

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – June 11, 2009

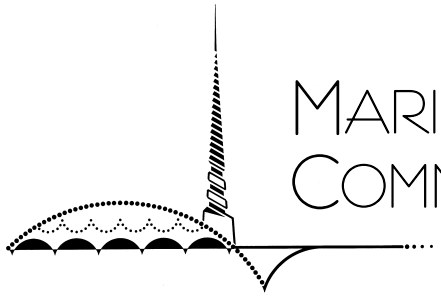
Hearing Officer Jeremy Tejrjian

Staff Present: Lorene Jackson, Assistant Planner
 Kristina Tierney, Planner

Joyce Evans, Recording Secretary

Convened at 9:04 A.M.
Adjourned at 9:18 A.M.

June 11, 2009



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **TIMOTHY SHEILS AND MARY NISBET**

Application (type and number): COASTAL PERMIT (CP 09-30)

Assessor's Parcel Number: 192-062-21

Project Location: 520 Aspen Road, Bolinas

For inquiries, please contact: Lorene Jackson, Assistant Planner

Decision Date: June 11, 2009

DETERMINATION: Approved with Conditions

Minutes of the June 11, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-33.

Marin County Community Development Agency

Jeremy Tejirian
Hearing Officer

C1. COASTAL PERMIT (CP 09-30): TIMOTHY SHEILS AND MARY NISBET

A proposal to consider construction of a new 2,209-square foot single-family residence (consisting of 1,597 square feet of primary living area and 612-square feet of enclosed and covered interior breezeway/deck) and a detached 550-square foot garage on a 34,000-square foot parcel. This project would replace a home on an adjacent parcel that burned down in early 2009. The single-story, 21.1-foot high structure would result in a 6.5% floor area ratio and maintain the following setbacks: (1) 52.3 feet from the southwesterly front property line; (2) 29.8 feet from the southeasterly street side property line; (3) 87.7 feet from the northeasterly rear property line; and (4) 20.1 feet from the northwesterly side property line. The proposed garage would attain a maximum height of 14.9 feet and maintain the following setbacks: (1) 38.8 feet from the southwesterly front property line; (2) 86 feet from the southeasterly side property line; (3) 38.8 feet from the northeasterly rear property line; and (4) 129 feet from the northwesterly side property line. The project would include a new septic system and transferring the water meter from the adjacent property to the new single-family residence. The subject property is located at **520 Aspen Road, Bolinas** and is further identified as **Assessor's Parcel 192-062-21**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The public testimony portion of the hearing was opened and closed.

The Hearing Officer concurred with staff's analysis and approved the Timothy Sheils and Mary Nisbet Coastal Permit, based on the Findings and subject to the conditions in the revised Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-123

A RESOLUTION APPROVING THE SHEILS/NISBET COASTAL PERMIT
520 ASPEN ROAD, BOLINAS
ASSESSOR'S PARCELS 192-062-21

SECTION I: FINDINGS

- I. WHEREAS Peacock Designs, on behalf of owners Timothy Sheils and Mary Nisbet, is seeking Coastal Permit approval to construct a new 2,209-square foot single-family residence (consisting of 1,597 square feet of primary living area and 612-square feet of enclosed and covered interior deck) and a detached 550-square foot garage on a 34,000-square foot parcel. This project would replace a home on an adjacent parcel that burned down in early 2009. The single-story, 21.1-foot high structure would result in a 6.5% floor area ratio and maintain the following setbacks: (1) 40.5 feet from the southwesterly front property line; (2) 29.8 feet from the southeasterly street side property line; (3) 109.7 feet from the northeasterly rear property line; and (4) 20.1 feet from the northwesterly side property line. The proposed garage would attain a maximum height of 14.9 feet high and maintain the following setbacks: (1) 25.2 feet from the southwesterly front property line; (2) 86 feet from the southeasterly side property line; (3) 52.5 feet from the northeasterly rear property line; and (4) 129 feet from the northwesterly side property line. The project would include a new septic system and transferring the water meter from the adjacent property to the subject property and new single-family residence. **The subject property is located at 520 Aspen Road, Bolinas and is further identified as Assessor's Parcel 192-062-21.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing 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 15303(a), Class 3 of the CEQA Guidelines because it entails the construction of a single-family residence in a residential zone that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

Water for the proposed residence would be provided by the Bolinas Community Public Utilities District (BCPUD), as confirmed by the letter incorporated herein by reference as Attachment 8.

B. Septic System Standards

The Marin County Environmental Health Services Division has reviewed and conditionally approved septic permit 09-15A for the proposed project. Although the floor area of the proposed house is 2,209 square feet as defined in Marin County Code 22.20.285I, it is noted that the septic system is approved for up to 1,450 square foot of internal living area. The difference in the defined size of the single family residence is attributed to the way Environmental Health calculates internal living space for the purpose of sizing septic systems. Should the existing

area of the structure be reconfigured to accommodate more bedrooms, a larger septic system would be required.

C. Grading and Excavation

The subject property is level and minimal grading is proposed. It would be limited to the amount necessary for trenching and excavation to accommodate the proposed foundations, on-grade driveway, landscaping, and septic system. All 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.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is located in an area of high archaeological sensitivity. Project approval would require that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required.

E. Coastal Access

The subject property is not located between the sea and the first public road, or adjacent to a coastal area identified by the Local Coastal Program Unit 1, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Bolinas community.

G. Stream and Wetland Resource Protection

The proposed project is not situated in an area subject to the County streamside conservation policies as identified on the Natural Resources Map for Unit 1 of the Local 78886 Coastal Program or near any ephemeral or intermittent stream indentified on the Inverness Quadrangle of the U.S. geological Survey Maps.

H. Dune Protection

The proposed project is not located in a dune protection area as indentified by the Natural Resources Map for Unit 1 of the Local Coastal Program.

I. Wildlife Habitat

The project entails the construction of a single-family residence and garage on a previously developed and disturbed site and will not remove significant vegetation indentified for habitat protection in the Local Coastal Plan.

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area potentially containing rare wildlife species. However, review of

the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is in a potential habitat area for the special statue species Rickseckers Water Scavenger Beetle (*Hydrochara rickseckeri*). However, a site visit conducted by Planning staff revealed that the project site does not consist of tidewater, marshy, or moist environments which this species prefers. Because of the lack of a moist environment within 250 feet of the project site, staff concluded that the proposed project should not appear to be habitat for this presumed extant species.

Review of the newest Monarch Butterfly (*Danaus plexippus*) Habitat Location maps prepared as part of Local Coastal Plan update indicates that the subject property is outside of the Monarch Butterfly Buffer. While the project site is located within a quarter of a mile of the Purple Gate Habitat Area on Mesa Drive, an overwintering site for the Monarch Butterfly, the project site is not considered habitat for the monarch, now or prior to the removal of the ten eucalyptus trees onsite. This was confirmed by a site visit by a qualified butterfly specialist. Because the eucalyptus trees that were removed were part of a small thinly spaced group of trees on a flat lot with little or no understory, the project site would not have provided suitable habitat for the butterfly.

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 State Department of Fish and Game, indicates that the subject property may be in the vicinity of Coast Yellow Leptosiphon (*Leptosiphon croceus*). A review of the California Native Plant Society indicates that there is uncertainty about the location of this plant in Marin. The Calflora website reported an observation in the literature of the plant east of Highway 101, over a mile from the project site. The proposed project on the previously developed and disturbed site will not have an adverse impact on natural habitat.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone. However, since the project site is located on the Bolinas Mesa, it is important to note that Marin County Code Section 22.56.130(K) restricts development within a certain distance of the bluff. More specifically, the zoning code does not allow development nearer to the bluff than would be safe, based on an assumed retreat rate and the 40 year life of an average residence. A geotechnical investigation is required to determine the setback in areas where the development is located within 150 feet of a bluff top or where the site is in a slope stability zone of 3 or 4. Since the subject parcel is located over 2,500 feet from the nearest bluff face and is not located within slope stability zones 3 or 4, such a report is not required.

L. Geologic Hazards

The project site is located within 0.5-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 determine seismic compliance with the Uniform Building Code.

M. Public Works Projects

The proposed project will not affect any existing or proposed public works project in the area.

N. Land Division Standards

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

O. Visual Resources

The height, scale, and design of the proposed structure would comply with the standards of the governing zoning and will be compatible with the established character of the surrounding community. Specifically, Marin County Code Section 22.56.130I.O.1 specify that new construction in Bolinas shall have a maximum height of 25 feet above grade. The proposed project would conform to this because the single family residence would attain a maximum height of 21.1 feet.

Section 22.57.086I.2e states that no accessory building shall exceed 15 feet in height above natural grade. The proposed bedroom unit would attain a maximum height of 15 feet and the garage would attain a maximum height of 14.9 feet.

The project will not impair or obstruct coastal views from any public street or public viewing places. Proposed landscaping would blend the new structures into the context of the surrounding community. Further, in accordance with Marin County Code Section 22.56.130I.O6, a recommended condition of approval requires that all utility lines serving the project site shall be placed underground.

P. Recreation/Visitor Facilities

The project would not have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Sheils/Nisbet Coastal Permit (CP 09-30) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits), the Sheils/Nisbet Coastal Permit is approved to construct a new 2,209-square foot single-family residence (to consist of 1,597 square feet of primary living area and 612-square feet of enclosed and covered interior deck) and a detached 550-square foot garage on a 34,000-square foot parcel. The single-family residence is approved to attain a maximum height of 21.1 feet and maintain the following setbacks: (1) 40.5 feet from the southwesterly front property line; (2) 29.8 feet from the southeasterly street side property line; (3) 109.7 feet from the northeasterly rear property line; and (4) 20.1 feet from the northwesterly side property line. The garage is approved to attain a maximum height of 14.9 feet high and maintain the following setbacks: (1) 25.2 feet from the southwesterly front property line; (2) 86 feet from the southeasterly side property line; (3) 52.5 feet from the northeasterly rear property line; and (4) 129 feet from the northwesterly side property line. A new septic system is approved to serve the

subject property and new single-family residence. **The subject property is located at 520 Aspen Road, Bolinas and is further identified as Assessor's Parcel 192-062-21.**

2. Plans submitted for building permits shall substantially conform to plans identified as **Exhibit A1**, entitled "Nisbet-Sheils Residence", prepared by Peacock Designs, consisting of eight sheets dated May 26, 2009 and received May 28, 2009, and on file in the Marin County Community Development Agency, Planning Division, except as revised:
 - a. Sheet A1 shall indicate that the 2,209-square foot single-family residence consists of 1,597 square feet of primary living area and 612-square feet of enclosed and covered interior deck.
 - b. Remove reference to a covered walkway.
3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as **Exhibit B**, entitled "Nisbet Sheils Residence," received April 13, 2009 and on file with the Marin County Community Development Agency including:
 - a. Siding – Natural Finish Cypress
 - b. Windows – Aluminum Clad Wood Windows Dark Green trim
 - c. Roof – Asphalt Shingles – Dark Brown

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants 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.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties.
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. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicants shall install temporary construction fencing around the dripline of the existing trees 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 site photographs confirming installation of the fencing to the Community Development Agency.
8. No trees other than those shown and approved on the landscaping plan required under Condition 10 above shall be removed on the subject properties except where necessary to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or the general welfare.

9. 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, Presidents' Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas Day). 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.
 - c. During construction, the applicants shall take all appropriate measures, including watering of disturbed areas and covering the beds of any trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
 - d. The applicants shall be responsible for ensuring that the number of vehicles, equipment, and materials are stored onsite and off the street so that pedestrian and vehicles can pass safely at all times.
 - e. All construction debris shall be removed from the site upon completion of the project.
10. If archaeological resources are discovered during grading, trenching, or other construction activities, all work at the site shall stop immediately and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
11. 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 approval of the Sheils/Nisbet Coastal Permit (CP 09-30), for which action is brought within the applicable statute of limitations.
12. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.

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.
14. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Construction Conformance contained in the Green Building Residential Certification Form certifying that the measures identified in the Statement of Design Conformance have been installed and/or utilized as part of the project to meet or exceed the required green building rating level.

Environmental Health Services (EHS) – Sewage

15. Construction of the individual sewage disposal system shall comply with the terms of the septic permit #09-15A.

Department of Public Works

Prior to Issuance of a Building Permit:

16. 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.
17. Provide a site plan with a minimum scale of 1/8"= 1.0' or 1:10. Show the complete width of the right-of-ways for both Aspen and Poplar Roads.
18. Provide a minimum of two guest parking spaces, preferably on site within a driveway in front of the proposed garage. The parking spaces shall be a minimum of 8.5-ft by 18-ft and shall be independent of each other (e.g. side by side).
19. Provide the proposed surfacing for the driveway.
20. Provide the location of electrical utility hookup.
21. Provide the location of the propane tank. The propane tank shall be within property boundaries.
22. Provide more detail on the water catchment/drainage plan for the project. Drainage structures and management shall remain within property boundaries. Direct drainage across property boundaries and/or into a right-of-way is not allowed [2007 CBC App. §109.4].
23. Submit Erosion and Siltation Control plans.
24. Provide a 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.
25. If public access for the business is intended, adequate parking spaces shall be required under MCC §24.04.340 as well as 2007 CBC accessibility requirements for the disabled.

Bolinas Fire Protection District

26. The street address shall be posted where readily visible from Aspen Road. Sign to be three inches minimum letters with 3/8 inches stroke and with a background of contrasting color. Temporary sign shall be posted during construction.
27. Design approval and site inspection for the roof shall be completed by the County Division of Building and Safety. *Note: The "Lexan" Polycarbonate Roofing material called out for the breezeway on Sheet A4 must be a Class A rating.*
28. Fire sprinkler design approval and inspection to be completed by County Building and Safety.
29. Provide smoke detectors per UBC/UFC.
30. If a LPG tank is to be installed, it shall be secured to a concrete foundation or by other methods to withstand failure of cylinder and associated plumbing which may cause the release of propane during a seismic event or land movement. In addition, an automatic earthquake shutoff valve is required.
31. The LPG tank shall be located a minimum of 30 feet from all structures. It is recommended that the propane tank be sited away from the driveway so as not to interfere with access in the event of flame impingement which may cause tank to vent flames. Provide 15 feet of defensible space around the propane tank.
32. A vegetative defensible space zone (minimum of 100 feet) is required. The defensible space zone must be in place prior to framing. Trees shall not be planted in a location that, when mature, will contact overhead power lines or impede access/egress. Vegetation scheduled for planting shall be in accordance with the fire resistant plant species list. Schedule a site meeting with the Fire Department prior to construction. *Note: Any trees proposed for removal beyond those shown on the approved plans must receive prior approval from Planning.*
33. Construction and inspections shall be per UBC and Marin County Codes.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before 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 22.56.120I of the Marin County Code.

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.**

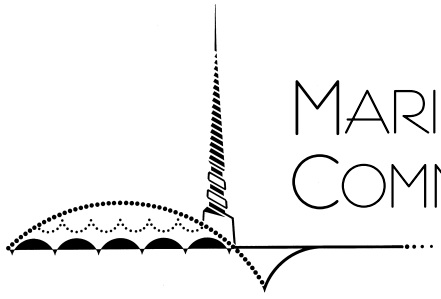
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 11th day of June 2009.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **DEPARTMENT OF PUBLIC WORKS**

Application (type and number): COASTAL PERMIT (CP 09-34)

Assessor's Parcel Number: 193-020-18 ROW

Project Location: Olema-Bolinas Road, Bolinas

For inquiries, please contact: Kristina Tierney, Planner

Decision Date: June 11, 2009

DETERMINATION: Approved with Conditions

Minutes of the June 11, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-14.

Marin County Community Development Agency

Jeremy Tejirian
Hearing Officer

C2. COASTAL PERMIT(CP 09-34): DEPARTMENT OF PUBLIC WORKS

A proposal 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' wide, paved multi-use path on the east side of Olema-Bolinas Rd, separated from the vehicular roadway edge by 5'. 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. The subject property is located at **Olema-Bolinas Road, Bolinas**, and is further identified as **Assessor's Parcel 193-020-18 ROW**.

In response to the Hearing Officer, staff stated that she had received additional comments on the project, but none that would change the decision.

The public testimony portion of the hearing was opened.

Stephen Simac, property owner, presented a fax of his comments and spoke regarding his concerns with the sub-standard width of the path and the danger of the four cross sections along the path.

Walter Murch, property owner, spoke regarding concerns with moving of telephone poles into the medium creating a safety hazard.

The public testimony portion of the hearing was closed.

The Hearing Officer addressed the safety concerns raised by the speakers noting that the project has been a community based planning effort and the safety concerns will be adequately addressed.

The Hearing Officer approved the project with one modification to the Resolution:

- The project description in the Resolution should be placed under SECTION I: FINDINGS, I.

The Hearing Officer concurred with staff's analysis and approved the Department of Public Works Coastal Permit, based on the revised Findings and subject to the conditions in the Resolution as modified.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-124

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

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. 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.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing 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 I, 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 22.56I 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 22.56.120I 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 11th day of June 2009.

JEREMY TEJIRIAN, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Recording Secretary