



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR**

**FIREHOUSE COMMUNITY PARK AGENCY COASTAL PERMIT,  
 USE PERMIT, AND DESIGN REVIEW**

Item No:	H. 1.	Application No:	10-0001
Applicant:	Alethea Patton, Peacock Designs	Owners:	Firehouse Community Park Agency
Property Address:	32 Wharf Road, Bollinas	Assessor's Parcels:	193-081-05, -27, -28
Hearing Date:	July 1, 2010	Planner:	Jeremy Tejirian, AICP
		Reviewed by:	Tom Lai

**RECOMMENDATION: Approve With Conditions**  
**APPEAL PERIOD: 5 Business Days to the Planning Commission**  
**LAST DATE FOR ACTION: August 3, 2010**

**PROJECT DESCRIPTION:**

The Firehouse Community Park Agency proposes to develop a community park on the subject property that would be open from sunrise to sunset, seven days per week, year round. The subject property is a vacant 50,191 square foot lot that is partially within the historic district of downtown Bollinas. Development associated with the park would include the following improvements: (1) an entrance portal and entry sign, (2) a security gate, (3) a children's play area, (4) an open air amphitheatre, (5) four 5,000 gallon stormwater storage tanks, (6) a pavilion with an adjacent community oven and picnic table, (7) garbage and recycling bins, (8) a public restroom, (9) various paved areas, paths and retaining walls, (10) utilities, and (11) substantial landscaping. No parking or public vehicular access is proposed on site but the sidewalk from the park entrance to Brighten Avenue would be improved to comply with State and Federal requirements regarding accessibility for people with disabilities.

Operations and maintenance of the park would be the responsibility of the Firehouse Community Park Agency. The park would be open from sunrise to sunset and the bathrooms would be locked at night. The park would be open to the general public, but the community oven would be locked and only available for use by people with the consent of the Mesa Park Board. A person would be employed to go to the park on a regular basis (approximately three times per week) to pick up trash and debris, and to maintain the irrigation system and make repairs as needed. The bathrooms, garbage collection and recycling would be separately maintained by an independent contractor in conjunction with the Marin County Department of Parks and Open Space. Landscaping would be maintained by local volunteers until such time as a budget is developed to hire someone to carry out that task.

**GENERAL INFORMATION:**

Countywide Plan: C-NC (Coastal, Neighborhood Commercial, Mixed-Use, FAR .30 to .50) and C-SF5 (Coastal, Single family Residential, 2 to 4 units per acre)  
Zoning: C-VCR (Coastal Village Commercial) and C-RA:B-2 (Coastal, Residential, Limited Agricultural)  
Lot Area: 1.14 acres  
Adjacent Land Uses: Residential and commercial  
Vegetation: Introduced and natural vegetation  
Topography and Slope: Relatively level in the front and steeply sloping to the rear  
Environmental Hazards: Earthquakes

**ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines section 15303, Class 3, because it would not result in substantial grading, vegetation removal or other potential impact to the environment.

**PUBLIC NOTICE:**

The Community Development Agency has 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.

**PLAN CONSISTENCY:**

The proposed project is subject to the goals and policies of the Marin Countywide Plan, the Local Coastal Program Unit I (LCP), and the Bolinas Community Plan. The front portion of the property is designated Coastal, Neighborhood Commercial, Mixed-Use by the Marin Countywide Plan (CWP) and is zoned Coastal Village Commercial. The rear portion of the property is designated Coastal, Single family Residential and is zoned for Coastal, Residential, Limited Agricultural uses. The CWP designations and governing zoning districts allow for parks to be constructed and operated for the purpose of providing community recreation facilities. The LCP and Bolinas Community Plan encourage development that preserves natural and coastal resources and enhances visitor serving facilities and the character of the local community. The zoning requires Coastal Permit, Use Permit, and Design Review approval because the project involves establishing a new public park and developing public facilities in the coastal zone. Please refer to the consistency findings contained in the attached resolution for more information.

**PROJECT ANALYSIS:**

**SETTING**

The site is a 1.14 acre lot that is in downtown Bolinas adjacent to commercial, institutional and residential properties. The Bolinas Market is located on the adjacent property to the east and the Gibson House is located on the adjacent property to the west. Located in the downtown historic district of Bolinas, the park would be situated between two access points

to the beach, one at the end of Wharf Road and one at the end of Brighten Avenue. In the front, near Wharf Road, the property is relatively level but the slope ascends steeply in the rear toward Altura Avenue. The front portion of the property is within the historic district of downtown Bolinas, and is zoned village commercial residential, while the rear of the property is outside the historic district and is zoned residential and limited agricultural. There is no existing development on the site and vegetation is sparse.

## BACKGROUND

The proposal to establish a new public park is the result of community based planning, which has gained support from the residents of Bolinas during several years of design and public outreach. Approximately three years ago, an anonymous donor offered the Bolinas Firehouse Park Agency, which is an independent public organization that owns and maintains Mesa Park, three lots in downtown Bolinas to develop a new park. The Firehouse Park Agency created a 12-person design committee to oversee the design and construction of the new park. The Design Committee distributed a survey to see what community members envisioned for the new park and began holding regular meetings to discuss various facets of the plan. These meetings were open to the public and were advertised in the local Hearsay newspaper. Committee meetings have continued, but have become more intermittent since the application has been filed with the County.

At the time the property was first donated, it was developed with an old dilapidated building that had two living units. Vegetation on the lower portions of the site was sparse, but several large eucalyptus trees were growing on the upper portion of the property. Representatives from the Firehouse Park Agency first contacted planning staff more than two years ago to discuss the proposal that the Design Committee was preparing, and inquired whether it would be possible to remove the eucalyptus trees and existing building prior to finalizing their proposal. On staff's recommendation, they had a biologist from PRBO Conservation Science confirm that the eucalyptus trees did not provide nesting or roosting habitat for birds or butterflies. Further, those trees were not shown as significant vegetation on the LCP Natural Resource map for Bolinas. Once staff had determined that no Coastal Permit was required for the removal of the eucalyptus trees, they were removed along with brush downslope of Altura Avenue. Erosion control measures were implemented during the rainy season after the vegetation removal to eliminate the possibility for slope instability or sedimentation into local watercourses.

With respect to the pre-existing building on the site, based on staff's recommendation, the Firehouse Park Agency had a comprehensive historical evaluation of the building conducted by Marjorie Dobkin and Ward Hill. The evaluation concluded that the existing building had been constructed prior to 1930, but did not retain the original character sufficient to deem it an historical resource. Once staff had determined that no Coastal Permit would be required for the removal of the existing building, it was demolished.

The project continues to be a community based effort and volunteer work during the construction phase of the project would provide considerable sweat equity in achieving their goal. One of the existing water meters for the property was recently sold, which will provide revenue to fund many of the improvements.

## PROCESSING

The applicant has provided plans and exhibits showing the site and the proposed development, as well as a geotechnical study and drainage study confirming the suitability of the property for the project. The submittal materials have been transmitted to the Department of Public Works (DPW), the Bolinas Public Utilities District, the Transportation Authority of Marin, the Department of Parks and Open Space, the Environmental Health Services Division (EHS), the Marin Sheriff's Department and the California Coastal Commission. DPW staff has recommended several conditions of project approval which have been incorporated into the recommended Resolution, and the other agencies have not objected to the project in general, but have raised some specific concerns. Staff from the Department of Parks and Open Space has indicated that they do not intend to enter into an agreement with the Firehouse Park Agency at this time with respect to maintenance activities. Such an agreement is not necessary for full implementation of the maintenance program, so this element of the project description has been eliminated from the conditions of project approval. Although the Sheriff's Department has not submitted written comments, their staff has indicated that they have concerns with people loitering in the park at night. Staff recommends that the Firehouse Park Agency consult with the Sheriff's Office directly and make any necessary modifications to the project before proceeding with construction or landscaping. The Transportation Authority of Marin staff has indicated that they support the improvements to the sidewalk to provide better access for people with disabilities and they have also requested additional improvements, as discussed in the accessibility section below.

Subsequent to the initial application being submitted, the applicant submitted a merger application (10-0001) to merge the three legal lots of record constituting the property into a single legal lot of record. The merger of the lots was recorded on May 10, 2010. Subsequent to the application approval, the Firehouse Community Park Agency will apply to the Assessor's Office to combine the three Assessor's Parcels into a single Assessor's Parcel.

Public Notice was distributed to the surrounding area, and there is widespread community support for the project. Specific public comments are discussed in the public comment section below. All legal requirements for processing the application have been met, and there is substantial evidence in the record to serve as an adequate basis for a decision.

## DEVELOPMENT AND ACCESSIBILITY ISSUES

As discussed above, the overall design of the park has evolved during a process of public outreach and reflects the vision of the Firehouse Park Agency Design Committee and input from local residents. As a community based process, the design may continue to evolve and staff should have the flexibility to allow changes to the design after the application has been approved, provided those changes do not conflict with standard requirements, including accessibility. Such changes may occur as a result with the committee's discussions with the Sheriff's Office subsequent to the approval of the application.

As a public institution, the Firehouse Park Agency is responsible for meeting the accessibility requirements of the ADA and the California Building Code. The underlying purpose of the ADA is to ensure that people with disabilities are not discriminated against and the California Building Code has similar provisions for site and building design. Improvements for the park shall meet these requirements, as shown on the plans. Paths are designed to be relatively level and surfaced with materials that will not impede movement by people with walkers or

wheelchairs. Entryways and bathrooms are designed to take people with disabilities into account. No parking is proposed for the park, and therefore parking that meets accessibility standards is not necessary.

Currently, people access downtown Bolinas by public transit provided by the Transportation Authority of Marin (TAM), which operates the West Marin Stagecoach. The Stagecoach is not a regular bus service that has bus stops. Instead, it operates as a type of jitney that picks people up and lets people off at various points along a regular route at the passenger's request. Operating standards for the busses prohibit them from backing up. The closest point that a stagecoach can get to the park is the intersection of Wharf Road and Brighten Avenue, which is approximately 112 yards to the north of the park's entry. Therefore, the applicant has proposed to improve the existing 6-foot wide sidewalk from the entry to the park to the intersection where people with disabilities can get on the stagecoach. Minor resurfacing of the sidewalk pavement, installation of tactile strips and curb cuts are likely to be necessary to ensure that the path of travel is fully accessible.

The TAM seeks to improve the service they are able to provide to people in Bolinas by providing a more convenient place for people to enter and exit the bus than at a stop sign in an intersection. Ideally, staff from TAM have indicated that a stagecoach could turn around at the end of Brighten Avenue by the beach, proceed through the intersection of Brighten Avenue and Wharf Road and immediately turn into a waiting area in front of Assessor's Parcel 193-072-05. This appears to be a vacant Assessor's Parcel that is in private ownership, but staff has no information regarding whether it constitutes a legal lot of record.

At the intersection of Wharf Road and Brighten Avenue, Wharf road is a 50-foot wide right of way. The paved portion of Wharf Road at the intersection does not appear to substantially exceed a width of 35 feet. While no survey of the property line for Assessor's Parcel 193-072-05 is on record, there may be some area along the undeveloped frontage of this property that could serve as a waiting location for a stagecoach. Detailed surveys and design plans would need to be prepared in order to ascertain whether such development would be feasible without blocking access to Assessor's Parcel 193-072-05 or encroaching onto private property.

Since the Stagecoach is not a regular bus service with bus stops, the applicant is not required by the ADA or California Building Code to provide an accessible transit location. Therefore, Marin County lacks the requisite nexus and proportionality to legally require the applicant to provide more than a fully accessible sidewalk from the park to the nearest existing location where the stagecoach can guarantee that the bus will allow passengers to enter and exit the bus, which is at the intersection of Wharf Road and Brighten Avenue.

#### PUBLIC COMMENT

Rosemary Barry, who owns the adjacent property at 38 Wharf Road, submitted comments expressing concerns regarding the application on June 22, 2010. Sam's House, a State regulated Residential Care Facility for the Elderly, is operated at 38 Wharf Road. The letter expresses several concerns related to the development and operation of the park. With respect to concerns related to the safety of the trees on the site, the applicant has taken steps to improve safety by removing many of the eucalyptus from the upper portion of the property, and is expected to continue to responsibly manage trees on site. As a civil matter, the owner of the park bears some responsibility for managing trees so that they do not become a hazard. Due to the steep slope of the upper portion of the property, the applicant

has had extensive work done to evaluate potential geotechnical or drainage problems on the site, and has developed a sophisticated plan to address potential problems.

Plans for the operation and maintenance of the park include providing vehicular access to the facilities on the park, which should alleviate any parking problems related to maintenance activities. Funding the operations and maintenance of the park, as well as the construction, is the responsibility of the Firehouse Park Agency, and is not regulated by the Planning Division. Staff does not recommend requiring the applicant to install showers in the public bathrooms because their use would detract from the other activities in the park. With respect to the issue of amplified music in the park, the Firehouse Park Agency has indicated that they intend to only allow amplified music on the 4<sup>th</sup> of July and Labor Day. Staff recommends that amplified events are most appropriately managed by the Firehouse Park Agency, and has not included any conditions of approval in the Resolution regarding amplified events.

## CONCLUSION

Based on the evidence in the record, the proposed project exemplifies community based planning and public participation in development decisions. The project would provide valuable public benefits to the community while avoiding adverse affects to natural and coastal resources in the area. The proposed project would be consistent with the governing zoning standards and the policies contained in the CWP and the Bolinas Community Plan.

## RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve with conditions the Bolinas Firehouse Park Agency Coastal Permit, Use Permit, and Design Review based upon the findings and subject to the conditions contained in the attached Resolution.

## Attachments:

1. Recommended Resolution approving the Bolinas Firehouse Agency Coastal Permit, Use Permit and Design Review
2. CEQA Categorical Exemption
3. Location Map
4. "Exhibit A", project plans
5. Transportation Authority of Marin Comments, received 1-3-10
6. Transportation Authority of Marin Comments, received 1-14-10
7. Environmental Health Service Division comments, received 2-2-10
8. Bolinas Public Utility District comments, received 3-10-10
9. Department of Public Works comments, received 4-28-10
10. Barry comments, received 6-22-10
11. Applicant response to Barry comments, received 6-25-10

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

A RESOLUTION APPROVING WITH CONDITIONS  
THE BOLINAS FIREHOUSE COMMUNITY PARK AGENCY COASTAL PERMIT,  
USE PERMIT, AND DESIGN REVIEW (10-0001)

ASSESSOR'S PARCELS 193-081-05, 193-081-27, 193-081-28

32 WHARF ROAD, BOLINAS

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**SECTION I: FINDINGS**

- I. WHEREAS the applicant, Peacock Designs, on behalf of the Firehouse Community Park Agency proposes to develop a community park on the subject property that would be open from sunrise to sunset, seven days per week, year round. The subject property is a vacant 50,191 square foot lot that is partially within the historic district of downtown Bolinas. Development associated with the park would include the following improvements: (1) an entrance portal and entry sign, (2) a security gate, (3) a children's play area, (4) an open air amphitheatre, (5) four 5,000 gallon stormwater storage tanks, (6) a pavilion with an adjacent community oven and picnic table, (7) garbage and recycling bins, (8) a public restroom, (9) various paved areas, paths and retaining walls, (10) utilities, and (11) substantial landscaping. No parking or public vehicular access is proposed on site but the sidewalk from the park entrance to Brighten Avenue would be improved to comply with State and Federal requirements regarding accessibility for people with disabilities.

Operations and maintenance of the park would be the responsibility of the Firehouse Community Park Agency. The park would be open from sunrise to sunset and the bathrooms would be locked at night. The park would be open to the general public, but the community oven would be locked and only available for use by people with the consent of the Mesa Park Board. A person would be employed to go to the park on a regular basis (approximately three times per week) to pick up trash and debris, and to maintain the irrigation system and make repairs as needed. The bathrooms, garbage collection and recycling would be separately maintained by an independent contractor in conjunction with the Marin County Department of Parks and Open Space. Landscaping would be maintained by local volunteers until such time as a budget is developed to hire someone to carry out that task. The zoning for the property is split between C-VCR (Coastal Village Commercial Residential) in the front and C-RA:B-2 (Coastal Residential Limited Agricultural) in the rear. The subject property is located at 32 Wharf Road, in Bolinas and is further identified as Assessor's Parcels 193-081-05, 193-081-27, and 193-081-28.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on July 1, 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 because it would result in substantial grading, tree removal, or other adverse effects 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 reasons listed below.
- A. The project is consistent with *CWP* natural systems policies and proposes work that would enhance, protect, and manage native habitats and would protect woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).
  - B. The project requires no work that requires the removal of native vegetation and would include landscaping with native vegetation, and therefore complies with *CWP* natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (*CWP Policies BIO-1.4, BIO-1.5 and BIO-1.6*).
  - C. The project would not result in impacts to special-status species since no habitats supporting listed species would be removed (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).
  - D. The project would not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site, or impact corridors for wildlife movement since no native vegetation removal or new development is proposed (*CWP Policies BIO-2.3 and BIO-2.4*).
  - E. No wetlands or stream conservation areas would be affected by the project since the project proposes no new development or work within these areas (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
  - F. The project would not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff since no grading or excavation is proposed (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
  - G. The project avoids hazardous geological areas and would be designed to County earthquake standards through review of the Building Permit application review (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
  - H. The project design and improvements would ensure adequate fire protection (*CWP Policy EH-4.1*), water for fire suppression (*CWP Policy EH-4.c*), defensible space, and would be reviewed during the building permit process to be in compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
  - I. The project is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (*CWP Policy DES-1.2*).
  - J. The project as conditioned will minimize exterior lighting to reduce light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).



- K. The project would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Bolinas Community Plan for the reasons listed below.
  - A. The project would create a new public park that would provide recreational area for local residents.
  - B. The project would not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage.
  - C. The project would be served by the existing roadway network.
  - D. The project would not impact any streams or waterways.
  - E. The project would not result in significant adverse impacts to the surrounding built environment relative to off-site views from adjacent properties, privacy for the subject and surrounding properties, and building design, siting, height, mass and bulk.
- VI. 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 22.56.130.I of Marin County Code) as specified below.
  - A. Water Supply:

The proposed project would not adversely affect the ability to the Bolinas Public Utility District to continue to provide adequate water to the subject or surrounding properties because the site has an existing water meter. Therefore, the project is consistent with this finding.
  - B. Septic System Standards:

The proposed project would not adversely affect the ability to the Bolinas Public Utility District to continue to provide adequate sewer service to the subject or surrounding properties because the site has existing sewer connections that can be used for the proposed new bathrooms. The construction of a septic system is not necessary. Therefore, the project is consistent with this finding.
  - C. Grading and Excavation:

The proposed project would not entail substantial grading because most of the development would be located on the lower relatively level portion of the site. Low retaining walls would be used to create level areas for the different activity centers in the park, but the only substantial alteration of existing contours would occur at the small amphitheatre near the tow of the slope. Low retaining walls would be terraced up the natural slope in this area, limiting the degree to which the natural topography would be reformed. The improvements to the sidewalk for accessibility purposes would not require substantial grading because the route from the park to Brighten Avenue is

already developed with a sidewalk and is relatively level. Therefore the project is consistent with this finding.

D. Archaeological Resources:

The downtown area of Bolinas is considered highly sensitive with respect to archaeological resources, although there are no records of archeological resources being discovered near the project site. Previous development on the property included a small residence that was evaluated for any historical significance prior to its demolition in 2009 (refer to finding Q below), and was determined to be historically insignificant. Grading proposed for the project is minimal and would take place in areas that have been previously disturbed. There is no record that previous development or disturbance on the site has ever uncovered archaeological resources, but a standard condition of approval is imposed which requires that construction activities cease and further evaluation occur if archaeological resources are uncovered during construction. Therefore, the project is consistent with this finding.

E. Coastal Access:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

F. Housing:

The subject property is not currently developed with any housing and the residence that was previously on the property did not provide housing for people of low or moderate income. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection:

There are no streams or wetlands on or immediately adjacent to the subject property. Therefore, the project is consistent with this finding.

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

I. Wildlife Habitat:

The LCP Natural Resources map for the Bolinas area does not indicate that there are any habitats for rare or endangered species on the site. According to the California Natural Diversity Database there are several special-status species of animals in the area, including the robust walker, the rickseckers water scavenger beetle and the California clapper rail. The special-status wildlife species in the area are found in the wetlands of Bolinas Lagoon, and the subject property does not have any wetlands to provide them with suitable habitat. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities:

The LCP Natural Resources map for the Bolinas area does not indicate that there are any habitats for rare or endangered species on the site. According to the California Natural Diversity Database there is a special status species of plant in the area, called the coast yellow leptosiphon. Coast yellow leptosiphons are found in coastal bluff scrub and coastal prairie, neither of which occur on the subject property. Therefore, the project is consistent with this finding.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

L. Geologic Hazards:

According to the information in the Marin County GIS provided by the USGS and State Division of Mines and Geology, the subject property is within the Alquist-Priolo Zone but is not within an area of high shaking amplitude during an earthquake. Further, the rear portion of the site is very steep. The applicant has submitted a geotechnical report, prepared by Salem Howes Associates and a drainage evaluation and plan prepared AYS Engineering, both of which are geotechnical engineering firms with considerable experience in local geological characteristics. These reports indicated that the site is suitable for a public park and that the project has been designed to minimize potential geologic hazards. A condition of approval requires that the Bolinas Firehouse Park Agency record a waiver of County liability for hazards that exist on the site. Therefore, the project is consistent with this finding.

M. Public Works Projects:

The proposed project would not affect any existing or proposed public works project in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards:

No Land Division or Lot Line Adjustment is proposed as part of this project. During the processing of the Coastal Permit application, the owner merged the three historic lots on the subject property into a single legal lot of record. Therefore, the project is consistent with this finding.

O. Visual Resources:

The committee within the Bolinas Firehouse Park Agency that was responsible for proposing the park design conducted considerable public outreach to ensure that the design of the park would reflect the character of the local community and be compatible with the buildings in the historic district of downtown Bolinas. Features such as the entry portal and low sign, as well as functional elements of the design such as the trellis that follows a shell shape and the use of the natural grade to create a small open air amphitheatre would enhance the appearance of the park and provide

a focal point for community activities. Modifications to the design of these features may be allowed, given the community based process that the design is undergoing.

P. Recreation/Visitor Facilities:

The proposed project would be constructed on a vacant private property and would provide an important visitor oriented recreation amenity that will substantially enhance the character of downtown Bolinas. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation:

The project site is located within the designated historic district boundaries of downtown Bolinas as identified in the Marin County Historic Study for the Local Coastal Plan. Prior to the application being filed, an existing residence that was on the site was demolished based on a determination that the residence did not have any distinguishing historic characteristics. This determination was informed by an Historic Architecture Evaluation prepared by Marjorie Dobkin and Ward Hill. The study included a comprehensive discussion of downtown Bolinas since the Spanish era. The property adjacent to the park is developed with the Gibson House, which was constructed in the 1890s by a local community member. While the Gibson House has not been fully evaluated for historically significant characteristics, it provides an example of traditional architectural styles in the area. The design of the park would be compatible with the historic character of the surrounding area because it would exhibit traditional design characteristics such as a rammed earth entry portal with an arched shape, a low entry sign, minimal unobtrusive lighting, decomposed granite paths, and a landscape design that includes fruit trees as well as native shrubs and grasses. Therefore, the project is consistent with this finding.

VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Findings for Use Permit approval pursuant to Section 22.88.020.I of the Marin County Coastal Zoning Code for the following reasons:

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

- A. The proposed project involves the construction of a new public park that would result in substantial public benefits because it would provide additional recreational facilities for the community.
- B. The proposed project would not adversely affect the natural or coastal resources of the Bolinas area, as further discussed in the Coastal Permit findings above.
- C. The proposed project would not result in adverse affects to visual qualities or views enjoyed from the surrounding area, as further discussed in the Design Review findings below.

- D. The proposed project would incorporate best management practices for storm water runoff treatment by developing stormwater storage tanks to reduce the velocity of the increased drainage from the proposed impermeable surfaces in the park.
- E. The proposed project would be required to meet Uniform Building Code standards and, therefore, would be constructed in a manner that would preclude potential damage to improvements on the subject property or on neighboring properties.
- F. The proposed project would provide adequate handicapped access to the park, in compliance with the Americans with Disabilities Act (ADA) and California Building Code requirements.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the project would be consistent with the mandatory findings for Design Review approval (Section 22.82.040I of the Marin County Code) as discussed below.

- A. It is consistent with the countywide plan and any applicable community plan and local coastal program;

The design of the proposed structure would be consistent with the current goals and policies contained in the Marin Countywide Plan, as discussed in section IV above. Further, the project would be consistent with the policies contained in the LCP for the reasons discussed in the mandatory findings for Coastal Permit approval in section VI above. The structures in the park would not exceed a height of 15 feet above grade, and would not result in adverse effects to views enjoyed from surrounding properties. Therefore, the project is consistent with this finding.

- B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

The design of the structures in the park would feature simple building forms that are consistent with traditional development patterns in the area. The structures on site would appear distinct relative to the others on the property because they would have irregular building alignments, offset footprint positions, and varied sizes and building heights. Individual structures would appear unique when viewed collectively as a whole, and compliment the site and one another without a creating an imposing presence. The entry to the park and the proposed landscaping would enhance the visual appeal of the Bolinas downtown area and provide a focal point for community activities. Therefore, the project is consistent with this finding.

- C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;

The project would comply with all development standards applicable to the governing zoning district and be of a comparable size and scale with other structures in the surrounding community. The development would be located a sufficient distance from neighboring properties and provide sufficient landscaping to avoid adverse effects to the air, light, and privacy enjoyed on surrounding properties. Therefore, the project is consistent with this finding.

- D. It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;

The project would not limit or inhibit the use or enjoyment of other properties in the vicinity because the improvements are consistent with the uses permitted by the governing zoning district and would maintain adequate setbacks from all property lines and other buildings on the subject and surrounding properties. Except for the improvements to the sidewalk and connections to utilities under Wharf Road, the proposed development would not encroach into any rights-of-way, conservation easements or public lands. Improvements to the sidewalk would be made from the entry of the park to Brighten Avenue that would enhance accessibility for people with disabilities. Therefore, the project is consistent with this finding.

- E. It will be properly and adequately landscaped with maximum retention of trees and other natural material;

Landscaping proposed for the park includes fruit trees, native trees such as redwoods and oaks, and a combination of native and ornamental shrubs and groundcovers. Non-native invasive trees such as eucalyptus have been removed from the site and would be removed elsewhere on the site where they are found to interfere with the proposed landscaping. A drip irrigation system will be used when necessary that will be fed by stormwater collected in the proposed water tanks on-site.

- F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:

- 1. The scale, mass, height, area and materials of buildings and structures,

The project would result in minimal adverse physical and visual impacts because it would be constructed with building materials with colors that compliment the surrounding natural and built environment and would be consistent with the surrounding community character. Additionally, the project would utilize design features that break up the mass of the structures with articulations in the building facades, such as ornamental gates and trellises. Therefore, the project is consistent with this finding.

- 2. Drainage systems and appurtenant structures,

The property does not currently exhibit gullies or other drainage problems that would indicate excessive surface runoff, but given the steep slope of the upper portion of the property, care has been taken in designing the drainage system. Drainage improvements include five 5,000 gallon water tanks that will receive stormwater runoff from upslope. Water that is collected will be used for irrigation, and excess water will be diverted to a storm drain that runs beneath Wharf Road. This rainwater catchment system will slow the velocity and potential sedimentation from hillside runoff before any excess water is put into the municipal stormdrain system. Therefore, the project is consistent with this finding.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

The design of the improvements for the park would conform to the natural topography of the development site, rather than altering the natural topography to accommodate new development. Grading would be held to a minimum and reasonable efforts would be made to retain the natural features of the land such as the steep hillside at the rear of the property. Where grading is required, it would be done in such a manner as to avoid flat planes and sharp angles of intersection with natural terrain. Locating the structures on the lower more level portions of the site would avoid creating large graded terraces for building pads. Terracing would be minimal and would be performed by creating a series of small incremental steps, rather than a wide bench. Development would also avoid sharp angled cut and fill banks and long linear slopes that do not visually blend with the surrounding natural topography. Therefore, the project is consistent with this finding.

4. Areas, paths and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances and watercraft,

The Department of Public Works has reviewed the proposed project and determined that it is consistent with the County's access standards. No parking is proposed or required for the park and the only vehicular access would be for maintenance and emergency response purposes. At other times, the gate for the park road would be locked. Improvements to the sidewalk from the park entrance to Brighten Avenue would be made to enhance accessibility for people with disabilities. Therefore, the project is consistent with this finding.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The structures in the park would not reach a height or be located in a position that would result in impeding the primary views enjoyed from surrounding residences or adversely affecting the sun exposure or privacy enjoyed by surrounding residences. Therefore, the project is consistent with this finding.

- G. It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.

Building materials proposed for the structures include metal roofing, wood, fiber cement board and batten siding, cob and rammed earth, which are all materials that are locally available and easily recycled. The architectural styles of the structures are compatible with the traditional architectural styles prevailing in the area.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bolinas Firehouse Park Agency Coastal Permit, Use Permit and Design Review (10-0001) subject to the following conditions:

### **Marin County Community Development Agency**

1. Except as modified by these conditions of approval, this Coastal Permit, Use Permit, and Design Review approval allows the Bolinas Firehouse Community Park Agency to develop a community park on the subject property that will be open from sunrise to sunset, seven days per week, year round. Development associated with the park shall include the following improvements: (1) an entrance portal and entry sign, (2) a security gate, (3) a children's play area, (4) an open air amphitheatre, (5) four 5,000 gallon stormwater storage tanks, (6) a pavilion with an adjacent community oven and picnic table, (7) garbage and recycling bins, (8) a public restroom, (9) various paved areas, paths and retaining walls, (10) utilities, and (11) substantial landscaping. No parking or public vehicular access is approved on site but the sidewalk from the park entrance to Brighten Avenue shall be improved to comply with State and Federal requirements regarding accessibility for people with disabilities.

Operations and maintenance of the park shall be the responsibility of the Firehouse Community Park Agency. The park shall be open from sunrise to sunset and the bathrooms shall be locked at night. The park shall be open to the general public, but the community oven shall be locked and only available for use by people with the consent of the Mesa Park Board. A person shall be employed to go to the park on a regular basis (approximately three times per week) to pick up trash and debris, and to maintain the irrigation system and make repairs as needed. The bathrooms, garbage collection and recycling shall be separately maintained by an independent contractor managed by the Bolinas Firehouse Park Agency. Landscaping shall be maintained by local volunteers until such time as a budget is developed to hire someone to carry out that task. The subject property is located at **32 Wharf Road**, in Bolinas and is further identified as **Assessor's Parcels 193-081-05, 193-081-27, and 193-081-28**. The Assessor's Parcels will be combined and assigned a new number subsequent to project approval.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Bolinas Downtown Park," consisting of 20 sheets prepared by Peacock Designs, AYS Engineering Group, and Meridian Surveying Engineering with final revisions submitted on May 6, 2010 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," prepared by the applicant, submitted January 4, 2010, and on file with the Marin County Community Development Agency. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.



4. 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.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.
6. 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.
7. 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.
8. 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.
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 (description of project being approved), for which action is brought within the applicable statute of limitations.

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.
11. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
12. 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.

**Marin County Department of Public Works, Land Use and Water Resources**

13. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT, the applicant shall fulfill the following requirements:
  - A. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
  - B. 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.
  - C. Accessible paths-of-travel, as indicated on plans, shall be a barrier-free access route without any abrupt level changes exceeding ½-inch if beveled at 1:2 max. slope, or vertical level changes not exceeding ¼-inch max., and shall be at least 48-inches wide. Surfaces shall be stable, firm, and slip resistant. In the path-of-travel direction, slopes shall not exceed 5% and cross slopes shall not exceed 2%, unless otherwise indicated. Accessible paths-of-travel shall be free of overhanging obstructions to minimum height of 80-inches. Objects shall not protrude into the path-of-travel greater than 4-inches from a wall between the vertical heights of 27-inches and 80-inches. Design engineer or Architect shall verify that there are no barriers in the path-of-travel.
  - D. Provide a note on the plans that states the Design Engineer/Architect shall certify that all Accessible parking and path of travel complies with all Federal and State Accessibility requirements. Construction documents must be drawn of sufficient clarity to indicate nature and extent of work associated with Accessibility.

- E. A separate Building Permit is required for each separate site retaining walls with a height of 4-feet or higher, or 3-feet when backfill area is sloped or has a surcharge (measured from the bottom of the footing to the top of the wall). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
- F. A registered Engineer shall design the site/driveway retaining walls.
- G. No portion of any structure shall cross over property boundaries, including eaves and footings (e.g. retaining walls, buildings, water tanks, gates, fences, sidewalks, etc).
- H. No drainage facility shall cross property boundaries. Several drainage pipes cross from Parcel-27 onto Parcel-05. Revise the plans to show surface runoff collection to be managed within property boundaries for each parcel. This will not be required in the event these properties are merged into one Parcel.
- I. The proposed drainage system calls out a 12-inch pipe connecting to an existing catch basin on Wharf Road. Also, based on the submitted hydrology report, the lateral connecting the catch basin to the main stormdrain line is "assumed" to be 12-inches. Provide the following information to verify the existing conditions and the capacity of the existing infrastructure:
  - 1. Verify the size of the pipe lateral from the catch basin to the main stormdrain.
  - 2. Verify that the existing hydraulic conditions can handle a 100-year event from both the site and Wharf Road runoff.
- J. DPW may require upgrades to the existing stormdrain facilities depending on the results of the hydraulics analysis. In the event the existing lateral between the catch basin and the main stormdrain line needs to be upgraded, all work shall be conducted by the applicant at the applicant's expense.
- K. All stormdrain improvements shall meet the minimum County standards for trenching, shall not interfere with any other utilities, and shall require an encroachment permit for all work within the wharf Road right-of-way.
- L. The drainage and grading plans shall be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
- M. For all utilities that cross over property boundaries of the unmerged parcels owned by the same property owner, provide a Covenant Agreement for the intent to establish a recorded easement for the utilities in the event that the Title for any of the parcels are changed to different owners. Alternatively, revise the plans to show all utilities within the properties they serve.
- N. Provide an erosion control and sediment control plan for during and post-construction operations.
- O. Provide a construction staging plan. No staging of construction equipment of any type is allowed to be within the Wharf Road right-of-way.
- P. Provide note on the plans stating that if construction activity, equipment, vehicles and/or materials cause damage beyond normal wear and tear (e.g. pavement, curb, gutter,

sidewalk, etc.), then the permittee shall be responsible for the repair of the damaged facilities [MCC§24.04.016].

- Q. Provide all Accessible signage as required by 2007CBC Chapter 11B.
- R. Vehicular access gates shall have a minimum passable width of 12-ft [MCC§24.04].
- S. Provide truncated domes at all vehicular hazards to pedestrian and wheelchair cross traffic.
- T. An encroachment permit shall be required for any work within the road right-of-way.
- U. Garbage facilities be designed to prevent any stormwater pollution discharges.
- V. Provide a copy of the demolition permit for the existing structure on Parcel-27.
- W. Per Ordinance No. 3486 amending MCC §24.04.627(b), Storm Water Pollution Prevention Plan:

In addition to the county requirements, a project may require coverage under the general construction activity stormwater permit issued by the State Water Resources Control Board (SWRCB) if one acre or more is disturbed. If required, then a notice of intent (NOI) must be filed with the SWRCB for said coverage and a copy of the NOI and the SWPPP must be submitted to DPW prior to issuance of a county permit for construction.

### **Environmental Health Services Division**

14. WATER: The project is acceptable with the following conditions/assumptions:

- A. No physical connections shall be made between the public water and non-potable water systems. The restrooms and drinking fountains shall be served by public water service.
- B. The hose bibs connected to the rainwater harvesting tanks will be labeled as “non-potable” and/or “not for drinking”. Non-potable plumbing shall be marked or colored as such to avoid accidental connection in the future.
- C. In accordance with State Code and the local water district, an approved backflow device or other approve methods shall protect the public water system from accidental contamination.
- D. It is recommended that the storm water tanks shall be fitted with bottom drains and a plumbing configuration (at least one flush valve) that will allow each tank to be flushed to waste to remove sediment during routine maintenance.
- E. Clearly delineate both the potable and non-potable plumbing on the building plans.
- F. The building plans shall require a review by Environmental Health Services.

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Bolinas Firehouse Park Agency Coastal Permit, Use Permit, and Design Review (10-0001) approval by July 1, 2012, by obtaining a Building Permit and substantially completing work as approved or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and it is approved by the Deputy Zoning Administrator. An extension of up to four years may be granted for cause pursuant to Section 22.56.050I of the Marin County Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Bolinas Firehouse Park Agency Use Permit (UP-10-14) shall be valid indefinitely from the date the approval is vested. Failure to comply with the conditions of this approval will result in the invalidation of the approval. In the event the applicant conducts the use in such a manner as to adversely impact the health, welfare, or safety of persons residing or working in the neighborhood, the Use Permit may be revoked subject to Marin County Code Sections 22.88.040I and 22.88.045I.

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 July 9, 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 1<sup>st</sup> day of July, 2010.

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JOHANNA PATRI  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary