

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 18-106
A RESOLUTION CONDITIONALLY APPROVING THE NEMEC COASTAL PERMIT
210 GROVE ROAD, BOLINAS
ASSESSOR'S PARCEL: 192-152-10, -11

SECTION I: FINDINGS

- 1. **WHEREAS**, Toby and Christina Nemec have submitted a Coastal Permit application proposing to do the following work on a residentially-developed 14,000 square-foot lot in Bolinas: construct 835 square feet of additional floor area to an existing 1,797 square-foot single-family residence, and raise the height of the residence by four feet (from 20.5 feet to 24.5 feet); retroactively authorize the unpermitted construction of a 451 of square-foot accessory dwelling unit onto an existing 400 square-foot detached garage; and, install a new septic system to serve the single-family residence and accessory dwelling unit.

The project would have a total floor area of 3,082 square feet, resulting in floor area ratio of 22 percent. The proposed additions to the single-family residence would reach a maximum height of approximately 24.5 feet and be located the following distances from the property lines: 25 feet from the western front property line; 5 feet, 11.5 inches from the northern side property line; 26 feet from the eastern rear property line; and greater than 100 from the southern side property line. The addition to the detached accessory structure reaches a maximum height of 15 feet above surrounding grade and is located the following distances from property lines: 72 feet from the western front property line; 85 feet from the northern side property line; 25 feet from the southern side property line; and 12 feet from the eastern rear property line.

The plans provided with the Coastal Permit application depict the location of at least two sheds on the property that are located within the required setbacks established by the C-RA-B2 zoning district. The applicant elected not to include these structures as part of the proposed project.

The property is located at 210 Grove Road, Bolinas and is further identified as Assessor's Parcel 192-152-10, -11.

- 2. **WHEREAS**, on March 15, 2018, 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 15301, Class 1 of the CEQA Guidelines because the project includes the construction of an addition and the legalization of an accessory dwelling unit and would not result in potentially significant impacts to the environment.
- 4. **WHEREAS**, the Marin County Deputy Zoning Administrator finds that the project, subject to conditions of approval, would comply with the development standards of the governing C-RA-B2 zoning district. The existing single-family residence was constructed with the benefit of County-issued Building Permits in 1979. However, the northerly portion of the existing single-family residence is today considered legal, non-conforming because it is located 5 feet, 11.5

inches from the side property line where a setback of 10 feet would otherwise be required by the C-RA-B2 zoning district.

The project entails raising the roof height of the residence from 20 feet to 24.5 feet. However, Variance approval would be required for the portion of the residence that encroaches into the side yard setback. As the applicant did not file a Variance application, and it is highly unlikely the findings to approve a Variance could be made in this instance, conditions of approval will require the portion of the residence located within the side yard setback to maintain the existing roofline thus obviating the need for a Variance and maintaining the structure's legal, non-conforming status. A condition of approval has been added to this resolution clarifying that the portion of the structure that extends into the northern side yard setback shall maintain its current height and volume consistent with hand-drawn modifications on Sheet A5 of "Exhibit A".

Two alternative designs would also achieve the objective of meeting the setbacks and substantially conform to this decision. One would be demolishing and reconstructing the residence and addition farther from the side property line to meet the setbacks. The other would be to move the side property line through a merger or lot line adjustment to bring the residence into conformance with the setbacks.

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

A. Water Supply.

The subject property is serviced by the Bolinas Community Public Utility District.

B. Septic System Standards.

The Marin County Environmental Health Services Division has reviewed the proposed project and has indicated that the proposed septic system is acceptable on the condition that the lots are merged prior to issuance of a septic permit. The applicant has filed a separate Merger application with the Marin County Planning Division.

C. Grading and Excavation.

The proposed project consists of an addition to the existing single-family residence and legalization of the Accessory Dwelling Unit. The project site is relatively level and would require only minimal amounts of grading for foundation and septic system improvements.

D. Archaeological Resources.

A review of the Marin County Archaeological Sites Inventory indicates that virtually the entire Bolinas area, including the subject property, is considered to be an area of high archaeological sensitivity. The project will not disturb cultural resources because the development would occur in areas previously disturbed by existing residential activities where only minimal amounts of grading will occur.

E. Coastal Access.

The project is not located adjacent to the shoreline and would not impede coastal access provided by existing rights-of-way.

F. Housing.

The proposed project will have no impact upon the availability of affordable housing stock within the Bolinas community because it does not involve removing any existing housing.

G. Stream and Wetland Resource Protection.

The proposed project is not situated in an area subject to the County stream or wetland protection policies as identified on the Natural Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent stream identified on U.S. Geological Survey Maps.

H. Dune Protection.

The project site is not located near dunes or in a dune protection area of the Local Coastal Program.

I. Wildlife Habitat Protection

A review of the California Natural Diversity Data Base Maps, prepared by the State Department of Fish and Game, indicates that the subject property is located in potential habitat area for the Monarch Butterfly. The project involves additions to existing structures that would entail minimal site disturbance and would not require the removal of any trees on the property. Therefore, it is highly unlikely that the habitat value of the site because it involves additions to an existing residence with no substantial site modifications.

J. Protection of Native Plant Communities.

The project will not disturb any potential habitat or wildlife at the site because the property is already disturbed by existing residential land uses. Furthermore, the Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property does not contain any protected native plant communities. Thus, the project is consistent with this finding.

K. Shoreline Protection.

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

L. Geologic Hazards.

The subject property is not located in an area of geologic hazards as indicated on the Geologic Hazards Maps for Unit I of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault Zone as identified on the Alquist-Priolo special Studies Map.

M. Public Works Projects.

The proposed project will not affect any existing or proposed public works project in the area.

N. Land Division Standards.

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

O. Visual Resources and Community Character.

While the project will be partially visible from the street, there would be no significant changes or impact to the existing vistas and visual resources, as viewed from public street or public viewing location, as a result of this project. In addition, the two alternative design scenarios outline above in Finding 4 would not substantially change views or community character.

P. Recreational/Commercial/Visitor Facilities.

The project is not located within the C-VCR zoning district and would have no impact upon recreation or visitor facilities.

Q. Historic Resource Preservation.

The subject property is not located within any designated historic preservation boundaries for Bolinas 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 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 Nemec Coastal Permit subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Permit approval authorizes the construction of the following work on a residentially-developed 14,000 square-foot lot in Bolinas: construct 835 square feet of additional floor area to an existing 1,797 square-foot single-family residence; increase of the height of the residence by four feet (from 20.5 feet to 24.5 feet); retroactively authorize the unpermitted construction of a 451 of square-foot accessory dwelling unit onto an existing 400

square-foot detached garage; and install a new septic system to serve the single-family residence and accessory dwelling unit.

The project is approved to have a total floor area of 3,082 square feet, resulting in a floor area ratio of 22 percent. The additions to the single-family residence are approved to reach a maximum height of 24.5 feet and be located the following distances from the property lines: 25 feet from the western front property line; 5 feet, 11.5 inches from the northern side property line; 26 feet from the eastern rear property line; and greater than 100 from the southern side property line. The addition to the detached accessory structure is approved to reach a maximum height of 15 feet above surrounding grade and be located the following distances from property lines: 72 feet from the western front property line; 85 feet from the northern side property line; 25 feet from the southern side property line; and 12 feet from the eastern rear property line.

The plans provided with the Coastal Permit application depict the location of at least two sheds on the property that are located within the required setbacks established by the C-RA-B2 zoning district. The applicant elected not to include these structures as part of the proposed project and thus are not authorized by this document.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Nemec Residence," consisting of six sheets prepared by Alethea Patton Design, dated January 24, 2018 and received in final form on February 2, 2018, 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 consistent with hand drawn modifications to "Exhibit A" as follows:

- a. The portion of the existing residence that encroaches into the northern side yard setback shall not have its volume altered (including height and dimensions) or its roof height increased. Any alterations to the volume of the residence shall commence at least 10 feet from the north side property line, and 25 feet from the west front property line.

Two alternative design scenarios would also substantially conform to this decision. One would be demolishing and reconstructing the residence and addition farther from the side property line to meet the setbacks. The other would be to move the side property line through a merger or lot line adjustment to bring the residence into conformance with the setbacks. If either of these alternatives is implemented, then the proposed roof and volume change would not need to be modified from the original proposal.

3. The project shall conform to the Planning Division's "Uniformly Applied Standards 2018" with respect to all of the standard conditions of approval.

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 26, 2018).

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15th day of March 2018.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

MICHELLE REED
DZA Recording Secretary