

CALIFORNIA COASTAL COMMISSION
 NORTH COAST AREA
 45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 (415) 904-5260

W 16a



Page 1 of 6
 Date June 24, 1996

Permit Application No. 1-96-20

ADMINISTRATIVE PERMIT

APPLICANT: **INVERNESS YACHT CLUB**

PROJECT DESCRIPTION: Replace 52 linear feet of fence and gate and construct a trash enclosure near the gate consisting of an 88-square-foot concrete slab and a surrounding wood slat fence.

PROJECT LOCATION: 12850 Sir Francis Drake Blvd., Inverness, Marin County, APNs 112-151-9, 10, 11, 12, 13

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

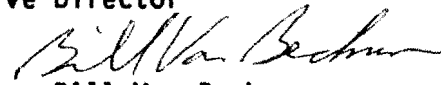
This permit will be reported to the Commission at the following time and place:
 Date: **Wednesday, July 10, 1996** Tel. No. (714) 960-7873
 Time: Meeting begins at 10:00 a.m., Item **16a**
 Place: Waterfront Hilton Beach Resort
 21100 Pacific Coast Highway, Huntington Beach

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
 Executive Director

By: 
 Title: Bill Van Beckum
Coastal Planner

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, is in conformity with the provisions of the Marin County Local Coastal Program and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. This development, located between the nearest public road and the sea, is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:1. Project/Site Description

The 3.46-acre Inverness Yacht Club property consists of five adjacent lots that are bounded on the west by Sir Francis Drake Blvd. and by Tomales Bay on the east. See Exhibits 1 and 2.

The applicant proposes to replace the property's existing entrance fence and gate, at the property's south end, and to construct a trash enclosure behind a section of the replacement fence. The trash enclosure will be a concrete slab surrounded by a wood fence, with a wood gate opening, to accommodate the club's dumpster and recycling bins. See Exhibit 2. The club's dumpster will be relocated to this site from its current location adjacent to the clubhouse, which is located approximately 275 feet north of the project site. The relocated dumpster will make for easier once-a-week unloading of its contents by the local garbage company, since the garbage truck will no longer have to drive through the yacht club grounds, between aisles of stored boats, to reach the dumpster. The truck instead can reach the dumpster from outside the main gate at the new trash enclosure location, approximately 25 feet east from the edge of Sir Francis Drake Blvd.

A single-family home is adjacent to the property south of the project site. Across the road is a wooded hillside developed with other single-family homes.

2. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and that development near such sensitive habitat areas shall be sited and designed to prevent significant adverse impacts to these areas.

At a 4-foot-high tide, the shore of Tomales Bay is approximately 60 feet east of the proposed dumpster slab site. A dense stand of pickle-weed (Salicornia) grows at the bay's marshy edge and extends inland for about 35 feet before it begins to thin out and share the sandy upland with saltgrass (Distichlis spicata). The last vestiges of pickle-weed and salt grass, two environmentally sensitive plant species associated with the higher parts of salt water marshlands, are found about ten feet east of, and about a foot lower in elevation than, the proposed slab site. A shallow drainage course, dry except in the wet season, runs west to east, from the boat storage area to a culvert drainage pipe approximately 25 feet east of the fence. The drainage course separates the slab site from the nearest pickle-weed. The slab will not interfere with water flow since no portion of the proposed slab will extend into the drainage course. The slab site itself is covered with upland grasses, and contains no rare or endangered plant species.

As the proposed slab site does not intrude east into the pickle-weed and salt grass habitat, there will be no displacement of any of these plants by the

project. Furthermore, the 7-foot-high fence around the dumpster will separate it from the drainage course and marsh upland habitat. Since access to the dumpster will be from the west side of the enclosure, dumpster filling and emptying activity will not impact the habitat. However, to avoid any potential damage to the plants during construction of the slab, this permit requires (Special Condition No. 1) that prior to the commencement of construction obvious markers such as colored barrier stakes and weatherproof tape be installed along the slab side of the drainage course to clearly delineate the pickle-weed and salt grass habitat and that notice be given to all construction workers that construction activities (including vegetation removal, grading and staging) are not permitted within any area east of the markers. The proposed project as conditioned will protect the adjacent environmentally sensitive habitat area and is therefore consistent with Coastal Act Section 30240.

3. Visual Resources

Section 30251 of the Coastal Act provides in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas ... to be visually compatible with the character of surrounding areas.

The proposed 7-foot-high replacement fencing will be open cyclone fencing, similar in size and appearance to the existing fence, except at the site of the proposed trash enclosure (see Exhibit 2) where a vertical wood slat fence and gate, also 7-foot-high, are proposed. The length of open cyclone fence that will be replaced with the wood gate and the portion of the enclosure's wood fence that will be in front of the dumpster slab is 15 feet.

The trash enclosure with its slat wood fencing will not eliminate any bay views as (1) that section of existing fence is now half-covered with ivy growth that obstructs views to the bay, and (2) the view already is further obstructed by boats that are stored on land between the fence and the shoreline.

To ensure that the wood fence, gate and posts are visually compatible with the character of existing development along this stretch of Sir Francis Drake Blvd., where fences at or near the road tend to be rustic in appearance and constructed of unpainted wood, this permit requires (Special Condition No. 2) that the wood construction materials to be used in the project not be painted with any substance other than natural-toned wood stains.

Therefore, the Executive Director finds that the proposed project as conditioned is consistent with Coastal Act Section 30251 visual resources policies.

4. Public Access

Coastal Act Section 30212 requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Sections 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

Although the project is located between the first public road and Tomales Bay, it will not adversely affect public access. No public access exists on the site that could potentially be affected by the project. The proposed fencing will replace an existing fence in the same location and will not block access any more than the current fence does. In addition, the project only involves improvements to an existing boating facility in a manner that will not change the nature or intensity of use, and thus will not create an increased demand for public access. The project therefore is consistent with Coastal Act Sections 30211 and 30212 policy requirements regarding the provision of public coastal access.

5. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed above, the project, as conditioned to avoid impacts to nearby pickle-weed and salt grass habitat and to visual resources, does not have a significant adverse effect on the environment within the meaning of CEQA. For purposes of CEQA, the lead agency for the project is the County of Marin. The County determined that the project is statutorily exempt under ministerial project provisions from the need to prepare an environmental impact report.

SPECIAL CONDITIONS:

1. Avoidance of Environmentally Sensitive Habitat Areas.

Prior to the commencement of construction, the applicant shall delineate on the ground with obvious markers, such as colored barrier stakes and weatherproof tape, the upper, west edge of the drainage course adjacent to the proposed dumpster slab site, to mark the pickle-weed and salt grass habitat. The applicant shall maintain the markers in place during project construction. Also prior to the commencement of construction, the applicant shall give notice to all construction workers that construction activities (including vegetation removal, grading and staging) are not permitted within any area east of the markers.

2. Finish of Wood Fence Materials.

Any wood materials used to construct the dumpster enclosure (fence, gate and posts) shall either be left unpainted or painted only with natural-toned wood stain finishes.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

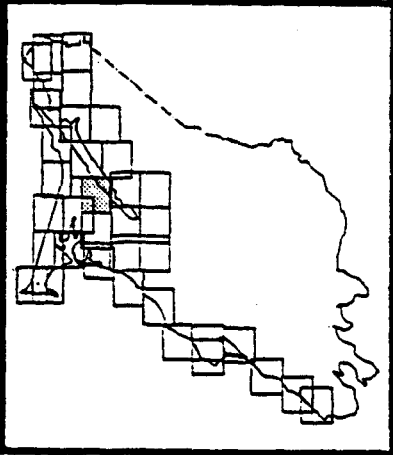
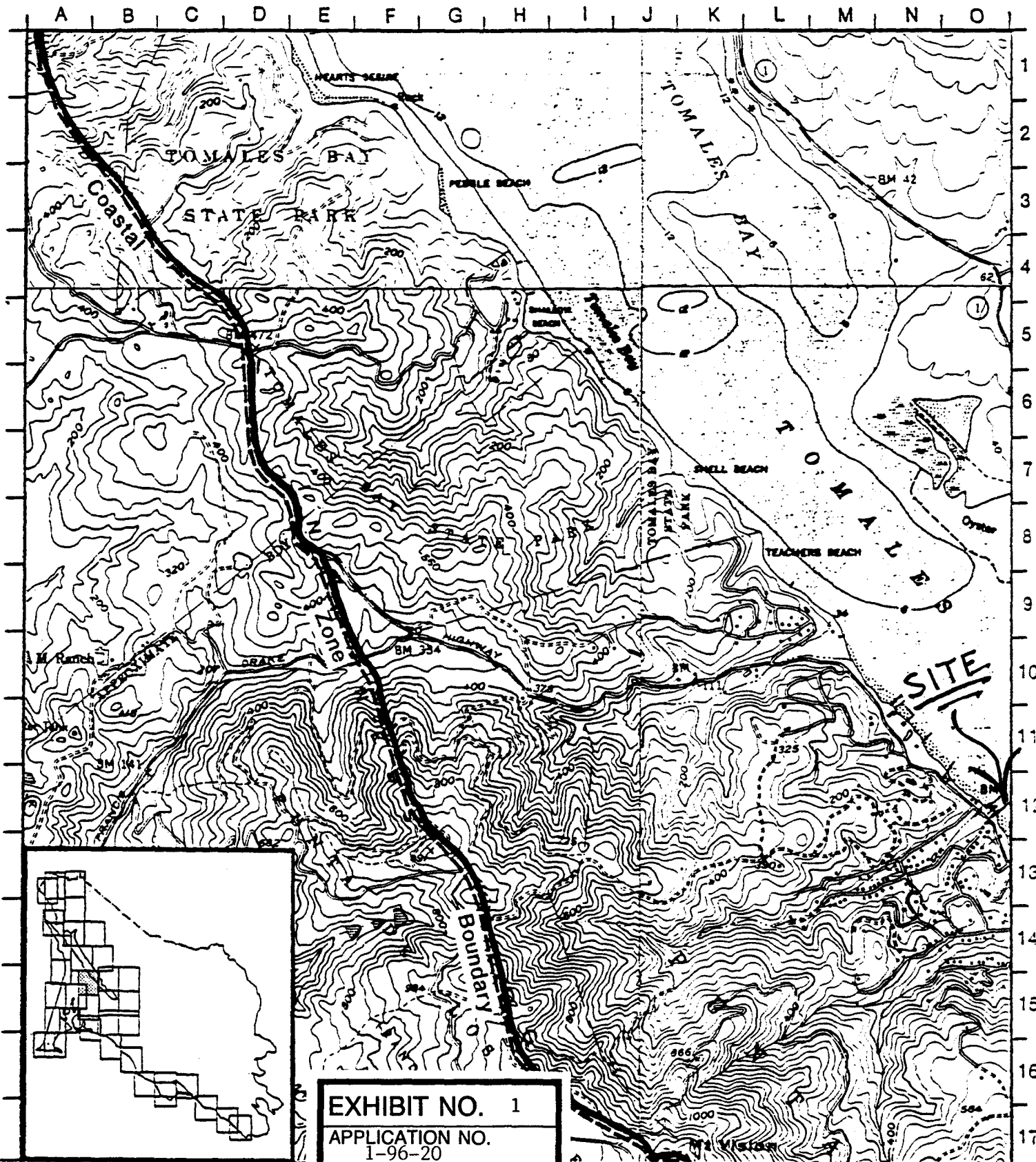
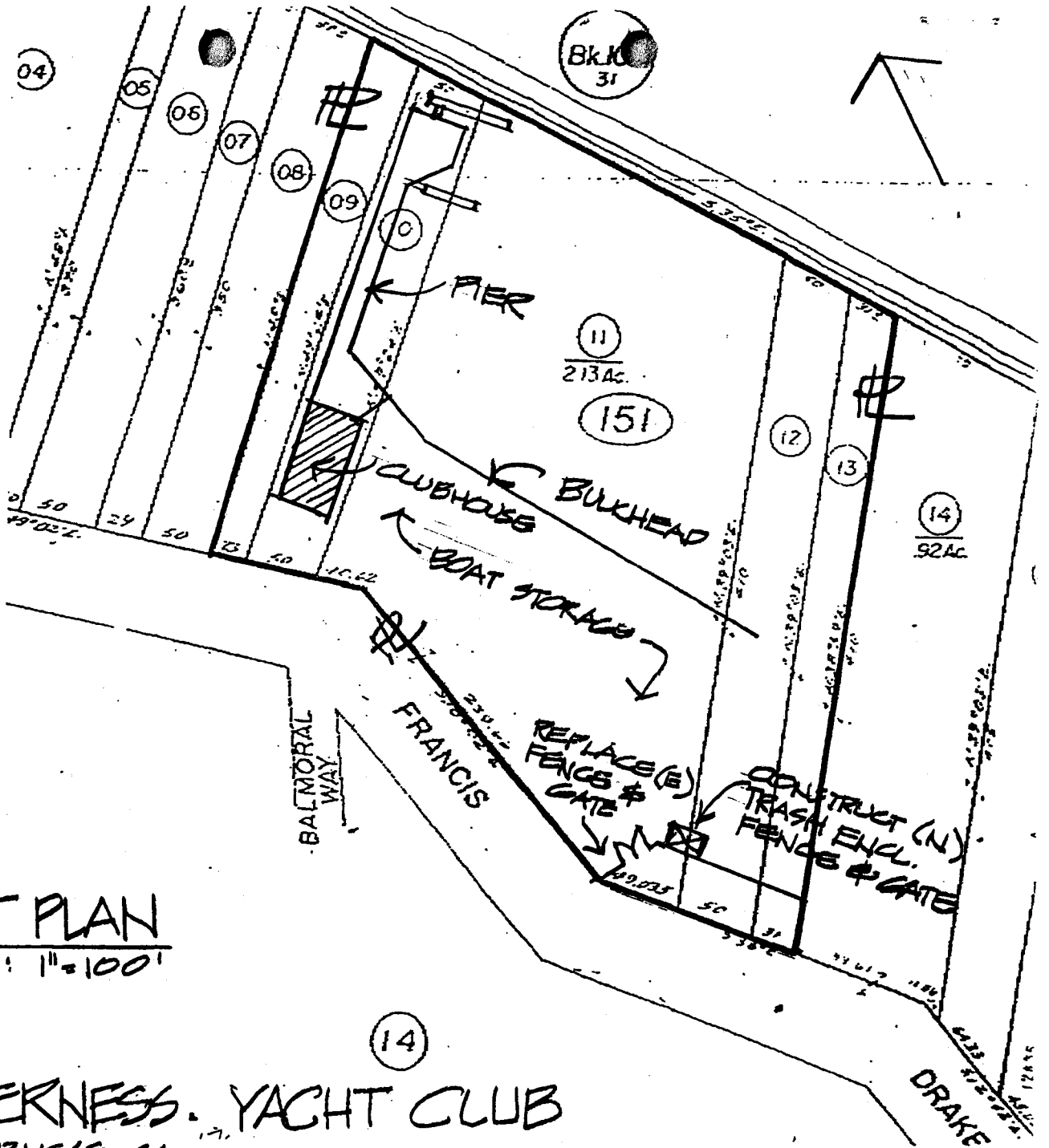


EXHIBIT NO.	1
APPLICATION NO.	1-96-20
Site Location	



 California Coastal Commission

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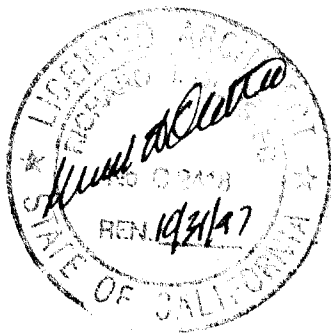
PLOT PLAN

SCALE: 1" = 100'

INVERNESS YACHT CLUB
INVERNESS, CA

RICHARD H. CLUMSTED, AIA
77 WATER ST.
SAN FRANCISCO, CA

EXHIBIT NO. 2
APPLICATION NO. 1-96-20
Site Plan



P-1

1/31/90