquiry on August 13, 2015 from Point Reyes Light newspaper reporter, asking if the SBVA planned to appeal the approval of the Schow Coastal Permit for a proposed development at 150 Seadrift Road in Stinson Beach.

The SBVA had not been informed that subsequent to your denial of a Coastal Permit for this project at the hearing on June 25, 2015, the applicant had submitted revised plans and that a new hearing date had been scheduled. The CDA did not provide the SBVA with a set of the revised plans nor direct notification of a new hearing date, the normal procedure for all projects in Stinson Beach and a surprising oversight since we were a "party of interest," having attended and spoken at the June 25, 2015 hearing. We take exception to the following finding in the Staff Report signed by Jocelyn Drake, Project Planner, which recommended "approval with conditions" for the August 13, 2015 hearing:

Story poles were installed on July 28, 2015. A notice was posted on the project site on July 31, 2015. At the time of this staff report, no new public comments have been received. The Community Development Agency provided public notice identifying the applicant, describing the project and its location, and providing the decision date in accordance with California Government Code requirements. This notice was mailed to all property owners within 300 feet of the subject property.

Had we had the opportunity to review the revised plans, we would have responded to the CDA prior to the August 13, 2015 hearing that they did not sufficiently address all of your reasons for denying the first application. With insufficient time to study the new plans and file an appeal with the CDA by the August 20, 2105 deadline, we took the only course available: filing an appeal with the California Coastal Commission.

Sincerely,

J. Michael Matthews  
President, Stinson Beach Village Association

CC: California Coastal Commission