



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
COUNTY OF MARIN COASTAL PERMIT (BOLINAS BEACH CAMPING BAN)

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| Item No: | H1. | Application No: | CP 10-34 |
| Applicant: | County of Marin | Owner: | County of Marin, et. al. |
| Property Address: | (See Assessor's Parcels) | Assessor's Parcels: | 193-142-07, 193-142-11, 193-142-10, 193-151-19, 193-151-20, 193-151-21, 193-151-16, 193-151-11, 193-151-18, 193-151-17, 193-142-23, 193-162-19, 193-142-15, 193-123-06, 193-142-12, 193-142-24, 193-162-17, 193-162-16, 193-162-25, 193-162-24 |
| Hearing Date: | March 25, 2010 | Planner: | Scott Greeley |

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|------------------------------|-----------------------|
| RECOMMENDATION: | Approve |
| APPEAL PERIOD: | April 1, 2010 |
| LAST DATE FOR ACTION: | April 29, 2010 |

PROJECT DESCRIPTION:

The County of Marin is requesting Coastal Permit approval to create a "full time and permanent" ban to camping on Bolinas Beach. "Bolinas Beach", in this case is defined as all of that area lying along the coast between the mean high tide line and the top of the bluffs or highlands which rise above the sandy area of the beach (running from a point twelve hundred (1200) feet westerly of the terminus of Brighton Avenue and easterly and north easterly to the southwesterly terminus of Wharf Avenue) which is in public or private ownership. Per Chapter 6.90.020(B) of the Marin County Code, "To camp" and "camping" means to establish or maintain a temporary place for sleeping, which includes, but is not limited to, the use, or storage for use, of sleeping bags, bedding materials, blankets, sheets, or other non-clothing items utilized or available for use to maintain warmth and comfort for sleep by a Bolinas Beach visitor. The terms "to camp" and "camping" are not intended to include incidental use of towels, blankets and other materials for sunbathing, picnicking, or night-time use of the beach other than for establishing or maintaining a temporary place for sleeping. The proposed project will not impact beach access. The subject property is located along Bolinas Beach and can be identified by **Assessor's Parcels 193-142-07, 193-142-11, 193-142-10, 193-151-19, 193-151-20, 193-151-21, 193-151-16, 193-151-11, 193-151-18, 193-151-17, 193-142-23, 193-162-19, 193-142-15, 193-123-06, 193-142-12, 193-142-24, 193-162-17, 193-162-16, 193-162-25, 193-162-24.**

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
Lot size: N/A
Adjacent Land Uses: Ocean, Open Space, and Residential
Vegetation: N/A
Topography and Slope: Relatively level
Environmental Hazards: Within the Alquist-Priolo Special Study Zone and potential nearby seacliff erosion areas

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 15308, Class 8 of the CEQA Guidelines because it entails prohibiting camping on Bolinas Beach, and would not restrict beach access nor 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 600 feet of the subject properties. 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 Local Coastal Program, and Title 22I (Zoning) and Title 24 (Development Standards) of the Marin County Code, because it will not result in limiting beach access, 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.

Background:

The County of Marin is proposing to create a “full time and permanent” ban to camping on Bolinas Beach. “Bolinas Beach” is a combination of public and private properties, which is identified in the “Project Description” section above. The area, as identified above, is entirely within the Coastal Permit jurisdiction of the County of Marin.

On May 22, 2001, the Marin County Board of Supervisors adopted (urgency) Ordinance 3324. This was the formal adoption of Chapter 6.90 into the Marin County Development Code. The ordinance, due to issues pertaining to lack of sanitation facilities, increased fire risks, trespassing, destruction of property, and other public health and safety issues, made it illegal to camp on Bolinas Beach during the peak use season identified as the weekends from Friday at noon

through Monday at noon, and starting the second Friday of May through the second Monday of October.

On January 7, 2003, the Marin County Board of Supervisors adopted Ordinance 3360, which renewed Ordinance 3324.

In 2005, Bolinas Beach had continued to be a scene for weekend campouts which resulted in a variety of problems for the surrounding Community of Bolinas. The problems identified included lack of adequate sanitation and waste disposal facilities, resulting in problems with human waste and littering from overnight campers, as well as increased fire risk resulting from overnight camp fires. These problems become more pronounced due to the fact that much of Bolinas Beach is submerged by the ocean at high tide, which increases environmental and health impacts from camping activities to the ocean and the residents of Bolinas and other visitors to Bolinas Beach.

As a result, on March 15, 2005, the Marin County Board of Supervisors adopted Ordinance 3424, which amended Marin County Code Chapter 6.90 (Bolinas Beach Seasonal Weekend Camping Restrictions) to expand the camping restriction on Bolinas Beach from the summer season "between Friday noon through Monday noon from the second Friday of May through the second Monday of October, inclusive" to year-round "between Friday noon through Monday noon every week of the year." For clarification, with regards to beach camping, Ordinance 3424 allowed continued nighttime use of the beach, except for sleeping.

This was followed by another Board of Supervisors hearing amending Ordinance 3424, as a result of a request made by the Sheriff's Department, to make violations of the Bolinas Beach Ordinance be considered an infraction, as opposed to a misdemeanor. This amendment was approved by the Board of Supervisors on May 24, 2005.

In order to have Ordinance 3424 and its subsequent amendment officially recognized and accepted by the California Coastal Commission, on May 26, 2005, the Deputy Zoning Administrator reviewed and approved Coastal Permit 05-43. Coastal Permit 05-43 provided justification to the change of Chapter 6.90, by making it subject to the Coastal Permit findings of approval. The project 1) did not impinge on beach access; 2) only restricted overnight camping on weekends, as defined above, when the majority of overnight camping occurred on Bolinas Beach; and 3) had a sunset clause, which has required the Marin County Board of Supervisors to renew the Ordinance on an annual basis. As such, Ordinances 3445 (approved February 28, 2006), 3466 (approved March 13, 2007), and 3487 (approved April 22, 2008) have renewed the Bolinas Beach Camping Ban up to the present date.

The most recently approved Ordinance renewing the camping ban, 3487, had a new provision which extended the weekend Bolinas Beach Camping Ban to 5 years, expiring on the second Monday of March of 2013.

Recently, the Bolinas Community Public Utility District (BCPUD) formed a committee to consider whether camping on Bolinas Beach should be permanently prohibited. Based on continued concerns pertaining to health, safety, and security, the Community of Bolinas, on November 3, 2009 held a vote on Measure H, which asked whether camping on Bolinas Beach should be prohibited permanently and all year round. This Measure also included a mail-in ballot for voters residing outside of the Bolinas Community Public Utility District, but within the Bolinas Fire

Protection District boundaries. Both vote tallies had a majority support for a permanent ban of camping on Bolinas Beach.

On November 30, 2009, BCPUD officially requested that the County amend Chapter 6.90 to reflect the recent vote and create a “permanent and full time” camping ban on Bolinas Beach. Per Chapter 22.56.040I, all projects, including those of state and local public agencies which are not otherwise exempted by Chapter 22.56.050I require a coastal project permit. Because this project involves a permanent change to the intensity of the use of the beach, in this case being a prohibition of camping on Bolinas Beach, the project requires a Coastal Permit, before the Ordinance can go into effect. Therefore, because the project is within the County’s jurisdiction for administering Coastal Permits, it must receive a public hearing before the Marin County Deputy Zoning Administrator.

The proposed Coastal Permit would only prohibit camping and, as stated above in the “Project Description”, continue to have no impact on beach access. The proposed Coastal Permit would also minimize health, safety, and other security risks which result from camping on the beach. Following a Coastal Permit approval, a new Ordinance adopted by the Board of Supervisors would subsequently be required before such a ban would become effective.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the County of Marin Coastal Permit (Bolinas Beach Camping Ban).

- Attachments:**
1. *Proposed Resolution recommending approval of the County of Marin Coastal Permit (Bolinas Beach Camping Ban)*
 2. *CEQA Exemption*
 3. *Assessor’s Parcel Maps*
 4. *Project Exhibit, “Bolinas Beach Camping Ordinance”*
 5. *Liza Crosse email, dated February 5, 2010*
 6. *Bolinas Community Public Utility District memo, dated November 30, 2009*
 7. *Measure H description and results*
 8. *Marin County Board of Supervisors Ordinance 3487*
 9. *Marin County Board of Supervisors Ordinance 3466*
 10. *Marin County Board of Supervisors Ordinance 3445*
 11. *Marin County Deputy Zoning Administrator Resolution 05-161*
 12. *Marin County Board of Supervisors Ordinance 3424*
 13. *Marin County Board of Supervisors Ordinance 3360*
 14. *Marin County Board of Supervisors Ordinance 3324*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-
A RESOLUTION APPROVING THE COUNTY OF MARIN COASTAL PERMIT (BOLINAS
BEACH CAMPING BAN)
BOLINAS BEACH, BOLINAS

ASSESSOR'S PARCELS 193-142-07, 193-142-11, 193-142-10, 193-151-19, 193-151-20, 193-151-21, 193-151-16, 193-151-11, 193-151-18, 193-151-17, 193-142-23, 193-162-19, 193-142-15, 193-123-06, 193-142-12, 193-142-24, 193-162-17, 193-162-16, 193-162-25, 193-162-24

SECTION I: FINDINGS

- I. WHEREAS, the County of Marin, is seeking Coastal Permit approval to create a “full time and permanent” ban to camping on Bolinas Beach. "Bolinas Beach", in this case is defined as all of that area lying along the coast between the mean high tide line and the top of the bluffs or highlands which rise above the sandy area of the beach (running from a point twelve hundred (1200) feet westerly of the terminus of Brighton Avenue and easterly and north easterly to the southwesterly terminus of Wharf Avenue) which is in public or private ownership. Per Chapter 6.90.020(B) of the Marin County Code, “To camp” and “camping” means to establish or maintain a temporary place for sleeping, which includes, but is not limited to, the use, or storage for use, of sleeping bags, bedding materials, blankets, sheets, or other non-clothing items utilized or available for use to maintain warmth and comfort for sleep by a Bolinas Beach visitor. The terms “to camp” and “camping” are not intended to include incidental use of towels, blankets and other materials for sunbathing, picnicking, or night-time use of the beach other than for establishing or maintaining a temporary place for sleeping. The proposed project will not impact beach access. **The subject property is located along Bolinas Beach and can be identified by Assessor's Parcels 193-142-07, 193-142-11, 193-142-10, 193-151-19, 193-151-20, 193-151-21, 193-151-16, 193-151-11, 193-151-18, 193-151-17, 193-142-23, 193-162-19, 193-142-15, 193-123-06, 193-142-12, 193-142-24, 193-162-17, 193-162-16, 193-162-25, 193-162-24.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing March 25, 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 15308, Class 8 of the CEQA Guidelines because it entails prohibiting camping on Bolinas Beach, and would not restrict beach access nor 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

The proposed project will require no water and due to the elimination of human wastes and litter which results from camping and would minimize pollutants found in the ocean

and along the beach as a result of such activities. Therefore, the project is consistent with this finding.

B. Septic System Standards

The proposed project will not require septic or sewer connections. Further, due to the minimization of the introduction of human-based pollutants and litter, it would minimize sanitation impacts. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The proposed project will result in no grading or excavation. Therefore, the project is consistent with this finding.

D. Archaeological Resources

Banning camping on Bolinas Beach would result in no grading or excavation and since it will result in decreased human intensity of use, would minimize the possibility of impacts on archaeological resources. Therefore, the project is consistent with this finding.

E. Coastal Access

The proposed project entails the banning of camping on Bolinas Beach, as defined above in Finding I. The project does not entail any additional restriction on use of the beach, including with regards to hours of operation or direct access to the beach. 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

Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping to the beaches and the ocean. As a result, the proposed project will minimize impact to any local streams or creeks subject to stream protection of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping to local dunes found 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

Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping to the ocean, beaches, and community of Bolinas. As a result, the proposed project will minimize impact on local wildlife habitat. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping to the ocean, beaches, and community of Bolinas. As a result, the proposed project will minimize impact to local native plant communities. Therefore, the project is consistent with this finding.

K. Shoreline Protection

Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping due to inadequate existing sanitation facilities, to the local shoreline areas and should as a result lead to enhanced shoreline protection. Therefore, the project is consistent with this finding.

L. Geologic Hazards

Banning camping on Bolinas Beach prohibits camping on the beach and does not introduce new construction or other uses or activities along the beach, nor would it increase human exposure to erosion, seismic, or other geologic hazards. Therefore, the project is consistent with this finding.

M. Public Works Projects

The proposed project only affects the use of the beach and 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 beach is recognized as a visual resource by the Local Coastal Program. Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping to Bolinas Beach, and should result in the maintenance or enhancement of the beach, as a result of a reduction in potential refuse. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The proposed project only prohibits camping on Bolinas Beach. It will not otherwise limit access, hours, or other type of use already permitted on the beach. In addition,

due to the minimization of human-based pollutants and litter to the ocean, beach, and Community of Bolinas, it should have a minimal impact on local facilities and capacity of such facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation

Banning camping on Bolinas Beach will have no impact on existing, proposed, or future construction in the area and will have no impact on existing historical resources. Therefore, the project is consistent with this finding.

SECTION II: DECISION AND APPEAL RIGHTS

Pursuant to Chapters 22.561 and 22.571 (Coastal Permit) of the Marin County Interim Development Code, the County of Marin Coastal Permit (Bolinas Beach Camping Ban) is approved to create a "full time and permanent" ban to camping on Bolinas Beach. "Bolinas Beach", in this case is defined as all of that area lying along the coast between the mean high tide line and the top of the bluffs or highlands which rise above the sandy area of the beach (running from a point twelve hundred (1200) feet westerly of the terminus of Brighton Avenue and easterly and north easterly to the southwesterly terminus of Wharf Avenue) which is in public or private ownership. "To camp" and "camping" means to establish or maintain a temporary place for sleeping, which includes, but is not limited to, the use, or storage for use, of sleeping bags, bedding materials, blankets, sheets, or other non-clothing items utilized or available for use to maintain warmth and comfort for sleep by a Bolinas Beach visitor. The terms "to camp" and "camping" are not intended to include incidental use of towels, blankets and other materials for sunbathing, picnicking, or night-time use of the beach other than for establishing or maintaining a temporary place for sleeping.

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 April 1, 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 25th day of March 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary