



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR**  
 MARIN COUNTY DEPARTMENT OF PUBLIC WORKS COASTAL PERMIT

Item No:	H.1	Application No:	CP 09-34
Applicant:	Marin County Department of Public Works	Owners:	County of Marin
Property Address:	Olema-Bolinas Road, Bolinas	Assessor's Parcel:	In ROW adjacent to 193-020-18, -54 and 195-290-13 through -15 ROW
Hearing Date:	June 11, 2009	Planner:	Kristina Tierney, Planner

**RECOMMENDATION: Approve with Conditions**  
**LAST DATE FOR APPEAL: June 18, 2009**  
**LAST DATE FOR ACTION: July 25, 2009**

**PROJECT DESCRIPTION**

The applicant is requesting a Coastal Permit in order to expand the existing Olema-Bolinas roadway in Bolinas to accommodate a Class I multi-use path. The path would extend from the Bolinas Middle School to the Mesa Road intersection. The project would consist of installing a new 6 foot wide, paved multi-use path on the east side of Olema-Bolinas Road, separated from the vehicular roadway edge by 5 feet. The total length is 1,960 feet, and includes a net fill of 80 cubic yards (432 cubic yards of total fill and 354 cubic yards of total cut). The approved Measure 'R' vote in 2002 by the Bolinas community has required the pathway to be constructed on the east side of Olema Bolinas Road and offset a minimum of five feet from the roadway edge.

**GENERAL INFORMATION**

Countywide Plan: C-AG-2 (Coastal, Agriculture, 1 unit/10-30 acres) and C-OS  
 Zoning: C-ARP-10 (Coastal, Agriculture, Residential Planned, 1 unit/10 acres) and C-OA (Coastal, Open Area)  
 Lot size: Olema-Bolinas Road right-of-way (1,960 linear feet)  
 Adjacent Land Uses: Open Space, Single-family residential  
 Vegetation: Ruderal vegetation and non-native trees  
 Topography and Slope: Flat to moderately sloping  
 Environmental Hazards: None identified

## **ENVIRONMENTAL REVIEW**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15301, Class 1 of the CEQA Guidelines because it entails the expansion of an existing roadway to improve the safety of bicyclists.

## **PUBLIC NOTICE AND COMMENTS**

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 600 feet of the subject property. One comment was received regarding the relocation of the telephone poles.

## **PLAN CONSISTENCY**

The proposed project is consistent with the goals and policies of the Marin Countywide Plan and the Local Coastal Program, Unit I because it entails the expansion of an existing roadway to provide a Class I multi-use path along the Olema-Bolinas Road, connecting Mesa Road to the Bolinas-Stinson Middle School. As the path borders on the Bolinas Lagoon, policies contained in the 1972 Bolinas Lagoon Plan, which was incorporated by reference in the Marin County Local Coastal Program, Unit 1, also apply.

The "Recommendations of the Plan" section of the Bolinas Lagoon Plan identifies the establishment of pedestrian and bicycle paths connecting points of interest along the lagoon as a desired plan outcome. It proceeds to specifically identify proposed multiuse and pedestrian paths along the shore of the Bolinas Lagoon. The section of path proposed to be developed under the proposed project is specifically mapped in this document. As a result, the project would be implementing one element of the 1972 Bolinas Lagoon Plan.

In addition to conforming and implementing the Countywide Plan, LCP and Bolinas Lagoon Plan, construction of the bike path would require a minimal amount of grading and excavation and would not require the removal of sensitive habitat or native vegetation as all construction activities would take place in the road right-of-way. None of the wetlands located adjacent to the right-of-way would be impacted as the project has been designed to avoid and protect this resource. Project plans have been reviewed and approved by the Marin County Department of Parks and Open Space, who oversee the subject wetlands. The proposed project would neither result in significant impacts to visual or environmental resources, nor would it affect the health, safety, or welfare of the public. Furthermore, the project would meet the objectives of the Marin Countywide Plan by increasing roadway safety for bicyclists and improving the streetscape design of the Olema-Bolinas Road.

## **PROJECT ANALYSIS**

The proposed bike path would extend along the eastern side of Olema-Bolinas Road, between Mesa Road and the Bolinas-Stinson Middle School. The roadway slopes downhill to the north, from Mesa Road towards the school, and flattens out near the marsh. The vegetation at the project site consists of low-lying grasses and a few non-native trees along the roadway. Five (5) trees would be removed in order to construct the multi-use path including one (1) Red Alder (10 inches in diameter) and four (4) Cypress saplings (2 to 4 inches in diameter). The trees proposed for removal were recently planted as landscaping for a neighboring property and are small in size. The proposed project is consistent with

the required findings for approval of a Coastal Permit contained in Chapter 22.56l of the Marin County Code.

## **CONCLUSION**

Staff has conducted a site visit, reviewed all submittal information and finds that all the mandatory findings for a Coastal Permit can be made, and that all efforts have been made to minimize grading and prevent disturbance to sensitive habitat.

## **RECOMMENDATION**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached Resolution conditionally approving the Marin County Department of Public Works Coastal Permit application.

## **ATTACHMENTS**

1. Proposed Resolution recommending conditional approval of the Department of Public Works Coastal Permit
2. CEQA document
3. Location Map
4. Assessor's Parcel Map
5. Project Plans
6. Department of Public Works, Land Development memorandum, June 20, 2008
7. Marin County Open Space District memorandum, May 14, 2009
8. Marin County Open Space District email, May 20, 2009
9. Bolinas Fire Department memorandum, May 6, 2009



MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-X

A RESOLUTION CONDITIONALLY APPROVING THE MARIN COUNTY DEPARTMENT OF PUBLIC WORKSCOASTAL PERMIT OLEMA-BOLINAS ROAD, BOLINAS ASSESSOR'S PARCEL 193-020-18 ROW

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The applicant is requesting a Coastal Permit in order to expand the existing Olema-Bolinas roadway in Bolinas to accommodate a Class I multi-use path. The path would extend from the Bolinas-Stinson Middle School to the Mesa Road intersection. The project would consist of installing a new 6 foot wide, paved multi-use path on the east side of Olema-Bolinas Rd, separated from the vehicular roadway edge by 5 feet. The total length is 1,960 feet, and includes a net fill of 80 cubic yards (432 cubic yards of total fill and 354 cubic yards of total cut). The approved Measure 'R' vote in 2002 by the Bolinas community has required the pathway to be constructed on the east side of Olema Bolinas Road and offset a minimum of five feet from the roadway edge.

**SECTION I: FINDINGS**

- I. WHEREAS the Marin County Department of Public Works is requesting a Coastal Permit to construct a Class I multi-use path along the Olema-Bolinas Road right-of-way. The bike path would extend from Mesa Road to the Bolinas-Stinson Middle School, approximately 1,960 linear feet. The path would be 6 feet in width and separated from the vehicular roadway edge by 5 feet.
- II. WHEREAS the Marin County Deputy Zoning Administrator held duly noticed public hearings on June 11, 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 15301, Class 1 because it entails the expansion of an existing roadway and would require minimal grading and tree removal, and result in no potentially significant impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Marin Countywide Plan because it will:
  - A. Improve the streetscape design of the Olema-Bolinas Road;
  - B. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
  - C. Comply with governing development standards related to roadway, grading, drainage, and utility improvements as verified by the Department of Public Works staff;

- D. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
  - E. Require minimal soil and natural vegetation disturbance.
- V. 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 22.56.130I) and finds that this project conforms to the requirements of Local Coastal Program, Unit II, as follows:
- A. Water Supply:

The multi-use bike path would not require access to a water supply.
  - B. Septic System Standards:

The multi-use path would not need a septic system as the path will be used for bicycle and pedestrian transit only.
  - C. Grading and Excavation:

Grading and excavation would be limited to the minimum amount necessary for expanding the right-of-way shoulder to accommodate the new path.
  - 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, project activities will take place within the existing road right-of-way, which were previously disturbed. The County's archaeological, historic, or prehistoric resources condition of approval would ensure that should any artifacts be discovered during project activities, the appropriate measures would be implemented to maintain the historical integrity of the resource.
  - E. Coastal Access:

The subject property is located between the Bolinas Lagoon and the first public road; however, construction of the multi-use path would not restrict access to the lagoon.
  - F. Housing:

The proposed path would not impact housing in the area as the path would be used solely for transit.
  - G. Stream Conservation Protection:

The project site is not sited on or near a blue line stream as identified on the National Resources Map for Unit I of the 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:

Project activities would occur completely within the existing road right-of-way and therefore no wildlife habitat would be affected by the project.

J. Protection of Native Plant Communities:

The CNDDDB identifies the following special status species as being located within close proximity of the project site: Ricksecker's water scavenger beetle, Coast yellow leptosiphon, American Badger, California clapper rail, and the California red-legged frog. However, construction activities associated with the multi-use path would occur completely within the existing road right-of-way and disturb only ruderal vegetation and non-native trees. Activities on the path would be limited to pedestrian and bicycle traffic. Therefore, construction of the project will not result in a significant impact to listed plant or animal species.

K. Shoreline Protection:

The project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards:

The project site is located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map. As the multi-use path does not include any structures other than the path, the project poses no threat safety threats relative to geologic hazards.

M. Public Works Projects:

The proposed project is sponsored by the Department of Public Works as it entails the expansion of a public roadway. The project would not impact flood control projects, or utility services.

N. Land Division Standards:

The project would be constructed within the road right-of-way and would not involve the division of any legal lots of record.

O. Visual Resources:

The multi-use path would be constructed within the existing road right-of-way and would be level with the ground. Therefore, it would not impact any visual resources in the area.

P. Recreation/Visitor Facilities:

The proposed project will provide pedestrians and bicycle transportation consistent with Unit I of the Marin County Local Coastal Program and the Bolinas Lagoon Plan.

Q. Historic Resource Preservation:

The project site is located outside of the historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program and does not entail impacts to any historic resources.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Marin County Department of Public Works Coastal Permit pursuant to Chapter 22.56l of the Marin County Code, subject to the following conditions. This approval is for the construction of a six-foot wide multi-use path extending along the Olema-Bolinas Road from the Mesa Road intersection to the Bolinas-Stinson Middle School. The path would extend for 1,960 linear feet and be separated from the vehicle roadway by five feet.

### Marin County Community Development Agency, Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Olema-Bolinas Road Class I Bikeway," consisting of 9 sheets prepared by the Department of Public Works and received April 28, 2008, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. 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.
3. The applicant shall install temporary construction fencing around the dripline of the existing trees to remain in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
4. 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.

5. 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.
6. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
7. 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.
8. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval before the contemplated modifications may be initiated.

Department of Public Works, Land Development

9. Provide an attachment to the plans of UCS 265 for the proposed grate at Station 6+50.
10. Coordinate with local utility service providers for the relocation of all utility infrastructures.
11. All pathway surfaces (including utility box covers) shall consist of firm, smooth and slip resistance materials.

12. Revise the labeling for cross section-4 to correspond with the two cross sections associated with it (currently shown as cross sections 4 and 5). One suggestion is to re-label the plan view cross section as "4a,b" and re-label the cross sections as "4a" and "4b" accordingly (e.g. current cross section-5 labeled as "4b").
13. Revise plans to show the cross section presented as No-5 reversed (mirrored).

Bolinas Fire Department

14. Coordinate with the Fire Department regarding relocation of the existing fire hydrants. Contact the Fire Department prior to relocation.

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant/owners must vest the Marin County Department of Public Works Coastal Permit (CP 09-34) approval by substantially completing all approved work by June 11, 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 above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120 of the Marin County Code. Failure to comply with the conditions of this approval will result in the invalidation of the approvals.

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 June 18, 2009.**

**SECTION IV: ACTION**

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 June 2009.

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JEREMY TEJIRIAN, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Recording Secretary