

MARIN COUNTY DEPUTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION DENYING THE TELFORD APPEAL OF THE DEPUTY ZONING ADMINISTRATOR'S DENIAL OF THE TELFORD COASTAL PERMIT AND DESIGN REVIEW

ASSESSOR'S PARCEL NO. 114-273-09

9 VALLEJO AVENUE, INVERNESS

SECTION I: FINDINGS

I. WHEREAS the applicant, Onju Updegrave, on behalf of the owners, Geoffrey Telford and Christopher Stewart, is requesting approval for construction of an approximately 25-foot high, 2,140 square foot single-family residence and a 14-foot high, 440 square foot detached garage. The project also includes construction of an approximately 545 square foot deck on the north (downhill) elevation of the proposed residence, resulting in a deck that is approximately 13.5 feet in height above grade where a 10-foot maximum is allowed. The new residence would maintain the following minimum setbacks from the closest corresponding property lines: 63 feet from the north (front) property line, 100 feet from the south (rear) property line, 5 feet from the east (left side) property line, and 5 feet from the west (right side) property line. The 14-foot high, detached garage would be located within the northwest corner of the subject property adjacent to Vallejo Avenue and would maintain the following minimum setbacks to the closest corresponding property lines: one foot from the north (front) property line, and one foot from the west (right side) property line. The structures would be finished with dark grey asphalt shingle roofing, cedar or redwood shingle siding with natural finish, cedar or redwood fascia with natural finish, dark bronze gutters and painted metal flashings, cedar or redwood natural trim, and tan or dark bronze vinyl windows and doors.

The subject property is located at 9 Vallejo Avenue, Inverness, and is further identified as Assessor's Parcel 114-273-09.

II. WHEREAS on June 30, 2005, the Deputy Zoning Administrator denied the Telford Coastal Permit and Design Review proposing construction of single-family residence and a detached garage on a vacant lot in Inverness.

III. WHEREAS, a timely appeal of the Deputy Zoning Administrator's denial of the Telford Coastal Permit and Design Review was filed by Geoffrey Telford, owner of the subject property, asserting that the basis for the project denial was arbitrary and capricious.

- IV. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on June 30, 2005, to consider the merits of the project, and hear testimony in favor of and in opposition to the project; and
- V. WHEREAS the Marin County Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3; and
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project is not consistent with the Marin Countywide Plan because the project would:
- A. Result in visually obtrusive development on a prominent slope and would not be consistent with the existing neighborhood character; (Policies EQ-3.8 and EQ-3.11)
 - B. Result in a structure that is not of an appropriate scale given the steep slope of the subject property; (Policies EQ-3.25)
 - C. Result in lighting that would be visible from off-site locations and is not consistent with the rural environment; (Policy EQ-3.26). Access to the residence will necessitate lighting at night because of the steep 48' rise in elevation and 84 steps involved from street grade, and the steps' proximity to the street and the east property line. The lighting will be unavoidably visible from the off-site. The general residential character of the Inverness park does not feature outdoor night lighting of this type.
 - D. Result in development which is not compatible with the constraints of the hillside location; (Policy EQ-3.28). The primary reason for the location of the lowest finished floor 48' above street grade is to capture views of Tomales Bay from the lowest floor and deck. The gain in grade to the house will present difficulties for carrying groceries, children, the elderly, and those with ambulatory problems. The front of the property will also be visually dominated by the garage and the proposed retaining walls. Locating the house so far uphill separates the garage and the residence, foregoing an opportunity for internal stairs or possibly even a lift.
- VII. WHEREAS the Marin County Planning Commission finds that the proposed project is not consistent with all of the mandatory findings necessary to approve the Telford Coastal Permit and Design Review (Section 22.56.130 of the Marin County Code) because the project is not consistent with finding O (Visual Resources) as stated below:
- A. Water Supply:**

The North Marin Water District has reviewed the proposed project and indicated that they are able to supply water for the proposed single-family residence and second unit.

B. Septic System Standards:

The Marin County Department of Environmental Health Services has reviewed the proposed single-family residence and has indicated that a septic permit (Permit #05-19, issued 3/29/05) has been granted for the subject property.

C. Grading and Excavation:

Grading and excavation would be limited to the minimum amount necessary to accommodate the proposed single-family residence and garage. Conditions of project approval require that construction activities conform with the Department of Public Works erosion and sediment control requirements established in Section 23.08 of the Marin County Code.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located within an area of high archeological sensitivity. The proposed project is not likely to disturb cultural resources because grading would be limited to foundation construction and installation of the septic system. However, a standard condition of project approval requires that all work be stopped immediately and the services of a qualified consulting archaeologist be engaged to assess the value of the resources and to develop appropriate mitigation measures.

E. Coastal Access:

This finding is not applicable because the project is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program Unit II, where public access is desirable or feasible. During routine inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing:

Construction of the proposed single-family residence would increase the availability of housing stock in the Inverness community.

G. Stream Conservation Protection:

This finding is not applicable because the project is not situated in a area subject to the streamside conservation policies as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. Geological Survey.

H. Dune Protection:

This finding is not applicable because the project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

I. Wildlife Habitat:

A 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 great egret (*Ardea alba*) and the great blue egret (*Ardea herodias*), which are classified as endangered animal species by the Federal Government. However, construction of the proposed project would not threaten the habitat areas for these bird species or remove any vegetation areas that may be used for nesting and breeding activities because the subject property is located within a residentially and commercially developed area and because the site lacks shoreline characteristics that are preferred by these bird species.

J. Protection of Native Plant Communities:

This finding is not applicable because a review of the California Natural Diversity Data Base, prepared by the California Department of Fish and Game, does not identify any native plant communities on the subject property.

K. Shoreline Protection:

This finding is not applicable because the project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards:

This finding is not applicable because the subject property is not located in an area of geologic hazards as indicated on Geologic Hazards map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo special Studies Zone Map.

M. Public Works Projects:

This finding is not applicable because the proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

The subject property is a legal lot of record and no land division or property line adjustment is proposed as a part of this project.

O. Visual Resources:

The project is not consistent with this finding because the project would result in development which is visually obtrusive from off-site locations and is not consistent with immediately surrounding structures due to the siting of the residence on the upper portion of the slope, the scale of the proposed residence and attached deck, the proposed design which does not adequately integrate the residence into the hillside location, and proposed lighting for the pathway leading from the garage to the residence. The proposed residence would be located in a prominent location at the 58-foot to 82-foot elevations in relation to the 20-foot elevation of the roadway below. In addition, the design of the residence utilizes single-plane façades, gable roof forms, and a deck that projects 12 feet from the north façade and (at the highest point) is 13.5 feet above natural grade. Furthermore, the single-plane façades and deck are oriented toward downhill views and result in the appearance of a three-level residence, which is not in scale with, and does not adequately consider the narrow hillside location. Finally, while the proposed lighting consists of fixtures designed to project light downwards, lighting may be visible from off-site views due to the mounting of fixtures on 36-inch bollards for a length of approximately 100 linear-feet up the steeply sloping lot.

P. Recreation/ Visitor Facilities:

This finding is not applicable because 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.

Q. Historic Resource Preservation:

This finding is not applicable because the subject property is not located within the historic preservation boundaries for Point Reyes as identified in the Marin County Historic Study for the Local coastal Program.

VIII. WHEREAS the Marin County Planning Commission finds that the proposed project is not consistent with the mandatory findings to approve the Telford Design Review (Section 22.82.040 of the Marin County Code) because:

- A. The project is inconsistent with Policies in the Countywide Plan related to the built environment (EQ-3.8), visual qualities and views (EQ-3.11), scale of development (EQ-3.25), rural character and lighting (EQ-3.26), and hillside design (EQ-3.28) as required by Marin County Code Section 22.82.040(A);
- B. The project is inconsistent with the mandatory finding for issuance of a Coastal Permit with respect to visual resources (Marin County Code Sections 22.56.130(O) and 22.82.040(A)); and

- C. The project design would result in a development of overall bulk and mass that would be visually obtrusive from off-site locations and would adversely contrast with the surrounding natural hillside environment and the surrounding community (Marin County Code Sections 22.82.040(B) and 22.82.040(F)(1)).

SECTION III: APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$700.00 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 August 15, 2005.

SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 8th day of August, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

STEVE THOMPSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary