

**1. COASTAL PERMIT, AND PRECISE DEVELOPMENT PLAN AMENDMENT:  
(Project I.D. 2011-0181): ANDREW AND DEBORAH RAPPAPORT,  
AND ANDREA AND JOHN ROSENMAN**

**NEO**

The subject properties are located at **330 Horseshoe Hill Road, Bolinas**, and are further identified as **Assessor's Parcel Nos. 188-140-69, -70, and -21**.

The project proposes legalization of portions of underground utility line trench excavation and conduit installation completed without a permit, new trenching and underground conduit installation through the adjacent Rosenman property, and installation of a new utility pole within the Horseshoe Hill Road right-of-way. The project would underground 710 lineal feet of an existing 12,000 Volt PG&E electric power transmission line and AT&T telephone lines from a new pole in the Horseshoe Hill Road right-of-way in a northeastern direction to the existing pole on the Rosenman property. The proposed new pole would be located on the eastern side of the right-of-way, 200 feet south of the existing driveway to 330 Horseshoe Hill Road. Two poles and the existing overhead lines would be removed. Approximately 290 lineal feet of the as-built trench and conduit are located within the 100-foot Wetlands Conservation Area mapped by WRA, Inc. around a seasonal pond. As recommended in the WRA, Inc. report, and approved by the County, the unauthorized trench was backfilled and stabilized with erosion control measures during the first two weeks of October 2011 to avoid potential impacts to red-legged frogs that might migrate through the area in the rainy season. No additional site work will be authorized until after approval of the Coastal Permit and Precise Development Plan Amendment for the entire project.

The Deputy Zoning Administrator (DZA) noted the receipt of additional correspondence and staff responded, noting the following:

- No additional correspondence was received and staff has no additional comments; and
- A memorandum dated May 15, 2012, regarding the status report from Geoff Smick, Principal Ecologist with WRA, Inc.

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

Members of the public willing to answer questions about the project included: Stacy Ford, Architect, Aaron Arthur, and Jake Glavis

The Deputy Zoning Administrator (DZA) approved the project with the following modifications to the Resolution:

- SECTION 1: FINDINGS VII: G, Delete - "~~see EXHIBITS B & C~~", and add to the bottom of the paragraph " Further, Interim Zoning Code Section 22.56.130.5.d says, "A buffer strip one hundred feet in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands. Development activities and uses in the wetland buffer shall be limited to those allowed pursuant to Section 30233 of the Coastal Act of 1976." ~~The utility lines are not facilities that are dependent on the water resources in the wetlands and could be considered as not allowed within the buffer pursuant to Section 30233 of the Coastal Act. However, the excavation and installation of the underground facilities was a temporary construction project that resulted in no adverse impacts to sensitive species or habitat.~~
- SECTION 1: FINDINGS VII: G, Amend - "While it is infeasible to locate the utility line completely outside of the wetland buffer, the utility easement and trench have been located as far from the wetland as possible. Further, coastal Act Section 30233 allows public service facilities in wetlands when there is no feasible less environmentally damaging alternative. As

confirmed by the biological report, the project has been carried out in a manner that eliminates adverse effects to the wetland. WRA Inc. biologists monitored the work and determined that no Red-legged Frogs were affected and that the backfill was properly stabilized to prevent erosion with native plantings. The project encroaches the minimum amount necessary in the wetlands buffer to install the 12kV PG&E line underground. The project would result in removal of overhead utility line through a wetlands and a wetland buffer. As implemented, the project complies with the stream and wetland conservation protection policies of the Local Coastal Program. ~~And delete: A three-year restoration and monitoring program is recommended to eliminate any long-term effects to the environment. To the maximum extent feasible, the project encroaches the minimum amount necessary in the wetlands buffer to install the 12kV PG&E line underground. The project would result in removal of overhead utility line through a wetlands and a wetlands buffer. With proper implementation of restoration and monitoring program, any impact on wetlands resources would be negligible. Best Management Practices and monitoring shall be implemented as conditions of approval for all development activities to prevent soil erosion and restore native vegetation on the site.~~

~~With the implementation of the conditions of approval, As implemented, the project would comply with the stream and wetland conservation protection policies of the Local Coastal Program~~

- SECTION 1: FINDINGS VII: I, ~~Delete "See EXHIBIT B and EXHIBIT C for more detailed findings.; Conditions of approval require implementation of best management practices as recommended by the applicant's biologist; With the implementation of the Condition of Approval. With the implementation of the conditions of approval, Therefore, the project would protect wildlife consistent with LCP policies.~~
- SECTION 1: FINDINGS VII: J, ~~Delete "See EXHIBIT B and EXHIBIT C for more details of the Coast live oak woodland habitat, the common velvet grass meadow, and the freshwater marsh native plant communities on the subject properties.~~
- SECTION 3: CONDITIONS OF APPROVAL: Condition of Approval 2, ~~delete "and EXHIBIT B, Sensitive habitat Assessment and recommendations", prepared by WRA, Inc, dated October 4, 2011; and EXHIBIT C, "Biological Resources Assessment", prepared by WRA, Inc. dated October 19, 2011."~~
- SECTION 3: CONDITIONS OF APPROVAL: Conditions of Approval 4, 5, 8 (a) & (b) and 10, ~~delete.~~

The Deputy Zoning Administrator (DZA) concurred with staff's findings and conditions of approval in the amended Resolution, and approved the Rappaport and Rosenman Coastal Permit and Precise Development Plan Amendment.

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