



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

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

Item No:	C1.	Application No:	CP 10-10
Applicant:	Stephen Hodge	Owner:	Stephen Hodge
Property Address:	Cedar Road, and adjacent to Alder Road and Dogwood Road, Bolinas	Assessor's Parcel:	192-121-32
Hearing Date:	January 28, 2010	Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	February 4, 2010
LAST DATE FOR ACTION:	February 22, 2010

PROJECT DESCRIPTION:

The applicant is requesting Coastal Permit approval to relocate a one story, 640 square foot residence from 56 Horseshoe Hill Road, in Bolinas, to Assessor's Parcel 192-121-32, in addition to constructing a 168 square foot deck. The residence will reach a maximum height of 15 feet 6 inches above grade and would have the following minimum setbacks: 1) 61 feet from the easterly front property line; 2) 90 feet from the westerly rear property line; 3) 14 feet 6 inches from the northerly side property line; and 4) 53 feet from the southerly side property line.

GENERAL INFORMATION:

Countywide Plan:	C-SF5 (Coastal, Single-family Residential, 2-4 units per acre)
Zoning:	C-R-A:B-2 (Coastal, Residential-Agricultural, Single-Family, 10,000 square foot minimum lot area)
Community Plan Area:	Bolinas Gridded Mesa
Lot size:	20,000 square feet
Adjacent Land Uses:	Residential
Vegetation:	Moderate concentrations of native trees and vegetation
Topography and Slope:	Flat
Environmental Hazards:	Proximity (~1,300 ft.) to the edge of the Bolinas Mesa

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 15303, Class

3 of the CEQA Guidelines because it entails relocation of an existing residence in Bolinas and would not result in potentially significant impacts to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 300 feet of the subject property. No comments, adverse or otherwise have been received by staff in response to the public notice for the proposed project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Bolinas Gridded Mesa Plan, the Local Coastal Program, and Title 22 (Zoning) and Title 24 (Development Standards) of the Marin County Code, because it will not result in tree removal, significant grading, or other adverse impacts on the environment and surrounding property owners. Please refer to the plan consistency findings contained in the attached resolutions for more information.

PROJECT ANALYSIS:

The applicant is proposing to relocate a one story, 640 square foot residence from 56 Horseshoe Hill Road, in Bolinas, to Assessor's Parcel 192-121-32, in addition to constructing a 168 square foot deck. The proposed residence is an existing modular unit. The siding is painted a "Moss Green", with white vinyl windows and doors and a black composite shingle roof. The 20,000 square foot property is flat, with a light planting of native vegetation.

The project is located in what is known as the Gridded Mesa in the community of Bolinas, with nearby single family developed lot areas ranging from approximately 4,000 square feet to 54,000 square feet. The property is part of the Bolinas Beach subdivision, generally referred to as the Gridded Mesa, created in 1927. The property was formerly composed of historic lots 1225-1234, and parcels 192-121-12, -13, -14, and -15 until they were merged in October of 1998 by Merger 99-26.

The development in this area is almost entirely single family units or vacant lots. The applicant has applied for a Coastal Permit because he is within the coastal zone. The project is a principally permitted use in the C-R-A:B-2 zoning district. As outlined in the attached resolution, the proposed project complies with policies found in the Bolinas Gridded Mesa Plan. This decision can be appealed to the California Coastal Commission.

In addition to the proposed relocation of the modular unit, the property has two existing accessory structures, identified on the Site Plan/Landscape Plan as a 180 square foot 'Bedroom/Bath' with an awning, and a 120 square foot 'Studio/Office' with a brick patio. There is no permit history of these two structures on the property. In addition, there is no further information provided in this application on the two structures. These structures however are subject to Coastal Permit review. The proposed Coastal Permit is only considering the relocated residence and is not a legalization of the two accessory structures.

The applicant has two options, the removal of the two accessory structures or to legally recognize the structures through Coastal Permit review. The applicant may pursue a separate

Coastal Permit to potentially legally recognize these structures. Alternatively, the applicant may request a continuance of the public hearing to have the current Coastal Permit consider these structures as well. This will entail submittal of new information which includes full Coastal Permit submittal information on these structures. The project will need to be transmitted for comments, be deemed complete, receive a revised public noticing, and come back to public hearing within 90 days of project continuance, per California Government Code Section 65957.

The Department of Public Works, Environmental Health Services, Bolinas Community Public Utility District, and Bolinas Fire Protection District, have reviewed, commented, and provided conditions of approval with regards to the full scope of the presently proposed 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 adopt the attached resolution approving the Hodge Coastal Permit.

- Attachments:**
1. *Proposed Resolution recommending approval of the Hodge Coastal Permit*
 2. *CEQA Exemption*
 3. *Assessor's Parcel Map*
 4. *Project Plans*
 5. *Exhibit B., "Stephen Hodge House Relocation" color board, submitted August 11, 2009*
 6. *Biological Assessment*
 7. *Marin County Department of Public Works Memo, received September 1, 2009*
 8. *Environmental Health Services Memo, received August 27, 2009*
 9. *Bolinas Community Public Utility District Memo, received August 11, 2009*
 10. *Bolinas Fire Protection District Memo, received September 17, 2009*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-
A RESOLUTION APPROVING THE HODGE COASTAL PERMIT
CEDAR ROAD, AND ADJACENT TO ALDER ROAD AND DOGWOOD ROAD, BOLINAS
ASSESSOR'S PARCEL 192-121-32

SECTION I: FINDINGS

- I. WHEREAS, Stephen Hodge, is seeking Coastal Permit approval to relocate a one story, 640 square foot residence from 56 Horseshoe Hill Road, in Bolinas, to Assessor's Parcel 192-121-32, in addition to constructing a 168 square foot deck. The residence will reach a maximum height of 15 feet 6 inches above grade and would have the following minimum setbacks: 1) 61 feet from the easterly front property line; 2) 90 feet from the westerly rear property line; 3) 14 feet 6 inches from the northerly side property line; and 4) 53 feet from the southerly side property line. **The subject property is located on Cedar Road, and adjacent to Alder Road and Dogwood Road, in Bolinas and is further identified as Assessor's Parcel 192-121-32.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing January 28, 2010, 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 of the CEQA Guidelines because it entails relocation of an existing residence in Bolinas and 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 pertinent land use policies of the Bolinas Gridded Mesa Plan including:
 - A. The project is not near the bluffs or subject to significant erosion (Policy LU-1.1).
 - B. The project is consistent with the minimum parcel size for the area (Policy LU-5 and Program LU-5.1).

- V. 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

The project has been reviewed and accepted by the Bolinas Community Public Utility District. A letter has been provided by the District which states that the transfer of a water meter has been approved for the subject property. Therefore, the project is consistent with this finding.

B. Septic System Standards

The project has been reviewed and accepted by Environmental Health Services. In addition, the project has been conditioned so that the applicant must obtain a septic system permit before building permit issuance. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The project, as designed and conditioned, will keep grading to the minimum amount necessary. Therefore, the project is consistent with this finding.

D. Archaeological Resources

The project is in the Gridded Mesa, an already highly developed part of Bolinas, and therefore the discovery of archaeological resources on the site is unlikely. In addition, a standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures. 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 will have no impact upon the availability of affordable housing stock within the Bolinas community because it does not involve removing any existing housing stock. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any recognized sensitive streams or creeks subject to stream protection of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project is not located in the Dune Protection area identified by the Local Coast Plan and would not disturb natural dunes. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

In an effort to address whether the proposed project would impact any species recognized by federal or state agencies, the applicant provided a biological assessment prepared by Prunuske Chatham, Inc. Prunuske Chatham, Inc. addresses

wildlife habitat, with additional information on a list of special-status wildlife species that have potential for occurrence on pages 9-14 of his report. In their conclusion, Prunuske Chatham, Inc. finds that the applicant's proposed design will not likely have an impact on any special status wildlife species. The findings in the biological assessment are based on the fact that the site is not appropriate for any of the potentially sensitive species that have sometimes been found in the area. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on Prunuske Chatham, Inc.'s biological assessment, it has been determined that potential impacts related to the applicant's proposed design will not likely have any impacts during construction. Their findings are based on the fact that the environmental site conditions are not appropriate or are otherwise significantly limited for the sensitive plant species that have sometimes been found in the area. 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 1,300-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 outside of the Alquist-Priolo Special Study Zone. The project has also been designed to conform with safety standards required by FEMA. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code and as a condition of project approval, the applicant shall agree to hold 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

The proposed project will not affect any existing or proposed local public works projects in the area. 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 project is located in a residentially dense portion of Bolinas, known as the Gridded Mesa. The property, at its southerly side, faces towards Alder Road, a major roadway for the Gridded Mesa. The project has been conditioned to include a revised landscape plan which includes at least 3 additional 15-gallon (or larger) native trees to act as screening of the residence. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation or visitor facilities. 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. Pursuant to Chapter 22.56I (Coastal Permit) of the Marin County Interim Development Code, the Hodge Coastal Permit approval to relocate a one story, 640 square foot residence from 56 Horseshoe Hill Road, in Bolinas, to Assessor's Parcel 192-121-32, in addition to constructing a 168 square foot deck. The residence shall reach a maximum height of 15 feet 6 inches above grade and have the following minimum setbacks: 1) 61 feet from the easterly front property line; 2) 90 feet from the westerly rear property line; 3) 14 feet 6 inches from the northerly side property line; and 4) 53 feet from the southerly side property line. The subject property is located on **Cedar Road, and adjacent to Alder Road and Dogwood Road, in Bolinas** and is further identified as **Assessor's Parcel 192-121-32**.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "PROPOSED HOME RELOCATION FOR: STEPHEN HODGE," consisting of ten sheets prepared by Stephen Hodge Design/Drawing, dated May 21, 2009 and originally received on August 11, 2009, with revisions received on November 24, 2009 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B.1", received on August 11, 2009 and on file with the Marin County Community Development Agency
4. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscaping plan which provides three additional native screening trees on the side setback facing Alder Road. The landscaping shall be a minimum 15-gallon size.
7. 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.
8. 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.
9. 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.

10. 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.
11. BEFORE FINAL INSPECTION, the applicant shall demolish the 'Bedroom/Bath' and 'Studio/Office' identified on the Site/Landscape Plan. The applicant shall apply for a demolition permit with the Building and Safety Division for these two structures.
12. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
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. The residence shall be assigned a street address of 305 Cedar Road when the building permit application is submitted.

Marin County Public Works Department, Land Development Division

15. BEFORE ISSUANCE OF A BUILDING PERMIT, 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. Geotechnical review is required for seismic design of the structures.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide more detail on the drainage plan for the project. Roof down-spouts shall be directed and outlet away from the foundation with splash blocks, and surface drainage from the foundation shall be a minimum of 5% slope for 10-ft [2007 CBC §1803.3].
18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise plans to show a minimum size for each parking stall at 8.5-feet by 18-feet.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall show on the plans a location for the propane tank.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall 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.

Environmental Health Services

21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall apply for and obtain septic system permit.

Bolinas Fire Protection District

22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide confirmation to the Planning Division that the Fire Marshal has approved the Vegetation Management/Defensible Space Plan and that the project complies with all applicable fire safety requirements.
23. BEFORE FINAL INSPECTION, the applicant shall provide written confirmation from the Bolinas Fire Protection District that all requirements have been met.

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 January 28, 2012, 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 for 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 February 4, 2010.**

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 28th day of January 2010.

JOHANNA PATRI

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary