



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR  
MARTINELLI AND LOUNIBOS COASTAL PERMIT AND USE PERMIT**

Item:	C1	Applications:	CP 09-5 and UP 09-7
Applicant:	Alethea Patton, Peacock Designs	Owners:	Christopher Martinelli and Mollie Lounibos
Property Address:	460 Dogwood Road, Bolinas	Assessor's Parcels:	192-081-11, -12, and -13
Hearing Date:	May 28, 2009	Planner:	Neal Osborne

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>Five business days to the Planning Commission</b>
<b>LAST DATE FOR ACTION:</b>	<b>June 30, 2009</b>

**PROJECT DESCRIPTION:**

The project is a proposal to construct a detached 864 square foot garage and workshop structure accessory to a single-family residence on an 18,000 square foot lot. The proposed garage would have a maximum height of 17 feet above finished exterior grade. The garage would have the following setbacks from corresponding property lines: 30 feet front (southwest), 50 feet side (northwest), 106 feet side (southeast), and 34 feet rear (northeast). The garage would have an exterior siding finished with T-111 stained to match the existing residence or recycled wood from a barn. The garage door would be a sectional wood with glass panels and the roof would have Class A asphalt shingles that match the roof of the existing residence. Four skylights are proposed on the southern aspect roof. The garage would have six windows and two access doors. The proposed height of 17 feet is subject to the Use Permit review requirements in Marin County Code Sections 22.88.020I and 22.72.030I because the detached accessory structure would exceed the 15-foot maximum height standard for a detached accessory structure in the CRA:B2 zoning district.

The project site is located within the appeal jurisdiction of the California Coastal Commission and the County of Marin's decision on the Coastal Development Permit may be appealed to the California Coastal Commission.

**GENERAL INFORMATION:**

Countywide Plan  
Land Use Designation: CSF5, Coastal Single Family two units to four units per one acre  
Community Plan: Bolinas Gridded Mesa  
Zoning: CRA:B2, Coastal Suburban Agricultural District, 10,000 square feet minimum lot size  
Lot size: 18,000 square feet  
Adjacent Land Uses: Single-family residential  
Vegetation: Introduced pine trees and ornamental landscaping

Topography and Slope: The site is relatively level with 0% to 5% slope.

Environmental Hazards: The upland property is within one mile of the San Andreas Fault Zone and would be subject to strong ground shaking during a proximate seismic event, and is within a high fire risk area Wildland Urban Interface (WUI) zone.

### **ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3(e) of the CEQA Guidelines because it would result in the construction of a relatively small detached structure accessory to a single-family residence that would not result in significant grading, tree removal, or other potentially adverse impacts on the environment. The structure will be constructed to seismicity standards of the California Building Code.

### **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. Staff received no letters in response to the public notice at the time of writing the Staff Report.

### **PLAN CONSISTENCY:**

The project would be consistent with the goals and policies of the Marin Countywide Plan and the Marin County Local Coastal Program, Unit I because it involves the construction of an addition to a single-family residence within the developed Bolinas Gridded Mesa community in the Bolinas Beach Subdivision, with no adverse impacts to coastal resources. The project would be consistent with zoning codes applicable in the coastal zone (Title 22, Interim) because the garage and workshop structure would be accessory to an existing single-family residence and is a permitted use that, except for the 17-foot height, would comply with all development standards. Therefore, the project would be consistent with the goals and policies of the Marin Countywide Plan, the Bolinas Gridded Mesa Community Plan, and the Local Coastal Program, Unit I. Please refer to the recommended resolution for detailed findings.

### **PROJECT ANALYSIS:**

#### **Background**

The subject 18,000 square foot property is developed with a 2,166 square foot single-family residence that was constructed in 1964. The existing unenclosed on-site parking is provided on grade in the side yard northwest of the residence.

#### *Site Planning*

The proposed garage and workshop would be located 10 feet northwest of the existing residence in an open clearing where unenclosed, on-grade parking is currently provided. The structure would be a minimum of 16 feet southeast of the septic system mound leach field area. The location would minimize grading and vegetation removal. The location would comply with all yard regulations and septic system setbacks with a relocation of the tight lines to the leachfield.

### *Height Standards*

The proposed size and design of the garage and workshop with a moderate 5:12 roof pitch would result in a maximum height of 17 feet above grade. This height would exceed the 15-foot standard for a detached accessory structure by 2 feet and is 8 feet less than the 25-foot maximum standard for a primary structure. Staff finds the additional height to be a minor visual effect for a small portion of the ridgeline that exceeds the 15-foot standard and recommends affirmative Use Permit findings for the additional height. The project would comply with the 25-foot height standard for a residence in the Coastal Zone of Bolinas with a maximum height of 17 feet above grade. The height of the garage and workshop would not block any public views of the Pacific Ocean or other significant viewsheds in and around Bolinas. Staff recommends Condition of Approval 8, requiring a Surveyor to submit a height consistency (with the approved height) verification letter, before Framing Inspection.

### *Public Comments*

No comments letters from the public have been received.

### **CONCLUSION:**

Staff finds that the location and design of the garage and workshop proposed would minimize grading, tree removal, overall site disturbance, and visual effects to neighboring properties. The design would have articulated forms with a variety of roof elements including skylights, with varied, three dimensional forms that minimize the overall bulk of the structure, and minimize the visual appearance of the detached accessory structure from the street and adjacent properties.

### **RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached Resolution approving the Martinelli and Lounibos Coastal Permit and Use permit based on the Findings and subject to the conditions contained therein.

- Attachments:
1. Proposed Resolution recommending approval with conditions of the Martinelli and Lounibos Coastal Permit and Use Permit
  2. Environmental Document
  3. Location Map
  4. Assessor's Parcel Map
  5. Aerial Photograph of the Vicinity
  6. Site Plan
  7. Floor Plan
  8. Section and Exterior Lighting Specifications
  9. Elevations
  10. DPW, Land Use and Water Resources Memorandum, 4/27/09
  11. CDA, Environmental Health Services Transmittal, 4/24/09

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**

**RESOLUTION 09-\_\_\_\_\_**

**A RESOLUTION APPROVING THE MARTINELLI AND LOUNIBOS  
COASTAL PERMIT AND USE PERMIT**

**ASSESSOR'S PARCELS 192-081-11, -12, AND -13**

**460 DOGWOOD ROAD, BOLINAS**

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**SECTION 1: FINDINGS**

- I. WHEREAS, Alethea Patton of Peacock Designs, on behalf of the owners Christopher Martinelli and Molly Lounibos, proposes to construct a detached 864 square foot garage and workshop structure accessory to a single-family residence on an 18,000 square foot lot. The proposed garage would have a maximum height of 17 feet above finished exterior grade. The garage would have the following setbacks from corresponding property lines: 30 feet front (southwest), 50 feet side (northwest), 106 feet side (southeast), and 34 feet rear (northeast). The garage would have an exterior siding finished with T-111 stained to match the existing residence or recycled wood from a barn. The garage door would be a sectional wood with glass panels and the roof would have Class A asphalt shingles that match the roof of the existing residence. Four skylights are proposed on the southern aspect roof. The garage would have six windows and two access doors. The subject property is located at 460 Dogwood Road, Bolinas, and is further identified as Assessor's Parcels 192-081-11, -12, and -13.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on May 28, 2009, 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(e) of the CEQA Guidelines because it entails the construction of relatively small detached garage and workshop accessory to a single-family residence that would not result in significant grading or other adverse impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
  - A. The project would comply with Marin County standards for geotechnical engineering and seismic safety, and include improvements to protect lives and property from hazard;
  - B. The project would result in the construction of additions and improvements to an existing single-family residence, a principally permitted use under the governing C-SF5 land use designation;
  - C. The project would result in development which conforms to the governing standards related to building height with a Use Permit, size, and location;

- D. The project would comply with governing development standards related to parking, grading, drainage, 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 their services; and
  - F. The 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 Gridded Mesa Community Plan because:
- A. The project involves construction of a detached garage and workshop accessory to an existing single-family residence, which is a permitted use on the property;
  - B. The project would not adversely impact the surrounding natural environment relative to vegetation, species habitats, or on-site drainage;
  - C. The project would maintain adequate off-street parking as verified by the Marin County Department of Public Works; and
  - D. The project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, access from Dogwood Road, and building design, and bulk.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit I (§22.56.130I of the Marin County Code) as described below.
- A. Water Supply:  
  
The Bolinas Public Utilities District provides services to the existing residence and will be able to provide fire protection water services to the garage and workshop on the subject property.
  - B. Septic System Standards:  
  
Marin County Community Development Agency, Environmental Health Services regulates individual sewage disposal systems in the area of the subject property. Marin County Environmental Health Services staff reviewed and recommended approval of the proposed project with a new reserve leachfield area and relocation of the storage shed to provide a minimum 10-foot setback from the leachfield and reserve area.
  - C. Grading and Excavation:  
  
The subject property is 0% to 5% slope. The minor excavation for utility lines and foundation footings would result in less than 10 cubic yards of excavation and fill. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements for Best Management Practices.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. However, the minor excavation proposed would not likely disturb cultural resources because most of the site has previously been developed and disturbed. Project approval requires that in the event cultural 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 protection measures.

E. Coastal Access:

The project is located more than 1/2-mile inland of the Pacific Ocean at an elevation of approximately 160 feet above sea level and would not impede coastal access.

F. Housing:

The proposed project would result in the construction of a garage and workshop accessory to an existing single-family residence and would not result in removal of a building that provides housing opportunities for people of low or moderate income, and would not affect the availability of housing stock within the Bolinas community.

G. Stream Conservation Protection:

The project site is not located near a creek or in an area subject to the streamside conservation policies of the Marin Countywide Plan or Local Coastal Program.

H. Dune Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is located in the vicinity of an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the California Department of Fish and Game, indicates that the subject property is located adjacent to the habitat area for the federally listed endangered Monarch Butterfly (*Danaus plexippus*), and the unlisted Ricksecker's Water Scavenger Beetle (*Hydrochara rickseckeri*). However, the project will have minimal impact to the value of the known habitat area because it involves the construction of garage and workshop accessory to an existing single-family residence within the existing developed area of Bolinas more than 1/4-mile from known butterfly nesting trees. No trees would be removed, and the project would not result in butterfly or beetle habitat destruction.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the California Department of Fish and Game, indicates that the subject property is located in the habitat area for the "possibly extirpated" Coastyellow Leptosiphon (Leptosiphon croceus) an unlisted rare plant species. In addition, the relatively small-scale project on a location of a developed property that has been use for parking vehicles and boat storage would not have an adverse impact on the habitat of native plant communities.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline, and the proposed project would not result in adverse affects to the shoreline. The project would not require additional shoreline protection.

L. Geologic Hazards:

The project site is located within one mile of the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building and Safety Division will verify seismic compliance with the California 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 or in the region.

M. Public Works Projects:

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

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The project would be located in the middle to northwestern portion of the property and would not result in adverse visual effects. The exterior materials would be unobtrusive brown T-111, or recycled barn siding wood and trim, and brown and tan speckled composition roof shingles to match the residence. The lighting of the exterior would be of minimal lumen intensity for safety purposes only, and would be directed downward and hooded.

P. Recreation/Visitor Facilities:

The project site is not governed by VCR (Village Commercial Residential) zoning regulations, that would allow for a mixture of residential and commercial uses, and the project would have not affect on recreation or visitor facilities.

Q. Historic Resource Preservation:

The project would not affect the existing residence on the subject property that was constructed within the last 45 years (1964) and is not historically significant.

**SECTION 2: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Martinelli and Lounibos Coastal Permit and Use Permit application subject to the following conditions:

1. Pursuant to Marin County Coastal Zoning Code Sections 22.56.130I, this Coastal Permit and Use Permit approval permits the construction of a detached 864 square foot garage and workshop structure accessory to a residence on an 18,000 square foot lot. The approval permits the garage and workshop with a maximum height of 17 feet above finished exterior grade. The approval permits the garage and workshop with the following setbacks from corresponding property lines: 30 feet front (southwest), 50 feet side (northwest), 106 feet side (southeast), and 34 feet rear (northeast). The subject property is located at 460 Dogwood Road, Bolinas, and is further identified as Assessor's Parcels 192-081-11, -12, and -13.
2. Except as modified herein, plans submitted for a Building Permit for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Lounibos-Martinelli Garage" consisting of 4 sheets prepared by Peacock Designs, date stamped April 14, 2009.
3. 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 Coastal Permit and Use Permit Conditions of Approval as notes.
4. 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 landslides, earthquakes, and other geologic actions. The Waiver of Public Liability shall be submitted to the Director for review and approval before recordation.
5. 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 additions conform to the maximum roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
6. All flashing, metal work and trim shall be an appropriately subdued, non-reflective color and all exterior lighting shall be the minimum lumen intensity for safety purposes only, downward directed, and hooded.
7. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
8. All soil disturbed by development of the project shall be reseeded with native, non-pyrophytic, groundcover or adequately stabilized with approved Best Management Practices to prevent soil erosion.



9. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
10. No trees, except those approved for removal with this project, shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent safety hazards to people and property.
11. Any new utilities proposed to serve the approved project shall be underground.
12. 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.
13. 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.
14. 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 CP 09-5 and UP 09-7 for a detached 864 square foot garage and workshop accessory to a 2,166 square foot single-family residence on an 18,000 square foot lot, for which action is brought within the applicable statute of limitations.

15. 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.
16. A defensible space zone (minimum of 30 feet to 100 feet) and Vegetation Management Plan (VMP) pursuant to the Wildland Urban Interface Ordinance is required. At a minimum, the VMP must contain a site plan showing the existing vegetation (including existing trees) and those proposed to be added and/or removed, the proposed structures with their defensible space zone delineated, plant types, and spacing. The VMP must also contain a list of proposed plants that are consistent with an approved (non-pyrophytic) plant list.
17. The defensible space stipulated in the Vegetation Management Plan must be provides and annual maintenance is required. Trees shall not be planted in a location that, when mature, said trees will contact overhead power lines. No pyrophytic plants shall be planted within 30 feet of the structure.

Department of Public Works, Land Use and Water Resources

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
  - a. Submit an Erosion and Siltation Control Plan, if grading or site disturbance is to occur between October 15 and April 15.
  - b. Provide a drainage plan for the project. Include roof runoff management and appropriate drainage away from the foundation.
  - c. Note on plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining walls 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.
  - d. Provide a site plan with a minimum scale of 1/8-inch = one foot or 1:10.

Marin County Environmental Health Services

19. The applicant shall submit a repair permit application and a full set of plans are required in the event of the failure of the primary septic system. In addition, relocation of the temporary shed is required 10 feet from the septic system drain field and replacement area. A 5-foot separation distance is required from the septic tanks.

**SECTION 3: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE IT IS RESOLVED that the applicant must vest the Martinelli and Lounibos Coastal Permit (CP 09-5) and Use Permit (UP 09-7) approval by obtaining a Building Permit and substantially completing all of the approved construction work before May 28, 2011, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Director approves it.

The Use Permit shall remain valid in perpetuity upon satisfaction of all conditions of approval, the vesting requirements, and Building Permit Final Inspection approval.

NOW, THEREFORE IT IS 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, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on June 4, 2009.

**SECTION 4: DECISION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28<sup>th</sup> day of May 2009.

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JEREMY TEJIRIAN  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary