

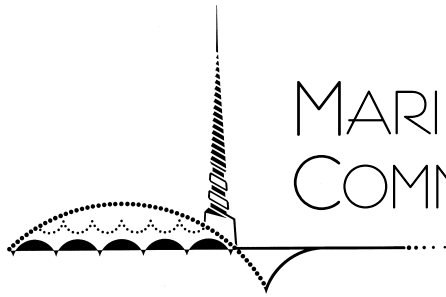
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – December 17, 2009

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

Staff Present: Lorene Jackson, Planner
 Kristina Tierney, Planner
 Veronica Corella Pearson, Planner

Joyce Evans, Recording Secretary

Convened at 9:05 A.M.
Adjourned at 9:45 A.M.
Reconvened at 9:47 A.M.
Adjourned at 10:45 A.M.



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **MICHAEL MORITZ**

Application (type and number): Coastal Permit (CP 09-41), and Minor Design Review (DM 09-65)

Assessor's Parcel Number: 188-090-13

Project Location: 875 Horseshoe Hill Road, Bolinas

For inquiries, please contact: Lorene Jackson

Decision Date: December 17, 2009

DETERMINATION: Approved with Conditions

Minutes of the December 17, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-14.

Marin County Community Development Agency

Jeremy Tejirian, AICP
Hearing Officer

**C1. COASTAL PERMIT (CP 09-41), AND MINOR DESIGN REVIEW (DM 09-65):
MICHAEL MORITZ**

LAJ

A proposal to preserve the existing 1,410-square-foot Vierra farmhouse built around 1917. The project would include the restoration and repair of the exterior redwood siding, windows, and doors, 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 a condition of that approval, 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 zoning for this parcel is C-APZ-60 (Coastal, Agricultural Production Zone District, 1 unit/60 acres). The subject property is located at **875 Horseshoe Hill Road**, and is further identified as **Assessor's Parcel 188-090-13**.

In response to the Hearing Officer, staff acknowledged an additional comment letter received December 10, 2009 in favor of the project from Richard Kirschman, neighbor. The e-mail received today from Cela O'Conner asked that the structure be removed. In response, staff stated that extra living area was approved in May 2005, and the structure is being converted to a guest house and does support agriculture on the property.

The public testimony portion of the hearing was opened.

Doug Ferguson, applicant, spoke regarding Condition of Approval 3. (b) "Roof – Composition shingles –dark gray/brown" which has been changed to a rust colored metal roof to be consistent with the bard and the farm working housing.

Cela O'Conner, Bolinas resident, read her memo received by fax this morning regarding concerns with changes to the additional structure in a Coastal District unless it supports agriculture. She feels that the original conditions be adhered to in the APZ highly restricted zoning and we should not allow this conversion to happen. Guest houses do not support agriculture.

The public testimony portion of the hearing was closed.

The Hearing Officer concurs with staff's recommendation and would like to retain the structure. He approved the project with the following modifications to the resolution:

- Condition of Approval 3 (b), Change to: "Roof- rust colored metal";
- Condition of Approval 6, regarding the previously approved easement, amend: "The applicant shall submit sufficient condition compliance monitoring fees to off set the cost of processing the amendment to the easement."; and
- Condition of Approval 8 is redundant because the applicant has already submitted a waiver of public liability and the Condition may be deleted.

The Hearing Officer concurred with staff's analysis and approved the Morirtz Coastal Permit, and Minor Design Review, 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. 09-148

A RESOLUTION 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 Moritz 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 – corrugated Cor-Ten steel to match barn
 - 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**. The applicant shall submit sufficient condition compliance monitoring fees to offset the costs of processing the amendment to the easement.
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. 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 (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.
10. 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.

11. 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.
12. 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.
13. 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

14. 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**.

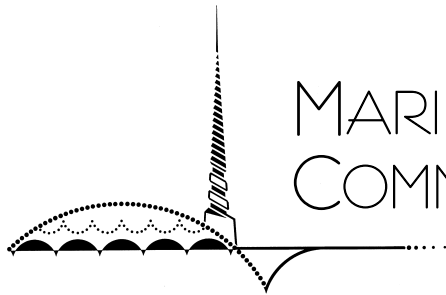
SECTION IV: ACTION

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



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **JON CARLIN**

Application (type and number): Coastal Permit (CP 08-44), Use Permit (UP 10-6) and Minor Design Review (DM 08-48)

Assessor's Parcel Number: 191-041-29

Project Location: 350 Ocean Parkway, Bolinas

For inquiries, please contact: Kristina Tierney, Planner

Decision Date: December 17, 2009

DETERMINATION: Approved with Conditions

Minutes of the December 17, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-22.

Marin County Community Development Agency

Jeremy Tejirian, AICP
Hearing Officer

H1. COASTAL PERMIT (CP 08-44), USE PERMIT (UP 10-6) AND MINOR DESIGN REVIEW (DM 08-48): JON CARLIN

A proposal to consider the legalization of several improvements including: 1) the construction of an additions to the single-family residence totaling approximately 1,226 square feet (bringing the size of the residence to 3,287 square feet); 2) a detached accessory structure containing a 420-square foot garage on the first floor and an approximately 748-square-foot second unit on the second floor; 3) approximately 400-square-foot attached garage; and 4) two detached accessory structures totaling 240 and 84.5 square feet. A Use Permit is required to permit the two detached accessory structures located on the rear, eastern property line to be located 3 feet from the rear property line where a 10-foot setback is required by the C-RA:B2 zoning district. In addition to legalizing existing structures, the project proposes to demolish the detached accessory structure located on the southern side property line as it is located over the property line. The improvements would be served by a new on-site septic system.

The subject property is located at **350 Ocean Parkway, Bolinas**, and is further identified as **Assessor's Parcel 191-041-29**.

In response to the Hearing Officer, staff stated that the reference to the Second Unit permit should be deleted as it is not part of today's application. In response to the fax from Cela O'Conner received on December 16, 2009, staff responded that, (1) The findings for the LCP 1 have been incorporated into the Coastal Permit findings; (2) The additions to the existing residence were appropriate for the project site as it is conventionally zoned for residential development and would support the existing and principally permitted use of the property with an extension of a single family residence that is in compliance with all applicable policies, guidelines and codes; (3) Appropriate channels were taken to legalize several improvements on the project and improve conformance with respect to rear property line setbacks; (4) The additions will not block any views, and (5) The Bolinas Gridded Mesa Plan bluff erosion zone policies were adequately addressed in the staff report.

The public testimony portion of the hearing was opened.

Jon Carlin, applicant spoke regarding his attempts to get permits for all his improvements and is pleased with the professionalism with all the departments involved.

Cela O'Conner spoke regarding concerns with the Bolinas Gridded Mesa Plan in the LCP that did not address the nitrate accumulation that will flow to the beach and the effects to the septic system on Duxbury Reef. Other concerns were with residential construction near the bluffs, preservation of the Village concept, the many additions to the property and the revaluation of Findings 5 and 6 that were not done.

Mary Ann Renzi, neighbor, spoke regarding concerns with keeping Bolinas unique and not allowing the back lot line to be decreased as it would set a precedent. She does not want the applicant to be accommodated for the illegal portions built on the property as the original house was only 600 square feet and is now more than double that size.

The public testimony portion of the hearing was closed.

Staff responded that the Department of Public Works Conditions of Approval need to be changed and assured that the applicant will be required to obtain all building permits for all structures that do not have them.

Prior to Issuance of a Building Permit:

1. The plan view of the structure on Sheet A1.2 does not match the plan views on Sheets AB2.1 and A2.1. Revise plans to show a consistency.
2. The minimum interior depth for a garage is 20-ft. The site plan shows a different configuration for the garage than the plan-view. Revise plans to show that the newly built garage has a minimum interior depth of 20-ft.
3. Provide a drainage plan for all new structures.
4. Provide a third independently accessible parking space for the 2nd unit. The parking space shall conform to MCC §24.04 for parking stall dimensions and slopes.

The Hearing Officer concurred the Bolinas Gridded Mesa Plan is an important document regarding construction near the bluff. The Geotechnical report from SalemHowes Associates Inc. is based on their expertise in the field of geology and the analysis is correct. The additions are well done, meet the Single-family Residential Design Guidelines and compliment the neighborhood

The Hearing Officer concurred with staff's recommendations and made the following changes to the resolution:

- Finding IV; the Marin County Development Code does not apply the Interim Zoning Ordinance needs to be referred to;
- Finding IV regarding the Marin Countywide Plan, replace with the Bolinas Gridded Mesa Plan. Have an additional finding following for the Bolinas Gridded Mesa Plan;
- Finding V. (F) add; "Because it does not involve the demolition of any housing units.";
- Finding VI, replace the Development Code with the interim Zoning Ordinance;
- SECTION II: Condition of Approval (1), replace: "existing on-site septic system" with "new on-site septic system"; and
- Replace all Department of Public Works Conditions of Approval.

The Hearing Officer concurred with staff's analysis and approved the Carlin Coastal Permit, Use Permit, and Minor Design Review, 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. 09-149

A RESOLUTION APPROVING THE CARLIN COASTAL PERMIT,
MINOR DESIGN REVIEW, AND USE PERMIT
350 OCEAN PARKWAY, BOLINAS
ASSESSOR'S PARCEL 191-041-29

SECTION I: FINDINGS

- I. WHEREAS Jon Carlin is requesting a Coastal Permit, Minor Design Review, and Use Permit to:
- 1) legalize the construction of an approximately 400-square-foot attached garage,
 - 2) legalize construction of an detached accessory structure containing a 420-square foot garage on the first floor and an approximately 748-square-foot second unit on the second floor;
 - 3) legalize additions to the single-family residence totaling approximately 1,226 square feet (bringing the size of the residence to 3,287 square feet); and
 - 4) legalize the construction of two detached accessory structures totaling 240 and 84.5 square feet.

A Use Permit is required to permit the two detached accessory structures located on the rear eastern property line to be located 3-feet from the rear property line where a 10 foot setback is required by the C-RA:B2 zoning district. In addition to legalizing existing structures, the project proposes to demolish the detached accessory structure located on the southern side property line as it is located over the property line. The improvements would be served by a new on-site septic system.

The new additions would be served by the existing on-site septic system. **The subject property is located at 350 Ocean Parkway, Bolinas, and is further identified as Assessor's Parcel 191-041-29.**

- 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 15303, Class 3 of the CEQA Guidelines because it entails 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 Marin Countywide Plan, the Marin County Interim Zoning Ordinance, and the Bolinas Community Plan and the Bolinas Gridded Mesa for the following reasons:
- A. The project would be consistent with the C-SF5 (Coastal single-family, 2-4 units/acre) land use designation;
 - B. The project would result in the expansion of an existing single-family residence and the construction of detached accessory structures that support the use of the property for

single-family residential development, a principally permitted use under the governing C-RA:B2 zoning district.

- C. 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. A qualified geotechnical engineer has attested to the stability and lack of hazards at the project site;
- D. 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;
- E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
- F. The project would minimize soil disturbance and maximize the retention of existing vegetation.
- G. The project would comply with the Bluff Erosion Zone policies contained in the Bolinas Gridded Mesa Plan. The project site is located within the Bluff Erosion Zone established by the Bolinas Gridded Mesa Community Plan. The Bluff Erosion Zone extends approximately 295 feet inland from the edge of the bluff. Program LU 1.2 restricts development in the Bluff Erosion Zone to a one-time expansion of either 10 percent of the existing building area or 120 square feet, whichever is greater. In order to build above the limits of LU 1.2, homeowners can use Program LU 1.3, which allows for a professional to demonstrate that a specific property is geologically stable.

Program LU 1.3 states: *“The restrictions imposed by LU-1.1 and 1.2 can be waived on an individual basis if a site specific engineering report prepared by a licensed engineer can show that hazardous conditions do not exist on that site or that the site-related constraints can be adequately overcome and that construction on that specific site will not contribute to the cumulative negative effects, especially groundwater mounding, nitrate accumulation, and bluff erosion on the Mesa. Any construction (new construction or additions) within either bluff erosion zone will require that permit issuing agencies (e.g., the county, BCPUD) be held harmless for any loss due to erosion.”*

The owner has submitted a Geologic and Geotechnical Engineering Stability Report by E. Vincent Howes, registered professional geotechnical engineer, documenting that the project complies with the site requirements contained in LU-1.3 (Attachment 6). The report determined that the project site is underlain by very stable bedrock and that bluff erosion has demonstrated to be, in effect, non-existent. It also states that nitrate accumulation would not occur as the groundwater gradient is very steep in the area and water from the septic leach field would not mound but flow directly to the stream leading to the beach. Further, the geotechnical engineer has certified that the stability and expected retreat rate of the bluff affecting the property is adequate to provide a 100 year structural life expectancy.

V. 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 the Bolinas Community Public Utilities District. The District has indicated that it has adequate capacity to serve the additions to the residence.

B. Septic System Standards

The residence would be served by a new onsite septic system, which has been permitted by the Marin County Environmental Health Services and deemed appropriate to serve the project.

C. Grading and Excavation

Grading and excavation would be limited to the amount necessary for installing the new septic system. Construction of the residential additions was completed and required minimal grading and excavation as they constituted minor addition to a developed property. The Department of Public Works, Land Use and Water Resources Division, has reviewed and approved the project to ensure consistency with Marin County requirements.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is located in an area of high archaeological sensitivity. However, conditions of 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. Additionally, there are no mapped archeological resources located near the project site.

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 I, 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 would not negatively affect the housing stock of the Bolinas community because it does not involve demolition.

G. Stream and Wetland Resource Protection

The proposed project is not situated in an area subject to the County streamside conservation policies as identified on the Natural Resources Map for Unit I of the Local

Coastal Program or near any ephemeral or intermittent stream indentified on the Bolinas Quadrangle of the U.S. geological Survey Maps.

H. Dune Protection

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

I. Wildlife Habitat

The Natural Resources Map for Unit I 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 I 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. It is, however, located within the Bluff Erosion Zone established by the Bolinas Gridded Mesa Community Plan. The applicant has submitted a Geologic and Geotechnical Engineering Stability Report by registered professional geotechnical engineer E. Vincent Howe documenting the stability of the project site. The report states that the property is located on a very stable bedrock formation and bluff erosion is demonstrated to be, in effect, non-existent. Further, the geotechnical engineer has certified that the stability and expected retreat rate of the bluff affecting the property is adequate to provide a 100 year structural life expectancy.

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 entails the expansion of an existing single-family residence and the construction of several detached accessory structures. While the project would be visible to neighbors, it would not impact any neighbors or visual resources in the area.

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 have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries of the Bolinas 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.

VI. 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 Interim Zoning Ordinance 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 structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development, and would not impact visual resources. The project is consistent with the Bolinas Gridded Mesa Community Plan with respect to bluff erosion policies and avoidance of hazardous conditions and therefore would not be incompatible with the neighborhood.

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 front and side 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. A Use Permit is being processed concurrently for encroachment of two detached accessory structures into the rear yard setback.

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;

As proposed, the project is located entirely within the subject parcel and would not result in development which would impact future improvements to the surrounding properties. Further, the project rectifies existing encroachments onto neighboring 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 is located on a developed, landscaped property and would require no tree removal and would conserve non-renewable energy and natural resources.

- 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 project has minimized the size of the accessory structures to reduce 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 additions to the existing single family residence and accessory structures have been designed to minimize adverse visual effects related to design and building massing. The new detached accessory structures are small, low-profile structures.

- 2. Drainage systems and appurtenant structures;**

All project plans have been reviewed by the Department of Public Works. Appurtenant structures are 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 project would be required to meet Title 24 and Ordinance 3492 and would not require any tree removal.

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.

- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory finding for a Use Permit (Section 22.88.0201.3 of Title 22 of the Marin County Code): "The establishment, maintenance, or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use 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."

The additions to the existing single-family residence will not be detrimental to the health, safety, morals, comfort, convenience, or welfare of the surrounding community. More specifically, the additions would take place on a developed property containing no sensitive environmental resources and would not substantially change the visual character of the project site or the neighborhood. No views are blocked by the additions and they blend in well with the existing visual setting. Furthermore, the project will rectify several encroachments onto neighboring properties and improve the property's conformance with the development standards of the C-RA:B2 zoning district by increasing setback to the rear and side property lines. Potentially hazardous conditions pertaining to the project's location in the Bluff Erosion Zone have been adequately addressed by the geotechnical engineer's certification that the project has adequate setbacks from the edge of the bluff to provide the property with over 100 year buffer based on the observed retreat rates of the project site. Therefore, the above finding can be made for the proposed project.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Carlin Coastal Permit (CP 08-44), Minor Design Review (DR 08-48), and Use Permit (UP 10-6) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits), 22.82.040I (Design Review), and 22.88.020I the Carlin Coastal Permit, Minor Design Review, and Use Permit are approved to:

- 1) legalize additions to the single-family residence totaling approximately 1,226 square feet (bringing the size of the residence to 3,287 square feet); 2) legalize construction of a detached accessory structure containing a 420-square foot garage on the first floor and an approximately 748-square-foot second unit on the second floor; 3) legalize the construction of an approximately 400-square-foot attached garage; and 4) legalize the construction of two detached accessory structures totaling 240 and 84.5 square feet.

The property is approved to be served by a new on-site septic system. **The subject properties are located 350 Ocean Parkway, Bolinas, and are further identified as Assessor's Parcel 191-041-29.**

2. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Carlin Residence," consisting of 8 sheets prepared by Ken's Drafting Service, LLC and received October 5, 2009, 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 match the existing residence including:
 - a. Siding – wood siding
 - b. Windows – earth tone window and door cladding
 - c. Roof – Grey composition shingles

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

4. 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.
5. 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.
6. 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.

7. 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.
8. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin, the Bolinas Community Public Utilities District 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 approval of the Carlin Coastal Permit (CP 08-44), Minor Design Review (DM 08-48), and Use Permit (UP 10-6), for which action is brought within the applicable statute of limitations.
9. 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.
10. 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.
11. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the rear property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers

may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks. Alternatively, the applicant may submit a written (stamped) confirmation from a licensed land surveyor or qualified civil engineer confirming the property line markers and the building setbacks to the rear property lines based on the approved setbacks as shown on the Building Permit plans.

Code Enforcement

12. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the addition to the existing single-family residence. 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 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
14. Within 240 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

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

15. The plan view of the structure on Sheet A1.2 does not match the plan views on Sheets AB2.1 and A2.1. Revise plans to show a consistency.
16. The minimum interior depth for a garage is 20-ft. The site plan shows a different configuration for the garage than the plan-view. Revise plans to show that the newly built garage has a minimum interior depth of 20-ft.
17. Provide a drainage plan for all new structures.
18. Provide a third independently accessible parking space for the 2nd unit. The parking space shall conform to MCC §24.04 for parking stall dimensions and slopes.

Marin County Environmental Health Services

BEFORE ISSUANCE OF A BUILDING PERMIT:

19. The plan view of the structure on Sheet A1.2 does not match the plan views on Sheets AB2.1 and A2.1. Revise plans to show a consistency.
20. The minimum interior depth for a garage is 20-ft. The site plan shows a different configuration for the garage than the plan-view. Revise plans to show that the newly built garage has a minimum interior depth of 20-ft.

21. Provide a drainage plan for all new structures.
22. Provide a third independently accessible parking space for the 2nd unit. The parking space shall conform to MCC §24.04 for parking stall dimensions and slopes.

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 22.44.050.B and/or Section 22.56.050.B.3 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**.

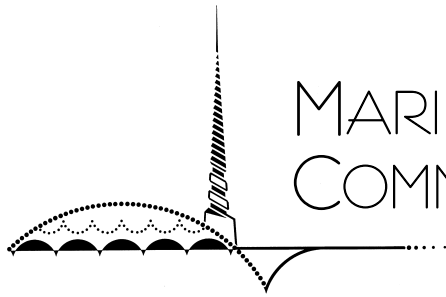
SECTION IV: ACTION

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



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **Susan Renati**
Application (type and number): Variance (VR 10-7)
Assessor's Parcel Number: 179-174-12
Project Location: 6 Roosevelt Avenue, San Rafael
For inquiries, please contact: Veronica Corella Pearson, Planner
Decision Date: December 17, 2009

DETERMINATION: Approved with Conditions

Minutes of the December 17, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-20.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C2. VARIANCE (VR 10-7):SUSAN RENATI

A proposal to consider the Renati Variance request. The applicant and owner, Susan Renati, has requested approval for modifications to an existing legal non-conforming residence. The proposed modifications are to the existing roof line for a new dormer, and interior modifications that include construction of a new stairway to access attic space. The residence would maintain the following approximate setbacks from property lines: front (southwest) 5 feet; side (northwest) 5 feet, 6 inches; rear (northeast) 11 feet; and side (southeast) 20 feet. The residence would also maintain the existing height of 23 feet, 6 inches. Variance approval is required for construction of the stairway and dormer into the front setbacks and for additions that would result in a floor area ratio of 41 percent on the 3,000 square foot lot. The subject property is zoned R-A:B-1 (Residential, Single-family, minimum lot size 6,000 square feet). The subject property is located at **6 Roosevelt Avenue, San Rafael**, and is further identified as **Assessor's Parcel 179-174-12**.

In response to the HO, staff had a conversation with DPW and left off a COA on the reso. DPW add: requires applicant to comply with Marin County Code – regarding parking. Existing garage is being converted for storage and two parking spaces need to be added. After COA 17, add #18. On site parking for two is necessary.

The property was red tagged and the applicant would like to legalize the improvements.

March Jones, architect, spoke clarified the parking on the plans is too narrow, but she would like to work with DPW to save the apple tree.

Michele J, DPW – agrees that they can work with the applicant to attempt to save the tree.

The ho approved the project with changes.

The applicant was present and had no questions.

The public testimony portion of the hearing was opened and closed.

The Hearing Officer concurred with staff's analysis and approved the Renati Variance, 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 ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-150

A RESOLUTION APPROVING THE RENATI VARIANCE
6 ROOSEVELT AVENUE, SAN RAFAEL
ASSESSOR'S PARCEL 179-174-12

SECTION I: FINDINGS

- I. WHEREAS the applicant and owner, Susan Renati, has requested Variance approval for modifications to the existing roof line to allow for a new dormer, and interior modifications and construction of a new stairway to access attic space, and would legalize the conversion of attic space to a bedroom. The existing residence contains 821.4 square feet of approved floor area on a 3,000 square foot lot. The proposed project would legalize 317 square feet of upper floor area. The new stairs and landing that would be 74.6 square feet in size would be constructed in what was formerly the garage and would now be a storage and utility room. The project would result in a new floor area of 1,462.7 square feet, and a floor area ratio of 48.8 percent. The residence would maintain the existing setbacks from property lines: 5 feet front (southwest); 5 feet, 6 inches side (northwest); 10 feet, 10 inches rear (northeast); and 20 feet side (southeast). The residence would also maintain its existing height of 23 feet, 6 inches. Variance approval is required for an encroachment of the stairs 2 feet into the 25 foot minimum front yard setback, and for an exceedance of 18.8 percent of the 30 percent maximum FAR allowed under the R-A:B-1 zoning district. The residence will also be finished in the following colors: stucco and siding in sage green; trim in off-white; windows in white; and roofing composite shingles in gray. The subject property is located at 6 Roosevelt Avenue, San Rafael, and is further identified as Assessor's Parcel 179-174-12.
- 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(e), Class 1 because it entails an addition to an existing single-family residence that would be within the existing footprint and would result in no site disturbance that would negatively impact the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:
 - A. The project is consistent with *CWP* natural systems policies and proposes work that would enhance, protect, and manage native habitats and would protect woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).
 - B. The project requires no work that proposes requires the removal of native vegetation and would increase native vegetation, and therefore 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 would not result in impacts to special-status species since no new development would occur and no habitats supporting listed species would be removed (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).
- D. The project would not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site, or impact corridors for wildlife movement since no native vegetation removal or new development is proposed (*CWP Policies BIO-2.3 and BIO-2.4*).
- E. No wetlands or stream conservation areas would be affected by the project since the project proposes no new development or work within these areas (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
- F. The project would not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff since no grading or excavation is proposed (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
- G. The project avoids hazardous geological areas and would 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 would ensure adequate fire protection (*CWP Policy EH-4.1*), water for fire suppression (*CWP Policy EH-4.c*), defensible space, and would be reviewed during the building permit process to be in 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 is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (*CWP Policy DES-1.2*).
- J. The project as conditioned will minimize exterior lighting to reduce light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).
- K. The project would 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 mandatory findings to approve a Variance with modifications (Section 22.54.050 of the Marin County Code).

- A. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity under an identical zoning district.**

The subject property contains 3,000 square feet of area, where the governing R-A:B-1 zoning district requires a minimum lot area of 6,000 square feet. The substandard lot size of 50% of the minimum required imposes a unique physical constraint to the development of the property.

B. The granting of a Variance for the property will not be detrimental to the public welfare or injurious to other property in the vicinity.

The proposed additions are not detrimental with respect to light, air, privacy, and views to surrounding properties. The proposed addition would be located entirely within the footprint of the existing residence, with a minor change to the roofline that is in keeping with the community character and does not increase the mass and bulk of the residence. No new encroachments into the setbacks are proposed and therefore no impacts to light, air, privacy, or views would result. The conditions of approval would require that the applicant revise their plans to meet the minimum driveway requirement so that onsite parking is provided for the owners, and there would be no impacts to rights-of-way.

C. The granting of a Variance for the property does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity under an identical zoning district.

Staff finds that variance approval would not constitute a grant of special privileges since the subject property has special physical circumstances in that it is 3,000 square feet in size, and is 75% less than the average lot size of 40,520 square feet, and half of the minimum required lot size of 6,000 square feet. Further, the constructed additions would be located within the footprint of the existing residence, and would not add additional cubical contents. The existing residence was constructed in 1945, and Assessor's Records show that the lot has been in its existing size and configuration prior to 1956. The proposed project is necessary to improve access to the improved attic space and is required by the Uniform Building Code. Further, the property is the only parcel within 600 feet with such a lot configuration. Also, the floor area would not exceed 1,800 square feet, which is the maximum square footage of a residence that meets the 30% floor area ratio for a standard sized lot of 6,000 square feet.

D. The granting of a Variance for the property does not authorize a use or activity that is not otherwise expressly authorized by the particular zoning district regulations governing such property.

The granting of this Variance would not allow or authorize a use or activity that is not otherwise expressly authorized by the governing R-1:B-3 zoning district regulations because it involves additions to a single-family residence, which is a permitted use.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Renati Variance (VR 10-7) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Section 22.54 (Variances), the Renati Variance is approved for modifications to the existing roof line to allow for a new dormer, and interior modifications and construction of a new stairway to access attic space, and would legalize the conversion of attic space to living space. The project will legalize 317 square feet of upper floor area. The new stairs and landing is also approve and will be 74.6 square feet in size and will be constructed in what was formerly the garage, which will now be a storage and utility room. The project will result in a new floor area of 1,462.7 square feet, and a floor area ratio of 48.8 percent. The residence will maintain the existing setbacks from property lines: 5 feet front (southwest); 5 feet, 6 inches side (northwest); 10 feet, 10 inches rear (northeast); and 20 feet side (southeast). The residence will also maintain its existing height of 23 feet, 6 inches. Variance approval is approved for an encroachment of the stairs 1.5 feet into the 25 foot minimum front yard setback, and for an exceedance of 18.8 percent over the 30 percent maximum FAR allowed under the R-A:B-1 zoning district. The subject property is located at 6 Roosevelt Avenue, San Rafael, and is further identified as Assessor's Parcel 179-174-12.
2. Plans submitted for a Building Permit shall substantially conform to the following plans on file with the Marin County Community Development Agency and identified as "Exhibit A," entitled, "Renati Residence and Remodel" consisting of 2 sheets prepared by Marcy Jones, dated October 29, 2009 and received November 2, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. All flashing, metal work, and trim shall be painted or coated with an appropriately subdued, nonreflective color.
4. Any exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes.
5. 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 conditions of approval as notes.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide the Community Development Agency – Planning Division with an assessment of the current fair market price of the existing residence, and an estimate of the construction cost of the project. The construction cost, excluding the stairs and landing, shall not exceed 25% of the assessed value of the residence.
7. All construction activities shall comply with the following standards:
 - a. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, 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 or the following holidays (New Year's Day,

Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. 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.
8. 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 Renati Variance 10-7, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
9. 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.
10. 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 "Certified Gold" or better rating under the Marin Green Building Residential Certification.
11. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the conversion of the attic to living space. 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 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
13. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT:

14. The applicant shall revise plan to provide a minimum of two compliant on-site parking spaces. The parking spaces shown are not accessed by a driveway of compliant width. Marin County Code (MCC) 24.04.260(a) requires a minimum driveway width of 12 feet; site plan only provides roughly 8 feet. Additionally, there is inadequate back out space for the right most parking stall.
15. Erosion control measures shall be installed prior to site disturbing activities, and shall be maintained or modified to remain effective for the duration of the work.
16. An Encroachment Permit will be required for any work within the County's road right of way.
17. A drainage plan will need to be prepared and reviewed by this office. The applicant shall explore options to discharge storm water on site.
18. The interior garage dimensions available for parking do not meet the minimum dimensions for interior parking spaces specified in MCC 24.04.380(a), 9 feet by 20 feet, so the garage cannot be counted toward on-site parking for the property. Encroachments into the required space include the stairway, the washer, and dryer and the furnace

Marin Municipal Water District

19. All landscape and irrigation plans must be designed in accordance with District landscape Ordinance #385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems.
20. Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing, and maintenance.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that 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.

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 January 6, 2010.**

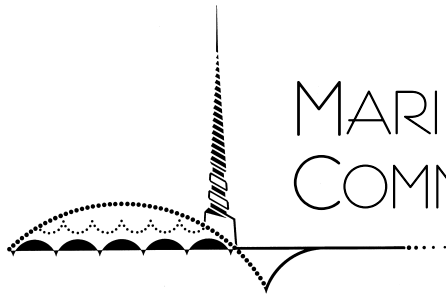
SECTION IV: ACTION

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.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **HEIDRUN MEADERY**

Application (type and number): Coastal Permit (CP 09-13) and Use Permit (UP 09-14)

Assessor's Parcel Number: 119-140-49

Project Location: 11925 State Route 1, Point Reyes Station

For inquiries, please contact: Veronica Corella Pearson, Planner

Decision Date: December 17, 2009

DETERMINATION: Approved with Conditions

Minutes of the December 17, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-17.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

**C3. COASTAL PERMIT (CP 09-13) AND USE PERMIT (UP 09-14):
HEIDRUN MEADERY**

A proposal to consider the request for Coastal Permit and Use Permit approval by the applicant and owner Gordun Hull, (Point Reyes Farms LLC) for the operation of a "meadery" for the production of honey wine on a 15.84 acre property located just north of Point Reyes Station on State Route One. The property is developed with several existing residential and agricultural structures. The proposed meadery operation would be conducted within existing structures and would eventually produce up to 20,000 cases of honey wine per year using honey produced both on and off site. A demonstration apiary (with two dozen bee hives) is also proposed. The meadery would operate throughout the year. Most of the honey wine would be distributed to retailers and restaurants. A small on-site tasting and sales room is proposed within the existing greenhouse. Visiting hours would not exceed 40 hours per week or extend beyond the hours of 10:00 am and 6:00 p.m. On site parking for up to 15 vehicles is available on the property. An ADA compliant public restroom would be constructed within the milking barn for visitor use. Also proposed is: 1) crop production; 2) livestock grazing and animal husbandry (4 horses, 4 cows, 4 pigs, 6 goats, 6 sheep, 6 rabbits, and 24 chickens); and 3) community educational programs. The sales of crops will be through shipments, and on-site sales that correspond with the visiting hours noted above. It is anticipated that the operation would employ up to 5 fulltime employees. Use Permit approval is required to allow on-site sales of agricultural products produced on the premises under the governing C-R-A:B-3 zoning district. The subject property is located at **11925 State Route 1, Point Reyes Station**, and is further identified as **Assessor's Parcel 119-140-49**.

No additonla comments

Doug Ferguson spoke in favor of the project. Coa ! – up to two dozen hives and 1 dozen on the premises. 36 hives. COA 1 refers to 2 dozen – state"Up to 3 dozen bee hives". And, Community aducation – insert – the maximum numbers contained in this reso for livestock and bee hives should not increaseget wording from Johanna. AppliCNT has it written out.

HO asked if wine will be for sale. Yes. No other products will be for sale for on-site production. The only beverage item for sale for on-site consumption is wine. Fruit will be for sale, but not for on-site consumption. HO noted that EHS food service department has a condition that a small on-site tasting site is proposed. If food is to be sold in the future, one set of plans will be needed.

Hearing was closed.

Ho asked staff to revise:

"two dozen beehives located property...add"MNNo more than 36 hives would be maintained on the site at one time."

COA – demonstration is with 2 dozen hives. Add: 1 doz hives for demonstration and 2 dozen hives would be brought in for occasional maintenance. 36 hives would be allow3d on the property.

Before the number of livestock on site is increased, the applicant shall notify the CDA staff for review and consideration.

COA #3 – number of hives and any livestock is increased. If they want to increase they must submit the request to CDA for review and approval. The applicant shall provide written confirmation that all requirements for the north marin water district has been met.

COA #13 – revise there shall be no food or beverage for sale on site without first obtaining permits from marin county EHS. One set of professional plans must be submitted to EHS prior to any construction for the sale of on-site food and beverages.

The Hearing Officer concurred with staff's analysis and approved the Heidrun Meadery. Coastal Permit 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 09-151

A RESOLUTION APPROVING THE
HULL (HEIDRUN MEADERY) COASTAL PERMIT (CP 09-13) AND USE PERMIT (UP 09-14)
ASSESSOR'S PARCEL 119-140-49
11925 STATE ROUTE ONE, POINT REYES STATION

SECTION I: FINDINGS

- I. WHEREAS, the applicant and owner, Gordun Hull, has applied for Coastal Permit and Use Permit approval for the operation of a "meadery" for the production of honey wine (mead) on a 15.84 acre property located just north of Point Reyes Station on State Route One. The property is developed with several existing residential and agricultural structures. The proposed meadery operation would be conducted within existing structures and would eventually produce up to 20,000 cases of honey wine per year. A demonstration apiary, with two dozen bee hives, is also proposed. The meadery would operate throughout the year. Most of the honey wine would be distributed to retailers and restaurants. A small on-site tasting and sales room is proposed within the existing greenhouse. Visiting hours would not exceed 40 hours per week or extend beyond the hours of 10:00 a.m. and 6:00 p.m., except by special arrangement. On site parking for up to 15 vehicles would be provided. An ADA compliant public restroom would be constructed within the milking barn for visitor use. Also proposed is: 1) crop production; 2) livestock grazing and animal husbandry (4 horses, 4 cows, 4 pigs, 6 goats, 6 sheep, 6 rabbits, and 24 chickens); and 3) community educational programs. The sales of crops would be through shipments, and on-site sales that correspond with the visiting hours noted above. It is anticipated that the operation would employ up to 5 fulltime employees. Special events are proposed for no more than three times per week, and no more than 30 persons per event. The subject property is located at 11925 State Route 1, Point Reyes Station, and is further identified as Assessor's Parcel 119-140-49.
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly noticed public hearing on 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 this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines, because it entails minor modifications to existing structures, which would not result in increased floor area, and would not result in alteration of the land that could negatively impact sensitive habitats.
- 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 is consistent with *CWP* natural systems policies and proposes work that would enhance, protect, and manage native habitats and would protect woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).

- B. The project requires no work that proposes requires the removal of native vegetation and would increase native vegetation, and therefore 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 would not result in impacts to special-status species since no new development would occur and no habitats supporting listed species would be removed (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).
- D. The project would not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site, or impact corridors for wildlife movement since no native vegetation removal or new development is proposed (*CWP Policies BIO-2.3 and BIO-2.4*).
- E. No wetlands or stream conservation areas would be affected by the project since the project proposes no new development or work within these areas (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
- F. The project would not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff since no grading or excavation is proposed(*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
- G. The project avoids hazardous geological areas and would 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 would ensure adequate fire protection (*CWP Policy EH-4.1*), water for fire suppression (*CWP Policy EH-4.c*), defensible space, and would be reviewed during the building permit process to be in 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 is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (*CWP Policy DES-1.2*).
- J. The project as conditioned will minimize exterior lighting to reduce light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).
- K. The project would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified by conditions of project approval, is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit II (§22.56.130 of the Marin County Code) as described below.

A. Water Supply:

The proposed project has been reviewed by North Marin Water District and it was determined that the project would not significantly increase water demand and would not impact existing water supply to the subject property.

B. Septic System Standards:

The proposed project has been reviewed by Environmental Health Services, which has found that the project would be feasible.

C. Grading and Excavation:

The project proposes no new development and would therefore not result in any new excavation. Only a minimal amount of ground disturbance would be required for the establishment of crops.

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, yet no new development is proposed. Therefore there would be no impacts to archaeological resources.

E. Coastal Access:

The project is not located between the sea and the first public road or adjacent to a coastal area as identified by the Local Coastal Program, Unit II where public access is desirable or feasible. The site is surrounded by residential and agricultural lands and is not near public lands.

F. Housing:

The proposed project would not affect the availability of housing stock within the Point Reyes Station community since there project does not propose to eliminate or add additional housing.

G. Stream and Wetland Resource Protection:

The project does not propose work near a stream or wetland area.

H. Dune Protection:

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, and therefore this section is not applicable.

I. Wildlife Habitat:

Review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, has revealed that no special status wildlife species have the potential to be located on the subject property and the project does not propose new development. Therefore, the project would not result in any adverse impacts to special status wildlife species.

J. Protection of Native Plant Communities:

Review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that *Microseris paludosa* (Marsh Microseris) could be on the subject property. The project does not propose new development, and the site does not contain the habitat requirements for the Marsh Microseris, which are vernal and moist/saturated soils on coastal terrace prairie. The project site does not identified as being coastal terrace prairie, and the project would not be located in an area with saturated soil conditions. Therefore, the project would not result in any adverse impacts to special status plant species.

K. Shoreline Protection:

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

L. Geologic Hazards:

The project site has a Slope Stability Rating of 1 and is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program. Further, the subject property 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 does not entail expansion of public roads, flood control projects, or utility services, therefore this section is not applicable.

N. Land Division Standards:

No land division is proposed as part of this project, therefore this section is not applicable.

O. Visual Resources:

The proposed project would not adversely impact visual resources on and surrounding the subject property because the project does not propose any new construction, and the site is surrounded by residences and agricultural lands.

P. Recreation/Visitor Facilities:

The proposed project does not propose recreational use on the property, and would be in keeping with the LCP's policies that encourage visitor serving facilities, and the proposed project would further serve the policies of the LCP by selling agricultural products that could be consumed on or offsite, and would provide educational programs for visitors on sustainable agriculture, bee keeping, and mead making.

Q. Historic Resource Preservation:

The project is not located within the designated Historic Preservation Area, and therefore is consistent with Historic Resource Policies of the Local Coastal Program.

R. Fire Protection:

Project approval requires that prior to final inspection, the applicant shall comply with all requirements of the Marin County Fire District.

- VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Use Permit (Section 22.88I of the Marin County Code), as specified below.

The project would not be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use 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.

The proposed project is located on a parcel that is substantially larger than the required minimum lot size and provides safe access, parking and circulation for the proposed use. The property is developed with agricultural structures that have been previously used for agricultural production and would be utilized for the new proposed activities and require no new additions. The project is in keeping with the rural character of the community and is consistent with existing development. The site can adequately serve visitors without disturbing adjacent residential neighbors, and no noise or odors will be produced that would be offensive to the public. The project would provide services and educational opportunities to the public and other agricultural producers that would preserve, protect and enhance agricultural activities and the natural environment. The project has been reviewed by Environmental Health Services (EHS), North Marin Water District, and the Department of Public Works. The applicant has provided EHS with sufficient evidence to demonstrate that waste disposal systems to accommodate the proposed uses could be feasible. The Conditions of Approval require the applicant to receive all required permit approvals from Environmental Health Services, the Building Division, North Marin Water District and Department of Public Works.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Hull (Heidrun Meadery) Coastal Permit (CP 09-13) and Use Permit (09-14), subject to the following conditions.

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56I (Coastal Permit) and 22.88I (Use Permit) the applicant, Gordun Hull, is approved for Coastal Permit and Use Permit approval for the operation of a "meadery" for the production of honey wine (mead) on a 15.84 acre property located just north of Point Reyes Station on State Route One. The property is developed with several existing residential and agricultural structures. The proposed meadery operation will be conducted within existing structures and would eventually produce up to 20,000 cases of honey wine per year. A demonstration apiary, with two dozen bee hives, is also approved and no more than 36 bee hives will be maintained on the site at one time. The meadery will operate throughout the year. A small on-site tasting and sales room is approved within the existing greenhouse. Visiting hours will not exceed 40 hours per week or extend beyond the hours of 10:00 a.m. and 6:00 p.m., except by special appointments. On site parking for up to 15 vehicles will be provided. An ADA compliant public restroom will be constructed within the milking barn for visitor use. Also approved is: 1) crop production; 2) livestock grazing and animal husbandry (4 horses, 4 cows, 4 pigs, 6 goats, 6 sheep, 6 rabbits, and 24 chickens); and 3) community educational programs. The sales of crops will be allowed on-site sales during the visiting hours noted above. No more than 3 events per week, and no more than 30 persons per event are allowed. Additional livestock may be maintained on the property in excess of the above quoted number provided that the applicant receive approval from the Community Development Agency. The operation would employ 5 fulltime employees. The subject property is located at 11925 State Route 1, Point Reyes Station, and is further identified as Assessor's Parcel 119-140-49.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide written verification from the California Department of Alcohol and Beverage Control that a license is active and applicable for the approved new meadery.
3. BEFORE FINAL INSPECTION OF A BUILDING PERMIT, the applicant shall provide written confirmation that all requirements of the North Marin Water District have been met.
4. BEFORE VESTING OF THE USE PERMIT, the applicant shall provide a Group Visitors Plan, that shall encourage carpooling and alternative transportation for groups greater than 12 persons.
5. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
6. 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.

7. All construction activities shall comply with the following standards:
 - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. 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.
8. This Use Permit is subject to revocation procedures contained in Section 22.120.030 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 a manner so as to adversely affect the health, welfare of safety of persons residing or working in the neighborhood.
9. 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. Subject to prior written request by the applicant, the Director may administratively authorize changes or additions to the project that are determined to be minor and consistent with the findings herein.
10. This Use Permit shall be valid until **December 17, 2014**, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The applicant shall submit an application to renew the Use Permit at least 60 days prior to the expiration of the Use Permit. Should the Use Permit expire without benefit of a renewal, all equipment, structure, and antennas shall be removed and the site shall be returned to its preexisting conditions.
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 this application, for which action is brought within the applicable statute of limitations.

Marin County Community Development Agency – Environmental Health Services Division, Sewage

12. The applicant has demonstrated feasibility of several waste disposal system options for both the tasting room and the production facility. Prior to EHS building permit approval, the applicant will need to apply for a permit with EHS (and SFRWQC if surface discharge) to upgrade the septic system.

Marin County Community Development Agency – Environmental Health Services Division, Food

13. There shall be no food or beverages offered for sale for on-site consumption without first obtaining permits from Marin County Environmental Health Services in conformance with California Retail Food Code 113789 (2). Premises set aside for winetasting are not considered food facilities, if no food or beverage is offered for sale for onsite consumption. If in the future, there will be an onsite area for the sale of food or beverage consumption, one set of professional plans will need to be submitted to Marin County Environmental Health for review of retail area prior to any construction.

Marin County Department of Public Works - Land Use and Water Resources Division

14. Per MCC Section 24.04.340, the minimum required parking spaces are determined based on the aggregate of individual uses. Provide the minimum number of parking spaces per commercial use including ADA parking. The plans indicate an industrial/wholesale, warehouse use category. The minimum parking required for this category is one space per 1,000 square-feet of gross area, plus one space per every 333 square-feet of office space.
15. Provide a parking space that conforms with the Uniform Building Code accessibility standards and an access isle. The space shall be as close to the main entrance as possible. Also show the path-of-travel from the parking access isle to the main entrance. Include surface type, slopes and all required signage.

North Marin Water District

16. The applicant shall comply with District Regulation 17 – Mandatory Water conservation Measures. Occupancy approval shall not be granted until compliance with water conservation measures can be verified.

Marin County Fire Department

17. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department 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 Use Permit approval by obtaining a Building Permit for the approved work and substantially completing all 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 Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.88.050I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Coastal Permit and Use Permit shall be valid until **December 17, 2014**, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The applicant shall submit an application to renew the Use Permit at least 60 days prior to the expiration of the Use Permit. In the event that the terms of this Use Permit are violated or the approved use is carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, this Use Permit approval could be revoked or suspended in accordance with the terms and provisions of Chapter 22.88.050I 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 December 28, 2009.

SECTION IV: ACTION

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:

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary

H2. COASTAL PERMIT (CP 05-7) AND DESIGN REVIEW (DR 05-13) AND SECOND UNIT (SU 08-19): THOMAS LIPPMAN

This project was heard on June 26, 2008 and a request for continuance was granted. Since the hearing new information regarding the design and environmental constraints of the site has been provided, and staff has determined that the project can not be Categorically Exempt from the requirements of the California Environmental Quality Act, and that an Initial Study be prepared. The proposed project is for new development and infrastructure improvements on a lot with an existing garage/barn. The applicant is proposing a new three-story residence with an attached two car garage, a new detached second unit, a new septic system, a domestic well, and other appurtenant structures. The residence would have a total square footage of 5,568 and would attain a height of 24 feet. The second unit would be 743 square feet in size and attain a height of 15 feet. Also proposed is the legalization of an existing garage/barn and a storage shed that are 1,035 square feet and 350 square feet in size, respectively. The garage will be modified by removing a minimum of 1 foot, 6 inches of foundation, wall and roof that encroaches onto the neighboring property on the western property line. The zoning for this parcel C-RSP-0.2 (coastal, Residential Single-family Planned, 1 unit per 5 acres). The subject property is located at **95 Highland Way Inverness**, and is further identified as **Assessor's Parcel 112-300-40**.

The Hearing Officer acknowledged memos from staff dated December 10, and December 15, 2009 and asked her to summarize the contents.

Staff stated that the applicant provided new information on July 30, 2009 regarding the geo-thermal energy system and the proposed water usage for the pool. After transmitting the information to other interested parties, staff reviewed the California Natural Diversity Database to see if any new information had been posted since the biology report of 2007. Additional species were listed and she asked the applicant to provide an additional biological assessment to address these species. Mitigation measures were recommended and an area called a swale or drainage needs to be addressed. Staff is recommending an initial study be prepared to be sure that is no impact on the riparian habitats.

The public testimony portion of the hearing was opened.

Tom Lippman, applicant, spoke regarding the swale/spring. He noted that the adjoining property is steep and soil run off has filled the drainage culvert which he has now cleared. The red legged frog issue was addressed in a letter he presented to the Hearing Officer and a similar letter can be obtained addressing the Point Reyes Beaver.

Janet Kirby, neighbor, spoke regarding concerns with the property line and hopes the applicant will get a survey to determine setbacks and the water supply from an underground spring that will be impacted by the proposed well and swimming pool.

The public testimony portion of the hearing was closed.

In response to the Hearing Officer, staff stated that a survey was done to determine the placement of the buildings on the eastern edge, but not on the western edge. The Hearing Officer directed the applicant to obtain a survey of the western property line as well.

The Hearing Officer directed staff, in compliance with CEQA regulations, to have all the components of the project including but not limited to water, access, grading, fire protection, water courses, drainage and the environmental setting be addressed in the environmental document. She further noted that clarification needs to be made regarding the wells on site and a domestic water permit must be obtained and the second well needs to be repaired or destroyed. The Inverness Public Utility District comments stated that the pool may satisfy the water requirements, but needs to be worked through.

The Hearing Officer continued the item indefinitely to give staff time to prepare an initial study in accordance with the provisions of CEQA.