



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR

MORITZ COASTAL PERMIT AND MINOR DESIGN REVIEW

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| Item No: | C1 | Application No: | CP 09-41 and DM 09-65 |
| Applicant: | Doug Ferguson | Owners: | Michael Moritz |
| Property Address: | 875 Horseshoe Hill Road, Bolinas | Assessor's Parcel: | 188-090-13 |
| Hearing Date: | December 17, 2009 | Planner: | Lorene Jackson |

RECOMMENDATION: **Approve with Conditions**
APPEAL PERIOD: **5 business days to the Planning Commission**
LAST DATE FOR ACTION: **December 27, 2009**

PROJECT DESCRIPTION:

The application consists of the proposed preservation of the existing 1,410-square-foot Vierra farmhouse, originally built around 1917, and its conversion to a guesthouse. The project would include the restoration, repair, or replacement of the exterior redwood siding, windows, doors, and roof as well as the removal of the kitchen to convert the structure into a guesthouse. There would be no increase in the size or height of the structure. The proposed project would amend the Moritz Coastal Permit (04-26), Design Review (04-56), and Use Permit (04-26) approved by the Marin County Board of Supervisors on May 3, 2005. As one of the conditions of those prior approvals, the Vierra farmhouse was to be converted into a guesthouse by removing the kitchen, including cooking facilities and cabinets. The farmhouse was also to be demolished after the lifetime estate granted to the previous owner ceased. Coastal Permit and Design Review approval is required to amend these previous conditions of approval and preserve the farmhouse as a guesthouse.

GENERAL INFORMATION:

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| Countywide Plan: | C-AG1 (Coastal, Agriculture, 1 unit/1-9 acres) |
| Zoning: | C-APZ-60 (Coastal, Agricultural Production Zone District, 1 unit/60 acres) |
| Community Plan Area: | The Bolinas Community Plan |
| Lot size: | 84.33 acres |
| Adjacent Land Uses: | Agriculture, residential, Bolinas Community Public Utility District lands, and the Point Reyes National Seashore Parklands |
| Vegetation: | Introduced landscaping (grasses and garden around the existing farmhouse) with grassland pastures, chaparral, and Coastal live oak woodlands and understory vegetation on remainder of parcel |
| Topography and Slope: | Level to gentle slope at project site |

Environmental Hazards: The subject site is located within the western boundary line of the San Andreas Fault Zone, approximately 1,500 feet from the 1906 fault rupture. It is also located within the Urban Wildland Interface for fire hazard.

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15301(a), Class 1 of the CEQA Guidelines because it entails preservation of an existing structure that would not result in potentially significant impacts to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. The Community Development Agency received no letters of objection regarding this project at the time this staff report was prepared.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, The Bolinas Community Plan, and the Local Coastal Program, Unit 1. Please refer to the plan consistency findings IV, V, and VII in the attached recommended resolution.

PROJECT ANALYSIS:

Setting and Background

The subject property, historically known as the Vierra Ranch, is an irregularly shaped parcel with access off Horseshoe Hill Road. The property has been used for dairy and beef cattle grazing since the early 1900's. The Bolinas Community Plan recognizes the Vierra Family (the former property owners) as having been one of the oldest ranching families in Bolinas.

The 84.33-acre property generally consists of approximately 27 acres of open pasturelands, 18 acres of gently sloped oak woodlands, approximately 2 gross acres devoted to the residential and associated development, and 37 acres of steep oak woodlands. The agricultural use of the land consists of an annual lease to Robert Heffelfinger, the ranch manager who owns and operates the 20- to 25-head cattle grazing operation on the site. Mr. Heffelfinger resides in the agricultural worker housing.

County Assessor's records indicate that there were originally two residences on the property, each built circa 1917. The original primary residence, the Vierra farmhouse, was 650 square feet, which was remodeled and expanded without County permit to the current size of 1,410 square feet over the years. An approximately 4,000-square-foot barn and other agricultural outbuildings also were constructed circa 1917. In November 1999, the County approved the Moritz Minor Design Review and Coastal Permit Exclusion applications for the reconstruction of the 4,000-square-foot barn. There is also a 1,500-square-foot existing agricultural worker house on the site, which was constructed without County permits, probably in the early 1980's. The Moritz family acquired the property in 1998.

While the project site is part of the clustered farm development located within the Pine Gulch Creek Delta, the Vierra farmhouse is located over 900 feet from the nearest Stream Conservation Area

boundary. The topography is gentle southeastern and northwestern facing slopes, which form a small valley with level sites where the farmhouse is located at an elevation of approximately 200 feet. Slopes on the property are gently to moderately steep, except for the southwestern end of the property, which slopes steeply downward towards Pine Gulch Creek, a perennial stream mapped as a blue line creek on the USGS Bolinas Quad map. Pine Gulch Creek, with riparian habitat lining both sides of the creek, supports anadromous fish (coho salmon and steelhead trout). The property has one developed well on site for domestic use and is benefited by water rights for the cattle operation from an off-site spring on property owned by the Bolinas Community Public Utility District.

On May 2, 2005, Coastal Permit (CP 04-26), Design Review (04-56), and Use Permit (04-26) approval was granted for the following: 1) construction of a new 2,996-square-foot single-family residence and 979-square-foot detached garage and storage structure, 2) legalization and conversion of an existing "as-built" 1,500-square-foot single-family residence into agricultural worker housing, and 3) demolition of two guesthouses (one 400 square feet and one 420 square feet). Approval was granted for only one single-family residence on the property. As a condition of approval, the existing 1,410-square-foot Vierra farmhouse was to be converted into a guesthouse by removing all kitchen facilities, include cooking facilities and cabinets. This guesthouse and adjacent 975-square-foot garage were to be demolished when Florence Vierra's tenancy on the subject property ceased, or Florence Vierra irrevocably indicated that she had no further use of the tenancy. Submittal of this application implies the later, in which case the 975-square-foot garage should be demolished.

Agricultural and Resources Easement

Key issues at the time of the 2005 permit included the size, location of the new single-family residence, use of the new residence as a second home, and preservation of the agricultural and open space use of the land. At that time, the subject property was under the County's Williamson Act (Land Conservation Contract) program, which restricts the amount of non-agriculturally related development. As part of the 2005 permit approvals, non-renewal was initiated to remove the subject property from the Williamson Act program. The property currently has 7 years left under the Williamson Act. Concurrently, to preserve the agricultural uses and natural resources on the property, the County and property owners entered into the Moritz Deed of Agricultural Conservation and Production and Preservation of Natural Resources Easement and Declaration of Restrictions, which was approved November 29, 2005. (Refer to Attachment 12.) The stated purposes of this agreement are to preserve and protect the property's agricultural, open space natural resources, and scenic lands.

The conversion of the Vierra farmhouse, the longstanding primary single-family residence on the property, to a guesthouse was necessary to allow the construction of a new single-family residence. The eventual demolition of the structure was primarily to satisfy concerns about limiting the number of non-agricultural related residential development under the Williamson Act. With the property's non-renewal status, these concerns are diminished. Additionally, preservation of this existing structure as a guesthouse does not interfere with the stated purpose of the agriculture easement.

The original farmhouse was constructed prior to 1930, the year designated as a threshold for evaluating potentially historic buildings in the Coastal Zone. A historic evaluation performed for this project confirms the historic cultural significance of the Vierra farmhouse to the agricultural history of the property. (See the following historic analysis.)

In the preamble portion of the Moritz Deed of Agricultural Conservation and Production and Preservation of Natural Resources Easement and Declaration of Restrictions, the demolition of the Vierra farmhouse is called out to reflect the terms and conditions of the May 5, 2009 project

approval. In order to vest the currently proposed project, a proposed Condition of Approval requires a minor amendment to the easement agreement to eliminate the demolition requirement. Considering the pending elimination of the property from its Williamson Act contract and the requirement to convert the farmhouse to a guesthouse, staff recommends that the agriculture and resource easement be so amended.

Historical Preservation

Per Section 22.56.030.HI, by definition, a potential historical structure in the Coastal Zone refers to a building constructed prior to 1930. This includes secondary buildings. A Local Coastal Program Historic Review Checklist for the proposed project was prepared and submitted by Mark Hulbert, a qualified historic preservation architect, along with his assessment of the proposed project's ability to preserve and restore the farmhouse (Please see Attachments 7 & 8). This analysis supports the retention of this structure, concluding that being the oldest component structure of the Vierra Ranch, the loss of this structure "would disintegrate the feeling and form of this farmstead, and would result in a future loss of meaning of what remains of the dairy ranching culture of the early 1900s." Mr. Hulbert confirms that the farmhouse was built around 1920 and that the proposed restoration measures would preserve the original farmhouse as a cultural resource. Through the years, the residential building was altered by the incongruent replacement of windows, doors, and paint. The proposed project would replace a number of these incongruent later features with more historically appropriate elements (e.g. wood windows and doors.)

Design Review

The existing farmhouse is located up a private canyon in the middle of the clustered farming development on-site. The farmhouse is not visible off-site from either public or private views. It is and will remain a modest one-story structure of appropriate mass and bulk that would benefit from restoration to preserve the agricultural character of the property and community.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving with conditions the Moritz Coastal Permit and Design Review.

- Attachments:**
1. Proposed resolution recommending approval of the Moritz Coastal Permit and Minor Design Review applications
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Site Plan – Exhibit A
 6. Project Plans – Exhibit A1
 7. Local Coastal Program Historic Review Checklist
 8. Historic Preservation Report, Mark Hulbert 9/21/09
 9. Marin County Department of Public Works Memo, 10/15/09
 10. Marin County Environmental Health Services (Septic) Memo, 7/22/09
 11. Marin County Environmental Health Services (Water) Memo, 7/15/09

The following document is available in the project file:

12. Moritz Deed of Agricultural Conservation and Production and Preservation of Natural Resources Easement and Declaration of Restrictions, approved November 29, 2005

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.

A RESOLUTION DENYING THE SANTOS VARIANCE AND
APPROVING THE MORITZ COASTAL PERMIT AND MINOR DESIGN REVIEW
875 HORSESHOE HILL ROAD, BOLINAS
ASSESSOR'S PARCEL 188-090-13

SECTION I: FINDINGS

- I. WHEREAS Doug Ferguson, on behalf of the owner Michael Moritz, is seeking Coastal Permit and Design Review approval to preserve the existing 1,410-square foot Vierra farmhouse, originally built around 1917 and its conversion to a guesthouse. The project would include the restoration and repair of the exterior redwood siding, windows, doors, and roof, as well as the removal of the kitchen to convert the structure into a guesthouse. There would be no increase in the size or height of the structure. The proposed project would amend the Moritz Coastal Permit (04-26), Design Review (04-56), and Use Permit (04-26) approved by the Marin County Board of Supervisors on May 3, 2005. As one of the conditions of those prior approvals, the Vierra farmhouse was to be converted into a guesthouse by removing the kitchen, including cooking facilities and cabinets. The farmhouse was also to be demolished after the lifetime estate granted to the previous owner ceased. The proposed project would amend this condition to preserve the farmhouse as a guesthouse. **The subject properties is located at 875 Horseshoe Hill Road, Bolinas, and is further identified as Assessor's Parcel 188-090-13.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing December 17, 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(a), Class 1 of the CEQA Guidelines because it entails the preservation of an existing historic structure with no change in height or size. As a result, the project would not adversely affect the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
 - A. The project would be consistent with the C-APZ-60 (Coastal, Agricultural Production Zone District, 1 unit/60 acres) land use designation;
 - B. 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;
 - C. 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;
 - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and

- E. The project would minimize soil disturbance and maximize the retention of existing vegetation.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with The Bolinas Community Plan because:
- A. The proposed project would not compromise the long-term preservation of the agriculture and open spaces use of the land,
 - B. The proposed project involves the preservation of an historic building constructed prior to 1930. Preservation of the existing structure would be consistent with the Bolinas Community character.
 - C. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats, or on-site drainage.
 - D. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
 - E. The proposed project is less than the 15-foot maximum building height for an accessory structure. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties and public views, or privacy for the subject and surrounding properties. The renovated unpainted exterior siding would blend with the natural environment.

- VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the purposes of the Moritz Deed of Agricultural Conservation and Production and Preservation of Natural Resources Easement and Declaration of Restrictions, approved November 29, 2005 because:

The proposed project would not impair or interfere with the agricultural and natural resource value, character, use, or utility of the subject property. Restoration of the existing farmhouse will be in the designated development area of the property. The proposed project would preserve the natural resources, open space, and scenic value of the property. Preservation of the cultural resource linked to the agricultural history of the property would further preserve a piece of the agricultural, character of the subject property.

- VII. 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 structure would continue to be served by a permitted on-site well in compliance with the regulations of the Marin County Environmental Health Services. Conversion from a residence to a guesthouse will decrease water demands.

B. Septic System Standards

The existing structure would continue to be served by a permitted on-site sewage disposal system in compliance with the regulations of the Marin County Environmental Health Services. The guesthouse is limited to 2-bedrooms.

C. Grading and Excavation

The project entails the preservation of an existing structure and therefore no grading or excavation is proposed.

D. Archaeological Resources

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. The project would require no grading; therefore, the project will not disturb any archaeological resources.

E. Coastal Access

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

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Bolinas community. The conversion of the farmhouse to a guesthouse was previously required by a 2005 project approval, its retention as such preserves a structure that would otherwise be demolished.

G. Stream and Wetland Resource Protection

The project site is located over 900 feet from the riparian protection and stream protection buffer to Pine Gulch Creek, as required by the Local Coastal Program Unit 1 and the Marin Countywide Plan.

H. Dune Protection

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

I. Wildlife Habitat

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the project site is in a potential habitat area for the Hoary Bat (*Lasiurus cinereus*), a special status species, and located within a half-mile buffer from the Spotted Owl. However, the general habitat for both these species is conifer/mixed forests or undisturbed mature forest, roosting primarily in the foliage, which is not found in the immediate vicinity of the farmhouse. The area around the existing farmhouse is a clearing of grasses and garden, and is devoid of trees.

Further, the project will have no impact to the habitat value of the site because it entails preservation of an existing structure on a developed site. There will be no grading, vegetation removal, or expansion of the existing structure. The 2002 Environmental Assessment, prepared by Dr. Jeffrey A. Creque and referenced as part of the previous Coastal Permit, Design Review, and Use Permit application did not identify any threatened, rare, or endangered animal species on the subject property.

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. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is not located in the habitat area for rare, threatened, or endangered plant species. The 2002 Environmental Assessment, prepared by Dr. Jeffrey A. Creque, and referenced as part of the previous Coastal Permit, Design Review, and Use Permit application did not identify any threatened, rare, or endangered animal species on the subject property. Further, the projects entail no change in vegetation.

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 within the area of high risk seismic activity of the San Andreas Fault Zone. However, Chapter 7.5, Section 2621.5 of the Alquist Priolo Special Studies Act does not apply to development or structures in existence prior to May 4, 1975. Nonetheless, through the building permit application process, renovation of the existing structure will be reviewed for compliance with all applicable building codes adopted by the County. In addition, as a condition of project approval, the applicant shall execute and record 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.

M. Public Works Projects

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

N. Land Division Standards

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

O. Visual Resources

The proposed project would not conflict with the established character of the surrounding community. The preservation of the structure would enhance the visual character of the property. The site is located up a private roadway and canyon that is not visible from public roadways or land.

P. Recreation/Visitor Facilities

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. Historic Resource Preservation

While the subject property is not located within the designated historic preservation boundaries of the Bolinas Community, as identified in the Marin County Historic Study for the Local Coastal Program, the project entails the preservation of a structure that was originally constructed prior to 1930, which would otherwise be demolished. A historical assessment and Local Coastal Program Historic Review Checklist was prepared by Mark Hulbert, a qualified historic preservation architect. This analysis supports the retention of the Vierra farmhouse, concluding that, being the oldest structure on the Vierra Ranch, the loss of this structure would disintegrate the feeling and form of this farmstead, and would result in a loss of meaning of what remains of the dairy ranching culture of the early 1900s in the area. Mr. Hulbert confirms that the proposed restoration measures would adequately retain the value of the farmhouse as a historic cultural resource.

VIII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review (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 exterior restoration will enhance the appearance of the structure, will not increase the height or size of the existing structure, and will not be visible off-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 retain large setbacks from all property lines on an 84.33 acre parcel. Since the structure is not visible off-site, the project would not result in the loss of light or privacy to adjacent neighbors. 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 preserves an existing structure located entirely within the property since around 1917 and would not 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;

Since the existing footprint will remain the same, there will be no soil disturbance. No removal of vegetation or trees is proposed. Double-paned windows will replace existing single-paned windows. By preserving the historic building, resources are conserved compared to constructing a new structure.

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 restoring the exterior to unpainted redwood siding, windows, and doors that would blend with the character of the Bolinas community. The low-profile structure meets all setbacks and maximum height standards for an accessory structure.

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 entails no change in the height or size of the existing structure, which meets required setbacks and height requirements. Further, the project is not visible off-site.

2. Drainage systems and appurtenant structures;

Plans have been reviewed by the Department of Public Works with no adverse comments.

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

The project entails the preservation of an existing structure and entails no grading,

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

The existing structure is longstanding and located entirely on the subject parcel. It 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 properties.

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

With the removal of the kitchen, use as a guesthouse will require less energy than use as a former single-family residence. Renovation will be required to meet Title 24 requirements, including, but not limited to, the installation of double-paned windows.

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 is consistent with all applicable regulations, meets the design guidelines as described in "F" above, and would not be detrimental to the public or County. The preservation of the Vierra farmhouse will not interfere with the intent of the Mortiz Deed of Agricultural Conservation and Production and Preservation of Natural Resources Easement and Declaration of Restrictions, approved November 29, 2005. As conditioned, project approval is contingent upon revising this agreement to allow the farmhouse to remain as a guesthouse. If the Board of Supervisors and applicant do not amend this agreement, the original requirement that the structure be demolished will stand.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Moritz Coastal Permit (CP 09-41) and Design Review (DR 09-65) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits) and Section 22.82.040I (Design Review), the Moritz Coastal Permit and Design Review are approved to preserve the existing 1,410-square-foot Vierra farmhouse. The project is approved to include the restoration and repair of the exterior redwood siding, windows, doors, and roof, as well as the removal of the kitchen to convert the structure into a guesthouse. No increase in the size or height of the structure is approved. **The subject property is located at 875 Horseshoe Hill Road, Bolinas, and is further identified as Assessor's Parcel 188-090-13.**
2. Plans submitted for a Building Permit shall substantially conform to plans identified as **Exhibit A1**, entitled "Moritz Ranch" consisting of 3 sheets prepared by Holly Hulburd Design, dated September 25, 2009 and received September 29, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following approved exterior materials and colors. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A2** and shall supersede Exhibit A1.
 - a. Siding – Natural redwood (to match existing barn)
 - b. Roof – Composition shingles – dark gray/brown
 - c. Windows and Doors – Redwood, painted grey/blue to match adjacent agricultural worker housing
 - d. Wood Trim – Natural redwood
 - e. Stairs, deck, and railing – Natural redwood

All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
4. 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 and Design Review conditions of approval as notes.
5. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties. Cut sheets of proposed lighting fixtures shall be included in the building permit submittals.

6. In order to vest this approval and BEFORE ISSUANCE OF A BUILDING PERMIT, the property owners and the County, acting through the Board of Supervisors, shall amend the Moritz Deed of Agricultural Conservation and Production and Preservation of Natural Resources Easement and Declaration of Restrictions, approved November 29, 2005 incorporating the preservation of the Vierra farmhouse as a guesthouse. If the Board of Supervisors elects not to amend this easement, this approval shall be null and void, and the original stipulation in the agreement regarding demolition of the farmhouse shall remain in effect. The applicant shall diligently pursue and complete the easement amendment **within 6 months of this approval.**
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the property owners shall record a notarized deed restriction stipulating that the Vierra farmhouse shall not contain any food preparation facilities which may include, but are not limited to, kitchen counters and cabinets, a stove, oven, hot plate, microwave, refrigerator, or sink, and shall not be used as a dwelling unit separate from the existing residence or rented without first securing approval from the Marin County Community Development Agency - Planning Division and amending the Moritz Deed of Agricultural Conservation and Production and Preservation of Natural Resources Easement and Declaration of Restrictions to alter the use as an additional dwelling unit.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.
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. 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.
11. 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 these applications, for which action is brought within the applicable statute of limitations.

12. 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.
13. Except as specifically amended by these Conditions of Approval, all conditions of approval remain for the May 2, 2005, Coastal Permit (CP 04-26), Design Review (04-56), and Use Permit (04-26). Note: The 2005 conditions include requiring demolition of the existing 975-square-foot garage adjacent to the farmhouse. BEFORE FINAL INSPECTION, verification of demolition will be required.
14. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Construction Conformance contained in the Green Building Residential Certification Form certifying that the measures identified in the Statement of Design Conformance have been installed and/or utilized as part of the project to meet or exceed the required green building rating level.

Bolinas Fire Protection District

15. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all Fire Department requirements have been met.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **December 17, 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 Section 22.56.120I of the Marin County Code.

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 December 28, 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 17th day of December 2009.

Jeremy Tejirian
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans, DZA Secretary