

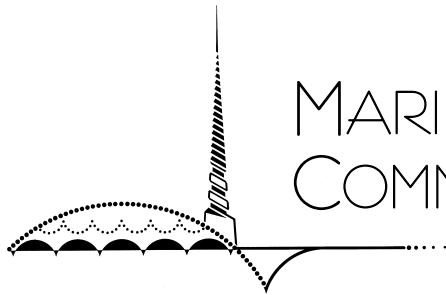
**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES**  
**Marin County Civic Center, Room #328 - San Rafael**  
**MEETING – October 1, 2009**

Hearing Officer      Jeremy Tejrjian, AICP  
   Johanna Patri, AICP, Consulting Planner

Staff Present:            Kristina Tierney, Planner  
   Scott Greeley, Planner  
   Veronica Corella Pearson, Planner  
   Curtis Havel, Senior Planner

Joyce Evans, Recording Secretary

Convened at 9:05 A.M.  
Adjourned at 11:00 A.M.



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **DAVID JABLONS AND TAMARA HICKS**

Application (type and number): Coastal Permit (CP 09-12), Design Review (DR 09-20) and Use Permit (UP 09-12)

Assessor's Parcel Number: 100-050-29

Project Location: 5488 Middle Road, Petaluma

For inquiries, please contact: Kristina Tierney, Planner

Decision Date: October 1, 2009

**DETERMINATION: Approved with Conditions**

Minutes of the October 1, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-37.

Marin County Community Development Agency

---

Jeremy Tejirian, AICP  
Hearing Officer

**C1. COASTAL PERMIT (CP 09-12), DESIGN REVIEW (DR 09-20), AND USE PERMIT (UP 09-12): DAVID JABLONS AND TAMARA HICKS**

**KT**

A proposal to complete the reconstruction and expansion of existing structures on the subject property including a two-story, 3,785 square foot farm house and a two-story 2,808 square foot barn containing two farm worker housing units. Both structures are associated with on-going use of the property as a working organic farm and goat dairy known as "Toluma Farms" which also supports cattle grazing. Use Permit approval is required to allow the proposed farm worker housing, as well as for the proposed goat cheese making and future retail operation. The subject property is zoned C-APZ-60 (Coastal, Agricultural Production Zone, one unit per 60 acre maximum density) and is located at **5488 Middle Road, Petaluma**, and is further identified as **Assessor's Parcel 100-050-29**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

Staff made corrections to Conditions of Approval 7 and 8 using the standard language for construction management. She added the following statement to the Vesting and Appeals section: "The Jablons/Hicks Use Permit shall be valid indefinitely so long as the current owner or subsequent owners of the subject property comply with the Use Permit. In the event that the terms of the Use Permit are violated or that the approved uses are carried on in such a manor to adversely affect the health, welfare or safety of persons residing in the neighborhood, the Jablons/Hicks Use Permit could be revoked or suspended in accordance with the terms and provisions of Chapter 22.88 of the Marin County Code."

The public testimony portion of the hearing was opened.

Gary Giacomini spoke in favor of the project.

David Jablons, owner, asked about future retail sales to avoid having to return for a Use Permit.

Discussion followed on:

- The allowable size (500 square feet vs 1,200 square feet) to regulate the future retail sales area;
- Creating Conditions of Approval to regulate the future retail sales operation;
- Use of an existing storage barn for the retail operation;
- Impose hours of operation from 9:00 AM to 7:00 P.M.;
- Limit the staff of the retail operation to the total allowed by the Use Permit;
- Have the parking plan reviewed by the Department Public Works as noted in Condition of Approval #10;
- Reword the SECTION 1: FINDING G to clarify applicable CCP vs. CWP policies;
- SECTION 1: FINDING F (2): clarify that the ag structures are not subject to the Single Family Residential Design Guidelines; and
- Make the changes to the Vesting Permit Duration and correct the numbering.

The Hearing Officer concurred with staff's analysis and approved the Jablons/Hicks Coastal Permit, Design Review, and Use Permit based on the Findings and subject to the conditions in the revised Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-136

A RESOLUTION APPROVING THE JABLONS/HICKS COASTAL PERMIT,  
DESIGN REVIEW, AND USE PERMIT  
5488 MIDDLE ROAD, PETALUMA  
ASSESSOR'S PARCEL 100-050-29

\*\*\*\*\*

**SECTION I: FINDINGS**

- I. WHEREAS David Jablons and Tamara Hicks are requesting a Coastal Permit, Design Review, and Use Permit for the following: 1) reconstruction and expansion of existing structures on the subject property including a two-story, 3,785 square foot farm house and a two-story 2,808-square-foot barn containing two farm worker housing units; 2) new septic system; 3) two mobile living units; 4) proposed farmstead cheese processing (on the order of 400 to 800 pounds of cheese per week with the capacity to increase production depending on demand with a total of 15 employees) and future tasting/retail operations; and 5) ancillary improvements including a new 5,000 gallon water tank, well upgrades, and a mobile cheese production facility.

The new additions would be served by the existing on-site septic system. **The subject property is located at 5488 Middle Road, Petaluma, and is further identified as Assessor's Parcel 100-050-29.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing October 1, 2009, to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 of the CEQA Guidelines because it entails reconstruction of development accessory to a residentially developed property that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

**A. Water Supply**

The existing residence is currently served by two onsite springs. As conditioned, Environmental Health Services has indicated that the facilities are adequate to serve the proposed project.

**B. Septic System Standards**

A new septic system, reviewed and approved by Environmental Health Services, is proposed to serve the project.

### **C. Grading and Excavation**

Grading and excavation would be extremely minimal as the previously existing footprints were largely maintained. Small amounts of grading were associated with construction of the new foundations. The submitted grading and drainage plans have been accepted as complete and consistent with Marin County Code Section 22.56.130I.C.

### **D. Archaeological Resources**

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that portions of the subject property are denoted as areas of high archaeological sensitivity. As the project entails the reconstruction of existing structures on a disturbed site it is unlikely that the project would impact archeological resources. Further, project approval would require that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required.

### **E. Coastal Access**

The subject property is not located between the sea and the first public road, or adjacent to a coastal area identified by the Local Coastal Program Unit 2, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

### **F. Housing**

The proposed project will have no adverse impact upon the availability of affordable housing stock within the Petaluma/Tomales community, and will provide farm worker housing on site.

### **G. Stream and Wetland Resource Protection**

Portions of the property are located within 100 feet of San Antonio Estero and are subject to the Local Coastal Program stream and wetland protection policies. However, the proposed project is not located within required stream and wetland buffer areas and the project would not impact such resources as it involves the reconstruction and modest expansion of existing structures.

### **H. Dune Protection**

The proposed project is not located in a dune protection area as identified by the Natural Resources Map for Unit 2 of the Local Coastal Program.

### **I. Wildlife Habitat**

The Natural Resources Map for Unit 2 of the Local Coastal Program and the California Natural Diversity Database indicate that the subject property is not located in an area potentially containing rare wildlife species.

**J. Protection of Native Plant Communities**

The Natural Resources Map for Unit II of the Local Coastal Program and the California Natural Diversity Database indicates that the subject property is not located in an area containing rare plants.

**K. Shoreline Protection**

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

**L. Geologic Hazards**

Review of the Alquist-Priolo Special Studies Zone maps indicates that the subject property lies outside the delineated boundaries of the San Andreas Fault zone. Therefore the project poses no safety threats relative to geologic hazards.

**M. Public Works Projects**

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

**N. Land Division Standards**

No land division is proposed as part of this project.

**O. Visual Resources**

The project involves the reconstruction and modest expansion of existing structures. As a result, the project would not impact any neighbors or visual resources in the area.

**P. Recreation/Visitor Facilities**

The proposed project would not presently provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations which require a mixture of residential and commercial uses have any impact upon recreation or visitor facilities. The future tasting/retail component would contribute to commercial facilities in the area and be a visitor serving use.

**Q. Historic Resource Preservation**

The subject property is not located within any designated historic preservation boundaries of the Tomales Community as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931.

V. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Development Code can be made based on the following findings:

**A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The project is consistent with this finding because the accessory structures and addition to the primary residence would result in a development with a height, mass, and bulk proportionately appropriate to the 160-acre site and neighboring development, and would not change the visual character of the project site.

**B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project would maintain adequate setbacks from the side and rear property lines and would not result in the loss of light or privacy to adjacent neighbors. In addition, all development will be contained within the parcel and would not impact development on public lands or rights-of-way.

**C. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project is located entirely within the subject parcel and would not result in development which would impact future improvements to the surrounding properties.

**D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;**

The proposed project had been sited in a developed portion of the property and would not involve any tree removal.

**E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

The project conforms to the planned district development standards by utilizing a design which blends the project into the natural topography of the site, and utilizes colors and materials which blend into the natural environment. Further, the primary residence and accessory structure utilizes architectural features such as step backs and breaking roof masses into smaller components to minimize the appearance of mass and bulk, and to reduce visual impacts.



**F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

**1. The area, heights, mass, materials, and scale of structures;**

The project utilizes existing structures to minimize changes to the visual character of the project site. The remodeled structures have been designed to minimize adverse visual effects related to design and building massing. The mobile living units are very modest (500 square feet) in size.

**2. Drainage systems and appurtenant structures;**

All conceptual plans have been reviewed by the Department of Public Works. Residential appurtenant structures are designed in conformance with the Single-family Design Guidelines.

**3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);**

The proposed project has been designed to minimize the amount of grading.

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

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

**5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences.

**G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.**

The applicant is proposing construction which would meet the Green Building Rating of "Certified," and the project would be required to meet Title 24 and Ordinance 3492.

**H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposed project, as conditioned, is consistent with all applicable regulations and as described in "F" above, meets the design guidelines, and would not be detrimental to the public or County.

- VI. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Use Permit per Section 22.88.020I of the Marin County Development Code can be made based on the following findings:

The establishment of farm worker housing, cheese processing, and a future tasting/retail facility is allowed as a conditional use within the governing C-APZ-60 zoning district and would be consistent with the principally permitted agricultural use of the land and compatible with surrounding agricultural uses. The project does not require any tree removal on the subject property, will result in employment opportunities, not result in significant noise or traffic impacts to the community, and will support agricultural activities in West Marin. Based on these factors, the granting of the Use Permit will not be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Jablons/Hicks Coastal Permit (CP 09-12), Design Review (DR 09-20), and Use Permit (UP 09-12) subject to the following conditions:

### **Marin County Community Development Agency, Planning Division**

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits), Section 22.82.040I (Design Review), and Section 22.88I, the Jablons Coastal Permit, Design Review, and Use Permit are approved for the following: 1) reconstruction and expansion of existing structures on the subject property including a two-story, 3,785 square foot farm house and a two-story 2,808-square-foot barn containing two farm worker housing units; 2) new septic system; 3) two mobile living units; 4) proposed farmstead cheese processing (on the order of 400 to 800 pounds of cheese per week with the capacity to increase production depending on demand with a total of 15 employees) and future tasting/retail operations to take place in an existing barn, totaling approximately 1,200 square feet between the hours of 9 am and 7 pm (no additional employees are permitted); and 5) ancillary improvements including a new 5,000 gallon water tank, well upgrades, and a mobile cheese production facility.

The reconstructed residence would be 32.5 feet tall and the barn would be 20.5 feet tall. The remodeled residence and garage would be located over 100 feet from all property lines, as would the two mobile living units. The property is approved to be served by the existing on-site septic system.

**The subject property is located at 5488 Middle Road, Petaluma, and is further identified as Assessor's Parcel 100-050-29.**

2. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Toluma Farms," consisting of 10 sheets prepared by Graham Architects and received October 30, 2008, and 3 sheets prepared by Erickson Engineering, Inc. and received September 4, 2008 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," dated May 21, 2009, and on file with the Marin County Community Development Agency including:
  - a. Siding – Pale, yellow horizontal wood siding
  - b. Windows – Off-white wood windows and trim
  - c. Roof – Dark green standing seam metal roof
  - d. Base – Stone

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

4. Any changes or additions to the approved project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated or undertaken. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant. Minor modifications to the operating conditions may be approved administratively by the Community Development Agency Director. Additionally, the Community Development Agency reserves the right to conduct periodic compliance reviews over the life of the Use Permit (UP 09-12). Major modifications shall require an amendment to the Use Permit.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants 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 be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties.
7. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
8. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an

Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

9. All construction activities shall comply with the following standards:
  - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
  - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
10. Prior to initiating tasting/retail sales onsite, the applicants shall submit plans to the Community Development Agency for review and approval, showing the location, size, and layout of the proposed tasting/retail sales operation. A parking plan shall also be submitted. The applicant shall comply with all applicable planning, parking, food sales, and state and Federal accessibility regulations in effect at the time of submittal.

The retail sales/tasting operation is limited to the foot print of the existing 1,200 square foot shed that is located approximately 5 feet from the eastern property line and 85 feet north of the existing milk barn. Hours of operation shall be limited to 9 a.m. to 7 p.m. and total staffing for the project site shall not exceed the 15 person limit allowed for the agriculture operation, unless approval requested and obtained in writing from Community Development Agency prior to initiating changes or modifications. Changes and improvements to this structure may be subject to Design Review.

11. Within 90 days of this decision, the applicant must submit a Building Permit application to legalize the residence and barn modifications. 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.
12. Within 120 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.
13. Within 360 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.

Department of Public Works, Land Development

All improvements shall conform to Title 24 of the Marin County Code, Uniform Construction Standards, or as approved by DPW.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

14. The improvement plans shall be reviewed and approved by a registered soils engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamped and signed letter.
15. A registered Civil Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
16. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
17. Submit two sets of engineer's calculations for site/driveway retaining walls, signed and stamped by the engineer.
18. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.
19. The driveway approach shall be constructed and paved per MCC 24.04.290. Driveway surface runoff shall be intercepted and directed away from the travel lanes.
20. Obtain an encroachment permit from DPW for work in the road right-of-way.
21. Plans shall show all driveway widths, slopes and pavement surface as required by County code and standards.
22. Page 2, 2<sup>nd</sup> paragraph of the Agricultural Plan states that permits were granted for the creek work in 2004-2005. Our records show that the owners applied for a creek permit in 2005. The permit was approved but not issued for non-payment of fees. Notification letters were sent to the owners about this matter but there is no record of any response or payment. Prior to issuance of any building or grading permit, the applicant shall pay the creek permit fee of \$1,460.00.
23. Note that certification letters from the Design Engineer shall include Building Permit Number, Assessor's Parcel Number and Address of the project site, per CDA- Building & Safety Division.
24. Provide a detailed grading and drainage plan for the project. Include the grading around the proposed water tank and the proposed destination for all cut surplus materials. Ground adjacent to the foundation shall be sloped away no less than 5% for a minimum distance of 10 feet. 2007 CBC 1803.3.
25. Plans shall indicate total acreage of site disturbance.

Marin County Environmental Health Services

Sewage

26. Any future development not specified in the use permit would necessitate a review of potential wastewater discharge which may require a permit to upgrade the septic system.
27. PRIOR TO FINAL INSPECTION, the applicant shall obtain Regional Water Quality Control Board approval for dairy production waste.

## Water

28. PRIOR TO BUILDING FINAL, the applicant shall obtain one or more domestic water permits to approve the water delivery system to all residential, agricultural and commercial buildings on the property.
29. If two water systems are maintained, one domestic system for residential use and one domestic system to serve the fire control and commercial/agricultural buildings, each of the two systems will need to provide treatment with filtration and disinfection, since springs are generally influenced by surface water. Under the two water system proposal, the 1.5 GPM water source can serve the five residences based on a combined source and storage capacity equation, 3 GPM per day per residence, or a total of 21,600 GPD for the five residences. Since 1.5 GPM is equivalent to 2,160 GPD production, a total of 19,440 gallons of storage, designated solely for residential use, is required by the Water Code.
30. Assuming 250 GPD of total milk production and 2 GPD water demand per gallon of milk produced and a safety factor of 3, a conservatively high Maximum Day Demand would be 1,500 GPD. The 3,000 gallons of storage available for domestic water use (not including Fire Control capacity), and the 2.3 GPM production should meet demand for the dairy and cheese factory.
31. The alternative consolidated water system plan combines water sources, storage tanks and water treatment into one system requiring one water permit and one treatment plant. Further calculations will be needed if this option is chosen, especially if there are more than one pressure zone. A consolidated water system may reduce the required storage due to combined source and tank capacity.
32. Based on will need to provide specific written information regarding the proposed water systems, use of the facilities, and if fire control requirements will reduce available domestic water to demonstrate that the site has adequate existing water sources to serve the total domestic water demand.
33. The alternative consolidated water system plan combines water sources, storage tanks and water treatment into one system requiring one water permit and one treatment plant. Further calculations will be needed if this option is chosen, especially if there are more than one pressure zone. A consolidated water system may reduce the required storage due to combined source and tank capacity.

## Food Establishment

34. If retail food service (including tasting), if any, will be provided in the future. Please note:
  - a. A wholesale cheese factory with limited staffing may be able to be served by a private water system.
  - b. A wholesale cheese factory with incidental cheese tasting and sales may be able to be served by a water system that meets the California Food Code water requirements. Treatment design and permitting requirements are more stringent than private systems.
  - c. A cheese factory with a retail food facility with a higher customer population must be served by a public water system. Since the spring source requires the system to meet the federal Surface Water Treatment Rule, be advised that treatment design, performance AND operating standards are all significantly more stringent and costly than those of other water systems.

## Marin County Fire Department

35. A private fire protection water supply and fire hydrant are required. Please contact the Fire Department to discuss.
36. The LPG tanks locations must be approved by the Fire Department.
37. A defensible space zone and Vegetation Management Plan are required. Defensible space must be in place prior to framing. Submit the Defensible Space and Vegetation Management Plan to the Fire Department.

### **SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

The applicant must vest this approval by obtaining a Building Permit for the approved work and approval of a final inspection by the Building and Safety Division within the time limits specified in the conditions of approval. Requests for an extension to the time limits specified therein may be granted administratively by the Community Development Agency staff, in consultation with the Code Enforcement Section, for good cause, such as delays beyond the applicant's control. In no event may such extensions be granted beyond two years from the effective date of this approval. Time extensions to vest the approval beyond two years and up to a maximum of four years may only be granted upon the filing of an extension application with required fees pursuant to Section 22.56.050.B.3 of the Marin County Code. Upon vesting of this approval, this Use Permit shall be valid in perpetuity upon timely vesting of the approval and adherence to all conditions of approval.

This Use Permit is subject to revocation procedures contained in Sections 22.88.040 and 22.88.045 of the Marin County Code in the event any terms of this approval are violated or if the uses are conducted or carried out in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, or if the uses are conducted in violation of the conditions of this permit. Failure to comply with any of the terms contained in this approval shall constitute grounds for revocation of this Use Permit.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 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. on October 8, 2009.**

### **SECTION IV: ACTION**

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 1<sup>st</sup> day of October 2009.

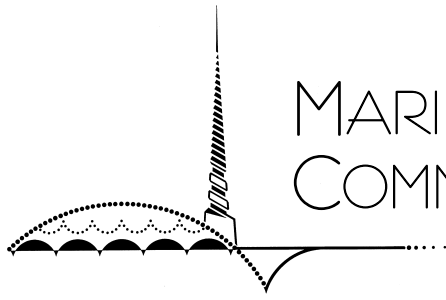
---

JEREMY TEJIRIAN  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

---

Joyce Evans



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **PAMELA WHITEHEAD**  
Application (type and number): Coastal Permit (CP 10-6)  
Assessor's Parcel Number: 190-041-32  
Project Location: 271 Poplar Avenue, Bolinas  
For inquiries, please contact: Scott Greeley, Planner  
Decision Date: October 1, 2009

**DETERMINATION: Approved with Conditions**

Minutes of the October 1, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-14.

Marin County Community Development Agency

---

Johanna Patri, AICP  
Hearing Officer



## H1. COASTAL PERMIT (CP 10-6): PAMELA WHITEHEAD

An amendment to Coastal Permit (CP 06-3), which permitted a new, approximately 2,059 square-foot single-family residence, in Bolinas. The applicant is proposing to add the following: 1) attic storage space; 2) a dormer/bay window seat in one of the bedrooms; 3) enclose previously approved covered porches at SW and north elevations; 4) 3 attached sheds on east side of house; 5) 10-foot x 12-foot detached out building 13 feet from south property line; 6) 8-foot x 20-foot x 9-foot detached metal storage container 10 feet from south property line; and 7) various interior revisions. The subject property is zoned C-RA-B2 (Coastal, Residential, Agricultural, Single-Family, 10,000 square foot minimum lot area) and is located at **271 Poplar Avenue, Bolinas**, and further identified as **Assessor's Parcel 190-041-32**.

In response to the Hearing Officer, staff summarized the supplemental memorandum dated October 1, 2009 regarding an update to the project description and other changes in the revised resolution. He further noted the issues regarding construction done without permits and a cease inspection order that was issued by Building and Safety when the changes were noted. An e-mail from Bridger Mitchell dated September 30, 2009, regarding if the Marin Countywide Plan, the Bolinas Plan and the Bolinas Gridded Mesa Plan were relevant to this project because in July 2006, the original permit noted that policies of the Bolinas Community Plan were met. A fax dated October 1, 2009 from Cindra Pruette expressed concerns with the metal storage container and the status of the site itself that creates a visual obstruction to the neighborhood.

The Hearing Officer clarified that there are no findings for the Countywide Plan or the Bolinas Community Plan since they were never formally adopted by the California Coastal Commission and the LCP policy will take precedence. The Hearing Officer added that if there is Design Review, they would apply. She further noted that the project is in a conventional zoning district and complies with the interim development code, so no Design Review is required, but a Coastal Permit is necessary. In addition to meeting other standards, the Hearing Officer added the floor area ratio (FAR) is 11.41 percent where 30 percent is allowed.

Discussion followed on when the original Building Permit was issued and why the building inspectors put a stop work on the project.

The public testimony portion of the hearing was opened.

Pam Whitehead, owner, spoke regarding the receipt of the Building Permit in May 2008 and started construction in August 2008. She stated that she had made changes to the interior and did not know she had to have new permits from Planning. She further noted that she has made every attempt to keep the site clean and would like to complete the project for her growing family.

The Hearing Officer noted that construction has been done without any amendment to the Building Permit and no more additions or modifications can be made without County of Marin approval, per Condition of Approval 14 of the Extension (08-22) of the original Coastal Permit (CP 06-03).

Steve Anttonaros, architect spoke regarding the entry porch and trellis that are open and on the plans. Staff will make a note of it.

- SECTION I: FINDINGS 3: Correct “found” to “finds”;
- SECTION II: CONDITIONS OF APPROVAL 2. “Plans submitted for an amended Building Permit .....
- SECTION II: CONDITIONS OF APPROVAL, new Condition: # 4: “BEFORE ISSUANCE OF BUILDING PERMIT AMENDMENT, the applicant shall record a deed restriction prepared by the Community Development Agency staff against the title of the property that the attic space and the two detached accessory structures shall be used strictly for storage, that the spaces shall not be conditioned for habital space and that neither the attic space nor the two detached accessory structures shall be used as habital space including sleeping.”;
- SECTION II: CONDITIONS OF APPROVAL new Condition: # 5: “BEFORE ISSUANCE OF BUILDING PERMIT AMENDMENT, Community Development Agency staff shall record the Notice of Decision against the title of the property.”;
- SECTION II: CONDITIONS OF APPROVAL new Condition: # 6: “BEFORE ISSUANCE OF BUILDING PERMIT AMENDMENT, the applicant shall submit to the Community Development Agency a landscape plan for review and approval by staff consisting of native species to the area, drought tolerant plants that will screen and soften the development to the satisfaction of the Community Development Agency staff.”;
- SECTION II: CONDITIONS OF APPROVAL new Condition: # 9: “BEFORE FINAL INSPECTION the applicant shall clean up all construction debris, remove the metal container from the site and install approved landscaping, and call for an inspection by the Community Development Agency staff at least five working days before final inspection.”
- Within 30 days of the Coastal Permit approval, the applicant shall submit for a Building Permit Amendment for all approved work and all work done without the benefit of Building Permits.” and
- SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS, add: “NOW, THEREFORE BE IT FURTHER RESOLVED THAT THE APPLICANT must vest the Whitehead Coastal Permit 06-03 approval by amending the Building Permit and other permits for all the approved work and by completing the improvements in accordance with the secured permits by July 31, 2012. and receiving final inspection from Community Development Agency Building and Safety Division, for all rights granted and this approval shall lapse. No further Coastal permit extensions shall be granted. Marin County Code Section 22.56.120 i.”

The Hearing Officer noted that there will be no further extensions.

The Hearing Officer concurred with staff’s analysis and approved the Whitehead Coastal Permit, based on the Findings and subject to the conditions in the revised Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-137

A RESOLUTION APPROVING THE PAMELA WHITEHEAD COASTAL PERMIT  
271 POPLAR ROAD, BOLINAS  
ASSESSOR'S PARCEL 190-041-32

\*\*\*\*\*

**SECTION I: FINDINGS**

- I. WHEREAS, the applicant, Stephen Antonaros, is requesting Coastal Permit amendment approval to Coastal Permit (CP 06-3), which was approved by the Deputy Zoning Administrator on July 13, 2006, and received an extension to vest on July 31, 2008. The previously approved project was for the construction of a new approximately 2,059 square-foot single-family-residence to be located at 271 Poplar Road in Bolinas. The applicant is proposing to revise the approved project and add the following: 1) attic storage space which achieves a maximum ceiling height of 6 feet 4 inches; 2) a 22.5 square foot bay window seat in one of the bedrooms; 3) enclose two previously approved covered porches totaling 510 square feet at the southerly rear and northerly front elevations; 4) 3 attached sheds, totaling 96 square feet, set back 12 and 15 feet from the northeasterly side of the house; 5) a 10-foot x 12-foot detached out building 13 feet from the southeasterly rear property line; 6) an 8-foot x 20-foot x 9-foot detached metal storage container 10 feet from the southeasterly rear property line; 7) a new, unenclosed 420 square foot entry porch 30 feet from the southerly side property line; as well as 8) various interior revisions. The revised square footage, including the new bay window, enclosed porches, and proposed accessory structures, will be 2,967.5 square feet. The floor area ratio (FAR) will increase from 7.92% to 11.41%. The subject property is located at **271 Poplar Way, Bolinas** and is further identified as **Assessor's Parcel 190-041-32**.
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly-noticed public hearing October 1, 2009, to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- III. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3(a) of the CEQA Guidelines because it entails the construction of a new a new single-family residence on a residentially zoned parcel with no potentially significant impacts on the environment. Additionally, the proposed amendment to the Coastal Permit is minor and will have no potentially significant impacts on the environment.

IV. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project continues to be consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The Bolinas Community Public Utilities District (BCPUD) would provide water for the proposed residence, and has presented staff with documentation verifying the availability of this water. Therefore, the project is consistent with this finding.

B. Septic System Standards

The Marin County Environmental Health Services Division has reviewed and conditionally approved a septic permit (permit # 03-85A) for the proposed project. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The subject property is level and minimal grading is proposed. Excavation would occur for construction of the foundations of the proposed residence and drainage improvements. All grading and excavation work will be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements. Therefore, the project is consistent with this finding.

D. Archaeological Resources

As noted in the original 2006 Coastal Permit (CP06-03) and 2008 Coastal Permit Extension (CP08-22), review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, minimal grading is proposed and the project is not likely to disturb cultural resources. A condition of project approval would require that in the event cultural resources are discovered during site preparation or construction of this project, all work shall immediately be stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures to meet Local Coastal Program requirements. Therefore, the project is consistent with this finding.

E. Coastal Access

The project site is not located adjacent to the shoreline and will therefore have no impact upon coastal access. Therefore, the project is consistent with this finding.

F. Housing

The proposed project includes construction of a new single-family residence in a residential zone and would not result in the demolition or conversion of housing affordable to households of lower or moderate income. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

This project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit I of the Local Coastal Program.

H. Dune Protection

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

The project site is not located in an area identified as containing sensitive wildlife habitat. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. Additionally, a review of the NDDB, prepared by the California Department of Fish and Game, indicates that the subject property is not located in the habitat area for rare plant species. Therefore, no significant or adverse impacts to native plant communities would result from the project. Therefore, the project is consistent with this finding.

K. Shoreline Protection

Marin County Code Section 22.56.130(K) restricts development within a certain distance of the bluff of Bolinas Mesa. The zoning code does not allow development nearer to the bluff than would be safe, based on an assumed retreat rate and the 40 year life of an average residence. A geotechnical investigation is required to determine the setback in areas where the development is located within 150 feet of a bluff top or where the site is in a slope stability zone of 3 or 4. However, the subject property does not meet either of these criteria. The subject property is located over 1,400-feet inland from the nearest bluff face, and the proposed development would not occur within Bluff Erosion Zones 3 or 4 as identified by the Gridded Mesa Plan. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is located well over one mile from the Alquist-Priolo Special Study Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of previous project approval, the applicant executed and recorded a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards or activities on the subject property. Therefore, the project is consistent with this finding.

M. Public Works Projects

This proposed project does not entail expansion of public roads, flood control projects, or utility service and will not affect any public works projects. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The height, scale, and design of the proposed residence will comply with the standards of the governing zoning and will be compatible with the established character of the surrounding community. While the overall square footage of the residence with the newly proposed changes is increasing the square footage, it is not substantially increasing the overall visual bulk. However, the metal container is not a permitted use per the definition of a 'Building' in the Interim Zoning Ordinance (Chapter 22.020.120I) which excludes "mobile homes, house trailers, campers and similar devices and appurtenances". Given that the metal container is not recognized as a building, it cannot be considered as a permanent part of the site. Therefore, a condition of approval requires that the container be removed, but it may be replaced with a storage shed with exterior materials and roof pitches that match the residence. The shed shall be the same floor area and dimensions as the container. The shed shall be in the same location as the container and shall not exceed a height of 15-feet above grade. With this modification, the project would be consistent with this finding.

P. Recreation/Visitor Facilities

The proposed project will not provide or impact commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations that require a mixture of residential and commercial uses. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1930. Therefore, the project is consistent with this finding.

## SECTION II: CONDITIONS OF PROJECT APPROVAL

### Marin County Community Development Agency, Planning Division

1. The Conditions of Approval from Coastal Permit 06-3 and Extension 08-22 still apply with exception to the changes outlined as follows. Pursuant to Chapter 22.56I (Coastal Permit) of the Marin County Interim Development Code, the Whitehead Coastal Permit approval to amend Coastal Permit 06-03 in order to construct additional 1) attic storage space which achieves a maximum ceiling height of 6 feet 4 inches; 2) a 22.5 square foot bay window seat in one of the bedrooms; 3) enclose two previously approved covered porches totaling 510 square feet at the southerly rear and northerly front elevations; 4) 3 attached sheds, totaling 96 square feet, set back 12 and 15 feet from the northeasterly side of the house; 5) a 10-foot x 12-foot detached out building 13 feet from the southeasterly rear property line; 6) an 8-foot x 20-foot x 9-foot detached metal storage container 10 feet from the southeasterly rear property line; 7) a new, unenclosed 420 square foot entry porch 30 feet from the southerly side property line; as well as 8) various interior revisions. The subject property is located at **271 Poplar Way, Bolinas** and is further identified as **Assessor's Parcel 190-041-32**.
2. Plans submitted for an amended Building Permit shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as File Copy, "Whitehead Residence, 271 Poplar Road, Bolinas, CA" prepared by Lawrence Doyle, consisting of 3 sheets, dated July 25, 2007 and July 22, 2009 and received July 22, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein. The project shall be modified as specified below:
  - a. The proposed metal storage container shall be removed. It may be replaced with a storage shed with exterior materials and roof pitches that match the residence. The shed shall be the same floor area and dimensions as the container. The shed shall be in the same location as the container and shall not exceed a height of 15-feet above grade.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the Site Plan or other first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit Conditions of Approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT AMENDMENT, the applicant shall record a deed restriction prepared by the Community Development Agency staff against the title of the property that the attic space and the two detached accessory structures shall be used strictly for storage, that the spaces shall not be conditioned for habitable space and that neither the attic space nor the two detached accessory structures shall be used as habitable space including sleeping.
5. BEFORE ISSUANCE OF BUILDING PERMIT AMENDMENT, Community Development Agency staff shall record the Notice of Decision against the title of the property.
6. BEFORE ISSUANCE OF A BUILDING PERMIT AMENDMENT, the applicant shall submit to the Community Development Agency a landscape plan for review and approval by staff consisting of native species to the area, drought tolerant plants that will screen and soften the development to the satisfaction of the Community Development Agency staff

7. Exterior lighting shall be permitted for safety purposes only, must consist of energy efficient, low lumen output, and low wattage fixtures, and must be directed downward and hooded to prevent glare for neighboring properties.
8. All construction activities shall comply with the following standards:
  - a. Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
  - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
9. All utility connections and extensions serving the project shall be installed underground. Modifications to this condition may be considered by the Community Development Director at the written request of the applicant.
10. If archaeological resources are discovered during grading, trenching, or other construction activities all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
11. BEFORE FINAL INSPECTION, the applicant shall clean up all construction debris, remove the metal container from the site and install approved landscaping, and call for an inspection by the Community Development Agency staff at least five working days before final inspection.
12. Within 30 days of the Coastal Permit approval, the applicant shall submit for a Building Permit Amendment for all approved work and all work done without the benefit of Building Permits.
13. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.



14. The applicant/owner hereby agrees to 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 the Whitehead Coastal Permit, for which action is brought within the applicable statute of limitations.

### **SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Whitehead Coastal Permit 06-03 approval by amending the Building Permit and other permits for all the approved work and by completing the improvements in accordance with the secured permits by July 31, 2012 and receiving final inspection from Community Development Agency Building and Safety Division, for all rights granted and the approval shall lapse. No further Coastal Permit extensions shall be granted per Interim Marin County Code Sections 22.56.120I.

The Building Permit approval expires if the building or work authorized in this does not commence within one year from issuance of such permits. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of the permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the approval, and no extensions have been granted, the Building Permit may become null and void. Should you have difficulties in meeting deadlines for completing the work pursuant for a Building Permit, the applicant may apply for an extension at least ten days before the expiration.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 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. on October 8, 2009.**

### **SECTION IV: ACTION**

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 1<sup>st</sup> day of October 2009.

---

JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

---

Joyce Evans  
DZA Secretary

**H1. COASTAL PERMIT (CP 09-7) AND DESIGN REVIEW (DM 09-16):  
KRISTINA PHIPPS**

A proposal to construct a detached 136 square foot office and a detached 620 square foot guest dwelling, along with a 6 foot high fence. The office area would attain a maximum height of approximately 12 feet and the guest dwelling would attain a maximum height of 15 feet. The office would maintain the following approximate setbacks from corresponding property lines or road right of way edge: **front** (northwest) 13 feet 6 inches, **rear** (southeast) 69 feet, **side** (northeast) 2 feet, and **side** (southwest) 99 feet. The guest dwelling would maintain the following approximate setbacks from corresponding property lines or road right of way edge: **front** (northwest) 56 feet, **rear** (southeast) 3 feet, **side** (northeast) 3 feet, and **side** (southwest) 88 feet. The property is in a C-RSP-1 zoning district. The subject property is located at **125 Bay View Way, Inverness**, and is further identified as **Assessor's Parcel 112-254-07**.

In response to the Hearing Officer, staff summarized the supplemental memorandum dated October 1, 2009 regarding changes to the project description Section 1 Findings 1 and the Conditions of Approval, as well as Section 1 Findings VI (O), and Finding VII B, C, E, and F1., and F5.

A letter dated September 30, 2009 from Bridger Mitchell regarding the analysis of the Marin Countywide Plan, Bolinas Community Plan and the Bolinas Gridded Mesa Plan was included.

Staff noted that the applicant may request a further continuance.

The Hearing Officer noted after making a site visit, she made findings that a 10-foot average is meaningless as to how it affects neighboring properties.

The public testimony portion of the hearing was opened.

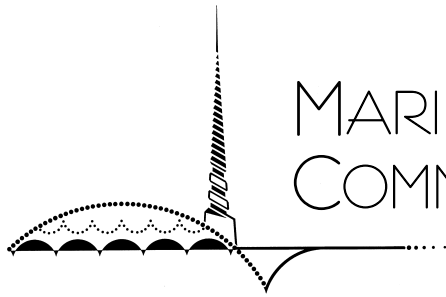
Robert Kelley, applicant spoke regarding an alternate plan that is being proposed. He demonstrated the changes and asked for a continuance to October 29<sup>th</sup> or November 12<sup>th</sup>, 2009. He submitted a plan for reference and asked for feedback from staff.

The Hearing Officer noted that the story poles that depict the first proposal and would like to see some alternative sittings for the office which is close to the second unit on the neighbor's property. She suggested consideration of another location and attaching the office to the house with a breezeway

Ellen Shehadeh, neighbor, concurs with the hearing officers comments. She appreciates changes that have been made and urges the applicant to consider an alternate site for the office.

The public testimony portion of the hearing was closed.

After discussion with staff, the Hearing Officer is willing to accept the continuance of the Phipps Coastal Permit (CP 09-7) and Minor Design Review (DM 09-16) to the hearing of November 12, 2009 to consider alternative plans and modifications to the original project.



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **BRUCE GUILÉ**

Application (type and number): Coastal Permit (Cp 09-37) and Design Review (Dr 09-70)

Assessor's Parcel Number: 195-121-11

Project Location: 380 Belvedere Avenue, Stinson Beach

For inquiries, please contact: Veronica Corella Pearson, Planner

Decision Date: October 1, 2009

**DETERMINATION: Approved with Conditions**

Minutes of the October 1, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-29.

Marin County Community Development Agency

---

Johanna Patri, AICP  
Hearing Officer

### H3. COASTAL PERMIT (CP 09-37) AND DESIGN REVIEW (DR 09-70): BRUCE GUILLE

A proposal to demolish an existing residence and construct a new residence, and a guest house. The existing residence is 2,971 square feet in size. The proposed new residence would be 3,493 square feet in size and the guest house would be 1,262 square feet in size with a 523 square foot garage, resulting in a floor area ratio of 21%. The residence would maintain the following setbacks: front (west) 30 feet, side (north and south) 15 feet, and rear (west) 25 feet. The residence would attain a maximum height of 17 feet from grade, and the guest house would attain a height of 15 feet from grade. Both structures would be finished in pre-patinated copper paneling, red zinc paneling, tan colored cement fiber board, and metal clad windows in bronze. The project also entails the removal of non-native trees and brush, retiring the existing driveway, construction of a new driveway with retaining walls up to 6 feet, as viewed from Belvedere Avenue, and new hardscape and landscaping. The applicant is proposing to place a photovoltaic system, roof terrace, and planted roof on the various levels of the structures, and a pool and spa would be located to the rear (west) of the guest house. The subject property is zoned C-R1:B3 (Coastal, Single-family Residential, 20,000 square feet minimum lot area) and is located at **380 Belvedere Ave., Stinson Beach**, and is further identified as **Assessor's Parcel 195-121-11**.

In response to the Hearing Officer, staff summarized her supplemental memorandum dated September 30, 2009, regarding a letter from George L. Marchand, co-owner of the residence at 17 Avenida Farralone, regarding the drainage plan that is to be submitted at the building permit stage, and the project's conformance with the project approved by the Stinson Beach County Water District. Staff responded that the Department of Public Works will review the drainage plan and erosion and sediment control plans during the building permit stage for conformance with all required regulation, and the Stinson Beach County Water District has yet to grant an approval of the proposed project.

In response to the Hearing Officer, staff stated the Condition of Approval 6 requires that the applicant provide written approval from the Stinson Beach County Water District prior to issuance of a building permit.

The applicant was not present, but was represented by Ton Moore, who indicated that the Resolution has been reviewed and had no questions.

The public testimony portion of the hearing was opened.

George Marchand spoke regarding the contents of his letter and his interest in having the record show that a drainage plan will be required at the building permit stage and the applicants must comply with the requirements of the Stinson Beach County Water District. The Hearing Officer asked Mr. Marchand if he would like to be notified when the applicant applied for a building permit. Mr. Marchand stated that this would not be necessary.

The public testimony portion of the hearing was closed.

The Hearing Officer concurred with staff's analysis and approved the Guille Coastal Permit and Design Review, based on the Findings and subject to the conditions in the Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-138

A RESOLUTION APPROVING THE GUILLE COASTAL PERMIT (CP 09-37) AND  
DESIGN REVIEW (DR 09-70)  
ASSESSOR'S PARCEL 195-121-11  
380 BELVEDERE AVENUE, STINSON BEACH

\*\*\*\*\*

**SECTION I: FINDINGS**

- I. WHEREAS, the applicant, JW McPhail Construction, has applied on behalf of the owners, Bruce Guile and Alexandra Buckner, for approval for the demolition of an existing residence and construction of a new residence, and a guest house. The existing residence is 2,971 square feet in size. The proposed new residence would be 3,493 square feet in size and the guest house would be 1,262 square feet in size with a 523 square foot garage, resulting in a floor area ratio of 21%. The residence and guest house would maintain the following setbacks: front (west) 30 feet, side (north and south) 15 feet, and rear (west) 25 feet. The residence would attain a maximum height of 17 feet from grade, and the guest house would attain a height of 15 feet from grade. Both structures would be finished in pre-patinated copper paneling, red zinc paneling, off-white cement fiber board and metal clad windows in bronze. The project also entails the removal of non-native trees and brush, retiring the existing driveway, construction of a new driveway with retaining walls up to 6 feet, and new hardscape and landscaping. The applicant is proposing to place a photovoltaic system, roof terrace, and planted roof on the various levels of the structures, and a pool and spa would be located to the rear (west) of the guest house. The subject property is located at 380 Belvedere Avenue, Stinson Beach, and is further identified as Assessor's Parcel 195-121-11.
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly noticed public hearing on October 1, 2009 to consider the merits of the project, and hear testimony in favor of, and in opposition to the project.
- III. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails construction of a single family residence on a developed lot, which will be located within the footprint of the existing residence and will not result in adverse impacts to sensitive species.
- IV. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
  - A. The project complies with *CWP* natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).
  - B. The project complies with *CWP* natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (*CWP Policies BIO-1.4, BIO-1.5 and BIO-1.6*).
  - C. The project will not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).

- D. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on other lands adjacent to the project site, or impact corridors for wildlife movement (*CWP Policies BIO-2.3 and BIO-2.4*).
  - E. No wetlands or stream conservation areas will be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
  - F. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
  - G. The project avoids hazardous geological areas and will be designed to County earthquake standards through review of the Building Permit application review (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
  - H. The project design and improvements ensure adequate fire protection (*CWP Policy EH-4.1*), water for fire suppression (*CWP Policy EH-4.c*), defensible space, compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
  - I. The project as conditioned will minimize exterior lighting to reduce light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).
  - J. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies contained in the Stinson Beach Community Plan due to the following factors.
- A. The project involves the construction of a new single-family residence, guest house and garage, and retaining walls, which are a principally permitted use under the governing C-R1-B3 zoning district.
  - B. The project would not impact sensitive habitats or listed species.
  - C. The project meets the maximum height limit for Stinson Beach Highlands at 17 feet above grade and is in keeping with the community character.
  - D. The proposed new residence would replace an existing residence that is currently be served by the Stinson Beach Water District and as conditioned would be required to provide verification that they have received project approval, prior to issuance of a building permit.
  - E. The project would not impact recreational opportunities in the area because the subject property is not located in an area where public access to recreational facilities is desirable or feasible.
  - F. The project complies with the Marin Countywide Plan as discussed in Section IV above.

VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of Marin County Code) as specified below.

A. Water Supply:

The proposed project will result in the demolition of an existing single-family residence and the construction of a new single family residence on a lot that is already served by the Stinson Beach County Water District. Therefore, the project site already has a viable water source, and a condition of approval has been added that requires the applicant to provide written approval from the Stinson Beach County Water District prior to issuance of a building permit.

B. Septic System Standards:

The proposed new single-family residence would be served by a private septic system. This system requires the approval of Stinson Beach County Water District prior to issuance of a building permit.

C. Grading and Excavation:

The proposed project consists of the construction of a new single-family residence in the same general location as an existing single-family residence on a level site, therefore the structure will require minimal grading.

D. Archaeological Resources:

The proposed project is located within an area of high archaeological sensitivity. Yet, due to the site being already disturbed, it is unlikely that archeological resources exist on the property. The standard conditions of approval have been applied to the project which will require that in the event that cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access:

The subject property is located over 2,000 feet from the shoreline, and shows no evidence of historical use by the public.

F. Housing:

The proposed project will replace an existing single-family residence and will have no impact upon the availability of affordable housing stock within the Stinson Beach community.

G. Stream and Wetland Resource Protection:

The proposed residence is not located within the vicinity of any streams or wetlands, and will therefore not have any impact upon nearby streams or wetland resources.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program.

I. Wildlife Habitat:

A search of the California Natural Diversity Data Base, for special status species with potential to occur within the vicinity. The following species were evaluated for their potential to be present on the subject property: Townsend's big eared bat, Black swift, Loggerhead shrike, Saltmarsh common yellowthroat, tri-colored black bird, Point Reyes mountain beaver, Cooper's Haw, American peregrine falcone, Merlin, California clapper rail, California black rail, Western snowy plover, Foothill yellow legged frog, Western pond turtle, Great egret, Great blue heron, Northern harrier, White tailed kite, Ricksecker's water scavenger beetle, Sandy beach tiger beetle, Monarch butterfly, Coho salmon, and Steelhead. A Biological Assessment was provided and a site visit was conducted and it was found that none of the above listed species have potential to occur on the site, and that the project would not impact wildlife or their habitat.

J. Protection of Native Plant Communities:

A list of the special status plants with potential to occur on the property was developed from the California Department of Fish and Game's Natural Diversity Data Base. The following species were evaluated for their potential to be present on the subject property: Tiburon paint brush, blue coast gilia, Lyngbye's sedge, Marin checkerbloom, Marin checker lily, coastal marsh milk-vetch, Showy Rancharia clover, and Point Reyes bird's beak. A biological assessment was prepared, and surveys were conducted that concluded that although these species have at some time been know to occur within the area of Stinson Beach, the vegetation on the property is entirely non-native landscape or ornamental species and does not provide habitat for special status plant species, and all of the above mentioned species require habitat conditions that are not found on the property.

K. Shoreline Protection:

The subject property is not located near the shoreline.

L. Geologic Hazards:

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

M. Public Works Projects:

The proposed project has been reviewed by the Department of Public Works, and it was determined that the project as proposed and as conditioned is acceptable.



N. Land Division Standards:

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources:

No adverse impact to visual resources would result from construction of the project. The proposed residence is not located in a significant public view corridor along the beach and the height and design of the structure is in keeping with the requirements of the zoning district and development standards for the Stinson Beach Highlands.

P. Recreation/Visitor Facilities:

The project is not located within the C-VCR zoning district and the replacement of an existing residence with a new residence would not have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation:

The project site does not contain any historic structures and is located outside of the historic preservation boundaries for Stinson Beach as identified in the Marin County Historic Study for the Local Coastal Program, Unit 1.

VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Design Review (Section 22.82.0401 of the Marin County Code), which are made below:

**B. The proposed development is consistent with the Marin Countywide Plan and any applicable community plan and local coastal program:**

As noted in Section IV and V above, the project complies with all policies of the CWP and the findings required for Coastal Permit Application, and the Stinson Beach Community Plan which encourages diversity in lot size and architecture.

**C. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The project is consistent with this finding because the new residence and accessory structures would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development.

**D. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project has been designed to be in the general location of the existing residence, proposes new landscaping, and will retain much of the existing vegetation along the property lines to preserve privacy.

- E. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project is located entirely within the subject parcel and as conditioned would not result in development that would impact future improvements to the surrounding properties.

- F. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural material;**

The proposed project would plant California native plants and would remove non-native vegetation as necessary, and proposes construction which would meet the "Gold" rating under the New Home Green Building Residential Design Guidelines.

- G. The project will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

**1. The area, heights, mass, materials, and scale of structures;**

The project incorporates articulations, colors and materials that reduce the visual bulk of the residence. It has also been designed to meet all height standards of the LCP, Unit 1, and Title 22I.

**2. Drainage systems and appurtenant structures;**

All conceptual plans have been reviewed by the Department of Public Works and is approvable as conditioned.

**3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);**

The residence will be located within the footprint of the existing structure, and would require a minimal amount of grading for the new driveway. The retaining walls proposed would be partially concealed with vegetation and would gradually increase in size to reach a maximum height of 6 feet and would not result in a minimal amount of site disturbance

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

The proposed project has been reviewed by DPW to ensure that no work would be located in the road rights-of-way that could not be approved, or other improvements that would affect the circulation of persons. The property is currently fenced, and the applicant proposes to retain majority of the fencing and replace only the front (west) fencing with a four-foot tall metal fencing, which would allow for the circulation of animals.

**5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

As noted in B above, the project would not result in construction of a residence that would meet all setback requirements and would not result in the elimination of significant sun and light exposure to adjacent residences. Further, the property is at the end of Belvedere Avenue, and has no adjacent neighbors to the north, and those to the west, east and south would not have their views impacted from the project.

**H. The project contains features such as roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.**

The applicant is proposing construction that would meet the Green Building Rating of "Gold," and the project would be required to meet Title 24 and Ordinance 3492.

**SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Guile Coastal Permit (CP 09-37) and Design Review (DR 09-70) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 (Coastal Permit) and 22.82 (Design Review) of the Marin County Code, the Guile Coastal Permit and Design Review is approved for the demolition of an existing residence and construction of a new residence, and a guest house. The approved new residence will be 3,493 square feet in size and the guest house will be 1,262 square feet in size with a 523 square foot garage, resulting in a floor area ratio of 21%. The residence and guest house will maintain the following setbacks: front (west) 30 feet, side (north and south) 15 feet, and rear (west) 25 feet. The residence will attain a maximum height of 17 feet from grade, and the guest house will attain a height of 15 feet from grade. Both structures will be finished in pre-patinated copper paneling, red zinc paneling, off-white cement fiber board and metal clad windows in bronze. Also approved is the removal of non-native trees and brush, retiring the existing driveway, construction of a new driveway with retaining walls up to 6 feet, and new hardscape and landscaping. The project also entails the placement of a photovoltaic system, roof terrace, and planted roof on the various levels of the structures, and a pool and spa that will be located to the rear (west) of the guest house. The subject property is located at 380 Belvedere Avenue, Stinson Beach, and is further identified as Assessor's Parcel 195-121-11.
2. Plans submitted for a building permit shall substantially conform to plans entitled, "Peter Guile Residence," consisting of 29 sheets, prepared by Wnuk Spurlock, received May 19, 2009, and on file in the Marin County Community Development Agency with revisions received August 19, 2009.
3. Approved exterior materials shall substantially conform to the color board identified as "Exhibit B" entitled, "Guile-Buckner Residence," received May 19, 2009 by the Community Development Agency.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review Conditions of Approval as notes.
5. 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 be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts 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.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide written verification, that the Stinson Beach County Water District has reviewed all plans and has approved the project. A copy of plans reviewed by the District must be provided to CDA-Planning Division.
7. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Gold" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
8. BEFORE FINAL INSPECTION, the applicant shall install all landscaping, remove all invasive species, and install an automatic drip irrigation system. The landscaping shall be installed in conformance with Sheet 2 of the "Exhibit A." The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
9. All construction activities shall comply with the following standards:

Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
10. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
11. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate measures to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the

archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement protection measures. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

12. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
13. The owners hereby agrees to 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 the Guile Coastal Permit and Design Review for which action is brought within the applicable statute of limitations.
14. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

15. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
16. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
17. The vehicle turnaround does not appear to allow vehicles to attain the desired direction in one turning maneuver from the garage stalls for the standard composite vehicle with a 24-ft outside turning radius. Revise the plans for the turnaround.
18. As required by MCC §24.04.285, the driveway vertical-curve transition from Belvedere Avenue edge-of-pavement shall start at least 4-feet back from the edge-of-pavement and the Belvedere Avenue cross-slope shall continue up to the transition point. As a general rule, a vertical curve transitions should not exceed a difference of 12% between the adjoining slopes over distance of 15 linear feet.
19. Based on the proposed driveway entrance plan and presented contour, retaining walls of up to 5-ft are required on both sides. Revise plans to show all site retaining wall locations and heights.
20. A registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
21. A separate Building Permit is required for site/driveway retaining walls with a height more than 4-feet (or 3-feet when backfill area is sloped or has a surcharge). Include engineer calculations

showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.

22. Submit Erosion and Siltation Control plans.
23. Provide a drainage plan for the project. All drainage facilities shall terminate within property lines and manage on-site-generated rainfall runoff within property boundaries. Direct drainage across property lines or to within the right-of-way is prohibited. Pursuant to 2007 California Building Code (CBC), surface drainage away from foundations shall be a minimum of 5% slope for 10-ft [2007CBC §1803.3].
24. Provide a means of catchment for sheet-flow drainage down the new driveway so as to not drain directly onto Belvedere Avenue. If the proposed driveway pavers are the pervious-type, this will not be required. Note that all drainage devices/facilities and all stormwater management shall be within property lines [2007CBC-APP §J.109.4].
25. An asphalt driveway approach is required as presented. The asphalt shall extend from the Belvedere Avenue edge-of-pavement to the property line at which point a concrete band interface (minimum 6-inches wide) shall be installed between the asphalt and the pavers. The concrete band and pavers shall be within the property lines.
26. An Encroachment Permit shall be required for all work within the Belvedere Avenue right-of-way.
27. All existing and proposed retaining walls, planter boxes or the like are prohibited within the county right-of-way. All such structures shall remain within property boundaries (including footings). If DPW determines that driveway retaining walls are required to be within the right-of-way in order to adequately meet the driveway slope and vertical curve transitions, a Recorded Encroachment Permit for the structures will be required.
28. Several streets within the Stinson Beach area are being resurfaced. If Belvedere Avenue is resurfaced within 5-years of building permit issuance, no cutting of the asphalt will be allowed until the 5-year moratorium is over. Also, if within a moratorium, any excessive wear incurred on Belvedere Avenue as a result of construction activities for this project will be repaired at the property owner's expense.
29. Provide a plan for the restoration of the portion of the right-of-way at the old driveway. Include the removal of all planter boxes.

### **SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Guile Coastal Permit (CP 09-37) and Design Review (DR 09-70) approval by obtaining a Building Permit for the approved work and substantially completing all work before **October 1, 2011**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120I and 22.82.130I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 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. on October 8, 2009**.

**SECTION IV: ACTION**

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 1st day of October, 2009.

---

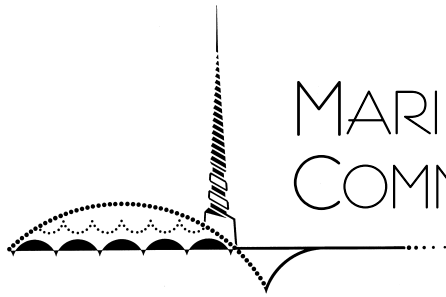
JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

---

Joyce Evans  
Deputy Zoning Administrator Secretary





MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **MARGARET NOBMANN**

Application (type and number): Coastal Permit (CP 03-31) and Design Review (DR 03-137)

Assessor's Parcel Number: 119-050-14

Project Location: 14000 Point Reyes-Petaluma Road, Point Reyes

For inquiries, please contact: Curtis Havel, Senior Planner

Decision Date: October 1, 2009

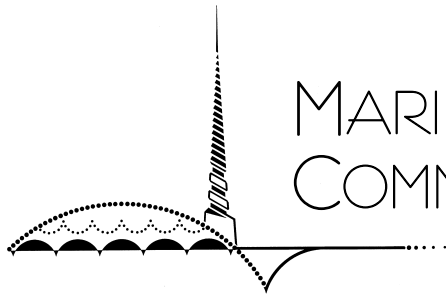
**DETERMINATION: Approved with Conditions**

Minutes of the October 1, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-7.

Marin County Community Development Agency

---

Johanna Patri, AICP  
Hearing Officer



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **MARGARET NOBMANN**

Application (type and number): Coastal Permit (CP 03-31) and Design Review (DR 03-137)

Assessor's Parcel Number: 119-050-14

Project Location: 14000 Point Reyes-Petaluma Road, Point Reyes

For inquiries, please contact: Curtis Havel, Senior Planner

Decision Date: October 1, 2009

**DETERMINATION: Approved with Conditions**

Minutes of the October 1, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-7.

Marin County Community Development Agency

---

Johanna Patri, AICP  
Hearing Officer

**H4. COASTAL PERMIT (CP 03-31) AND DESIGN REVIEW (DC 03-137):  
MARGARET NOBMANN**

This item was continued in order to provide the property owner with time to address certain aspects of the originally proposed project. The project is now a proposal to legalize the placement of ~~three~~ two recreational vehicle travel trailers for the purpose of providing agricultural worker housing. The primary land use on the property is a cattle ranching operation (a principally-permitted land use allowed under the governing C-APZ zoning district). Each agricultural housing unit has approximate dimensions of 27 feet by 8 feet, comprising a total floor area of approximately 642 square feet, and both are proposed to be located over 100 feet from blue-line streams on the property. The subject property is located at **14000 Point Reyes-Petaluma Road, Point Reyes**, and is further identified as **Assessor's Parcel 119-050-14**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report. He summarized his supplemental memorandum dated September 24, 2009, and asked to add a new Condition of Approval under Marin County Environmental Health Services, Condition of Approval #6; "BEFORE FINAL INSPECTIONS for the ag worker housing unit, the applicant shall obtain final inspections for installation of the septic system consistent with Environmental health regulations."

The public testimony portion of the hearing was opened.

Dave Osborne, applicant, spoke regarding concerns with housing that have been addressed. He would like a modular or pre-fabricated trailer for the ag workers. He questioned the septic system that staff stated did not have a final inspection, and he questioned the need for fire hydrants.

The Hearing Officer questioned the new water and septic systems for the residence and asked if the residence is working off of that system. She asked that the water and septic systems be finalized now and asked about the three sites for relocating one trailer. She noted that she can not increase the number of trailers; however the applicant can come back for a third farm worker housing unit after approval.

The Hearing Officer explained that the original proposal was to legalize three agricultural units. One was legal-non-conforming, but the other two units needed to be moved.

Staff explained that the original proposal was to legalize three agricultural units, but did not ok the two units were found to be legal non-conforming. Staff noted that a determination must be reached on the project in front of us.

After reviewing the examples of modular homes, the Hearing Officer stated that the knoll and the site behind the barn were suitable sites for the farm worker housing units.

Discussion followed on the type of trailer and where it would be located.

Staff suggested a Condition of Approval that states a floor area ratio (FAR) of 750 square feet, a height limit of 15 feet, based on what the applicant is providing today, Building Envelope A will be near the barn, and Building envelope B will be near the knoll and between the creeks but outside of the Stream Conservation Area (SCA) on the property.

Staff noted that he had updated the resolution to read:

- SECTION 1: FINDINGS I. "...to legalize the placement of two farm worker housing units (recreational vehicle travel trailers {RV trailers}) on a 1,192-acre property.....";
- The units shall be located outside of the Stream Conservation Area (SCA);
- The location can be either Building Envelope A, behind and northeast of the barn or Building Envelope B, on knoll between the two streams, subject to the review and approval of the community Development Agency staff;
- SECTION 1: FINDINGS V refers to farm worker housing units; and
- SECTION 1: FINDINGS VI refers to the units as farm worker housing units.

There are no restrictions under the MALT easement as to where the structures should be located.

Discussion followed on the location of the farm worker housing units which are not visible from the road and giving the applicant the flexibility of choosing the location of the other units. Although the septic is in place, there is nothing noted for an additional trailer at this time.

Project approval authorizes the placement of a total of two farm worker housing units on a 1,192-acre property for the purpose of providing agricultural worker housing. One housing unit authorized is a trailer in the location adjacent to the existing concrete pad. A second housing unit is authorized as follows:

- Location: Either Building Envelope A, behind and northeast of the barn or Building Envelope B, on the knoll between the two streams, subject to the review and approval of the Community Development Agency staff;
- Farm Worker Housing Unit: Subject to the review and approval of review and approval of the Community Development Agency staff, either a new trailer, or the relocation of the existing Airstream "International" Trailer, or the construction of a new, factory-built housing unit. Said farm worker housing unit shall not exceed 750 square feet in size and shall be limited to 15 feet in height. Exterior finishes shall be submitted to the review and approval of the Community Development Agency staff for review and approval.; and
- Each farm worker housing unit shall be located outside of the Stream Conservation Area (SCA).

Michel Jeremias, Department of Public Works, expressed concerns with the knoll location because of access that may require a bridge.

- SECTION II: CONDITIONS OF PROJECT APPROVAL – Marin County Environmental Health Services: Add Condition of Approval # 5 ,“Finalize the water system within 30 days of the date of approval; and
- Add Condition of Approval # 6 ,“Finalize the septic system within 30 days of the date of approval;

Staff noted that the fire department had requested in July of 2003, a vegetation plan and added;

- SECTION II: CONDITIONS OF PROJECT APPROVAL – Marin County Fire Protection District: “BEFORE FINAL INSPECTIONS, Submit written certifications from the District Fire Marshal that the project complies with all District regulations, including but not limited to the following items:
  - a. Completion of a vegetation management plan; and,
  - b. Installation of an adequate fire suppression water supply.
  
- SECTION II: CONDITIONS OF PROJECT APPROVAL 1. “...Pursuant to Marin County Code Section 22.56.130I and 22.82.040I, the Nobmann Coastal Permit (CP 03-31) and Design Review Clearance (DC 03-137) approval authorizes the placement of one farm worker housing unit add: “similar to those examples submitted to the Hearing Officer”.

The recommendation for vesting of the permit is October 1, 2010.

The Hearing Officer concurred with staff’s analysis and approved the Nobmann Coastal Permit and Design Review Clearance, based on the Findings and subject to the conditions in the revised Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-139

A RESOLUTION APPROVING THE NOBMANN COASTAL PERMIT AND  
DESIGN REVIEW CLEARANCE  
ASSESSOR'S PARCEL 119-050-14  
14000 POINT REYES-PETALUMA ROAD, POINT REYES

\*\*\*\*\*

**SECTION I: FINDINGS**

- I. WHEREAS Bill Kirsch, on behalf of the property owner, Margaret Nobmann, has submitted a Coastal Permit and Design Review Clearance to legalize the placement of two farm worker housing units (recreational vehicle travel trailers {RV trailers}) on a 1,192-acre property for the purpose of providing agricultural worker housing. The primary land use on the property is a cattle ranching operation (a principally-permitted land use allowed under the governing C-APZ zoning district). Each farm worker housing unit has approximate dimensions of 27 feet by 8 feet, comprising a total floor area of approximately 432 square feet, and would be located over 100 feet from all property lines. The units shall be located outside of the Stream Conservation Area (SCA) and the location can be either Building Envelope A, behind and northeast of the barn or Building Envelope B, on the knoll between the two streams, subject to the review and approval of the community Development Agency staff. The subject property is located at **14000 Point Reyes-Petaluma Road, Point Reyes**, and is further identified as **Assessor's Parcel 119-050-14**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on February 12, 2004, March 11, 2004, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project. The item was continued on both occasions to provide the applicant with additional time to explore project modifications related to the relocation of the farm worker housing units and existing horse paddock outside of the stream conservation area (SCA).
- III. WHEREAS on July 29, 2009, Dave Osborne, representative of the Margaret M. Nobmann Family Trust, submitted project revisions indicating that the horse paddock was removed from the SCA, and that two existing RV trailers are proposed to be relocated at least 100 feet away from creeks on the property consistent with SCA requirements.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails relocation of two existing farm worker housing units outside of the SCA on an agriculturally developed property that would not result in significant amounts of grading, any tree removal, or other adverse environmental impacts.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project as modified by conditions of approval is consistent with the Marin Countywide Plan for the following reasons:
  - A. The project would provide housing opportunities in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity;

- B. The farm worker housing units would maintain setbacks of greater than 100 feet from the top of bank of the intermittent blue line creek on the property;
  - C. The project would cluster development on less than 5 percent of the property and preserve the maximum amount of land area for agricultural uses;
  - D. The project would contribute to the diversity of housing stock opportunities for agricultural workers in the Point Reyes and greater West Marin areas;
  - E. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
  - F. The project would comply with the AG1 (Agricultural, 1 unit per 31 to 60 acres) land use designation as well as the density requirements of the governing C-APZ-60 (Coastal, Agricultural Production Zone, 1 unit per 60 acres maximum density) zoning district;
  - G. The project would result in development which conforms to the governing standards related to building height, size and location;
  - H. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works;
  - I. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services;
  - J. The project would minimize soil disturbance and maximize of natural vegetation; and,
  - K. The project would be not be visible from off-site locations, is not unsightly in design, and would not create substantial disharmony with its locale and surroundings.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project as modified by conditions of approval is consistent with the mandatory findings to approve a Coastal Permit (Marin County Code Section 22.56.130I) and finds that this project conforms to the requirements of Local Coastal Program, Unit II, as follows:
- A. The Marin County Department of Environmental Health Services has reviewed the project and indicated that adequate water is available to serve the detached accessory structures. Conditions of approval shall require that the applicant obtain a permit-to-operate from the Marin County Department of Environmental Health Services.
  - B. The Marin County Department of Environmental Health Services has issued a repair/replacement permit for the septic system serving the existing residence and farm worker housing units.
  - C. Grading and excavation would be limited to the minimum amount necessary to accommodate the relocation of the farm worker housing units and would involve less than 150 cubic yards established by the Local Coastal Program, Unit II.

- D. Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, the project site has historically been disturbed by ongoing agricultural land use activities and the proposed improvements would require minimal amounts of grading. For these reasons, it is highly unlikely that cultural resources will be disturbed by relocation of the farm worker housing units.
- E. The subject property is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible. During routine field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine.
- F. The proposed project does not involve the demolition, conversion, or construction of housing affordable to households of moderate income.
- G. As proposed by the project applicant, the project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. Geological Survey.
- H. The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.
- I. The project would not result in adverse impacts to wildlife habitat areas because the farm worker housing units would be located in an area of the property which has been previously disturbed by agricultural activities. The project would not require significant vegetation removal and would not require any tree removal. Overall, the proposed project would not diminish the habitat value of the site for threatened or endangered species because the habitat area on site would not significantly decrease.
- J. The project would not result in the removal of rare and endangered plants, or other significant vegetation. Furthermore, the site does not contain a significant number or type of non-indigenous, invasive plant species which would threaten the preservation or reestablishment of native plant species, either on or off site.
- K. The project site is not located adjacent to the shoreline or within a bluff erosion zone.
- L. The project site is not located in an area of geologic hazards as indicated in Geologic Hazards Map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault Zone as identified on the Alquist-Priolo Special Studies Zone Map.
- M. The proposed project does not entail expansion of public roads, flood control projects, or utility services.
- N. No land division or property line adjustment is proposed as part of this project.
- O. The height, scale and design of the farm worker housing units are compatible with the character of the surrounding natural and built environments and are not visible from off-



site locations. The farm worker housing units would be sited so that they would not obstruct public views from roads or adjacent properties.

- P. The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations which require a mixture of residential and commercial uses.
- Q. The project site is neither located within a Historic Preservation Area as identified in the Marin County Local Coastal Program-Unit II nor does the proposed project involve reconstruction or demolition of a pre-1930 structure.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project as modified by conditions of approval is consistent with the following mandatory findings to approve a Design Review application (Marin County Code Section 22.82.040I).

The project is consistent with the required findings cited above because the two farm worker housing units are of a height, mass and bulk proportionately appropriate to the site and provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. Construction of the farm worker housing units conform to the principally-permitted uses established by the governing C-APZ zoning district and are within the allowable density range for residential development on the property. The project conforms to the required height limits because the structures do not exceed the 15-foot height limit from natural grade for accessory structures established by the C-APZ zoning district. The farm worker housing units will maintain setbacks of at least 100 feet from the top of bank of the intermittent blue line creek on the property. The farm worker housing units minimize drainage alterations, grading and excavation, and other adverse physical effects on the natural environment because the structures are located in an area previously disturbed by agricultural activities. The project does not require any removal of trees and vegetation on site. Finally, the farm worker housing units are not visible from off-site locations and therefore do not infringe upon views or privacy enjoyed by other properties in the area.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Nobmann Coastal Permit and Design Review Clearance subject to the following conditions:

### Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Section 22.56.130I and 22.82.040I, the Nobmann Coastal Permit (CP 03-31) and Design Review Clearance (DC 03-137) approval authorizes the placement of one farm worker housing unit on a 1,192-acre property for the purpose of providing agricultural worker housing in addition to the existing legal, non-conforming unit. The farm worker housing unit shall be located outside of the Stream Conservation Area (a minimum of fifty feet from the outer edge of riparian vegetation, but in no case less than one hundred feet from the banks of a watercourse). The subject property is located at **14000 Point Reyes-Petaluma Road, Point Reyes**, and is further identified as **Assessor's Parcel 119-050-14**.
2. EXCEPT AS MODIFIED BY THESE CONDITIONS OF APPROVAL AND HAND DRAWN REVISIONS, plans submitted for a Building Permit shall substantially conform to plans on file in the Marin County Community Development Agency identified as "Exhibit A," entitled, "Margaret

Nobmann Ranch,” consisting of 6 sheets, prepared by W.W. Kirsch, Architect, dated April 12, 2003 (Sheet 2 is the hand-modified drawing provided by Dave Osborn on July 29, 2009); and “Exhibit B,” entitled, “Black Mountain Ranch – Examples of Worker’s Housing – Pre-manufactured/Modular,” consisting of 5 sheets, submitted by Dave Osborn at the Deputy Zoning Administrator Hearing of October 1, 2009. The Building Permit plans shall contain details and information including, but not limited to, the following items:

- a. The farm worker housing unit shall be located outside the Stream Conservation Area (a minimum of fifty feet from the outer edge of riparian vegetation, but in no case less than one hundred feet from the banks of a watercourse); and,
  - b. The existing Airstream Recreational Vehicle Trailer may be located in Building Envelope A (near the barn) or Building Envelope B (in between the two creeks, but outside of the Stream Conservation Area in any case), and may be replaced with either a new Trailer of similar dimensions, or with a manufactured home not to exceed a maximum floor area of 750 square feet and 15 feet in height.
  - c. The applicant shall submit exterior finishes to the Community Development Agency for review and approval.
3. BEFORE FINAL INSPECTIONS, a registered professional or staff from the Community Development Agency shall verify that the farm worker housing units have been located outside of the Stream Conservation Area.
  4. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

#### Marin County Environmental Health Services

5. WITHIN 30 DAYS OF THE DATE OF APPROVAL (by November 1, 1009), the applicant shall finalize the water system.
6. WITHIN 30 DAYS OF THE DATE OF APPROVAL (by November 1, 1009), the applicant shall finalize the water system within 30 days of the date of approval.

#### Marin County Fire Protection District

7. BEFORE FINAL INSPECTIONS, the applicant shall submit written certification from the District Fire Marshal that the project complies with all District regulations, including but not limited to the following items:
  - a. Completion of a vegetation management plan; and,
  - b. Installation of an adequate fire suppression water supply.

**SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review Clearance approval by obtaining a Building Permit for the approved work and substantially completing all work before October 1, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Agency Director approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120I and 22.82.130I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 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.** on October 8, 2009.

**SECTION IV: ACTION**

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 1<sup>st</sup> day of October, 2009.

---

JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

---

Joyce Evans  
Deputy Zoning Administrator Secretary