



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
WHITEHEAD COASTAL PERMIT**

Item No:	H1.	Application No:	190-041-32
Applicant:	Stephen Antonaros	Owner:	Pamela Whitehead
Property Address:	271 Poplar Avenue, Bolinas	Assessor's Parcel:	
Hearing Date:	October 1, 2009	Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	October 8, 2009
LAST DATE FOR ACTION:	October 20, 2009

PROJECT DESCRIPTION:

The applicant is requesting Coastal Permit amendment approval to Coastal Permit (CP 06-3), which was approved by the Deputy Zoning Administrator on July 13, 2006, and received an extension to vest on July 31, 2008. The previously approved project was for the construction of a new approximately 2,059 square-foot single-family-residence to be located at 271 Poplar Road in Bolinas. The applicant is proposing to revise the approved project and add the following: 1) attic storage space which achieves a maximum height of 6 feet 4 inches; 2) a dormer/bay window seat in one of the bedrooms; 3) enclose previously approved covered porches at SW and north elevations; 4) 3 attached sheds on east side of house; 5) a 10-foot x 12-foot detached out building 13 feet from south property line; 6) an 8-foot x 20-foot x 9-foot detached metal storage container 10 feet from south property line; as well as 7) various interior revisions.

GENERAL INFORMATION:

Countywide Plan:	C-SF5 (Coastal Single-family Residential, 2-4 units per acre)
Zoning:	C-R-A:B-2 (Coastal, Residential Agricultural, B-2 Building District, 1-acre 10,000 square foot minimum lot size)
Community Plan Area:	N/A
Lot size:	26,000 square feet
Adjacent Land Uses:	Single-family Residential
Vegetation:	Scattered brush and grasses
Topography and Slope:	Level
Environmental Hazards:	Proximity (~1,400 ft.) to the edge of the Bolinas Mesa

ENVIRONMENTAL REVIEW:

The Deputy Zoning Administrator (DZA) found that the 2006 Whitehead Coastal Permit (CP 06-3) project was Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3(a) of the CEQA Guidelines because it entailed the construction of a new single-family residence on a residentially developed parcel with no potentially significant impacts on the environment. Additionally, the proposed amendment to the Coastal Permit is minor and will have no potentially significant impacts on the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 300 feet of the subject property. The Community Development Agency has received a letter from Meg Simonds on September 2, 2009 who feels that the enclosing of the front porch and adding an attic would constitute too much space based on the fact that the surrounding houses in the community are smaller.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Local Coastal Program, Titles 22 (Zoning) and 24 (Development Standards) of the Marin County Code, and the Marin County Single-family Residential Design Guidelines, because it entails minor modifications to a previous approval for the construction of a new single-family residence on a residentially developed property which would not block public views of the coast or result in adverse environmental impacts such as grading or significant tree removal, and because adequate water supply and wastewater disposal could be provided for the project. Please refer to the recommended resolution for detailed findings.

BACKGROUND AND PROJECT ANALYSIS:

The project site is located at the intersection of Poplar Road and Locust Drive. The subject property is comprised of 13 historic lots that were merged by the County into one building site by three separate merger actions occurring in October 1986 and September 1997. The requested amendment to the Whitehead Coastal Permit (CP 06-3) for the construction of a one story, three bedroom, 2,059 square-foot single-family-residence, with a maximum height of 19 feet, does not propose significant changes to the 2006 project or the 2006 Deputy Zoning Administrator's conditional approval. Please refer to the attached 2006 staff report and Resolution approving the Whitehead Coastal Permit for more information regarding the original approval.

The Deputy Zoning Administrator (DZA) on July 13, 2006 (Deputy Zoning Administrator Resolution No. 06-152) approved Coastal Permit 06-3 for construction of a one story, three bedroom, 2,059 square-foot single-family-residence, with a maximum height of 19 feet. In July 2008, the owner/applicant applied for and was granted an extension of the 2006 Coastal Permit in order to have time to vest it.

No substantial changes or new information with respect to the environment have been identified since the the 2008 Coastal Permit extension. The existing C-R-A:B-2 zoning district

permits single family residences, as well as accessory buildings. Pursuant to Section 22.82.030I (A), the project is exempt from Design Review requirements. Instead, the project is subject to the zoning ordinance for the Coastal zone. Due to Design Review not being required and because what is proposed does not otherwise create new impacts considered in the Coastal Permit findings, Ms. Simonds concerns about the size of the residence in relation to the surrounding community is not applicable in the review of this project. Additionally, the height of the attic, achieving a maximum height of 6 feet 4 inches would not be considered additional habitable space.

Further, in consultation with experts who have previously worked for the Coastal Commission, staff has recognized that projects requiring only Coastal Permits are not subject to policy documents that have not been formally been adopted by the Coastal Commission. Therefore, staff recognizes that the project is not subject to the Marin Countywide Plan, the Bolinas Community Plan, or the Bolinas Gridded Mesa Plan, and has removed these findings from the recommended resolution.

The Department of Public Works and Environmental Health Services, have reviewed, commented, and provided conditions of approval with regards to the full scope of the project, which are identified in the attached resolution.

Based on these factors, the proposed project, as conditioned in the attached resolution, would not result in adverse impacts to the public welfare or surrounding properties, and the Coastal Permit findings can be made.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Whitehead Coastal Permit based on the findings and subject to the conditions contained in the recommended Resolution.

Attachments:

1. Recommended Resolution approving the Whitehead Coastal Permit
2. CEQA Exemption
3. Location Map
4. Assessor's Parcel Maps
5. Project Plans
6. Letter from Meg Simonds, dated September 2, 2009
7. Marin County Department of Public Works Memo, dated August 7, 2009
8. Marin County Environmental Health Services (Sewage) Memo, dated July 31, 2009
9. 2008 Notice of Decision and Deputy Zoning Administrator Resolution No. 08-136
10. 2008 Staff Report with 2006 Notice of Decision and Deputy Zoning Administrator Resolution No. 06-152

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-___

A RESOLUTION APPROVING THE PAMELA WHITEHEAD COASTAL PERMIT
271 POPLAR ROAD, BOLINAS
ASSESSOR'S PARCEL 190-041-32

SECTION I: FINDINGS

- I. WHEREAS, the applicant, Stephen Antonaros, is requesting Coastal Permit amendment approval to Coastal Permit (CP 06-3), which was approved by the Deputy Zoning Administrator on July 13, 2006, and received an extension to vest on July 31, 2008. The previously approved project was for the construction of a new approximately 2,059 square-foot single-family-residence to be located at 271 Poplar Road in Bolinas. The applicant is proposing to revise the approved project and add the following: 1) attic storage space which achieves a maximum height of 6 feet 4 inches; 2) a dormer/bay window seat in one of the bedrooms; 3) enclose previously approved covered porches at SW and north elevations; 4) 3 attached sheds on east side of house; 5) a 10-foot x 12-foot detached out building 13 feet from south property line; 6) an 8-foot x 20-foot x 9-foot detached metal storage container 10 feet from south property line; as well as 7) various interior revisions. The subject property is located at **271 Poplar Way, Bolinas** and is further identified as **Assessor's Parcel 190-041-32**.
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly-noticed public hearing October 1, 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 found that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3(a) of the CEQA Guidelines because it entails the construction of a new a new single-family residence on a residentially zoned parcel with no potentially significant impacts on the environment. Additionally, the proposed amendment to the Coastal Permit is minor and will have no potentially significant impacts on the environment.
- IV. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project continues to be 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

The Bolinas Community Public Utilities District (BCPUD) would provide water for the proposed residence, and has presented staff with documentation verifying the availability of this water. Therefore, the project is consistent with this finding.

B. Septic System Standards

The Marin County Environmental Health Services Division has reviewed and conditionally approved a septic permit (permit # 03-85A) for the proposed project. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The subject property is level and minimal grading is proposed. Excavation would occur for construction of the foundations of the proposed residence and drainage improvements. All grading and excavation work will 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. Therefore, the project is consistent with this finding.

D. Archaeological Resources

As noted in the original 2006 Coastal Permit (CP06-3) and 2008 Coastal Permit Extension (CP08-22), review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, minimal grading is proposed and the project is not likely to disturb cultural resources. A condition of project approval would require that in the event cultural resources are discovered during site preparation or construction of this project, all work shall immediately be stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures to meet Local Coastal Program requirements. Therefore, the project is consistent with this finding.

E. Coastal Access

The project site is not located adjacent to the shoreline and will therefore have no impact upon coastal access. Therefore, the project is consistent with this finding.

F. Housing

The proposed project includes construction of a new single-family residence in a residential zone and would not result in the demolition or conversion of housing affordable to households of lower or moderate income. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

This project site is not situated in an area subject to the streamside conservation policies 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. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

The project site is not located in an area identified as containing sensitive wildlife habitat. Therefore, the project is consistent with this finding.

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. Additionally, a review of the NDDDB, prepared by the California Department of Fish and Game, indicates that the subject property is not located in the habitat area for rare plant species. Therefore, no significant or adverse impacts to native plant communities would result from the project. Therefore, the project is consistent with this finding.

K. Shoreline Protection

Marin County Code Section 22.56.130(K) restricts development within a certain distance of the bluff of Bolinas Mesa. 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. However, the subject property does not meet either of these criteria. The subject property is located over 1,400-feet inland from the nearest bluff face, and the proposed development would not occur within Bluff Erosion Zones 3 or 4 as identified by the Gridded Mesa Plan. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is located well over one mile from the Alquist-Priolo Special Study Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of previous project approval, the applicant executed and recorded 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. Therefore, the project is consistent with this finding.

M. Public Works Projects

This proposed project does not entail expansion of public roads, flood control projects, or utility service and will not affect any public works projects. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The height, scale, and design of the proposed residence will comply with the standards of the governing zoning and will be compatible with the established character of the surrounding community. However, the metal container is incompatible with the visual character of the surrounding area. Therefore, a condition of approval requires that the container be removed and replaced with a storage shed with exterior materials and roof pitches that match the residence. The shed shall be the same floor area and dimensions as the container. The shed shall be in the same location as the container and shall not exceed a height of 15-feet above grade. With this modification, the project would be consistent with this finding.

P. Recreation/Visitor Facilities

The proposed project will not provide or impact commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations that require a mixture of residential and commercial uses. Therefore, the project is consistent with this finding.

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 1930. Therefore, the project is consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. The Conditions of Approval from Coastal Permit 06-3 and Extension 08-22 still apply with exception to the changes outlined as follows. Pursuant to Chapter 22.56I (Coastal Permit) of the Marin County Interim Development Code, the Whitehead Coastal Permit approval to amend Coastal Permit 06-3 in order to construct additional 1) attic storage space which achieves a maximum height of 6 feet 4 inches; 2) a dormer/bay window seat in one of the bedrooms; 3) enclose previously approved covered porches at SW and north elevations; 4) 3 attached sheds on east side of house; 5) a 10-foot x 12-foot detached out building 13 feet from south property line; as well as 6) various interior renovations. The subject property is located at **271 Poplar Way, Bolinas** and is further identified as **Assessor's Parcel 190-041-32**.
2. Plans submitted for Building Permits shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as File Copy, "Whitehead Residence, 271 Poplar Road, Bolinas, CA" prepared by Lawrence Doyle, consisting of 3 sheets, dated July 25, 2007 and July 22, 2009 and received July 22, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein. The project shall be modified as specified below:

- a. The proposed metal storage container shall be replaced with a storage shed with exterior materials and roof pitches that match the residence. The shed shall be the same floor area and dimensions as the container. The shed shall be in the same location as the container and shall not exceed a height of 15-feet above grade.
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 Conditions of Approval as notes.
4. Exterior lighting shall be permitted for safety purposes only, must consist of energy efficient, low lumen output, and low wattage fixtures, and must be directed downward and hooded to prevent glare for neighboring properties.
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 serving the project shall be installed underground. Modifications to this condition may be considered by the Community Development Director at the written request of the applicant.
7. 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 shall 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.
8. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.

9. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Whitehead Coastal Permit, for which action is brought within the applicable statute of limitations.

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 October 1, 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 22.88.050I of the Marin County Code.

The Building Permit approval expires if the building or work authorized in this does not commence within one year from issuance of such permits. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of the permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the approval, and no extensions have been granted, the Building Permit may become null and void. Should you have difficulties in meeting deadlines for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least ten days before the expiration.

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 October 8, 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 1st day of October 2009.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary