



# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

## STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR HART COASTAL PERMIT AND USE PERMIT

Item No:	C1	Application No:	CP 08-48 and UP 08-27
Applicant:	Alethea Patton, Peacock Designs	Owner:	Dean and Kathleen Hart
Property Address:	14 Terrace Avenue, Bolinas	Assessor's Parcel:	193-133-35
Hearing Date:	September 11, 2008	Planner:	Lorene Jackson

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>September 18, 2008</b>
<b>LAST DATE FOR ACTION:</b>	<b>October 14, 2008</b>

### PROJECT DESCRIPTION:

The applicant, Peacock Designs, on behalf of the owners, Dean and Kathleen Hart, is requesting Use Permit and Coastal Permit approval to demolish a 245 square foot existing, detached garage in the side and front yard setbacks, and replace it with a 336-square foot detached garage with the same setback variance distances. The proposed garage would be accessory to an existing 1,400 square foot single-family residence with a 23% floor area ratio. The proposed one-story garage would attain a maximum height of about 14.5 feet and would maintain the following minimum setbacks: 1.8 feet from the south side property line and 0 feet from the east front property line, with the roof encroaching approximately 9 inches into the Terrace Avenue right-of-way. A stepped concrete retaining wall/foundation with a maximum height of about 8 feet is proposed on the north, south, and west sides of the garage. A new concrete pad and grape stake enclosure is proposed for the existing propane tank in the northeast corner of the lot, approximately 9 inches from the north side and 1.5 feet from the east front property lines. A new 4.5-foot tall retaining wall around the concrete pad for the propane tank is proposed on the north side property line and 1 foot from the front property line. A Use Permit is required to allow the garage and propane tank to project into the required 25-foot front yard setback and 10-foot side yard setback. A Coastal Permit is required because the property is located in the Coastal District which requires Coastal Permit approval with any discretionary act.

### GENERAL INFORMATION:

Countywide Plan:	C-SF5 (Coastal, Single family, 2 to 4 units per acre maximum density)
Zoning:	C-RA-B2 (Coastal, Single-family Residential, 10,000 square foot minimum lot size)
Lot size:	6,082.2 square feet
Adjacent Land Uses:	Single-family residential
Vegetation:	Ornamental landscaping
Topography and Slope:	Moderately sloped lot
Environmental Hazards:	Within approximately 0.5 miles of the Alquist-Priolo Special Study Zone

**ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 of the CEQA Guidelines because it reconstruction and negligible expansion of a detached garage would not result in any potentially significant impacts 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 300 feet of the subject property.

**PLAN CONSISTENCY:**

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Local Coastal Program, Unit I, and the Bolinas Community Plan. Please refer to the plan consistency findings contained in the attached resolution.

**PROJECT ANALYSIS:**

The subject property is a moderately sloped lot located in the Bolinas Mesa, and is currently developed with a moderately sized single-family residence. The property is located on the Little Mesa on the west side of Terrace Avenue which has residences on both east and west sides of the street. The garage is on the east side of the lot near Terrace Avenue, approximately 315 feet north from the shoreline bluff top area. The surrounding neighborhood is characterized by single-family residences with varied sizes and architectural styles, many of which encroach into the front yard setback.

The proposed project replaces an existing garage with a collapsing roof. The design of the new garage would be consistent with the architectural style of the existing residence, and would not exceed a height of 14.5 feet above existing grade. The garage would be finished with unobtrusive colors consisting of cedar shingle siding and an asphalt shingle roof to match the existing house. No new exterior lighting is proposed. Finally, the design of the residence would not adversely affect the visual quality of the area because it would be compatible with the surrounding natural environment, neighboring properties, and the overall character of the local community.

The proposed project would not result in significant ground disturbance or vegetation removal, and would not reduce the potential habitat area for any special status species. Finally, this project was approved with conditions on August 11, 2005, however the project was not vested and approval expired.

**RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Hart Coastal Permit and Use Permit.

- Attachments:
1. Proposed Resolution recommending approval of the Hart Coastal Permit and Minor Design Review
  2. CEQA Exemption
  3. Location Map
  4. Assessor's Parcel Map
  5. Site Plan
  6. Floor Plan
  7. Elevations
  8. Environmental Health Services, Memo 5/30/08
  9. Department of Public Works Memo 7/30/08

cc: Alethea Patton, Peacock Designs  
Dean and Kathleen Hart

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 05-184

A RESOLUTION APPROVING THE HART  
COASTAL PERMIT AND USE PERMIT  
14 TERRACE AVENUE, BOLINAS  
ASSESSOR'S PARCEL 193-133-35

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**SECTION I: FINDINGS**

- I. WHEREAS the applicant, Peacock Designs, on behalf of the owners, Dean and Kathleen Hart, is requesting Use Permit and Coastal Permit approval to demolish a 245 square foot existing, detached garage in the side and front yard setbacks, and replace it with a 336-square foot detached garage with the same setback variance distances. The proposed garage would be accessory to an existing 1,400 square foot single-family residence with a 23% floor area ratio. The proposed one-story garage would attain a maximum height of about 14.5 feet and would maintain the following minimum setbacks: 1.8 feet from the south side property line and 0 feet from the east front property line, with the roof encroaching approximately 9 inches into the Terrace Avenue right-of-way. A stepped concrete retaining wall/foundation with a maximum height of about 8 feet is proposed on the north, south, and west sides of the garage. A new concrete pad and grape stake enclosure is proposed for the existing propane tank in the northeast corner of the lot, approximately 9 inches from the north side and 1.5 feet from the east front property lines. A new 4.5-foot tall retaining wall around the concrete pad for the propane tank is proposed on the north side property line and 1 foot from the front property line. The subject property is located at 14 Terrace Avenue, Bolinas, and is further identified as Assessor's Parcel 193-133-35
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing August 11, 2005, 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 15303, Class 3 because reconstruction and negligible expansion of a detached garage would not result in any potentially significant impacts 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 following reasons:
  - A. The proposed project would comply with the C-SF5 (Coastal, Residential Single-Family Planned) general plan land use designation because the structure is an accessory to the single family use of the property;
  - B. The proposed 14.5 foot high, 336 square foot garage would result in development which conforms to the governing standards related to building height and size;
  - C. The proposed project would comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;

- D. The proposed 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;
  - E. The proposed project would not cause foreseeable significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
  - F. The proposed project would minimize soil disturbance and maximize protection of natural vegetation.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Bolinas Community Plan because:
- A. The project would involve the construction of an accessory structure on a developed property, which is a permitted use.
  - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage.
  - C. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and building design, mass and bulk.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Marin County Code Section 22.56.130) and finds that this project conforms to the requirements of Local Coastal Program, Unit I, as follows:

**A. Water Supply:**

The Bolinas Public Utilities District serves the subject property and has reviewed and did not present opposition to the project. The Bolinas Public Utilities District is requiring an application for an Expanded Water Use Permit whenever modifications are made to a service (i.e. any developed property connected to the BCPUD water system) prior to the issuance of a building permit.

**B. Septic System Standards:**

The Bolinas Public Utilities District serves the subject property and has reviewed and did not present opposition to the project.

**C. Grading and Excavation:**

The proposed project would require minor excavation and would be limited to the minimum amount necessary to accommodate the garage structure. Conditions of project approval require that construction activities conform to the Department of Public Works erosion and sediment control requirements established in Marin County Code §23.08.

**D. Archaeological Resources:**

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, the site is already developed and minimal grading is proposed. Project approval requires that in the event archaeological resources are discovered during construction, all work shall be

immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures.

**E. Coastal Access:**

The subject property is not located between the sea and the first public road or adjacent to a coastal area that is identified by the Local Coastal Program, Unit I, as an area where public access is desirable or feasible. The subject property is not encumbered by easements providing the public with access to the beach. During a field 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:**

The proposed accessory structure would not affect existing housing stock or affordable housing opportunities in Bolinas.

**G. Stream Conservation Protection:**

The project site is not sited near a blue line stream identified on the National Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Bolinas Quadrangle of the U.S. Geological Survey Map.

**H. Dune Protection:**

The portion of the project site proposed for development is not located near dunes or in a dune protection area identified by the Local Coastal Program.

**I. Wildlife Habitat:**

The California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the subject property is located near the habitat areas for the Ricksecker's waterscavenger beetle (*Hydrochara rickeri*), for which suitable habitat is in coastal bluff scrub or coastal prairie. The proposed project would not entail modifications to coastal bluff scrub or coastal prairie, and therefore would not adversely affect Ricksecker's waterscavenger beetle habitat.

**J. Protection of Native Plant Communities:**

Staff review of the California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the subject property is located in the vicinity of the rare coast yellow leptosiphon (*Leptosiphon croceus*). The project is located in a residentially developed lot where suitable habitats for these rare plant species are unlikely to occur.

**K. Shoreline Protection:**

The subject property is not adjacent to a shoreline bluff top area (approximately 315 linear feet to the south) and the proposed project does not entail shoreline protective works.

**L. Geologic Hazards:**

The project site is located in close proximity to the Alquist-Priolo Special Study Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency, Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of project approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

**M. Public Works Projects:**

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

**N. Land Division Standards:**

No land division or lot line adjustment is proposed as part of this project.

**O. Visual Resources:**

The design of the garage would be consistent with the architectural style of the existing residence, and would not exceed a height of 14.5 feet above existing grade. The garage would be finished with unobtrusive colors consisting of cedar shingle siding and an asphalt shingle roof to match the existing house. No new exterior lighting is proposed. In accord with Marin County Code §22.56.130(O), a condition of approval requires that all new utility lines serving the project site be placed underground. Finally, the design of the garage would not adversely affect the visual quality of the area because it would be compatible with the surrounding natural environment and the character of the local community.

**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.

**Q. Historic Resource Preservation:**

The subject property is not located within the designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program.

- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory finding to approve a Use Permit pursuant to Section 22.88.020I(3) of Marin County Code for the reasons listed below.

The establishment, maintenance or conducting of the use for which a Use Permit is sought will not under this particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

1. The proposed detached garage would be compatible with surrounding residential uses and would not generate activities which are detrimental to the use and enjoyment of surrounding properties.
2. The proposed project would not impact any sensitive coastal habitat areas, and would not result in other adverse environmental or visual impacts.
3. The Bolinas Community Public Utilities District has indicated that adequate water and sanitary sewer service is available to serve existing uses.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Hart Coastal Permit (CP 08-48) and Use Permit (UP 08-27) subject to the following conditions:

### Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 and 22.48 (Coastal Permit and Use Permit) of the Marin County Code, the Hart Coastal Permit and Use Permit is approved to demolish a 245 square foot existing, detached garage in the side and front yard setbacks, and replace it with a 336-square foot detached garage with the same setback variance distances. The garage will be accessory to an existing 1,400 square foot single-family residence. The one-story, 14.5-foot high structure will result in a 23 percent floor area ratio and will maintain the following minimum setbacks: 1.8 feet from the south side property line and 0 feet from the east front property line, with the roof encroaching approximately 9 inches into the Terrace Avenue right-of-way. A stepped concrete retaining wall/foundation with a maximum height of about 8 feet will be constructed on the north, south, and west sides of the garage. A new concrete pad and grape stake enclosure will be constructed for the existing propane tank in the northeast corner of the lot, approximately 9 inches from the north side and 1.5 feet from the east front property lines. A new 4.5-foot tall retaining wall around the concrete pad for the propane tank will also be constructed on the north side property line and 1 foot from the front property line. The subject property is located at 14 Terrace Avenue, Bolinas, and is further identified as Assessor's Parcel 193-133-35.
2. Plans submitted for a building permit shall substantially conform to plans identified as "Exhibit B," consisting of 3 sheets entitled, "Hart Residence," prepared by Peacock Design, received July 22, 2008, and on file in the Marin County Community Development Agency.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit revised plans for review and approval by the Community Development Agency staff whereby no portion of the project extends beyond the property lines, including eaves and roof overhangs. Once approved, the plans shall be incorporated into the approved project file as "Exhibit C" and shall supersede "Exhibit B"
4. Exterior building colors and materials shall be in substantial conformance with the colors and materials of the existing residence. All flashing, metal work, and trim shall be painted or coated with an appropriately subdued, nonreflective color. Deviations from the approved colors and materials shall be submitted for review and approval by the Community Development Director.
5. All utility connections and extensions serving the project shall be installed underground.
6. Any exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes.



7. 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.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front and side property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks.
9. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.
10. 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.
11. All construction activities shall comply with the following standards:
  - a. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, 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 or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. 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.
12. 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 an approval of the Hart Coastal Permit 08-48 and Use Permit 08-27, for which action is

brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.

13. 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 Use & Water Resources

14. All facilities shall be located, constructed, operated, and maintained in the time, place and manner that causes the least interference with the public's use of the public right-of-way as determined by and approved by the Road Commissioner/Director of Public Works.
15. Note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
16. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
  - a. DPW has granted the request for an exception to Marin County Code Section 24.04.250, which requires a minimum driveway length of twenty feet shall be provided from the front of the garage to the edge of pavement. The proposed garage is replacing an existing garage at the same location limiting the amount of grading on steep site and interference with the existing residence.
  - b. If needed to meet condition 3 above, applicant may submit a written request for an exception under MCC §24.15 to allow an interior garage depth of 19 feet. Plans shall be revised accordingly.
  - c. 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.
  - d. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
  - e. A separate Building Permit is required for each site/driveway retaining wall with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
  - f. Provide engineer calculations for the site retaining wall.
  - g. Indicate on the site plans or within the plan-view a cross reference to all retaining wall cross sections in the structural plans.
  - h. Provide more detail on the drainage plan for the project. No direct discharge onto Terrace Avenue is allowed with the exception of retaining wall back drains.

- i. An Erosion and Siltation Control Plan shall be submitted if grading or any site disturbance occurs between October 15 and April 15.
- j. An encroachment permit shall be required for work within the road right-of-way.

Bolinas Community Public Utility District

- 17. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an application for an Expanded Water Use Permit whenever modifications are made to a service (i.e. any developed property connected to the BCPUD water system).

Bolinas Fire Protection District

- 18. Address sign: Post address sign where visible from roadway. Sign to be of 3” minimum letters with 3/8” stroke and with a background of contrasting color.
- 19. Class A Roof: Provide Class A roof per Marin County Code.
- 20. LPG Tank: LPG tank to be secured to concrete foundation by other methods to withstand failure of cylinder and associated plumbing which may cause propane release during a seismic event or land movement.

**SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing all approved work by **September 11, 2010**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I and 22.82.130 of the Marin County Code. This permit shall be valid in perpetuity upon timely vesting of the approval and adherence to all conditions of approval.

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 September 18, 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 11<sup>th</sup> day of September 2008.

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JEREMY TEJIRIAN  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary