

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 11-110

A RESOLUTION APPROVING THE WINKLER COASTAL PERMIT
AND DESIGN REVIEW
201 VALLEJO AVE, INVERNESS
ASSESSOR'S PARCEL 114-252-08

SECTION I: FINDINGS

I. WHEREAS Garen Fechter, on behalf of the property owners Peter and Erika Winkler, are requesting approval to construct a 432 square foot addition to an existing one-story, 549 square foot single family residence. The addition would have a maximum height of 25 feet above grade and include approximately 432 square feet of enclosed understory space that would be counted as floor area. Upon completion, the residence would total 1,413 square feet in floor area. The addition would be located along the eastern side of the existing residence, approximately 140 feet from the front (north) property line, 90 feet from the side (east) property line, over 200 feet from the side (west) property line, and 34 feet from the rear (south) property line.

The subject property is located at 201 Vallejo Ave, Inverness, and is further identified as Assessor's Parcel 114-252-08.

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing on March 3, 2011, 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 of the CEQA Guidelines because it entails the construction of 432 square foot addition to an existing 549 square foot single family residence.

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan, the Marin County Interim Zoning Ordinance, and the Inverness Ridge Community Plan for the following reasons:

- A. The project would be consistent with the C-SF2 (Coastal single-family, 5 to 19 acre minimum lot area);
- B. The project would result in the construction of a modest addition to an existing single family residence, a principally permitted use under the governing C-RSP-0.1 (Coastal, Residential, single-family planned, 1 unit/10 acres).
- C. 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. A qualified geotechnical engineer has attested to the stability and lack of hazards at the project site;

- D. 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;
 - E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
 - F. The project would minimize soil disturbance and maximize the retention of existing vegetation.
- V. 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 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The existing residence is currently served by the North Marin Water District. The District has indicated that it has adequate capacity to serve the addition.

B. Septic System Standards

The existing residence and proposed addition would be served by the existing onsite septic system, which has been permitted by the Marin County Environmental Health Services and deemed appropriate to serve the project.

C. Grading and Excavation

Total grading and excavation would be limited to the amount necessary to construct the modestly sized addition. The Department of Public Works, Land Use and Water Resources Division, has reviewed and approved the project to ensure consistency with Marin County requirements.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is not located in an area of high archaeological sensitivity. Therefore the project would not affect archaeological resources. Conditions of project approval would require that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required.

E. Coastal Access

The subject property is not located between the sea and the first public road, or adjacent to a coastal area identified by the Local Coastal Program Unit 2, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project would not adversely affect the housing stock of the Inverness community as it involves a modest addition to an existing single family residence.

G. Stream and Wetland Resource Protection

Fish Hatchery Creek flows west to east along the lower boundary of the property; however, the proposed addition is located outside the stream buffer for the creek. Two additional parking spaces are shown on the plans to be located within the stream buffer; however, pursuant to conversations with the Department of Public Works staff, these additional spaces proposed for construction are conditions to be eliminated from the project. Therefore, no project components would be located in the stream buffer.

H. Dune Protection

The proposed project is not located in a dune protection area as identified by the Natural Resources Map for Unit 2 of the Local Coastal Program.

I. Wildlife Habitat

A biological assessment (BA) prepared for the project has identified that the subject property is located in an area potentially containing rare wildlife species including steelhead (*Oncorhynchus mykiss irideus*), California red-legged frog (*Rana draytonii*), Point Reyes mountain beaver (*Aplodontia rufa phaea*), Marbled murrelet (*Brachyramphus marmoratus*), Osprey (*Pandion haliaetus*), and the Northern spotted owl (*Strix occidentalis caurina*). A summary of the findings contained in the BA by species is provided below:

Steelhead (*Oncorhynchus mykiss irideus*)

The project would not affect the Fish Hatchery Creek streambed habitat, riparian vegetation, or resident fauna and therefore would not affect steelhead.

California red-legged frog (*Rana draytonii*)

California red-legged may be present in drainages near this property, but the area where the house and deck expansion are proposed is well above the stream channel. The stream buffer will protect the streambed and should protect potential frog aestivation habitat upslope from the streambed.

Point Reyes mountain beaver (*Aplodontia rufa phaea*)

Potential habitat for this species exists along the base of the property, downhill from the project site; however, much of it is vegetated with nettle and other non-natives

rather than sword fern. No colonies were found at the site, and a search for beavers on an adjacent property in 2009 found no evidence of beaver presence on this slope (J. Evens, pers. obs.).

Marbled murrelet (*Brachyramphus marmoratus*)

This species does not occur as a nesting species in the area and would therefore not be affected by the project.

Osprey (*Pandion haliaetus*)

Ospreys do not nest on the property although active nests have been documented in the canyon (J. Evens, pers. obs.). California Department of Fish and Game (CDFG) prescribes a "Distance Habitat Buffer" (CFPR 939.2) of "5 acres (263 foot radius) to a maximum of 18 acres (500 foot radius)" for a project of this scope. No nests are known to occur within these prescribed buffer zones of the project site. Based on current conditions, the project will not affect osprey nesting.

Northern spotted owl (*Strix occidentalis caurina*)

The site does not support viable northern spotted owl nesting habitat and the species is not known to nest on the property, but the property may encompass viable foraging habitat for this species. Standard Marin County conditions of project approval will provide adequate protection for this species.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit 2 of the Local Coastal Program and the California Natural Diversity Database indicates that the subject property is located in an area containing the Western leatherwood (*Dirca occidentalis*). A biological assessment submitted by Avocet Research Associates on behalf of the applicant notes that the Western leatherwood has been recorded in the Inverness Ridge area; however, it is considered to be extirpated from parklands in the Pt. Reyes National Seashore. Further, a survey of the property on Vallejo Road conducted on September 14, 2010 identified no leatherwood plants on the property during the survey.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards

Review of the Alquist-Priolo Special Studies Zone maps indicates that the subject property lies outside the delineated boundaries of the San Andreas Fault zone. Further, the addition would be constructed with building permits and built to the standards established by the California Building Code. Therefore the project poses no safety threats relative to geologic hazards.

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 is proposed as part of this project.

O. Visual Resources

The project entails the construction of a 432 square foot addition to an existing one-story, 549 square foot single family residence on a 2.36 acre site. The project site is densely vegetated and very steep. The residence is located on the southern boundary of the property, furthest away from the road and approximately 135 feet above Vallejo Avenue. Adjacent residences are located along Vallejo Ave, and as a result of the change in elevation and dense vegetation the project would not be visible to neighbors.

P. Recreation/Visitor Facilities

The proposed project would not provide commercial or recreational facilities and the project site is not governed by VCR (Village Commercial Residential) zoning regulations which require a mixture of residential and commercial uses have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries of the Inverness Community as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931.

VI. 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 Interim Zoning Ordinance can be made based on the following findings:

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

The project is consistent with the Marin Countywide Plan and Inverness Ridge Community Plan as it entails a modest addition on a developed lot and would not involve substantial grading or tree removal. Further, it would be compatible with the neighborhood.

- 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 project would maintain adequate setbacks from all property lines and would not result in the loss of light or privacy to adjacent neighbors.

- 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;**

As proposed, the project is located entirely within the subject parcel, maintains adequate setbacks and would not result in development which would impact future improvements to the surrounding properties. In addition, all development will be contained within the parcel and would not impact development on public lands or rights-of-way.

- 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 is wholly located on the subject property and therefore would not affect improvement in the vicinity or on neighboring properties, including public lands and rights of way.

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

The proposed project is located on a developed, landscaped property and would require minimal tree removal and would conserve non-renewable energy and natural resources.

- F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

- 1. The area, heights, mass, materials, and scale of structures;**

The addition has been designed to minimize adverse visual effects related to design and building massing. It has adequate setbacks to all property lines and as a result of the location of the residence uphill on a densely vegetated site, is not visible to neighbors. The height of the structure, 25 feet, complies with the height limit for single family residences in the Coastal Zone.

2. **Drainage systems and appurtenant structures;**
All project plans have been reviewed by the Department of Public Works. The addition is in conformance with the Single-family Residential Design Guidelines.
 3. **Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);**
The proposed project has been designed to require only minimal grading.
 4. **Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft;**
The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.
 5. **Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;**
As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences.
- 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.**

As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Winkler Coastal Permit (CP 11-3) and Design Review (DR 11-3), subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Interim Zoning Code Sections 22.56.130I (Coastal Permits) and 22.82.040I (Design Review), the Winkler Coastal Permit and Design Review are approved to construct a 432 square foot addition to an existing one-story, 549 square foot single family residence. The addition shall have a maximum height of 25 feet above grade and include approximately 432 square feet of enclosed understory space that shall be counted as floor area. Upon completion, the residence shall total 1,413 square feet in floor area. The addition shall be located along the eastern side of the existing residence, approximately 140 feet from the front (north) property line, 90 feet from the side (east) property line, over 200 feet from the side (west) property line, and 34 feet from the rear (south) property line.

The subject property is located 201 Vallejo Ave, Inverness, and is further identified as Assessor's Parcel 114-252-08.

2. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Winkler Residence," consisting of 5 sheets prepared by Garen Fechter and received December 21, 2010, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as "Exhibit A-1" and shall supersede "Exhibit A."

- a. The parking spaces on the site plan shall be revised to only include parking on the existing improved shoulder. No improvements are allowed for additional parking. ...
3. Approved exterior building materials and colors shall substantially match the existing residence including:
 - a. Siding – Brown wood siding
 - b. Window trim – Dark blue

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants 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. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.

6. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf for additional details regarding this requirement.
7. If the presence of the northern spotted owl (*Strix occidentalis caurina*) is found at or near the site during the construction process, all construction activities shall cease, and the Community Development Agency staff shall be notified. A qualified wildlife biologist shall assess the site and shall submit a report to the Community Development Agency staff advancing appropriate measures to protect the owls and the nesting activity. 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 the findings and recommendations of the biologist's report, as approved by the Community Development Agency staff. An amendment to the permit may be required to implement mitigations to protect the owl species
8. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
9. 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.
10. 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.
11. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin, the Inverness Public Utilities District 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 approval of the Winkler Coastal Permit (CP 11-3) and Design Review (DR 11-3), for which action is brought within the applicable statute of limitations.
12. 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.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

13. Provide a site Stability Report, prepared by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. The report must attest to the suitability and geological feasibility of placing the addition on the site and shall identify any drainage and grading and/or soils problems that the design of the project must accommodate.
14. Vallejo Avenue is a County-Maintained road. As a result, an encroachment permit shall be required for any work within the road right-of-way.
15. The horizontal and vertical distance from the property entry to the construction site is far and comprises of a foot trail only. Provide a plan for getting construction materials from the property entrance to the construction site to minimize impact.
16. Provide all existing and proposed retaining walls on the site plan. Show the location(s) and height(s).
17. Submit Erosion and Siltation Control plans.

18. Provide more detail on the drainage and plan for the project. Include roof runoff management and all drainage recommendations addressed in the Geotechnical Report. The drainage plans shall be designed by either a registered Engineer or Architect.
19. Provide more detail on the proposed grading for the addition. Include surface grubbing boundaries, all cut and fill quantities with a designated location for any cut surpluses, and any other grading associated with project and the project access.
20. Provide a note on the plans stating that the Design Engineer and/or Architect shall certify to the County in writing prior to final inspection that all grading, drainage, and retaining wall construction was completed in accordance to approved plans and field direction. Also state that the driveway, parking, and all other site improvements shall be inspected by a DPW engineer prior to final inspection.
21. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.

Marin County Environmental Health Services

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

22. Submit to EHS a complete performance evaluation of the existing septic system by a qualified service provider.

Marin County Fire Department

23. BEFORE FRAMING INSPECTION, the applicant shall provide confirmation to the Planning Division from the Fire Marshal confirming that the Vegetation Management /Defensible Space Plan has been implemented and that the fire suppression water supply is in place.
24. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

The applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing the improvements in accordance with the approved permits by March 3, 2013, 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 Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.82.130I and Section 22.56.120I of the Interim Zoning Ordinance.


The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting

date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

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 **March 10, 2011**.

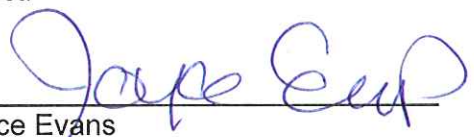
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 3rd day of March 2011.



JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:



Joyce Evans
DZA Secretary