MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 21-107

A RESOLUTION APPROVING THE CASADO COASTAL PERMIT
8 OCEAN AVENUE, BOLINAS
ASSESSOR’S PARCEL: 193-172-17

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SECTION I: FINDINGS

1. WHEREAS, Martin Casado, owner and applicant, has submitted a Coastal Permit application to construct a new soldier-pier and tieback system to prevent further erosion of a lot located in the community of Bolinas. The proposed scope of work includes a 73-foot retaining wall and underground improvements at the eastern portion of the property. The maximum exposed height of the eastern retaining wall is 7 feet above grade. A 137-foot retaining wall and underground improvements is proposed at the western portion of the property. The maximum exposed height of the western retaining wall is 6 feet, 6 inches above grade. All proposed improvements would occur on private property, with no construction activities occurring at the beach level. The property is located at 8 Ocean Avenue, Bolinas and is further identified as Assessor’s Parcel 193-172-17.

2. WHEREAS, on April 15, 2021, 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, Class 3 of the CEQA Guidelines because it does not result in significant impacts to the environment.

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

   A. Water Supply.

   The project site is served by the Bolinas Community Public Utility District (BCPUD). As such, the property has a viable water source.

   B. Septic System Standards.

   The Marin County Environmental Health Services Division (EHS) reviewed the proposed project and found that the project would not impact the existing septic system on the property. As such, the septic system will comply with the requirements of the EHS standards.

   C. Grading and Excavation.

   The proposed project entails minimal excavation and grading, apart from trenching. The proposed project would include limited spoils required for excavation of drilled piers.
D. Archaeological 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. However, the property is currently developed with a single-family residence and accessory structures. As required by the Marin County Code, in the event archeological resources are uncovered during construction, all work shall 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.

E. Coastal Access.

The project does not impact coastal access as it is located on a coastal bluff, with neither direct nor safe access to the shore.

F. Housing.

The removal of existing structures that provide housing opportunities for persons of low and moderate income is not included in the scope of work.

G. Stream and Wetland Resource Protection.

The proposed project is not located within the vicinity of sensitive streams or creeks, and there are no wetlands on the project site. The proposed project is located on a previously disturbed lot within a residential area of Bolinas. As a result, the project will not result in impacts on stream or wetland resources.

H. Dune Protection.

Dunes are not present in the project vicinity.

I. Wildlife Habitat Protection

A review of County habitat records, obtained from the California Natural Diversity Database (CNDDB), indicates that there are possible occurrences of the robust walker (Pomatiopsis binneyi), Ricksecker's water scavenger beetle (Hydrochara rickseckeri,) and the western bumble bee (Bombus occidentalis). Typical habitat for the robust walker includes perennial seeps and rivulets, which are not present on the subject property. Ricksecker’s water scavenger beetle also requires aquatic habitats that are not present on the site. The western bumble bee inhabits a wide range of areas, both urban and rural. Significant vegetation is not proposed for removal, maintaining ornamental and native species. As such, it is not anticipated that the western bumble bee’s potential to occur on site would be disrupted by the proposed project.

Additionally, a portion of the property is within the westernmost buffer for monarch butterfly habitat. This covers the location of the existing home and accessory structures. Since the removal significant vegetation is not proposed as part of the project, it is not anticipated that the project would result in the removal of monarch butterfly habitat.
J. Protection of Native Plant Communities.

A review of the above noted habitat records indicate that there are possible occurrences of marsh microseris (*Microseris paludosus*). The habitat for this species is coastal scrub and grasslands, which are not present within the project area. Additionally, the project does not propose the removal of significant vegetation. Instead, the removal of invasive species has occurred onsite as regular maintenance of the property.

K. Shoreline Protection.

The Geotechnical materials prepared by William W. Moore, P.E, G.E. note that the seacliff recession rates in Bolinas average from 1.5 to 2 feet per year. Recession occurs in sporadic events and can extend inland up from a few feet up to 25 feet. Estimated recession rate at the property over a 40 year period is 40 to 60 feet, without the construction of shoreline protection. This rate of recession would affect the existing home, which was constructed in 1958, prior to the adoption of the Local Coastal Program. Mr. Moore concludes:

> It is our opinion that a do-nothing option (no construction) would put the primary structure at 8 Ocean (as well as the residence at 105 Terrace) and associated infrastructure (including foundations, onsite septic systems, and other physical improvements) at risk. We have evaluated other options for prevention of further drainage erosion and determined that retention of the immediate slope utilizing buried piers is the only practical, feasible, and thus least impactful solution. Other options, including site drainage alone, above-ground retaining walls or other multi-tiered walls would not extend far enough to bedrock to arrest ongoing surface or subsurface conditions or cause significantly more ground disturbance.

The proposed location of the shoreline protection measures would not result in impacts to environmental resources as there are none present within the project area. Public access to the shoreline is not provided on this property and would not be changed as part of this proposal. Further, the improvements would not restrict navigation, mariculture or other coastal uses and would not create a hazard in the area as the property includes a single-family residence, well above the shoreline, and does not currently support coastal uses.

The majority of the improvements are located underground, and the exposed portion of the wall is not easily visible from offsite locations as the top of the wall is flush with existing grade when viewed towards the ocean.

L. Geologic Hazards.

As the project is located near a coastal bluff and 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."

M. Public Works Projects.
The proposed project will not affect any existing or proposed public works projects in the area.

N. Land Division Standards.

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

O. Visual Resources and Community Character.

There will be no impacts on visual resources, as viewed from any public street or public viewing location because a majority of the project is located entirely underground. The portion of the wall that is exposed would not be visible from offsite locations. The project site is currently developed with a single-family residence and associated accessory structures. There are no alterations proposed to the structures as part of this project. All proposed site work associated with the application will be flush with the existing topography.

P. Recreational/Commercial/Visitor Facilities.

The proposed project would 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.

Q. Historic Resource Preservation.

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.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. 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 Casado Coastal Permit subject to the conditions as specified below:

CDA-Planning Division
1. This Coastal Permit approval authorizes the construction of a new soldier-pier and tieback system to prevent further erosion of a lot located in the community of Bolinas. The proposed scope of work includes a 73-foot retaining wall and underground improvements at the eastern portion of the property. The maximum exposed height of the eastern retaining wall is 7 feet above grade. A 137-foot retaining wall and underground improvements is proposed at the western portion of the property. The maximum exposed height of the western retaining wall is 6 feet, 6 inches above grade. All proposed improvements would occur on private property, with no construction activities occurring at the beach level.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled “Coastal Permit Application 8 Ocean Avenue, Bolinas, CA,” consisting of 4 sheets prepared by Paul Khron, P.E., received in final form on February 11, 2021, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. The project shall conform to the Planning Division’s “Uniformly Applied Conditions 2021” with respect to all of the standard conditions of approval, special condition #4 (Waiver of Public Liability), and code enforcement conditions #1-3.

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. This decision is final unless appealed to the 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 (April 22, 2021).

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15 day of April 2021.

[Signature]

IMMANUEL BEREKET
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR
Attest:

Michelle Reed MD
DZA Recording Secretary