



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
WOOKEY COASTAL PERMIT AND DESIGN REVIEW**

Item No:	C2	Application Nos:	CP 08-22, DR 08-24
Applicant:	John Wookey	Owners:	John and Valerie Wookey
Property Address:	555 Via De La Vista, Inverness	Assessor's Parcel:	112-050-46
Hearing Date:	April 17, 2008	Planner:	Jeremy Tejjirian, AICP

RECOMMENDATION: Approve With Conditions
APPEAL PERIOD: 5 Business Days to the Planning Commission
LAST DATE FOR ACTION: April 17, 2008

PROJECT DESCRIPTION:

The applicant proposes to demolish 23 square feet of the existing 2,822 square foot residence and attached garage and construct 1,325 square feet of upper and lower level additions, resulting in a 4,124 square foot residence. The proposed floor area ratio on the 205,603 square foot property would be 2.2 percent. The additions would reach a maximum height of 24.5 feet above grade and would have a 60 foot setback from the northwestern front property line. There is no record of permits for the existing residence, the existing 825 square foot detached garage, the small shed in the front yard, or the fence attached to the residence. Therefore, the applicant also proposes to legalize the existing structures on the site. The septic system would be improved to be consistent with current requirements.

GENERAL INFORMATION:

CWP Designation	C-SF3 (Coastal, Residential, 1 unit per 1 to 5 acres)
Zoning:	C-RSP-0.33 (Single-Family Residential, planned, one unit per 3 acres maximum density)
Lot Area:	1.14 acres
Adjacent Land Uses:	Residential
Vegetation:	Introduced and natural vegetation
Topography and Slope:	Moderate slope
Environmental Hazards:	Earthquakes and wildfires

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines section 15301, Class 1, because it would not result in substantial grading, vegetation removal or other potential impact to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property.

PLAN CONSISTENCY:

The proposed project is subject to the goals and policies of the Marin Countywide Plan, the Marin Interim Zoning Ordinance, the Inverness Ridge Community Plan and the Development Standards. Please refer to the consistency findings contained in the attached Resolution for more information.

PROJECT ANALYSIS:

The subject property is characterized by a moderate to steep slope with a level building pad where the existing residence was originally developed. Low density, rural development is typical of the surrounding area. The proposed project consists of legalizing the existing residence and detached accessory structures, constructing a new second story and installing a new septic system.

The owner originally submitted an application for the addition to the residence, because he was unaware that none of the other buildings were built with permits. There are no Building Permits on file with the County for any of the existing buildings on the site. Further, the Assessor's records do not indicate any Building Permit numbers for the original construction. The Assessor's records indicate that the buildings were in existence by 1951 (although they were evidently expanded and remodeled at a later date) the subdivision of the area in 1973 shows that the residence was in existence at that time. Building Permits were required in 1951, and there is no evidence to suggest that the buildings were constructed before Building Permits were required. Therefore, staff has determined that the buildings on-site are unauthorized and must be legalized.

A Coastal Permit is required for the project because it is within the Coastal Zone and Design Review approval is required for the project because the property is governed by a planned zoning district. Due to the large percentage of the residence that would be remodeled, the Building Division has indicated that the Building Permits necessary for the remodel and additions would be sufficient to provide a full review of the entire residence to ensure that it meets current building standards. Further, since the owner intends to install a new septic system, the treatment of wastewater from the residence would also conform to current standards.

The architectural design of the remodel and additions would substantially improve the appearance of the existing residence and would be compatible with the rustic character of the surrounding neighborhood. Site disturbance would be minimized by avoiding creating a new development area, and the residence has adequate distance from adjacent residences to avoid impacting the views, light or privacy enjoyed on neighboring properties. The proximity of nesting spotted owls in the area is a cause for concern, but the construction period would be limited so that noise would not disturb owls during nesting season, and no mature trees that could provide nesting habitat for spotted owls would be removed.

The project has been reviewed by the Coastal Commission staff, the Department of Public Works, the Inverness Public Utilities District and the Inverness Communities Design Review. These agencies indicate that standard conditions of approval should be required and determined that the project is feasible according to their regulations. As discussed in the attached Resolution, the project is consistent with the mandatory Findings for Coastal Permit and Design Review approval.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve with conditions the Wookey Coastal Permit and Design Review based upon the findings and subject to the conditions contained in the attached Resolution.

Attachments:

1. Recommended Resolution approving the Wookey Coastal Permit and Design Review
2. CEQA Categorical Exemption
3. Location Map
4. "Exhibit A", project plans
5. EHS comments, received 3-13-08
6. DPW comments, received 12-28-07
7. Inverness PUD comments, received 12-26-07
8. NMWD comments, received 12-20-07
9. Inverness Communities Design Review comments, received 12-15-07

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION

A RESOLUTION APPROVING WITH CONDITIONS

THE WOOKEY COASTAL PERMIT AND DESIGN REVIEW

ASSESSOR'S PARCEL 112-050-46

555 VIA DE LA VISTA, INVERNESS

SECTION I: FINDINGS

- I. WHEREAS the owner proposes to demolish 23 square feet of the existing 2,822 square foot residence and attached garage and construct 1,325 square feet of upper and lower level additions, resulting in a 4,124 square foot residence. The proposed floor area ratio on the 205,603 square foot property would be 2.2 percent. The additions would reach a maximum height of 24.5 feet above grade and would have a 60 foot setback from the northwestern front property line. There is no record of permits for the existing residence, the existing 825 square foot detached garage, the small shed in the front yard, or the fence attached to the residence. Therefore, the applicant also proposes to legalize the existing structures on the site. The septic system would be improved to be consistent with current requirements. The subject property is located at 555 De La Vista, Inverness, which is also identified as Assessor's Parcel 112-050-46.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on April 17, 2008 to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 because it would not result in substantial grading, tree removal, or other adverse effects to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the reasons listed below.
 - A. The project would comply with the C-SF3 (Coastal, Residential, 1 unit per 1 to 5 acres).
 - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
 - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works (Title 24 of the Marin County Code).

- D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
 - E. The project would be compatible with the rural residential character of the local community.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Inverness Ridge Community Plan for the reasons listed below.
- A. The project would involve single-family residential development on the property, which is a principally permitted use under the governing C-RSP-0.33 zoning district.
 - B. The project would not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage.
 - C. The project would be served by the existing roadway network.
 - D. The project would not impact any streams or waterways.
 - E. The project would be served by the Inverness Public Utility District for water service and an on-site sewage disposal system approved by Marin County Environmental Health Services staff.
 - F. The project would not result in significant adverse impacts to the surrounding built environment relative to off-site views from adjacent properties, privacy for the subject and surrounding properties, and building design, siting, height, mass and bulk.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130 of Marin County Code) as specified below.
- A. Water Supply:

The proposed project would not adversely affect the ability to the Inverness Public Utility District to continue to provide adequate water to the subject or surrounding properties because the District has sufficient capacity to continue to serve the residence. Therefore, the project is consistent with this finding.
 - B. Septic System Standards:

The proposed project requires a new septic system, which shall be constructed in conformance with the requirements of the Environmental Health Services Division. The leachfield would be located in an area of the property that is not heavily vegetated and the construction of the new septic system would not result in substantial ground disturbance or vegetation removal. Therefore, the project is consistent with this finding.
 - C. Grading and Excavation:

The proposed project would not entail substantial grading because the additions would not substantially expand the building footprint of the existing residence. Therefore, the project is consistent with this finding.

D. Archaeological Resources:

The subject property is not located within an area of high archaeological sensitivity and the minimal amount of ground disturbance minimizes the likelihood that the project would result in adverse effects to cultural resources. However, a standard condition of approval requires that the County be notified in the event that the construction uncovers archaeological resources. Therefore, the project is consistent with this finding.

E. Coastal Access:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

F. Housing:

The subject property is not governed by the C-VCR zoning district and would not result in the demolition of any housing. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection:

There are no streams or wetlands on or immediately adjacent to the subject property. Therefore, the project is consistent with this finding.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Plan. Therefore, the project is consistent with this finding.

I. Wildlife Habitat:

The property lacks the wetland or riparian habitats that would generally be suitable for the widest diversity of special status animals and the project would result in minimal ground disturbance and vegetation removal. However, northern spotted owls, a Federally endangered species, have been found to nest within 0.25 miles of the subject property by surveys conducted by the Point Reyes Bird Observatory. The project would not entail removal of any trees that could be used for owl nests, however, it is possible that construction noise could disturb the owls during nesting season (February 15 until July 15). A condition of project approval prohibits exterior construction activities during the Owl's nesting season to eliminate the potential disturbance it may cause, unless the applicant submits a report from a qualified biologist indicating that there are no nesting owls within 0.25 miles of the construction site. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities:

The property lacks the wetland or riparian habitats that would generally be suitable for the widest diversity of special status animals and the project would result in minimal ground disturbance and vegetation removal. Therefore, the project is consistent with this finding.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

L. Geologic Hazards:

According to the information in the Marin County GIS provided by the USGS and State Division of Mines and Geology, the subject property is not within the Alquist-Priolo Zone, in close proximity to a mapped fault trace, or in an area of high shaking amplitude during an earthquake. Therefore, the project is consistent with this finding.

M. Public Works Projects:

The proposed project would not affect any existing or proposed public works project in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards:

No Land Division or Lot Line Adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources:

The development would meet the height standards and would be located a sufficient distance from property lines to avoid impeding views from the surrounding area. Further, the design and exterior materials of the structures would be compatible with the rural character of the Inverness community. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities:

The proposed project would be constructed on a developed private property and would have no effect on visitor or recreation facilities. Therefore, the project is consistent with this finding.

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 Plan. Therefore, the project is consistent with this finding.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the project would be consistent with the mandatory findings for Design Review approval (Section 22.82.040I of the Marin County Code) as specified below.

A. It is consistent with the countywide plan and any applicable community plan and local coastal program;

The design of the proposed structure would be consistent with the current goals and policies contained in the Marin Countywide Plan, as discussed above in section IV, and the Inverness Ridge Community Plan, as discussed above in section V. Further, the project would be consistent with the policies contained in the LCP for the reasons discussed above in the mandatory findings for Coastal Permit approval. Therefore, the project is consistent with this finding.

- 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 design of the residence would feature simple building forms that are consistent with traditional development patterns in the area. The residence and each of the accessory structures on site would appear distinct relative to the others on the property because they would have irregular building alignments, offset footprint positions, and varied sizes and building heights. The individual structures would appear unique when viewed collectively as a whole, and compliment the site and one another without a creating an imposing presence. Architectural features such as exterior curved roof trusses at the gable ends, building step-backs, exterior transom windows, a porch, decks and trellises provide visual interest to the design in conformance with the Single-family Residential Guidelines. Therefore, the project is consistent with this finding.

- 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 project would comply with all development standards applicable to the governing zoning district and be of a comparable size and scale with other structures in the surrounding community. The development would be located a sufficient distance from neighboring residences to result in adverse effects to the air, light, and privacy enjoyed on surrounding properties. Therefore, the project is consistent with this finding.

- 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 or inhibit the use or enjoyment of other properties in the vicinity because the improvements are consistent with the uses permitted by the governing zoning district and would maintain adequate setbacks from all property lines and neighboring residences. The proposed development would not encroach into any rights-of-way, conservation easements or public lands. There is a trail located on the road adjacent to the property that is identified in the Countywide Plan as part of Marin's trail network, and this trail has been shown on the plans. However, the trail does not cross the subject property and the proposed development would not adversely affect views from the trail or access to the trail because of its distance from the development. Therefore, the project is consistent with this finding.

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

The surrounding area is heavily vegetated and the project would not result in the removal of mature trees. Therefore, the project is consistent with this finding.

- 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 project would result in minimal adverse physical and visual impacts because it would be constructed with building materials with colors that compliment the surrounding natural and built environment and would be consistent with the surrounding community character. Additionally, the project would utilize design features that break up the mass of the structure with articulations in the building facades. Therefore, the project is consistent with this finding.

2. Drainage systems and appurtenant structures,

The property does not currently exhibit gullies or other drainage problems that would indicate excessive surface runoff. The proposed project retains a large portion of the property downslope of the buildings as area that is undeveloped, providing adequate area for water to infiltrate into the soil. Therefore, the project is consistent with this finding.

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

The siting and design of the improvements would conform to the natural topography of the development site, rather than altering the natural topography to accommodate new development. Grading would be held to a minimum and reasonable efforts would be made to retain the natural features of the land. Where grading is required, it would be done in such a manner as to avoid flat planes and sharp angles of intersection with natural terrain. The development would avoid creating large graded terraces for building pads. Development would also avoid sharp angled cut and fill banks and long linear slopes that do not visually blend with the surrounding natural topography. Therefore, the project is consistent with this finding.

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

The Department of Public Works has reviewed the proposed project and determined that it is consistent with the County's access and parking standards. Therefore, the project is consistent with this finding.

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

The development would not reach a height or be located in a position that would result in impeding the primary views enjoyed from surrounding residences or adversely affecting the sun exposure or privacy enjoyed by surrounding residences. Therefore, the project is consistent with this finding.

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 proposed development would minimize potential adverse physical and visual impacts because it would be constructed of building materials with colors that compliment the surrounding natural environment and would be consistent with the surrounding community character. Further, as a condition of project approval, the applicant would be required to meet

the green building standards for remodels and additions. Therefore, the project is consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Wookey Coastal Permit and Design Review subject to the following conditions:

Marin County Community Development Agency

1. Except as modified by these conditions of approval, this Coastal Permit and Design Review approval allows the owner to demolish 23 square feet of the existing 2,822 square foot residence and attached garage and construct 1,325 square feet of upper and lower level additions, resulting in a 4,124 square foot residence. The approved floor area ratio on the 205,603 square foot property would be 2.2 percent. The additions shall reach a maximum height of 24.5 feet above grade and shall have a 60 foot setback from the northwestern front property line. There is no record of permits for the existing residence, the existing 825 square foot detached garage, the small shed in the front yard, or the fence attached to the residence. Therefore, this approval also legalizes the existing structures on the site. The septic system shall be improved to be consistent with current requirements. No mature trees shall be removed for the project. The subject property is located at 555 De La Vista, Inverness, which is also identified as Assessor's Parcel 112-050-46.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled "Addition and Remodel, 555 Via De La Vista," consisting of 9 sheets prepared by Stacy Ford and Daniel F. Simon, with final revisions submitted on January 18, 2008 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by the project architect, submitted December 5, 2007, and on file with the Marin County Community Development Agency. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
5. External construction that may cause loud noises shall not occur and no Building Permits shall be issued during the Spotted Owl's nesting season from February 15 until July 15, unless the applicant submits a report from a qualified biologist indicating that there are no nesting owls within 0.25 miles of the construction site.
6. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with

findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

7. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
8. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul this approval for which action is brought within the applicable statute of limitations.
9. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: Remodeling Building Residential Design Guidelines.
10. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Marin County Department of Public Works, Land Use and Water Resources

11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 - A. Clearly show and label all easements on site plan. The site plan currently shows a discontinuous line for the 40' access easement.
 - B. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.

C. Provide a drainage plan for the project that is consistent with Marin County requirements.

Inverness Fire Department

12. BEFORE FINAL INSPECTION, the applicant shall submit verification from the Inverness Fire Department that the department’s requirements have been satisfied.

Inverness Public Utility District

13. BEFORE FINAL INSPECTION, the applicant shall submit verification from the district that the district’s water system requirements have been satisfied.

Environmental Health Services Division

14. Install a septic system in conformance with septic permit #07-106 and abandon the existing septic tank.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Wookey Coastal Permit and Design Review (CP 08-22, DR 08-24) approval by February 14, 2010, by obtaining a Building Permit and substantially completing work as approved or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Agency Director approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on April 24, 2008.

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 17th day of April, 2008.

JOHANNA PATRI
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary