

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**

**RESOLUTION 11-134**

**A RESOLUTION APPROVING  
THE BRANSTEN COASTAL PERMIT**

**ASSESSOR'S PARCEL 191-271-24**

**20 NYMPH ROAD, BOLINAS**

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**SECTION 1: FINDINGS**

- I. WHEREAS Alethea Patton, on behalf of the property owner Bob and Daphne Bransten, submitted a proposal to deconstruct an existing 1,301 square foot single-family residence at 280 Ocean Parkway and construct a 1,588 square foot single-family residence on the same lot with an address of 20 Nymph Road, Bolinas. Administrative approval of the change in address was granted on July 18, 2011 because access to the site is currently from Nymph Road and no access is provided from the Ocean Parkway right-of-way due to erosion of the bluff along the ocean. The 19,325 square foot lot is located within the Bluff Erosion Zone and recent erosion is threatening the structural integrity of the existing residence. The floor area ratio would be 8.4% and the maximum height would be 22 feet from finished exterior grade. The residence would have the following minimum setbacks from corresponding property lines: 38.5 feet front (west), 15 feet side (north), 146 feet side (south), and 20 feet rear (east). The project includes a new septic system and drainage improvements. The exterior color and materials of the residence would be gray fire resistant horizontal wood siding, dark gray pebble roofing, copper flashing, gutters, downspouts, and chimney flue, and light green aluminum clad windows and doors. The proposal includes a fire truck turnaround area on the Bransten property at 88 Nymph Road, an additional (fourth) parking space as on-street parallel parking, and relocation of the existing fence within Nymph Road to be on the subject property. The subject property is within the C-RA:B2 zoning district and is located at 20 Nymph Road, Bolinas, further identified as Assessor's Parcel 191-271-24.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on December 1, 2011, 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(a) of the CEQA Guidelines because it entails the construction of a new single-family residence that would not result in significant grading, tree removal or other adverse impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies of the Local Coastal Program, Unit I and the Marin Countywide Plan because:
  - A. The proposed residence would comply with Marin County standards for geotechnical engineering and seismic safety in the Bluff Erosion Zone, and include improvements to

protect lives and property from hazard with a setback of 180 feet from the bluff. A geotechnical engineering report determined the building site would remain stable for more than 100 years. The proposed location of the residence would be a sufficient distance from the bluff to ensure with reasonable certainty that it would not be threatened with cliff retreat within its economic life expectancy of 50 years;

- B. The proposed project would result in the construction of new single-family residence, a principally permitted use under the governing CSF5 general plan designation;
  - C. The proposed project would result in development which conforms to the governing standards related to building height, size and location;
  - D. The proposed project would comply with governing development standards related to grading, flood control, drainage and utility improvements as verified by the Department of Public Works;
  - E. The proposed project would not cause 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 the Gridded Mesa Plan because:
- A. The proposed project involves construction of a new single-family residence, which is a principally permitted use on the property.
  - B. The proposed project would not adversely impact the surrounding natural environment with regard to vegetation, wildlife habitats, or drainage.
  - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
  - D. The project would qualify for a waiver, pursuant to Policy LU-1.3, from the restriction on new development in the Bluff Erosion Zone imposed by Policies LU-1.1 and 1.2 .The proposed residence would be set back 180 feet from the existing scarp at the top of the bluff and would likely survive retreat of the scarp for more than 100 years due to the proximity to siltstone bedrock. E. Vincent Howes, a licensed geotechnical engineer, submitted a slope stability report and determined that the project would be feasible based on an average bluff retreat rate of 1.88 feet per year. The building location would adequately overcome site-related stability constraints and would not contribute to the cumulative negative effects to groundwater mounding, nitrate accumulation, and bluff erosion on the Mesa.
  - E. The design of the residence would not substantially affect the surrounding built environment with regard to views from adjacent properties, privacy for the subject and surrounding properties, and access.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit I (§22.56.130I of the Marin County Code) as described below.

A. Water Supply:

The Bolinas Community Public Utility District approved an expanded water service permit for the project.

B. Septic System Standards:

Marin County Environmental Health Services regulates individual sewage disposal systems in the area of the subject property and recommended approval with standard conditions.

C. Grading and Excavation:

The project site has a gradual 12% slope and minor grading is proposed for 300 cubic yards of excavation and 10 cubic yards of fill. The excavation would occur for installation of the structure's foundation to set the residence into the grade, below grade septic system components, patios, and walkways. All grading and 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 small amount of grading proposed would not likely disturb cultural resources because most of the site has previously been disturbed. A project condition requires that in the event cultural resources are discovered during construction, all work shall stop immediately and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access:

The project is located more than ½-mile inland of the Pacific Ocean at an elevation of approximately 140 feet and would not impede coastal access.

F. Housing:

The proposed project would result in the removal of a single-family residence and construction of a new residence that would provide housing opportunities in a more stable location. The project would not affect the availability of affordable housing within the Bolinas community.

G. Stream and Wetland Conservation Protection:

The project site is not located near a creek or wetlands subject to the streamside conservation and wetland conservation policies of the Local Coastal Program.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program.

I. Wildlife Habitat:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is not located within the habitat area of sensitive species. The Duxbury Reef Reserve and Extension Area of Special Biological Significance is located below the bluff along the shoreline and offshore into the ocean, and would not be affected by the project. The relatively small-scale project on a property currently developed with a single-family residence would not have an adverse impact on wildlife.

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 is not located in the habitat area for rare, threatened, or endangered plant species. The relatively small-scale project would not have an adverse impact on the habitat of native plant communities.

K. Shoreline Protection:

The subject property is adjacent to the shoreline, but the proposed project would not result in adverse effects to the shoreline with removal of an existing residence 42 feet from the scarp at the top of the bluff and construction of a replacement residence approximately 180 feet from the scarp. The building location would be more than 150 feet from the edge of the bluff and would be stable for more than 50 years based on a retreat rate of 1.88 feet per year based on a geotechnical evaluation prepared by E. Vincent Howes, licensed geotechnical engineer, that determined the proposed building site would likely be stable for more than 100 years based on the retreat rate, soil conditions, and shallow siltstone bedrock. The project would not include or require improvements for shoreline protection.

L. Geologic Hazards:

The project site is located less than two miles from the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The applicant submitted a geotechnical evaluation prepared by E. Vincent Howes that determined the project to be feasible and safe if constructed with properly engineered structural components. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the California Building Code during review of the building plans. In addition, as a condition of project approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

A land division is not proposed as part of this project.

O. Visual Resources:

The project would be located in the northern portion of the property near existing trees and shrubs and would not result in adverse blockage of public views from along Nymph Road. The structure would be relatively low with a maximum height of 22 feet above grade, and would not result in substantial visual effects from public vantage points. The adjacent property owners would see the small residential structure through a landscape screen, but the visual effect is not found to be adverse and is typical of a residential development in the Bolinas community near the shoreline. The exterior materials would be unobtrusive grey, light green, and copper patina colors. The lighting for the exterior would be directed downward and hooded.

P. Recreation/Visitor Facilities:

The project site is governed by C-RA:B2 (Coastal, Residential Agricultural District) zoning regulations that allows for residential uses in a residential neighborhood. The project would have no affect on recreation or visitor serving facilities.

Q. Historic Resource Preservation:

The existing residence on the subject property was constructed in 1971 and is not considered historically significant.

## SECTION 2: ACTION

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Bransten Coastal Permit application pursuant to Marin County Coastal Zoning Code Section 22.56.130I. This Coastal Permit approval permits the deconstruction of an existing 1,301 square foot single-family residence and construction of a 1,588 square foot single-family residence with an address of 20 Nymph Road, Bolinas. The floor area ratio would be 8.4% and the maximum height would be 22 feet from finished exterior grade. The residence would have the following minimum setbacks from corresponding property lines: 38.5 feet front (west), 15 feet side (north), 146 feet side (south), and 20 feet rear (east). The project includes a new septic system and drainage improvements. The exterior color and materials of the residence would be gray fire resistant horizontal wood siding, dark gray pebble roofing, copper flashing, gutters, downspouts, and chimney flue, and light green aluminum clad windows and doors. The approval permits a fire truck turnaround area on the Bransten property at 88 Nymph Road, an additional (fourth) parking space as on-street parallel parking, and relocation of the existing fence within Nymph Road to be on the subject property.

### SECTION 3: CONDITIONS OF PROJECT APPROVAL

1. Plans submitted for a Building Permit for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Bransten Residence, 20 Nymph Road, Bolinas CA 94924, APN 191-271-24", prepared by Peacock Designs, and AYS Engineering Group, Inc. consisting of 15 sheets, date stamped September 13, 2011. The deconstruction of the existing residence shall comply with the proposed "Demolition Waste Management Plan", identified as Exhibit C.
2. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by Peacock Designs and on file with the Marin County Community Development Agency Planning Division, including:
  - a. Siding: Grey stained fire resistant horizontal wood
  - b. Roof: Tar and Gravel with dark grey decorative pebbles
  - c. Window and Door Finish: Light Green
  - d. Flashing, Gutters, Downspouts and Flashing: Copper
  - e. Retaining Walls: Grey concrete

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit Conditions of Approval as notes.
4. 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 potential losses experienced by geologic actions.
5. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition of Approval 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees and shrubs in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency, Planning Division.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall remove the 15-foot length of fence perpendicular to the front property line from the Nymph Road right-of-way. The applicant shall submit photographs to the Planning Division to verify removal of this portion of the fence.
7. All flashing, metal work and trim shall be an appropriately subdued, non-reflective color and all exterior lighting shall be downward directed and hooded.
8. Any new utilities proposed to serve the approved project shall be underground.
9. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified

archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

10. 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.
11. BEFORE FINAL INSPECTION OF THE NEW RESIDENCE, the applicant shall obtain a Demolition Permit and deconstruct the existing residence.
12. 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.
13. 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 the approval of the single-family residence, for which action is brought within the applicable statute of limitations.
14. 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.

Department of Public Works, Land Use and Water Resources

15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
- a. Provide approval in writing by the Bolinas Fire District for the proposed fire truck turnaround.
  - b. A separate Building Permit is required for site/driveway retaining walls with a height of 4-ft or more 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.
  - c. A registered Engineer shall design the site/driveway retaining walls. Plans and calculations must have the Engineer's/Architect's wet stamp and signature.
  - d. Vehicles shall be able to attain the desired direction of heading within no more than one turning movement [MCC§24.04.277]. The 4<sup>th</sup> parking space shown in the Nymph Road right-of-way in its proposed location and configuration does not meet this requirement. Provide a 4<sup>th</sup> parking space that allows the vehicle to attain a head-out direction in no more than one turning movement.
  - e. DPW recommends that the LPG tank be moved to vicinity closer to the new dwelling for easier access. Provide the new location for the LPG tank.
  - f. Submit Erosion and Siltation Control plans.
  - g. Provide a note on the plans stating that the Design Engineer and/or Architect shall certify to the County in writing prior to final inspection that all grading, drainage, and retaining wall construction was completed in accordance to approved plans and field direction. Also state that the driveway, parking, and all other site improvements shall be inspected by a DPW engineer prior to final inspection.
  - h. Provide all design and inspection recommendations made in the geotechnical report of July 14, 2010 by Salem-Howes, Associates. A note on the plans referring to the geotechnical report will not suffice.
  - i. 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.

Marin County Environmental Health Services

16. A permit to construct an on-site sewage disposal system was issued 07/15/2011 for a two-bedroom residence (permit number 11-63A). The permit expiration date is 07/15/2013. Apply for and renew the permit if construction has not begun by the expiration date. In addition, relocation of the dissipater trench may be required because of the stability or instability of the bluff.



**SECTION 4: VESTING AND APPEAL RIGHTS**

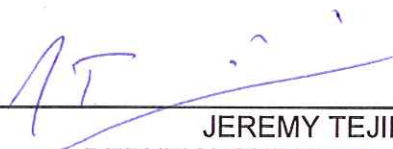
NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Bransten Coastal Permit approval by obtaining a Building Permit and substantially completing all of the approved work before December 1, 2013, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Director approves it.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if the Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.


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, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on December 8, 2011.

**SECTION 5: DECISION**

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 December, 2011.

  
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JEREMY TEJIRIAN  
DEPUTY ZONING ADMINISTRATOR

Attest:

  
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Joyce Evans  
Deputy Zoning Administrator Secretary