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PLEASE REPLY TO:

→ MILL VALLEY OFFICE

SAN FRANCISCO OFFICE

January 9, 2014

Board of Supervisors
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Re: Jan. 14, 2014 - Appeal of Erin and Kenneth Werner,
From Planning Commission Decision dated Oct. 14, 2013
(Resolution No. PC 13-014)

Dear Board of Supervisors:

I am writing on behalf of the Seadrift Association, which is the homeowners' association for the Seadrift Subdivisions in Stinson Beach. The Association, through its Architectural Review Committee, has established Architectural Guidelines governing construction of all residences within Seadrift. Those Guidelines have for many years established minimum and maximum floor and roof elevations for residences within Seadrift, and every new construction project is subject to those guidelines.

The Association supports the Appeal of Erin and Kenneth Werner with respect to overturning the Planning Commission's decision to lower the maximum height of the living area in the proposed residence at 174 Seadrift Road. Numerous residences have been constructed within Seadrift at greater heights, and restricting the height of a proposed residence to less than 12 feet above the approved minimum floor height as the Planning Commission has done in this case is an unreasonable and arbitrary restriction that is not justifiable.

The Seadrift Association is quite concerned about the overall bulk and mass of structures within Seadrift. However, that concern is and must be balanced against the interests of property owners whose rights to construct reasonably designed residences in compliance with applicable setbacks and height restrictions should not be capriciously curtailed. The issue of building heights within Seadrift is an on-going concern, which should be addressed with an understanding of the competing factors that affect the overall design of structures, rather than being viewed in an isolated fashion as was done in this case.

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It was not until the mid-1990's that the Federal Emergency Management Administration established minimum floor heights for residences constructed on ocean front lots in Seadrift (as FEMA did among many other jurisdictions). Those minimum floor heights were greater than the floor heights that had previously been allowed by the Seadrift Association's Guidelines, and in order to allow for sufficient interior space within the homes subject to those minimums, the Seadrift Association, and the Marin County Planning Department, have allowed the maximum (roof) height limit of the ocean front homes in Seadrift to increase as well. It should be noted that these minimum floor and maximum roof height limits are based not on the distance above grade, but rather they are based on national geodetic height measurements. During the 1990's the geodetic standard was changed from the Mean Lower Low Water Datum (MLLW) to the National Geodetic Vertical Datum (NGVD). Then, in 2009, NGVD was changed to the North American Vertical Datum (NAVD), all of which has generated some confusion over time.

The Seadrift Association has historically imposed maximum roof heights which have generally allowed residences within Seadrift to have roof heights of fifteen (15) feet above the finished floor heights (rather than the 11.9 feet imposed by the Planning Commission on the proposed Werner residence). Hundreds of such residences within Seadrift have been constructed, with County approval, over the years. When FEMA began to require minimum floor heights that were greater than the floor heights that the Seadrift Association had previously allowed, the Association amended its Architectural Guidelines in order to set a maximum roof height that would take into consideration the increased minimum floor heights established by FEMA, but not allow excessive overall maximum roof heights of residences constructed on ocean front lots. Thus, the current Architectural Guidelines now provide that ocean front residences may not exceed a maximum roof height of 37.5 feet above NAVD regardless of the finished floor height. In the Association's view, this is a reasonable accommodation which addresses the FEMA requirements and also imposes a reasonable restriction on the overall height of residences subject to those FEMA requirements.

As originally proposed, the maximum roof height of the Werner residence was already below the maximum allowed by the Seadrift Architectural Guidelines. Moreover, a substantial portion of the Werner's proposed residence, was and is well below that maximum because that portion of the residence that is not within the FEMA minimum floor height zone has been designed to be constructed at a much lower maximum height. The Seadrift Association believes that the Planning Commission's decision to reduce the height of the Werner residence by an additional two feet (in the FEMA zone area), sets an inappropriate precedent that will adversely interfere with the careful and considered application of the Seadrift Architectural Guidelines as they have been successfully implemented over the years. In point of fact, the Commission's decision places a restriction on the Werners that has not been imposed, either by the Seadrift Association or by the County, on other Seadrift property owners.

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In summary, the Seadrift Association urges the Board of Supervisors to reverse the Planning Commission's decision and grant the appeal of the Werners in this matter.

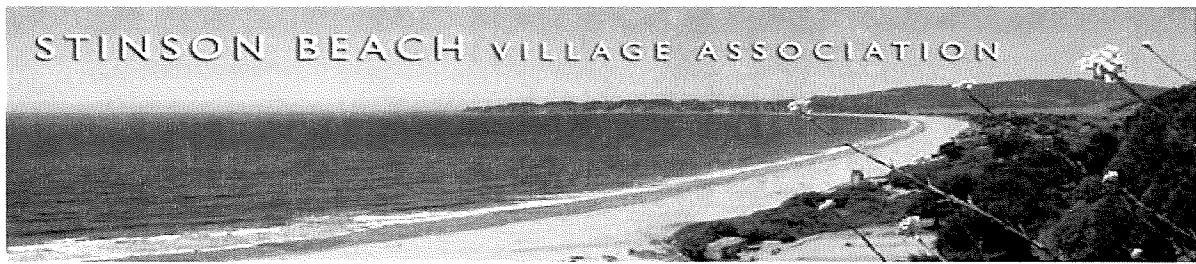
Sincerely,

Peter B. Sandmann

Peter B. Sandmann

PBS:me

cc: Brian Crawford, Director, Community Development Agency
Lorene Jackson, Planner (lajackson@marincounty.org)



P.O. Box 706 • Stinson Beach • California • 94970
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January 8, 2014

Lorene Jackson, Planner
County of Marin Community Development Agency
Planning Division
3501 Civic Center Drive, Suite 308
San Rafael, California 94903-4157

Subject: Project 13-0046/Werner
Parcel 195-031-12
174 Seadrift Road, Stinson Beach

Dear Ms. Jackson,

Regarding the above noted application, the Stinson Beach Village Association 's (SBVA) October 7, 2013 letter to you relayed our concerns regarding the public views and the preservation of community character. Development regulations in the Interim Marin County Development Code require that projects not adversely affect the privacy of adjacent residents, that the design of new construction be consistent with the County Wide Plan and the Stinson Beach Community Plan, and that the rural atmosphere of the Village be preserved. In this letter, the SBVA stated its support of the Decision with Conditions by DZA, Curtis Havel.

The referenced applicant appealed the DZA's Decision with Conditions to the Planning Commission in a hearing held October 14, 2013. At that hearing the Planning Commission voted to uphold height and related conditions imposed by the zoning administrator as well as to eliminate entirely a deck that would look down on neighbors. The applicant has now filed an appeal with the Marin County Board of Supervisors, requesting that Planning Commission's conditional approval be overturned.

The SBVA would like to reiterate its support of the Planning Commissioner's assessment and recommendations. We do not support granting height variances that adversely impact the views from the public beach of the west face of Mt. Tamalpais State Park. The Commissioner's decision to reduce the bulk and mass of the house from the rear setback by reducing the requested variance by 2 feet as well as removing a northern deck 9 feet

from the westerly side property line that would attain a height of 13.5 feet as measured from grade to the top of the privacy wall affords privacy to the neighbors and has less impact on views from the public beach, both of which are consistent with policies of the Stinson Beach Community Plan.

The SBVA's mission is to act as a steward of the Stinson Beach Community Plan. As we stated in our letter of April 11, 2013 the SBVA is concerned that the bulk and mass of buildings on the ocean-side need to be reviewed and approved on a site-specific basis. The above-referenced project's bulk and mass is overbearing as viewed from the beach. We are concerned that if the applicant's full variance is granted in the January 14, 2014 hearing before the Board of Supervisors, other builders will be encouraged to design similar structures in the future, further compromising the rural atmosphere of the village.

Sincerely,

The Stinson Beach Village Association

Michael Matthews

Terry Gordon

Sam Matthews

Don Anderson

Terry Bryant

Susan Banta

Member abstaining: Lawrence M. Crutcher

Member recusing: Christine Ruppe

Cc: Supervisor Steve Kinsey

	Finish floor height above MLLW*	Maximum height above MLLW	Maximum Height above grade
Required without Variance	18 feet (18.83 feet NAVD)	33 feet (33.83 feet NAVD)	25 feet
Proposed	22.42 feet (23.25 feet NAVD)	36.32 feet** (37.15 feet NAVD)	22.5 feet
PC Approved	22.42 feet (23.25 feet NAVD)	34.32 feet (35.15 feet NAVD)	20.5 feet

22.5
20.5

*MLLW = mean lower low water line

**Note: On September 26, 2013, the applicant offered to reduce the height by 8 inches, which would result in a maximum height of 35.62 feet MLLW (36.45 feet NAVD) and 21.8 feet above grade.

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