


**STAFF REPORT TO THE MARIN COUNTY  
DEPUTY ZONING ADMINISTRATOR**  
Bolinás Community Land Trust Coastal Permit

**Recommendation:** Approve with conditions  
**Hearing Date:** Thursday, June 13, 2019

Application No(s):	P2228	Owner(s):	Bolinás Community Land Trust
Agenda Item:	3	Assessor's Parcel No(s):	192-061-11, -12, and -13
Last Date for Action:	July 2, 2019	Property Address:	Overlook Drive, Bolinás
		Project Planner:	Immanuel Bereket
		Signature:	
Countywide Plan Designation:	C-SF5 (Coastal – Single Family 1 unit/2-4 acres)		
Community Plan Area:	Bolinás Community Plan		
Zoning District:	C-RA-B2 (Residential, Agricultural)		
Environmental Determination:	Exempt per CEQA Guidelines §15303(a) (Class 3)		

**PROJECT SUMMARY**

The applicants request Coastal Permit approval to construct a new 1,550-square-foot single-family residence and a detached 1,145-square-foot accessory dwelling unit on a vacant property in Bolinás. The proposed development would result in a floor area ratio of 11 percent on the 24,000 square foot lot. The proposed main residence would reach a maximum height of 13 feet nine inches above surrounding grade and exterior walls would have the following setbacks: 25 feet from the west front property line; 10 feet from the north side property line; 48 feet from the east rear property line; 30 feet from west front property line; and more than 100 feet from the south side property line. The proposed accessory dwelling unit would have the following setbacks: 27 feet from the west front property line; 95 feet from the north side property line; 92 feet 3 inches from the south side property line; and approximately 52 feet from the east rear property line. The project also includes various site improvements, including installation of a septic system, landscape and creating five off-street parking spaces.

Coastal Permit approval is required because the project entails development and alteration of land in Coastal Zone pursuant to Marin County Municipal Code Section 22.56.0551.B.

## **PROJECT SETTING**

Characteristics of the site and surrounding area are summarized below:

Lot Area: 24,000 square feet

Adjacent Land Uses: vacant single-family lots to the north, south and west; and vacant lot to the east owned by the Bolinas Community Public Utility District.

Topography and Slope: The project site is generally flat.

Vegetation: a mix of prairies, annual grasslands, coastal scrubs and coastal woodland groves.

Environmental Hazards: The project site is located in a high fire risk zone, and high seismic susceptibility.

The project site consists of three vacant lots and is located within the Bolinas Gridded Mesa Plan, in the northeastern quadrant of the Plan area. It is approximately one-half mile from coastal bluff. An application to merge the three lots of record into one lot was approved in April of this year, and final recordation of the lot merger is anticipated to occur prior to submittal of a building permit.

## **BACKGROUND**

Prior to submittal of the subject Coastal Permit application, the applicants petitioned the Bolinas Community Public Utility District (BCPUD) for water use and, at its regular meeting of June 20, 2018, the BCPUD approved the petition. A Coastal Permit application was submitted on November 5, 2018. Upon receipt, the application was transmitted to the Department of Public Works (DPW), Environmental Health Services (EHS) and the California Coastal Commission (CCC). The project was deemed incomplete on November 29, 2018. On March 27, 2019, the applicants submitted (1) revised project plans and (2) additional biological site assessment report, which were promptly recirculated to DPW, EHS and the CCC. Staff received written memos from DPW and EHS and an e-mail correspondence from the CCC; their correspondences are provided as attachments to this report. The project was deemed complete on May 2, 2019.

A notice was posted on the project site on November 16, 2018, identifying the applicants and describing the project and its location. A site visit was conducted on the same day the notice was posted. Upon deeming the project complete, a Notice and Referral was posted online on May 2, 2019, requesting any interested organizations or individuals to provide comments on the proposal. The Community Development Agency mailed public notice on May 28, 2019, identifying the applicants, describing the project and its location, hearing date and location in accordance with California Government Code requirements. Said notice was mailed to all property owners within 300 feet of the subject property.

## **KEY ISSUES**

The project is located in a jurisdictional boundary of the BCPUD, which is an independent public utility district whose governance authority is codified in the California Public Utilities Act of 1913. As a public utility district, the BCPUD directly or indirectly provides water, sewer, solid waste, drainage, and parks and recreation services within its boundaries. In a memorandum dated October 19, 2018, the BCPUD that the project can be served water for domestic consumption (see attachment 10). Further, with respect to solid waste and wastewater, the applicants' proposal to install a new septic system was reviewed and approved by EHS. The EHS' memorandum dated January 30, 2019 is provided as attachment #9.

## **PUBLIC COMMENT**

During the project review process, the County received comments regarding the availability of adequate water for the project and the minimum level of CEQA analysis required for the project. As discussed above, water for domestic consumption would be provided by the BCPUD who have confirmed in writing availability of water to serve the project in accordance with their requirements. BCPUD's memorandum is provided as attachment #10.

With respect to CEQA, in a letter dated March 25, 2019, Law Offices of John Sharp, submitted on behalf of concerned neighbors, asserts that the project does not fit within the meaning or use of the CEQA Class 3 exemption because the project exhibits the following unusual circumstances: (1) location; (2) cumulative impact; (3) significant effect; (4) aesthetics; (4) biological resources; and (5) geology and soils.

We note that once an agency determines that a project falls within a categorical exemption, the burden shifts to the objecting party to produce evidence that one or more of the exceptions to the Categorical Exemption apply (*Hines v. California Coastal Commission* (2010)).

Mr. Sharp asserts the project's location within an area designated and mapped as sensitive environment is an unusual circumstance. Therefore, Categorical Exemptions provided in the CEQA Guidelines do not apply to this project. Staff notes there are no mapped environmentally sensitive habitats or sensitive plant or animal species on the subject parcel. The biological site assessment reports for the project site clearly indicate there no sensitive habitats present on the site. Further, Mr. Sharp does not (1) provide evidence that the project will have a significant effect on the environment nor (2) prove both unusual circumstances and a significant environmental effect would occur due to the project. Therefore, the exceptions under CEQA Guidelines Section 15300.2 (a) and (c) do not apply to the project.

Mr. Sharp also asserts that CEQA Guidelines Section 15300.2(b) precludes the County from relying on a categorical exemption due to the cumulative impact of successive projects of the same type in the same place. Mr. Sharp is referring to project at 430 Aspen Drive, which is proposed by the same applicants. The scope of this project is limited to the project description above and this project is not a portion of a larger cumulative project. Further, other than speculation that potential future projects similar to the one under consideration could cause a cumulative adverse impact, Mr. Sharp provides no evidence to negate use of categorical exemption in this case. Therefore, the exception under CEQA Guidelines Section 15300.2 (b) does not apply to the project.

Mr. Sharp further asserts that the County is precluded from relying on a categorical exemption due to the project's adverse impacts to aesthetics, biological, geology and soils resources. We note there is no evidence in the record that would present unusual circumstances with respect to the nearby intersection, views, the site topography, aesthetics, biological, geology and soils resources. The proposed project is limited to the scope of project description above and would occur in an existing developed neighborhood on a fully developed lot. Mr. Sharp provides no evidence to negate the application of a categorical exemption in this case. Therefore, none of exceptions under CEQA Guidelines Section 15300.2 apply to this project.

## **RECOMMENDATION**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Bolinas Community Land Trust Coastal Permit.

Attachments:

1. Recommended resolution
2. Project plans
3. CEQA exemption
4. Public Correspondences
5. Biological Documentation and Wetland Assessment, prepared by WRA, Inc., March 8, 2019
6. Biological Site Assessment, prepared by WRA, Inc., dated January 2019
7. California Coastal Commission project comments, dated April 15, 2019
8. Planning Application Review, Department of Public Works, dated April 11, 2019
9. Planning Application Review, Environmental Health Services, dated January 30, 2019
10. Bolinas Community Public Utility District memorandum, dated January 25, 2019

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. \_\_\_\_\_  
A RESOLUTION APPROVING THE BOLINAS COMMUNITY LAND TRUST COASTAL  
PERMIT  
OVERLOOK DRIVE, BOLINAS  
ASSESSOR'S PARCEL: 192-061-11, 12 AND 13

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**SECTION I: FINDINGS**

1. **WHEREAS**, Arianne Dar, on behalf of Bolinas Community Land Trust, submitted a Coastal Permit application for the construction of a 1,550-square-foot single-family residence, a detached 1,145-square-foot accessory dwelling unit, installation septic system, driveway, and off-street parking spaces. The properties are located on Overlook Drive, Bolinas and is further identified as Assessor's Parcel 192-061-11, 12 & 13.

2. **WHEREAS**, on June 13, 2019, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303(a), Class 3 of the CEQA Guidelines because the proposed development will not result in a potentially significant impact on the environment.

4. **WHEREAS**, the project is consistent with the goals and policies of the Bolinas Gridded Mesa Plan for the following reasons:

- A. The project is consistent with the Land Use policy (LU-1) because it is not located within the Bluff Erosion Zone.
- B. The project is consistent with Land Use policy related to stream protection (LU-2) because it is not located within the Alder Creek buffer area.
- C. The project is consistent with Land Use Policy related to septic capacity (LU-4) because the size and design of the system considers the cumulative impacts of septic systems in the area, including groundwater mounding and soil nitrate accumulation. As designed, and approved by Environmental Health Services, the septic system will incorporate low flow water fixtures and water saving devices, which will be verified during building permit review.

5. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval (Marin County Code Section 22.56.130I).

A. Water Supply

The Bolinas Community Public Utilities District (BCPUD) will provide water to the subject property. Therefore, the project site has a viable water source. This criterion is met.

B. Septic System Standards

The Marin County Environmental Health Services (EHS) regulates individual sewage disposal systems in Bolinas. Upon review of the proposed septic system, EHS determined the proposed septic system complies with the Marin County Environmental Health regulations. Therefore, this criterion is met.

C. Grading and Excavation

The project entails no excavation or offhaul, and 473 cubic yards of fill. Sheet C1 includes details related to erosion control during construction, consistent with 22.56.130I.C.3.a. An increase in impervious surfaces is limited to the proposed structures and concrete walkways. Landscaping and softscaping is included in the scope of work, allowing plants to absorb runoff/pollutants in an effective manner. This criterion is met.

D. Archeological Resources

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is located in an area of high archaeological sensitivity. As required by the Marin County Code, in the event archeological resources are uncovered during construction, all work will immediately cease, and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures. This criterion is met.

E. Coastal Access

The project does not impact coastal access as it is not located on a coastal bluff. This criterion is met.

F. Housing

The proposed project will increase the availability of affordable housing stock within the Bolinas community because it will create affordable housing for persons of low- and moderate-income categories. This criterion is met.

G. Stream and Wetland Resource Protection

As documented in the biological site assessment reports prepared by WRA, Inc., there are no streams present onsite. However, the project site is adjacent to lot owned and maintained by BCPUD, which contains a constructed ditch and freshwater emergent wetland. As illustrated in Sheet 6, the proposed development will maintain a minimum of 100 feet setback from the emergent freshwater wetland. Since no improvements are proposed offsite or in areas adjacent to freshwater emergent wetland, the project will not result in any impact upon stream or wetland resources and will comply with the LCP's riparian protection policies. This criterion is met.

H. Dune Protection

While there are dunes in Bolinas Beach, there are no dunes in the project vicinity. This criterion is met.

I. Wildlife Habitat Protection

Per the biological assessment reports, prepared by WRA Inc., there are no special-status species present on site. However, the following four special-status plants species have a moderate to high potential to occur within a mile of the project site: Coastal bluff morning-glory (*Calystegia purpurata* ssp. *Saxicola*), white hayfield tarplant (*Hemizonia congesta* ssp. *Luzulifolia*), short-leaved evax (*Hesper-evax sparsiflora* var. *brevifolia*), and showy rancheria clover (*Trifolium amoenum*). While there is a probability that these species are within a mile of the subject property, the study concludes none of the plants have a potential to occur on site due to topographic and hydrologic conditions necessary to support the special status plant species. Therefore, this criterion is met.

Further, the study concluded that although American badger (*Taxidea taxus*) and California red-legged frog (*Rana draytonii*) have potential to occur on the vicinity, there was no evidence of their presence on project site. Since American badger may hunt or disperse where ground squirrels or other mammal burrows congregate, there was no evidence to suggest ground squirrels or other mammal burrow were present on the project site, and are unlikely to be present on the BCPUD land due to continued inundation. Therefore, the permanent residence of American badger is unlikely to occur on the site or on the adjacent BCPUD lot. Further, the California red-legged frog may breed in the BCPUD land since it can possible provide aquatic conditions; however, the site does not provide such habitat. Therefore, this criterion is met.

J. Protection of Native Plant Communities

As noted above, the biological assessments concluded that there are no native plant communities within the project site. Therefore, the proposed project will not result in impacts to special-status plants. As illustrated on Sheet L1, the project proposes a landscape plan and proposed plantings are identified on the landscape plan. While all proposed species that are native to the western California, there are no plantings that are native to west Marin. Because of this, a condition of approval has been placed on the project requiring a minimum of 50 percent of replacement plantings to consist of native species to the Bolinas area as identified by the Marin Chapter of the California Native Plant Society. As conditioned, this criterion is met.

K. Shoreline Protection

The proposed project does not involve shoreline protection work and will not restrict navigation, mariculture or other coastal use and will not create a hazard in the area in which it is built. Therefore, this criterion is met.

L. Geologic Hazards

As the project is potentially subject to geologic hazards, a condition of approval shall be placed on the project stating, "The applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards." As conditioned, this criterion is met.

M. Public Works Projects

The proposed project will not affect any existing or proposed public works projects in the area. This criterion is met.

N. Land Division Standards

No Land Division or Lot Line Adjustment is proposed as part of this project. This criterion is met.

O. Visual Resources and Community Character

There are no trees, historic buildings, rock outcroppings, or similar visual resources on the project site; nor is the project site located near a designated scenic highway. This criterion is met.

P. Recreational/Commercial/Visitor Facilities

The project will not provide commercial or recreational facilities, and the subject property is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses. This criterion is met.

Q. Historic Research

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Program. This criterion is met.

## **SECTION II: ACTION**

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval is authorized by the Marin County Deputy Zoning Administrator and is subject to the conditions of project approval.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bolinas Community Land Trust Coastal Permit subject to the conditions as specified below:

### **CDA-Planning Division**

1. This Coastal Permit approval authorizes construction of a new 1,550-square-foot single-family residence, a detached 1,145-square-foot accessory dwelling unit, and installation of a septic system on a vacant property in Bolinas. The proposed development would result in a



floor area ratio of 11 percent on the 24,000 square foot lot. The proposed main residence would reach a maximum height of 13 feet nine inches above surrounding grade and the exterior walls would have the following setbacks: 25 feet from the west front property line; 10 feet from the north side property line; 48 feet from the east rear property line; 30 feet from west front property line; and more than 100 feet from the south side property line. The proposed Accessory Dwelling Unit would have the following setbacks: 27 feet from the west front property line; 95 feet from the north side property line; 92 feet 3 inches from the south side property line; and approximately 52 feet from the east rear property line.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Overlook Affordable Housing," consisting of 11 sheets prepared by Steve Matson, received in final form on March 27, 2019, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

- a. The landscape plan shall be modified to include a minimum of 50 percent of plantings that are native to Marin County as identified by the Marin Chapter of the California Native Plant Society.
3. The project shall conform to the Planning Division's "Uniformly Applied Standards 2019" with respect to all of the standard conditions of approval and the following special conditions: 4.

#### **SECTION IV: VESTING**

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested **within two years** of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

#### **SECTION V: APPEAL RIGHTS**

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than five business days from the date of this decision (March 25, 2019).

#### **SECTION VI: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 13<sup>th</sup> day of June 2019.

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Christine Gimmler  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Michelle Reed  
DZA Recording Secretary