

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC21-003

**A RESOLUTION APPROVING THE BOLINAS COMMUNITY LAND TRUST (BCLT)
COASTAL PERMIT, DESIGN REVIEW AND USE PERMIT (P2835)
31 WHARF ROAD, BOLINAS
ASSESSOR'S PARCEL: 193-061-03**

SECTION I: FINDINGS

1. WHEREAS, the Bolinas Community Land Trust (BCLT), requests Coastal Permit, Design Review and Use Permit approval to construct a new, 10,268-square-foot mixed-used development consisting of 8,629 square feet of affordable housing units (a total of eight units) and 1,639 square feet of commercial area on a vacant lot in Bolinas. The proposed development would result in floor area ratio of 10.15-percent on the 101,150-square-foot lot (2.32 acres) and would reach a maximum height of 33 feet above surrounding grade. The proposed residential component of the project would consist of eight units, all of which would be available for rent to low and very-low income households. The development would be contained in two, two-story buildings, with the commercial component located on the first floor of the structure fronting Wharf Road. The residential units would range in size from 847 square feet to 1,174 square feet with the smaller units containing two bedrooms and the larger units containing three bedrooms. A total of four, three bedroom units and four, two bedroom units are proposed.

The exterior walls of the development would have the following setbacks: over 100 feet from the rear, north property line; 5.5 feet from the south, front property line; 0 feet from the east, side property line; and 9.5 feet from the west, side property line. Other site improvements include the construction of 6,934 square feet of on-site, project-related parking. On-site parking would be contained in an underground parking structure as well as in above ground carports. A total of 16 on-site parking spaces are proposed. In addition, four off-site parking spaces along Wharf Road directly in front of the site would be retained/created with the project. The project site is located at 31 Wharf Road, Bolinas and is further identified as APN 193-061-03.

2. WHEREAS, on April 12, 2021, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project.

3. WHEREAS, the project is statutorily exempt from the requirement to prepare an environmental document pursuant to Public Resources Code Section 21159.25- exemption for multi-family and mixed-used housing projects related to environmental quality. The project qualifies for exemption as follows: (a) The project is consistent with the current Marin Countywide Plan and the applicable zoning designation and regulations; (b) the residential portion of the project is a multi-family housing development that contains six or more residential units; (c) the project is less than 5 acres in area, is located in unincorporated Marin County and is substantially surrounded by qualified urban uses; (d) the project site has no habitat value for endangered, threatened or rare species; (d) approval of the project would not result in significant effects to traffic, noise, air quality, and greenhouse gas emissions; (e) the site can be adequately served by public utilities and services; (f) the project site is a legal parcel; and (g) none of the conditions specific in Public Resources Code Section 21159.25(c) apply to the project.

4. WHEREAS, Government Code Section 65589.5 (the State Housing Accountability Act) states that the lack of housing in the state of California is a “critical problem...that threatens the economic, environmental and social quality of life...” in the State. The Act further states that, “California has a housing supply and affordability crisis of historic proportions...the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor....”

Section 65589.9 (L)(3)(d) of the Act states that, “A local agency shall not disapprove a housing development project...for very low, low- or moderate-income households...including through the use of development review standards, unless it makes written findings, based upon a preponderance of the evidence in the record...” that one of the provisions outlined in Sections 65589.9(L)(3)(d)(1) through (5) applies. The project does not meet the threshold for denial under the Act as follows:

- (a) Section 66589.9(L)(3)(d)(1)-While currently in progress, the County has yet to adopt a housing element pursuant to the Act and has not met its share of the regional housing need allocation pursuant to Government Code Section 65584;
- (b) Section 66589.9(L)(3)(d)(2). As discussed in more detail below, the project would not result in a “specific, adverse impact upon the public health or safety”;
- (c) Section 66589.9(L)(3)(d)(3). The development would comply with State and Federal law.
- (d) Section 66589.9(L)(3)(d)(4). The site is not zoned for agriculture or resource preservation. Water and sewer service for the project would be provided by the Bolinas Community Public Utility District. BCPUD has provided correspondence that the site is currently and would continue to be serviced by the District; and
- (e) Section 66589.9(L)(3)(d)(5). The project is consistent with the Marin Countywide Plan (CWP) C-NC land use designation for the site. In addition, with the granting of waivers to development standards as discussed below, the project would also be consistent with the Marin County Interim Zoning Code provisions for the site.

Thus, in accordance with the State Housing Accountability Act, the County finds that the project does not meet the threshold for denial as required under Sections 66589.9(L)(3)(d)(1) through (5).

5. WHEREAS, the proposed development is considered a qualifying project under State Density Bonus Law (Government Code Section 65915) because it would contain five or more residential units. In addition, because the project would provide affordable housing that would exceed “...(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code....” and “...(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code....” the applicant is entitled to a 50-percent increase in the allowable site density which, in this instance, entitles the applicant to a total of 12 units under Density Bonus Law. In addition to the increase in density, as a qualifying project the applicant may apply and receive project concessions, waivers and reductions in development standards, and reduced parking ratios regardless of whether more units than would normally be allowed are proposed for the project.

The applicant proposes an 8-unit, affordable housing development project and does not request an increase in density beyond what is allowed under the corresponding Marin CWP C-NC land use designation for the site. The applicant has applied for waivers and reductions in development

standards that include an increase in the maximum allowable height for primary structures in the C-VCR zoning district, relief from the eastern side setback for the residential components of the project and reduction in the open space requirements contained in the County's Multi-Family Residential Design Guidelines.

In accordance with Density Bonus Law, the County cannot deny a requested waiver if such a denial would physically preclude construction of a "housing development" project (Section 65915(e)(1)). Based upon the substantial evidence in the record, the County finds that the requested waivers cannot be denied as the waivers to development standards: (a) would not result in a specific adverse impact¹ upon health and safety. If the applicant were to redesign or modify the project without the benefit of waivers from development standards, the development would be rendered unaffordable to low, very low and moderate income households; (b) the property is not listed on the California Register of Historic Places therefore a potential adverse impact to such a resource does not apply to the project; and (c) the requested waivers are not contrary to State or federal law.

Therefore, the County finds that the proposed development is a qualifying project under State Density Bonus Law and as such the requested waivers to development standards must be granted as the project does not meet the threshold to deny such waivers under Section 65915(e)(1) of the Government Code.

6. WHEREAS, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

- A.** While much of the portion of the site where development would occur is vegetated with non-native species, one coast live oak tree would be removed to construct the proposed project. The northern portion of the project site would remain undeveloped and existing trees would remain intact with the project. Therefore, the project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B.** The applicant provided a Biological Site Assessment prepared by WRA Associates and dated May 6, 2020 that describes the biological conditions of the project site and assesses the potential for the presence of special-status species and associated habitats. The assessment states that the southern portion of the site where development is proposed has been previously disturbed and is characterized by disturbance-adapted, non-native plant species.

The assessment states that the northern portion of the site that would remain undeveloped contains non-native grassland and a coast live oak woodland, both habitat types that are not considered environmentally sensitive. The northern portion of the project contains a 0.01 acre seasonal wetland characterized by herbaceous hydrophytic vegetation such as Pacific rush, common rush and tall; this wetland area is a jurisdictional wetland under the Clean Water Act and is considered environmentally sensitive.

¹ Government Code Section 65915(e)(1) defines a "specific adverse impact" as a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies or conditions as they existed on the date that the application was deemed complete.

The assessment states that while a total of five special-status plant species have the potential to occur on the project site, none of these plant species were observed in the field during an April 9, 2020 site visit conducted by a botanist. In addition, the project would be located over 100 feet from the wetland, consistent with environmental buffers required under the Local Coastal Program for Unit 1 and the Marin CWP policies regarding wetland conservation areas (WCAs).

According to the assessment, a total of 6 wildlife species as well as nesting birds protected under the Migratory Bird Treaty Act have the potential to occur on the project site. These species include special-status bats, overwintering monarch butterfly and nesting birds. The assessment recommended that tree removal occur outside of the nesting and roosting seasons, and concluded that the project would not result in any potentially significant adverse biological impacts to the environment.

The application would be required to implement roosting bat and nesting bird protection measures pursuant to Marin County Development Code Sections 22.20.040(F) and 22.20.040(G). The proposed project would not result in potentially significant adverse effects to special-status plant and animal species, therefore, the project is consistent with the CWP special-status species protection policy (BIO-2.2).

- C. The development would be located well over 100 feet from the 0.01-acre wetland and would not result in a substantial alteration of the margin along the wetland. Therefore, the project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. As described above, a 0.01 acre wetland exists in the northern portion of the site where no development is proposed. The development would be well over 100 feet from the wetland and would not encroach into a Wetland Conservation Area (WCA). There are no riparian habitats on the property. Therefore, the project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas (SCA) or Wetland Conservation Areas (WCA).
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3). The applicant has provided a Storm Water Pollution and Prevention Plan (SWPPP) for the project prepared in accordance with the Bay Area Storm Water Management Agency Association (BASMAA) requirements. The plan includes details regarding the capture of project-related storm water and run off and release into an existing storm drain, employment of erosion control measures (straw wattles) during construction as well as the installation of seven bioretention planters that would capture and treat stormwater run-off prior to release into storm drains. The County's Department of Public Works (DPW) has reviewed the project plans and will continue to review more detailed construction plans prior to the issuance of a building permit for the project. In addition, the building permit issued for the project will require the implementation of best management practices during construction.
- F. The applicant has provided a geotechnical report for the project that states that there are no active faults that traverse the project site. The report also indicates that the potential

for ground surface rupture on site is low. The report recommends and the County would require that the project be constructed in accordance with current earthquake resistance standards. As such, the project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application.

- G.** The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H.** The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I.** The project site is included on the CWP Map 7.11-Bolinas Land Use Policy Map which indicates the potential density (1-20 units per acre) as well as a floor area ratio of 0.05 to 0.10 for the portion of the site designated C-NC. The floor area ratio (FAR) on the portion of the site designated C-NC (17,000 square feet of the 2.32-acre parcel is designated C-NC) would be 0.98, an exceedance of the floor area ratio denoted on the land use policy map. However, Policy CWP CD-8.7 states that the FAR in the C-NC land use designation may be exceeded to accommodate affordable units at the low to very-low affordable categories, such as those proposed with the project. Policy CD-8.7 also states that for parcels larger than 2 acres, no more than 50-percent of the new floor area may be developed for commercial uses, and the remaining floor area shall be developed for new housing. As the development would include 1,639 square feet of commercial uses of the 10,268 square feet of floor area proposed for non-parking structures, the project would comply with this requirement. Therefore the project is consistent with the CWP community development policies and programs, in particular policy CD-8.7.

7. WHEREAS, the project is consistent with Bolinas Community Plan, as discussed below.

The project is within the Bolinas Community Plan area and is consistent with the plan's provisions regarding the need for low income housing, promoting commercial and residential uses in the downtown planning area and preserving sensitive biological resources.

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

A. Water Supply.

The site is currently served by the Bolinas Community Public Services District (BCPSD). The District provided a letter dated March 30, 2021, indicating that the applicant must apply to the District to transfer or stack water meter use allocations to adequately serve the proposed project. The applicant intends to apply for such permissions at the next scheduled BCPSD meeting of April 21, 2021.

B. Septic System Standards.

The project is connected to sewer service; a septic system is not proposed with the project.

C. Grading and Excavation.

It is estimated that the project would require the excavation of 2,287 cubic yards of material and would result in the placement of 144.7 cubic yards of material. A total of 2,142.3 cubic yards of excavated material would be hauled off-site for disposal. Grading activities would be the minimum necessary to construct the proposed project in accordance with relevant building codes and regulations. The applicant has provided a Construction Management Plan that indicates that all grading would conform to DPW requirements. As described above, the applicant has prepared a SWPPP that provides for the use of straw wattles during construction that would protect soils that have been exposed during grading activities. Prior to the issuance of a building permit for the project, review and approval of a grading plan will be required by the Department of Public Works.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the site is located within a “High Sensitivity” archeological area. The applicant provided an Archaeological Survey Report for the property which indicates that a records search of the database maintained by the Northwestern Information Center at Sonoma State University did not result in the identification of any previously documented cultural resources within the project area. In addition, no archaeological resources were identified during a pedestrian survey of the site conducted on February 14, 2020. Due to the disturbed nature of the site and because the site was previously developed, it is unlikely that archeological resources would be encountered during construction. Pursuant to Marin County Development Code Article V and Section 22.20.040, in the event that archeological or historical resources are discovered during construction, construction activities shall cease and the County shall be notified so 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 regulations.

E. Coastal Access.

The project site is not located between the sea and the first public road, or adjacent to a coastal area as identified by the Local Coastal Program (LCP), Unit 1, where public access is desirable or feasible. The site is located over 400 feet from Bolinas Lagoon and direct access to the lagoon does not exist on the site, therefore public access opportunities to the lagoon are not feasible and potentially not desirable due to the sensitive nature of the lagoon.

F. Housing.

While the project does not involve removing existing housing, it proposes to replace previous housing that existed on the site in 1940's and would provide housing opportunities for “persons of low and moderate income...” consistent with the finding.

G. Stream and Wetland Resource Protection.

The northern portion of the site where no development is proposed contains a 0.01 acre wetland. The proposed development would be well over 100 feet from the wetland and

the wetland buffer area would remain in a natural condition with project implementation. The site is located 400 feet from the Bolinas Lagoon.

H. Dune Protection.

There are no natural dunes in the project area.

I. Wildlife Habitat Protection.

The project site is not identified on the adopted natural resource map for the area.

As discussed above, the biological assessment prepared by WRA Associates determined that the proposed project would not have an adverse effect on special-status species. The project has been sited on the disturbed portion of the site and the applicant would be required to comply with the County's roosting bat and nesting bird protection measures (Marin County Development Code Section 22.20.040(F) and 22.20.040(G)).

J. Protection of Native Plant Communities.

The portion of the site that would be developed is characterized by non-native, disturbance-adapted vegetation . Vegetation removal would be limited to one coast live oak and non-native plant species. The northern portion of the site would remain undisturbed with construction of the project.

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone.

K. Geologic Hazards.

As described in the geotechnical investigation prepared for the project, there are no known active faults that cross the project site. The Marin County Community Development Agency- Building and Safety Division will require seismic compliance with the California Building Code prior to issuance of a project building permit.

L. Public Works Projects.

The proposed project will not affect existing or proposed local public works projects in the area. The project site is located along an existing road, and would not entail the expansion of a public road, flood control project or utility services.

M. Land Division Standards.

No land division or property line adjustment is proposed as part of this project.

O. Visual Resources and Community Character.

The project would exceed the 25-foot maximum height limit for primary structures as the rear building would reach a maximum height of 33 feet. However, because the project is a qualifying project under State Density Bonus Law, the applicant has applied for a waiver to this development standard. While the maximum height of the structure would exceed 25 feet, buildings in the downtown area, in particular Smiley's located adjacent to the

project site, contain two-story structures of varying heights which contribute to the unique character of the area. The building massing and siting has been designed to limit height and vertical elements to the extent feasible by stepping the massing up the hillside. The project has been sited in the southern portion of the site fronting Wharf Street to avoid effects to sensitive resources, concentrating the development in this area consistent with other development in downtown Bolinas.

The proposed project would not impair or obstruct coastal views from a public street or public viewing location and the site is located a considerable distance from public roads that provide coastal viewing opportunities in the area.

P. Recreational/Commercial/Visitor Facilities.

The project would provide a mixture of commercial and residential uses, consistent with the C-VCR zoning designation for the site. While the Interim Zoning Code provisions for the C-VCR district state that residential uses shall be permitted only if such uses are incidental to the commercial the Interim Zoning Code allows for additional residential uses to be permitted through a Use Permit. The applicant has applied for a Use Permit and associated findings are provided below.

Q. Historic Resource Preservation.

The subject property is located within an identified historic area in the Local Coastal Program for Unit 1. The applicant's architect has completed a "Local Coastal Program Historic Review Checklist" for the project which indicates that the roof shape and front façade of the project would be consistent and compatible with that of the surrounding neighborhood. In addition, the checklist indicates that no mechanical equipment would be placed in conspicuous locations and that the proposed landscape features consisting of a simple, native planting plan of small shrubs, perennials and ground covers would be compatible with the character of the neighborhood.

9. **WHEREAS**, the project is consistent with the mandatory findings for Design Review approval (Marin County Code Section 22.82.040I)

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

As discussed in Section 6 the project would be consistent with applicable CWP policies including but not limited to biological resources, water quality, wetlands, seismic hazards and community development. The proposed project would be consistent with the Bolinas Community Plan because it would provide "low income" housing, would provide residential and commercial uses in the downtown area and would protect sensitive biological resources. The project is consistent with the Local Coastal Program for Unit 1 as it would provide both residential and commercial uses on a site zoned C-VCR, would not obstruct views of the Bolinas Lagoon from public roads and has been designed to "fit" the site topography, keeping grading to a minimum.

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 façade of the building fronting Wharf Street would be similar in mass and scale to other buildings within the commercial area of Bolinas, and includes a covered boardwalk and upper story deck. The rooflines of the development feature simple gables and small dormers with the overall design of the development intent to mimic the local vernacular of wood and earth-tone shingle and board and batten construction.

The materials and colors proposed with the project consist of horizontal fiber-cement boarding, vertical board and batten stained cedar siding, light green colored aluminum windows and a metal standing seam roof that would blend in and compliment the structures in the downtown area.

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 proposed project involves limited removal of on-site vegetation and a simple, landscape plan is proposed that would blend in with the adjacent environment while adhering to fire standards. While the front, rear and west side setback would comply with setback requirements in the C-VCR district, the east side setback would not comply with requirements for the residential components of the project. As a qualifying project, the applicant has applied for relief from the east side setback requirement under State Density Bonus Law. The design, scale and massing of the project would be consistent with development in the downtown Bolinas area which consists of a variety of structures that contribute to the unique character of the downtown area. As designed the project would not impair or interfere with the use or enjoyment of other properties in the vicinity, including public lands and rights-of-way.

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 proposed project would be located entirely on the subject site that is under private ownership. Implementation of the project would not affect further investment or improvements in the vicinity, including public lands and rights-of-way.

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

As discussed above, landscaping is proposed with the project that would harmonize with the surrounding environment while complying with fire standards. Development has been concentrated in the southern portion of the site avoiding excessive tree removal and ensuring the maximum retention of trees.

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,

While the maximum height of the structure would exceed 25 feet, such an exceedance is allowed under State Density Bonus Law. Even with the increased height, the proposed project would be compatible with the architectural style and character of the surrounding downtown Bolinas area which contain a mixture of two-story buildings of varying heights and massing. As discussed above, the proposed project would incorporate colors and materials that would harmonize with the built and natural environments. In addition, the selected exterior materials are earth-tone, non-reflective and unobtrusive. All exterior lighting proposed with the project would be directed downward and shielded so as not to cast glare on nearby properties.

2. Drainage systems and appurtenant structures,

Conceptual project plans have been reviewed by DPW and found to be acceptable. Approval of project specific drainage plans would be required by DPW prior to the issuance of a project building permit.

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

The proposed project involves the construction of a mixed-use development on a previously disturbed site and has been sited on the most level, accessible portion of the site. The amount of grading proposed with the project would be the minimum necessary to construction the development and by siting the project in the southern portion of the site, excessive grading would be minimized. DPW would require final grading plans prior to the issuance of a project building permit to ensure that the project complies with relevant County requirements.

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

The proposed project has been reviewed by DPW to ensure that no work would be located within a right-of-way or affect the movement of people or vehicles.

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

The development would maintain a distance of over 9 feet from the residence to the west and has been sited in a manner such that the residents of the residence to the west would not experience a reduction or elimination of sun and light as well as views, vistas and privacy. In the C-VCR zoning district, commercial uses do not require a side setback. The project would not provide a side setback on the east side of the site, adjacent to the property line shared with another commercial use (Smiley's Restaurant and Hotel). However, residential uses in the C-VCR district require a 5-foot setback for residential uses, such as those proposed with the project. The applicant has requested a waiver to the east side setback requirement for the residential components of the project under State Density Bonus Law.

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.

The materials, design and scale of the proposed project, as conditioned, would be consistent with similar structures in the downtown Bolinas area. In addition, the project would be required to satisfy all energy-saving standards as required by the County's Building Division prior to the issuance of a project building permit.

10. WHEREAS, the project is consistent with the mandatory findings for Use Permit approval (Marin County Code Section 22.88.020(3)I).

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

A Use Permit is requested to allow residential housing that would not be incidental to the commercial use as required under the Local Coastal Program for Unit 1. The DPW has reviewed the project to ensure that parking and circulation meet County requirements. DPW determined that the project complies with Marin County Code Section 24.04.340-Minimum Required Parking Spaces as the project, "includes the maximum percentage of extremely-low, very-low, or low-income units...and is located within one-half mile of a major transit stop...and there is unobstructed access to the major transit stop from the development...then upon the request of the developer, the vehicular parking ratio...shall not be required to exceed 0.5 spaces per bedroom...". In addition, Section 24.04.340(B) of the County Code requires a total of 1 parking space for every 200 square feet of non-residential use.

The project site is located 400 feet (0.076 mile) from a Golden Gate Transit stop and proposes a total of 20 bedrooms, therefore a minimum of 10 on-site parking spaces is required under Section 24.04.340 of the County Code for the residential component of the project. The non-residential component of the project requires a total of 6 parking spaces.

The applicant proposes a total 16 on-site parking spaces as well as four off-site parking spaces directly in front of the development on Wharf Road and meets the County's parking requirements.

In addition to parking, DPW reviewed the drive aisle widths and turning radius' proposed with the project and determined that the project meets County requirements.

The applicant provided a memorandum entitled, "Transportation Conditions Related to 31 Wharf Road in Bolinas" prepared by Parisi Transportation Consulting and dated June 15, 2020. The consultant provided an analysis of the maximum (or worst case) number of weekday vehicle trips that may be generated by the project. The analysis indicated that a total of 88 daily trips may be generated under this worst-case scenario. For the purposes of assessing whether a project may have a potentially significant effect on transportation under the California Environmental Quality Act (CEQA), vehicle miles traveled (VMT) that exceeds an applicable threshold of significance may indicate a potentially significant impact. According to the State's Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that generate or attract fewer than 110 vehicle trips per day generally may be assumed to cause a less-than-significant impact on transportation. As the project would potentially generate 88 daily trips, the project would not conflict or be inconsistent with CEQA Guidelines for transportation.

It is not anticipated that the additional residential units proposed with project above those considered incidental to the commercial use would be detrimental to the public welfare or injurious to property or improvements in the neighborhood as the project has been sited in the most accessible portion of the site, would minimize potential environmental effects by focusing development on the disturbed portion on the site, would provide on-site parking consistent with County requirements and would not generate transportation effects under CEQA.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Planning Commission 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 Planning Commission hereby approves the Bolinas Community Land Trust (BCLT) Coastal Permit, Design Review and Use Permit subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Permit, Design Review and Use Permit approval authorizes the construction of a new, 10,268-square-foot mixed-used development consisting of 8,629 square feet of affordable housing units (a total of eight units) and 1,639 square feet of commercial area on a vacant lot in Bolinas. The authorized development shall result in floor area ratio of 10.15-percent on the 101,150-square-foot lot (2.32 acres) and shall reach a maximum height of 33 feet above surrounding grade. The residential component of the project shall consist of eight units, all of which shall be available for rent to low and very-low income households. The development shall be contained in two, two-story structures, with the commercial component located on the first floor of the structure fronting Wharf Road. The residential units shall range in size from 847 square feet to 1,174 square feet with the smaller units containing two bedrooms and the larger units containing three bedrooms. A total of four, three bedroom units and four, two bedroom units are authorized.

The exterior walls of the development shall have the following setbacks: over 100 feet from the rear, north property line; 5.5 feet from the south, front property line; 0 feet from the east, side property line; and 9.5 feet from the west, side property line. Other site improvements include the construction of 6,934 square feet of on-site, project-related parking. On-site parking shall be contained in an underground parking structure as well as in above ground carports. A total of 16 on-site parking spaces are authorized. In addition, four off-site parking spaces along Wharf Road directly in front of the site shall be retained/created with the project.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Downtown Bolinas Affordable Housing" consisting of 34 sheets and prepared by John Lum Architects, received in final form on February 3, 2021, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
 - a. Prior to the issuance of a building permit for the project, the applicant shall provide evidence that all necessary project approvals have been granted by the Bolinas Community Public Utilities District (BPUD).
 - b. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2021" with respect to all of the standard conditions of approval as well as the following special conditions: 2, 3, 8, 12, and 17.

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 mailed to the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, and postmarked no later than five business days from the date of this decision (April 19, 2021).

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 12th of April 2021.

AYES: MARGARET CURRAN, CHRISTINA L. DESSER, DAVID PAOLI, PETER THERAN

NOES: DON DICKENSON

ABSENT: NO ONE

Christina L. Dessler

CHRISTINA DESSER, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Ana Hilda Mosher

ANA HILDA MOSHER
PLANNING COMMISSION SECRETARY