

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 11-118

A RESOLUTION APPROVING THE MC CARTHY COASTAL PERMIT
AND MINOR DESIGN REVIEW
60 MESA ROAD, BOLINAS
ASSESSOR'S PARCEL 193-020-50

SECTION I: FINDINGS

- I. WHEREAS Stacey Ford, on behalf of Nancy Mc Carthy is requesting a Coastal Permit and Minor Design Review to legalize a 450-square-foot detached accessory structure (containing a 214 square foot agricultural equipment storage building and 236 square foot tack room) and a 640 square foot detached horse shelter on a property developed with a 1,601 square foot single-family residence.

The horse shelter would maintain the following property line setbacks: 295 feet to the front (southeast) property line, 40 feet to the side (southwest) property line, over 100 feet to the side (northeast) property line, and over 100 feet to the rear (northwest) property line.

The agricultural equipment storage building and tack room are located 273 feet from the front (southeast) property line, 182 feet from the side (southwestern) property line, 30 feet south of the single-family residence and 270 feet from the side (northeastern) property line.

The new additions would be served by the existing on-site septic system. **The subject property is located at 60 Mesa Road, Bolinas, and is further identified as Assessor's Parcel 193-020-50.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing on May 12, 2011, 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 the legalization of detached accessory structures on 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 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 legalization of detached accessory structures that support the use of the property for single-family residential development, a principally permitted use under the governing C-ARP-5 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;
 - 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.
- 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 and the proposed improvements represent a modest increase in water demand.

B. Septic System Standards

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

C. Grading and Excavation

The project does not propose any grading or excavation. 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, the project would not entail any site disturbance and 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 Local Coastal Program's stream or wetland protection policies as identified on the Natural Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent stream identified on 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 identified 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 located in an area potentially containing rare wildlife species including the Ricksecker's water scavenger beetle (*Hydrochara rickseckeri*), the American badger (*Taxidea taxus*) and the robust walker (*Pompatiopsis binneyi*). As the project would not entail any site disturbance, it would not impact any of these species. Further, the subject property does not contain the aquatic habitat needed for the Ricksecker's water scavenger beetle or robust walker. In order to further address potential impacts to the American badger, the applicant submitted a biologist report which demonstrates that there was no evidence of the species on site.

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 located in an area containing the Coast yellow leptosiphon (*Leptosiphon croceus*). However, as the project does not entail any site disturbance, it would not impact the species.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline.

L. Geologic Hazards

Review of the Alquist-Priolo Special Studies Zone maps indicates that the subject property lies within the delineated boundaries of the San Andreas Fault zone. As conditioned, the project would be required to obtain a building permit which would ensure that the structures are constructed to meet the standards contained in the California Building Code.

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 legalization of two existing detached accessory structures. The structures are small and low profile and 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 22.82.0401 of the Marin County Interim Zoning Ordinance can be made based on the following findings:

A. It is consistent with the countywide plan and any applicable community plan and local coastal program;

The project is consistent with the Marin Countywide Plan and the Bolinas Community Plan as it entails the legalization of two small detached accessory structures on a residentially developed property and would not involve grading or tree removal. Further, it would be compatible with the neighborhood.

- B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;**

The project would maintain adequate setbacks from all property lines and would not result in the loss of light or privacy to adjacent neighbors.

- C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

As proposed, the project is located entirely within the subject parcel, maintains adequate setbacks and would not result in development which would impact future improvements to the surrounding properties. In addition, all development will be contained within the parcel and would not impact development on public lands or rights-of-way.

- D. It will not directly, or in a cumulative fashion, 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 project is wholly located on the subject property and therefore would not affect improvement in the vicinity or on neighboring properties, including public lands and rights of way.

- E. It will be properly and adequately landscaped with maximum retention of trees and other natural material;**

The proposed project would not require tree removal and would conserve non-renewable energy and natural resources.

- 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 detached accessory structures are small and have adequate setbacks to all property lines. The height of the structures complies with the 15 foot height limit for accessory structures in the Coastal Zone.

- 2. Drainage systems and appurtenant structures;**

All project plans have been reviewed by the Department of Public Works. As conditioned, the Department of Public Works will review and approve a drainage plan for the structures proposed for legalization and a manure management plan.

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

The proposed project does not require any 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. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;
As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences.

G. It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.

Through the building permit process the project would be required to meet all applicable energy efficiency requirements and the existing colors and materials are compatible with the existing characteristics of the neighborhood.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Mc Carthy Coastal Permit (CP 10-15) and Minor Design Review (DM 10-20), 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 22.82.040I (Design Review) the Mc Carthy Coastal Permit and Minor Design Review are approved to legalize a 450-square-foot detached accessory structure (containing a 214 square foot agricultural equipment storage building and 236 square foot tack room) and a 640 square foot detached horse shelter on a property developed with a 1,601 square foot single-family residence.

The horse shelter would maintain the following property line setbacks: 295 feet to the front (southeast) property line, 40 feet to the side (southwest) property line, over 100 feet to the side (northeast) property line, and over 100 feet to the rear (northwest) property line.

The agricultural equipment storage building and tack room are located 273 feet from the front (southeast) property line, 182 feet from the side (southwestern) property line, 30 feet south of the single-family residence and 270 feet from the side (northeastern) property line.

The property is approved to be served by a new on-site septic system. **The subject properties are located 60 Mesa Road, Bolinas, and are further identified as Assessor's Parcel 193-020-50.**

2. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Horse Shelter and Tack Room/Agricultural equipment storage building," consisting of 1 sheet prepared by Stacey Ford, Architect and received February 18, 2011, 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 match the existing structures including:
 - a. Siding – wood siding
 - b. Windows – off white window trim
 - c. Roof – grey metal or composition shingle

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 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.
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.

Code Enforcement

10. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the detached accessory structures. 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.
11. 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.
12. 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, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

13. DPW shall conduct a site inspection to verify use of the agricultural storage facility.
14. Provide drainage plan for all structures proposed to be legalized under this permit. The drainage plan shall include roof run-off management and surface drainage away from the foundation. 2010CBC §1804.3 requires that surface drainage from foundations be at a 5% slope for 10-ft minimum. A registered Engineer or Architect shall prepare the drainage plans. Also, the plans must have the Engineer's/Architect's wet stamp and signature.
15. A manure management plan shall accompany the drainage plan. The manure management plan shall include the maximum number of horses intended to be kept, the predicted volume of manure produced over a 3-month period, and a plan for clean-up, storage and disposal of manure. Refer to the MCSTOPPP webpage for guidance at: <http://mcstoppp.org/horses.htm>
16. Provide an Erosion and Siltation Control plan for any proposed construction/work.
17. The site plan scale shall be a minimum of ¼" = 1.0-ft or 1:10. The overall site plan may have a smaller scale, but the specific area(s) under consideration shall be to the minimum standard scale.
18. Show on the site plan that the minimum standards for parking are being met (4-onsite spaces 8.5-ft by 18-ft for unconfined spaces, 9.0-ft by 20-ft for confined spaces).
19. Plan view of structures shall be at a minimum scale of ¼" = 1.0-ft.
20. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in

accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

21. The Seismic Site criteria shall be determined by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Also, the plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer and with his/her certification in the form of a letter with their wet stamp and signature.
22. Provide recordation of the change in the water pump power supply easement.

Marin County Environmental Health Services

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

23. Verification by service provider or pumper that the tack room sink is plumbed to septic tank may be required.
24. The septic system inspection report dated September 30, 2009 lacked the following information: trench depth. The inspector must submit this information in writing.
25. The applicant shall record a deed restriction stipulating that the approved agricultural equipment storage building shall not be used as living space. EHS can provide the applicant with a form for this.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS


The applicant must vest this approval by obtaining a Building Permit or other construction permit, for the approved work and substantially completing the improvements in accordance with the approved permits; by May 12, 2013, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 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 22.82.130I and Section 22.56.120I of the Interim Zoning Ordinance.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on May 19, 2011.


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 12th day of May 2011.



JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:



Joyce Evans
DZA Secretary

