

**STAFF REPORT TO THE MARIN COUNTY
DEPUTY ZONING ADMINISTRATOR
Bolinás Community Land Trust (BCLT) Coastal Permit and Conditional Use Permit**

Recommendation: **Conditionally Approve**
Hearing Date: **Thursday, October 19, 2023**

Application No(s):	P4152	Owner(s):	Bolinás Community Land Trust
Agenda Item:	1	Assessor's Parcel No(s):	193-020-38
Last Date for Action:	11/9/2023	Property Address:	130 Mesa Road, Bolinás
		Project Planner:	Immanuel Bereket
		Signature:	

Countywide Plan Designation:	C-AG2 (Coastal, Agriculture, 1 unit/10-30 acres)
Community Plan Area:	Bolinás Community Plan
Zoning District:	C-ARP-10 (Agriculture Residential Planned)
Environmental Determination:	Exempt per CEQA Guidelines sections 15303(d) Class 3 and 15304(d) and (e) Class 4

PROJECT SUMMARY

The applicant, Sean Kennings, on behalf of property owners, the Bolinás Community Land Trust (BCLT), requests a Coastal Permit and Conditional Use Permit approval to establish a new private campground on an approximately 2.5-acre portion of a 20-acre vacant located between 100 and 200 Mesa Road in Bolinás.

The project entails installing campsites with pads and utility connections for up to 27 RV trailers as well as installation of utilities and an on-site septic system. While RVs would change over time, the initial RV trailers to occupy each camp site would be a single-level and would measure approximately 34 feet nine inches wide by eight feet ½ inch long, with ramps that provide accessibility. A typical RV trailer would measure approximately 11 feet four inches above the surrounding grade. The exact dimensions of the trailers may depend on the type of trailer initially chosen for the site and those trailers owned by future campers. All the RVs and/or RV trailers would be vehicles on wheels and would not be permanently affixed to the site. The sites for the RV trailers would be clustered together and would provide the following approximate setbacks: 30 feet from the west side property line; over 170 feet from all other property lines. The RV trailers and septic system would be clustered together on previously disturbed grounds to avoid sensitive habitats and meet required setbacks. The immediate use of the RV trailers would be to provide temporary accommodations for approximately 61 residents currently inhabiting substandard trailers and other structures on the adjacent property.

Various site improvements would also be entailed in the proposed development, including creating a gravel driveway on the adjacent property (160 Mesa Road) to access the proposed private RV Trailer campground, and demolition and removal of all unpermitted structures on the adjacent property (160 Mesa Road, further identified as Assessor's Parcel No 188-170-11).

Coastal Permit approval is required pursuant to Marin County Local Coastal Program, Implementation Section 22.68.030, because the project proposes a development in the Coastal Zone and a Conditional Use Permit (CUP) is required to establish a private campground pursuant to 20.62.060(D), Table5-1-b.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Lot Area:	20 acres.
Adjacent Land Uses:	The area to the southwest is developed mostly with single-family residences, while the area to the southeast is property owned by the Bolinas Community Public Utility District (BPUD). A privately owned property abuts the project site along the western and northern perimeters. This property is developed with single-family residences and unpermitted substandard structures that are being used as living quarters.
Topography and Slope:	Relatively flat terrain with an average of two percent slope.
Existing Vegetation:	The project is proposed to occur on northern, 2.5 acres of the larger 20-acre site. This 2.5-acre project site was previously graded and cleared, with little vegetation present. Existing vegetation on the rest of the site consists of a non-native annual grassland.
Environmental Hazards:	The project is located in a Seismic Shaking Amplification Hazard Area Zone 2, but is not located within the vicinity of any known fault lines.

The area south of Mesa Road is the Bolinas Gridded Mesa area and is developed mostly with one-story single-family residences, while the area north of Mesa Road is predominantly agricultural that is vegetated with non-native annual grassland and is annually grazed by cattle. Some of the agricultural properties contain single-family residences. The area between Gaspers Lane to the north and Mesa Road to the south and west, approximately 90 acres of land, gently slopes southerly, including the 20-acre project site at 130 Mesa Road. The subject property benefits from a Williamson Act contract that lowers the tax basis.

The entire 20-acre site is currently in use for livestock and grazing. The site contains an approximately 2.5-acre area that is heavily graded and disturbed, and this is the area where the project is proposed to occur. The 2.5-acre area is the highest elevation of the entire lot and is generally flat in comparison to lands to the west, south and south which slope more visibly toward Mesa Road. Lands to the north slope gently uphill. The nearest residence is located at 160 Mesa Road, and other residences are located immediately to the southwest of the project site. No tree removal or significant grading would be required to implement the proposed project.

BACKGROUND

A Coastal Permit application was submitted on June 7, 2023. Upon receipt, the application was transmitted to the Environmental Health Services Division (EHS), the Department of Public Works (DPW), and the California Coastal Commission (CCC) and it was posted online. Staff received written memoranda from EHS, DPW, and CCC.

On July 13, 2023, the application was deemed incomplete due to corrections, clarifications, and additional documentation requested from Planning, DPW, and EHS to evaluate the project. On August 15, 2023, the applicant submitted additional documentation and revised the application material to include a Conditional Use Permit (CUP). On August 15, 2023, the applicant submitted the requested materials, and on September 11, 2023, the application was deemed complete and accepted for filing. Staff received written memos from DPW, EHS, and CCC, and all correspondences are provided as Attachments No. 4, No. 5, and No. 6, respectively, to this report.

A notice was posted on the project site on June 12, 2023, 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 September 12, 2023, requesting any interested organizations or individuals to provide comments on the proposal. Further, the Community Development Agency mailed a public notice on October 2, 2023, identifying the applicant, describing the project and its location, hearing date, and location per California Government Code requirements. Said notice was sent via US Post to all property owners within 600 feet of the subject property.

In response to a public hearing notice, the County received multiple communications from neighboring residents who raised objections to the project. The objections and concerns raised by the neighbors relate to possible encroachment into the wetlands, the proposed campground's consistency with the C-ARP-10 (Agriculture Residential Planned) zoning district, and access to the campground.

First, the project will not encroach into wetland areas. It will provide a minimum of a 50-foot buffer around the mapped ESHA, as permitted by the LCP. Second, a private campground is an allowable use in the C-ARP zoning district, subject to a Conditional Use Permit (CUP) pursuant to 20.62.060(D), Table5-1-b. Likewise, the Williamson Act contract allows a campground as a use that is compatible with agriculture. Finally, access to the campground will be provided via an existing private gravel driveway on the adjacent property at 160 Mesa Road. The issues raised by the neighbors are addressed in detail in the attached resolution, provided as Attachment No. 1 to this report.

KEY ISSUES

In response to a request made by Mr. Larry Baskin, Receiver, Marin County employees inspected the property located at 160 Mesa Road, Bolinas on July 26, 2022. Based on the inspection, staff documented unpermitted trailers, mobile homes, and detached accessory structures that were being used for residences without an approved means of sewage disposal or access to domestic drinking water. Instead, domestic water is provided through garden hoses while bathing facilities are provided by porta potties disbursed throughout the property. Further, there were four separate areas throughout the property where sewage surfaced onto the ground as demonstrated by positive nitrate testing. The hazardous conditions required immediate action

to abate and prevent further environmental degradation and reduce potential damage to life, health, and general public safety.

On May 9, 2023, the County issued an Emergency Coastal Permit to establish a private RV Trailer campground on the adjacent vacant lot, which is the current project site. The Emergency Coastal Permit was intended to address the immediate public health issues on the neighboring site by providing emergency and temporary alternative shelter to the residents, with sanitary sewage control. The approval of the Emergency Coastal Permit Administrative was issued by the Planning Division on May 9, 2023 (Attachment No.9).

RECOMMENDATION

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

Attachments:

1. Recommended resolution
2. Uniformly applicable Conditions of Approval 2023
3. CEQA exemption
4. Department of Public Works, Inter-Office memorandum, dated September 11, 2023
5. Environmental Health Services
6. California Coastal Commission memorandum, dated June 28, 2023 and September 29, 2023
7. Bolinas Public Utility District, memorandum, dated June 12, 2023
8. Williamson Act Contract
9. Emergency Coastal Permit Administrative Decision
10. Correspondences
11. Project plans

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____
A RESOLUTION APPROVING THE BOLINAS COMMUNITY LAND TRUST (BCLT)
COASTAL PERMIT AND CONDITIONAL USE PERMIT
130 MESA ROAD, BOLINAS
ASSESSOR'S PARCEL: 193-020-38

SECTION I: FINDINGS

1. **WHEREAS**, the applicant, Sean Kennings, on behalf of property owners, the Bolinas Community Land Trust (BCLT), requests a Coastal Permit and Conditional Use Permit approval to establish a new private campground on an approximately 2.5-acre portion of a 20-acre vacant located between 100 and 200 Mesa Road in Bolinas.

The project entails installing campsites with pads and utility connections for up to 27 RV trailers as well as installation of utilities and an on-site septic system. While RVs would change over time, the initial RV trailers to occupy each campsite would be a single-level and would measure approximately 34 feet nine inches wide by eight feet ½ inch long, with ramps that provide accessibility. A typical RV trailer would measure approximately 11 feet four inches above the surrounding grade. The exact dimensions of the trailers may depend on the type of trailer initially chosen for the site and those trailers owned by future campers. All the RVs and/or RV trailers would be vehicles on wheels and would not be permanently affixed to the site. The sites for the RV trailers would be clustered together and would provide the following approximate setbacks: 30 feet from the west side property line; over 170 feet from all other property lines. The RV trailers and septic system would be clustered together on previously disturbed grounds to avoid sensitive habitats and meet required setbacks. The immediate use of the RV trailers would be to provide temporary accommodations for approximately 61 residents currently inhabiting substandard trailers and other structures on the adjacent property. The project would also remove all unpermitted structures on the adjacent property at 160 Mesa Road.

Various site improvements would also be entailed in the proposed development, including creating a gravel driveway on the adjacent property (160 Mesa Road) to access the proposed private RV Trailer campground, and general site improvements to accommodate the proposed project.

The property is located at 130 Mesa Road, Bolinas, and is further identified as Assessor's Parcel 193-0220-38.

2. **WHEREAS**, on May 9, 2023, the Community Development Agency issued an Emergency Coastal Permit because there was substantial evidence demonstrating an emergency, which demanded immediate action to prevent or mitigate loss or damage to life, health, and environmental resources.

3. **WHEREAS**, on Thursday, October 19, 2023, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

4. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15269(c), which provides that specific

actions necessary to prevent or mitigate an emergency. The project is also further exempted from the requirements of CEQA under sections 15303(d) Class 3 and 15304(d) and (e) Class 4 because there is no reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances (such as the size or location of the project site) in accordance with Section 15300.2. The project avoids sensitive habitats and includes appropriate setbacks.

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

- A. The Countywide Plan land use designation for the subject property is C-AG2 (Coastal, Agricultural; 1 unit/10-30 acres). The proposed project is compatible with the Agricultural land use designation for the project site and would not interfere with the existing use of the site as agricultural grazing land because the proposed project would occupy only 2.5 acres of the 20-acre site in a location that is already disturbed. Further, private RV Trailer campgrounds are allowed uses under the corresponding zoning district subject to the approval of a Conditional Use Permit.

As conditioned herein, the proposed project's design, location, size, and operating characteristics would be compatible with the allowed uses in the vicinity. The existing visual character and quality of the project site and surrounding area can be characterized primarily as rural agricultural land on relatively flat to sloping grades. Adjacent properties to the north, east and west of the site are vacant. Existing residences on the south side of Mesa Road are a minimum of 170 feet from the campground and are further separated by the right-of-way. As such, there will be no harmful effects on neighborhood character, and the site is suitable for the proposed type of use.

- B. As discussed in Section 9 below, the proposed project is consistent with the goals and policies of the C-ARP-10 (Agriculture Residential Planned) zoning district because private campgrounds are allowable uses, subject to approval of a conditional use permit. Further, as modified by conditions of approval, the project would ensure that the siting and design of the proposed private campground are compatible with other land uses and would protect natural resources while minimizing impacts to visual resources. As proposed and modified herein by conditions of approval, the project would reduce potential impacts to public health and safety.
- C. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because it would not entail the irreplaceable removal of a substantial number of mature, native trees. As documented in the Biological Resources Evaluation Reports, prepared by JK Botany Wetland Science, dated February 7, 2023, and September 14, 2023, while the assessments note the potential for special status species to occur in the vicinity of the site, the studies determined that the site does not contain suitable habitat for special status species and would not result in potential related effects. Therefore, the project is consistent with the CWP special-status species protection policy (BIO-1.3).
- D. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the project is designed to avoid special-status plant species of plants or animals. As documented in the Biological Resources Evaluation Report for the project, vegetation present on the site consists of non-native annual grassland and is annually grazed by cattle. Further, the project is proposed to occur on the upland portions of the site that lack any vegetation, including hydrophytic plant species, wetland soils, or primary or secondary hydrology indicators.

- E. The proposed 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. As documented in the Biological Site Assessment for the project, and as illustrated in Sheet C1 of the project plans, the project footprint would be entirely within previously disturbed grounds and would provide a minimum of a 50-foot buffer from the adjacent wetland, where a 100-foot buffer is normally required. However, this buffer can be reduced if there is no possible alternative siting and design, and reduction in the buffer zone would not result in adverse environmental impacts as supported by Biological Site Assessment. The project meets this criteria for a buffer reduction from 100 feet to 50 feet.

The project, as proposed, incorporates a 50-foot buffer from the mapped wetland and, therefore, complies with the buffer requirement for projects that cannot be designed to incorporate a greater buffer. The proposed septic system would be located at least 50 feet outside of the wetland. Additional buffer area cannot be provided due to lot size and configuration. Further, the proposed project would be located on areas of existing disturbance.

- F. The proposed project is consistent with the CWP stream conservation policy (BIO-3.1) because the proposed development would not encroach into any Stream Conservation Areas.
 - G. The proposed 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) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
 - H. The proposed 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 the review of the Building Permit application, and unusual geotechnical problems, such as existing fault traces do not constrain the subject property.
 - I. The proposed 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 the review of the Building Permit application.
 - J. The proposed 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.
 - K. The proposed project, as conditioned herein, is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the neighborhood context and minimize the perception of mass and bulk.
6. **WHEREAS**, the project is consistent with the goals and policies of the Bolinas Community Plan for the following reasons:

- A. **Community Character of Bolinas.** The general project vicinity is characterized by a grassy landscape with fencing and open space, vegetated with non-native annual grassland that is annually grazed by cattle. The open space is punctuated by the

presence of single-family residences to the southwest of the project site. The proposed project would maintain Bolinas's rural development and agricultural uses.

As conditioned herein, all exterior lighting would be directed downward and shielded to avoid light pollution onto nearby properties.

7. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval (Marin County Local Coastal Program, Implementation Plan Section 22.70.070).

A. Coastal Access. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code)

The project is consistent with the LUP public coastal access policies (C-PA-3, C-PA-4, C-PA-17, C-PA-21) and this finding because the project site is not near a bluff and would not interfere with or impact coastal access as it is not located on a coastal bluff.

B. Biological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.050 (Biological Resources).

As discussed above, the applicant provided a Biological Assessment for the project, prepared by the Biological Resources Evaluation Report, prepared by JK Botany Wetland Science, dated February 7, 2023, and a supplemental Biological Site Assessment for the project, prepared by JK Botany Wetland Science, dated September 14, 2023, the project site does not contain any special status species. However, the studies conclude that wetlands are present on the site. The wetland is considered a terrestrial Environmentally Sensitive Habitat Area (ESHA). As proposed and conditioned herein, the project is designed to avoid the wetland area by providing a 50-foot buffer rather than the 100-foot buffer normally required because no environmental impacts would occur.

As documented in the reports, the project site is constrained by the presence of wetlands, on the west, south, and east. Due to site constraints, the siting of the campground and associated septic system in the property could only be achieved through an adjusted ESHA buffer zone. No other project siting or design configurations could accommodate the siting of the proposed campground. Further, the proposed project would occur on 2.5 acres of the approximately 20.1-acre lot. This 2.5 acres of land is located within the upland area of the lot and is heavily graded and disturbed. Very little vegetation grows within the project area of the lot.

The biological site assessments concluded the following: (1) the site does not contain nesting habitat for the Northern spotted owl as the site does not contain trees that could provide suitable habitat; (2) the site does not contain trees that could potentially be used by monarchs for overwintering; (3) No federally or State-listed threatened or endangered species were observed at or near the project site; and (4) sufficient buffer area from

wetlands are provided. The assessment concluded that the project would not result in potential effects on these special-status species and protected plant species, as the development would be limited to previously disturbed portions of the site. As conditioned herein, the project proponent will be required to install fencing along the perimeter of the campground in order to prevent intrusion in the wetland buffer area both during and post-construction.

Therefore, the project is consistent with the LUP biological resources policies for the protection of natural transitions and connections associated with streams, wetlands, and coastal dunes (C-BIO-1, C-BIO-2, C-BIO-3, C-BIO-7, C-BIO-8, C-BIO-14, C-BIO-23) and this finding because the project would not substantially alter the margins along environmentally sensitive habitat areas including riparian corridors, wetlands, baylands, woodlands, or coastal dunes where none currently exist on the project site. Further, the project would not entail the irreplaceable removal of groves of trees.

C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.060 (Environmental Hazards).

On July 13, 2021, the Board of Supervisors voted to activate the certified Local Coastal Program (LCP) Amendments. All portions of Marin's LCP Amendments have been approved by the Board of Supervisors and certified by the Coastal Commission with the exception of chapters related to environmental hazards, which remain the subject of ongoing work and public input. As a result, those sections of the original versions of the LCP, certified by the Coastal Commission in 1980 (Unit I) in 1981 (Unit II) and the Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L still apply to environmental hazards and are further discussed below.

D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 22.32.

The project site is located within an area governed by an Agricultural Residential Planned zoning district, C-ARP, and the use of the property primarily as an agricultural grazing land would continue with the implementation of the proposed project.

E. Water Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.080 (Water Resources).

Grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works. Additionally, water service would be provided by the North Marin Water District. Therefore, the project is consistent with the LUP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff that would adversely affect the quality of coastal waters (C-WR-1, C-WR-2, C-WR-3, C-WR-6).

F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.100 (Community Design).

The area south of the project site (Mesa Road) is the upper limits of the Gridded Mesa area and is developed with single-family residences, while the area north of Mesa Road, including the project site, consists of predominantly agricultural land punctuated with occasional one single residence on large lots. The project site is located north of Mesa Road.

As illustrated in the site plan, the private campground would be located approximately 170 feet from Mesa Road and access would be provided from an existing gravel driveway on the adjacent property at 160 Mesa Road. The campground would be compact and located away from the nearest public right-of-way, reducing its visibility. At approximately 11 feet four inches in height, the RV trailers would not be intrusive and disruptive to the setting and character of the area. The project embraces the natural landscape with minimal impacts on the open space and minimal built-out environment. As conditioned herein, the project must install identification and wayfinding signage, directing camping into designated areas and protecting surrounding agricultural and sensitive areas.

G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.110 (Community Development).

As discussed in section 6 above, the project site is located within an area covered by the Bolinas Community Plan, and the general vicinity is characterized by grassy land with fencing and open space, vegetated with non-native annual grassland, and is annually grazed by cattle. As designed, the proposed project would be functionally integrated with the rest of the surrounding area and would not interfere with or disrupt the agricultural uses on the site or adjacent properties. As conditioned herein, all exterior lighting would be directed downward and shielded to avoid light pollution onto nearby properties.

H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.120 (Energy).

The project would be required to satisfy all energy-saving standards required by the County's Building and Safety Division before issuing a building permit. Therefore, the project is consistent with the LUP energy policies (LUP Policies EH-2.1, EH-2.3, and CD-2.8), and this finding because it would be constructed in conformance with County energy efficiency standards, as verified during the review of the Building Permit application.

I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.130 (Housing).

The project is consistent with the LUP housing policies to address low- and moderate-income housing needs in the Coastal Zone (LUP Policies C-HS-1) because the project

does not entail the demolition of existing deed-restricted affordable housing and would not affect the available housing stock in the surrounding community.

- J. Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.140 (Public Facilities and Services).**

All necessary public facilities and services are available and will serve the project. The project will be served by an on-site septic system, and Environmental Health Services (EHS) has determined that the proposed septic system is adequately sized to meet the needs of the project. Water services will be provided by the Bolinas Public Utility District (BPUD), which has indicated there is sufficient water capacity to serve the proposed project. The Bolinas Fire Protection District will provide fire service. As such, all necessary public facilities and services are available. Therefore, the project is consistent with the LUP public facilities and services policies (C-PFS-1 and C-PFS-7), and this finding because the project would be adequately served by existing public water service.

- K. Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.150 (Transportation).**

Access to the campground will be provided via an existing private gravel driveway on the adjacent property at 160 Mesa Road and would not entail any alterations or impacts to existing roadway facilities or public parking facilities. The existing gravel driveway will be expanded to provide sufficient access to the campground portion of the site. The proposed expansion will be the minimum necessary to provide access to the campgrounds, including road width and length. As conditioned herein, the unpermitted gravel driveway on the project site, accessed from Mesa Road, will be abandoned and removed. Therefore, the project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2) and this finding because the project would not entail any alterations to existing roadway facilities.

- L. Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.160 (Historical and Archaeological Resources).**

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. Therefore, the project is consistent with the LUP historical and archaeological resources policies (C-HAR-2, C-HAR-8) and this finding because the project site is not located within any mapped historic district boundaries and would not affect historical, archaeological, or paleontological resources.

- M. Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).**

The project site is not located adjacent to any public park or open space. The project does not entail construction or development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses. The project would occur entirely on a private property within a residential agricultural zoning district. Therefore, the project is consistent with the LUP policies for parks, recreation, and visitor-serving uses (C-PK-1 and C-PK-3), and this finding because it would provide visitor accommodations in an appropriate location near to the coast.

8. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval pursuant to Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L.

A. Dune Protection (Marin County Interim Code Section 22.56.130I.H)

The project is consistent with this finding because no dunes are located on the site, and the project has been sited landward from the sandy beach to the greatest extent possible.

B. Shoreline Protection (Marin County Interim Code Section 22.56.130I.K)

The proposed project is not located within a bluff erosion zone and does not impact coastal access.

C. Geologic Hazards (Marin County Interim Code Section 22.56.130I.L)

The project entails the construction of an RV campground with an onsite sewage treatment and disposal system. The proposed project would be constructed in accordance with the applicable requirements.

9. **WHEREAS**, the project is consistent with the mandatory findings for Conditional Use Permit approval (Marin County Code Section 22.48.040).

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.

A private campground use is identified as being allowable within the C-ARP-10 (Agriculture Residential Planned) zoning district through review and compliance with the applicable conditional use standards. The proposed project is consistent with the C-ARP zoning district in that it preserves the rural character of the surrounding area, preserves larger areas of the site for open space, protects sensitive areas and resources from impacts associated with unmanaged recreation, and would not interfere with the use of the site as agricultural grazing land. As conditioned herein, the applicant will be required to install signage, directing camping into a designated area and away from sensitive areas.

B. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The design and site layout of the proposed project is compatible with adjacent uses, residences, buildings, and structures. As illustrated in the project plans, the project will be sited to provide adequate separation from adjacent properties and sensitive environmental features. The proposed private campground will be set back at least 170

feet from all adjoining lots (with the exception of a 160 Mesa Road parcel adjacent to the southwest) and, as conditioned herein, any impacts from noise and light are anticipated to be minimal. Visibility into and out of the proposed private campground is limited by the distance between properties, which will also dampen any sound. Further, the proposed project will not significantly alter the landscape. Therefore, the type and intensity of the proposed use is suitable for the project site.

C. That granting the Conditional Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

The location, size, design, and operating characteristics of the project will be compatible with adjacent uses, residences, buildings, and structures. The Bolinas Mesa is an appropriate place to establish a campground, providing important visitor services in an area close to the coast. Traffic related to the campground will be relatively unobtrusive and Mesa Road is a publicly maintained street with adequate width for RVs and trailers. Parking will be provided on site so that no vehicles will need to park in the surrounding area. Establishing the campground on a relatively large site where agriculture is also conducted minimizes potential adverse impacts to the surrounding community because the distance from the campground to surrounding areas will reduce any potential effects from noise.

In order to provide directional information to visitors, emergency service providers, and the public, a sign will be required to be installed adjacent to the entry road by the intersection with Mesa Road. The sign will indicate the name of the campground and provide the property address and the location of each site in relation to the entry road.

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 Conditionally approve the Bolinas Community Land Trust (BCLT) Coastal Permit and Conditional Use Permit, subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Permit and Conditional Use Permit approval authorizes the establishment of a new private campground on an approximately 2.5-acre portion of a 20-acre vacant located between 100 and 200 Mesa Road in Bolinas. The project entails installing campsites with

pads and utility connections for up to 27 RV trailers as well as installation of utilities and an on-site septic system. While RVs would change over time, the initial RV trailers to occupy each campsite would be a single-level and would measure approximately 34 feet nine inches wide by eight feet ½ inch long, with ramps that provide accessibility. A typical RV trailer would measure approximately 11 feet four inches above the surrounding grade. The exact dimensions of the trailers may depend on the type of trailer initially chosen for the site and those trailers owned by future campers. All the RVs and/or RV trailers would be vehicles on wheels and would not be permanently affixed to the site. The sites for the RV trailers would be clustered together and would provide the following approximate setbacks: 30 feet from the west side property line; over 170 feet from all other property lines. The RV trailers and septic system would be clustered together on previously disturbed grounds to avoid sensitive habitats and meet required setbacks. The immediate use of the RV trailers would be to provide temporary accommodations for approximately 61 residents currently inhabiting substandard trailers and other structures on the adjacent property. The project would also remove all unpermitted structures on the adjacent property at 160 Mesa Road.

Various site improvements would also be entailed in the proposed development, including creating a gravel driveway on the adjacent property (160 Mesa Road) to access the proposed private RV Trailer campground, and general site improvements to accommodate the proposed project.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Agriculture Workforce Housing Mobile/Trailer Units," consisting of 20 sheets prepared by Munselle Civil Engineers, received in final form on September 15, 2023, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:
 - A. The applicant shall install perimeter fencing, consisting of four strands of smooth wire with posts no more than eight feet apart, around the perimeter of the private campground area. This fencing shall be inspected and repaired as necessary to maintain its integrity. "No trespassing" signs shall be posted along the fencing.
 - B. The unpermitted gravel driveway on the project site, accessed from Mesa Road shall be removed, where feasible.
 - C. The applicant shall submit a signage plan, which shall direct visitors to the access point and identify all signs and any other project elements that will be used to facilitate, manage, and improve public access for both the campground and other related access. The signs shall be sited and designed so as to provide clear information without significantly impacting public views and site character.

A freestanding entry sign shall be installed adjacent to the entry road near the intersection with Mesa Road. The entry sign shall clearly indicate the address for the campground property, show the road around the campground identifying each RV site by site number, and shall indicate the name of the campground. The face of the sign shall not exceed dimensions of six feet wide by four feet tall, and the maximum height of the sign shall not exceed six feet above the surrounding grade. The sign shall not have interior illumination but may have exterior lighting as long as it is directed downward. The sign shall be made of wood, stone, or other materials with a natural appearance and

shall use muted colors except for the lettering. Low shrubs shall be planted around the base of the sign.

B. The project shall conform to the Planning Division's "Uniformly Applied Standards 2023" 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 three 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 eight business days from the date of this decision (Thursday, November 2, 2023).

SECTION VI: ADOPTION

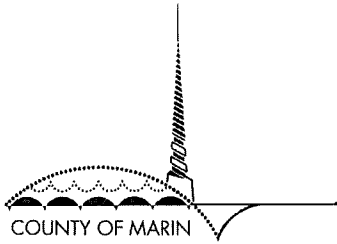
ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 19th day of October 2023.

Michelle Levenson

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Michelle Reed
DZA Recording Secretary



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

2023

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall 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 an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
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 related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

WHEN FILED MAIL TO:

**Marin County Community Development
Agency, Environmental Review Division
3501 Civic Center Drive, #308
San Rafael, Ca 94903**

Attn: Don Allee

THIS SPACE FOR COUNTY CLERK'S USE ONLY

NOTICE OF CEQA EXEMPTION

October 12, 2023

1. **Project Name:** **Bolinas Community Land Trust (BCLT) Coastal Permit and Conditional Use Permit (P4152)**
2. **Project Location:** 130 Mesa Road, Bolinas
APN: 193-020-38
3. **Project Summary:** Proposal to establish a private RV Trailer campground and septic system on a vacant lot with frontage along Mesa Road in Bolinas.
4. **Public Agency Approving Project:** Marin County Community Development Agency
5. **Project Sponsor:** Sean Kennings, on behalf of property owners
6. **CEQA Exemption Status:** CEQA Guideline sections 15303(d) Class 3 and 15304(e) Class 4.
7. **Reasons for Exemption:**

The applicant, Sean Kennings, on behalf of property owners, the Bolinas Community Land Trust (BCLT), requests a Coastal Permit and Conditional Use Permit approval to establish a new private campground on an approximately 2.5-acre portion of a 20-acre vacant located between 100 and 200 Mesa Road in Bolinas.

The project entails installing campsites with pads and utility connections for up to 27 RV trailers as well as installation of utilities and an on-site septic system. While RVs would change over time, the initial RV trailers to occupy each camp site would be a single-level and would measure approximately 34 feet nine inches wide by eight feet ½ inch long, with ramps that provide accessibility. A typical RV trailer would measure approximately 11 feet four inches above the surrounding grade. The exact dimensions of the trailers may depend on the type of trailer initially chosen for the site and those trailers owned by future campers. All the RVs and/or RV trailers would be vehicles on wheels and would not be permanently affixed to the site. The sites for the RV trailers would be clustered together and would provide the following approximate setbacks: 30 feet from the west side property line; over 170 feet from all other property lines. The RV trailers and septic system would be clustered together on previously disturbed grounds to avoid sensitive habitats and meet required setbacks. The immediate use of the RV trailers would be to provide temporary accommodations for approximately 61 residents currently inhabiting substandard trailers and other structures on the adjacent property.

Various site improvements would also be entailed in the proposed development, including creating a gravel driveway on the adjacent property (160 Mesa Road) to access the proposed private RV Trailer campground, and demolition and removal of all unpermitted structures on the adjacent property (160 Mesa Road, further identified as Assessor's Parcel No 188-170-11).

Project Planner:



Immanuel Bereket
Principal Planner

Reviewed by:



Rachel Reid
Environmental Planning Manager

VICINITY MAP



PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - Second Transmittal

DATE: 9/11/23

DUE: 8/30/23

TO: Immanuel Bereket

FROM: Maurice Armstrong

APPROVED: _____

RE: Bolinas Community Land Trust

Coastal Permit

APN: 193-020-38

ADDRESS: 130 Mesa Rd., Bolinas

TYPE OF DOCUMENT

____ DESIGN REVIEW

COASTAL PERMIT

____ LAND DIVISION

____ VARIANCE

____ USE PERMIT

____ ADU PERMIT

____ ENVIRONMENTAL REV.

____ OTHER:

Department of Public Works Land Use Division has reviewed this application for content and:

Comments Included (Inc.) or Attached (Att.) from other DPW Divisions:

- Find it **COMPLETE**
- ____ Find it **INCOMPLETE**, please submit items listed below
- ____ Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

- ____ Traffic
- ____ Flood Control
- ____ Other: _____

Merit Comments

Prior to Issuance of a Building Permit:

Driveways:

1. Per Marin County Code § 24.04.240, where a driveway intersects a road, every attempt shall be made to intersect at ninety degrees or as close to that angle as possible. Demonstrate compliance.
2. Per Marin County Code § 24.04.255, the centerline radius of driveways extending in excess of one hundred fifty feet from a public or private road shall not be less than thirty feet. Demonstrate compliance.
3. Per Marin County Code § 24.04.260(b), § 24.04.110, the minimum improved width of a driveway serving more than six dwelling units shall comply with Road standards.
4. Per Marin County Code § 24.04.275, turnouts shall be required on driveways over one hundred fifty feet in length or if sight distance problems exist unless the driveway is at least sixteen feet in width. The number, location and dimensions of required turnouts shall be subject to the review and approval of the agency and shall be no less than eighteen feet wide (full driveway width) and sixty feet long including transitions. Demonstrate compliance.
5. Per Marin County Code § 24.04.295, driveway culverts shall be a minimum fifteen inches in diameter. Demonstrate compliance.
6. Per Marin County Code § 24.04.290, driveway approaches shall be constructed in accordance with the appropriate U.C.S. drawing unless prior approval to do otherwise is obtained from the agency. Demonstrate compliance.

Erosion & Sediment Control Plan:

7. Per Marin County Code § 24.04.625(b)(e), provide an Erosion and Sediment Control Plan (ESCP) which shall include information required in the most recent version of the

MCSTOPPP ESCP Standard Template. The template can be found in the “Construction Erosion and Sediment Control Plan Applicant Package” available at the following link: <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/mcstoppp-erosion-and-sediment-control-plan-applicant-package.pdf?la=en>. Note the actual template begins on page 11 of the document.

Encroachment Permit:

8. Mesa Rd is a County maintained road. An Encroachment Permit from DPW is required for any work within the County’s road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron, curb and gutter. The plans shall clearly identify all proposed work in the right of way. If any work is proposed in the right of way, an Encroachment Permit Application will be required to be completed before issuance of the building permit.

Exceptions:

9. For an exception for any code sections in Title 24 please follow the procedure outlined in MCC 24.15.015(b) and provide the findings identified in 24.15.020(a).

-END-

**INTERDEPARTMENTAL TRANSMITTAL
MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
ROOM 236, 415-473-6907**

DATE: September 21, 2023
TO: Immanuel Bereket, Senior Planner
FROM: Becky Gondola, Senior REHS
RE: Bolinas Community Land Trust

AP#: 193-020-55
ADDRESS: Vacant lot on Mesa Rd., Bolinas,
CA 94924

TYPE OF DOCUMENT
DESIGN REVIEW
LAND DIVISION
USE PERMIT
VARIANCE
MASTER PLAN
<input checked="" type="checkbox"/> COASTAL PERMIT
LOT LINE ADJ.
OTHER

THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:

WATER	<input checked="" type="checkbox"/>	SEWAGE	SOLID WASTE
POOLS		HOUSING	FOOD ESTABLISHMENT

THIS APPLICATION IS FOUND TO BE:

- FIND IT COMPLETE.
- FIND IT INCOMPLETE UNTIL THE ITEMS LISTED BELOW HAVE BEEN SUBMITTED.
- FIND IT ACCEPTABLE AS PRESENTED, WITH THE FOLLOWING CONDITIONS.
- RECOMMEND DENIAL FOR THE REASONS LISTED BELOW.

1. Indicate whether the application materials contain enough information for you to determine whether the applicant can readily comply with your agency's standards.

The application is complete.

2. If the application does not contain enough information for you to determine whether the project can readily comply with your agency's standards, please list the information that you will need to make this determination.

N/A

3. If the application contains sufficient information for your review, please indicate whether the project is feasible as proposed or needs substantial modifications to comply with your agency's standards.

The project is feasible as proposed.

4. If the project needs to be substantially modified to comply with your agency's standards, please describe the scope of those modifications.

N/A

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



June 26, 2023

Immanuel Becker, Senior Planner
County of Marin, Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Subject: Bolinas Community Land Trust Coastal Development Permit (P4152)

Dear Mr. Becker:

Thank you for the opportunity to provide comments on the above-referenced pending CDP application for the Bolinas Community Land Trust's (BCLT) proposed recreational vehicle (RV) camp project between 100 and 200 Mesa Road (known locally as 130 Mesa Road, APN 193-020-38) in Bolinas. The proposed project includes the development of a RV camp, including up to 27 mobile homes and a new on-site wastewater system, on a lot currently functioning as a livestock ranch, where the new homes are intended to affordably house approximately 60 farmworker residents associated with the adjacent Tacherra Ranch at 160 Mesa Road. At the outset, we want to make clear that we are supportive of efforts to bring much needed farmworker and affordable housing opportunities to the West Marin region, including as affordable farmworker and workforce housing are crucial for protecting agricultural and visitor-serving economies and values in this area. As you know, the key to such successful efforts is to simultaneously ensure that such projects are consistent with Marin County's Local Coastal Program (LCP). With all of that in mind, please consider the following.

Project Description

Several components of the project description are unclear to us. In terms of access to the property, the June 7th BCLT letter states that: "...the new plan indicates a new primary access point through the existing Tacherra Ranch via an existing ranch road between the properties. The gravel ranch road will be reserved for emergency vehicle access only." However, the accompanying plans do not appear to match that description. Please ensure that the Applicant appropriately updates the plans to be consistent with all narrative description points, such as this.

Similarly, it is unclear from the plans as to how resident parking would be accommodated. The plans appear to show spaces for 14 cars parked tightly together, with a lack of clear access to the parking area, and it is unclear whether that would be adequate to accommodate all residents and/or whether any parking is intended to or could be accommodated on the neighboring property at 160 Mesa Road, and it is

unclear how this corresponds to LCP parking requirements. Please ensure that the Applicant provides clarification, both in the narrative description and the plans, on these points.

Finally, although the project has been described as “temporary,” there is little information regarding the anticipated duration of this project. In addition, there is also little information regarding the longer-term housing plan for the property, including as it relates to the pending BCLT acquisition of the property at 160 Mesa Road (as indicated by BCLT Director Annie O’Connor in her May 25, 2023, letter to BCPUD). Please ensure that the Applicant provides additional information on these points as well.

Habitat Assessment

As you are aware, the LCP provides strong protections for habitats, including wetlands and those that are deemed environmentally sensitive habitat areas (or ESHAs), and provides prescriptions to avoid ESHA and wetlands, and to apply appropriate buffers from them (see, for example, LCP Policies C-BIO-1-4 and 14-19). In this case, from what we understand the project avoids ESHA and wetlands but is proposing a reduced wetland buffer (down to 50 feet). In such cases, it is critical that the project’s habitat assessment provide information to evaluate whether such a reduction is supportable under the LCP. Thus, please ensure that the Applicant’s assessment provides facts and evidence on this point geared to LCP requirements (see LCP Policy C-BIO-19). Additionally, please ensure that the Applicant updates their assessment to include any attachments, including maps of data points, identified biological constraints, and data sheets associated with the wetland delineation performed.

In addition, part of the buffer question extends to the ways in which both construction and post-construction uses and activities could result in adverse impacts to adjacent wetland areas. It is not clear to us from the materials provided how wetland areas will be protected from potential adverse impacts during construction of the wastewater system and installation of the RVs, as well as from future residential use, and it will be important for the Applicant to expand upon its narrative and plans to include specific BMPs and mitigation measures in that regard.

Also, pursuant to LCP ESHA policies, including C-BIO-1-4 and 14-19, the Applicant should provide additional information on how wetland areas will be protected from adverse impacts from people, vehicles, pets etc. once the parcel is occupied, including through avoidance measures such as the installation of fencing and signage.

Finally, the BCPUD letter mentions a “planned wetland restoration project” at the project site that affects consideration of the project, but the project materials that we have seen include no information about such restoration. Please ensure that the Applicant provides details about any restoration activities planned at the subject property related to this proposed project, including project plans and acreage.

Thank you for the opportunity to provide some initial comments on the proposed project, and we look forward to continued collaboration with the County and BCLT as the project moves towards a CDP decision. If you have any questions or would like to discuss these comments, please don't hesitate to contact me.

Sincerely,

Honora Montano

Honora Montano
Coastal Planner, North Central Coast District, California Coastal Commission

cc (via email):

Sean Kennings, Applicant's representative

Jennifer Blackman, General Manager, Bolinas Community Public Utility District

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

BCPUD BOX 390 270 ELM ROAD BOLINAS CALIFORNIA 94924 415 868 1224



June 12, 2023

Immanuel Bereket
Planner
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, California 94903

Re: Bolinas Community Land Trust (“BCLT”) Coastal Permit P4047 for 130 Mesa Road, vacant lot, APN 193-020-38) (establish a temporary private RV trailer campground and new on-site wastewater system); BCLT Limited Water Use Permit Applications for 130 Mesa Road and for 160 Mesa Road (APN 188-171-11); Request to “stack” water use allocations.

Dear Mr. Bereket:

On behalf of the Bolinas Community Public Utility District (“BCPUD”), I am writing with regard to the above-referenced emergency coastal permit issued by the County of Marin to the BCLT (P4047) which authorizes the establishment of a temporary RV trailer campground and a new on-site wastewater system on APN 193-020-38 (currently a vacant lot, known locally as 130 Mesa Road), and the related limited water use permit applications submitted by the BCLT to the BCPUD. The BCPUD Board of Directors held a special meeting on May 31, 2023 (*please see the enclosed meeting agenda*) at which both topics were considered and public comment was received. This letter therefore conveys a summary of the public comments received with regard to the emergency coastal permit P4047 and confirms the actions taken by the BCPUD Board with regard to the BCLT’s limited water use permit applications.

Emergency Coastal Permit P4047:

Prior to the May 31st special BCPUD Board meeting, the district received a number of written comments concerning the project authorized by the County via emergency Coastal Permit P4047 (*please see the enclosed copies of the written public comments received by the BCPUD in advance of the special Board meeting*). In addition, considerable public comment was provided during the special meeting; a link to a video of the meeting is available on the BCPUD’s website on the following page: www.bcpud.org/administration/board-of-directors/minutes/. We encourage you to watch this video and listen to the comments in order to fully appreciate the viewpoints presented.

In general, the persons speaking in favor of the project expressed dismay at the reported living conditions of the residents at 160 Mesa Road and serious concerns about the apparent public health hazards they have endured. People advocated on behalf of the residents and underscored the importance of their roles in the community – as agricultural workers and otherwise – and conveyed strong support for the RV trailer campground at 130 Mesa Road as a *temporary* solution to improve those living conditions and keep the residents in the community while the BCLT works to design and install permanent replacement housing at 160 Mesa Road. Several people also voiced their support for the planned remediation of the long-standing informal “dump” at 160 Mesa Road and for the planned wetland restoration project at 130 Mesa Road (once the permanent housing has been completed).

Persons expressing concern about the project raised a number of issues (also detailed in their letters), such as, in their view, (1) the project does not qualify as an “emergency” because the conditions at 160

Letter to Immanuel Bereket
June 12, 2023
Page Two

Mesa Road have existed for decades, and (2) the project will impact protected wetlands. One person questioned whether any of the permanent replacement housing eventually developed for 160 Mesa Road actually would be “affordable” given the likely costs of remediating the property and constructing the housing. Another person was skeptical whether the beneficiaries of the eventual permanent housing would be agricultural workers (which this person said would be a requirement for the coastal permit needed for the permanent housing development), and claimed that most of the current residents at 160 Mesa Road are not agricultural workers. One person expressed doubt that the current residents at 160 Mesa Road would even be the beneficiaries of the eventual permanent replacement housing project at 160 Mesa Road given that federal and state funding requirements for such projects do not allow the project proponents to prioritize who will be selected for the housing (doing so would violate fair housing laws, this person stated). Several persons asserted there could be insufficient water to serve the project, or that serving the project with water somehow would “violate” the district’s long-standing moratorium on new connections to the water system.¹

Please note that this letter does not purport to be a comprehensive summary of the viewpoints expressed at the meeting. Please review the attached letters and view the video of the meeting for additional information. The BCPUD Board also advised the interested persons to submit written comments directly to the County to ensure their support or concerns would be received and considered, so you may receive additional public comments.

BCLT Limited Water Use Permit Applications:

Applicable BCPUD regulations require that property owners apply for a limited water use permit whenever changes are proposed to a property that require issuance of a Marin County coastal, building and/or use permit. The BCLT submitted limited water use permit applications for the meters serving 130 Mesa Road and 160 Mesa Road, and requested to temporarily “stack” the resulting water use allocations, or limits, at 130 Mesa Road to serve the emergency RV trailer campground, in anticipation of and conditional upon the BCLT’s acquisition of 160 Mesa Road (APN 188-170-11) (please see the enclosed letter from the BCLT to the BCPUD dated May 25, 2023). BCPUD staff analyzed the BCLT’s limited water use permit applications and “stack” request and this analysis was presented to the Board in a memorandum dated May 31, 2023 (a copy of the staff memo to the BCPUD Board is attached).

As noted, the BCPUD Board of Directors considered the BCLT’s permit applications and “stack” request at the May 31st special meeting, directly following the public discussion of the emergency coastal permit. Again, there was considerable public comment about the applications, which launched a wide-ranging discussion of the BCPUD’s water moratorium resolution (*BCPUD Resolution 173*) and related regulations. Following discussion and explanation of the BCPUD’s general rule governing how the BCPUD Board determines water use allocations, or limits, in connection with approving limited water use permits (*BCPUD Resolution 655*), most of the discussion concerned the BCLT’s request to “stack” the water use limits for 130 Mesa Road and 160 Mesa Road together at 130 Mesa Road, which is governed by BCPUD Resolution 671. That resolution provides that the BCPUD Board has the discretion to allow the stacking of water use allocations, or limits, *for affordable housing projects if it finds that:* (1)

¹ See *BCPUD resolution 173*. In this case, the County has issued an emergency coastal permit and determined that the temporary RV trailer campground is a legally permitted use of the property at 130 Mesa Road. This property currently is served by the BCPUD’s water system and continuing to serve the property does not “violate the moratorium”. The issue before the BCPUD Board at the May 31st meeting was to determine whether the proposed project could increase water use and, if so, the Board is mandated to impose a limit, or cap, on the maximum amount of water that can be used at the property. See also *BCPUD Resolution 655, Exhibit A*. Prior to the May 31st meeting, the district’s legal counsel advised the BCPUD that the BCLT’s LWUP applications and water meter “stacking” request could be granted within the limitations of the water moratorium and related BCPUD resolutions.

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affordable housing is the sole purpose of the project (except for such additional requirements as may be imposed by another federal, state or local entity with permitting jurisdiction over such projects) and (2) the water service connections at issue are both owned by the project proponent.²

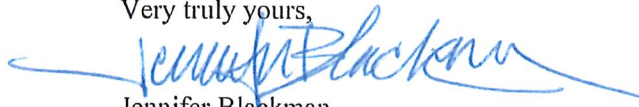
After the public comment and Board discussion of the issues at hand, the BCPUD Board voted to:

- (1) Approve a limited water use permit for 130 Mesa Road with a maximum quarterly water use limit of 2,700 cubic feet.
- (2) Approve a limited water use permit for 160 Mesa Road with a maximum quarterly water use limit of 18,233 cubic feet³ *contingent on (a) the BCLT's acquisition and ownership of the property at 160 Mesa Road and (b) the issuance of a County building permit for the temporary RV trailer campground project.*
- (3) Pursuant to and consistent with all applicable requirements of Resolution 671, approve the "stacking" of the above-approved water use allocations (i.e., 2,700 cubic feet + 18,233 cubic feet = 20,933 cubic feet per quarter) at 130 Mesa Road to serve the temporary RV trailer campground project, *contingent on (a) the BCLT's acquisition and ownership of the property at 160 Mesa Road, (b) the issuance of a County building permit for the temporary RV trailer campground project, and (c) confirmation from the BCPUD's legal counsel that the BCLT may request to "unstack" the water use allocations at a future date, if needed.*⁴

Important Note: the BCPUD Board's approvals of the BCLT's (or any customer's) limited water use permit applications and its determinations of the associated limits, or caps, on maximum water use in no way establish a water "right" or any form of "guarantee" that any specific amount of water can be provided. Rather, these approvals establish maximum quarterly water use allocations, or limits, that cannot be exceeded or the permits are subject to revocation and the water service(s) are subject to termination. All BCPUD customers, whether they have a limited water use permit and associated maximum quarterly water use cap applicable to their property or not, are subject to all of the district's rules and regulations with regard to water use, including but not limited to mandatory rationing and/or other water supply management rules and regulations as the Board may reasonably determine are appropriate under the circumstances during severe drought conditions.

Please let me know if you have any questions or would like to discuss any aspect of this letter.

Very truly yours,



Jennifer Blackman
General Manager

² During this discussion, the BCLT Executive Director Annie O'Connor queried whether the BCLT would be able to "unstack" the water use allocations at a later time if the BCLT should seek to use any of the water for non-affordable housing purposes.

³ In connection with this approval, which is the highest allocation allowed under BCPUD Resolution 655, the Board made the requisite finding that a lesser amount would result in a hardship to the customer's residents.

⁴ The Board subsequently has been advised that it has the authority to apply BCPUD Resolution 671 to allow the "unstacking" of the two specific water use allocations.

RESOLUTION NO. 2000-135

RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
ESTABLISHING RULES GOVERNING THE ADMINISTRATION OF AGRICULTURAL
PRESERVES AND FARMLAND SECURITY ZONES WITH PROCEDURES FOR ISSUANCE OF
LAND CONSERVATION AGREEMENTS

SECTION I: FINDINGS

- I. WHEREAS the Board of Supervisors recognizes the importance of agricultural preservation in Marin County, and
- II. WHEREAS preservation of agricultural lands and encouragement of agricultural uses on those lands is critical to maintaining the viability of agriculture in Marin County, and
- III. WHEREAS the State of California established the Land Conservation Act of 1965 (also known as the Williamson Act) which provided a means for landowners to enter into contracts with counties which would preclude development of the property and continue of agricultural uses in exchange for a reduction in property taxes, and
- IV. WHEREAS the Marin County Board of Supervisors adopted Resolution 71-38 in February, 1971 establishing rules governing the administration of and procedures for issuance of Land Conservation Agreements in accordance with the Williamson Act, and
- V. WHEREAS economic forces and population growth have further increased development pressures on agricultural lands such that the incentives set forth in the original Williamson Act are not effective as they once were, and
- VI. WHEREAS the State of California has enacted legislation which strengthens the concept of the Williamson Act by creation of the Farmland Security Zone program by providing an extended contract term in exchange for a further reduction in property taxes, and
- VII. WHEREAS the Board of Supervisors recognizes that additional limitations on land use beyond what is provided for in the Zoning Ordinance are necessary to ensure and encourage agricultural and related use of protected lands.

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that pursuant to the provisions of Government Code Sections 51200 et seq, the Board of Supervisors of the County of Marin hereby establishes the following rules for administration of Agricultural Preserves and Farmland Security Zones and the issuance of agreements pursuant to the Land Conservation Act of 1965 and the Farmland Security Zone Act of 1998:

A. ESTABLISHMENT OF AGRICULTURAL PRESERVES

The procedures and standards for the establishment and modification of Land Conservation Agreements shall comply with the provisions of the Government Code, commencing with Section 51200.

B. ESTABLISHMENT OF FARMLAND SECURITY ZONES

The procedures and standards for the establishment and modification of Farmland Security Zones shall comply with the provisions of the Government Code, commencing with Section 51296.

C. ELIGIBILITY FOR CONTRACTS

Property shall not be eligible for an Agricultural Preserve or Farmland Security Zone contract unless it meets one or more of the following standards:

1. Agricultural Use

The dominant use of the land at the time of application for a contract shall be agricultural, meaning the use of the land for food and/or fiber including the growing of crops and/or grazing of animals. The following factors shall be considered to determine whether the agricultural use is dominant:

- a. Capability of the agricultural use to produce a living for the owner.
- b. The value of the product produced on the land in recent and future years.
- c. The proportionate time during the year in which the agricultural use is in effect.
- d. The proportion of land devoted to the agricultural use.
- e. The character of non-agricultural uses on the land

2. Recreational Use

The dominant use on the land at the time of application shall be recreation. The following factors shall be considered in determining whether the recreational use is dominant:

- a. The capability of the use to provide a living for the owner.
- b. The proportion of time during the year the use is in effect.
- c. The proportion of land devoted to the recreational use.
- d. The suitability of the land for the recreational use.
- e. The number of persons using the recreational facility.
- f. Admission to the public.

3. Open Space Use

The dominant use at the time of application shall be open space as defined in Government Code Section 51201. The proportion of the land occupied by the open space use shall be considered to determine whether the open space use is dominant.

4. Combined Uses

The dominant use of the land at the time of application shall be any combination of agricultural, recreational, or open space uses as outlined above.

D. COMPATIBLE AND PERMITTED USES

The following uses shall be deemed to be compatible uses of property within a Farmland Security Zone and uses which are permissible under contract only if such uses comply with applicable zoning requirements of the Marin County Code:

1. Unrestricted

- a. Dairying
- b. Grazing or breeding of cattle, sheep, and pigs/hogs, excluding large-scale, commercial hog farms
- c. Raising or keeping of poultry, fowl (including game birds), rabbits, goats, or similar animals
- d. Fish hatcheries and rearing ponds, oyster farming
- e. Crop, vine, or tree farming, truck gardening, greenhouses, and horticulture
- f. Farm or ranch buildings including stables, barns, pens, corrals, coops and structures for killing, dressing, packing, or handling products raised on the premises, but not including abattoirs for cattle, sheep, or hogs
- g. One principle single-family dwelling per contract, regardless of the number of parcels within the contract. Additional dwelling units up to the maximum number allowed under the zoning classification may be developed for family members or employees engaged in the agricultural use of the land, only after an affirmative finding by the County that such units are reasonably related to the agricultural use of the land.
- h. The maintenance of land in its natural state for the purpose of preserving land for recreation, or for plant, animal, or mineral preserves
- i. Trails for non-motorized, private recreational use
- j. Private hunting of wildlife or fishing, boating, camping, swimming, picnicking, or other similar private outdoor recreational activities.
- k. Erection, construction, or maintenance of gas, electric, water, communication, or flood control facilities as approved by the appropriate governmental agencies
- l. Mariculture and aquaculture
- m. Such other uses as are specified in Government Code Section 51200 et. seq., including but not necessarily limited to a wildlife habitat area, saltpond, managed wetland area, and a submerged area.

2. Restricted Uses

- a. The following additional uses shall be deemed to be compatible uses and/or uses permitted under contract provided the County issues a use permit:
 - i. Processing or retail sale of agricultural products
 - ii. Bed and Breakfast inns with four or five guest rooms on properties used primarily for commercial agricultural purposes, and when clearly incidental and secondary to the primary agricultural use of the land
- b. Bed and Breakfast inns with three or fewer guest rooms on properties used primarily for commercial agricultural purposes, and when clearly incidental and secondary to the primary agricultural use of the land
- c. Keeping of horses for agricultural purposes or when incidental and secondary to the primary agricultural use of the land
- d. Other uses that are similar in nature and land use intensity as those enumerated above in Section IV(1) as long as such uses clearly incidental and secondary to the primary agricultural use of the land, do not conflict with the agricultural use of the land, and do not reduce or diminish the continuation of agricultural activities or the potential for such activities

E. SUBDIVISION OF LANDS UNDER CONTRACT

All Agricultural Preserve and Farmland Security Zone contracts shall contain a provision that the lands under contract may not be subdivided for such a period that the contract is in effect unless the Board of Supervisors makes a finding that the proposed subdivision enhances the long term agricultural use of the land. This finding would be in addition to any other findings or determinations required by the Williamson Act, the Subdivision Map Act, or Marin County Code.

F. ISSUANCE OF CONTRACT

A contract shall not be issued with respect to any property unless the County Assessor has independently determined and advised the Community Development Agency, Planning Division in writing that the property complies with the standards for eligibility contained in these rules.

G. MARIN COUNTY CODE

Except as expressly provided herein, the standards and rules contained herein are not intended to supercede the provisions of the Marin County Code.

H. STATE LAW

All matters not specifically contained herein shall comply with the provisions of State law.

SECTION III: VOTE

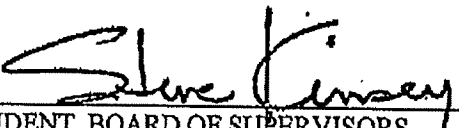
PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 31st day of October, 2000, by the following vote:

AYES: SUPERVISORS Cynthia L. Murray, Harold C. Brown, Jr., John B. Kress,
Annette Rose, Steve Kinsey

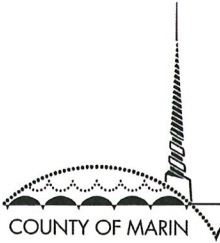
NOES: NONE

ABSENT: NONE

ATTEST:


PRESIDENT, BOARD OF SUPERVISORS


CLERK



**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Bolinas Community Land Trust (BCLT) Emergency Coastal Permit**

Decision: Approved with Conditions
Date: May 9, 2023

Project ID No: P4047 Applicant(s): Sean Kennings
Owner(s): Bolinas Community Land Trust
Assessor's Parcel No(s): 193-020-55
Property Address: Vacant lot on Mesa Road, Bolinas
Project Planner: Immanuel Bereket
(415) 473-2755
ibereket@marincounty.org

Signature: 

Countywide Plan Designation: C-SF5 (Coastal, Single-Family, 1-2 units per acre)
Community Plan Area: Bolinas Community Plan
Zoning District: C-RA-B2 (Coastal, Residential Agriculture District)
Environmental Determination: Exempt per CEQA Guidelines section 15303, Class 3

PROJECT SUMMARY

The applicant, Sean Kennings, on behalf of the property owners, the Bolinas Community Land Trust (BCLT), requests emergency Coastal Permit approval to establish a new private RV Trailer campground on a vacant lot with frontage along Mesa Road in Bolinas.

The project would create sites to install up to 23 RV trailers and a new on-site wastewater system on a vacant site between 100 and 200 Mesa Road in Bolinas. Each RV trailer would be single-story and would measure approximately 34 feet nine inches wide by eight feet ½ inch long, with ramps that provide accessibility. A typical RV trailer would measure approximately 11 feet four inches above the surrounding grade. The exact dimensions of the trailers may depend on the type of trailer chosen for the site. The sites for the RV trailers would be clustered together and would provide the following setbacks: 30 feet from the west side property line; over 170 feet from all other property lines. The modular buildings and septic system would be clustered together on previously disturbed grounds to avoid sensitive habitats and meet required setbacks. The immediate use of the RV trailers would be to provide temporary accommodations for approximately 59 residents currently inhabiting substandard trailers on the adjacent property.

Emergency Coastal Permit approval is required pursuant to Marin County Local Coastal Program, Implementation Section 22.68.030, because the project proposed a development in the Coastal Zone.

MARIN COUNTY LOCAL COASTAL PROGRAM, IMPLEMENTATION PLAN CONSISTENCY

Mandatory Findings for Emergency Coastal Permit (Marin County Local Coastal Program, Implementation Plan Section 22.70.140)

- A. An emergency (defined as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential services) exists that requires action more quickly than permitted by the procedures of this Article for a Coastal Permit, and the work can and will be completed within 30 days unless otherwise specified by the emergency permit.**

In response to a request made by Mr. Larry Baskin, Receiver, Marin County employees inspected the property located at 160 Mesa Road, Bolinas on July 26, 2022. During the inspection, staff found unpermitted trailers, mobile homes, and detached accessory structures currently being used for residences without the benefit of required permits. These structures have no access to domestic drinking water and adequate sewage disposal services. Instead, domestic waster is provided through garden hoses while bathing facilities are provided by porta potties throughout the property disbursed throughout the property. Further, staff found four separate areas throughout the property evidence where sewage surfaced onto the ground, as demonstrated by positive nitrate testing.

On October 10, 2022, the County issued a letter to the property owners and the Receiver, enumerated it's findings and requesting that they take immediate steps to address further damage to health, property and environment. Subsequent letters were issued to the to the property owners and the Receiver requesting they address all outstanding. To date, no steps have been taken to cure the issues detailed in the October 10th letter.

Lack of adequate means of sewage disposal poses a high risk to public health and could further inflict irreparable damage to the environment and the inhabitants if unabated. The project would provide temporary accommodations for approximately 59 residents currently inhabiting substandard trailers on the adjacent property, while allowing abatement of the existing conditions to commence. In a letter dated March 23, 2023, Christina Gomez-Mira, Executive Director of the Coastal Health Alliance, details the health risk poses to the tenants and the general public. In addition, the letter details the need for immediately action to cure the existing unsanitary conditions, which has created an environment where communicable diseases could easily spread including skin infections, diarrheal diseases and potentially hepatitis A.

The Emergency Coastal Permit will address the immediate public health crises on the neighboring site by providing emergency and temporary alternative housing to the residents, with sanitary sewage control.

- B. Public comment on the proposed emergency action has been reviewed, if time allows.**

An Emergency Coastal Permit application was submitted on March 10, 2023. Upon receipt, the project was transmitted to the Department of Public Works (DPW), Environmental Health Services (EHS), the California Coastal Commission (CCC) and posted online for public view.

Staff received written memos from DPW and EHS and an e-mail correspondence from the CCC; and four correspondences from the public (one in favor and three in opposition). All correspondences are provided as Attachment No. 5.

C. The proposed work is consistent with applicable Marin County Local Coastal Program policies.

The proposed Emergency Coastal Permit is in conformance with the Marin County Local Coastal Program, Implementation Plan Section 22.70.140, as worker Agricultural Dwelling Unit accessory uses and structures are permitted use in the Agricultural Residential Planned (C-ARP) zoning district where the project site is located under 22.62.060(D), Table 5-1-C of the Local Coastal Program Implementation Plan. To ensure further consistency with the Marin County Local Coastal Program, a condition of approval requires that a Coastal Permit is submitted for the project within 30 days of the issuance of Emergency Coastal Permit approval, as required under Sec. 22.70.140(E).

D. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging short- and long-term manner.

As documented in attachment No. 4, staff inspected the property located at 160 Mesa Road, Bolinas on July 26, 2022, and found trailers, mobile homes, and detached accessory structures were being used for residences without an approved means of sewage disposal. During the inspection of July 26, 2022, staff found four separate areas throughout the property where sewage surfaced onto the ground as demonstrated by positive nitrate testing, which requires immediate action to abate and prevent further environmental degradation and reduce potential damage to life, health, and general public safety. The Emergency Coastal Permit will address the immediate public health crises on the 160 Mesa Road site by providing emergency and temporary alternative housing to the residents, with sanitary sewage control. In addition, the Emergency Coastal Permit provides such emergency and temporary alternative housing to the residents in the least environmentally damaging short- and long-term manner, because the proposed alternative housing takes the form of an RV campground located on the least environmentally sensitive portion of the neighboring lot, which RV campground can be later removed with no permanent effects. Therefore, the proposed work is the minimum amount necessary to abate the emergency in the least environmentally damaging short- and long-term manner.

ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division 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.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Emergency Coastal Permit authorizes the establishment of a temporary private RV Trailer campground on a vacant lot with frontage along Mesa Road located between 100 and 200 Mesa Road in Bolinas, further identified as Assessor's Parcel Number 193-020-55. The Emergency Coastal Permit authorizes the installation of up to 23 RV trailers and a new on-site wastewater system on a vacant site between 100 and 200 Mesa Road in Bolinas. Each RV trailer shall be single-story and shall measure approximately 34 feet nine inches wide by eight feet ½ inch long, with ramps that provide accessibility. The exact dimensions of the trailers may depend on the type of trailer chosen for the site. The sites for the RV trailers shall be clustered together and shall provide the following setbacks: 30 feet from the west side property line; over 170 feet from all other property lines.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Emergency Workforce Housing Mobile/Trailer Units," consisting of 10 sheets prepared by Bolinas Community Land Trust, received in final form on March 10, 2023, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
 - a. Prior to issuance of a building permit, the applicant shall engage a qualified biologist to clearly identify and mark the required wetland buffer zones.
3. A Coastal Permit application for the project as approved in Condition of Approval 1 above shall be submitted to the County of Marin, Planning Division within 30 days of the issuance of this Emergency Coastal Permit pursuant to the coastal permit filing provisions of Marin County Local Coastal Program, Implementation Plan section 22.70.030.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2023" with respect to all of the standard conditions of approval and special conditions No. 6 and No. 9.

VESTING

Pursuant to Marin County Local Coastal Program, Implementation Plan Section 22.70.140.D, all Emergency Coastal Permits shall expire ninety (90) days after issuance, unless extended for good cause by the Planning Director, such extension is limited as much as possible in duration, and such extension is subject to challenge provisions per Section 22.70.040. All emergency development pursuant to this section is considered temporary and must be removed and the affected area restored if it is not recognized by a regular Coastal Permit within six months of the date of permit issuance, unless the Director authorizes an extension of time for good cause.

cc: *{Via email to County departments}*
CDA – Director
CDA – Deputy Director of Planning
CDA – Deputy Director of Housing
DPW – Land Development
CDA – Environmental Health Services
North Marin Water District
Marin County Fire Department
California Coastal Commission

Attachments:

1. Marin County Uniformly Applied Conditions 2023
2. Department of Public Works, memorandum dated May 2, 2023
3. Environmental Health Division, memorandum dated April 28, 2023
4. Code Compliance memorandum, dated October 12, 2022
5. Correspondences

Law Office of Edward E. Yates

2060 Sutter St., #403
San Francisco, CA 94115
Ph: 415-990-4805
eyates@marinlandlaw.com

October 7, 2023

Immanuel Bereket
Marin County Planning Department
Civic Center Drive,
San Rafael, CA
By email to: ibereket@marincounty.org

Dear Mr. Bereket,

I. INTRODUCTION

I represent Bolinas for Compassionate Land Use (BCLU) regarding the Bolinas Community Land Trust (“BCLT”) application for a Coastal Permit and Conditional Use Permit, Project ID P4152. BCLU is interested in protecting the environment in the Bolinas area and in sustainable and appropriate low-income housing consistent with the Marin County Local Coastal Program (“LCP”), including both the LCP’s Land Use Plan (“LUP”) and Coastal Zoning Ordinance (“CZO”).¹

This BCLT project, however, is legally flawed because the actual use – a mobile home park - conflicts with the LUP and CZO. Further, the project’s rushed processing has resulted in a poorly planned project that neither protects the environment, nor provides sustainable, quality low income housing.

First, as Ms. Ruggiero’s letter² explains, the County is misleadingly the public by describing the project as a “campground.” It is not a campground. Apparently, because the project cannot be permitted as affordable housing, the County has used the inapplicable and indefensible “campground” designation.

Second, the project is instead a mobile home park, which is not a permitted use, as set out in the LUP and CZO. The project also appears to conflict with the applicant’s

¹ The LCP is incorporated into the Marin Countywide Plan; the CZO is part of the Marin County Municipal Code.

² This letter incorporates by reference the October 3, 2023 comment letter by Cheryl Ruggiero.

Williamson Act contract.³ As such, the County must enact amendments to the LCP to allow the project and the applicant must apply to exit the Williamson Act program.

Third, both Corps of Engineers jurisdictional wetlands and California Coastal Act ESHA wetlands are in the project area and the County must comply with the Clean Water Act and Coastal Act wetlands delineation and mitigation requirements *before* approving the project. This has not been done.

Fourth, since this project involves a conditional use permit and/or requires a LUP and CZO amendments, the County must fully assess the environmental impacts of such changes in the requisite California Environmental Quality Act (“CEQA”) document *prior to project approval*. (Pub. Res. Code 21080.) It appears that CEQA has not been complied with

My client understands the need for affordable housing for the existing Tacherra Ranch residents. But the landowner and the County – the latter by not engaging in its code enforcement duties – have allowed this housing to deteriorate and violate state housing and health laws for years. Rushing this project will not make amends for the County’s negligence and will not provide sustainable housing. The landowners and the County must comply with all relevant laws regarding this application, and if the County and landowner do not want to do so, they must step back and reconsider whether this project is the best approach to quickly finding affordable housing for those on site.

II. DISCUSSION

A. The Project Violates State and County Land Use Law.

Government Code § 53091(a) requires that “(a) each local agency shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated.”

The CZO, as set out in the Marin County Municipal Code § 20.62.060(D), similarly requires that “[p]roposed development ... shall comply with all provisions of the LCP ...”⁴ The plain language of Government Code and Marin County Coastal Plan cannot be more clear: non-permitted uses are not allowed.

³ The Project apparently does not comply with provisions in the Williamson Act (Government Code Section 51200 et seq.) or LCP requirements (MCMC 20.32.030. LCP Policy C-AG-2(4)(b)) for agricultural worker housing because the units are not limited to agricultural workers.

⁴ Section 20.62.060(D): Proposed development, as defined in Article VIII Chapter 20.130 (Coastal Zoning Code Definitions), shall comply with all provisions of the LCP, including Chapters 2220.32 as

The Countywide Plan's land use designation for the property is Coastal C-AG2 -, general agriculture, 10-30 acres per unit. The County's zoning designation is C-ARP-10, (Coastal Residential, 10-acre minimum lot size).⁵ Therefore, all uses in such a zone must be permitted or conditionally permitted in that zone. Mobile or recreational vehicle parks uses are neither. See 20.62.060 Table 5.1-c "Residential Uses."⁶

As Ms. Ruggiero points out in detail, the project is not a "campground" because it does not comply with either the CZO definition of campground, nor any common sense or dictionary definition. The applicant describes the proposed structures as "modular buildings," not tents or campers, and includes 23 temporary mobile homes (RV trailers) and a new on-site wastewater system on a vacant site. The County project descriptions states that the structures will consist of: "modular building which would be single-story and would measure approximately 34 feet nine inches wide by eight feet ½ inch long, with ramps that provide accessibility."

The County's contention that such placement and use of permanent manufactured housing structures can be defined as a "campground" is simply not credible.⁷ As Ms. Ruggiero states:

The Marin County Coastal Zoning Code does not even acknowledge the term "private campground" but rather "campground," stating: "Camping is only allowed for a maximum of 30 days per calendar year per person, except for camp staff." (Marin County Code Section 22.32.060; emphasis added.)

Instead, the project should instead be categorized under MCMC § 20.130.030 as:

Mobile Home Park (land use). This land use consists of any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

applicable (Standards for Specific Land Uses), this Chapter, Chapter 2220.64 (Coastal Zone Development and Resource Management Standards), 2220.65 (Coastal Zone Planned District Development Standards), 2220.66 (Coastal Zone Community Standards), and 2220.68 (Coastal Development Permit Requirements).

⁵ The application appears incomplete and the County project description inadequate because neither identifies the precise parcels are the subject of the application. County documents describe 3 different addresses (100, 160 and 200 Mesa Road, and use three distinct parcel numbers in different documents.

⁶ The County's zoning designation is C-ARP-10, which allows for affordable housing and group homes, but the project apparently does not qualify for either. If it did, the County would use that designation.

⁷ The CZO does allow CUPs for campgrounds (see Table 5-1-b). But the project is not a campground.

However, the Local Coastal Program and Coastal Zoning Code, do not permit such a mobile home park use in the coastal zone. LUP Policy C-BOL-3 states that; “New Development on the Bolinas Gridded Mesa permits new construction and redevelopment and rehabilitation of existing structures on the Bolinas Mesa *where consistent with the LCP and in accordance with adopted policies of the Bolinas Gridded Mesa Plan*, which has been certified by the California Coastal Commission.” (Emphasis added.) Here, CZO Section 20.32.060, Tables 5.1-a through 5.1-e clearly do not provide for mobile home or recreational vehicle parks.⁸

Community groups may challenge a permit that has been issued in violation of the law. The granting of a conditional use permit is a quasi-judicial act. (See *Essick City of Los Angeles* (1950).) Such an act may be challenged if the respondent has not proceeded in the manner required by law. (See Code Civ. Proc., § 1094.5, subd. (b).) (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1186.)

B. The Project Nature Requires Major Amendments to the Local Coastal Plan and Marin County Municipal Code.

Gov’t Code § 65851 provides that zoning districts must be rezoned to allow for a use that is different than provided. This type of legislative relief normally involves a change in the zoning map, showing that the property is in a different zone than before. (1 Longtin, Cal. Land Use, supra, § 3.50, p. 322.) The owner can also ask the County to make a change in the uses permitted or regulations imposed in the property's current zone. (See Gov’t Code § 65850.)

This first type of relief involves a change in the zoning map and the second in the text of the zoning ordinance. (1 Longtin, supra, § 3.50, p. 322.) State Planning and Zoning Law sets forth specific procedures for adopting and amending zoning ordinances which change a property from one zone to another or impose or remove any regulation on property within a zone. (§ 65853.) (*Neighbors in Support of Appropriate Land Use v. County of Tuolumne* (2007) 157 Cal.App.4th 997, 1006.)

Because this project can only be defined as an mobile home park, it is not a permitted use in the Agricultural zone and cannot be a conditionally permitted use in the County’s Coastal Zone. Since the LCP does not provide for such mobile home park uses on the project site, the property must be rezoned and the LCP amended in order to allow a mobile home park use.

⁸ If as reported, the project is in contract for Williamson Act, no non-agricultural housing can be placed there. (*Bolinas affordable housing project gets \$500,000 from Marin County*, by Richard Halstead, Marin Independent Journal PUBLISHED: June 27, 2022 at 4:56 p.m. UPDATED: July 13, 2022 at 4:51 p.m. <https://www.marinij.com/2022/06/27/bolinas-affordable-housing-project-gets-500000-from-marin-county/>; stating “The 20-acre parcel is bound by a Williamson Act agreement”.)

C. Wetlands.

Conformity with the LCP and state and federal law also requires compliance with *both* Corps of Engineers regulations for wetlands under Section 404 of the Clean Water Act (33 U.S.C § 1344) and California Coastal Commissions (CCC) wetland rules. The Coastal Act identifies such wetlands as Environmentally Sensitive Habitat (ESHA) and requires that most development avoid and substantially buffer wetland resources. See Coastal Act, Public Resources Code §§ 30231, 30233, 14 CCR § 13610, LCP Policies C-Bio-1, C-Bio-2, C-Bio-14.

The “Biological Site Assessment” by JK Botany found that several wetland parameters apparently qualify as Coastal Act ESHA wetlands. Therefore, the County must require the applicant to prepare a more complete biological assessment, draft a Coastal Act ESHA/wetlands delineation and analysis, and ensure compliance with ESHA rules before approving the project. It is also not clear what impacts the project will have on federally protected wetlands. While the project may or may not trigger a Clean Water Act Section 404 permit requirement, any project approval must consider the project impacts on both federal and state regulated wetlands *prior to any decision*.

D. The County Must Comply With CEQA.

Since this project involves a conditional use permit and requires a general plan amendment and changes to the MCMC zoning ordinance, the County must assess the environmental impacts of such changes in the requisite California Environmental Quality Act (“CEQA”) document, *prior to any decision*. (Pub. Res. Code 21080.) The project is not exempt from CEQA⁹ and thus there must be the requisite Negative Declaration or Environmental Impact Report with circulation and comment.

I am happy to discuss this letter and BCLU’s views with you or the appropriate Planning or County Counsel staff and you can contact me at 415-990-4805 or preferably, by email at eyates@marinlandlaw.com.

Thank you for your time and attention to this matter.

Sincerely,

/s/ Edward E. Yates

Edward E. Yates

Cc: bwashington@marincounty.org

⁹ The County previously mistakenly used CEQA Exemption 3 (14 CCR § 15303) for a previous related permit. This project does not qualify for that exemption and it is unlikely that the project qualifies for any CEQA exemption.

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**A Professional Corporation*

VIA EMAIL ONLY

October 3, 2023

Immanuel Bereket, Principal Planner
Community Development Agency
Planning Division
IBereket@marincounty.org

RE: Bolinas Community Land Trust Coastal Permit and Conditional Use Permit Application
Project ID P4152

Dear Mr. Bereket:

On behalf of myself and other concerned Bolinas residents, please accept this letter and attached exhibits as my formal comment concerning the above-referenced Project. Please note that I can be reached locally as follows: PO Box 1107, Bolinas, CA 94924; cell 415-971-2862.

Preliminarily, it is essential to mention four glaringly problematic aspects of this Project. First, to categorize this RV complex as a "private campground" for the Conditional Use Permit ("CUP") is making a mockery of the law. The Marin County Code does not even acknowledge the term "*private* campground" but rather "campground," stating: "Camping is only allowed for a *maximum of 30 days per calendar year per person*, except for camp staff." (Marin County Code Section 22.32.060; emphasis added.)

In addition, the Local Coastal Program defines "campground" land use as follows: "This land use consists of land that is used or intended for use by camping parties, which may include individual campsites, *but where utility hookups for recreational vehicles are typically not provided at campsites*. See also Recreational Vehicle Parks." (Emphasis added.) And "Recreational Vehicle Parks" (land use) is defined as follows: "This land use consists of a site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents *on a transient basis*. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only." (Emphasis added.)

Having to misuse the land use category of "campground" is indicative of why this Project cannot legally be accomplished. This is especially true because the stated purpose and policy of the Coastal Agricultural and Resource-Related Districts is: "to protect agricultural land, continued agricultural uses and the agricultural economy by maintaining parcels large enough to sustain

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agricultural production, *preventing conversion to non-agricultural uses*, and prohibiting uses that are incompatible with long-term agricultural production or the *rural character of the County's Coastal Zone* and to preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands." (Marin County Code Section 20.62.060(A); emphases added.)

Prefaced by the quotes above, the Planning Division cites Section 20.62.060(D), which merely states that "[p]roposed development ... shall comply with all provisions of the LCP ..." (which includes the "campground" definitions quoted above).

The second problematic aspect of this Project is calling it "affordable housing" when it cannot meet the legal and developmental requirements for "affordable housing." In its Plan, the BCLT misstates the Marin County Local Coastal Program, Implementation Plan, Section 22.70.070, by declaring (ambiguously and unintelligibly): "Although the subject property is zoned for agricultural uses, the proposed project is required to preserve future land uses and not to supplant potential agriculture opportunities and agricultural workforce for the community. As the project is required to support the ongoing management of agricultural uses in Bolinas, the project is consistent with this section." However, *almost none* of the residents proposed for the "campground" are agricultural workers. This is one of the reasons an almost identical permit application by the Tacherras was withdrawn *21 years ago*.

It appears that both the BCLT and Marin County, as well as the Bolinas Community Public Utility District ("BCPUD"), are manipulating, re-defining, amending, and/or ignoring laws and policies to get this pretense of "affordable housing" built. Politics, optics, and public pressure are set to replace *legal governance* in Bolinas.

The third problematic aspect of this Project is the fact that, for 30 years, Marin County has known about the substandard conditions in which the residents of the Ranch have been living. In October 1993, Marin County posted a Notice of Violations at the Ranch, listing numerous violations of the County Code, including, but not limited to, substandard and unsanitary living conditions. Not only have the unhealthy, demeaning, and hazardous conditions been ignored and *not* remedied, but the number of tenants has greatly increased, and the County, through its Court-appointed Receivership, has unlawfully collected rents from those residents for about 16 years. The County, working with the BCLT, seeks to cover its tracks, erase the past, and deceitfully demonstrate how supportive, compassionate, and accommodating it can be.

The last obviously problematic aspect of the Project is water. Bolinas water is limited. Water meters are governed by the Bolinas Water Moratorium and the BCPUD and, currently, there are no water meters available for purchase. In a letter dated May 25, 2023, the BCLT requested limited water use permits for both the Tacherra Ranch property (APN 188-170-11 / 160 Mesa Road) and the BCLT's adjacent and contiguous property (APN 193-020-38 / 130 Mesa Road – the location slated for the proposed RVs). The BCLT also requested the "stacking" of those two water allocations "to serve the temporary private RV trailer campground, as identified in [the

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'Emergency'] Coastal Permit Application (P4047)." Regardless of the extremely low amount of water these two permits make available per resident (between 26 and 29 gallons per day), especially given the addition of 27 or so toilets, kitchen and bathroom sinks, and showers or bathtubs, the BCPUD Board granted the requested allocation at a Special Meeting on May 31, 2023; that approval was given in anticipation of and conditional upon: (a) the BCLT's acquisition and ownership of the property at 160 Mesa Road (not yet completed), *and* (b) the issuance of a County building permit for the *temporary* RV trailer campground project. Significantly, BCPUD Resolution 671 provides that the BCPUD Board has discretion to allow the stacking of water use allocations (limits) *for affordable housing projects* if it finds that: (a) affordable housing is the *sole* purpose of the project, *and* (b) the water service connections are both owned by the same customer.

In granting the request to stack the meters, the BCPUD blindly accepted the BCLT's assertion that its Project is, in fact, an "affordable housing" development, never mind that several Code sections contravene the BCLT's plan for a "private campground" and that the proposed permanent site for this affordable housing – the adjacent Ranch property – is governed by a Williamson Act Contract.

In a letter dated June 12, 2023 from the BCPUD to Mr. Bereket summarizing the meeting and decision, Footnote 2 is revealing – "During this discussion, the BCLT Executive Director Annie O'Connor queried whether the BCLT would be able to 'unstack' the water use allocations at a later time *if the BCLT should seek to use any of the water for non-affordable housing purposes.*" The County should consider the probability that the temporary and emergency affordable private RV campground is intended to be, or ultimately will be, permanent.

On October 4, 2023 (tomorrow), the BCPUD will consider and vote on the BCLT's current request to stack the meters *despite its failure (as of now) to acquire the adjacent Ranch property, as previously conditioned.*

The Coastal Permit and Conditional Use Permit Application for the Tacherra Ranch Project (P4152) should be *denied* for the reasons set forth above and reflected in the timeline below; these reasons also support a *denial* of the *previously-granted* Emergency Coastal Permit Application and perhaps future filings for injunctive relief.

1. 10/1993 Notice of Violations of County Code: This Notice was later addressed in Resolution 94-16, below, by the Marin County Board of Supervisors ("Board"). These violations were not rectified, despite the Resolution and Order, as well as a Court Order, until recently, or if at all, *30 years after the Notice of Violations* was posted at the Tacherra Ranch ("Ranch"). Three separate County departments were involved in the Notice – Planning, Building Inspection, and Environmental Health Services (due to the *substandard septic situation*). See **Exhibit 1**.
2. 01/25/1994 Resolution and Order of the Board of Supervisors: On January 25, 1994 – *almost 30 years ago* – the Board voted for Resolution 94-16, declaring the conditions on the Ranch a public nuisance and ordering abatement. Such conditions included the storage

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and/or habitation of mobile homes and trailers, the construction of appurtenant mobile home structures, the habitation of mobile homes without an approved septic system or water source, the storage of inoperable vehicles and junk, and the operation of a contractor's business and storage yard. See **Exhibit 2**.

In support of Resolution 94-16, the Board found the Ranch was in violation of numerous Marin County Code Sections, including, without exclusivity, the following: Title 22, Section 22.57.022(6), 22.88.010(10), 22.57.023(11), 22.56.040 and Title 7, Section 7.52.020, which sections prohibit the storage and/or habitation of mobile homes and trailers without Master Plan, Use Permit and Coastal Permit approval.

Section 22.57.022I(6) restricts C-ARP development as follows: "Farm and ranch buildings including dwelling, stables, barns, pens, corrals, or coops; structures for killing, dressing, packing or handling products raised on the premises, but not including an abattoir for cattle, sheep or hogs; *dwelling shall be incidental to the agricultural use of the land for the residence of the owner or lessee of the land and the family of the owner or lessee, or for their employees engaged in the agricultural use of the land*; agricultural use of the land means agriculture as the primary or principal use of the land as demonstrated by the applicant to the satisfaction of the planning director. The total number of dwellings shall not exceed the density permitted in the district." (Emphasis added.) *As almost none of the residents living at the Tacherra Ranch are agricultural workers*, the Board found that the mobile homes and other living spaces at the Tacherra Ranch *violated* this Section of the County Code.

Section 22.88.010I(10) allows the use of mobile homes, otherwise restricted in residential and agricultural districts, solely "*while a residence is being constructed on that parcel of land*." (Emphasis added.) As there is no real estimate as to when the BCLT will have the ability or funding to build its planned "affordable housing" complex on the Tacherra Ranch, or when and if the BCLT can afford to finalize the purchase of that land (especially due to the Biological Site Assessment ("BSA") requirements), the BCLT is unable to comply with this Section of the County Code.

Section 22.57.023I(11) allows for a use permit (that must be applied for and secured) in all coastal agricultural districts for "[m]obile homes not on permanent foundations, so long as they are *used exclusively for employees of the owner who are actively and directly engaged in the agricultural use of the land*." (Emphasis added.) Again, the BCLT is unable to comply with this Section of the County Code, which is one of the reasons the Board issued Resolution 94-16 ordering abatement.

Section 22.56.040 concerns Accessory Dwelling Units, stating that such units must comply with "all of the applicable standards listed in Section 22.32.120 [residential accessory dwelling units]." The Board found that the BCLT could not do so.

Section 7.52.020 restricts "the use or occupancy of any bus, camper, car, housecar, trailer, or trailer coach for human habitation on any street, park, parkway, beach, or other public or private property" to areas specifically "zoned or designed for such purposes by the County." The Tacherra Ranch Project cannot comply with this Section of the County Code, as the Project's land is not so zoned or designed.

3. 04/03/1998 County Counsel Letter: On April 3, 1998, in a letter to the attorneys for the Estate of Jess Tacherra, County Counsel of Marin County wrote: "The property owners have failed to abate the conditions constituting the public nuisance as ordered by the Board of Supervisors. Therefore, the property continues to be in violation of zoning, health and safety and building codes." According to County Counsel, to resolve this problem, the Tacherras had two options: (a) submit applications for Master Plan, Development Plan, Coastal Permit, Use Permit, and an Initial Study by Fish and Game, along with a fee check in the amount of \$70,665; or (b) remove the mobile homes, appurtenant structures, septic, utilities, etc., to satisfy the Community Development Agency, and pay \$500 for Code Enforcement costs and to release the Notice of Violation and lien. See **Exhibit 3**.
4. 09/01/1998 Inspection: On September 1, 1998, the County inspected the Tacherra Ranch property and took photographs; nothing had been done to comply with Resolution 94-16. In a follow-up letter several months later, Senior Code Enforcement Specialist Debbi Poiani of the Marin County Community Development Agency ("CDA") wrote to the Tacherras that the property *remained in violation of Resolution 94-16*, as depicted in the photographs taken on September 1, 1998. The letter provided the following specific examples of illegality and continuing violations: (a) existence of mobile homes and trailers; (b) existence of carports, stairs, decks, wells and septic systems attached to the mobile homes/trailers; (c) storage of inoperable vehicles and junk; and (d) failure to secure Design Review approval for existing cargo container type structures used for agricultural purposes. See **Exhibit 4**.
5. 09/22/1999 Letter from Marin County Counsel: In a letter dated September 22, 1999, County Counsel wrote to attorneys for the Tacherras, after having a discussion in court, in part: "I am led to believe that your clients are moving forward with an engineer to develop plans for legalizing the structures that are currently on the property, *but were to be removed per the Order of the Marin Board of Supervisors, dated January 25, 1994*. While they are free to explore any number of options, *I am not optimistic that your clients will be able to legalize the structures and provide adequate water and sewer facilities in order to meet the Board's Order and Code requirements*." (Emphases added.) County Counsel went on to request a timeline for plans. See **Exhibit 5**.
6. 08/02/2000 Performance Agreement between Tacherras and CDA: On August 1 and 2, 2000, the CDA and the Tacherras (James, Susan, and Ernie, all represented by Lawrence Baskin) agreed, in pertinent part, to the following:
 - (a) On or before October 1, 2000, the owners shall:

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- File with the CDA a preliminary and schematic plan for the development of the property(s) and for compliance with the provisions of the Marin County Code and a timeline for compliance with the abatement order.
 - Remove any remaining inoperable cars and trucks from the property.
 - Conduct a walk-through inspection with the County Senior Code Enforcement person who shall have the authority to determine any and all other personal property to be removed from the Property on or before November 1, 2000 or fourteen days from the inspection whichever shall first occur.
 - On or before November 15, 2000, the owners shall submit a Master Plan, Development plan and Permit applications as necessary for compliance.
 - On or before December 31, 2000, the owners shall submit any necessary revisions.
- (b) Should the owners fail to comply with the deadlines, and any granted extensions, upon written notice from the CDA, the owners shall:
- Give a 30-day notice of termination of tenancy to all occupants of trailers, mobile homes or structures and thereafter promptly commence eviction proceedings as to any such occupants who have failed to vacate the property.
 - Tacherras shall indemnify, hold harmless and defend the CDA from any and all claims, damages and or suits by any person or entity against the CDA-or any claim as a result of the aforementioned eviction proceedings.
 - Promptly remove all trailers, mobile homes and structures, electrical and plumbing connections thereto and all occupants including that mobile home/ trailer occupied by James and Susan Tacherra on the Property, but not including the Home Ranch residence previously occupied by Jess J. Tacherra prior to his decease.
 - Tacherras shall vacate the Property and shall not occupy or use, or allow the occupancy or use of the Property in any manner that would constitute a violation of the Court's order for abatement pursuant to resolution of the Marin County Board of Supervisors.
- (c) On August 15, 2000, that Performance Agreement was modified only as to the payee on the check to satisfy the outstanding violation-related lien of \$50,685.

See **Exhibit 6**.

7. 10/01/2000 Letter re Conceptual Development of Tacherra Ranch: On October 1, 2000, Carol Whitmire, Land Use Planning and Public Policy Consultant retained by the Tacherras (or the BCLT?) wrote that the Tacherras intend "to file with the County an application for a Master Plan, Development Plan, Design Review Plans, and Coastal Permit to permit an agricultural and residential operation on APNS 188-170-11, 34, and 55 (+/-81 acres), consisting of a maximum of 8 residential units served by legal, Code compliant septic system(s) and a combination of water from Bolinas PUD and County permitted well(s). The 8 residential units will be consistent with the current zoning of C-ARP 10, Coastal/ Agricultural Residential Planned District, one unit per 10 acres." According to Ms.

Whitmire, the contiguous 20.6-acre parcel could be sold to support the funding of the planned improvements. See **Exhibit 7**.

8. 10/18/2000 Letter from the BCLT to Ernie Tacherra re Assistance: In a letter dated October 18, 2000 (mentioned above in the preliminary comments), BCLT President Bruce Bowser offered assistance to the Tacherras "to maintain presently situated mobile homes." Mr. Bowser went on: "We are convinced that this mobile village in an agrarian setting is fulfilling a critical housing need for our small town. *Having operated without incident for many years*, the units have fulfilled a critical need as dwellings for working families. Thank you for maintaining the amalgamation of our small town *with a living situation that suits so many*." (Emphasis added.) See **Exhibit 8**.
9. 10/23/2000 Marin County Superior Court Order: On October 23, 2000, an Order signed by Judge Duryee was filed, incorporating Resolution 94-16. In pertinent part, the Order stated:
 - "In regard to the real property located at 160 Mesa Road, Bolinas, California (Assessor's Parcel No. 188-170-11), *abate the conditions and nuisances* enumerated in the Resolution and Order of the Board of Supervisors, dated January 25, 1994, within ninety (90) days, a copy of which is attached hereto as Exhibit 'A;' and
 - Submit a Master Plan; Development Plan; Coastal Permit; Use Permit; Initial Study; and apply for the appropriate Fish and Game permits, and fees associated with all such applications, and any other such permits as may be necessary to bring said Property into compliance with the Marin County Code within ninety (90) days." (Emphasis added.)

See **Exhibit 9**.

10. 11/21/2000 Transmittal Memorandum re Tacherra Master Plan: This Memo, written by Christine Gimmler, Marin County CDA Senior Planner, summarized the Master Plan submitted by the Tacherras to the County: "Current development on the site proposed for legalization includes two existing single family residences as well as up to 11 existing mobile homes and trailers. The precise number of units that could be legalized on the property will depend on the results of water availability and septic system percolation tests that have not been completed. As part of the project, the applicant also proposes to subdivide Assessor's Parcel 188-170-54 into two single-family residential lots of approximately 10 acres each, which would be sold to finance improvements elsewhere on the property." This Memo confirms that the property "is governed by Coastal, Agricultural and Residential, *one unit per ten acre (C-ARP-10) zoning, which would permit up to 10 residential units on the 100 acre property*." (Emphasis added.) The Memo also acknowledges that the Tacherra Ranch is under a Williamson Act Conservation Contract, restricting what can be constructed on that parcel. See **Exhibit 10**.

11. 12/21/2000 Letter from BCPUD to Senior Planner Gimmler: In this letter, Philip Buchanan of the BCPUD wrote: "Last night at the regular monthly meeting of the Bolinas Community Public Utility District (BCPUD) Board, directors reviewed the subject coastal permit application and master plan, as well as the two previous comment letters submitted by BCPUD. [New ¶:] One additional and essential comment: *the amount of water needed to sustain the proposed uses on the property is not assured.*" (Emphasis added.) See **Exhibit 11**.

12. 01/24/2001 Notice of Project Status from Senior Planner Gimmler: This Notice required additional information about the Tacherra Coastal Permit Application of 2000, including, but not limited to, the following:
 - "Clarify the nature and extent of existing agricultural operations and uses conducted on the subject property. Indicate the number of agricultural workers currently employed by the property owners.
 - Please clarify whether the mobile homes proposed for legalization are intended to provide housing for agricultural workers employed by the property owners, agricultural workers employed elsewhere in the area, or whether they are intended to provide affordable housing for the general community. *Please note that the governing C-ARP-10 zoning permits dwelling units that are incidental to the agricultural use of the land for the residence of the owner or lessee of the land (and their family), or for employees engaged in the agricultural use of the land. Therefore, it appears that the rezoning of at least a portion of the subject property would be required to allow affordable housing for nonagricultural workers.*" (Emphasis added.)

See **Exhibit 12**.

No response to the request for information was provided to the County, and the Application was withdrawn as of April 30, 2002. The County closed its file on May 8, 2002.

13. 04/06/2006 Civil Action to Quiet Title (Partition and Sale): James Tacherra v. Ernest Tacherra – Marin County Superior Court, Case No. CIV 061492: On July 11, 2007, the court appointed Lawrence Baskin as Receiver with respect to the management and operation of the subject real properties. The trial court granted partition and quieted title, judicially determined the parties' rights and obligations, determined partnership values, ordered the winding up and dissolution of the partnership, and appointed the receiver (Baskin) as referee for the winding up. The court issued an interlocutory judgment to this effect. See **Exhibit 13** (Docket).

14. 11/12/2009 and 06/17/2010 Letters from Code Enforcement to Receiver Baskin: These almost identical letters from Senior Code Enforcement Specialist Debbi Poiani indicate that

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the County inspected the Ranch on October 7, 2009 to determine the status of the existing violations. Ms. Poiani wrote, in part:

"The inspection revealed that all of the violations identified in the original abatement order still exist, including trailers and mobile homes, attached structures to the trailers and mobile homes, inoperable vehicles and junk, and the continued rental of substandard housing, specifically without approved septic systems. It was also noted that there appears to be a number of commercial uses operating, including a wood business, an auto repair business and several contractor or mini storage areas. The property owners have been aware that these uses are illegal and that the Court has confirmed the Board of Supervisors order, but *instead of cleaning up and removing these identified illegal uses, they have instead added additional illegal rental housing*, cargo containers, junk, inoperable vehicles, and have placed a significant amount of fill on the property. The current status is extremely unsafe from a health and safety perspective due to the lack of approved water and septic, as well as from a fire perspective. The Fire Department expressed grave concern with the proximity of the trailers to one another as well as emergency personnel's inability to access the structures." (Emphases added.)

"It was noted that there are children living in these units and if necessary we will contact Child Protective Services for a welfare check. The Sheriff's office has also indicated that there are a fair number of calls for service at this address, a more thorough investigation of the tenants may be necessary to put them on notice regarding the substandard conditions."

Ms. Poiani asked to speak with Mr. Baskin "before proceeding with further legal action."

See **Exhibit 14**.

15. 07/14/2010 Letter from Jack Siedman to Code Enforcement Specialist Poiani: In this letter, Jack Siedman mentioned his understanding that the County will not approve the division of parcels (between James and Ernie) "until the various violations and concerns have been met." After briefly addressing the concerns included in Ms. Poiani's letter, Mr. Siedman concluded: "Once an Order is signed and filed formally dividing the parcels between Jim and Ernie, Jim will proceed, with the Receiver, to either legalize or remove all housing units on his parcel. The terms of settlement also include Jim's right to develop a septic system sufficient to accommodate all those units. To the extent the subdivision is supported by the County, it will increase Jim's ability to comply with County Code enforcement and enhance the County's ability to deal directly with Ernie regarding enforcement issues on his parcel." See **Exhibit 15**.

16. 07/28/2012 Draft Agenda re Tacherra Property Exploratory Meeting: The attendees were stated to be:

- Brian Crawford, Director, Marin County Community Development Agency
- Steve Matson, BCLT Board President

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- Gail Reitano, BCLT Board Member
- Lesa Kramer, BCLT Executive Director
- Deborah Poiani, Marin County Code Enforcement
- Leelee Thomas, Marin County Affordable Housing Planner
- David Escobar, Supervisor Steve Kinsey's office
- Larry Baskin, Tacherra Property Receiver

See **Exhibit 16** (Draft Agenda, aerial map, and Mr. Siedman's map – "Jim Tacherra-John Osterweis Deal According to Jack Siedman").

17. 06/01/2021 Certified Letter to the Tacherras re Open Enforcement Case: This letter-notice stated, in pertinent part:

"1. No building permits will be issued for development on the property unless those permits are to resolve the violation. Outstanding enforcement fees will be required to be paid before the case is formally closed.
2. Beginning in October 2021, the Code Compliance Team will begin issuing Administrative Citations pursuant to Marin County Code section 22.122.050. Citations may be issued repeatedly for as long as the code enforcement case remains open."

See **Exhibit 17**.

18. 10/10/2022 Notice of Violation re 160 Mesa Road: According to this Notice signed by Supervising Code Compliance Specialist Cristy Stanley, on May 31, 2022, *Mr. Baskin* requested that the County inspect the property. On July 26, 2022, the County found numerous Code violations consistent with the violations demonstrated throughout the previous *29 years*. Relevant here, the Notice stated: "This letter is to also inform you that the July 26, 2022, inspection revealed gross deficiencies, and substandard housing conditions throughout the property. Mobile homes, trailers, as well as the illegally converted milk barn are provid[ing] drinking water through garden hoses and no sanitation facilities are provided to tenants, other than porta potties throughout the property. During the July 26, 2022, inspection open sewage pits and pooled liquid was visible adjacent to several of the mobile homes and trailers. Rebecca Gondola, Senior Environmental Health Specialist tested the pooled liquid for nitrates, and indicator of the presence of sewage. The liquid tested positive for nitrates and therefore is considered sewage unless otherwise confirmed by dye test."

The Tacherras and Mr. Baskin were ordered to take immediate (within 15 days), albeit temporary, action to remedy the unsanitary conditions. See **Exhibit 18** (which includes the May 2022 email thread between Mr. Baskin and Supervising Code Compliance Specialist Stanley).

19. 10/13/2022 Letter from Baskin to County: In his response to the County's October 10, 2022 Notice of Violation, Mr. Baskin described the efforts that were being undertaken and the fact that additional time was needed to accomplish the immediate concerns. Mr. Baskin also addressed the rental housing issue and described, in general terms, a plan to sell the property to the BCLT so that he would not have to "evict the estimated 30-40 people currently residing on the property." He further wrote that "[t]he BCLT would take the property and assume responsibility for curing the violations ... and would seek permission from the County to install temporary housing for the residents ..." A meeting was scheduled for October 19, 2022. See **Exhibit 19**.
20. 02/09/2023 Certified Letter re Continuing Violations: In this letter, Supervising Code Compliance Specialist Stanley wrote: "On January 17, 2023, a code compliance inspection was conducted at the subject property ... to evaluate the progress made on the violations that were identified in the Notice of Violation Letter sent to you dated October 10, 2022, attached. A list of emergency actions was formed to address the violations relating to the disposal of wastewater and provision of safe drinking water as they were deemed to be immediately threatening to the health and safety of the residents and the environment. A completion date of October 31, 2022 was given to address these immediate action items. To date, each item has not been completed in its entirety." The letter listed the specific violations and immediate remedial measures that needed to be accomplished within 15 days for the substandard living conditions (and 30 days for other issues). See **Exhibit 20**.
21. 03/23/2023 Email from Baskin to County (Cristy Stanley and Sarah Jones) re Update on Remedial Measures: In this email message, Mr. Baskin outlined the corrective actions that had been completed to date pursuant to the October 2022 Notice of Violation and subsequent County deficiency letters. Mr. Baskin also confirmed "that a sale to the BCLT is contemplated to occur this spring. I am informed they have applied for an Emergency Permit for their work that is a *prerequisite to proceeding with the sale*." This clearly implies the 30-year-old "emergency" was a pretext to release parties from their respective legal and financial responsibilities, including the County, and to permit development on BCLT-purchased land otherwise protected from such endeavor. See **Exhibit 21**.
22. 05/09/2023 Approval of BCLT's Emergency Coastal Permit Application (P4047): According to this Approval, the "emergency" was supported by the following: "In response to a request made by Mr. Larry Baskin, Receiver, Marin County employees inspected the property located at 160 Mesa Road, Bolinas on July 26, 2022. During the inspection, staff found unpermitted trailers, mobile homes, and detached accessory structures currently being used for residences without the benefit of required permits. These structures have no access to domestic drinking water and adequate sewage disposal services. Instead, domestic waster is provided through garden hoses while bathing facilities are provided by porta potties throughout the property disbursed throughout the property. Further, staff found four separate areas throughout the property evidence where sewage surfaced onto the ground, as demonstrated by positive nitrate testing." *These facts completely disregard the previous 29*

Immanuel Bereket
Marin County Planning Division
Re: P4152
October 3, 2023
Page 12 of 13

to 30 years of violation notices and intentional and/or negligent noncompliance, as well as a Resolution and Order from the Marin County Board of Supervisors and an Order of the Superior Court.

Although there are hundreds of other documents and details associated with this Project, the above provides sufficient evidence to support a denial of this Coastal Permit Application. In addition, all grading and ground preparations for the RVs on APN 193-020-38 should immediately cease so that the CDA and Bolinas residents, as well as County Counsel, have more time to consider the legality and feasibility of this Project. In light of the pending motion filed in Superior Court on behalf of the proposed residents of the RVs and their future claim for monetary compensation, staying further construction activities would be the most prudent course of action.

Last, I find it curious that the County website identifies the site for the two permit applications differently:

	Project 4047 (Emergency)	Project 4152 (Pending)
Zoning	C-RA-B2 (Coastal, Residential Agriculture District)	C-ARP (Agricultural Residential Planned)
Countywide Plan Designation	C-SF5 (Coastal, Single-Family, 1-2 units per acre)	C-AG2 (Agriculture, 1 unit/30-60 per acre)
Community Plan	Bolinas Community Plan	Bolinas Community Plan

The County's decision could very well determine the viability of the Bolinas Water Moratorium and the Bolinas Community Plan (adopted as part of the Local Coastal Program). Political pressure to satisfy the State's mandate for building affordable housing (which is being questioned and opposed by other coastal communities) should not be alleviated by developing coastal open space with a wetland specifically valued and sought to be protected by the Community Plan. Most importantly, the law on which we rely for equitable governance should not be so easily disregarded.

Thank you for your consideration.

Sincerely,

KONELL RUGGIERO LLP



Cheryl Ruggiero

Immanuel Bereket
Marin County Planning Division
Re: P4152
October 3, 2023
Page 13 of 13

cc: Stephanie Rexing, California Coastal Commission
Stephanie.Rexing@coastal.ca.gov

Patrick M.K. Richardson, Deputy County Counsel
Via Facsimile: 415-499-3796

Laura McMahan, Legal Aid of Marin
LMcMahan@legaidmarin.org

Verónica Meléndez, California Rural Legal Assistance Foundation
VMelendez@crlaf.org

Dennis Rodoni, Supervisor
DRodoni@marincounty.org,

Jennifer Blackman, BCPUD
JBlackman@bcpud.org

Sean Kennings, Applicant
Sean@lakassociates.com

Annie O'Connor, BCLT
AOConnor@bolinaslandtrust.org

Will Bartlett, Bolinas Civic Group
Will@theyescollective.com

EXHIBIT 1

EXHIBIT 1
NOTICE OF CONDITIONS CAUSING PUBLIC NUISANCE

TO: Mr. Jess Tacherra
Mr. James Tacherra
Mr. Ernest Tacherra
P.O. Box 67
Bolinas, CA 94924

YOU ARE HEREBY NOTIFIED that the use and condition of your property located at 160 Mesa Road, Bolinas, Marin County, California, more particularly described as Marin County Assessor's Parcel #188-170-11, 34 has been determined by the Marin County Planning Department, Building Inspection Department and Environmental Health Services to violate the Marin County Code and may, therefore, be declared a public nuisance.

The conditions that render Assessor's Parcel #188-170-11, 34 illegal are as follows:

1. The storage/habitation of mobile homes and trailers in an Agricultural, Residential Planned zoning district without Master Plan, Use Permit, and Coastal Permit approval in violation of Marin County Code, Title 22, Section 22.57.022(6), 22.57.023(11), 22.88.010(10), and 22.56.040, Title 7, Section 7.52.020.
2. The construction of appurtenant mobile home/trailer structures, such as, carports, stairs, decks, wells, and septic systems without Master Plan, Design Review, Coastal Permit, Well Permit, Septic Permit and Building Permit in violation of Marin County Code, Title 22, Sections 22.57.022(6), 22.82.020 and 22.56.040, Title 7, Section 7.28.020, Title 18, Section 18.06.040 and Title 19, Section 19.04.010 which adopts the Uniform Administrative Code, Section 301(a).
3. The storage of inoperable vehicles and junk without Master Plan, Use Permit and Coastal Permit approval in violation of Marin County Code, Title 22, Sections 22.57.022, 22.57.023(14) and 22.56.040.
4. The operation of a contractor's business and storage yard (B&M Construction) without a Master Plan, Use Permit and Coastal Permit approval in violation of Marin County Code, Title 22, Sections 22.57.022, 22.57.023(12) and 22.56.040.

5. The installation of a satellite dish for the operation of a cable company without a Master Plan and Coastal Permit in violation of Marin County Code, Title 22, Section 22.57.022(12) and 22.56.040.

cc: James and Ernie Tacherra, P.O. Box 146, Bolinas, CA 94924
John Burroughs, 145 "A" Street, Pt. Reyes, CA 94956
Bill Tacherra, P.O. Box 591, Bolinas, CA 94924
Jack Siedman, P.O. Box 37, Bolinas, CA 94924
Joseph Tinney, P.O. Box 589, Petaluma, CA 94953-0589
Alexis McBride, Deputy County Counsel
Kevin Hicks, Bolinas Fire Department
Steve Jensen, Building Inspection
Bruce McCarthy, Environmental Health Services

EXHIBIT 2

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 94-16

RESOLUTION DECLARING THE STORAGE AND/OR HABITATION OF MOBILE HOMES AND TRAILERS, THE CONSTRUCTION OF APPURTENANT MOBILE HOME STRUCTURES, THE HABITATION OF MOBILE HOMES WITHOUT AN APPROVED SEPTIC SYSTEM OR WATER SOURCE, AND THE STORAGE OF INOPERABLE VEHICLES AND JUNK, AND THE OPERATION OF A CONTRACTOR'S BUSINESS AND STORAGE YARD ON ASSESSOR'S PARCEL #188-170-11, 34 TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT

WHEREAS, Assessor's Parcel #188-170-11 is a lot owned by Jess Tacherra, and Assessor's Parcel #188-170-34 is a lot owned by Jess Tacherra, James Tacherra and Ernest Tacherra located at 160 Mesa Road, Bolinas, Marin County, California; and,

WHEREAS, it is alleged by the Marin County Planning Department, Building Inspection Department, and Environmental Health Services that the use and condition of the property constitutes a public nuisance and violates the Marin County Zoning Ordinance, Building and Health Codes, as more particularly described in Exhibit 1 attached hereto and made a part hereof; and,

WHEREAS, Jess Tacherra, James Tacherra and Ernest Tacherra the owners of the property, were notified of a hearing to be held on the question of whether a nuisance did in fact exist; and,

WHEREAS, said hearing was held on July 27, 1993, October 19, 1993, November 23, 1993, and January 25, 1994 pursuant to Government Code Section 25845, and evidence having been heard and considered by the Board on the question of whether a public nuisance did in fact exist on Assessor's Parcel 188-170-11, 34 and whether the cost of abating such a nuisance should be made a lien on said property to the extent the public nuisance is abated from said property.

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTIONS 1: Findings: The Board of Supervisors held a public hearing on July 27, 1993, October 19, 1993, November 23, 1993, and January 25, 1994 and after review of the administrative record and public testimony,

1. The Board of Supervisors finds 160 Mesa Rd., Bolinas, to be in violation of Marin County Code; Title 22, Section 22.57.022(6), 22.88.010(10), 22.57.023(11), 22.56.040 and Title 7, Section 7.52.020, which sections prohibit the storage and/or habitation of mobile homes and trailers without Master Plan, Use Permit and Coastal Permit approval.

2. The Board of Supervisors finds 160 Mesa Road, Bolinas, to be in violation of Marin County Code, Title 22, Section 22.57.022(6), 22.82.020, 22.56.040, Title 7, Section 7.28.020, Title 18, Section 18.06.040 and Title 19, Section 19.04.010 which adopts the Uniform Administrative Code, Section 301(a), which sections prohibit construction of appurtenant mobile home/trailers structures, such as, carports, stairs, decks, wells and septic systems without Master Plan, Design Review, Coastal Permit, Septic Permit, Well Permit and Building Permit approval.
3. The Board of Supervisors finds 160 Mesa Road, Bolinas to be in violation of Marin County Code, Title 22, Sections 22.57.022 and 22.57.023(14), and 22.56.040 which sections prohibit the storage of inoperable vehicles and junk without Master Plan, Use Permit and Coastal Permit approval.
4. The Board of Supervisors finds 160 Mesa Road, Bolinas to be in violation of Marin County Code, Title 22, Sections 22.57.022, 22.57.023(12) and 22.56.040, which sections prohibit the operation of a contractor's business and storage yard (B&M Construction) without Master Plan, Use Permit and Coastal Permit approval.
6. The Board of Supervisors finds 160 Mesa Road, Bolinas to be in violation of Marin County Codes for illegal uses which were not established legally or with permits and therefore are found not to be legal non-conforming.
7. The Board of Supervisors finds 160 Mesa Road, Bolinas to be substandard under Housing Code standards due to the lack of an approved septic system.

SECTION II: That it is found, ordered and declared that a public nuisance exists by reason of the illegal mobile homes, trailers, appurtenant mobile home/trailer structures, junk, inoperable vehicles, and the operation of a contractor's business and storage yard more particularly described in Exhibit 1 attached hereto and made a part hereof, on Assessor's Parcel #188-170-11, 34

SECTION III: Jess Tacherra, James Tacherra and Ernest Tacherra are hereby ordered to abate said nuisance by removal of items listed in Exhibit 1, attached hereto and made a part hereof, not later than March 25, 1994.

SECTION IV: If the owners of the property, Jess Tacherra, James Tacherra, and Ernest Tacherra do not remove the items as described in Exhibit 1 attached hereto, on or before March 25, 1994, the Directors of the Marin County Planning Department, Department of Public Works and Health and Human Services are hereby ordered to abate said nuisance. The cost of said abatement shall become an assessment against the property on which the nuisance is located (Assessor's Parcel #188-170-11, 34), and if said lien is not promptly paid, said sum shall become a lien on said property.

SECTION V: The Marin County Planning Director is hereby directed to record a Notice of Violation and lien in the amount of \$50,685.00 (Master Plan \$29,950.00, Development Plan \$11,630.00, Coastal Permit \$1,630.00, Use Permit \$4,750.00, Initial Study \$1,450, and Fish and Game Fees \$1,275.00) to cover application fees and penalties against Assessor's Parcel #188-170-11, 34 on March 25, 1994.

Notice of this Resolution shall be given to the property owners as described by law.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Marin held on 25th day of January, 1994 by the following vote to-wit:

AYES: Supervisors: Annette Rose, Bob Roumiguere, Harold Brown, Brady Devls,

NOES: Supervisors: Gary Giacomini

ABSENT: Supervisors:



CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:


TOM CAMPANELLA
Clerk of the Board

Notice of Time to File Court Action:

Marin County Code, Section 1.05.050 provides, in part, "the time within which judicial review of the decision of the Board of Supervisors must be sought is governed by California Code of Civil Procedure section 1094.6. Judicial review must be sought not later than the 90th day following the date on which this decision becomes final."

EXHIBIT 1
NOTICE OF CONDITIONS CAUSING PUBLIC NUISANCE

TO: Mr. Jess Tacherra
Mr. James Tacherra
Mr. Ernest Tacherra
P.O. Box 67
Bolinas, CA 94924

YOU ARE HEREBY NOTIFIED that the use and condition of your property located at 160 Mesa Road, Bolinas, Marin County, California, more particularly described as Marin County Assessor's Parcel #188-170-11, 34 has been determined by the Marin County Planning Department, Building Inspection Department and Environmental Health Services to violate the Marin County Code and may, therefore, be declared a public nuisance.

The conditions that render Assessor's Parcel #188-170-11, 34 illegal are as follows:

1. The storage/habitation of mobile homes and trailers in an Agricultural, Residential Planned zoning district without Master Plan, Use Permit, and Coastal Permit approval in violation of Marin County Code, Title 22, Section 22.57.022(6), 22.57.023(11), 22.88.010(10), and 22.56.040, Title 7, Section 7.52.020.
2. The construction of appurtenant mobile home/trailer structures, such as, carports, stairs, decks, wells, and septic systems without Master Plan, Design Review, Coastal Permit, Well Permit, Septic Permit and Building Permit in violation of Marin County Code, Title 22, Sections 22.57.022(6), 22.82.020 and 22.56.040, Title 7, Section 7.28.020, Title 18, Section 18.06.040 and Title 19, Section 19.04.010 which adopts the Uniform Administrative Code, Section 301(a).
3. The storage of inoperable vehicles and junk without Master Plan, Use Permit and Coastal Permit approval in violation of Marin County Code, Title 22, Sections 22.57.022, 22.57.023(14) and 22.56.040.
4. The operation of a contractor's business and storage yard (B&M Construction) without a Master Plan, Use Permit and Coastal Permit approval in violation of Marin County Code, Title 22, Sections 22.57.022, 22.57.023(12) and 22.56.040.

5. The installation of a satellite dish for the operation of a cable company without a Master Plan and Coastal Permit in violation of Marin County Code, Title 22, Section 22.57.022(12) and 22.56.040.

cc: James and Ernie Tacherra, P.O. Box 146, Bolinas, CA 94924
John Burroughs, 145 "A" Street, Pt. Reyes, CA 94956
Bill Tacherra, P.O. Box 591, Bolinas, CA 94924
Jack Siedman, P.O. Box 37, Bolinas, CA 94924
Joseph Tinney, P.O. Box 589, Petaluma, CA 94953-0589
Alexis McBride, Deputy County Counsel
Kevin Hicks, Bolinas Fire Department
Steve Jensen, Building Inspection
Bruce McCarthy, Environmental Health Services

EXHIBIT 3

PATRICK K. FAULKNER
COUNTY COUNSEL

ALLEN A. HAIM
CHIEF DEPUTY

DOROTHY R. JONES
JOHN F. GOVI
PRINCIPAL DEPUTIES

COUNTY COUNSEL OF MARIN COUNTY
SUITE 303, CIVIC CENTER
SAN RAFAEL, CALIFORNIA 94903

(415) 499-6117
FAX (415) 499-3796
TDD (415) 499-6172

Deb

RUTH W. ROSEN
ALEXIS J. MCBRIDE
MARI-ANN G. RIVERS
CHARLES J. MCKEE
DEBORAH A. BIALOSKY
RENEE GIACOMINI BREWER
DAVID L. ZALTSMAN
MICHELE KENO
DEPUTIES

PAULETTE ENGLER
ADMINISTRATIVE ASSISTANT

April 3, 1998

Joseph C. Tinney
Attorney at Law
Lounibos, Lounibos & Tinney
10 Fourth Street
Petaluma, CA 94953

Re: The Estate of Jess Tacherra

Dear Mr. Tinney:

This letter is response to a request from William J. Tacherra for a code enforcement status report on the A.P.# 188-170-34; 193-020-38; 188-170-55, and 188-170-11. The Community Development Agency, Planning and Building Inspection Divisions have indicated that they have no information on the code enforcement status of A.P.# 188-170-55 and 193-020-38 at this time.

With regard to A.P.# 188-170-11 and 188-170-34, an abatement order and lien remain outstanding. On January 25, 1994, the Marin County Board of Supervisors declared certain uses and conditions of these properties to be a public nuisance by Resolution #94-16, and ordered the property owners, Jess, James and Ernest Tacherra to abate the following:

1. The storage and/or habitation of mobile homes and trailers in an agricultural, Residential, Planned zoning district without Master Plan, Use Permit and Coastal Permit approval.
2. The construction of appurtenant mobile home/trailer structures, such as; carports, stairs, decks, wells, and septic systems without Master Plan, Design Review, Coastal Permit, Well Permit, Septic Permit and Building Permit.
3. The storage of inoperable vehicles and junk without Master Plan, Use Permit and Coastal Permit approval.
4. The operation of a contractor's business and storage yard (B&M Construction) without Master Plan, Use Permit and Coastal Permit approval.
5. The installation and operation of a satellite dish for

Tinney Letter
April 3, 1998
page two

the operation of a cable television company without Master Plan and Coastal Permit approval.

The Board of Supervisors also directed the Planning Director to record a Notice of Violation and Lien in the amount of \$50,685.00 to cover application fees and penalties.

The property owners have failed to abate the conditions constituting the public nuisance as ordered by the Board of Supervisors. Therefore, the property continues to be in violation of zoning, health and safety and building codes.

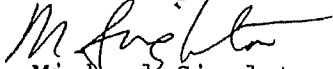
To resolve this matter, the property owners or their agent must submit applications for Master Plan, Development Plan, Coastal Permit, Use Permit, Initial Study and Fish and Game review to begin the process. I have enclosed the appropriate applications including all the submittal requirements for your review. These applications, submittal requirements and fees in the amount of \$70,665.00 (this amount reflects the current fees) may be submitted to the Community Development Agency, Planning Division to begin the process of legalizing the mobile homes and Contractor storage yard business. You should be advised that the code does not permit dwellings exceeding the density permitted in the zoning district.

In the alternative, the property owners or their agent must remove the mobile homes and improvements, including appurtenant structures, septic systems, and all utilities to the satisfaction of the Marin County Community Development Agency. Payment of enforcement costs in the amount of \$500.00 is required before release of the Notice of violation and lien.

Should the property owners or the estate not resolve this outstanding enforcement action in a timely manner, the County will pursue enforcement of the order through the courts.

Should you have questions regarding the permit process, submittal requirements or fees, you may contact Debbi Poiani of the Community Development Agency at (415) 499-7169. I can be reached at (415) 499-6117.

Sincerely,


Michael Singleton
Legal Assistant

Attachments: BOS Res.#94-16
M.C.C. § 22.56
Permit applications

cc: William J. Tacherra, w/o attachments
Ernest Tacherra, w/o attachments
James Tacherra, w/o attachments

EXHIBIT 4

Marin County Community Development Agency

Alex Hinds, Director

May 25, 1999

Mr. Jess J. Tacherra
P.O. Box 67
Bollinas, CA 94924

RE: Marin County Board of Supervisors Resolution 94-16
160 Mesa Road, Bollinas
A.P. #188-170-11

Dear Mr. Tacherra:

This letter is to notify the Jess J. Tacherra Estate that the above mentioned property remains in violation of Marin County Board of Supervisors Resolution 94-16. On September 1, 1998, the Community Development Agency was requested to complete an inspection for the executor of the estate to determine the violations existing on the property. The attached pictures depict the condition of the property during the September 1, 1998 inspection. Pictures 1, 2, 3, and 4 identify areas where trailers/mobile homes are located. These mobile homes/trailers are identified as illegal as the first item in Exhibit 1 of the resolution. Additionally, item two of Exhibit 1 indicates that the carports, stairs, decks, wells, and septic systems attached to these mobile home/trailers are also illegal. Pictures 5 through 11 depict the storage of inoperable vehicles and junk. These items were declared illegal in Exhibit 1, item three.

Additionally, during our inspection the agricultural use of the property was identified as raising chickens and approximately 20 head of cattle. Pictures 12, 13, and 14 identify the structures used for agricultural purposes. These structures are subject to Design Review approval. Also Marin County of Marin code requires Design Review approval for all cargo containers. Pictures 15, 16, 17, and 18 depict cargo container type structures, which have not been located on the subject property with Design Review approval.

To date, I am unaware of any changes in the condition of the property. If violations have been corrected please contact me to schedule an inspection. You may reach me at 499-7169.

Sincerely,

Debbi Poiani
Senior Code Enforcement Specialist

Cc: Patrick Richardson

verification of
petition to
probate will



①



②



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4



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7



8



9



10



(11)



(12)



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14



15



16



17



18

EXHIBIT 5

PATRICK K. FAULKNER
COUNTY COUNSEL

ALLEN A. HAIM
CHIEF DEPUTY

DOROTHY R. JONES
JOHN F. GOVI
PRINCIPAL DEPUTIES

JNTY COUNSEL OF MARIN COUNTY
Suite 303, Civic Center
San Rafael, California 94903

(415) 499-6117
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ALEXIS J. MCBRIDE
MARI-ANN G. RIVERS
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DAVID L. ZALTSMAN
MICHELE KENO
NANCY STUART GRISHAM
JENNIFER M. WALDRON
DEPUTIES

PAULETTE ENGLER
ADMINISTRATIVE ASSISTANT

September 22, 1999

Henry D. Froneberger, Esq.
Burrroughs, Froneberger & Humber
145 "A" Street
P.O. Box 440
Point Reyes Station, CA 94956

Re: In re the Matter of the Estate of Jess J. Tacherra et al.
Marin Superior Court Case No. 41207

Property: 160 Mesa Road, Bolinas, California
APN: 188-170-11; 34

Dear Mr. Froneberger;

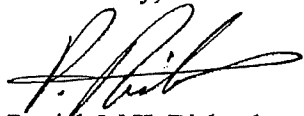
Following the hearing on Monday, September 20, 1999, we discussed your clients' intentions in regard to the subject property. I am led to believe that your clients are moving forward with an engineer to develop plans for legalizing the structures that are currently on the property, but were to be removed per the Order of the Marin Board of Supervisors, dated January 25, 1994. While they are free to explore any number of options, I am not optimistic that your clients will be able to legalize the structures and provide adequate water and sewer facilities in order to meet the Board's Order and Code requirements. As I have indicated in our previous conversations the cost of the permit and approval process may be economically prohibitive.

However, if your clients are intent on moving forward with the legalization process, I would like to have a timetable in regard to the progress and/or completion of their engineer's plans and proposals before we reconvene in court on November 23, 1999 before Commissioner Grove. In this way we can intelligently discuss any possible options available and then inform the court of a mutually agreeable plan for legalization or abatement of the violations on the property.

Please contact within a week of the date of this letter with some possible dates when your clients' engineer will have a plan or at least an interim proposal for discussion.

Page 2

Yours Truly,

A handwritten signature in black ink, appearing to read 'P. Richardson', with a long horizontal flourish extending to the right.

Patrick M.K. Richardson

PMKR: lc

Cc: D. Poiani, Community Development Agency

EXHIBIT 6

**PERFORMANCE AGREEMENT
(HOME RANCH)**

This PERFORMANCE AGREEMENT (hereinafter referred to as "Agreement") is entered into on the last date entered below, between JAMES AND SUSAN TACHERRA AND ERNEST TACHERRA (hereinafter "Tacherras") who own an interest in and occupy that property located in the County of Marin, State of California, commonly known as the Home Ranch, APN: 188-170-11 (hereinafter the "Property") and the MARIN COMMUNITY DEVELOPMENT AGENCY (hereinafter the "CDA").

RECITALS

1. The CDA has obtained an order of the Marin Superior Court in action No. 041207 directing compliance with the order of the Marin County Board of Supervisors Re: Violations of Marin County Code, dated January 25, 1994 (Resolution 94-16) and has recorded a Final Lien (hereinafter the "County lien") in the amount of \$50, 685.00 against the property, recorded March 31, 1994.
2. In addition to the lien, the order requires the abatement of certain conditions constituting code violations and nonconforming uses, including, *inter alia*, the storage and/or habitation of mobile homes and trailers, construction of appurtenant mobile home/trailers structures, the operation of a storage yard etc. on the Property without Master Plan, Use Permit and Coastal Permit Approval and other required permits.
3. In keeping with bringing the property into compliance an application for permits and approvals must be submitted, construction and inspections must occur or the violations must be abated forthwith as set forth in the order of the court dated January 21, 2000.
4. JAMES AND SUSAN TACHERRA have made arrangements to acquire title to the property from the Estate of Jess J. Tacherra and desire the opportunity to apply and obtain necessary permits and otherwise comply with the Court's order.
5. JAMES AND SUSAN TACHERRA have arranged for financing through BRODEN MORTGAGE CORPORATION the funds for which will facilitate the purchase of the property and make available funds to be applied to the County for permits and fees.
6. In consideration for the CDA releasing and removing the aforementioned Final Lien as a cloud on title of the "Home Ranch" the parties have made the following agreement.

AGREEMENT

A. It is hereby stipulated by and between the parties that the order entered in favor of the MARIN COMMUNITY DEVELOPMENT AGENCY, with regard to the real property shall be amended to include Susan and James Tacherra and Ernest Tacherra in addition to the Estate of Jess J. Tacherra..

B. The property may be transferred to Susan and James Tacherra free of the Lien with the deposit of the sum of \$50,685 with the County of Marin, Clerk of the Court, said funds to be used for application, permit fees, costs and reimbursement of the County of Marin pursuant to the Court's previous order.

C. James and Susan Tacherra agree that they are bound by and subject to the order(s) of the court with regard to the subject property and the requirements to comply therewith and with the provisions of the MARIN COUNTY CODE as so determined.

D. The release of the County Lien provided for herein shall not be construed as a waiver, implied or express, by the CDA of that portion of the Order compelling abatement of code violations.

E. The funds shall earn interest at the legal rate applicable to such deposits and shall be disbursed as set forth herein or pursuant to further stipulation of the Parties. The deposit will satisfy the current lien of the MARIN COMMUNITY DEVELOPMENT AGENCY .

F. On or before October 1, 2000 the owners shall:

1. File with the MARIN COMMUNITY DEVELOPMENT AGENCY a preliminary and schematic plan for the development of the property(s) and for compliance with the provisions of the MARIN COUNTY CODE and a time line for compliance with the abatement order.
2. Remove any remaining inoperable cars and trucks from the property.
3. Conduct a walk through inspection with the County Senior Code Enforcement person who shall have the authority to determine any and all other personal property to be removed from the Property on or before November 1, 2000 or fourteen days from the inspection whichever shall first occur.

G. On or before November 15, 2000 the owners shall submit a Master Plan, Development plan and Permit applications as necessary for compliance.

H. On or before December 31, 2000 the owners shall submit any necessary revisions.

I. Subsequent filings shall be pursuant to the time line as will be reasonably established by the CDA.

J. In the event the owners fail adhere to and comply with the deadlines, and any extensions as may be granted, upon written notice from the CDA owners shall:

1. Give a 30-day notice of termination of tenancy to all occupants of trailers, mobile homes or structures and thereafter promptly commence eviction proceedings as to any such occupants who have failed to vacate the property. Tacherras shall indemnify, hold harmless and defend the CDA from any and all claims, damages and or suits by any person or entity against the CDA or any claim as a result of the aforementioned eviction proceedings.
2. Promptly remove all trailers, mobile homes and structures, electrical and plumbing connections thereto and all occupants including that mobile home/ trailer occupied by James and Susan Tacherra on the Property, but not including the Home Ranch residence previously occupied by Jess J. Tacherra prior to his decease. Tacherras shall vacate the Property and shall not occupy or use, or allow the occupancy or use of the Property in any manner that would constitute a violation of the Court's order for abatement pursuant to resolution of the Marin County Board of Supervisors.

K. Tacherras expressly agree that the CDA shall have the right to re-record a new Final Lien against the Property for any and all expenses and attorney fees necessary to enforce the terms of this Performance Agreement and/or to bring the Property into compliance. Administrative costs shall be paid from the \$50,685, should a balance remain upon completion of the work, it shall be returned to Tacherras.

L. By execution of this agreement, Tacherras grant the CDA and any other Marin Agency a right of entry onto the Property to establish whether the required work has been completed. This right of entry extends to the CDA's agents, assigns and/or contractors.

M. In consideration of the covenants contained herein and the furnishing of said consideration by the parties' mutual agreement related to the release of the Lien and entry into this Agreement, the parties hereto further agree as follows:

Tacherras and their agents, representatives, successors, and assigns, and each of them, hereby release the CDA and its employees, attorneys, agents, representatives, successors, assigns thereof, and each of them, separately and collectively from:

Any and all claims, liens, demands, causes of action, obligations, damages and liabilities, known or unknown, that Tacherras have had in the past, or now has or may arise in the

future against the CDA, or any other persons or entities acting or purporting to act on its behalf, arising directly or indirectly out of or related in any way to the agreement, the work or materials furnished, or property rights alleged by or for the parties.

N. This Agreement shall be binding upon and for the benefit of the parties hereto and their respective heirs, executors, administrators, successors, devisees and assigns.

O. Each party hereto warrants that no promise, inducement or agreement not expressed herein has been made to it in connection with this Agreement, and that this Agreement constitutes the entire agreement between the parties herein named. It is expressly understood and agreed that this Agreement may not be altered, amended, modified or otherwise changed in any respect whatsoever except by a writing duly executed by authorized representatives of the parties thereto. Each party hereto hereby agrees and acknowledges that it will make no claim at any time or place that this Agreement has been orally altered or modified or otherwise changed by oral communication of any kind or character.

P. The undersigned parties enter into this Agreement freely and voluntarily and with and upon advice of counsel. Each party warrants and represents that in executing this Agreement, that they have relied upon legal advice from the attorney of their choice; that the terms of this Agreement have been read and its consequences (including risks, complications, and costs) have been completely explained to them by that attorney; and that each party fully understands the terms of this Agreement.

Q. Should any provision of this Agreement be held invalid or illegal, such illegality shall not invalidate the whole of this agreement, but, rather, the Agreement shall be construed as if it did not contain the illegal part, and the rights and obligations of the parties shall be construed and enforced accordingly.

R. This document may be executed in duplicate originals, and each of which shall be equally admissible in evidence.

S. This Agreement shall be construed and enforced pursuant to the laws of the State of California.

T. The Community Development Director may, at his discretion, grant an extension to any time provision in this Agreement. Such extension of time shall be in writing.

Dated: 8/2/00

Dated: 8/2/00

James Tacherra
JAMES TACHERRA, Beneficiary
Susan Tacherra
SUSAN TACHERRA

Dated: 8/1/00

Ernest Tacherra
ERNEST TACHERRA

Dated: 8-2-00

Alex Hinds
MARIN COMMUNITY DEVELOPMENT
AGENCY
By: ALEX HINDS, DIRECTOR

APPROVED AS TO FORM:

Dated: 8/2/00

Patrick M.K. Richardson
PATRICK M.K. RICHARDSON, ESQ.
Deputy County Counsel
Attorney for MARIN COMMUNITY
DEVELOPMENT AGENCY

Dated: 8.2.00

KRAUSE & BASKIN
Lawrence A. Baskin
LAWRENCE A. BASKIN
Attorney for JAMES and SUSAN TACHERRA and
ERNEST TACHERRA

EXHIBIT 7

Carol J. Whitmore

Land use planning and public policy consultant

Post Office Box 319, Woodacre, California 94973
(415) 488-0955

October 1, 2000

Alex Hinds, Director
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94901

**RE: TACHERRA RANCH CONCEPTUAL DEVELOPMENT PLAN
160 MESA AVENUE, BOLINAS
APN 188-170-11, 34**

Dear Mr. Hinds:

In accordance with the two Performance Agreements, as modified, and signed by James Tacherra, Susan Tacherra and Ernest Tacherra, dated August 15, 2000, and by Alex Hinds, Director, Marin County Community Development Agency, dated August 17, 2000, the purpose of this submittal is the filing of a preliminary and schematic plan for the development of the Home Ranch and the Wall/Sokolov parcel, consistent with the provisions of the Marin County Code, and the provision of a time line to accomplish the necessary tasks. *The Tacherras also own several additional contiguous properties. Our understanding of the County Code is that these properties must also be included in any Master Plan. Therefore, the proposed applications will include the development of all contiguous parcels owned by the Tacherras.*

It is the intention of the Tacherras to file with the County an application for a Master Plan, Development Plan, Design Review Plans, and Coastal Permit to permit an agricultural and residential operation on APNS 188-170-11, 34, and 55 (+/-81 acres), consisting of a maximum of 8 residential units served by legal, Code compliant septic system(s) and a combination of water from Bolinas PUD and County permitted well(s). The 8 residential units will be consistent with the current zoning of C-ARP 10, Coastal/Agricultural Residential Planned District, one unit per 10 acres. The site currently supports the following agricultural activities:

- A cow/calf herd of 75 cows
- 50 sheep
- 12 hogs
- 1200 laying hens

- 200 ducks
- 100 rabbits

The Tacherras also operate a retail firewood business from the property, and have the capacity for a 22 horse boarding facility that they would like to reinstate.

As noted above, the Tacherras also own a 20.6 acre parcel contiguous to the Home Ranch which has C-ARP 10 zoning, but is NOT encumbered by a Williamson Act contract. APN 188-170-54 is commonly known as "Dick II" by the Tacherras. The property is presently undeveloped, but could, potentially, support two ten acre parcels consistent with zoning. If percolation and water can be proved on this parcel, the subdivision and sale of the two lots would provide funding to do the necessary improvements on the Home Ranch and Wall/Sokolov property.

Residential use of the Home Ranch and the Wall/Sokolov property is proposed to be clustered, generally in the present locations, with provisions made to retain the residual of the property in agriculture/open space. Density, to a maximum of 8 units consistent with the C-APZ 10 zoning, will be determined by the availability of Code compliant septic system(s) and water to serve each unit.

Initial analysis by Earth Systems, Inc. suggests the possibility of a septic area, located on the Wall/Sokolov property, that potentially can serve 21 bedrooms. Additional analysis of the area explored in 1996, and additional percolation testing of the Home Ranch, Wall/Sokolov property, and adjacent lands under the ownership of the Tacherras is a first priority. (See attached letter from Barry Ruderman, REHS, Earth Systems, Inc.). Simultaneously, all properties will be explored by Weeks Drilling Company for the availability of well water. Weeks' well logs indicate some success in the general area, and their representative will be walking the property on Tuesday, October 3.

The site presently has one water meter from the Bolinas Public Utility District (BPUD). The applicants have been contacted by the Bolinas Land Trust to consider provision of low income housing, for which the Land Trust would provide an additional water connection from BPUD.

Existing Land Use

The Home Ranch consists of APN 188-170-11 (46.65 ac.) and -55 (23.4 ac.) Both parcels are encumbered by a Williamson Act Agricultural Contract. Improvements include:

- Reservoir
- Seasonal agricultural well
- 1 water meter from BPUD
- 2 barns
- Main ranch house of 5 bedrooms

- 5 Mobile Homes/Trailers, 4 of which are occupied
- Non-Code compliant septic systems.

The previously referenced agricultural activities all occur on the home ranch.

The Wall/Sokolov property consists of APN 188-170-34 and is improved with the following:

- Undeveloped spring
- 3 occupied Mobile Homes/Trailers
- 6 unoccupied Mobile Homes, many of which are presently used for storage.

As noted above, also in the same ownership and adjacent to the subject parcels are APN 188-170-54 (20.6 acres), -21 (2.91 ac.); and three parcels ranging in size from .5 to 1 acre in book 192, page 02. These 5 parcels are all unimproved, and the combined lands are used for grazing.

Since the signing of the Agreements, a substantial amount of the inoperable vehicles and “junk” described in the County’s records has been removed, and/or has been stored within barns and storage structures. For the most part, only typical agricultural equipment, some unused, remain.

Action Plan

Consistent with the Court Orders and above referenced Agreements, this letter serves as a conceptual development plan. The following time line has been developed with the understanding that the realities of the site’s ultimate potential are first dependent upon Code compliant septic and water systems.

- Much of the property clean up has already occurred. Ongoing maintenance operations will continue both before and subsequent to the Court required site visit by the County’s Senior Code Enforcement Officer.
- A site visit with Debbi Poiani, Senior Code Enforcement Officer, is scheduled for October 9/10, at Debbi’s convenience.
- Barry Ruderrman, REHS, Earth Systems, Inc. has been contracted to complete the septic analysis of the property, do appropriate percolation testing, and design and get approvals for Code compliant system(s). (See attached letter from Barry Ruderrman, REHS, Earth Systems, Inc.). Barry will commence his work no later than October 15, 2000.
- Weeks Drilling Company will walk the property on October 3, 2000 to analyze the potential for water wells; well drilling will follow, but cannot occur before the close of the well permit period (October 15) for this year.
- Based on best information from Earth Systems and Weeks, a Master Plan will be filed with the County on or before November 15. Discussions are being

held with Land Development Solutions, Inc. to develop a feasible schedule for the engineering aspects of the project. The Master Plan will include:

- Preliminary conceptual grading plans;
- Plans depicting existing use of property;
- Preliminary landscape plan;
- Proposed site plan;
- Conceptual drainage and flood control plan;
- Preliminary geological reconnaissance report.
- The Master Plan will accomplish the following:
 - Subdivision of the 20 acre separate legal parcel known as "Dick II", assuming such division is deemed potentially feasible by septic and water consultants.
 - Legalization of the primary dwelling unit (formerly Jess' home) on the home ranch;
 - Legalization of Jim Tacherra's home on the home ranch;
 - Legalization of Ernie Tacherra's home on the Wall/Sokolov property;
 - Legalization of a maximum of 5 other units for low income housing to be located on the Wall/Sokolov or Home Ranch as determined by septic and water consultants.
 - Legalization of the agricultural activities occurring on the entire Master Plan site, including but not limited to cattle grazing, hog raising, the raising of chickens and ducks, a horse boarding operation and a firewood operation.

We look forward to working with the County to achieve a suitable Master Plan and Development Plan and all requisite permits. Please do not hesitate to contact me at any time if you have any questions about this matter.

Sincerely,



Carol J. Whitmire

Attachments: Letter dated September 27, 2000 from Barry Ruderman, REHS

cc: Patrick Richardson, Deputy County Counsel
Debbi Poiani, Senior Code Enforcement Officer
Larry Baskin, Esq.
James and Ernest Tacherra

EXHIBIT 8



Bolinas Community Land Trust

NEIGHBORHOOD LAND WATER COMMUNITY NEIGHBORHOOD LAND WATER Since 1982 COMMUNITY NEIGHBORHOOD LAND WATER COMMUNITY NEIGHBORHOOD
P O Box 805 Bolinas, CA 94924 Tel: 415 868 8880

October 18, 2000

Mr. Ernie Tacherra
Tacherra Ranch
P O Box 148
180 Mesa Road
Bolinas, CA 94924-0148

Subject: Tacherra Ranch - Affordable Housing Assistance

Dear Ernie:

The Board of the Bolinas Community Land Trust (BCLT) has long been apprised of the low-income mobile homes at the Tacherra Ranch. My reason for writing you is to state the BCLT's intention of assisting the Tacherra Family to maintain presently situated mobile homes. We are convinced that this mobile village in an agrarian setting is fulfilling a critical housing need for our small town. Having operated without incident for many years, the units have fulfilled a critical need as dwellings for working families. Thank you for maintaining the amalgamation of our small town with a living situation that suits so many.

We, the Board of the BCLT, would like to meet with you to discuss, enhanced living conditions that will be an asset to Bolinas. Some of the ways we would seek to improve the site might include, adding parking pads, plumbing for gray water catchment, trellising for plant growth and screening. Introducing raised decking for accessibility in appropriate areas, installing water tight storage units for the residents and adding a "Commons Area" with canopy.

You realize that the BCLT has two water meters at its dispatch, which could benefit many more units, if established additional housing is created. To create such housing would require a dedication of time and resources from all of us. Please let us know how we can assist you in the near future.

The Board of the BCLT believes that by working together with its neighbors and friends we can provide housing for our local citizens of modest means. There are many obstacles to creating affordable housing, yet with our combined experience, we can manage to keep Bolinas a sustainable community.

Thank you for your interest in working with the BCLT and the Bolinas Community housing needs.

Respectfully,

BZ

Bruce Bowser, President
Bolinas Community Land Trust

CC: BCLT Board Members
Carol Whitnire, Land Use Planner

RECEIVED
NOV 15 2000
COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

EXHIBIT 9

FILED

OCT 23 2000

JOHN P. MONTGOMERY,
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: J. Wilby, Deputy

PATRICK K. FAULKNER, COUNTY COUNSEL
PATRICK M.K. RICHARDSON, Deputy County Counsel (SBN 87632)
Room 303, Civic Center
San Rafael, CA 94903
Tel.: (415) 499-6117, Fax: (415) 499-3796

Attorney(s) for Community Development Agency

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

MARIN COUNTY COMMUNITY
DEVELOPMENT AGENCY,

Petitioner,

v.

WILLIAM J. TACHERRA; JAMES M.
TACHERRA; and ERNEST J. TACHERRA,

Respondents.

In Re: 160 Mesa Road, Bolinas, California,
Assessors Parcel No. 188-170-34

Case No.: 001076

**Order Pursuant to Stipulation for Confirmation
of Order By The Marin County Board of
Supervisors Re: Violations of Marin County
Code and Abatement of Nuisances and Entry of
Judgment Thereon; Attorney Fees, Costs and
Interest**

The petition of Marin County Community Development Agency for an order confirming an Order By The Marin County Board of Supervisors' Re: Violations of Marin County Code and Abatement of Nuisances, came on regularly this date for hearing by the court.

Proof having been made to the satisfaction of the court that the petition should be granted and by Stipulation of the parties for entry of this Order,

IT IS ORDERED that the Respondents, James M. Tacherra and Ernest J. Tacherra, as surviving joint tenants and owners of the property located at 160 Mesa Road, Bolinas, California, (Assessors Parcel No. 188-170-34), and referred to as the Wall/Sockolov Property, shall:

1 a. In regard to the real property located at 160 Mesa Road, Bolinas, California (Assessors
2 Parcel No. 188-170-11) ("Property"), abate the conditions and nuisances enumerated in the Resolution
3 and Order of the Board of Supervisors, dated January 25, 1994, within ninety (90) days, a copy of which
4 is attached hereto as Exhibit "A";

5 b. Submit a Master Plan; Development Plan; Coastal Permit; Use Permit; Initial Study; and
6 apply for the appropriate Fish and Game permits, and fees associated with all such applications, and any
7 other such permits as may be necessary to bring said Property into compliance with the Marin County
8 Code within ninety (90) days; and

9 c. Petitioner's Lien recorded against the Property (a copy of which is attached as Exhibit
10 "B"), for the sum of \$50,685.00, shall be satisfied from the assets of the Estate, and shall be borne by
11 each of the beneficiaries according to their pro rata interest in the subject Property as determined by the
12 Court, and shall be applied against any all Plan or Permit fees, to include but not limited to those
13 identified above in paragraph b., that may be necessary to bring the Property into compliance.

14 IT IS FURTHER ADJUDGED AND DECREED THAT:

15 d. Susan Tacherra, as spouse of Respondent James M. Tacherra, and per agreement by
16 Stipulation, as referred to above, shall also be bound by the terms of this Order and any subsequent
17 Order entered by this Court related to the Petition filed herein.

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Dated: OCT 11 2000

LYNN DURYEE
Judge of the Superior Court

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 94-16

RESOLUTION DECLARING THE STORAGE AND/OR HABITATION OF MOBILE HOMES AND TRAILERS, THE CONSTRUCTION OF APPURTENANT MOBILE HOME STRUCTURES, THE HABITATION OF MOBILE HOMES WITHOUT AN APPROVED SEPTIC SYSTEM OR WATER SOURCE, AND THE STORAGE OF INOPERABLE VEHICLES AND JUNK, AND THE OPERATION OF A CONTRACTOR'S BUSINESS AND STORAGE YARD ON ASSESSOR'S PARCEL #188-170-11, 34 TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT

WHEREAS, Assessor's Parcel #188-170-11 is a lot owned by Jess Tacherra, and Assessor's Parcel #188-170-34 is a lot owned by Jess Tacherra, James Tacherra and Ernest Tacherra located at 160 Mesa Road, Bolinas, Marin County, California; and,

WHEREAS, it is alleged by the Marin County Planning Department, Building Inspection Department, and Environmental Health Services that the use and condition of the property constitutes a public nuisance and violates the Marin County Zoning Ordinance, Building and Health Codes, as more particularly described in Exhibit I attached hereto and made a part hereof; and,

WHEREAS, Jess Tacherra, James Tacherra and Ernest Tacherra the owners of the property, were notified of a hearing to be held on the question of whether a nuisance did in fact exist; and,

WHEREAS, said hearing was held on July 27, 1993, October 19, 1993, November 23, 1993, and January 25, 1994 pursuant to Government Code Section 25845, and evidence having been heard and considered by the Board on the question of whether a public nuisance did in fact exist on Assessor's Parcel 188-170-11, 34 and whether the cost of abating such a nuisance should be made a lien on said property to the extent the public nuisance is abated from said property.

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTIONS 1: Findings: The Board of Supervisors held a public hearing on July 27, 1993, October 19, 1993, November 23, 1993, and January 25, 1994 and after review of the administrative record and public testimony,

- 1. The Board of Supervisors finds 160 Mesa Rd., Bolinas, to be in violation of Marin County Code, Title 22, Section 22.57.022(6), 22.88.010(10), 22.57.023(11), 22.56.040 and Title 7, Section 7.52.020, which sections prohibit the storage and/or habitation of mobile homes and trailers without Master Plan, Use Permit and Coastal Permit approval.

2. The Board of Supervisors finds 160 Mesa Road, Bolinas, to be in violation of Marin County Code Title 22, Section 22.57.022(6), 22.82.020, 22.56.040, Title 7, Section 7.28.020, Title 18, Section 18.06.040 and Title 19, Section 19.04.010 which adopts the Uniform Administrative Code, Section 301(a), which sections prohibit construction of appurtenant mobile home/trailers structures, such as; carports, stairs, decks, wells and septic systems without Master Plan, Design Review, Coastal Permit, Septic Permit, Well Permit and Building Permit approval.
3. The Board of Supervisors finds 160 Mesa Road, Bolinas to be in violation of Marin County Code, Title 22, Sections 22.57.022 and 22.57.023(14), and 22.56.040 which sections prohibit the storage of inoperable vehicles and junk without Master Plan, Use Permit and Coastal Permit approval.
4. The Board of Supervisors finds 160 Mesa Road, Bolinas to be in violation of Marin County Code, Title 22, Sections 22.57.022, 22.57.023(12) and 22.56.040, which sections prohibit the operation of a contractor's business and storage yard (B&M Construction) without Master Plan, Use Permit and Coastal Permit approval.
6. The Board of Supervisors finds 160 Mesa Road, Bolinas to be in violation of Marin County Codes for illegal uses which were not established legally or with permits and therefore are found not to be legal non-conforming.
7. The Board of Supervisors finds 160 Mesa Road, Bolinas to be substandard under Housing Code standards due to the lack of an approved septic system.

SECTION II: That it is found, ordered and declared that a public nuisance exists by reason of the illegal mobile homes, trailers, appurtenant mobile home/trailer structures, junk, inoperable vehicles, and the operation of a contractor's business and storage yard more particularly described in Exhibit 1 attached hereto and made a part hereof, on Assessor's Parcel #188-170-11, 34

SECTION III: Jess Tacherra, James Tacherra and Ernest Tacherra are hereby ordered to abate said nuisance by removal of items listed in Exhibit 1, attached hereto and made a part hereof, not later than March 25, 1994.

SECTION IV: If the owners of the property, Jess Tacherra, James Tacherra, and Ernest Tacherra do not remove the items as described in Exhibit 1 attached hereto, on or before March 25, 1994, the Directors of the Marin County Planning Department, Department of Public Works and Health and Human Services are hereby ordered to abate said nuisance. The cost of said abatement shall become an assessment against the property on which the nuisance is located (Assessor's Parcel #188-170-11, 34), and if said lien is not promptly paid, said sum shall become a lien on said property.

SECTION V: The Marin County Planning Director is hereby directed to record a Notice of Violation and lien in the amount of \$50,685.00 (Master Plan \$29,950.00, Development Plan \$11,630.00, Coastal Permit \$1,630.00, Use Permit \$4,750.00, Initial Study \$1,450, and Fish and Game Fees \$1,275.00) to cover application fees and penalties against Assessor's Parcel #188-170-11, 34 on March 25, 1994.

Notice of this Resolution shall be given to the property owners as described by law.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Marin held on 25th day of January, 1994 by the following vote to-wit:

AYES: Supervisors: Annette Rose, Bob Roumiguere, Harold Brown, Brady Bevis,
NOES: Supervisors: Gary Giacomini

ABSENT: Supervisors:



CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:


TOM CAMPANELLA
Clerk of the Board

Notice of Time to File Court Action:

Marin County Code, Section 1.05.050 provides, in part, "the time within which judicial review of the decision of the Board of Supervisors must be sought is governed by California Code of Civil Procedure section 1094.6. Judicial review must be sought not later than the 90th day following the date on which this decision becomes final."

EXHIBIT I
NOTICE OF CONDITIONS CAUSING PUBLIC NUISANCE

**TO: Mr. Jess Tacherra
Mr. James Tacherra
Mr. Ernest Tacherra
P.O. Box 67
Bollinas, CA 94924**

YOU ARE HEREBY NOTIFIED that the use and condition of your property located at **160 Mesa Road, Bollinas, Marin County, California**, more particularly described as **Marin County Assessor's Parcel #188-170-11, 34** has been determined by the **Marin County Planning Department, Building Inspection Department and Environmental Health Services** to violate the **Marin County Code** and may, therefore, be declared a public nuisance.

The conditions that render Assessor's Parcel #188-170-11, 34 illegal are as follows:

1. The storage/habitation of mobile homes and trailers in an Agricultural, Residential Planned zoning district without Master Plan, Use Permit, and Coastal Permit approval in violation of Marin County Code, Title 22, Section 22.57.022(6), 22.57.023(11), 22.88.010(10), and 22.56.040, Title 7, Section 7.52.020.
2. The construction of appurtenant mobile home/trailer structures, such as, carports, stairs, decks, wells, and septic systems without Master Plan, Design Review, Coastal Permit, Well Permit, Septic Permit and Building Permit in violation of Marin County Code, Title 22, Sections 22.57.022(6), 22.82.020 and 22.56.040, Title 7, Section 7.28.020, Title 18, Section 18.06.040 and Title 19, Section 19.04.010 which adopts the Uniform Administrative Code, Section 301(a).
3. The storage of inoperable vehicles and junk without Master Plan, Use Permit and Coastal Permit approval in violation of Marin County Code, Title 22, Sections 22.57.022, 22.57.023(14) and 22.56.040.
4. The operation of a contractor's business and storage yard (B&M Construction) without a Master Plan, Use Permit and Coastal Permit approval in violation of Marin County Code, Title 22, Sections 22.57.022, 22.57.023(12) and 22.56.040.

5. The installation of a satellite dish for the operation of a cable company without a Master Plan and Coastal Permit in violation of Marin County Code, Title 22, Section 22.57.022(12) and 22.56.040.

cc: James and Ernie Tacherra, P.O. Box 146, Bolinas, CA 94924
John Burroughs, 145 "A" Street, Pt. Reyes, CA 94956
Bill Tacherra, P.O. Box 591, Bolinas, CA 94924
Jack Siedman, P.O. Box 37, Bolinas, CA 94924
Joseph Tinney, P.O. Box 589, Petaluma, CA 94953-0589
Alexis McBride, Deputy County Counsel
Kevin Hicks, Bolinas Fire Department
Steve Jensen, Building Inspection
Bruce McCarthy, Environmental Health Services

EXHIBIT

A

PAGE

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of

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PROOF OF SERVICE BY MAIL

I, the undersigned, declare under penalty of perjury:

That I am a citizen of the United States, over the age of eighteen and not a party to the within cause or proceeding; that I am an employee of the County of Marin and my business address is 3501 Civic Center Drive, #308, San Rafael, California 94903; that I served a true copy of the within Board of Supervisors Resolution 94-16 and Exhibit 1 by placing said copy in an envelope addressed to:

Mr. Jess Tacherra/Mr. James Tacherra/Mr. Ernest Tacherra
P.O. Box 67
Bollinas, CA 94924

James and Ernie Tacherra
P.O. Box 146
Bollinas, CA 94924

which envelope was then sealed and postage fully prepaid thereon, thereafter, on the date set forth below, deposited in the United States mail at San Rafael, California.

Executed in San Rafael, California, on this 11th day of February, 1994.

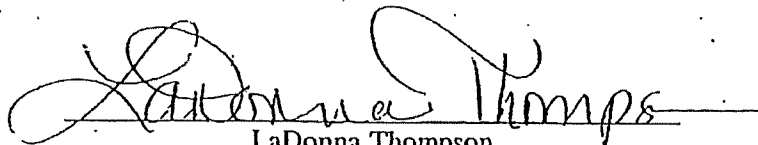

LaDonna Thompson

EXHIBIT 10

**Marin County
Community Development Agency**

Alex Hinds, Director

TRANSMITTAL MEMORANDUM

TO: ✓ Department of Public Works (DPW), Land Use & Water Resources
Environmental Health Services
✓ Bolinas Public Utility District
✓ Marin County Fire Department *Bolinas Fire*
California Coastal Commission
Bolinas Community Land Trust
Nelson Gremmels, Assessor's Office

FROM: Christine Gimmler, AICP, Senior Planner *CG*

DATE: November 21, 2000

SUBJECT: Tacherra Coastal Permit 01-19 and Master Plan 01-5
Assessor's Parcels 188-170-11, 21, 29, 34, 54 and 55 and 192-032-02 and 03
160 Mesa Road, Bolinas

APPLICANT: Jame and Ernest Tacherra
160 Mesa Road
Bolinas, CA 94924

CONTACT: Carol Whitnire
(415) 488-0955

DECISIONMAKER FOR THIS APPLICATION: Board of Supervisors

PROJECT DESCRIPTION:

The applicant has submitted a Master Plan and Coastal Permit application proposing to legalize existing development on the subject property, located at 160 Mesa Road, Bolinas. The subject property includes eight Assessors' Parcels totaling approximately 100 acres. Current development on the site proposed for legalization includes two existing single family residences as well as up to 11 existing mobile homes and trailers. The precise number of units that could be legalized on the property will depend on the results of water availability and septic system percolation tests that have not been completed. As part of the project, the applicant also proposes to subdivide Assessor's Parcel 188-170-54 into two single-family residential lots of approximately 10 acres each, which would be sold to finance improvements elsewhere on the property. Three of the subject parcels (APN 188-170-11, 34, and 55) totaling 81.26 acres, are subject to Williamson Act agricultural contracts, which restrict the type of uses that could be legalized on those parcels. However, the applicant is proposing a lot line adjustment between contracted and non-contracted portions of the property to enable the existing housing units to be legalized in their current locations. Please refer to the attached applicant letter for more detailed information regarding the proposed project.

The subject property is governed by Coastal, Agricultural and Residential, one unit per ten acre (C-ARP-10) zoning, which would permit up to 10 residential units on the 100 acre property

3501 Civic Center Drive, #308 - San Rafael, California 94903-4157 - Telephone (415) 499-6269 - Fax (415) 499-7880

COMPLETENESS OF THE APPLICATION:

Please inform staff in writing whether this application contains the information you need to make a recommendation on this proposal. If it does not contain sufficient information, please specify the information you need. You may not be able to request additional information later in the process. Your comments on the completeness of this application must be received in this office by December 11, 2000.

ENVIRONMENTAL REVIEW:

Staff has determined that this project is subject to environmental review. Therefore, staff will conduct an Initial Study of the proposal. Please comment on potential environmental impacts of the project, possible mitigations of these impacts, and methods of monitoring the implementation of these mitigations. If you find that the project is complete, these comments must be received in this office by December 11, 2000.

MERITS OF THE PROJECT:

If the application is complete, and no Environmental Impact Report is to be prepared for the project, please tell us your comments on the merits of the proposal. Please indicate whether the project conforms to the laws and policies you use to evaluate the project and recommend changes or conditions that you deem necessary based on your evaluation. These comments must be received in this office by December 11, 2000.

cc: Patrick Richardson, Deputy County Counsel.

i:/forms/temp/cgtachtr.doc

EXHIBIT 11

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

BCPUD BOX 390 270 ELM ROAD BOLINAS CALIFORNIA 94924

RECEIVED BY
415 868 1224

2000 DEC 22 P 2:02



December 21, 2000

MARIN COUNTY
COMMUNITY DEVELOPMENT
AGENCY

Christine Gimmler, AICP, Senior Planner
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Re: Tacherra Coastal Permit 01-19 and Master Plan 01-5

Dear Ms. Gimmler:

Last night at the regular monthly meeting of the Bolinas Community Public Utility District (BCPUD) Board, directors reviewed the subject coastal permit application and master plan, as well as the two previous comment letters submitted by BCPUD.

One additional and essential comment: the amount of water needed to sustain the proposed uses on the property is not assured.

Thank you,

Philip Buchanan
Manager

c: Ernest and James Tacherra
P.O. Box 448
Bolinas, CA 94924

EXHIBIT 12

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF PROJECT STATUS

January 24, 2001

Carol Whitmire
P.O. Box 319
Woodacre, CA 94973

RE: Tacherra Master Plan/Coastal Permit
160 Mesa Road, Bolinas
Assessor's Parcel Numbers 188-170-11, 21, 29, 34, 54 and 55, and 192-032-02 and 03

Dear Carol:

The Planning Division and reviewing agencies have examined your Master Plan and Coastal Permit applications. On January 22nd, it was determined that additional information is required before the application can be deemed complete. This notification is in accordance with State law which requires that we inform you in writing of the status of your application within 30 days of its acceptance for filing.

Community Development Agency, Planning Division (Christine Gimmler 499-6285)

1. A portion of the subject property is located within the service area of the Bolinas Public Utility District while other areas of the site are proposed to be served by on-site wells. BPUD staff have indicated that their existing water service to the subject property is not adequate to serve proposed uses. In addition, no information regarding on-site well yields or quality has been submitted. Before proceeding with the proposed project, the applicant must demonstrate adequate water availability to serve the dwelling units proposed for legalization as well as the lots proposed for single family development at the north end of the site. In addition, the plans should indicate what improvements and facilities (distribution lines, tanks, etc.) are proposed to provide domestic and fire-flow water supply to new and existing development.
2. Demonstrate that adequate septic capacity is available for proposed new development as well as for the existing dwelling units proposed for legalization. The plans should show the design and location of proposed leachfields and septic tanks.
3. Clarify the nature and extent of existing agricultural operations and uses conducted on the subject property. Indicate the number of agricultural workers currently employed by the property owners.
4. Please clarify whether the mobile homes proposed for legalization are intended to provide housing for agricultural workers employed by the property owners, agricultural workers employed elsewhere in the area, or whether they are intended to provide affordable housing for the general community. Please note that the governing C-ARP-10 zoning permits dwelling units that are incidental to the agricultural use of the land for the residence of the owner or lessee of the land (and their family), or for employees engaged in the agricultural use of the land. Therefore, it appears that the rezoning of at least a portion of the subject property would be required to allow affordable housing for nonagricultural workers.

5. Please submit a precise site plan clearly showing all structures, agricultural buildings and equipment, parking areas, access roadways and natural features including existing topography and vegetation.
6. Provide a conceptual grading plan which indicates the extent of grading that has already been completed on the property as well as any additional grading proposed in the future. In addition, provide a conceptual drainage plan drawn at the same scale as the grading/site plan that indicates the direction, path, and method of water dispersal. Details for any new drainage facilities should be provided
7. Provide the age of each mobile home proposed for legalization as well as the length of time each unit has existed on the property. In addition, indicate which mobile homes are currently occupied and whether the mobile homes proposed for legalization would remain in their current locations or be resited.
8. Please provide floor plans and elevations for the mobile homes proposed for legalization as well as the existing single family residences, and all agricultural buildings and structures on the property. Any additional buildings or structures planned to be constructed on the property should also be indicated.
9. If applicable, the plans should be revised to show the configuration of the proposed lot line adjustment between the subject property and the adjoining parcel to the east described during staff's visit to the site.
10. Provide a copy of the existing Williamson Act agricultural contracts for APN 188-170-11, 34 and 55.
11. Please clarify the precise areas proposed to be involved in the lot line adjustment between Williamson Act and non-Williamson Act contracted lands.

Department of Public Works, Land Use and Water Resources (Woytek Zaborowski 499-6549)

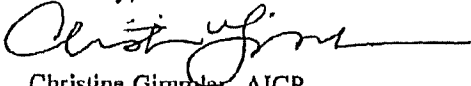
12. Department of Public Works staff have identified a number of items of completeness regarding the proposed project. Please refer to Attachment 1 for more detailed information.

Bolinas Fire Protection District (Fire Chief Kevin Hicks, 868-1566)

13. Please refer to Attachment 2 for Bolinas Fire Protection District requirements regarding the project.

If you disagree with this determination regarding completeness of your application, you may appeal it to the Planning Commission. A Petition for Appeal and a \$525.00 filing fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m., February 1, 2001. Please call me at (415) 499-6285 if you have any questions about the status of your application. If I cannot take your call for some reason, please leave a message on my voicemail.

Sincerely,



Christine Gimmder, AICP
Senior Planner

- Attachments:
1. Department of Public Works, Land Use and Water Resources memo, dated 12/11/01
 2. Southern Marin Fire Protection District letter, dated 10/12/99

cc: James and Ernest Tacherra
Patrick Richardson, Deputy County Counsel

CAG/bc:cur/cg/letr/stal/tacherrain.doc

EXHIBIT 13

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN	
JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

INVOLVED PERSON/PARTY AND ATTORNEY SUMMARY:

TACHERRA, JAMES M. is the PLAINTIFF and is represented by: SIEDMAN, JACK

TACHERRA, ERNEST J. is the DEFENDANT and is represented by: BREKHUS, ELIZABETH A.

REGISTER OF ACTIONS:

04/07/2006 CASE OPEN / ACTIVE STATUS HON. JOHN A. SUTRO JR.

04/07/2006 FILING FEE PROCESSED: PLTF, JAMES TACHERRA - 320.00

04/07/2006 COMPLAINT/FIRST PAPER COMPLAINT FOR PARTITION, FOR ACCOUNTING, FOR APPOINTMENT OF RECEIVER, TO QUIET TITLE, FOR DECLARATORY RELIEF, AND FOR DAMAGES (CONVERSION)

04/07/2006 SUMMONS ISSUED AND FILED

04/10/2006 HEARING CONFIRMED FOR: 06/16/2006 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: 08

04/10/2006 HEARING CONFIRMED FOR: 07/17/2006 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: 08

04/10/2006 HEARING CONFIRMED FOR: 08/28/2006 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: 08

04/12/2006 PROOF OF SERVICE FILED, AS TO: DEFT, ERNEST TACHERRA; BY PERSONAL SERVICE ON 4/8/06

04/12/2006 APPEARANCE DROPPED FOR 06/16/2006 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: 08 DROP REASON: POS FILED

04/21/2006 HEARING CONFIRMED FOR: 05/26/2006 AT: 09:00 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: 08

05/05/2006 APPEARANCE MOVED TO: 06/30/2006 AT: 09:00 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: 08 MOVE REASON: PER MOVING PARTY 5/26 - 6/30 FROM DATE: 05/26/2006 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: 08

06/09/2006 REQUEST FOR DEFAULT FILED, AS TO: DEFT, ERNEST TACHERRA SET ASIDE BY COURT ORDER ON 5/1

06/12/2006 APPEARANCE DROPPED FOR 07/17/2006 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: 08 DROP REASON: DEFAULT TAKEN

06/30/2006 MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE JOHN A. SUTRO, JR. , REPORTER NOT REPORTED , DEP CLK VITA JOHANSON

NO APPEARANCE BY OR FOR THE PARTIES

HEARING BEFORE TRIAL

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.

RULING:

NO OPPOSITION HAVING BEEN RECEIVED AND GOOD CAUSE APPEARING, PLAINTIFF JAMES M. TACHERRA'S MOTION, PURSUANT TO CCP SECTION 564, FOR APPOINTMENT OF LAWRENCE BASKIN, ESQ. AS A RECEIVER IS GRANTED.

UPON MR. BASKIN'S SWEARING TO PERFORM HIS DUTIES AS RECEIVER FAITHFULLY AND GIVING THE UNDERTAKING REQUIRED BY CCP SECTIONS 567(A) AND (B), HE MAY TAKE POSSESSION OF THE PROPERTIES IDENTIFIED IN EXHIBIT A ATTACHED TO PLAINTIFF'S DECLARATION FILED IN SUPPORT OF HIS MOTION. THE AMOUNT OF THE UNDERTAKING SHALL BE \$10,000.

MR. BASKIN SHALL HAVE THE POWERS SET FORTH IN CCP SECTION 568, WHICH PROVIDES:

"THE RECEIVER HAS, UNDER THE CONTROL OF THE COURT, POWER TO BRING AND DEFEND ACTIONS IN HIS OWN NAME, AS RECEIVER; TO TAKE AND KEEP POSSESSION OF THE PROPERTY, TO RECEIVE RENTS, COLLECT DEBTS, TO COMPOUND FOR AND COMPROMISE THE SAME, TO MAKE TRANSFERS, AND GENERALLY DO SUCH ACTS REPRESENTING THE PROPERTY AS THE COURT MAY AUTHORIZE."

ENTERED BY: VJ

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006
	CASE TYPE: COMPLAINT
	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

07/11/2006 IT IS ORDERED: APPOINTING RECEIVER. PLTF., JAMES M. TACHERRA'S MOTION FOR APPOINTMENT OF LAWRENCE BASKIN, ESQ. AS RECEIVER IS GRANTED. THE AMOUNT OF THE UNDERTAKING SHALL BE \$10,000. HON. JOHN A. SUTRO, JR.

08/07/2006 BOND IN THE AMOUNT OF: BOND OF RECEIVER IN THE AMOUNT OF \$10,000.00 (TEN THOUSAND DOLLARS) FILED

08/28/2006 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE JOHN A. SUTRO, JR. , REPORTER CHRISTINA GILSON , DEP CLK VITA JOHANSON
ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF
HEARING BEFORE TRIAL
DEFENDANT HAS BEEN DEFAULTED. RECEIVED HAS BEEN ASSIGNED (IN JUNE)
CMC CONTINUED TO DECEMBER 28, 2006 AT 9:00 AM FOR STATUS
HEARING CONTINUED TO: 12/28/2006 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: 08 FROM DATE: 08/28/2006 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: 08
ENTERED BY: VJ

11/30/2006 HEARING CONFIRMED FOR: 12/19/2006 AT: 10:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: 08

12/19/2006 IT IS ORDERED: AFTER HEARING. 1. DEFT. ERNEST J. TACHERRA SHALL PROVIDE THE ACCOUNTING TO THE RECEIVER NO LATER THAN JANUARY 19, 2007. 2. DEFT. TO COMPLY WITH ALL DECISION OF THE RECEIVER WITH RESPECT TO THE MANAGEMENT AND OPERATION OF THE SUBJECT REAL PROPERTIES. 3. A FURTHER HEARING SHALL BE HELD ON JANUARY 30, 2007 AT 10:00 A.M. IN DEPT. H. HON. JOHN A. SUTRO, JR.

12/19/2006 IT IS ORDERED: CONFIRMING RECEIVER'S SALE OF REAL PROPERTY HON. JOHN A. SUTRO, JR.

12/19/2006 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE JOHN A. SUTRO, JR. , REPORTER CHRISTINA GILSON , DEP CLK VITA JOHANSON
ATTORNEY JACK SIEDMAN APPEARED FOR AND WITH JAMES TACHERRA
NO APPEARANCE BY OR FOR THE DEFENDANT ERNEST J TACHERRA
HEARING BEFORE TRIAL
MATTER COMES BEFORE THE COURT ON AN OSC ISSUED TO DEFT ERNEST TACHERRA TO APPEAR AND SHOW GOOD CAUSE WHY RELIEF SOUGHT IN ATTACHED APPLICATION SHOULD NOT BE GRANTED
DEFENDANT HAS FAILED TO RESPOND TO OSC
IT IS ORDERED: REQUEST GRANTED- THAT DEFENDANT IS TO PROVIDE TO RECEIVER A COMPLETE AND FULL ACCOUNTING OF ALL LOANS AND REFINANCES SINCE 9/1/2001 UNDERTAKEN BY ERNEST J. TACHERRA WITH RESPECT TO REAL PROPERTIES
COMPLIANCE DATE IS JANUARY 19, 2007
COMPLIANCE HEARING IS SET ON JANUARY 30, 2007 AT 10:00 AM. CMC CONTINUED TO 1/30/2007 AT 10:00 AM
APPEARANCE MOVED TO: 01/30/2007 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: 08 MOVE REASON: BY COURT FROM DATE: 12/28/2006 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: 08
ENTERED BY: VJ

01/16/2007 CASE REASSIGNED TO JUDGE HON. LYNN DURYEE

01/16/2007 APPEARANCE MOVED TO: 01/30/2007 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: 07 MOVE REASON: JUDICIAL REASSIGNMENT FROM DATE: 01/30/2007 FROM TIME: 10:00 AM FROM APPEARANCE TYPE: SPHR FROM DEPARTMENT: 08

01/18/2007 NOTICE OF CASE REASSIGNMENT AND NOTICE OF HEARING MAILED TO THE PARTIES

01/30/2007 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER NOT REPORTED , DEP CLK J. MINKIEWICZ

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006
	CASE TYPE: COMPLAINT
	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

ATTORNEY JACK SIEDMAN APPEARED FOR AND WITH PLAINTIFF, JAMES TACHERRA
COUNSEL REPORTS THAT THE ACCOUNTING DUE FROM THE ORDER DATED 12-19-06 HAS NOT BEEN COMPLETED.

IT IS ORDERED: OSC 3-28-07 @ 9:00 A.M. RE: CONTEMPT AND SANCTIONS FOR FAILURE TO APPEAR OR COMPLY WITH THE 12-19-06 ORDER.

HEARING CONFIRMED FOR: 03/28/2007 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: 07
COUNSEL SHALL PERSONALLY SERVE THE CONTEMPT CITATION WITH 30 DAYS NOTICE.

ENTERED BY: JM

HEARING BEFORE TRIAL

02/07/2007

IT IS ORDERED: ORDER TO SHOW CAUSE RE: CONTEMPT, JUDGE LYNN DURYEE

03/07/2007

APPEARANCE MOVED TO: 04/11/2007 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: 07 MOVE REASON: BY COURT. DEPT. L IS NOT IN SESSION FROM DATE: 03/28/2007 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: OSCH FROM DEPARTMENT: 07

04/11/2007

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER NOT REPORTED , DEP CLK J. MINKIEWICZ

MATTER COMES BEFORE THE COURT FOR OSC RE: CONTEMPT

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF

ATTORNEY KENT KHTIKIAN APPEARED FOR DEFENDANT

NO APPEARANCE BY DEFENDANT, ERNEST J. TACHERRA

IT IS ORDERED: OSC RE: CONTEMPT IS CONTINUED TO 4-25-07 @ 9:00 A.M. IN DEPT. L.

IT IS ORDERED: BENCH WARRANT ORDERED TO ISSE AS TO ERNEST TACHERRA FOR FAILURE TO APPEAR HERE TODAY (STAYED UNTIL 4-25-07)

HEARING CONTINUED TO: 04/25/2007 AT: 09:00 AM FOR APPEARANCE TYPE: OSCO IN DEPARTMENT: 07 FROM DATE: 04/11/2007 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: OSCH FROM DEPARTMENT: 07

ENTERED BY: JM

04/25/2007

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER DEBORAH BARTUNEK , DEP CLK J. MINKIEWICZ

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF

ATTORNEY KENT KHTIKIAN APPEARED FOR AND WITH DEFENDANT, ERNEST J. TACHERRA

DEFENDANT'S COUNSEL REQUESTS CONTINUANCE.

IT IS ORDERED: CONTEMPT HEARING SHALL PROCEED TODAY.

WITNESS(ES) SWORN AND TESTIFIED: 9:25 A.M. - JACK SIEDMAN, COUNSEL FOR PLAINTIFF.

WITNESS(ES) SWORN AND TESTIFIED: 9:30 A.M. - KENT KHTIKIAN, DEFENDANT'S COUNSEL

SUBMITTED

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

THE COURT FINDS BEYOND A REASONABLE DOUBT THAT DEFENDANT IS IN CONTEMPT OF A COURT ORDER.

THE COURT IMPOSES A SENTENCE OF FIVE DAYS IN JAIL AND A FINE OF \$500.00 THE SENTENCE IS STAYED 60 DAYS TO ALLOW DEFENDANT TO COMPLY WITH THE COURT ORDERS. IF COMPLIANCE IS MET THE SENTENCE WILL BE FOREVER STAYED.

FEES AWARDED TO PLAINTIFF IN THE SUM OF \$2540.00

CASE MANAGEMENT CONFERENCE HEARING SET FOR 6-29-07 AT 9:00 A.M. FOR STATUS OF COMPLIANCE WITH THE ORDER.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006
	CASE TYPE: COMPLAINT
	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

HEARING CONFIRMED FOR: 06/29/2007 AT: 09:00 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: 07
MR. SIEDMAN TO PREPARE ORDER AFTER HEARING.

ENTERED BY: JM

04/30/2007 FILING FEE PROCESSED: DEFT, ERNEST TACHERRA - 320.00, PD. ON STIP. & ORDER TO SET ASIDE DEFAULT.

05/01/2007 IT IS ORDERED: STIPULATION AND ORDER TO SET ASIDE DEFAULT GRANTED JUDGE L. DURYEE

05/01/2007 REQUEST FOR DEFAULT FILING REMOVED, AS TO DEFT, ERNEST TACHERRA SET ASIDE BY COURT ORDER ON 5/1

05/01/2007 ANSWER DEFT, ERNEST TACHERRA

05/01/2007 IT IS ORDERED: ORDER OF CONTEMPT. IT IS HEREBY ADJUDGED, ORDERED, AND DECREED, THAT DEFT. IS GUILTY OF CONTEMPT OF COURT FOR FAILURE TO OBEY THE ORDER MADE ON 12/19/06. FURTHER THAT DEFT. IS TO BE PUNISHED FOR THE FOREGOING CONTEMPT BY A FINE OF \$500 AND CONFINEMENT IN THE CO. JAIL FOR 5 DAYS; PROVIDED, HOWEVER, THAT ENFORCEMENT OF SAID PUNISHMENT IS STAYED UNTIL 6/29/07, AT WHICH TIME THE COURT WILL DETERMINE IF DEFT. COMPLIED WITH THE ORDER OF 12/19/06. OTHERWISE, THE COURT WILL PROCEED WITH THE PUNISHMENT OF CONTEMPT. FURTHER THAT DEFT. SHALL PAY THE SUM OF \$2,540, AS ATTY. FEES AND COSTS INCURRED IN CONNECTION WITH THIS PROCEEDING, TO PLTF., WITHIN TEN DAYS. HON. LYNN DURYEE

06/29/2007 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER NOT REPORTED , DEP CLK TANIA GARDNER
ATTORNEY JACK SEIDMAN APPEARED FOR PLAINTIFF
ATTORNEY KENT KHTIKIAN APPEARED FOR AND WITH DEFENDANT ERNEST J. TACHERRA
HEARING BEFORE TRIAL
MATTER COMES BEFORE THE COURT ON CONTEMPT RE: PRODUCTION OF DOCUMENTS/ACCOUNTING (FROM 12/19/06 ORDER) DEFENDANT WAS GIVEN A FINE OF \$500.00 AND 5 DAYS IN JAIL, STAYED UNTIL 6/29/07.
COUNSEL REPORT THAT THE FRIEDLANDER FIRM IS THE SELECTED ACCOUNTANT.
IT IS ORDERED: DOCUMENTS ARE TO BE DELIVERED TO ACCOUNTANT ON MONDAY, 7/2/07. IF DOCUMENTS ARE NOT DELIVERED, PLAINTIFF'S ATTORNEY SIEDMAN CAN COME IN EX PARTE RE: SANCTIONS.
IT IS ORDERED: OSC ORDERED FOR 9/5/07, 9:00 A.M. RE: ACCOUNTING AND PRODUCTION OF DOCUMENTS.
HEARING CONTINUED TO: 09/05/2007 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: 07 FROM DATE: 06/29/2007 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: 07
COURT TRIAL DATE OF 9/5/07, 9:00 A.M.
HEARING CONFIRMED FOR: 09/05/2007 AT: 09:00 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: 07
SUBMIT UPDATED CASE MANAGEMENT STATEMENT BY 8/29/07.
ENTERED BY: TG

09/05/2007 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER NOT REPORTED , DEP CLK J. MINKIEWICZ
NO APPEARANCE BY OR FOR THE PARTIES
IT IS ORDERED: OFF CALENDAR.
ENTERED BY: JM
CASE DISPOSED BY COURT TRIAL - AFTER EVIDENCE BY ORDER OF CONTEMPT 5-1-07
CASE DISPOSED IN ENTIRETY

09/05/2007 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER NOT REPORTED , DEP CLK J. MINKIEWICZ

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006
	CASE TYPE: COMPLAINT
	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

NO APPEARANCE BY OR FOR THE PARTIES

IT IS ORDERED: OFF CALENDAR.

ENTERED BY: JM

09/05/2007 APPEARANCE DROPPED FOR 09/05/2007 AT: 09:00 AM FOR APPEARANCE TYPE: OSCH IN DEPARTMENT: 07 DROP REASON: BY COURT

09/05/2007 CASE RE-OPENED / ACTIVE CLERICAL ERROR CASE REMAINS ACTIVE

12/14/2007 IT IS ORDERED: ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY. THAT THE RECEIVER IS AUTHORIZED TO SELL THE AFOREDESCRIBED PROPERTY; FURTHER THAT THE RECEIVER IS AUTHORIZED TO UTILIZE THE PROCEEDS FROM THE SALE OF DOGWOOD ROAD, BOLINAS, CALIFORNIA TO SATISFY THE EXISTING AND FUTURE DEBTS AND OBLIGATIONS OF THE PARTIES RELATING TO THE PROPERTIES IN THE POSSESSION AND CONTROL OF THE RECEIVER, INCLUDING BUT NOT LIMITED TO THE PAYMENT OF MORTGAGES, TAXES, LIENS, AND UNSECURED NOTES, INTEREST, AND COSTS ASSOCIATED WITH THE PROPERTIES' MAINTENANCE, AND SUCH FURTHER ACTS AS PROVIDED FOR IN CCP 568. JUDGE DURYEE

02/28/2008 HEARING CONFIRMED FOR: 03/28/2008 AT: 09:00 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: 07

03/07/2008 IT IS ORDERED: ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY BASED ON STIPULATION OF PARTIES THAT THE APPLICATION OF THE RECEIVER, LAWRENCE BASKIN, TO CONFIRM SALE OF REAL PROPERTY KNOWN AS APN 192-051-21 AND APN 192-051-23 " INCLUDING CERTAIN EASEMENTS", IN BOLINAS, CA; FURTHER ORDERED THAT THE RECEIVER IS AUTHORIZED TO SELL THE AFOREDESCRIBED PROPERTY; AND FURTHER THAT THE RECEIVER IS AUTHORIZED TO UTILIZE THE PROCEEDS FROM THE SALE TO SATISFY THE EXISTING AND FUTURE DEBTS AND OBLIGATIONS RELATING TO THE PROPERTIES IN POSSESSION, INCLUDING BUT NOT LIMITED TO MORTGAGES, TAXES, LIENS, UNSECURED INTEREST, AND ASSOCIATED COSTS OF MAINTENANCE (SEE FILE FOR DETAILS) JUDGE LYNN DURYEE

03/07/2008 IT IS ORDERED: ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY BASED ON EX PARTE APPLICATION AND STIPULATION THAT THE APPLICATION OF THE RECEIVER, LAWRENCE A. BASKIN, TO CONFIRM THE SALE OF THE REAL PROPERTY KNOWN AS APN 192-051-19 "SUBJECT TO CERTAIN EASEMENTS", IN BOLINAS, CA, IS GRANTED; FURTHER THAT THE RECEIVER IS AUTHORIZED TO SELL THE AFOREDESCRIBED PROPERTY; AND FURTHER THAT THE RECEIVER IS AUTHORIZED TO UTILIZE THE PROCEEDS FROM THE SALE TO SATISFY THE EXISTING AND FUTURE DEBTS AND OBLIGATIONS RELATING TO THE PROPERTIES IN POSSESSION, INCLUDING BUT NOT LIMITED TO MORTGAGES, TAXES, LIENS, UNSECURED INTEREST, AND ASSOCIATED COSTS OF MAINTENANCE (SEE FILE FOR DETAILS) JUDGE LYNN DURYEE

03/28/2008 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER NOT REPORTED , DEP CLK J. MINKIEWICZ
NO APPEARANCE BY OR FOR THE PARTIES
THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.
MOTION GRANTED - NO OPPOSITION AND GOOD CAUSE APPEARING, THE MOTION TO COMPEL AND RELATED RELIEF IS GRANTED AS PRAYED.
DEFENDANT TO SUBMIT TO A DEPOSITION AT A DATE, TIME, AND PLACE DIRECTED BY MR. SIEDMAN, WITHIN THE NEXT 30 DAYS.
ENTERED BY: JM
HEARING AFTER TRIAL

04/04/2008 IT IS ORDERED: ORDER COMPELLING DEFT. ERNEST J. TACHERRA TO ATTEND AND TESTIFY AT DEPOSITION AND PRODUCE FOR INSPECTION DOCUMENTS DESCRIBED IN DEPOSITION NOTICE, AND ORDER IMPOSING MONETARY SANCTION THAT THE MOTION BE GRANTED AND THAT DEFT. IS COMPELLED TO ATTEND AND TESTIFY AT A DEPOSITION AND PRODUCE FOR INSPECTION THOSE DOCUMENTS DESCRIBED IN THE DEPOSITION WITHIN THE NEXT THIRTY DAYS; FURTHER, THAT THE DEFT. ERNEST J. TACHERRA PAY WITHIN 10 DAYS TO PLTF. JAMES M. TACHERRA, THE SUM OF \$2,540.00, AS REASONABLE EXPENSES AND ATTORNEY'S FEES. JUDGE LYNN DURYEE.

05/22/2008 HEARING CONFIRMED FOR: 06/23/2008 AT: 09:00 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: 07

06/04/2008 HEARING CONFIRMED FOR: 06/27/2008 AT: 09:00 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: 07

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006 CASE TYPE: COMPLAINT CASE SUBTYPE: QUIET TITLE DATE OF LAST ACTIVITY: 10/20/2020 DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

06/23/2008 MINUTE ORDER POSTED
 JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER NOT REPORTED , DEP CLK J. MINKIEWICZ
 DEFENDANT/RESPONDENT ERNEST TACHERRA IS PRESENT IN PRO PER
 THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.
 MOTION GRANTED : NO OPPOSITION AND GOOD CAUSE APPEARING, THE REPORT OF THE RECEIVER IS
 APPROVED, AND THE COURT SETS THE MATTER FOR A SETTLEMENT CONFERENCE ON 9-22-08 @ 9:00 A.M.
 HEARING CONFIRMED FOR: 09/22/2008 AT: 09:00 AM FOR APPEARANCE TYPE: STLC IN DEPARTMENT: 07
 DEFENDANT IS GIVEN A COPY OF THE TENTATIVE RULING AND LMCV INSTRUCTIONS.
 ENTERED BY: JM

06/27/2008 MINUTE ORDER POSTED
 JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER DEBORAH BARTUNEK , DEP CLK J. MINKIEWICZ
 ATTORNEY KENT W. KHTIKIAN APPEARED FOR DEFENDANT
 DEFENDANT, ERNEST TACHERRA APPEARS LATE, AFTER THE HEARING.
 MOTION(S) HEARD AND ARGUED.
 SUBMITTED
 MOTION GRANTED : MOTION TO WITHDRAW AS COUNSEL FOR ERNEST TACHERRA.
 ORDER SIGNED IN OPEN COURT.
 ENTERED BY: JM

09/17/2008 IT IS ORDERED: APPLICATION FOR CONTINUANCE OF SETTLEMENT CONFERENCE AND ORDER THEREON: THE
 SETTLEMENT CONFERENCE IS CONTINUED FROM 9/22/08 TO 2/2/09 JUDGE LYNN DURYEE

09/17/2008 IT IS ORDERED: AFTER HEARING ON RECEIVER'S INTERIM REPORT, ACCOUNTING AND PETITION FOR
 INSTRUCTIONS JUDGE LYNN DURYEE

09/18/2008 APPEARANCE MOVED TO: 02/02/2009 AT: 09:00 AM FOR APPEARANCE TYPE: STLC IN DEPARTMENT: 07 MOVE
 REASON: BY STIPULATION AND ORDER DATED 9-17-08 FROM DATE: 09/22/2008 FROM TIME: 09:00 AM FROM
 APPEARANCE TYPE: STLC FROM DEPARTMENT: 07

10/20/2008 HEARING CONFIRMED FOR: 12/05/2008 AT: 09:00 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: 07

10/28/2008 IT IS ORDERED: ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY THAT THE RECEIVER IS
 AUTHORIZED TO SELL THE REAL PROPERTY KNOWN AS DOGWOOD ROAD, BOLINAS, CALIFORNIA (APN 192-042-
 22) "UNIMPROVED LOTS NUMBERS 1406 - 1410" IS GRANTED; FURTHER, THAT THE RECEIVER IS AUTHORIZED TO
 UTILIZE THE PROCEEDS FROM THE SALE OF DOGWOOD ROAD, BOLINAS, CALIFORNIA, TO SATISFY THE
 EXISTING AND FUTURE DEBTS AND OBLIGATIONS OF THE PARTIES RELATING TO THE PROPERTIES IN
 POSSESSION AND CONTROL OF THE RECEIVER, INCLUDING BUT NOT LIMITED TO THE PAYMENT OF
 MORTGAGES, TAXES, LIENS, UNSECURED NOTES, INTEREST, AND COSTS ASSOCIATED WITH THE PROERTIES'
 MAINTENANCE, AND SUCH FURTHER ACTS AS PROVIDED FOR IN CCP SEC. 568.
 JUDGE LYNN DURYEE

10/28/2008 MINUTE ORDER POSTED
 JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER NOT REPORTED , DEP CLK J. MINKIEWICZ
 ATTORNEY JEREMY PAUL APPEARED FOR RECEIVER
 EX PARTE MINUTE ORDER
 RECEIVER SUBMITS EX PARTE APPLICATION FOR ORDER AUTHORIZING SALE OF REAL PROPERTY.
 IT IS ORDERED: GRANTED.
 ENTERED BY: JM

12/05/2008 MINUTE ORDER POSTED

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006 CASE TYPE: COMPLAINT CASE SUBTYPE: QUIET TITLE DATE OF LAST ACTIVITY: 10/20/2020 DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

JUDGE/PROTEM/REFEREE LYNN DURYEE , REPORTER NOT REPORTED , DEP CLK J. MINKIEWICZ

NO APPEARANCE BY OR FOR THE PARTIES

THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.

MOTION GRANTED

NO OPPOSITION AND GOOD CAUSE APPEARING, THE REQUEST FOR DISTRIBUTION OF FUNDS IS GRANTED AS PRAYED.

ENTERED BY: JM

12/17/2008 IT IS ORDERED: ORDER AFTER HEARING ON PETITION FOR INSTRUCTIONS THE PETITION FOR INSTRUCTION IS GRANTED AS PRAYED. THE RECEIVER IS TO DISTRIBUTE \$17,540 TO PLTFs ATTY SIEDMAN, OF WHICH \$15,000 IS TO COME FROM PLTFs SHARE OF PARTNERSHIP ASSETS, AND \$2,540 IS TO COME FROM DEFTs SHARE OF THE PARTNERSHIP ASSETS. THE RECEIVER IS TO DISTRIBUTE THE ADDITIONAL SUM OF \$2,540 TO PLTFs ATTY SIEDMAN AS A MONETARY SANCTION IMPOSED UPON DEFT, SAID DISTRIBUTION TO COME FROM DEFTs SHARE OF THE PARTNERSHIP ASSETS JUDGE LYNN DURYEE

12/23/2008 CASE RE-OPENED / ACTIVE FOR REASSIGNMENT

12/23/2008 CASE REASSIGNED TO JUDGE HON. MICHAEL B. DUFFICY

12/23/2008 EFFECTIVE JANUARY 1, 2009, THIS MATTER IS ASSIGNED TO JUDGE MICHAEL DUFFICY FOR ALL PURPOSES.

12/23/2008 NOTICE OF CASE REASSIGNMENT AND NOTICE OF HEARING MAILED TO THE PARTIES

12/23/2008 APPEARANCE MOVED TO: 02/02/2009 AT: 09:00 AM FOR APPEARANCE TYPE: STLC IN DEPARTMENT: 04 MOVE REASON: JUDICIAL REASSIGNMENT FROM DATE: 02/02/2009 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: STLC FROM DEPARTMENT: 07

12/23/2008 CASE DISPOSED IN ENTIRETY

02/02/2009 MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER T. HANNON , DEP CLK P. OKUBO

ATTORNEY JACK SIEDMAN APPEARED FOR AND WITH PLAINTIFF

DEFENDANT/RESPONDENT ERNEST J. TACHERRA IS PRESENT IN PRO PER

APPEARANCE BY BEVERLY TACHERRA, DEFENDANT'S SPOUSE.

APPEARANCE BY SETTLEMENT CONFERENCE PANELIST: JOEL SALAMA AND ALAN MAYER.

APPEARANCE BY MR. LAWRENCE BASKIN, COURT APPOINTED RECEIVER.

SETTLEMENT CONFERENCE HELD

PARTIES HAVE COME TO A PARTIAL SETTLEMENT.

MR. MAYER RECITES THE PARTIAL SETTLEMENT. MR. BASKIN RECITES FURTHER DETAILS OF THE POSSIBLE SETTLEMENT.

PARTIES STATE THEIR AGREEMENT TO THE PARTIAL SETTLEMENT AS DISCUSSED AND RECITED.

IT IS ORDERED: COURT TRIAL SET 9/15/09 AT 9:30 A.M., ESTIMATE IS 3 DAYS. MANDATORY SETTLEMENT CONFERENCE SET 8/10/09 AT 9:00 A.M.

HEARING CONTINUED TO: 08/10/2009 AT: 09:00 AM FOR APPEARANCE TYPE: STLC IN DEPARTMENT: 04 FROM DATE: 02/02/2009 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: STLC FROM DEPARTMENT: 04

HEARING CONFIRMED FOR: 09/15/2009 AT: 09:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: 04

MR. SIEDMAN TO PREPARE AN ORDER REFLECTING TODAY'S AGREEMENT.

DEFENDANT, MR. ERNEST TACHERRA WILL BE SEEKING COUNSEL.

HEARING BEFORE TRIAL

ENTERED BY: P. OKUBO

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
REGISTER OF ACTIONS	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
	CASE NUMBER: CIV 061492

02/18/2009 IT IS ORDERED: THAT THE RECEIVER IS INSTRUCTED TO NEGOTIATE AN EXCHANGE OF PARTNERSHIP LAND WITH THE ADJOINING LAND OWNER IN ORDER TO SECURE A PARCEL FOR THE PARTNERHSIP WHICH IS SERVED BY A WATER METER. THE FINAL TERMS AND CONDITIONS OF ANY SUCH EXCHANGE SHALL BE SUBJECT TO APPROVAL BY MUTUAL AGREEMENT OF THE PARTIES, OR PURSUANT TO AN ORDER OF THE COURT; THE PARTIES AND THE RECEIVER SHALL NEGOTIATE A DIVISION OF THE REAL PROPERTY HELD BY THE PARTNERSHIP CONCURRENT WITH OR FOLLOWING THE FINALIZATION OF THE ABOVE PROPERTY EXCHANGE; THE RECEIVER SHALL SELL THE REAL PROPERTIES AT 145 ELM ROAD AND 24 WHARF ROAD, BOLINAS, CALIFORNIA; AT SUCH TIME AS DEFT. RETAINS COUNSEL, HE SHALL BE ENTITLED TO A DISTRIBUTION BY THE RECIVER FROM PARTNERSHIP FUNDS OF FEES TO SAID COUNSEL; THE PARTIES ARE ORDERED TO ATTEND A MANDATORY SETTLEMENT CONFERENCE ON 8/10/09, AT 9:00 AM; THIS CASE IS SET FOR TRIAL ON 9/15/09. (SEE FILE FOR DETAILS)
JUDGE MICHAEL B. DUFFICY

03/23/2009 APPEARANCE MOVED TO: 02/18/2010 AT: 09:00 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: 04 MOVE REASON: LASGT ACTIVITY 2/18/2009 FROM DATE: 09/15/2009 FROM TIME: 09:30 AM FROM APPEARANCE TYPE: TRCL FROM DEPARTMENT: 04

05/20/2009 APPEARANCE MOVED TO: 02/18/2010 AT: 09:00 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D05 MOVE REASON: NEW DEPT NUMBER FROM DATE: 02/18/2010 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: TRCL FROM DEPARTMENT: 04

05/20/2009 APPEARANCE MOVED TO: 08/10/2009 AT: 09:00 AM FOR APPEARANCE TYPE: STLC IN DEPARTMENT: D05 MOVE REASON: NEW DEPT NUMBER FROM DATE: 08/10/2009 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: STLC FROM DEPARTMENT: 04

08/10/2009 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER T. HANNON , DEP CLK P. OKUBO
ATTORNEY JACK SIEDMAN APPEARED FOR AND WITH PLAINTIFF JAMES TACHERRA
DEFENDANT/RESPONDENT ERNEST TACHERRA IS PRESENT IN PRO PER
APPEARANCE BY SETTLEMENT CONFERENCE PANELIST ERIC STERNBERGER AND JOSEPH SALAMA.
SETTLEMENT CONFERENCE HELD
CASE REPORTED NOT SETTLED
ONE ISSUE SETTLED. SETTLEMENT CONFERENCE PANELIST ERIC STERNBERGER RECITES AGREEMENT.
MR. JAMES TACHERRA AFFIRMS AGREEMENT AS RECITED. MR. ERNEST TACHERRA AFFIRMS AGREEMENT AS RECITED.
IT IS ORDERED: MR. SIEDMAN TO PREPARE THE ORDER OF THE AGREEMENT. AS THIS AGREEMENT DOES NOT RESOLVE THE CASE, THE TRIAL REMAINS AS SET ON 9/15/09 AT 9:30 A.M.
HEARING BEFORE TRIAL
ENTERED BY: P. OKUBO

08/10/2009 APPEARANCE MOVED TO: 09/15/2009 AT: 09:00 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D05 MOVE REASON: CLERK'S ERROR, TRIAL DATE WAS NOT SUPPOSED TO BE MOVED FROM DATE: 02/18/2010 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: TRCL FROM DEPARTMENT: D05

08/24/2009 SUBSTITUTION OF ATTORNEY FILED, AS TO: DEFT. ERNEST J. TACHERRA; FORMERLY IN PRO PER; PRESENT ATTY. ROBERT SPRAGUE

09/08/2009 APPEARANCE MOVED TO: 01/19/2010 AT: 09:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D05 MOVE REASON: PER STIPULATION AND ORDER GRANTED 9/8/09 FROM DATE: 09/15/2009 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: TRCL FROM DEPARTMENT: D05

09/08/2009 STIPULATION AND ORDER THAT THE TRIAL OF THIS ACTON IS CONTINUED FROM 9/13/09 TO 1/19/10 AT 9:30 A.M. IN THE COURTROOM OF JUDGE MICHAEL B. DUFFICY. JUDGE MICHAEL B. DUFFICY FILED

09/29/2009 APPEARANCE MOVED TO: 01/19/2010 AT: 09:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D05 MOVE REASON: NEW SESSION FROM DATE: 01/19/2010 FROM TIME: 09:30 AM FROM APPEARANCE TYPE: TRCL FROM DEPARTMENT: D05

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006
	CASE TYPE: COMPLAINT
	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

- 10/01/2009 IT IS ORDERED: THAT THE RECEIVER LAWRENCE A. BASKIN IS AUTHORIZED TO PROCEED WITH AN EXCHANGE OF REAL PROPERTY WITH JOHN OSTERWEISS AS FOLLOWS: OSTERWEISS WILL CONVEY TITLE OF THE REAL PROPERTY IDENTIFIED AS AP NO. 193-020-38, IN CONSIDERATION FOR THE TACHERRA PARTNERSHIP WILL CONVEY TITLE TO OSTERWEISS OF: PARCEL #188-170-21-3 (3 ACRES); #192-032-02 (1/2 ACRE); #192-032-03 (1/2 ACRE); #188-170-55 (23.5 ACRES); AND A PORTION OF #188-170-34. (SEE FILE FOR DETAILS) JUDGE MICHAEL B. DUFFICY
- 10/14/2009 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER T. HANNON , DEP CLK P. OKUBO
APPEARANCE BY JEREMY PAUL, PARALEGAL, FROM THE OFFICE OF LAWRENCE BASKIN, RECEIVER.
NO APPEARANCE BY OR FOR THE PARTIES
EX PARTE MINUTE ORDER APPLICATION FOR ORDER AUTHORIZING THE SALE OF REAL PROPERTY [CCP 568.5].
COURT HEARS AND CONSIDERS EX PARTE APPLICATION.
IT IS ORDERED: EX PARTE APPLICATION IS GRANTED FOR ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY [CCP 568.5].
ORDER SIGNED IN OPEN COURT.
ENTERED BY: P. OKUBO
- 10/14/2009 IT IS ORDERED: THAT THE RECEIVER IS AUTHORIZED TO SELL THE AFOREDESCRIBED PROPERTY KNOWN AS DOGWOOD ROAD, BOLINAS, CA (APN 192-042-30) "UNIMPROVED LOTS NUMBERS 1383,1384,1385 AND 1386"; FURTHER THAT THE APPLICATION OF THE RECEIVER, LAWRENCE A. BASKIN, TO CONFIRM THE SALE OF THE REAL PROPERTY KNOWN AS DOGWOOD ROAD, BOLINAS, CA (APN 192-042-30) "UNIMPROVED LOTS NUMBERS 1383,1384,1385 AND 1386" IS GRANTED; FURTHER THAT THE RECEIVER IS AUTHORIZED TO UTILIZE THE PROCEEDS FROM THE SALE OF DOGWOOD ROAD TO SATISFY THE EXISTING AND FUTURE DEBTS AND OBLIGATIONS OF THE PARTIES RELATING TO THE PROPERTIES IN THE POSSESSION AND CONTROL OF THE RECEIVER, INCLUDING BUT NOT LIMITED TO THE PAYMENT OF MORTGAGES, TAXES, UNSECURED NOTES, INTEREST, AND COSTS ASSOCIATED WITH THE PROPERTIES' MAINTENANCE, AND SUCH FURTHER ACTS AS PROVIDED. JUDGE MICHAEL B. DUFFICY
- 10/22/2009 HEARING CONFIRMED FOR: 12/17/2009 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D05
- 12/04/2009 OPPOSITION/RESPONSE TO MOTION FILED BY THE ATTY FOR THE PLAINTIFF, TO THE MOTION TO DISMISS 2ND THROUGH 6TH CAUSES OF ACTION IN COMPLAINT FOR FAILURE TO GET TRIAL WITHIN 3 YEARS.
- 12/04/2009 OPPOSITION/RESPONSE TO MOTION FILED BY THE ATTY FOR THE PLAINTIFF, TO THE MOTION FOR ORDER REMOVING SIEDMAN AS ATTY OF RECORD FOR PLAINTIFF.
- 12/17/2009 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER NOT REPORTED , DEP CLK P. OKUBO
NO APPEARANCE BY OR FOR THE PARTIES
THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.
RULING:
DEFENDANT'S MOTION TO DISMISS SECOND THROUGH SIXTH CAUSES OF ACTION IS DENIED. INITIALLY THE COURT NOTES THAT DEFENDANT CITES NO AUTHORITY SHOWING THAT THE COURT MAY DISMISS PARTICULAR CAUSES OF ACTION FOR DELAY IN PROSECUTION AS OPPOSED TO THE "ACTION." REGARDLESS, DISMISSAL IS NOT WARRANTED. PLAINTIFF HAS BEEN DILIGENTLY PROSECUTING THIS ACTION.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
REGISTER OF ACTIONS	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
	CASE NUMBER: CIV 061492

DEFENDANT'S MOTION TO REMOVE JACK SIEDMAN AS ATTORNEY FOR PLAINTIFF IS DENIED. AS TO THE FIRST, SECOND, AND FOURTH INSTANCES OF REPRESENTATION, DEFENDANT HAS FAILED TO ESTABLISH A SUBSTANTIAL RELATIONSHIP BETWEEN THE FORMER REPRESENTATION AND CURRENT REPRESENTATION. (SEE MED-TRANS CORP., INC. V. CITY OF CALIFORNIA CITY (2007) 156 CAL.APP.4TH 655, 664-665.) NOR HAS DEFENDANT SHOWN THE NATURE OF THE COMMUNICATIONS HE MADE TO SIEDMAN IN CONNECTION WITH THOSE REPRESENTATIONS OR HOW THEY RELATE TO THE CURRENT REPRESENTATION. (ELLIOTT V. MCFARLAND UNIFIED SCHOOL DIST. (1985) 165 CAL.APP.3D 562, 572; SEE ALSO WEIL AND BROWN, CAL. PRACTICE GUIDE: CIVIL PROCEDURE BEFORE TRIAL (TRG 2009) SECTION 9:406.8.) AS TO THE REPRESENTATION REGARDING THE LEASE OF 24 WHARF ROAD, THE EVIDENCE SUPPORTS A FINDING THAT DEFENDANT CONSENTED TO THE ADVERSE REPRESENTATION. (SEE HEALTH MAINTENANCE NETWORK V. BLUE CROSS OF SO. CALIFORNIA (1988) 202 CAL.APP.3D 1043, 1064.)

ENTERED BY: P. OKUBO

01/05/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER T. HANNON , DEP CLK P. OKUBO

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF

ATTORNEY ROBERT SPRAGUE APPEARED FOR DEFENDANT

EX PARTE MINUTE ORDER DEFENDANT'S APPLICATION FOR ORDER SHORTENING TIME FOR HEARING (1) MOTION FOR ORDER DIRECTING RECEIVER TO PAY \$30,000 TO DEFENDANT ERNEST J. TACHERRA AND (2) MOTION TO CONTINUE TRIAL 120 DAYS.

COUNSEL SPRAGUE STATES HE DOES NOT OPPOSE THE APPLICATION SHORTENING TIME.

IT IS ORDERED: DEFENDANT ERNEST TACHERRA'S APPLICATION FOR ORDER SHORTENING TIME IS GRANTED. THE MOTION FOR ORDER DIRECTING RECEIVER TO PAY \$30,000 TO DEFENDANT ERNEST J. TACHERRA FOR ATTORNEY'S FEES AND MOTION TO CONTINUED TRIAL WILL BE HEARD ON 1/14/2010 AT 8:30 A.M.. MOTIONS TO BE FILED AND SERVED BY CLOSE OF BUSINESS 1/5/2010. OPPOSITION TO BE FILED AND SERVED BY NOON ON 1/12/2010. REPLY IF ANY WILL BE HEARD ON 1/14/2010, DAY OF THE MOTIONS.

ORDER SIGNED AND GIVEN TO COUNSEL WITH EX PARTE APPLICATION FOR PAYMENT OF FEES AND FILING IN CLERKS' OFFICE ROOM 113.

ENTERED BY: P. OKUBO

01/05/2010

IT IS ORDERED: DEFENDANT'S EX PARTE ORDER SHORTENING TIME SETS THE FOLLOWING MOTIONS FOR FOR JANUARY 14, 2010: 1) MOTION FOR ORDER DIRECTING RECEIVER TO PAY DEFENDANT; AND 2) MOTION TO CONTINUE TRIAL. PAPERS TO BE FILED BY 1-5-10; OPP DUE BY NOON ON 1-12-10; AND REPLY IF ANY WILL BE HEARD ON 1-14-10 DAY OF MOTION.

01/05/2010

HEARING CONFIRMED FOR: 01/14/2010 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D05

01/07/2010

IT IS ORDERED: THAT DEFT'S MOTION TO DISMISS SECOND THROUGH SIXTH CAUSES OF ACTION IS DENIED; DEFT'S MOTION TO REMOVE JACK SIEDMAN AS ATTORNEY FOR PLTF. IS DENIED. (SEE FILE FOR DETAILS) JUDGE MICHAEL B. DUFFICY

01/12/2010

OPPOSITION/RESPONSE TO MOTION FILED BY THE ATTY FOR THE PLAINTIFF, TACHERRA, TO THE MOTION FOR ORDER CONTINUING TRIAL AND REOPENING DISCOVERY, AND TO THE MOTION FOR ORDER DIRECTING RECEIVER TO PAY \$30,000 TO DEFT, ERNIE TACHERRA, FOR ATTY'S FEES.

01/14/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER T. HANNON , DEP CLK P. OKUBO

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF

ATTORNEY ROBERT SPRAGUE APPEARED FOR AND WITH DEFENDANT ERNEST TACHERRA.

COURT DISCUSSES CONCERNS REGARDING MOTIONS, CASE AND TRIAL.

SCHEDULING MANDATORY SETTLEMENT CONFERENCE DISCUSSED.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
JAMES M. TACHERRA	DATE FILED:	4/7/2006
PLAINTIFF(s)	CASE TYPE:	COMPLAINT
VS.	CASE SUBTYPE:	QUIET TITLE
ERNEST J. TACHERRA	DATE OF LAST ACTIVITY:	10/20/2020
DEFENDANT(s)	DATE/TIME RUN:	05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER:	CIV 061492

IT IS ORDERED: COURT TRIAL SET 1/19/2010 IS VACATED. THE DATE WILL BE RETAINED FOR A CASE MANAGEMENT CONFERENCE AND POSSIBLE MANDATORY SETTLEMENT CONFERENCE WITH THE COURT. COUNSEL ARE TO CONTACT THE RECEIVER, LAWRENCE A. BASKIN, REGARDING HIS AVAILABILITY FOR POSSIBLE SETTLEMENT CONFERENCE ON 1/19 OR FUTURE AVAILABLE DATES. COUNSEL TO NOTIFY THE COURT BY LEAVING A MESSAGE WITH THE COURTROOM CLERK. COURTROOM CLERK'S PHONE NUMBER RECITED.

APPEARANCE DROPPED FOR 01/19/2010 AT: 09:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D05 DROP REASON: PER ORDER OF THE COURT ON 1/14/2010.

HEARING CONFIRMED FOR: 01/19/2010 AT: 08:30 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D05 ATTORNEY FEES DISCUSSED.

ENTERED BY: P. OKUBO

01/19/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER C. GILSON, A.M./V. HAINES, P.M. , DEP CLK P. OKUBO

ATTORNEY JACK SIEDMAN APPEARED FOR AND WITH PLAINTIFF JAMES TACHERRA

ATTORNEY ROBERT SPRAGUE APPEARED FOR AND WITH DEFENDANT ERNEST TACHERRA

APPEARANCE BY RECEIVER LAWRENCE BASKIN.

MATTER COMES BEFORE THE COURT FOR ADDITIONAL SETTLEMENT CONFERENCE.

SETTLEMENT CONFERENCE HELD

AT 3:06 P.M. PARTIES RETURN TO THE COURTROOM. CHANGE IN COURT REPORTER, VICKI HAINES REPORTING.

RECEIVER LAWRENCE BASKIN STATES PARTIES HAVE REACHED A CONDITIONAL SETTLEMENT.

COURT'S EXHIBIT(S) MARKED FOR IDENTIFICATION AND ADMITTED IN EVIDENCE: - A - SURVEY MAP OF TACHERRA LANDS - VICINITY BOLINAS, JUNE 2009.

RECEIVER LAWRENCE BASKIN RECITES TERMS OF THE CONDITIONAL SETTLEMENT.

WITNESS(ES) SWORN AND TESTIFIED: JAMES M. TACHERRA

WITNESS(ES) SWORN AND TESTIFIED: ERNEST J. TACHERRA.

COURT CONFIRMS WITH PARTIES AGREEMENT TO CONDITIONAL SETTLEMENT AS RECITED BY RECEIVER LAWRENCE BASKIN. ALL PARTIES AGREE TO THE CONDITIONAL SETTLEMENT AS RECITED BY THE RECEIVER LAWRENCE BASKIN.

IT IS ORDERED: COURT RESERVES JURISDICTION OVER THE CONDITIONAL SETTLEMENT. COUNSEL JACK SIEDMAN TO PREPARE THE SETTLEMENT DOCUMENTS. RECEIVER LAWRENCE BASKIN WILL PAY FOR PREPARATION AND COPIES OF THE CONDITIONAL SETTLEMENT TRANSCRIPT.

THE PROPOSED TARGET DATE TO COMPLETE THE CONDITIONAL SETTLEMENT AGREEMENT IS 4/1/2010. CLAIMS OF PERSONAL PROPERTY HAVE NOT BEEN SETTLED.

ENTERED BY: P. OKUBO

01/19/2010

IT IS ORDERED: THAT THE APPLICATION OF THE RECEIVER, LAWRENCE A. BASKIN, TO CONFIRM THE SALE OF THE REAL PROPERTY KNOWN AS THE VACANT LOT ON DOGWOOD ROAD, BOLINAS, CA IS GRANTED; FURTHER THAT THE RECEIVER IS AUTHORIZED TO UTILIZE THE PROCEEDS FROM THE SALE OF SAID PROPERTY TO SATISFY THE EXISTING AND FUTURE DEBTS AND OBLIGATIONS OF THE PARTIES RELATING TO THE PROPERTIES IN THE POSSESSION AND CONTROL OF THE RECEIVER, INCLUDING BUT NOT LIMITED TO THE PAYMENT OF MORTGAGES, TAXES, LIENS, UNSECURED NOTES, INTEREST, AND COSTS ASSOCIATED WITH THE PROPERTIES' MAINTENANCE, AND SUCH FURTHER ACTS. JUDGE MICHAEL B. DUFFICY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
REGISTER OF ACTIONS	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
	CASE NUMBER: CIV 061492

01/29/2010 IT IS ORDERED: (AMENDED) THAT THE APPLICATION OF THE RECEIVER, LAWRENCE A. BASKIN, TO CONFIRM THE SALE OF THE REAL PROPERTY KNOWN AS THE VACANT LOT ON DOGWOOD ROAD, BOLINAS IS GRANTED; FURTHER THAT THE RECEIVER IS AUTHORIZED TO UTILIZE THE PROCEEDS FROM THE SALE OF PROPERTY TO SATISFY THE EXISTING AND FUTURE DEBTS AND OBLIGATIONS OF THE PARTIES RELATING TO THE PROPERTIES IN THE POSSESSION AND CONTROL OF THE RECEIVER, INCLUDING BUT NOT LIMITED TO THE PAYMENT OF MORTGAGES, TAXES, LIENS, UNSECURED NOTES, INTEREST, AND COSTS ASSOCIATED WITH THE PROPERTIES' MAINTENANCE. JUDGE MICHAEL B. DUFFICY

01/29/2010 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER TINA HANNON , DEP CLK JULIE WITHEY
APPEARANCE BY MARTA WEISS, FOR LARRY BASKIN'S OFFICE
EX PARTE MINUTE ORDER : MS. WEISS IS APPEARING WITH AN APPLICATION FOR AN AMENDED JUDGMENT FORM OF JUDGMENT SIGNED IN OPEN COURT
ENTERED BY: JW

02/01/2010 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER T. HANNON , DEP CLK P. OKUBO
ATTORNEY ROBERT SPRAGUE APPEARED FOR AND WITH DEFENDANT ERNEST J. TACHERRA
NO APPEARANCE BY OR FOR THE PLAINTIFF JAMES TACHERRA
EX PARTE MINUTE ORDER DEFENDANT'S APPLICATION FOR ORDER SHORTENING TIME FOR HEARING MOTION FOR ORDER DIRECTING RECEIVER TO PAY \$28,760.50 TO ATTORNEY ROBERT SPRAGUE
IT IS ORDERED: APPLICATION FOR ORDER SHORTENING TIME IS GRANTED. MOTION FOR ORDER DIRECTING RECEIVER TO PAY \$28,760.50 TO ATTORNEY ROBERT SPRAGUE IS SET ON FEBRUARY 9, 2010 AT 8:30 A.M. MOTION TO BE FILED AND SERVED BY THE CLOSE OF BUSINESS ON FEBRUARY 2, 2010. OPPOSITION IS DUE FEBRUARY 5, 2010 BY CLOSE OF BUSINESS. NO REPLY TO BE FILED.
ENTERED BY: P. OKUBO

02/01/2010 IT IS ORDERED: ORDER SHORTENING TIME ON DEFT'S MOTION FOR ORDER DIRECTING RECEIVER TO PAY ATTY'S. FEES TO BE HEARD ON 02/09/10; MOVING PAPERS TO BE FILED/SERVED BY CLOSE OF BUSINESS ON 02/2/10; OPPOSING PAPERS TO BE FILED/SERVED BY CLOSE OF BUSINESS 02/05/10; SIGNED BY HON. MICHAEL B. DUFFICY.

02/01/2010 APPEARANCE ADDED ON FOR: 02/09/2010 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D05

02/03/2010 IT IS ORDERED: THAT DEFT'S MOTION FOR AN ORDER DIRECTING THE RECEIVER TO PAY \$30,000 TO DEFT. ERNEST J. TACHERRA FOR ATTORNEY'S FEES IS DENIED WITHOUT PREJUDICE. JUDGE MICHAEL B. DUFFICY

02/03/2010 IT IS ORDERED: THAT THE COURT DENIES THE MOTION TO CONTINUE THE TRIAL AND TO REOPEN DISCOVERY; HOWEVER, IN LIEU OF GOING TO TRIAL AS SCHEDULE ON 1/19/10, THE PARTIES ARE ORDERED BY THE COURT TO ATTEND A MANDATORY, JUDICIALLY-SUPERVISED SETTLEMENT CONFERENCE ON 1/19/10. JUDGE MICHAEL B. DUFFICY

02/05/2010 OPPOSITION/RESPONSE TO MOTION FILED BY THE ATTY FOR THE PLAINTIFF, TACHERRA, TO THE ORDER DIRECTING RECEIVER TO PAY FEES TO ATTY FOR DEFT.

02/09/2010 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER T. HANNON , DEP CLK P. OKUBO
ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF
ATTORNEY ROBERT SPRAGUE APPEARED FOR AND WITH DEFENDANT ERNEST TACHERRA
TENTATIVE RULING WAS NOT ISSUED BY THE COURT.
COURT IS FAMILIAR WITH THE CASE AND HAS REVIEWED THE MOTION.
COURT HEARS FROM COUNSEL.
MOTION(S) HEARD AND ARGUED.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN	
JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

DEFENDANT ERNEST TACHERRA ADDRESSES THE COURT.

THE COURT WILL DETERMINE THE REASONABLE VALUE OF MR. SPRAGUE'S SERVICES.

CASE UNDER SUBMISSION

ENTERED BY: P. OKUBO

02/10/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE MICHAEL B. DUFFICY , REPORTER NOT REPORTED , DEP CLK P. OKUBO

NO APPEARANCE BY OR FOR THE PARTIES

CASE NO LONGER UNDER SUBMISSION

EX PARTE MINUTE ORDER

IT IS ORDERED: THE MOTION FOR AN ORDER DIRECTING THE RECEIVER TO PAY \$28,760.50 IN ATTORNEY FEES FOR DEFENDANT ERNEST J. TACHERRA IS DENIED WITHOUT PREJUDICE.

ENTERED BY: P. OKUBO

MINUTE ORDER FILED AND MAILED TO THE PARTIES WITH PROOF OF SERVICE BY THE COURTROOM CLERK.

02/24/2010

NOTICE OF CONDITIONAL SETTLEMENT FILED 2-19-10

02/24/2010

HEARING CONFIRMED FOR: 04/23/2010 AT: 08:30 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D11

02/25/2010

CASE REASSIGNED TO JUDGE HON. JAMES R. RITCHIE

02/25/2010

NOTICE OF CASE REASSIGNMENT AND NOTICE OF HEARING MAILED TO THE PARTIES

03/01/2010

IT IS ORDERED: ORDER DENYING MOTION FOR ORDER DIRECTING RECEIVER TO PAY \$28,760.50 TO ATTY FOR DEFT. ERNEST J. TACHERRA FOR FEES; THAT THE MOTION IS DENIED WITHOUT PREJUDICE. JUDGE JAMES R. RITCHIE

03/03/2010

NOTICE OF CETENKO LIEN FOR ATTY'S FEES AND REQUEST FOR SPECIAL NOTICE FILED BY ATTY. ROBERT SPRAGUE OBO DEFT.

03/05/2010

NOTICE OF CETENKO LIEN FOR ATTY'S FEES; REQUEST FOR SPECIAL NOTICE FILED BY ATTY. KENT KHTIKIAN OBO DEFT.

03/10/2010

HEARING CONFIRMED FOR: 05/17/2010 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D11

03/15/2010

APPEARANCE MOVED TO: 05/17/2010 AT: 08:30 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D11 MOVE REASON: DEPT E NIS ON 04-23-10 FROM DATE: 04/23/2010 FROM TIME: 08:30 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D11

03/26/2010

NOTICE OF CHANGE OF ADDRESS FILED BY ATTY. ROBERT SPRAGUE OBO DEFT.

04/28/2010

SUBSTITUTION OF ATTORNEY FILED, AS TO: DEFT. ERNEST J. TACHERRA; FORMER ATTY. ROBERT SPRAGUE; PRESENTLY IN PRO PER.

05/13/2010

HEARING CONFIRMED FOR: 08/11/2010 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D11

05/17/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE JAMES R. RITCHIE , REPORTER NOT REPORTED , DEP CLK VITA JOHANSON

NO APPEARANCE BY OR FOR THE PARTIES

HEARING BEFORE TRIAL

THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.

RULING: GOOD CAUSE APPEARING WITH NO OPPOSITION HAVING BEEN FILED AND WITH ERNEST J. TACHERRA HAVING SIGNED A SUBSTITUTION OF ATTORNEY DOCUMENT, ACKNOWLEDGING THE WITHDRAWAL OF MR. SPRAGUE, THE MOTION IS GRANTED AND MR. SPRAGUE IS RELIEVED AS COUNSEL OF RECORD FOR ERNEST J. TACHERRA. THE MATTER REMAINS ON CALENDAR FOR CMC ON 05-17-2010 AT WHICH TIME THE STATUS OF THE SETTLEMENT WILL BE DISCUSSED. MR. TACHERRA IS ADVISED THAT HE MAY HAVE COUNSEL OF HIS CHOICE PRESENT AT THE CONFERENCE, IF HE HAS FILED AN APPROPRIATE SUBSTITUTION OF ATTORNEY.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006 CASE TYPE: COMPLAINT CASE SUBTYPE: QUIET TITLE DATE OF LAST ACTIVITY: 10/20/2020 DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

ENTERED BY: VJ

05/17/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE JAMES R. RITCHIE , REPORTER SUSAN KLOTZ , DEP CLK VITA JOHANSON
ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF
NO APPEARANCE BY OR FOR THE DEFENDANT
HEARING BEFORE TRIAL
MOTIONS ARE SET IN AUGUST; DEFENDANT IS NOW SELF-REPRESENTED AND IS NOT AGREEABLE.
IT IS ORDERED: CMC CONTINUED TO 08-11-2010 AT 8:30 A.M.

HEARING CONTINUED TO: 08/11/2010 AT: 08:30 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D11 FROM
DATE: 05/17/2010 FROM TIME: 08:30 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D11
MR. SIEDMAN MUST PROVIDE NOTICE OF THIS ORDER TO DEFENDANT

ENTERED BY: VJ

05/17/2010

IT IS ORDERED: ORDER GRANTING ATTY'S MOTION TO BE RELIEVED AS COUNSEL-CIVIL; ATTY. ROBERT
SPRAGUE TO BE RELIEVED AS COUNSEL FOR DEFT. ERNEST J. TACHERRA. JUDGE JAMES R. RITCHIE

07/14/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE JAMES R. RITCHIE , REPORTER MARGARET COLLINS , DEP CLK S. DIENER
ATTORNEY MARTA WEISS, SPECIALLY APPEARED FOR RECEIVER
NO APPEARANCE BY OR FOR THE OTHER PARTIES

EX PARTE MINUTE ORDER : MATTER COMES BEFORE THE COURT ON RECEIVER'S MOTION FOR REPORT OF
RECEIVER AND ACCOUNTING ON THE SAME DATE AS PLAINTIFF'S MOTION FOR AMENDMENT OF SETTLEMENT
ON 08/11/10.

MOTION GRANTED

ORDER SIGNED IN OPEN COURT

HEARING BEFORE TRIAL

ENTERED BY: S.D.

07/14/2010

IT IS ORDERED: RECEIVER'S EX PARTE FOR AN ORDER SHORTENING TIME TO HEAR RECEIVER'S INTERIM
REPORT AND ACCOUNTING SHALL BE HEARD ON 8-11-10 AT 8:30 A.M. IN DEPT. E.

08/11/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE JAMES R. RITCHIE , REPORTER ELLEN SPRING , DEP CLK S. DIENER
ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF

DEFENDANT/RESPONDENT ERNEST TACHERRA (W/ MR. BASKIN-NOT RETAINED) IS PRESENT IN PRO PER

MATTER COMES BEFORE THE COURT ON 1)PLAINTIFF'S MOTION FOR PAYMENT OF ATTYS FEES ON ACCOUNT 2)
PLAINTIFF'S MOTION FOR AMENDMENT AND MODIFICATION OF TERMS OF SETTLEMENT, 3)HEARING ON
RECEIVERS INTERIM REPORT, ACCOUNTING AND PETITION FOR INSTRUCTIONS.

MOTION(S) HEARD AND ARGUED.

TENTATIVE RULING ADOPTED AS MODIFIED.

RULING:

1) ATTORNEY'S FEES: NO OPPOSITION HAVING BEEN FILED AND GOOD CAUSE APPEARING, IT IS ORDERED THAT
THE MOTION OF PLAINTIFF JAMES TACHERRA IS GRANTED AND THAT PAYMENT OF \$20,000 BE MADE ON
ACCOUNT TO PLAINTIFF'S ATTORNEY JACK SIEDMAN FOR SERVICES RENDERED FROM 2006 TO DATE. SUCH
PAYMENT IS MADE WITH THE SPECIFIC REQUIREMENT THAT MR. SIEDMAN REMAIN AS ATTORNEY OF RECORD
FOR PLAINTIFF AND THAT HE CONTINUE TO WORK WITH RECEIVER TOWARD RESOLUTION OF THE PARTIES'
PROPERTY AND PARTNERSHIP DISPUTE. (SEE BELOW)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN	
JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

2) MOTION FOR AMENDMENT AND MODIFICATION OF SETTLEMENT AGREEMENT:

AS THE PARTIES HAVE ALREADY MET AND HAVE COME TO A TENTATIVE SETTLEMENT PENDING MR. ERNEST TACHERRA'S RETENTION OF COUNSEL TO REVIEW THE AGREEMENT, COURT MAKES THE FOLLOWING MODIFICATION TO THIS PORTION OF ITS RULING:

COURT APPROVES FOUR (4) HOURS OF LEGAL WORK TO E. TACHERRA'S PRIOR ATTORNEY, MR. KHITKIAN FOR APPROVAL OF AGREEMENT. MR. TACHERRA HAS AUTHORITY, SHOULD HE DEEM NECESSARY, TO ALLOCATE MORE TIME.

PARTIES MAY SUBMIT SETTLEMENT AGREEMENT EX-PARTE.

3) RECEIVER'S REPORT AND REQUEST FOR INSTRUCTIONS: THIS PORTION OF THE RULING HAS BEEN MODIFIED, AFTER DISCUSSIONS IN COURT, AS FOLLOWS:

RECEIVER'S REPORT IS APPROVED TO DATE WITH THIS CAVEAT: IF EITHER SIDE DISCOVERS 'WRONG DOING' THAT HAS YIELDED AN INAPPROPRIATE RESULT, PARTIES MAY COME BACK AND CONTEST THE ISSUES.

HEARING BEFORE TRIAL

TWO ORDERS SIGNED IN OPEN COURT.

ENTERED BY: S.D.

08/11/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE JAMES R. RITICHE , REPORTER ELLEN SPRING , DEP CLK S. DIENER

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF

DEFENDANT/RESPONDENT ERNEST TACHERRA IS PRESENT IN PRO PER

IT IS ORDERED:

HEARING CONTINUED TO: 10/01/2010 AT: 08:30 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D11 FROM DATE: 08/11/2010 FROM TIME: 08:30 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D11

HEARING BEFORE TRIAL

ENTERED BY: S.D.

08/11/2010

IT IS ORDERED: THAT THE ACCOUNTING OF THE FUNDS HELD BY THE RECEIVER AS SET FORTH IN THE PROFIT & LOSS BY CLASS DATED 6/21/08 THROUGH 6/30/10 WHICH IS ATTACHED TO THE STATEMENT OF RECEIVER ON FILE AS EXHIBIT A IS APPROVED AND ACCEPTED; AND THE COURT APPROVES AND RATIFIES ALL ACTIONS TAKEN BY THE RECEIVER SINCE THE LAST INTERIM REPORT. JUDGE JAMES R. RITCHE

08/11/2010

IT IS ORDERED: THAT THE MOTION OF PLTF JAMES M. TACHERRA IS GRANTED AND THAT PAYMENT OF \$20,000 BE MADE ON ACCOUNT TO PLTF'S ATTY JACK SIEDMAN FOR SERVICES RENDERED FROM 2006 TO DATE; SUCH PAYMENT IS MADE WITH THE SPECIFIC REQUIREMENT THAT MR. SIEDMAN REMAIN AS ATTY OF RECORD FOR PLTF AND THAT HE CONTINUE TO WORK WITH THE RECEIVER TOWARD RESOLUTION OF THE PARTIES' PROPERTY AND PARTNERSHIP DISPUTE; MOTION FOR AMENDMENT AND MODIFICATION OF SETTLEMENT AGREEMENT-PARTIES ARE ORDERED TO APPEAR TO DISCUSS POSSIBILITIES FOR AND OBSTACLES TO SETTLEMENT; RECEIVER'S REPORT AND REQUEST FOR INSTRUCTIONS-PARTIES ARE TO APPEAR AND DISCUSS THE RECEIVER'S REPORT PRIOR TO SETTLEMENT AGREEMENT (SEE FILE FOR DETAILS) JUDGE JAMES R. RITCHE

10/01/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE JAMES R. RITCHE , REPORTER CHRISTINE GILSON , DEP CLK S. DIENER

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF

COUNSEL INFORMS COURT THAT NO ONE ELSE WILL BE APPEARING AND REQUESTS MORE TIME TO REACH A SETTLEMENT

IT IS ORDERED:

HEARING CONTINUED TO: 11/05/2010 AT: 08:30 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D11 FROM DATE: 10/01/2010 FROM TIME: 08:30 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D11

HEARING BEFORE TRIAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006 CASE TYPE: COMPLAINT CASE SUBTYPE: QUIET TITLE DATE OF LAST ACTIVITY: 10/20/2020 DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

ENTERED BY: S.D.

11/05/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE JAMES R. RITCHIE , REPORTER NOT REPORTED , DEP CLK S. DIENER

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF

DEFENDANT/RESPONDENT ERNEST TACHERRA IS PRESENT IN PRO PER

IT IS ORDERED:

HEARING CONTINUED TO: 12/29/2010 AT: 08:30 AM FOR APPEARANCE TYPE: CMGT IN DEPARTMENT: D11 FROM DATE: 11/05/2010 FROM TIME: 08:30 AM FROM APPEARANCE TYPE: CMGT FROM DEPARTMENT: D11

HEARING CONFIRMED FOR: 02/01/2011 AT: 08:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D11

HEARING BEFORE TRIAL

ENTERED BY: S.D.

12/08/2010

CASE REASSIGNED TO JUDGE HON. FAYE D'OPAL

12/08/2010

APPEARANCE MOVED TO: 02/01/2011 AT: 08:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D04 MOVE REASON: JUDICIAL RE-ASSIGNMENT FROM DATE: 02/01/2011 FROM TIME: 08:30 AM FROM APPEARANCE TYPE: TRCL FROM DEPARTMENT: D11

12/08/2010

NOTICE OF CASE REASSIGNMENT AND NOTICE OF HEARING MAILED TO THE PARTIES

12/29/2010

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE JAMES R. RITCHIE , REPORTER D. DIBASILIO-TOGNINI , DEP CLK S. DIENER

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF

DEFENDANT/RESPONDENT ERNEST TACHERRA IS PRESENT IN PRO PER

IT IS ORDERED:

APPEARANCE MOVED TO: 02/22/2011 AT: 08:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D04 MOVE REASON: PER ORDER IN OPEN COURT 12/29/10 FROM DATE: 02/01/2011 FROM TIME: 08:30 AM FROM APPEARANCE TYPE: TRCL FROM DEPARTMENT: D04

HEARING CONFIRMED FOR: 01/31/2011 AT: 08:30 AM FOR APPEARANCE TYPE: STLC IN DEPARTMENT: D04

HEARING BEFORE TRIAL

ENTERED BY: S.D.

01/31/2011

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER NOT REPORTED , DEP CLK JULIE WITHEY

ATTORNEY JACK SIEDMAN APPEARED FOR AND WITH PLAINTIFF

DEFENDANT/RESPONDENT ERNEST TACHERRA IS PRESENT IN PRO PER

APPEARANCE BY SETTLEMENT CONFERENCE PANELIST WILLIAM JOOST

APPEARANCE BY LARRY BASKIN

SETTLEMENT CONFERENCE HELD

CASE REPORTED NOT SETTLED

IT IS ORDERED: THE COURT GRANTS THE REQUEST OF DEFENDANT TO CONTINUE THE TRIAL TO 2-24-11 @ 8:30 A.M. THE ISSUE CONFERENCE IS SET ON 2-18-11 @ 9:00 A.M. ALL MOTIONS IN LIMINE WILL BE HEARD. COUNSEL IS ALSO TO PROVIDE ALL MOTIONS IN LIMINE, LIST OF WITNESSES AND EXHIBITS BY 2-16-11. PLAINTIFF'S EXHIBITS WILL BE NUMBERS 1 THRU 50. DEFENDANT WILL HAVE # 51 - 100.

APPEARANCE MOVED TO: 02/24/2011 AT: 08:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D04 MOVE REASON: PER THE COURT AT THE REQUEST OF DEF. ON 1-31-11 FROM DATE: 02/22/2011 FROM TIME: 08:30 AM FROM APPEARANCE TYPE: TRCL FROM DEPARTMENT: D04

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN	
JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

THE PARTIES ARE REMINDED TO REQUEST A COURT REPORTER THRU THE COURT'S WEBSITE. THE DAILY RATE IS \$550.00 SPLIT BY BOTH SIDES.

HEARING CONFIRMED FOR: 02/18/2011 AT: 09:00 AM FOR APPEARANCE TYPE: ISCF IN DEPARTMENT: D04

HEARING BEFORE TRIAL

ENTERED BY: JW

02/08/2011 APPEARANCE MOVED TO: 03/04/2011 AT: 10:30 AM FOR APPEARANCE TYPE: ISCF IN DEPARTMENT: D04 MOVE REASON: PER ORDER OF THE COURT FROM DATE: 02/18/2011 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: ISCF FROM DEPARTMENT: D04

02/08/2011 APPEARANCE MOVED TO: 03/08/2011 AT: 09:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D04 MOVE REASON: PER ORDER OF THE COURT FROM DATE: 02/24/2011 FROM TIME: 08:30 AM FROM APPEARANCE TYPE: TRCL FROM DEPARTMENT: D04

02/08/2011 HEARING CONFIRMED FOR: 03/09/2011 AT: 09:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D04

02/08/2011 HEARING CONFIRMED FOR: 03/10/2011 AT: 09:30 AM FOR APPEARANCE TYPE: TRCL IN DEPARTMENT: D04

03/04/2011 MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER TAMARA WILSON , DEP CLK J. CHARIFA

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF, JAMES TACHERRA.

DEFENDANT/RESPONDENT ERNEST TACHERRA IS PRESENT IN PRO PER

THE COURT ADVISED PARTIES OF LETTER RECEIVED FROM DEFENDANT'S DOCTOR REGARDING THE DEFENDANT'S MEDICAL CONDITION.

MR. SIEDMAN INDICATES THAT HE DID NOT RECEIVE THE LETTER FROM DEFENDANT'S DOCTOR.

COPY OF LETTER PROVIDED TO MR. SIEDMAN BY THE CLERK.

DEFENDANT ADVISED THAT ANY CORRESPONDENCE SUBMITTED TO THE COURT SHOULD BE PROVIDED TO THE PLAINTIFF.

DEFENDANT REQUEST CONTINUANCE OF TRIAL TO RETAIN COUNSEL.

MR. SIEDMAN ARGUES STATUTE OF LIMITATIONS AND REQUEST THAT TRIAL REMAIN AS SET.

MR. SIEDMAN INDICATES THAT DEFENDANT IS INDEBTED TO THE PARTNERSHIP.

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

THE COURT DOES NOT FIND GOOD CAUSE TO CONTINUE TRIAL.

ALL PARTIES ARE ORDERED TO APPEAR ON MARCH 8, 2011 AT 9:30 A.M. FOR TRIAL.

ENTERED BY: JC

03/08/2011 MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER NOT REPORTED , DEP CLK J. CHARIFA

ATTORNEY JACK SIEDMAN APPEARED FOR AND WITH PLAINTIFF, JAMES TACHERRA.

NO APPEARANCE BY OR FOR THE DEFENDANT, ERNEST TACHERRA.

OPENING STATEMENT MADE ON BEHALF OF PLAINTIFF AT 9:45 A.M.

WITNESS(ES) SWORN AND TESTIFIED: LAWRENCE BASKIN ON BEHALF OF PLAINTIFF AT 9:48 A.M.

PLAINTIFF'S "A" EXHIBIT(S) MARKED FOR IDENTIFICATION: 1 PG DOC - PROPERTY STATUS.

PLAINTIFF'S "B" EXHIBIT(S) MARKED FOR IDENTIFICATION: AERIAL PHOTO OF PROPERTY.

PLAINTIFF'S "C" EXHIBIT(S) MARKED FOR IDENTIFICATION: 1 PG DOC - WIRE TRANSFER INSTRUCTION.

PLAINTIFF'S "D" EXHIBIT(S) MARKED FOR IDENTIFICATION: STATEMENT OF RECEIVER.

PLAINTIFF'S "E" EXHIBIT(S) MARKED FOR IDENTIFICATION: SUPPLEMENTAL REPORT.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006 CASE TYPE: COMPLAINT CASE SUBTYPE: QUIET TITLE DATE OF LAST ACTIVITY: 10/20/2020 DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

PLAINTIFF'S "F" EXHIBIT(S) MARKED FOR IDENTIFICATION: CORRESPONDENCE FROM RECEIVER AND PLAINTIFF'S COUNSEL.

AT 10:30 P.M. ATTORNEY ELIZABETH BRECKHUS APEPARS AND STATES THAT SHE WAS RETAINED BY DEFENDANT AND INFORMED TO BE IN COURT AT 10:30 A.M.

THE COURT ADVISED COUNSEL THAT TRIAL COMMENCED AT 9:30 AND DEFENDANT WAS INFORMED OF THE TIME AT HIS LAST APPEARANCE. THE COURT WILL PROCEED WITH HEARING UNTIL DEFENDANT APPEARS.

AT 10:33 A.M., DEFENDANT APPEARS.

THE COURT TAKES A RECESS FOR COUNSEL TO MEET AND CONFER AND DISCUSS WHAT EXHIBITS HAS BEEN IDENTIFIED.

RECESS DECLARED AT 10:35 A.M.

COURT RECONVENED AT 10:45 A.M.

SUBSTITUTION OF ATTORNEY FILED AS TO DEFENDANT, ERNEST TACHERRA.

DISCUSSION HELD REGARDING BEVERLY TACHERRA'S INTEREST REGARDING THE PROPERTIES AND CONCERN REGARDING THE COURTS JURISDICTION.

MATTER ARGUED.

THE COURT FINDS PROPERTIES ARE OWNED BY PARTNERSHIP AND ARE UNDER THE COURTS JURISDICTION.

ARGUMENTS HEARD REGARDING DEFENSE COUNSELS REQUEST FOR 30 DAY CONTINUANCE.

MOTION DENIED AS TO DEFENDANT'S REQUEST FOR CONTINUANCE.

THE COURT WILL TAKE AN EARLY RECESS TO ALLOW DEFENSE COUNSEL TO PREPARE FOR HEARING.

RECESS DECLARED AT 10:55 A.M.

COURT RECONVENED AT 1:30 P.M.

MR. BASKIN RETAKES THE STAND TO RESUME FURTHER TESTIMONY.

PLAINTIFF'S "G" EXHIBIT(S) MARKED FOR IDENTIFICATION: 1 PG DOC -

PLAINTIFF'S "H" EXHIBIT(S) MARKED FOR IDENTIFICATION: 2ND REPORT SUBMITTED BY RECEIVER.

PLAINTIFF'S "I" EXHIBIT(S) MARKED FOR IDENTIFICATION: 1 PG DOC - NOTICE OF TAX DUE FROM FRANCHISE TAX BOARD.

PLAINTIFF'S "J" EXHIBIT(S) MARKED FOR IDENTIFICATION: LETTER DATED 1/16/07 FROM RECEIVER REGARDING SALE OF PROPERTY.

PLAINTIFF'S "K" EXHIBIT(S) MARKED FOR IDENTIFICATION: 1 PG DOC - LETTER DATED 3/12/08.

PLAINTIFF'S "L" EXHIBIT(S) MARKED FOR IDENTIFICATION: 1 PG DOC - AMOUNT OF RENTS AND PROPERTY.

PLAINTIFF'S "M" EXHIBIT(S) MARKED FOR IDENTIFICATION: 1 PG DOC - ACCOUNTING FROM E. TACHERRA.

PLAINTIFF'S "N" EXHIBIT(S) MARKED FOR IDENTIFICATION: 2 PG DOC - LETTER DATED 10/13/06.

PLAINTIFF'S "O" EXHIBIT(S) MARKED FOR IDENTIFICATION: PROMISSORY NOTE SECURED BY MORTGAGE.

PLAINTIFF'S "P" EXHIBIT(S) MARKED FOR IDENTIFICATION: COPY OF AMENDED PROMISSORY NOTE.

RECESS DECLARED AT 3:50 P.M.

COURT RECONVENED AT 4:00 P.M.

CROSS-EXAMINATION RESUMES AS TO MR. BASKIN.

WITNESS EXCUSED.

PLAINTIFF'S "A" THROUGH "P" EXHIBIT(S) ADMITTED IN EVIDENCE: PREVIOUSLY IDENTIFIED.

WITNESS(ES) SWORN AND TESTIFIED: PLAINTIFF, JAMES TACHERRA AT 4:18 P.M.

PLAINTIFF'S "Q" EXHIBIT(S) MARKED FOR IDENTIFICATION: PROMISSORY NOTE.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006 CASE TYPE: COMPLAINT CASE SUBTYPE: QUIET TITLE DATE OF LAST ACTIVITY: 10/20/2020 DATE/TIME RUN: 05/10/2023 07:49 AM CASE NUMBER: CIV 061492
REGISTER OF ACTIONS	

PLAINTIFF'S "R" EXHIBIT(S) MARKED FOR IDENTIFICATION: PROMISSORY NOTE.

COURT ADJOURNED AT 4:45 P.M.

IT IS ORDERED: REMAIN AS SET FOR FURTHER COURT TRIAL ON MARCH 9, 2011 AT 9:30 A.M. IN DEPARTMENT K.
 ENTERED BY: JC

03/08/2011

SUBSTITUTION OF ATTORNEY FILED, AS TO: DEFT. ERNEST J. TACHERRA; FORMERLY IN PRO PER. PRESENT ATTY ELIZABETH A. BREKUS

03/09/2011

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER NOT REPORTED , DEP CLK J. CHARIFA

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF, JAMES TACHERRA.

ATTORNEY ELIZABETH BREKHUS APPEARED FOR DEFENDANT, ERNEST TACHERRA.

TRIAL COMMENCED. TRIAL MINUTES FORM INCORPORATED HEREIN BY REFERENCE

THIS MATTER COMING ON REGULARLY FOR 2ND DAY OF COURT TRIAL

PLAINTIFF JAMES TACHERRA RETAKES THE STAND TO RESUME TESTIMONY.

PLAINTIFF'S "S1" EXHIBIT(S) MARKED FOR IDENTIFICATION: AERIAL PHOTO.

PLAINTIFF'S "S2" EXHIBIT(S) MARKED FOR IDENTIFICATION: LIST OF RENTAL UNITS.

RECESS DECLARED AT 10:55 A.M.

COURT RECONVENED AT 11:00 A.M.

TESTIMONY SUSPENDED AS TO PLAINTIFF JAMES TACHERRA TO ALLOW TESTIMONY OF A NEW WITNESS.

WITNESS(ES) SWORN AND TESTIFIED: MEG GOULD ON BEHALF OF PLAINTIFF AT 11:02 A.M.

WITNESS EXCUSED.

PLAINTIFF, JAMES TACHERRA RETAKES THE STAND TO RESUME FURTHER CROSS EXAMINATION AT 11:11 A.M.

RECESS DECLARED AT 12:05 P.M.

COURT RECONVENED AT 1:30 P.M.

PLAINTIFF, JAMES TACHERRA RETAKES THE STAND TO RESUME CROSS-EXAMINATION.

DEFENDANT'S #1 EXHIBIT(S) MARKED FOR IDENTIFICATION: 6 PG DOC - PROMISSORY NOTES.

RECESS DECLARED AT 2:50 P.M.

COURT RECONVENED AT 3 P.M.

PLAINTIFF, JAMES TACHERRA RETAKES THE STAND TO RESUME TESTIMONY.

CROSS-EXAMINATION IS COMPLETED. RE-DIRECT COMMENCES.

PLAINTIFF'S "T" EXHIBIT(S) MARKED FOR IDENTIFICATION: INCOME TAX.

WITNESS EXCUSED.

WITNESS(ES) SWORN AND TESTIFIED: DEFENDANT, ERNEST J. TACHERRA BY THE PLAINTIFF AT 3:16 P.M.

PLAINTIFF'S "U" EXHIBIT(S) MARKED FOR IDENTIFICATION: BORROWER'S STATEMENT.

PLAINTIFF'S "V" EXHIBIT(S) MARKED FOR IDENTIFICATION: BUYERS ESCROW INSTRUCTION.

PLAINTIFF'S "W" EXHIBIT(S) MARKED FOR IDENTIFICATION: LETTER

PLAINTIFF'S "X" EXHIBIT(S) MARKED FOR IDENTIFICATION: 1 PG DOC - CALIFORNIA LAND TITLE.

PLAINTIFF'S "Y" EXHIBIT(S) MARKED FOR IDENTIFICATION:

PLAINTIFF'S "Y" EXHIBIT(S) MARKED FOR IDENTIFICATION: BUYERS/BORROWERS CLOSING STATEMENT.

PLAINTIFF'S "Z" EXHIBIT(S) MARKED FOR IDENTIFICATION: COPIES OF CHECKS.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
REGISTER OF ACTIONS	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
	CASE NUMBER: CIV 061492

PLAINTIFF'S "AA" EXHIBIT(S) MARKED FOR IDENTIFICATION: COPY OF CHECK REGISTER.

PLAINTIFF'S "BB" EXHIBIT(S) MARKED FOR IDENTIFICATION: CENTURY 21 FLYER.

PLAINTIFF'S "CC" EXHIBIT(S) MARKED FOR IDENTIFICATION: GRANT DEEED.

COURT ADJOURNED AT 4:55 P.M.

IT IS ORDERED: REMAIN AS SET FOR FURTHER COURT TRIAL ON 3/10/11.

ENTERED BY: JC

03/10/2011

MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER DONNA BLUM , DEP CLK J. CHARIFA

ATTORNEY JACK SIEDMAN APPEARED FOR AND WITH PLAINTIFF, JAMES TACHERRA.

ATTORNEY ELIZABETH BREKHUS APPEARED FOR AND WITH DEFENDANT, ERNEST TACHERRA.

TRIAL COMMENCED. TRIAL MINUTES FORM INCORPORATED HEREIN BY REFERENCE

THIS MATTER COMING ON REGULARLY FOR 3RD DAY OF COURT TRIAL

DEFENDANT'S TRIAL BRIEF FILED.

DEFENDANT, ERNEST TACHERRA RETAKES THE STAND TO RESUME DIRECT EXAMINATION BY PLAINTIFF'S COUNSEL AT 9:05 A.M.

PLAINTIFF'S "DD" EXHIBIT(S) MARKED FOR IDENTIFICATION: DOCUMENT FROM CHICAGO TITLE COMPANY.

RECESS DECLARED AT 10:25 A.M.

COURT RECONVENED AT 11 A.M.

FURTHER TESTIMONY RESUMES AS TO DEFENDANT ERNEST TACHERRA.

DEFENDANT'S #2 EXHIBIT(S) MARKED FOR IDENTIFICATION: DOCUMENT TITLED CALIFORNIA LAND TITLE OF MARIN.

DEFENDANT'S #3 EXHIBIT(S) MARKED FOR IDENTIFICATION: DOCUMENT FROM GOLDEN WEST FORECLOSURE.

DEFENDANT'S #4 EXHIBIT(S) MARKED FOR IDENTIFICATION: LETTER DATED 2/15/07.

DEFENDANT'S #5 EXHIBIT(S) MARKED FOR IDENTIFICATION: LETTER DATED 8/6/07.

DEFENDANT'S #6 EXHIBIT(S) MARKED FOR IDENTIFICATION: TRANSCRIPT FROM 1/19/10.

RECESS DECLARED AT 12:25 P.M.

COURT RECONVENED AT 1:15 P.M.

FURTHER EXAMINATION RESUMES AS TO DEFENDANT ERNEST TACHERRA.

DEFENDANT'S #7 EXHIBIT(S) MARKED FOR IDENTIFICATION: COPIES OF CHECK REGISTER,

AT 1:50 P.M. WITNESS CALLED OUT OF ORDER AS STIPULATED UPON.

WITNESS(ES) SWORN AND TESTIFIED: LAWRENCE BASKIN ON BEHALF OF DEFENSE.

WITNESS EXCUSED.

DEFENDANT, ERNEST TACHERRA RETAKES THE STAND TO RESUME TESTIMONY AT 2:18 P.M.

RECESS DECLARED AT 2:45 P.M.

COURT RECONVENED AT 2:55 P.M.

TESTIMONY RESUMES AS TO DEFENDANT, ERNEST TACHERRA.

DEFENDANT'S #8 EXHIBIT(S) MARKED FOR IDENTIFICATION: BANK OF AMERICA STATEMENT FROM PARTNERSHIP.

WITNESS EXCUSED.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN	
JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

PLAINTIFF'S "Q" THROUGH "DD" EXHIBIT(S) ADMITTED IN EVIDENCE: PREVIOUSLY IDENTIFIED ON MARCH 8, 9 AND 10, 2011.

DEFENDANT'S 1 THROUGH 8 EXHIBIT(S) ADMITTED IN EVIDENCE: PREVIOUSLY IDENTIFIED ON MARCH 9 AND 10, 2011.

ALL PARTIES REST.

RECESS DECLARED AT 3:45 P.M.

COURT RECONVENED AT 3:55 P.M.

CLOSING ARGUMENT MADE ON BEHALF OF PLAINTIFF AT 3:55 P.M.

CLOSING ARGUMENT ON BEHALF OF DEFENDANT AT 4:49 P.M.

FINAL ARGUMENT ON BEHALF OF THE PLAINTIFF AT 5:27 P.M.

CASE UNDER SUBMISSION

COURT ADJOURNED AT 5:55 P.M.

ENTERED BY: JC

CASE DISPOSED BY COURT TRIAL - AFTER EVIDENCE

CASE DISPOSED IN ENTIRETY

04/08/2011 HEARING CONFIRMED FOR: 07/01/2011 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D04

05/31/2011 OPPOSITION/RESPONSE TO MOTION FILED BY ATTY. OBO PLTF, FOR ORDER DIRECTING RECEIVER TO PAY ATTY FES (7/1/11)

05/31/2011 HEARING CONFIRMED FOR: 09/16/2011 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D04

06/09/2011 MINUTE ORDER POSTED

***** IN CHAMBER MINUTER ORDER *****

JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER NOT REPORTED , DEP CLK J. CHARIFA

CASE NO LONGER UNDER SUBMISSION

TENTATIVE DECISION FILED.

COPIES MADE TO ALL PARTIES BY THE JUDICIAL SECRETARY.

ENTERED BY: JC

06/16/2011 APPEARANCE DROPPED FOR 09/16/2011 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D04
DROP REASON: TO BE HEARD ON 7/1/11 PER ORDER SIGNED BY FDO ON 6/13/11

07/01/2011 MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER NOT REPORTED , DEP CLK D.THAI

NO APPEARANCE BY OR FOR THE PARTIES

THE TENTATIVE RULING IS AFFIRMED AND MADE FINAL.

***** RULING ***** SEE FILE FOR COMPLETE RULING

DEFENDANT'S REQUEST FOR AN ORDER TO DIRECT THE RECEIVER TO PAY DEFENSE COUNSEL \$15,000.00 IN ATTORNEY FEES, AND \$600 IN COURT REPORTER FEES, IS DENIED.

HEARING BEFORE TRIAL

ENTERED BY: D.THAI

07/18/2011 PROPOSED STATEMENT OF DECISION AND PROPOSED INTERLOCUTORY JUDGMENT SUBMITTED BY ATTY FOR PLTF. TODAY

07/20/2011 IT IS ORDERED: ORDER DENYING MOTION FOR ORDER DIRECTING RECEIVER TO PAY \$15,000.00 FOR DEFT. ERNEST J. TACHERRA'S ATTY FEES. JUDGE FAYE D'OPAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED:	4/7/2006
VS.	CASE TYPE:	COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE:	QUIET TITLE
	DATE OF LAST ACTIVITY:	10/20/2020
	DATE/TIME RUN:	05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER:	CIV 061492

07/20/2011 IT IS ORDERED: THAT THE RECEIVER PAY TO PLTF'S ATTY JACK SIEDMAN THE SUM OF \$31,147.00 ON ACCT OF ATTY FEES INCURRED BY PLTF. JUDGE FAYE D'OPAL

07/22/2011 MINUTE ORDER POSTED
CASE FILE NOT IN COURT
JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER CHRISTINE GILSON , DEP CLK J. CHARIFA
APPEARANCE BY MARTA WEISS ON BEHALF OF LAWRENCE BASKIN.
NO APPEARANCE BY OR FOR THE PARTIES
EX PARTE MINUTE ORDER
MATTER BEFORE THE COURT AS TO ATTORNEY LAWRENCE BASKIN'S EX PARTE APPLICATION FOR ORDER STAYING THE TAX AUCTION SALE OF REAL PROPERTY.
APPLICATION READ AND CONSIDERED.
THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:
EX PARTE APPLICATION GRANTED.
ORDER SIGNED AND COUNSEL DIRECTED TO THE CLERK'S OFFICE FOR FILING.
ENTERED BY: JC

07/22/2011 IT IS ORDERED: THAT THE APPLICATION OF THE RECEIVER LAWRENCE BASKIN TO STAY THE MC TAX COLLECTORS SALE OF PROPERTIES IS GRANTED; FURTHER THAT THE TAX COLLECTOR SHALL REMOVED BOTH PROPERTIES FROM THE LIST OF PROPERTIES CONTAINED IN THE PUBLIC AUCTION LIST THAT ARE TO BE OFFERED FOR SALE ON 8/29/11 AND STAY ANY SALE OF THESE PROPERTIES UNTIL FURTHER ORDER OF THIS COURT. JUDGE FAYE D'OPAL

07/25/2011 IT IS ORDERED: BASED ON THE STIPULATION THE COURT HEREBY GRANTS THE PARTIES REQUEST FOR THE STIPULATION. JUDGE FAYE D'OPAL

08/03/2011 IT IS ORDERED: THAT THE COURT ORDER STAYING SALE OF PROPERTIES ISSUED ON JULY 22, 2011 IS HEREBY MODIFIED TO STAY THE SALE THROUGH MAY 30, 2012 ONLY AND TO REQUIRE THAT COUNTY OF MARIN SEND ALL NOTICE OF DELIQUENCY REGARDIDNG THE SUBJECT PROPERTIES TO THE RECEIVER. JUDGE FAYE D'OPAL

08/31/2011 JUDGMENT FOR AGAINST INTERLOCUTORY JUDGMENT; PARTITION AND SALE OF REAL PROPERTY AND APPOINTMENT OF REFEREE. SEE FILE FOR DETAILS. JUDGE FAYE D'OPAL

08/31/2011 IT IS ORDERED: STATEMENT OF DECISION RE: INTERLOCUTORY JUDGMENT. SEE FILE FOR DETAILS JUDGE FAYE D'OPAL

09/07/2011 NOTICE OF ENTRY OF JUDGMENT MAILED TO ALL PARTIES; COPY FILED W/POS BY MAIL. BY ATTY JACK SIEDMAN (INTERLOCUTORY JUDGMENT).

09/30/2011 HEARING CONFIRMED FOR: 02/03/2012 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D04

11/07/2011 NOTICE OF APPEAL FILED BY DEFENDANT, EARNEST J. TACHERRA, FROM THE INTERLOCUTORY JUDGMENT, FILED 08/31/2011 AND ORDER DENYING MOTION FOR ORDER DIRECTING RECEIVER, FILED 03/01/2010. \$100.00 / \$655.00.

11/09/2011 AMENDED NOTICE OF APPEAL FILED BY DEFENDANT, ERNEST J. TACHERRA. APPEAL NOW INCLUDES STATEMENT OF DECISION, FILED 08/31/2011.

11/10/2011 NOTICE OF STAY OF PROCEEDINGS FILED, REGARDING ATTACHED NOTICE OF AUTOMATIC STAY PENDING RESOLUTION OF DEFENDANT'S APPEAL, PER CCP CODE SECTION 916.

02/03/2012 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE ROY O. CHERNUS FOR JUDGE FAYE D'OPAL , REPORTER NOT REPORTED , DEP CLK P. OKUBO
NO APPEARANCE BY OR FOR THE PARTIES
THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.
RULING:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006
	CASE TYPE: COMPLAINT
	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

PETER BREKHUS, ELIZABETH BREKHUS, BREKHUS LAW PARTNERS' MOTION TO BE RELIEVED AS COUNSEL, WITH NO OPPOSITION AND GOOD CAUSE APPEARING, IS GRANTED.

HEARING BEFORE TRIAL

ENTERED BY: P. OKUBO

- 02/03/2012 IT IS ORDERED: ORDER GRANTING ATTY'S MOTION TO BE RELIEVED AS COUNSEL; THAT PETER B. BREKHUS TO BE RELIEVED AS COUNSEL OF RECORD FOR ERNEST J. TACHERRA.
- 02/15/2012 SUBSTITUTION OF ATTORNEY FILED, AS TO: DEFT. FORMERLY PRO PER PRESENT ATTY ROBERT SPRAGUE
- 02/24/2012 PAYMENT OUT OF TRUST IN THE AMOUNT OF \$867.00 FOR COURT REPORTER TRANSCRIPTS COMPLETED. RECEIPT NUMBERS 168954 AND 168995
- 05/08/2012 MINUTE ORDER POSTED
- JUDGE/PROTEM/REFEREE ROY O. CHERNUS FOR FAYE D'OPAL , REPORTER NOT REPORTED , DEP CLK P. OKUBO
- ATTORNEY JAMES I. COHEN APPEARED FOR ATTORNEY SUSAN FRANKLIN JUDGMENT CREDITOR OF ERNEST TACHERRA
- CASE FILE NOT IN COURT
- EX PARTE MINUTE ORDER : APPLICATION IN THE ALTERNATIVE FOR AN ORDER TO PAY JUDGMENT CREDITOR FROM ESCROW OR A TEMPORARY RESTRAINING ORDER PREVENTING DISTRIBUTION OF ESCROW FUNDS PENDING A HEARING ON A MOTION FOR A CHARGING ORDER.
- EX PARTE APPLICATION HEARD AND CONSIDERED.
- IT IS ORDERED: FORM OF TEMPORARY RESTRAINING ORDER PREVENTING DISTRIBUTION OF ESCROW FUNDS PENDING A HEARING ON A MOTION FOR A CHARGING ORDER IS GRANTED. MS. FRANKLIN'S APPLICATION BEFORE THE COURT, ENTITLED "APPLICATION IN THE ALTERNATIVE FOR AN ORDER TO PAY JUDGMENT CREDITOR FROM ESCROW OR A TEMPORARY RESTRAINING ORDER PREVENTING DISTRIBUTION OF ESCROW FUNDS PENDING A HEARING ON A MOTION FOR A CHARGING ORDER" AND FILED THIS DATE, SHALL SERVE AS A MOTION FOR AN ORDER CHARGING ERNEST TACHERRA'S INTEREST IN THE PARTNERSHIP WITH HIS BROTHER WITH HIS DEBT TO HER, TO BE PAID OUT OF THE SALE OF THE ELM AND WHARF PROPERTIES WITH PRIORITY OVER THE ROSE MARIE TACHERRA AND TRAVIS VORIS DEBTS; THAT THE PARTIES AND RECEIVER BE DEEMED TO HAVE BEEN SERVED WITH NOTICE OF SAID MOTION; THAT THE HEARING ON THE MOTION WILL BE ON 6/15/12; AND MR. BASKIN IS INSTRUCTED TO ISSUE AN ESCROW INSTRUCTION THAT THE NO DISTRIBUTION OF FUNDS OUT OF THE
- IT IS ORDERED: ESCROW FOR 24 WHARF ROAD AND 174 ELM ROAD, BOTH IN BOLINAS, CALIFORNIA, OCCUR UNTIL THE COURT HAS MADE A DETERMINATION AT THAT HEARING. MR. BASKIN SHALL SERVE A COPY OF THIS ORDER ON ANY ESCROW HOLDER FOR THOSE PROPERTIES.
- ORDER SIGNED AND GIVEN TO COUNSEL WITH EX PARTE APPLICATION FOR FILING AND PAYMENT OF FEE IN ROOM 113.
- HEARING AFTER TRIAL
- ENTERED BY: P. OKUBO
- 05/08/2012 HEARING CONFIRMED FOR: 06/15/2012 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D04
- 05/15/2012 OPPOSITION/RESPONSE TO MOTION FILED BY ATTY OBO DEFT, TO TEMPORARY RESTRAINING ORDER (6/15/12)
- 06/01/2012 OPPOSITION/RESPONSE TO MOTION FILED BY ATTY OBO PLTF TO MOTION OF SUSAN FRANKLIN. (06/15/12)
- 06/05/2012 OPPOSITION/RESPONSE TO MOTION FILED BY ATTY (LAWRENCE A. BASKIN) OBO RECEIVER TO APPLICATION FOR CHARGING ORDER. (6/15/12).
- 06/11/2012 OPPOSITION/RESPONSE TO MOTION FILED (SUPPLEMENTAL) BY ATTY OBO DEFT TO TEMPORARY RESTRAINING ORDER OF SUSAN FRANKLIN. (6/15/12)
- 06/15/2012 MINUTE ORDER POSTED
- JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER NOT REPORTED , DEP CLK P. OKUBO

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN	
JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

NO APPEARANCE BY OR FOR THE PARTIES

THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.

RULING:

***** EXCERPTS OF COURT'S RULING, SEE COURT'S FILE FOR THE COMPLETE RULING *****

JUDGMENT CREDITOR SUSAN FRANKLIN'S APPLICATION FOR A CHARGING ORDER AGAINST JUDGMENT DEBTOR ERNEST TACHERRA'S PARTNERSHIP INTERESTS HELD IN PARTNERSHIP WITH HIS BROTHER JAMES, IS GRANTED. (CODE CIV. PROC. SECTION 708.310.)

FRANKLIN'S ALTERNATIVE APPLICATION FOR AN ORDER ENFORCING HER JUDGMENT LIEN AGAINST THE PARTNERSHIP ASSETS DIRECTLY , "SUBJECT TO ANY LIENS WITH GREATER PRIORITY" IS DENIED.

FRANKLIN IS ENTITLED TO AN ORDER CHARGING ERNEST WITH THE UNPAID BALANCE OF THE MONEY JUDGMENT OWED TO FRANKLIN, PLUS 10% INTEREST PER ANNUM.

THE CHARGING ORDER SHALL INSTRUCT REFEREE BASKIN TO CONTINUE IN HIS ROLE A RECEIVER AND REFEREE AS PREVIOUSLY ORDERED, AND TO SELL THE PARTNERSHIP PROPERTIES ALREADY IN HIS POSSESSION IN A TIMELY FASHION, SUBJECT TO THE EXERCISE OF GOOD BUSINESS JUDGMENT; TO TAKE CHARGE OF THE PROCEEDS FROM THESE SALES TO PAY THE MONEY DUE TO CREDITOR OF THE PARTNERSHIP, I.E., ROSE MARIE TACHERRA AND TO TRAVIS VORIS, WITH THE AMOUNT ERNEST OWES THE PARTNERSHIP (AT LEAST \$415,000.00), BEING CREDITED TOWARD JAMES' CONTRIBUTION TO THIS PARTNERSHIP DEBT. ANY DISTRIBUTION OF PARTNERSHIP INTERESTS REMAINING TO ERNEST SHALL BE PAID TO FRANKLIN, UNTIL THE AMOUNT REMAINING DUE ON FRANKLIN'S MONEY JUDGMENT, PLUS ALL ACCRUED INTEREST THEREON, IS PAID IN FULL.

HEARING AFTER TRIAL

ENTERED BY: P. OKUBO

07/06/2012 IT IS ORDERED: THAT COURT ADOPTS TENATIVE RULING OF 6/14/12 **SEE FILE FOR DETAILS** JUDGE FAYE D'OPAL

08/07/2012 IT IS ORDERED: STIP & ORDER STAYING TAX SALE; SALES OF ASSESSORS PARCELS BY THE MARIN TAX COLLECTOR IS STAYED FOR 3 MONTHS. JUDGE FAYE D'OPAL

08/24/2012 MINUTE ORDER POSTED

JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER NOT REPORTED , DEP CLK P. OKUBO

ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF

NO APPEARANCE BY OR FOR THE DEFENDANT

CASE FILE NOT IN COURT

EX PARTE MINUTE ORDER PLAINTIFF'S APPLICATION FOR ORDER SHORTENING TIME FOR HEARING ON MOTION FOR CHARGING ORDER AND FOR ORDER REMOVING LIENS AGAINST DEFENDANT INDIVIDUALLY FROM ALL PARTNERSHIP PROPERTIES.

COURT READS, HEARS AND CONSIDERS PLAINTIFF'S EX PARTE APPLICATION.

IT IS ORDERED: COURT FINDS GOOD CAUSE TO GRANT PLAINTIFF'S EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING ON MOTION FOR CHARGING ORDER AND FOR ORDER REMOVING LIENS AGAINST DEFENDANT INDIVIDUALLY FROM ALL PARTNERSHIP PROPERTIES. PLAINTIFF'S MOTION TO BE HEARD ON 9/6/12 AT 8:30 A.M. SERVICE OF THE MOTION MUST BE COMPLETED BY 8/29/12. OPPOSITION IS TO BE FILED AND SERVED BY 9/4/12. REPLY IS ANY WILL BE PRESENTED IN COURT ON 9/6/12.

ORDER SHORTENING TIME FOR HEARING ON MOTION FOR CHARGING ORDER AND FOR ORDER REMOVING LIENS AGAINST DEFENDANT INDIVIDUALLY FROM ALL PARTNERSHIP PROPERTIES SIGNED AND GIVEN TO COUNSEL MR. SIEDMAN WITH EX PARTE APPLICATION FOR FILING AND PAYMENT OF FEE IN ROOM 113.

HEARING BEFORE TRIAL

ENTERED BY: P. OKUBO

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006 CASE TYPE: COMPLAINT CASE SUBTYPE: QUIET TITLE DATE OF LAST ACTIVITY: 10/20/2020 DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

08/24/2012 IT IS ORDERED: ORDER SHORTENING TIME FOR PLTF'S. MOTION FOR CHARGING ORDER AND FOR ORDER REMOVING LIENS AGAINST DEFT INDIVIDUALLY FROM ALL PARTNERSHIP PROPERTIES TO BE HEARD ON 09/06/12, 8:30 AM, DEPT. E; TO BE SERVED ON COUNSEL FOR DEFT.; ON THE RECEIVER/REFEREE LAWRENCE BASKIN; AND ON THE IRS AND FRANCHISE TAX BOARD NO LATER THAN 08/29/12; OPP TO BE FILED/SERVED BY 09/04/12; REPLY TO BE SERVED/FILED BY 09/06/12 AT HEARING; SIGNED BY HON. FAYE D'OPAL.

08/27/2012 HEARING CONFIRMED FOR: 09/06/2012 AT: 08:30 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D04

09/06/2012 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER DANA DIBASILIO-TOGNINI , DEP CLK P. OKUBO
ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF
NO APPEARANCE BY OR FOR THE DEFENDANT
DEFENDANT'S COUNSEL DOES NOT OBJECT TO THE MOTION.
COURT INQUIRES OF MR. SIEDMAN IF THE SALE INTERFERES WITH THE STAY DUE TO THE APPEAL.
MR. SIEDMAN STATES THE SALE DOES NOT INTERFERE WITH THE STAY DUE TO APPEAL AS THE SALE WAS APART OF THE JUDGMENT.
IT IS ORDERED: PLAINTIFF'S MOTION FOR CHARGING ORDER, AND FOR ORDER REMOVING LIENS AGAINST DEFENDANT INDIVIDUALLY FROM ALL PARTNERSHIP PROPERTIES IS GRANTED.
MOTION GRANTED FOR CHARGING ORDER, AND FOR ORDER REMOVING LIENS AGAINST DEFENDANT INDIVIDUALLY FROM ALL PARTNERSHIP PROPERTIES.
ATTORNEY MR. SIEDMAN SUBMITS ORDER.
ORDER SIGNED AND IS GIVEN TO MR. SIEDMAN FOR FILING IN ROOM 113.
HEARING AFTER TRIAL
ENTERED BY: P. OKUBO

09/06/2012 IT IS ORDERED: ORDER AFTER HEARING; SEE FILE FOR DETAILS. JUDGE FAYE D'OPAL

09/14/2012 RECEIVED OPINION, FILED 09/12/2012 IN COURT OF APPEAL CASE A133677; WE AFFIRM THE JUDGMENT, WITH THE MODIFICATION THAT THE DEFENDANT OWES THE AMOUNT OF \$6,430.08, RATHER THAN THE \$11,930.08 CALCULATED BY THE TRIAL COURT, TO THE PARTNERSHIP ACCOUNT REGARDING THE 174 ELM ROAD PROPERTY.

10/25/2012 IT IS ORDERED: STIP AND ORDER STAYING TAX SALE OF APN 192-032-02, 192-032-03, AND 188-170-21 FOR ADDITIONAL 30 DAYS; THAT THE SALES OF ASSESSORS PARCEL NUMBERS BY THE MARIN CO. TAX COLLECTOR WHICH PURSUANT TO THE 8/7/12 STIP AND ORDER WERE STAYED FOR A PERIOD OF 3 MONTH EXPIRING ON 11/6/12 SHALL BE FURTHER STAYED FOR A PERIOD OF 30 DAYS TO AND INCLUDING 12/6/12. JUDGE FAYE D'OPAL

11/02/2012 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER D. BARTUNEK , DEP CLK P. OKUBO
ATTORNEY MARTA WEISS APPEARED FOR RECEIVER LAWRENCE BASKIN
CASE FILE NOT IN COURT
STIPULATION AND ORDER STAYING TAX SALE OF A.P.N. 192-032-02, 192-032-03, AND 188-170-21 FOR ADDITIONAL 30 DAYS.
EX PARTE MINUTE ORDER APPLICATION BY RECEIVER FOR ORDER AUTHORIZING THE SALE OF REAL PROPERTY AS PROVIDED FOR IN THE JUDGMENT IN THIS ACTION. RECEIVER'S REQUEST TO TAKE JUDICIAL NOTICE. [EVIDENCE CODE SECTIONS 452 & 453].
IT IS ORDERED: STIPULATION AND ORDER GRANTED AND SIGNED. RECEIVER'S EX PARTE APPLICATION IS GRANTED.
ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY (174 ELM RD., BOLINAS, A.P.N 192-161-11) [CCP SECTION 568.5] AND ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY (24 WARF RD., BOLINAS, A.P.N. 193-081-03 [CCP SECTION 568.5] SIGNED AND GIVEN TO COUNSEL MS. WEISS WITH EX PARTE APPLICATION AND SITPULATION AND ORDER FOR PAYMENT OF FEE AND FILING IN ROOM 113.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006 CASE TYPE: COMPLAINT CASE SUBTYPE: QUIET TITLE DATE OF LAST ACTIVITY: 10/20/2020 DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

HEARING BEFORE TRIAL

ENTERED BY: P. OKUBO

- 11/02/2012 IT IS ORDERED: ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY (24 WHARF ROAD, BOLINAS); THAT THE APPLICATION OF RECEIVER, LAWRENCE A. BASKIN, TO CONFIRM THE SALE OF REAL PROPERTY KNOWN AS 24 WHARF ROAD, BOLINAS, CA FOR THE SUM OF \$400,000.00 PURSUANT TO PURCHASE AGREEMENT DATED 5/9/12 IS GRANTED; FURTHER THAT RECEIVER IS AUTHORIZED TO UTILIZE THE PROCEEDS FROM THE SALE OF SAID PROPERTY TO SATISFY THE EXISTING AND FUTURE DEBTS AND OBLIGATIONS OF THE PARTIES RELATING TO THE PROPERTIES IN THE POSSESSION AND CONTROL OF THE RECEIVER, INCLUDING BUT NOT LIMITED TO THE PAYMENT OF MORTGAGES, TAXES, LIENS, UNSECURED NOTES, INTEREST, AND COSTS ASSOCIATED WITH THE PROPERTIES' MAINTENANCE. (SEE FILE FOR DETAILS) JUDGE FAYE D'OPAL
- 11/02/2012 IT IS ORDERED: ; ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY)174 ELM ROAD, BOLINAS); THAT APPLICATION OF RECEIVER, LAWRENCE A. BASKIN, TO CONFIRM THE SALE OF THE REAL PROEPRTY KNOWN AS 174 ELM ROAD, BOLINAS, CA FOR THE SUM OF \$244,000 PURSUANT TO PURCHASE AGREEMENT DATED 2/2/12 IS GRANTED; FURTHER THAT RECEIVER IS AUTHORIZED TO UTILIZE THE PROCEEDS FROM THE SALE OF SAID PROEPRTY TO SATISFY THE EXISTING AND FUTURE DEBTS AND OBLIGATIONS RELATING TO THE PROPERTIES IN THE POSSESSION AND CONTROL OF THE RECEIVER, INCLUDING BUT NOT LIMITED TO THE PAYMENT OF MORTGAGE, TAXES, LIENS, UNSECURE NOTES, INTEREST, AND COSTS. (SEE FILE FOR DETAILS) JUDGE FAYE D'OPAL
- 11/02/2012 STIPULATION AND ORDER THAT THE TAX SALES OF APN 192-032-02, 192-032-03, AND 188-170-21 BY MARIN CO. TAX COLLECTOR PURUSANT TO 8/7/12 STIP & ORDER WERE STAYED FOR 3 MONTHS EXPIRING 11/6/12 SHALL BE FURTHER STAYED TO & INCLUDING 12/6/12. (SEE FILE FOR DETAILS) JUDGE FAYE D'OPAL FILED
- 11/08/2012 MINUTE ORDER POSTED
CASE FILE NOT IN COURT
JUDGE/PROTEM/REFEREE FAYE D'OPAL , REPORTER NOT REPORTED , DEP CLK J. CHARIFA
ATTORNEY MARTA WEISS APPEARED FOR RECEIVER.
NO APPEARANCE BY OR FOR THE PARTIES
EX PARTE MINUTE ORDER
COUNSEL FOR RECEIVER HAS SUBMITTED AN AMENDED ORDER CONFIRMING RECEIVERS SALE OF REAL PROPERTY.
ORDER IS REVIEWED AND SIGNED IN OPEN COURT.
ORDER RETURNED TO COUNSEL FOR FILING IN THE CLERK'S OFFICE.
ENTERED BY: JC
- 11/09/2012 IT IS ORDERED: (AMENDED) ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY (24 WHARF ROAD, BOLINAS, CA); THAT ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY (24 WHARF ROAD, BOLINAS) FILED 11/2/12 IS STRICKEN AND REPLACED BY THIS ORDER; THAT APPLICATION OF RECEIVER, TO CONFIRM THE SALE OF THE REAL PROPERTY KNOWN AS 24 WHARF ROAD, BOLINAS FOR THE SUM OF \$400,000 DATED 5/9/12 IS GRANTED; FURTHER THAT RECEIVER IS AUTHORIZED TO UTILIZE THE PROCEEDS FROM THE SALE OF SAID PROPERTY TO SATISFY THE EXISTING AND FUTURE DEBTS, SAID AUTHORIZATION ALSO TO COMPORT WITH INTERLOCUTORY JUDGMENT. (SEE FILE FOR DETAILS) JUDGE FAYE D'OPAL
- 11/09/2012 IT IS ORDERED: (AMENDED) ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY (174 ELM ROAD, BOLINAS); THAT ORDER CONFIRMING RECEIVER'S SALE OF REAL PROPERTY (174 ELM ROAD, BOLINAS) FILED 11/2/12 IS STRICKEN AND REPLACED BY THIS ORDER; THAT THE 11/2/12 APPLICATION OF THE RECEIVER TO CONFIRM THE SALE OF REAL PROPERTY KNOWN AS 174 ELM ROAD, BOLINAS FOR THE SUM OF \$244,000 DATED 2/2/12 IS GRANTED; FURTHER THAT THE RECEIVER IS AUTHORIZED TO SALE PROPERTY TO SATISFY THE EXISTING AND FUTURE DEBTS. (SEE FILE FOR DETAILS) JUDGE FAYE D'OPAL
- 11/15/2012 REMITTITUR FILED. A133677; WE AFFIRM THE JUDGMENT, WITH THE MODIFICATION THAT DEFENDANT OWES THE AMOUNT OF \$6,430.08, RATHER THAN THE \$11,930.08 CALCULATED BY THE TRIAL COURT, TO THE PARTNERSHIP ACCOUNT REGARDING THE 174 ELM ROAD PROPERTY. RESPONDENT TO RECOVER COSTS.

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006 CASE TYPE: COMPLAINT CASE SUBTYPE: QUIET TITLE DATE OF LAST ACTIVITY: 10/20/2020 DATE/TIME RUN: 05/10/2023 07:49 AM REGISTER OF ACTIONS CASE NUMBER: CIV 061492
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11/20/2012 IT IS ORDERED: ISSUANCE OF ORDER ON REMITTITUR. THE NOVEMBER 15, 2012 REMITTITUR FILED BY THE FIRST APPELLATE DISTRICT, DIVISION ONE AFFIRMS THE JUDGMENT, WITH THE MODIFICATION THAT DEFENDANT OWES THE AMOUNT OF \$6,430.08, RATHER THAN THE \$11,930.08 CALCULATED BY THE TRIAL COURT, TO THE PARTNERSHIP ACCOUNT REGARDING THE 174 ELM ROAD PROPERTY. SO ORDERED. DATE: NOVEMBER 20, 2012 FAYE D'OPAL, JUDGE. ISSUANCE OF ORDER ON REMITTITUR FILED AND MAILED TO THE PARTIES WITH PROOF OF SERVICE BY THE JUDICIAL SECRETARY.

12/04/2012 HEARING CONFIRMED FOR: 03/22/2013 AT: 09:00 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D04

12/21/2012 CASE REASSIGNED TO JUDGE HON. PAUL HAAKENSON

12/21/2012 APPEARANCE MOVED TO: 03/22/2013 AT: 09:00 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D08 MOVE REASON: RE-ASSIGNMENT FROM DATE: 03/22/2013 FROM TIME: 09:00 AM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D04

03/22/2013 MINUTE ORDER POSTED - Appearance: 03/22/2013 at 9:00AM for NOTICE OF MOTION
 JUDGE/PROTEM/REFEREE PAUL HAAKENSON , REPORTER NOT REPORTED , DEP CLK S. DIENER
 NO APPEARANCE BY OR FOR THE PARTIES
 THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.
 PLAINTIFF'S MOTION FOR ORDER TO DISTRIBUTE PARTNERSHIP FUNDS FOR PAYMENT OF ATTORNEY'S FEES IS GRANTED.
 THE COURT AGREES TO INCLUDE DEFENDANT'S PROPOSED LANGUAGE RELATING TO THE ALLOCATION OF ATTORNEY SEIDMAN'S TIME TOWARD THE \$20,000 IN FEES. SUCH LANGUAGE IS INCORPORATED IN PLAINTIFF'S PROPOSED ORDER.
 THE COURT DECLINES DEFENDANT'S FURTHER REQUESTS TO INCLUDE LANGUAGE DIRECTING AN ACCOUNTING OF THE NET PROCEED OF THE SALE, AN ACKNOWLEDGMENT OF PARTIAL SATISFACTION OF JUDGMENT.
 ACCORDINGLY, THE COURT WILL SIGN PLAINTIFF'S PROPOSED ORDER.
 AFTER COURT, MR. SEIDMAN RETRIEVES ORDER SIGNED BY COURT FOR FILING WITH THE CIVIL DIVISION.
 ENTERED BY: S.D.

03/22/2013 IT IS ORDERED: ORDER TO DISTRIBUTE PARTNERSHIP FUNDS TO PLTF FOR PAYMENT OF ATTY FEES ON ACCT. JUDGE HAAKENSON

06/26/2013 EXHIBIT PICK-UP LETTER SENT

10/23/2013 EXHIBITS DESTROYED

09/16/2014 HEARING CONFIRMED FOR: 10/24/2014 AT: 09:00 AM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D08

10/08/2014 MINUTE ORDER POSTED
 JUDGE/PROTEM/REFEREE PAUL HAAKENSON , REPORTER NOT REPORTED , DEP CLK S. HENDRYX
 ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF
 NO APPEARANCE BY OR FOR THE DEFENDANT
 HEARING AFTER TRIAL
 EX PARTE MINUTE ORDER
 CASE FILE NOT IN COURT
 THIS MATTER COMES BEFORE THE COURT ON PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME TO FILE AND SERVE NOTICE OF MOTION AND MOTION FOR ORDER TO DISTRIBUTE PARTNERSHIP FUNDS TO PLAINTIFF FOR PAYMENT OF ATTORNEY'S FEES ON ACCOUNT.
 IT IS ORDERED: PLAINTIFF'S EX PARTE APPLICATION FOR ORDER SHORTENING TIME IS GRANTED. THE HEARING ON PLAINTIFF'S MOTION FOR AN ORDER TO DISTRIBUTE PARTNERSHIP FUNDS TO PLAINTIFF FOR PAYMENT OF ATTORNEY'S FEES ON ACCOUNT SHALL BE HELD ON 10/24/14 AT 9:00 A.M. IN DEPT. E THE MOTION SHALL BE FILED 10/8/14.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN		
JAMES M. TACHERRA	DATE FILED:	4/7/2006
PLAINTIFF(s)	CASE TYPE:	COMPLAINT
VS.	CASE SUBTYPE:	QUIET TITLE
ERNEST J. TACHERRA	DATE OF LAST ACTIVITY:	10/20/2020
DEFENDANT(s)	DATE/TIME RUN:	05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER:	CIV 061492

ORDER SIGNED IN OPEN COURT AND GIVEN TO MR. SIEDMAN FOR FILING IN THE CLERK'S OFFICE.

FEE FOR THIS EX PARTE APPLICATION PAID THROUGH THE CLERK'S OFFICE.

ENTERED BY: SH

10/08/2014 IT IS ORDERED: ORDER SHORTENING TIME FOR PLAINTIFF TO FILE AND SERVE HIS NOTICE OF MOTION FOR ORDER TO DISTRIBUTE PARTNERSHIP FUNDS TO BE HEARD ON 10/24/2014

10/08/2014 IT IS ORDERED: ORDER SHORTENING TIME TO FILE AND SERVE NOTICE OF MOTION AND MOTION FOR ORDER TO DISTRIBUTE PARTNERSHIP FUNDS TO PLAINTIFF FOR PAYMENT OF ATTORNEY'S FEES ON ACCOUNT. PLAINTIFF IS PERMITTED TO FILE SAID MOTION ON 10/8/14, COPIES OF WHICH WERE PREVIOUSLY SERVED ON DEFT AND HIS ATTORNEY OF RECORD ON 10/4/14, WITH HEARING ON THE MOTION SET FOR 10/24/14 JUDGE PAUL HAAKENSON.

10/24/2014 MINUTE ORDER POSTED - Appearance: 10/24/2014 at 9:00AM for HEARING
JUDGE/PROTEM/REFEREE PAUL M. HAAKENSON , REPORTER NOT REPORTED , DEP CLK J. DALE
NO APPEARANCE BY OR FOR THE PARTIES
THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.
IT IS ORDERED: RULING
GOOD CAUSE APPEARING, ABSENT ANY OBJECTIONS MADE AT THE TIME OF HEARING, THE COURT APPROVES THE PERIODIC REPORT AND ACCOUNTING OF THE RECEIVER, AND WILL SIGN THE PROPOSED ORDER.
PLAINTIFF'S MOTION FOR AN ORDER TO DISTRIBUTE PARTNERSHIP FUNDS TO PAY FOR ATTORNEY'S FEES ON ACCOUNT IS GRANTED.
ORDER SIGNED IN OPEN COURT WITH MODIFICATION AS TO APPEARANCES.
ENTERED BY: J. DALE

10/24/2014 IT IS ORDERED: ORDER AFTER HEARING ON RECEIVER'S 2014 PERIODIC REPORT ACCOUNTING. (SEE FILE FOR DETAILS OF ORDER). JUDGE PAUL HAAKENSON.

10/24/2014 IT IS ORDERED: ORDER TO DISTRIBUTE PARTNERSHIP FUNDS TO PLAINTIFF FOR PAYMENT OF ATTORNEY'S FEES ON ACCOUNT. REFEREE LAWRENCE BASKIN IS INSTRUCTED TO PAY PLTF'S ATTORNEY JACK SIEDMAN THE SUM OF \$25,685.00. JUDGE PAUL HAAKENSON.

04/09/2015 MINUTE ORDER POSTED
JUDGE/PROTEM/REFEREE PAUL M. HAAKENSON , REPORTER NOT REPORTED , DEP CLK J. DALE
ATTORNEY JACK SIEDMAN APPEARED FOR PLAINTIFF JAMES M. TACHERRA
APPEARANCE BY MARTA WEISS FOR RECEIVER
NO APPEARANCE BY OR FOR THE DEFENDANT ERNEST J. TACHERRA
HEARING AFTER TRIAL
CASE FILE NOT IN COURT
EX PARTE MINUTE ORDER ON (1) PLAINTIFF'S APPLICATION TO AUTHORIZE SALE OF PROPERTY, AND (2) PLAINTIFF'S APPLICATION TO APPROVE SETTLEMENT OF ROSE MARIE TACHERRA
THE COURT REVIEWS THE MOTIONS.
MOTION GRANTED AS TO BOTH APPLICATIONS.
ORDERS SIGNED IN OPEN COURT.
ENTERED BY: J. DALE

04/09/2015 IT IS ORDERED: ORDER APPROVING THE AGREEMENT FOR SALE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS BETWEEN JOHN S. OSTERWEIS, TRUSTEE OF THE OSTERWEIS REVOCABLE TRUST U/A DATED SEPTEMBER 13, 1993. JUDGE PAUL HAAKENSON

04/09/2015 IT IS ORDERED: ORDER APPROVING THE SETTLEMENT AGREEMENT OF ROSE MARIE TACHERRA. JUDGE PAUL HAAKENSON

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

JAMES M. TACHERRA PLAINTIFF(s) VS. ERNEST J. TACHERRA DEFENDANT(s)	DATE FILED: 4/7/2006
	CASE TYPE: COMPLAINT
	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

10/12/2016 HEARING CONFIRMED FOR: 12/16/2016 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D08

12/16/2016 MINUTE ORDER POSTED - Appearance: 12/16/2016 at 1:30PM for NOTICE OF MOTION
 JUDGE/PROTEM/REFEREE PAUL M. HAAKENSEN , REPORTER S. FITZSIMMONS , DEP CLK P. OKUBO (NOT PRESENT)
 NO APPEARANCE BY OR FOR THE PARTIES
 THE TENTATIVE RULING IS AFFIRMED AND MADE FINAL.
 RULING:
 GOOD CAUSE APPEARING AND WITHOUT OPPOSITION, PLAINTIFF'S MOTION TO DISTRIBUTE PARTNERSHIP FUNDS FOR PAYMENT OF ATTORNEY'S FEES ON ACCOUNT, IN THE AMOUNT OF \$10,532.50, IS GRANTED.
 ABSENT REQUEST FOR ORAL ARGUMENT, APPEARANCES ARE NOT REQUIRED. THE COURT WILL SIGN THE PROPOSED ORDER SUBMITTED WITH THE MOVING PAPERS.

ENTERED BY: P. OKUBO

12/29/2016 IT IS ORDERED: ORDER TO DISTRIBUTE PARTNERSHIP FUNDS TO PLAINTIFF FOR PAYMENT OF ATTORNEY'S FEES ON ACCOUNT JUDGE PAUL M. HAAKENSEN

08/04/2017 MINUTE ORDER POSTED
 JUDGE ROY O. CHERNUS ON BEHALF OF JUDGE PAUL M. HAAKENSEN ,REPORTER NOT REPORTED , DEP CLK J. DALE
 APPEARANCE BY MARTA WEISS FOR AND WITH RECEIVER LAWRENCE A. BASKIN
 HEARING BEFORE TRIAL
 CASE FILE NOT IN COURT
 EX PARTE MINUTE ORDER ON RECEIVER'S EX PARTE APPLICATION FOR AN ORDER AUTHORIZING AND APPROVING THE FIFTEENTH AMENDMENT TO AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS
 MS. WEISS REPORTS THERE IS NO OPPOSITION TO THE APPLICATION
 IT IS ORDERED:
 MOTION GRANTED
 ORDER SIGNED IN OPEN COURT AND PROVIDED TO MS. WEISS FOR FILING IN ROOM 113
 ENTERED BY: J. DALE

08/04/2017 IT IS ORDERED: ORDER ON RECEIVER'S EX PARTE APPLICATION FOR AN ORDER AUTHORIZING AND APPROVING THE FIFTEENTH AMENDMENT TO AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS; JUDGE ROY O. CHERNUS

09/14/2018 HEARING CONFIRMED FOR: 10/19/2018 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D08

10/19/2018 MINUTE ORDER POSTED - Appearance: 10/19/2018 at 1:30PM for NOTICE OF MOTION
 JUDGE PAUL M. HAAKENSEN ,REPORTER NOT REPORTED , DEP CLK S. HENDRYX
 APPEARANCE BY JEREMY PAUL FOR RECEIVER LAWRENCE BASKIN
 NO APPEARANCE BY OR FOR THE PARTIES
 HEARING AFTER TRIAL
 THE MATTER IS NOT HEARD OR REPORTED. THE TENTATIVE RULING IS FINAL.
 RULING:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN	
JAMES M. TACHERRA	DATE FILED: 4/7/2006
PLAINTIFF(s)	CASE TYPE: COMPLAINT
VS.	CASE SUBTYPE: QUIET TITLE
ERNEST J. TACHERRA	DATE OF LAST ACTIVITY: 10/20/2020
DEFENDANT(s)	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

GOOD CAUSE APPEARING, AND WITHOUT OPPOSITION, THE MOTION ON RECEIVER'S REQUEST TO APPROVE SALE OF 20 ACRE PARCEL [A.P.N 193-020-38] IS GRANTED.

ABSENT REQUEST FOR ORAL ARGUMENT, APPEARANCES ARE NOT REQUIRED. THE COURT WILL SIGN THE PROPOSED ORDER SUBMITTED WITH THE MOVING PAPERS.

ORDER SIGNED AND GIVEN TO MR. PAUL FOR FILING IN THE CLERK'S OFFICE.

ENTERED BY: SH

10/22/2018 IT IS ORDERED: ORDER APPROVING THE AGREEMENT FOR SALE OF 20-ACRE PARCEL [193-020-38] [CCP SECTION 568.5] JUDGE PAUL M. HAAKENSEN

11/20/2018 HEARING CONFIRMED FOR: 01/25/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D08

12/31/2018 CASE REASSIGNED TO JUDGE HON ANDREW E SWEET

12/31/2018 APPEARANCE MOVED TO: 01/25/2019 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D14 MOVE REASON: RE-ASSIGNMENT FROM DATE: 01/25/2019 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D08

01/25/2019 IT IS ORDERED: ORDER TO DISTRIBUTE PARTNERSHIP FUNDS TO PLAINTIFF FOR PAYMENT OF ATTORNEY'S FEES ON ACCOUNT JUDGE ANDREW E. SWEET

01/25/2019 MINUTE ORDER POSTED - Appearance: 01/25/2019 at 1:30PM for NOTICE OF MOTION
JUDGE ANDREW SWEET ,REPORTER NOT REPORTED , DEP CLK S. HENDRYX
NO APPEARANCE BY OR FOR THE PARTIES
HEARING AFTER TRIAL
THE TENTATIVE RULING IS AFFIRMED AND MADE FINAL.
RULING:
GOOD CAUSE APPEARING AND WITHOUT OPPOSITION, PLAINTIFF'S MOTION TO DISTRIBUTE PARTNERSHIP FUNDS FOR PAYMENT OF ATTORNEY'S FEES ON ACCOUNT, IN THE AMOUNT OF \$9,652.50, IS GRANTED.

ABSENT REQUEST FOR ORAL ARGUMENT, APPEARANCES ARE NOT REQUIRED. THE COURT WILL SING THE PROPOSED ORDER SUBMITTED WITH THE MOVING PAPERS.

ENTERED BY: SH

02/07/2020 HEARING CONFIRMED FOR: 05/01/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D14

04/09/2020 APPEARANCE MOVED TO: 06/26/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D14 MOVE REASON: ADMIN ORDER 20-06 FROM DATE: 05/01/2020 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D14

04/09/2020 NOTICE OF HEARING MAILED

06/08/2020 OPPOSITION/RESPONSE TO MOTION FILED BY ATTORNEY OBO PLAINTIFF FOR HEARING ON RECIEVER'S UPDATED REPORT & ACCOUNTING & PETITION FOR INSTRUCTIONS ON 06/26/2020.

06/19/2020 REPLY TO MOTION /RFOR FILED. BY ATTORNEY OBO RECEIVER FOR HEARING ON RECEIVER'S UPDATED REPORT & ACCOUNTING & PETITION FOR INSTRUCTIONS ON 06/26/2020.

06/26/2020 MINUTE ORDER POSTED - Appearance: 06/26/2020 at 1:30PM for HEARING
JUDGE ANDREW SWEET ,REPORTER NOT REPORTED , DEP CLK C. TAI
NO APPEARANCE BY OR FOR THE PARTIES
HEARING AFTER TRIAL
THIS MATTER COMES BEFORE THE COURT FOR HEARING ON RECEIVER'S UPDATED REPORT AND ACCOUNTING AND PETITION FOR INSTRUCTIONS.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN	
JAMES M. TACHERRA PLAINTIFF(s)	DATE FILED: 4/7/2006
VS.	CASE TYPE: COMPLAINT
ERNEST J. TACHERRA DEFENDANT(s)	CASE SUBTYPE: QUIET TITLE
	DATE OF LAST ACTIVITY: 10/20/2020
	DATE/TIME RUN: 05/10/2023 07:49 AM
REGISTER OF ACTIONS	CASE NUMBER: CIV 061492

IT IS ORDERED: THIS MATTER IS CONTINUED TO JULY 17, 2020 AT 1:30 P.M. IN DEPT. E.

HEARING CONTINUED TO: 07/17/2020 AT: 01:30 PM FOR APPEARANCE TYPE: LMCV IN DEPARTMENT: D14 FROM DATE: 06/26/2020 FROM TIME: 01:30 PM FROM APPEARANCE TYPE: LMCV FROM DEPARTMENT: D14

ENTERED BY: CT

07/06/2020 SUBSTITUTION OF ATTORNEY FILED, AS TO: ATTORNEY ELIZABETH A BREKHUS FOR DEFENDANT ERNEST J TACHERRA, FORMERLY ATTORNEY ROBERT SPRAGUE

07/14/2020 REPLY TO MOTION /RFOR FILED. BY PLAINTIFF

07/17/2020 MINUTE ORDER POSTED - Appearance: 07/17/2020 at 1:30PM for HEARING

JUDGE ANDREW SWEET ,REPORTER ELAINE NINKOVICH , DEP CLK S. HENDRYX

VCOURT TELEPHONIC APPEARANCE BY JACK SIEDMAN FOR PLAINTIFF

VCOURT TELEPHONIC APPEARANCE BY ELIZABETH BREKHUS FOR DEFENDANT

VCOURT TELEPHONIC APPEARANCE BY LARRY BASKIN FOR HIMSELF, AS THE RECEIVER, WITH ASSISTANT JEREMY PAUL

HEARING AFTER TRIAL

THIS MATTER COMES BEFORE THE COURT FOR ARGUMENT ON THE TENTATIVE RULING.

MOTION(S) HEARD AND ARGUED.

IT IS ORDERED: THE COURT ORDERS JAMES TACHERRA TO PROVIDE TO THE RECEIVER A CURRENT MORTGAGE STATEMENT BY 7/31/20.

MR. SIEDMAN'S REQUEST TO FILE SUPPLEMENTAL BRIEFING IS DENIED.

CASE UNDER SUBMISSION

ENTERED BY: SH

08/03/2020 MINUTE ORDER POSTED

JUDGE ANDREW SWEET ,REPORTER NOT REPORTED , DEP CLK S. HENDRYX

NO APPEARANCE BY OR FOR THE PARTIES

EX PARTE MINUTE ORDER *****IN CHAMBERS MINUTE ORDER*****

ORDER AFTER HEARING SIGNED AND FILED.

IT IS ORDERED: THE COURT CONFIRMS THE REPORT AND ACCOUNTING (OF RECEIVER), IN PART. THE COURT HEREBY ISSUES THE FOLLOWING INSTRUCTIONS TO THE RECEIVER, PURSUANT TO CODE CIV. PROC. §873.280: 1. THE RECEIVER SHALL UPDATE AND MODIFY HIS ACCOUNTING CONSISTENT WITH THIS COURT'S ORDER; 2. THE COURT ADOPTS IN FULL THE RECEIVER'S RECOMMENDED INSTRUCTIONS NOS. 2-9, AS SET FORTH IN THE RECEIVER'S PETITION FOR INSTRUCTIONS, PP. 13-15. //JUDGE ANDREW SWEET// *****SEE COURT'S FILE FOR COMPLETE RULING*****

COPY OF ORDER MAILED TO JACK SIEDMAN, ELIZABETH BREKHUS AND LARRY BASKIN WITH CLERK'S PROOF OF SERVICE BY MAIL ON 8-4-20.

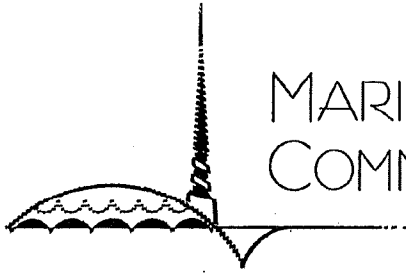
CASE NO LONGER UNDER SUBMISSION

ENTERED BY: SH

09/28/2020 IT IS ORDERED: ORDER AFTER HEARING ON APPROVING RECEIVER'S UPDATED REPORT AND PETITION FOR INSTRUCTIONS JUDGE ANDREW E. SWEET

10/20/2020 NOTICE OF ENTRY OF JUDGMENT OR ORDER (9/28/20)

EXHIBIT 14



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

June 17, 2010

Lawrence A. Baskin, Esq.
Krause & Baskin
1120 Nye Street, Suite 300
San Rafael, CA 94901

RE: Estate of Jess Tacherra Property
160 Mesa Road, Bolinas
Assessor's Parcel Nos. 188-170-11, 34, 55

Dear Mr. Baskin:

On November 12, 2009, I sent a letter to you regarding the October 7, 2009 inspection of the Tacherra property in Bolinas. The purpose of the inspection was to determine the current status of the existing violations. The inspection revealed that all of the violations identified in the original abatement order still exist, including trailers and mobile homes, attached structures to the trailers and mobile homes, inoperable vehicles and junk, and the continued rental of substandard housing, specifically without approved septic systems. It was also noted that there appears to be a number of commercial uses operating, including a wood business, an auto repair business and several contractor or mini storage areas. The property owners have been aware that these uses are illegal and that the Court has confirmed the Board of Supervisors order, but instead of cleaning up and removing these identified illegal uses, they have instead added additional illegal rental housing, cargo containers, junk, inoperable vehicles, and have placed a significant amount of fill on the property. The current status is extremely unsafe from a health and safety perspective due to the lack of approved water and septic, as well as from a fire perspective. The Fire Department expressed grave concern with the proximity of the trailers to one another as well as emergency personnel's inability to access the structures.

It was noted that there are children living in these units and if necessary we will contact Child Protective Services for a welfare check. The Sheriff's office has also indicated that there are a fair number of calls for service at this address, a more thorough investigation of the tenants may be necessary to put them on notice regarding the substandard conditions. Additionally, the property owners do not have a business license for their rentals; as such they may not be reporting their rental income to the State Franchise Tax Board or paid taxes to the County for all of the housing existing on the property.

It is my understanding that the property owners want to separate the property into separate ownerships and have filed for separation with the Court. As we have discussed, it is then their intention to file for a re-subdivision of a number of the properties to create separate ownerships for Jim and Ernie Tacherra. Upon completion of the re-subdivision the property owners intend to apply for permits to legalize the existing housing on their separate properties. This is not a plan that will meet the County's timeline for correction of the violations. The violations need to be

removed before the County will even consider the re-subdivision as allowed by Marin County Code, Section 22.06.042I.

I did not receive a response to my earlier letter, therefore I would appreciate an opportunity to discuss these issues with you before proceeding with further legal action. Please call me at your earliest convenience to discuss how the Tacherra Estate and Jim and Susan Tacherra intend to correct the long outstanding violations that continue to exist on the subject property.

Sincerely,

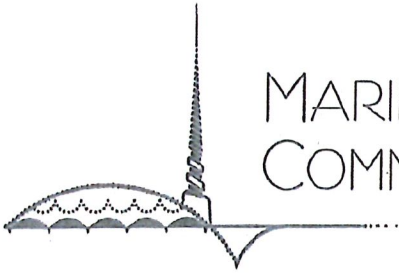


Debbi Poiani
Senior Code Enforcement Specialist

Cc: Supervisor Steve Kinsey
Patrick Richardson, Deputy County Counsel
Anita Brown, Bolinas Fire Department
Bill Kelley, Building Inspection Services Supervisor
Janet Mullin, Senior Environmental Health Specialist
Lt. Don Wick, Marin County Sheriff's Office
Deputy Stewart Cowan
Ernest Tacherra, P.O. Box 146, Bolinas, CA 94924
James & Susan Tacherra, P.O. Box 523, Bolinas, CA 94924

i/enforcement/dp/enforce/tacherra 6-17-10

NOTICE TO OWNERS OF RENTAL PROPERTY: California statutory law requires that our enforcement agency notify you that in accordance with Section 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation or amortization paid or incurred in the taxable year if a violation exists on your rental property.



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

November 12, 2009

Lawrence A. Baskin, Esq.
Krause & Baskin
1120 Nye Street, Suite 300
San Rafael, CA 94901

RE: Tacherra Property
160 Mesa Road, Bolinas
Assessor's Parcel Nos. 188-170-11, 34, 55

Dear Mr. Baskin:

Thank you for arranging an inspection of the above-noted property on October 7, 2009. The purpose of the inspection was to determine the current status of the existing violations. The inspection revealed that all of the violations identified in the original abatement order still exist, including trailers and mobile homes, attached structures to the trailers and mobile homes, inoperable vehicles and junk, and the continued rental of substandard housing, specifically without approved septic systems. It was also noted that there appears to be a number of commercial uses operating, including a wood business, an auto repair business and several contractor or mini storage areas. The property owners have been aware that these uses are illegal and that the Court has confirmed the Board of Supervisors order, but instead of cleaning up and removing these identified illegal uses, they have instead added additional illegal rental housing, cargo containers, junk, inoperable vehicles, and have placed a significant amount of fill on the property. The current status is extremely unsafe from a health and safety perspective due to the lack of approved water and septic, as well as from a fire perspective. The Fire Department expressed grave concern with the proximity of the trailers to one another as well as emergency personnel's inability to access the structures.

It was noted that there are children living in these units and if necessary we will contact Child Protective Services for a welfare check. The Sheriff's office has also indicated that there are a fair number of calls for service at this address, a more thorough investigation of the tenants may be necessary to put them on notice regarding the substandard conditions. Additionally, the property owners do not have a business license for their rentals; as such they may not be reporting their rental income to the State Franchise Tax Board or paid taxes to the County for all of the housing existing on the property.

It is my understanding that the property owners want to separate the property into separate ownerships and have filed for separation with the Court. As we have discussed, it is then their intention to file for a re-subdivision of a number of the properties to create separate ownerships for Jim and Ernie Tacherra. Upon completion of the re-subdivision the property owners intend to apply for permits to legalize the existing housing on their separate properties. This is not a plan that will meet the County's timeline for correction of the violations. The violations need to be removed before the County will even consider the re-subdivision as allowed by Marin County Code, Section 22.06.042I.

Please call me at your earliest convenience to discuss how the Tacherra Estate intends to correct the long outstanding violations.

Sincerely,



Debbi Poiani
Senior Code Enforcement Specialist

Attachment: Bolinas Fire Protection Letter

Cc: Supervisor Steve Kinsey
Patrick Richardson, Deputy County Counsel
Anita Brown, Bolinas Fire Department
Larry Grace, Building Inspection Services Supervisor
Janet Mullin, Senior Environmental Health Specialist
Lt. Don Wick, Marin County Sheriff's Office
Deputy Stewart Cowan

i/enforcement/dp/enforce/tacherra1

NOTICE TO OWNERS OF RENTAL PROPERTY: California statutory law requires that our enforcement agency notify you that in accordance with Section 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation or amortization paid or incurred in the taxable year if a violation exists on your rental property.

FEE INCREASE NOTICE:

Planning Services fees will be increased on January 1, 2010. All code enforcement cases will be charged two to four times the specified amount depending upon the length of time it takes an applicant to submit basic submittal requirements acceptable to commencing review of the application. In an effort to better prepare a complete and acceptable submittal you are encouraged to pay close attention to the Zoning/Development Application Submittal Guide which provides basic submittal requirements.

Building and Safety Services fees will be increased on January 1, 2010. Fees for code enforcement cases will be collected at the time of initial building permit submittal. These fees will be calculated on an hourly basis and be dependent upon the time the building inspection and code enforcement staff have spent on bringing the property into compliance. Therefore, you are encouraged to work with code enforcement staff to resolve your violation in a timely and efficient manner.

EXHIBIT 15

JACK SIEDMAN
ATTORNEY AT LAW
P.O. BOX 37
BOLINAS, CALIFORNIA 94924

*2 acres
8' deep*

*1,500
truck
loads*

FACSIMILE
(415) 868-0997

E-Mail:
[REDACTED]

TELEPHONE
(415) 868-0997

July 14, 2010

Debbie Poiani
Senior Code Enforcement Specialist
Marin County CDA
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Re: 160 Mesa Road, Bolinas
AP Nos. 188-170-11, 34 and 55

Dear Debbie:

Larry Baskin has forwarded your June 17, 2010 letter to me, and to Jim and Ernie Tacherra. As you may know, I represent Jim in a legal action against Ernie in which Larry is the court-appointed Receiver of all partnership properties, including the above-referenced ranch.

The lawsuit was filed in order to separate the assets and debts jointly owned by Jim and Ernie. The terms of settlement will divide the ranch into separately-owned parcels, after which Jim and Ernie would each be responsible for their separate parcels.

Your letter of June 17, 2010 raises a number of concerns about code violations and conditions on the property, and states that the County will not approve the division of parcels until the various violations and concerns have been met. On June 24, 2010, Mr. Baskin wrote to inform you that a hearing has been set for August 11, 2010, at which time the court will be asked to approve the terms of settlement as part of an Order dividing the assets and debts. The Order will of course be subject to County approval, and the need to address and resolve the concerns and violations raised in your letter.

However, in the interim, I would like to apprise you of the efforts Jim has made following the October, 2009 inspection, and specifically to address the matters raised in your June 17, 2010 letter. Although all three parcels currently comprise the ranch, Jim has been responsible for parcel 188-170-11 and 55, while Ernie has responsibility for 188-170-34. Therefore, Jim responds to your June 17, 2010 letter as follows:

Debbie Poiani
July 14, 2010
Page Two

1. Inoperable vehicles and junk. Since the October, 2009 inspection Jim has arranged for the removal of 12 derelict vehicles from Parcel 11, along with 12 tons of scrap metal and several dump runs.

2. Commercial Uses. For over fifty years the Tacherra Ranch has commercially sold eggs and firewood, and raised beef cattle as well. This is the first time any mention has been made of a need for a business license. Jim will promptly take all steps necessary to obtain such a license for these commercial activities.

You also make reference to other purported business activities which do not exist, to wit: an "auto repair" business and "several contractor or mini storage" uses. Jim has two storage containers on parcel 11, but one is used for chickens and the other to store ranch equipment and supplies.

Finally, you refer to the fact that a "significant amount of fill" has been placed on the property. I have discussed this with Jim, and interestingly the primary source of the fill comes from the County of Marin. Apparently, large amounts of fill dirt are stockpiled by the County Department of Public Works from winter land slides and summer clean-outs of ditches and culverts. Jim has allowed the County to place the dirt on the Ranch, which I understand can amount to approximately 30 truck loads twice per year. There has been no charge to the County.

If Jim and the County need to formalize this relationship, he is willing to do so. Jim does report rental income and pays taxes on that income.

3. Sheriff's Calls. There are only two subjects of calls of which Jim is aware. The first concerns a tenant (or tenants) who were thought to be dealing in drugs. Upon receiving notice of these possible activities, Jim terminated their tenancy. I am informed that they now rent from Ernie as tenants of Parcel 34.

The other subject of Sheriff's calls concerned Claudia Pruess and her two adult sons Josh and Tai, both of whom have substance abuse problems and can become violent. Claudia's tenancy is also terminating and she is moving to Pt. Reyes. Therefore, this law enforcement problem is also being resolved.

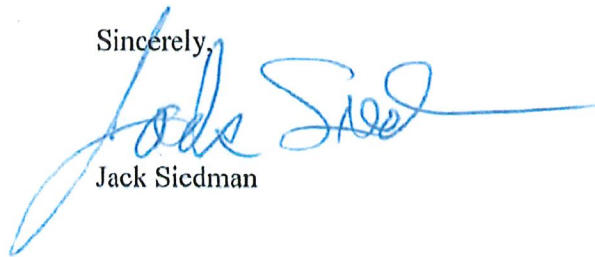
4. Child Welfare. The only minor child residing on Parcel 11 is one two-year old, and any code violations regarding health and safety are being addressed. See discussion, below.

Debbie Poiani
July 14, 2010
Page Three

5. Resolution. Once an Order is signed and filed formally dividing the parcels between Jim and Ernie, Jim will proceed, with the Receiver, to either legalize or remove all housing units on his parcel. The terms of settlement also include Jim's right to develop a septic system sufficient to accommodate all those units. To the extent the subdivision is supported by the County, it will increase Jim's ability to comply with County Code enforcement and enhance the County's ability to deal directly with Ernie regarding enforcement issues on his parcel.

I hope you find all the above responsive to most of the matters raised in your June 17, 2010 letter, and I look forward to working with you on Jim's behalf to resolve these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jack Sicdman", with a long horizontal flourish extending to the right.

Jack Sicdman

JS/ms
cc: Jim Tacherra
Lawrence Baskin
Ernie Tacherra

EXHIBIT 16

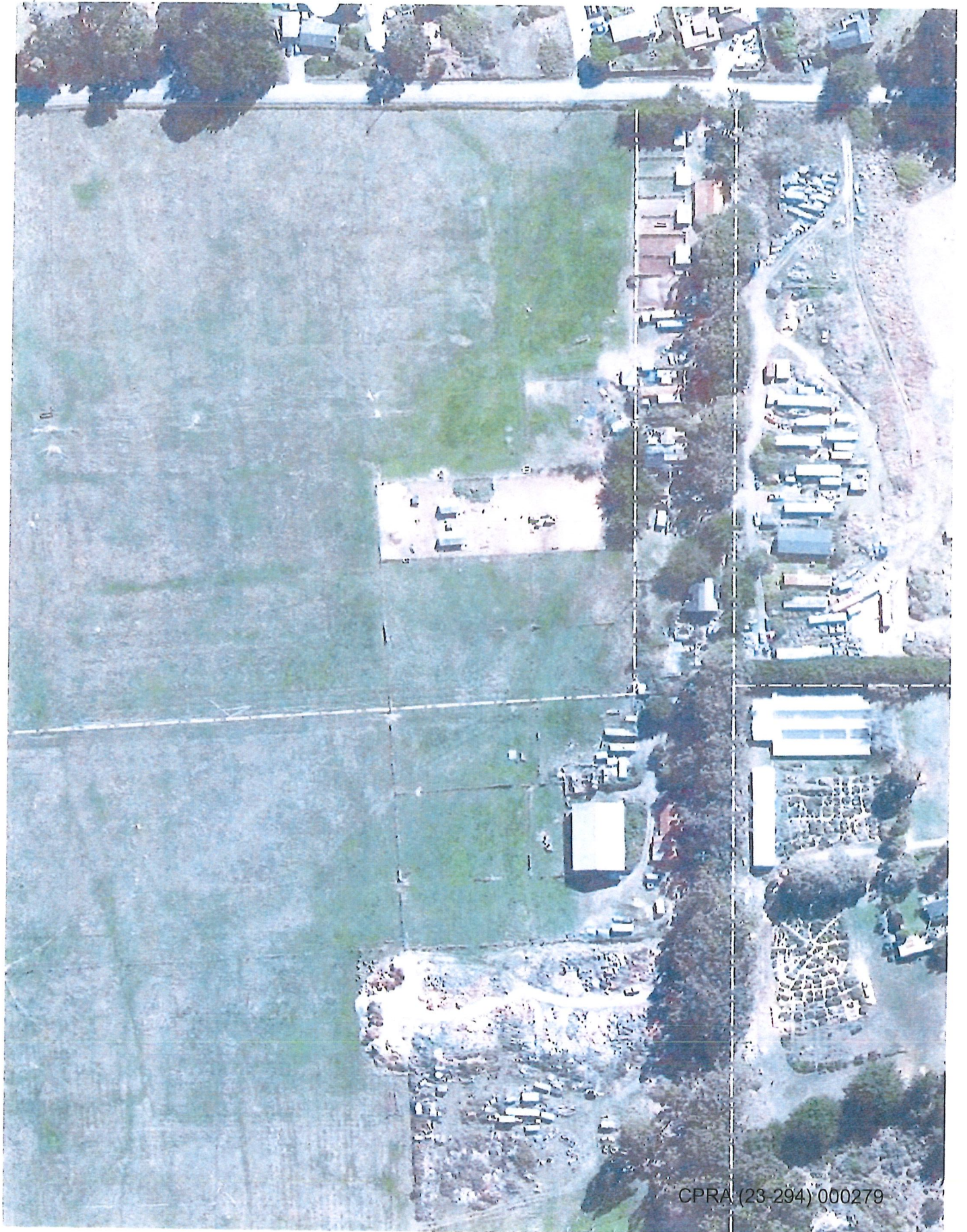
Tacherra Property Exploratory Meeting
Thursday, July 28, 2012
1:30 – 2:30 pm, Civic Center, Rm. 322

DRAFT AGENDA

Attendees:

Brian Crawford, Director, Marin County Community Development Agency
Steve Matson, BCLT Board President
Gail Reitano, BCLT Board Member
Lesla Kramer, BCLT Executive Director
Deborah Poiani, Marin County Code Enforcement
Leelee Thomas, Marin County Affordable Housing Planner
David Escobar, Supervisor Steve Kinsey's office
Larry Baskin, Tacherra Property Receiver

- 1/ Bolinas Community Land Trust vision for property
(Steve Matson) 5 min.
- 2/ Community needs & site advantages
(Lesla Kramer) 5 min.
- 3/ Receiver (Larry Baskin) meetings update; property lines and
jurisdictions (maps/scenarios); Phase 1 Environmental
(Steve Matson/Gail Reitano) 15 min.
- 4/ Code enforcement
(Brian Crawford/ Deborah Poiani/Larry Baskin) 10 min.
- 5/ Williamson Act and land use (Planners) 15 min.
- 6/ Next Steps 10 min.



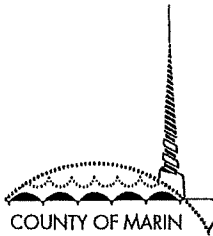
CPRA (23-294) 000279



JIM TACHERRA – JOHN OSTERWEIS DEAL ACCORDING TO JACK SIEDMAN

1. JOHN OSTERWEIS GETS **B & C** IN SWAP FOR **D**
2. **E** (5 ACRES) IS TAKEN FROM **D** AND COMBINED WITH **A**
E TO BE USED FOR NEW LEACH FIELD AND JIM'S CHICKEN OPERATION
3. REMAINDER OF **D** (15 ACRES) WILL BE SOLD TO MITIGATE JIM'S DEBT

EXHIBIT 17



COMMUNITY DEVELOPMENT AGENCY
CODE ENFORCEMENT

CERTIFIED MAIL

June 1, 2021

Susan Tacherra
James Tacherra
PO Box 523
Bolinias, CA 94924

RE: Open Enforcement Case (Case # 5204)
160 Mesa Road, Bolinas
Assessor's Parcel Number(s) 188-170-11

Dear Property Owner:

Our records reveal that a violation of Marin County Code has been found to exist on your property, and to date has not been resolved. This letter is to inform you of new initiatives and tools that the Code Compliance Team will be implementing in the coming months. If you have reason to believe that your property should no longer be considered an open enforcement case, please contact us within the next 30 days to arrange for a site inspection.

1. Beginning in July 2021, a list of open enforcement cases will be posted on our website to ensure transparency of records and consumer protection to a potential buyer, realtor, appraiser, or contractor. No building permits will be issued for development on the property unless those permits are to resolve the violation. Outstanding enforcement fees will be required to be paid before the case is formally closed.
2. Beginning in October 2021, the Code Compliance Team will begin issuing Administrative Citations pursuant to Marin County Code section 22.122.050. Citations may be issued repeatedly for as long as the code enforcement case remains open.

We understand that the past year has been a period of financial difficulty for many of Marin's residents. If you need financial assistance to help resolve the violation, please contact Carmen Hall Soruco, Homeownership Programs Manager at the Marin Housing Authority. An information pamphlet regarding Rehabilitation Loans and program qualifications is enclosed for your convenience.

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PROOF OF SERVICE

**Case Name: SUSAN TACHERRA AND JAMES TACHERRA
160 MESA ROAD, BOLINAS – APN: 188-170-11**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is the Community Development Agency of Marin County, Suite 308, Civic Center, San Rafael, CA 94903. On September 2, 2022, I served the within documents:

**Letter dated June 1, 2021 Re: Open Enforcement Case #5204
160 Mesa Road, Bolinas
Assessor’s Parcel Number: 188-170-11**

XX Mail Service. By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Rafael, California addressed as set forth below.

Deposit for Collection, Mail Service. By placing at my place of business at San Rafael, California, the documents listed above, for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid, addressed to the person(s) set forth below; and that envelope was placed for collection and mailing on that date following ordinary business practices.

XX Certified or Registered Mail Service. By placing at my place of business at San Rafael, California, the documents listed above, for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid, by registered or certified mail with return receipt requested, addressed to the person(s) set forth below; and that envelope was placed for collection and mailing on that date following ordinary business practices.

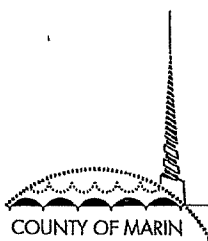
Express Mail Service. By depositing in a post office, mailbox, subpost office, substation, mail chute or other like facility regularly maintained by the United States Postal Service for receipt of Express mail, overnight delivery, documents listed above to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) set forth below.

Express Carrier Service. By depositing in a box or other facility regularly maintained by an express service carrier or delivered to a courier or driver authorized by said express service carrier to receive documents, the document(s) listed above to the person(s) at the address(es) set forth below, in an envelope designated by the said express service carrier, with delivery fees paid or provided for addressed to the person(s) set forth below.

**Susan Tacherra
James Tacherra
P.O. Box 523
Bollinas, CA 94924**

I am readily familiar with the County's practice of collection and processing correspondence for mailing and overnight delivery. Under that practice it would be deposited with the U. S. postal service/overnight delivery service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

EXHIBIT 18



COMMUNITY DEVELOPMENT AGENCY
CODE ENFORCEMENT

CERTIFIED MAIL

October 10, 2022

James Tacherra
Susan Tacherra
Post Office Box 523
Bolinas, CA 94924

Lawrence A. Baskin, Esq.
Attorney & Mediator at Law
999 Fifth Ave, Suite 200
San Rafael, CA 94901

NOTICE OF VIOLATION

RE: **VIOLATIONS:** Storage and Habitation of Mobiles Homes and Trailers
Habitation of Mobile Homes/Trailers without approved Septic Systems
Habitation of Mobile Homes/Trailers without an approved Water Source
Construction of Detached Accessory Structures
Detached Accessory Structures Used for Habitation
Conversion of Existing Milk Barn to Habitable Space
Active Construction within Existing Milk Barn
Main Residence Converted to Two Units
Substandard Housing Conditions
Open Sewage Pits
Construction of Appurtenant Mobile Home/Trailer Structures
Operation of a Junkyard
Storage of Cargo Containers
Operation of a Contractors Business and Storage Yard

160 Mesa Road, Bolinas
Assessor Parcel Number 188-170-11

Dear James and Susan Tacherra and Lawrence Baskin:

On May 31, 2022, Larry Baskin, Receiver, contacted staff requesting an inspection of the property. On July 26, 2022, an inspection was conducted with the following in attendance: Marin County Community Development Agency staff members Cristy Stanley, Supervising Code Compliance Specialist, Gil Sanchez, Senior Code Compliance Specialist, Greg Coates, Building Inspection Supervisor, and Rebecca Gondola, Senior Environmental Health Specialist. Larry Baskin, Receiver, James Tacherra, property owner, and Jesse Tacherra, son of James Tacherra.

I was informed at the time of my arrival that tenant notification did not occur. Based on this information, staff did not request entrance into any of the residences on the property.

This letter is to inform you that the violations stated below were substantiated by physical inspection and verbal communication with James Tacherra on July 26, 2022. The property is zoned C-ARP-10 (Coastal, Agricultural, Residential, Planned), prohibiting the following without Coastal Permit, Use Permit and Building Permit approval.

- The storage and habitation of mobiles homes and trailers.
- The habitation of mobile homes and trailers without approved septic systems.
- The habitation of mobile homes and trailers without an approved water source.
- The construction and use of detached accessory structures for habitation.
- The construction of appurtenant mobile home and trailer structures in the form of decks, stairs, carports, and other miscellaneous structures.
- The conversion of the milk barn to habitable space.
- The active construction within the milk barn.
- The conversion of the main residence to two units.
- The operation of a junkyard.
- The storage of cargo containers.
- The operation of a contractor's business and storage yard.

The property is in violation of the following Marin County Codes:

Marin County Code, Section 18.04.030(c) - Prohibited Acts - States that it shall be unlawful to construct, rebuild, use, occupy, or maintain any residence, place of business, or other building or place where persons reside, congregate, or are employed, which is not provided with means for the disposal of sewage by connection to a public sewer system. Construct or maintain any sewage treatment works, sewer pipes or conduits, or other facilities for the treatment and/or discharge of sewage or impure waters or any other matter or substance offensive, injurious or dangerous to health. Construct, enlarge, alter, repair, improve, or replace a septic tank, seepage pit, cesspool, drainage field, leaching system or any other type of individual sewage disposal system or any part thereof. Install or place a chemical toilet in or upon any property for any purpose other than temporary use in connection with the construction of a building or other structure, during the period of such construction.

Throughout the property there are trailers, mobiles homes and detached accessory structures that are being used for residences and have no approved means of sewage disposal. During the inspection of July 26, 2022, staff found four separate areas throughout the property that sewage was surfacing onto the ground as demonstrated by positive nitrate testing. The milk barn has been converted to habitable space and has no approved means of sewage disposal.

Marin County Code, Section 18.06.040 - Prohibited Acts - States that it shall be unlawful to construct, use, or maintain any privy, cesspool, septic tank, sewage treatment works, graywater system, chemical toilet, composting toilet, sewer pipes or conduits, or system(s) components in a manner where sewage, graywater, impure water or any other matter or substance will discharge upon the surface of the ground, become injurious or dangerous to health or will empty, flow, seep, or drain into or affect any river, stream, creel, spring, lake, pond, reservoir, swamp, ocean, bay, water supply, water system, groundwater, culvert, or drainage within the County of Marin.

Throughout the property there are trailers, mobiles homes and detached accessory structures that are being used for residences and have no approved means of sewage disposal. During the inspection of July 26, 2022, staff found four separate areas throughout the property that sewage was surfacing onto the ground as demonstrated by positive nitrate testing. The milk barn has been converted to habitable space and has no approved means of sewage disposal.

Marin County Code, Section 19.04.010(2) - Adopting the 2019 edition of the California Residential Code. Section R105 states that anyone who intends to construct, enlarge, alter, repair, move, demolish, change the occupancy of a structure, or to erect, install, enlarge, alter, repair, remove, convert or replace, any electrical, gas, mechanical or plumbing system, the installation of which is required by code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permits.

Throughout the property detached accessory structures have been constructed without the benefit of building permits. The milk barn has been converted to habitable space without benefit of building permits. The main house has been converted to two units without benefit of building permits. Decks, stairs, carports, and overhangs have been constructed throughout the property without the benefit of building permits.

Marin County Code, Section 22.62.060(D) - C-ARP: All of the unpermitted construction and improvements to create dwelling units and accessory dwelling units (ADUs) are considered development, as defined in Article VIII, and, therefore, shall comply with all provisions of the LCP, including Chapters 22.32 as applicable (Standards for Specific Land Uses), Chapter 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

Marin County Code, Section 22.68.030 - requires Coastal Permit approval for the placement or erection of any solid material or structure not otherwise exempt under section 22.68.050.

Marin County Code, Section 22.68.060.D - requires Coastal Permit approval for the conversion of the existing single-family residence to two units, which changes the intensity of use of the structure.

Marin County Code, Section 22.68.060.G - requires Coastal Permit approval for the installation of a new septic system.

Should you not correct these violations within thirty (30) calendar days of the date of this letter the Community Development Agency may pursue legal action against you, including, but not limited to a nuisance abatement lawsuit in Marin County Superior Court to compel you to correct the violations. Correcting the violations can be accomplished by removing all mobile homes, trailers, detached accessory structures, junk, cargo containers, and ceasing the operation of the contractor's business and storage yard. Demolition Permits must be submitted to remove the illegal conversion of the milk barn to habitable space, the illegal conversion of the main residence into two units, the removal of all illegal detached accessory structures including those used for storage and for habitation, and for all appurtenant structures related to the mobile home and trailers in the form of decks, stairs, carports, and other miscellaneous structures. The active construction taking place in the milk barn must cease immediately.

The violations could also be corrected by applying and securing approval of land use and construction permits that legalize existing structures and uses. I would strongly encourage you to apply for a General Consultation or a Pre-Application so that you can better understand the permitting process and requirements.