



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR MARCOTTE COASTAL PERMIT AND USE PERMIT

Item No:	C1	Application No:	CP 10-18 and UP 10-13
Applicant:	Raymond Marcotte	Owner:	Raymond Marcotte
Property Address:	201 Elm Road, Bolinas	Assessor's Parcel:	192-192-29
Hearing Date:	May 27, 2010	Planner:	Lorene Jackson

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	June 4, 2010
LAST DATE FOR ACTION:	June 21, 2010

PROJECT DESCRIPTION:

The applicant is requesting Use Permit and Coastal Permit approval to legalize an as-built 200-square-foot addition to an existing 400-square-foot detached garage that is accessory to an existing 2,068-square foot single-family residence. The 12-foot high addition would match the height and materials of the existing one-story, 12-foot high garage. The resulting 600-square-foot garage with storage would result in a 11.7% floor area ratio and maintain the following setbacks: (1) 9.78 feet from the easterly street side property line; (2) 107 feet from the southerly rear property line; (3) approximately 69 feet from the westerly side property line; and (4) over 150 feet from the northerly front property line. A Coastal Permit is required because the detached garage with storage is over 400 square feet. A Use Permit is required for a detached accessory structure to be located within the required setbacks of the applicable zoning district.

GENERAL INFORMATION:

Countywide Plan:	C-SF5 (Coastal Single-family, 10,000 to 20,000-square foot minimum lot area, 2-4 units/acre)
Zoning:	C-RA:B2 (Coastal, Single-family Residential, 10,000-square foot minimum lot size)
Community Plan:	Bolinas Communities Plan and Bolinas Gridded Mesa Plan
Lot size:	28,000 square feet
Adjacent Land Uses:	Single-family residential
Vegetation:	Urban landscaping
Topography and Slope:	Level
Environmental Hazards:	Urban Wildland Interface fire area

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15301, Class 1 of the CEQA Guidelines because it is a minor addition to a detached garage that would not result in significant grading, vegetation removal, or any potentially significant impacts to the environment.

PUBLIC NOTICE:

The Community Development Agency provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property. At the time of this report, The Community Development Agency received no adverse comments from the public regarding this project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Local Coastal Program - Unit I, the Bolinas Community Plan, and the Bolinas Gridded Mesa Plan. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

The subject property is a flat lot located on the Bolinas Mesa that is currently developed with a 2,068-square foot single-family residence (according to Assessors' records) with an attached carport, 600-square foot detached second unit, and the subject 400-square foot detached garage. The proposed project would increase the existing floor area ratio of 11% to 11.7%. The single-family residence fronts Elm Road while the garage fronts Fern Road. The surrounding neighborhood is characterized by single-family residences with varied sizes and architectural styles, many of which encroach into the front yard setback.

On December 18, 2007, the subject lot was formed in its current size and shape with the merger of Assessor's Parcels 192-192-04 and -24. The existing 400-square foot garage was permit in 1990 to be located 10-feet from the easterly side street property line along Fern Road.

The project is proposed in response to a January 15, 2009 code violation letter regarding the unpermitted construction of the garage addition, a lean-to addition to an existing second unit (to be removed), and a propane tank along the easterly property line. There is an additional 120-square foot shed near the easterly property line, which does not require any Planning approval. The owner submitted a Coastal Permit application on November 23, 2009 to legalize the as-built construction. During Coastal Permit review, a site survey revealed that the garage and addition were located within the 10-foot side street setback required for the C-RA:B2 zoning district along Fern Road. The applicant submitted a Use Permit application on December 29, 2009 to permit the entire accessory structure to be located within the 10-foot street side yard setback standard. The as-built project was constructed on a flat developed lot with no significant ground disturbance, vegetation removal, and loss of potential habitat for any special status species.

The project was transmitted to the Marin County Department of Public Works (DPW) and Environmental Health Services (EHS), Bolinas Fire Protection District (BFPD), Bolinas Community Public Utility District, and Coastal Commission. Comments received from DPW, EHS, and BFPD are attached. No other comments were received.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Marcotte Coastal Permit and Use Permit.

- Attachments:
1. Proposed Resolution recommending approval of the Marcotte Coastal Permit and Minor Design Review
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Exhibit A – Parcel Site Plan, Floor Plan, and Elevations
 6. Site Survey Garage Location
 7. Environmental Health Services, Memo, 1/11/200
 8. Department of Public Works Memo, 4/21/2010
 9. Bolinas Fire Protection District Letter, 12/29/2009

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING THE MARCOTTE
COASTAL PERMIT AND USE PERMIT
201 ELM ROAD, BOLINAS
ASSESSOR'S PARCEL 192-192-29

SECTION I: FINDINGS

- I. WHEREAS the applicant, Raymond Marcotte, is requesting Use Permit and Coastal Permit approval to legalize an as-built 200-square-foot addition to an existing 400-square-foot detached garage that is accessory to an existing 2,068-square foot single-family residence. The 12-foot high addition would match the height and materials of the existing one-story, 12-foot high garage. The resulting 600-square-foot garage with storage would result in a 11.7% floor area ratio and maintain the following setbacks: (1) 9.78 feet from the easterly street side property line; (2) approximately 107 feet from the southerly rear property line; (3) approximately 69 feet from the westerly side property line; and (4) over 150 feet from the northerly front property line. A Coastal Permit is required because the detached garage with storage is over 400 square feet. A Use Permit is required for a detached accessory structure to be located within the required setbacks of the applicable zoning district. The subject property is located at 201 Elm Road, Bolinas, and is further identified as Assessor's Parcel 192-192-29.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing May 27, 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 15301, Class 1 because it entails a minor addition to an existing detached garage on a developed lot 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 Marin Countywide Plan for the following reasons:
 - A. The proposed project would comply with the C-SF5 (Coastal, Residential Single-Family Planned) general plan land use designation because the structure is an accessory to the single family use of the property;
 - B. The proposed 12-foot high, 400-square foot garage with 200 square feet of storage would result in development which conforms to the governing standards related to building height and size;
 - C. The proposed project would comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;

- D. The proposed project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
 - E. The proposed project would not cause foreseeable significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
 - F. The proposed project would minimize soil disturbance and maximize protection of natural vegetation.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Bolinas Community Plan and Bolinas Gridded Mesa Plan because:
- A. The project would involve the construction of an accessory structure on a developed property, which is a permitted use.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats, and on-site drainage.
 - C. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and building design, mass, and bulk.
 - D. The proposed project is located on an existing developed lot outside the following restricted areas defined in the Bolinas Gridded Mesa Plan: bluff erosion zone and drainage way setback area. Further, subject lot meets the residential development zone requirement of 20,000-square foot minimum lot size.
- VI. 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 22.56.130) and finds that this project conforms to the requirements of Local Coastal Program, Unit I, as follows:
- A. Water Supply:**

The Bolinas Public Utilities District serves the subject property, received a transmittal of the project plans, and did not present opposition to the project.
 - B. Septic System Standards:**

The Bolinas Public Utilities District serves the subject property, received a transmittal of the project plans, and did not present opposition to the project.
 - C. Grading and Excavation:**

The proposed project is located on a level lot and required no grading or excavation. 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:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. However, the site is already developed and no grading was required for the addition.

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 stream or wetland protection policies as identified on the Natural Resources Map for Unit 1 of the Local Coastal Program or near any ephemeral or intermittent stream identified 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 identified by the Natural Resources Map for Unit 1 of the Local Coastal Program.

I. Wildlife Habitat:

The project would entail construction of a minor addition on a previously developed and landscaped site, and would not remove native vegetation identified 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; staff concluded that the proposed project is not habitat for this presumed extant species.

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*). 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 is a minor addition on a residentially developed lot where suitable habitats for these rare plant species are unlikely to occur.

K. Shoreline Protection:

The as-built project is not adjacent to the shoreline and is located over 500 feet from the nearest bluff face, which is outside the bluff erosion area delineated in the Bolinas Gridded Mesa Plan.

L. Geologic Hazards:

The project site is located approximately 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 lot line adjustment is proposed as part of this project.

O. Visual Resources:

The design of the addition is consistent with the architectural style of the existing garage, and does not exceed the 12-foot height of the existing garage. The addition is unobtrusive and matches the existing wood shingle siding, blue trim, and asphalt shingle roof of the existing garage. As conditioned, any lighting on the addition must be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes. In accordance with Marin County Code §22.56.130(O), a condition of approval requires that all new utility lines serving the project site be placed underground. Finally, the design of the garage does not adversely affect the visual quality of the area because it is compatible with the surrounding natural environment and the character of the local community.

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.

- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory finding to approve a Use Permit pursuant to Section 22.88.020I(3) of Marin County Code for the reasons listed below.

The establishment, maintenance or conducting of the use for which a Use Permit is sought will not under this particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

1. The proposed minor addition to an existing detached garage would be compatible with surrounding residential uses and would not generate activities which are detrimental to the use and enjoyment of surrounding properties.
2. The proposed project would not impact any sensitive coastal habitat areas, and would not result in other adverse environmental or visual impacts.
3. There is no water or sanitary connection to the garage and addition.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Marcotte Coastal Permit (CP 10-18) and Use Permit (UP 10-13) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I (Coastal Permit) and 22.88I (Use Permit) of the Marin County Code, the Marcotte Coastal Permit and Use Permit is approved to legalize an as-built 200-square-foot addition to an existing 400-square-foot detached garage. The 12-foot high addition is approved to match the height and materials of the existing one-story garage. The resulting 600-square-foot garage with storage is approved to maintain the following setbacks: (1) 9.78 feet from the easterly street side property line; (2) 107 feet from the southerly rear property line; (3) approximately 69 feet from the westerly side property line; and (4) over 150 feet from the northerly front property line. The subject property is located at 201 Elm Road, Bolinas, and is further identified as Assessor's Parcel 192-192-29.
2. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A**, consisting of 1 sheet, received November 23, 2009 and **Exhibit B**, site survey entitled Garage Location prepared by Lawrence Doyle, dated May 5, 2009 and received December 29, 2009, and on file in the Marin County Community Development Agency.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff

depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A-1** and shall supersede Exhibit A.

- a. Revise the site plan to include the entire parcel, all structures and the location of the septic system. Indicate floor area and correct setbacks for each structure.
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 conditions of approval as notes.
4. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
5. 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.
6. Any exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes.
7. 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.
8. 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.

Code Enforcement

9. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the garage addition. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
10. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
11. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

Department of Public Works

PRIOR TO ISSUANCE OF A BUILDING PERMIT

12. Provide a drainage plan for the surface runoff away from the foundation and for roof runoff. 2007CBC §1803.3 requires that drainage away from foundation be at 5% slope for 10-ft minimum or rain gutters and down-spouts configured so as to meet this requirement.
13. Provide a note on the plans stating that all site improvements shall be inspected by a Department of Public Works engineer.

Environmental Health Services

PRIOR TO ISSUANCE OF A BUILDING PERMIT

14. Submit a passing septic inspection report for both septic systems on the parcel. A qualified service provider must perform the inspection.
15. A hydraulic load test will be required only for the older the septic system serving the main residence.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit for the approved work and approval of a final inspection by the Building and Safety Division within the time limits specified in the conditions of approval. Requests for an extension to the time limits specified therein may be granted administratively by the Community Development Agency staff, in consultation with the Code Enforcement Section, for good cause, such as delays beyond the applicant's control. In no event may such extensions be granted beyond two years from the effective date of this approval. Time extensions to vest the approval beyond two years and up to a maximum of four years may only be granted upon the filing of an extension application with required fees pursuant to Sections 22.88.050I and 22.82.130I of the Marin County Code. Upon vesting of this approval, this Use Permit shall be valid in perpetuity upon adherence to all conditions of approval.

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 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 27th day of May, 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary