



## SIERRA CLUB MARIN GROUP

COASTAL SECTION C/O GORDON BENNETT

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Christine Gimmler, Marin County CDA (via fax 499-7880)

Re: O'Hanrahan Coastal Permit/Design Review  
240 Vallejo Avenue, Inverness APN 114-241-13

On behalf of our 7,000 Marin County members, we wish to submit the following comments on the above project, on which we previously commented on 1/24/05 and 2/3/05.

Thank you for responding to our request that the boundary of the Streamside Conservation Area be located and marked on the site plan. However, as we said on 2/3, *without property boundaries being marked on the ground and contour lines on the site plan, these [plan] specifics are difficult for the public to assess.* We note that the Earth Sciences Consultants (ESC) also understood that a survey and topographical map would be prepared (ESC pg 3), but no such maps have been completed. However, ESC does note inclination varying from about 24 degrees to 32 degrees (ESC pg 3), so we do not understand where the Initial Study (IS) derives its statement of "slopes of 35-40 percent...to 65% or more" (IS pg 9). The slopes are key, since they claim to provide the justification for building inside the Stream Conservation Area. In that regard, we note that the ESC Report is only good for 3 years from 1997 and is thus out of date (Appendix 9 – Limitations). In order to determine conclusively that the most geologically secure to build is within the SCA, an overlapping site plan with the ESC plan should have been done.

Luckily, it appears that ESC's Plate 1 can be manually overlapped with the IS figure 3 Site Plan on (IS pg 4). Based on the ESC scale, the proposed building site on the "broad slight spur ridge" ranges from 60 to 90 feet from the nearby edge of Vallejo. Superimposed on the site plan, that put the front of ESC's proposed building site where the IS site plan locates the back of the structure. We wonder if the architect has mistakenly flipped the home lower to a site not proposed by ESC and which is also within the SCA. Consequently, we believe that the home can and should be built outside the SCA in the most geologically secure site. There is no basis to the implied claim that four stories worth of stairs (~70) that would be needed to keep the home out of the SCA and place the home in the ESC recommended site makes the project infeasible (I know many homes accessed by over a hundred stairs, including one that I owned myself for many years).

If subsequent surveys conclusively demonstrate that the most geologically secure building site is within the SCA, then a later series of incremental additions could cause a significant cumulative impact on the SCA because each could be individually justified as less impactful within the SCA than outside. Consequently, the IS must consider cumulative impacts from all future construction unless there is a deed restriction on building out beyond the 576 square foot building currently proposed.

We remain unclear why LSA in its "biological assessment" is recommending building sites claimed to be geologically stable. That judgment appears to be beyond the appropriate scope of a "biological assessment" and we believe should be disregarded. We note that the presence of steelhead, mentioned in the IS, and spotted owl, not mentioned in the IS, were not touched on at all in the LSA "biological report." It appears to us that LSA is acting more as a project advocate rather than an unbiased scientific assessor of biological conditions.

Re: the LSA recommendation: "only native plant species or non-native ornamental plants should be used to landscape the area around the residence and garage." We believe that construction-disturbed areas within an SCA should re-vegetated with the same native plants as are present on the surrounding undisturbed land and that non-native plants should not be used. Furthermore, the proposed recommendation does not account for the fact that landscape required as a condition of construction can be replaced later by other landscaping much less beneficial to the SCA. We therefore request that the native re-vegetation plan be made permanent by making it a condition of the deed.

There is also significant conflict between ESC urging that no trees be removed and the Fire Department's insistence on defensible space (the building location near the property line also makes the adjacent property owner legally responsible for O'Hanrahan's defensive space). That should be reconciled either by the project obtaining an easement from the adjacent property owner for defensible space, or a waiver from the Fire Department.

We assume that the three 1910 lots would be combined as a condition of the permit. This is particularly important since the home seems to be sited on one of these lots only, leaving open the possibility that two more homes could be built, but the IS makes no mention of this possible impact.

Lastly, we assume that the illegal well will be required to be removed or filled with concrete, but the IS makes not mention of its future.

Sincerely,

Gordon Bennett, Chair