



<b>MARIN COUNTY PLANNING DIVISION</b>			
<b>ADMINISTRATIVE DECISION</b>			
Hathaway G. Barry TR Lot Line Adjustment			
<b>Decision:</b>	<b>Approved</b>		
<b>Date:</b>	<b>February 24, 2023</b>		
Project ID No:	P3851	Applicant(s):	Hathaway G. Barry
		Owner(s):	Hathaway G. Barry /TR/ & Hathaway G. Barry Trust
		Assessor's Parcel No(s):	119-161-11 & 119-161-15
		Property Address:	330 & 332 Mesa Rd. & 358 Mesa Rd., Point Reyes Station
		Project Planner:	Erin Yattaw 415-473-3535 eyattaw@marincounty.org
		Signature:	<i>Erin Yattaw</i>
Countywide Plan Designation:	C-AG3 (Agriculture Coastal Zone)		
Community Plan Area:	Pt. Reyes Station		
Zoning District:	C-ARP-1 (Coastal Agriculture Residential Planned)		
Environmental Determination:	CEQA Guidelines section 15305, Class 5		

**PROJECT SUMMARY**

The applicant is requesting Lot Line Adjustment approval to adjust the lot lines between two contiguous lots in the unincorporated community of Point Reyes Station. The apparent proposed transfer of land is shown in the table below.

Assessor's Parcel Number	Street Address	Existing Area	Proposed Area	Proposed Change
119-161-11	330 & 332 Mesa Rd.	1.89 acres	2.78 acres	+ 0.89 acres
119-161-15	358 Mesa Rd.	1.98 acres	1.09 acres	- 0.89 acres

Lot Line Adjustment approval is required pursuant to Marin County Code Section 22.90.020 because the project entails adjusting lot lines between two adjacent parcels that would not result in the creation of any additional parcels.

## **COUNTYWIDE PLAN CONSISTENCY**

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

## COMMUNITY PLAN CONSISTENCY

### Point Reyes Station Community Plan

The Marin County Planning Division finds that the proposed project is consistent with the Point Reyes Station Community Plan for the following reasons:

- A. The project is consistent with the rural character and residential land use policies (PA-3.7 RL-3.2 and RL-3.3) because the structures are consistent in scale and style with the visual character of the community, the development complies with the general and specific design requirements for new development, and minimizes exterior lighting.
- B. The project is consistent with the rural character and natural resource protection policies (PA-3.8, NR-2.1, NR-3.2, NR-3.3, NR-4.3, NR-5.2, NR-6.1, NR-6.2, and NR-6.5) because the project has been designed to be in keeping with the rural residential area by minimizing the construction of roads and also maintains adequate setbacks from bluffs, riparian and stream protection areas, and wildlife habitat protection areas.
- C. The project is consistent with the natural resource protection and rural character policies (PA-3.9, NR-6.1, and NR-6.2) because the landscaping conforms to the Point Reyes Station Landscaping Guide and preserves wildlife habitats and native vegetation.
- D. The project is consistent with the natural resource protection policies (NR-7.1 and NR-7.2) because it would not affect public views of visual resources, and all development has been sited on the least visible portion of the site, away from ridgelines, and minimizes grading and filling.
- E. The project is consistent with the Historic Resource Protection policies (HR-1.2 through 1.6) because the project is not located within the Historic and Architectural Inventory Key of the 1976 Historic Resource Survey, is not located within the Historic Area, and does not involve alteration, additions or demolition of a pre-1930's structure.

## DEVELOPMENT CODE CONSISTENCY

### Mandatory Findings for Lot Line Adjustment (Marin County Code Section 22.90.040)

- A. The proposed lot line adjustment is limited to four or fewer existing adjoining lots.**

The proposed project is consistent with this finding because it is limited to two adjoining lots.

- B. Each of the affected lots is a separate legal lot of record because it was created in compliance with the applicable subdivision regulations in effect at the time of its creation.**

Assessor's Parcel 119-161-11 is legally developed with a permitted single-family dwelling. Therefore, Assessor's Parcel Number 119-161-11 is considered a legal lot of record. Additionally, Assessor's Parcel 119-161-15 is legally developed with a permitted single-family dwelling. Therefore, Assessor's Parcel Number 119-161-15 is considered a legal lot of record.

**C. The proposed lot line adjustment would not result in the creation of additional parcels or additional potential building sites.**

The lot line adjustment is between two, existing contiguous parcels and does not create additional parcels, or a greater number of buildable parcels than existed before the adjustment.

**D. The proposed lot line adjustment would comply with policies of the Countywide Plan, and any applicable community plan, and the Local Coastal Program (if applicable).**

The proposed Lot Line Adjustment would comply with all applicable Countywide Plan policies because no new lots would be created under this lot line adjustment. Also, the proposed adjustment would not change the existing or potential development density or conflict with any policies of the Marin Countywide Plan or applicable regulations of the Development Code.

**E. The proposed lot line adjustment would comply with zoning, development, and relevant subdivision provisions of Titles 18, 20, 22 and 24 of the Marin County Code, including those which address minimum lot size, lot design and configuration, street frontage and building setbacks from all property lines.**

Assessor's Parcel 119-161-11 is developed, 1.89 acres in area, and is zoned C-ARP-1. Assessor's Parcel 119-161-15 is developed, 1.98 acres in area, and is zoned C-ARP-1. The proposed lot line adjustment would transfer 0.89 acres from Assessor's Parcel 119-161-15 to Assessor's Parcel 119-161-11, therefore, Assessor's Parcel 119-161-11 would increase by 0.89 acres and Assessor's Parcel 119-161-15 would decrease by 0.89 acres.

**ACTION**

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

**CONDITIONS OF PROJECT APPROVAL**

**CDA-Planning Division**

1. This Lot Line Adjustment approval authorizes the exchange of land between two contiguous parcels as listed below:

<b>Assessor's Parcel Number</b>	<b>Street Address</b>	<b>Existing Area</b>	<b>Proposed Area</b>	<b>Proposed Change</b>
119-161-11	330 & 332 Mesa Rd.	1.89 acres	2.78 acres	+ 0.89 acres
119-161-15	358 Mesa Rd.	1.98 acres	1.09 acres	- 0.89 acres

2. Deed(s) to be recorded with the County Recorder to vest this Lot line Adjustment must be in substantial conformance with the approved plans on file with the Marin County Community Development Agency, Planning Division, identified as Exhibit A, entitled "Lot Line Adjustment of 358 & 300 Mesa Rd., Point Reyes Station CA, 94956," consisting of two sheets prepared by Clark Civil Engineering, date stamped December 1, 2023, except as modified by the conditions listed herein.
3. The applicant/owner shall 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. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
4. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated.

**Department of Public Works**

5. Appropriate deeds and exhibits perfecting the approved Lot Line Adjustment shall be recorded at the Marin County Recorder's office.
6. BEFORE RECORDATION, the following exhibits shall be submitted to the Department of Public Works for review and approval:
  - A. Lot Line Adjustment map. The Lot Line Adjustment map should be drawn in black ink on sheets with maximum dimensions of 8 1/2" X 11" or 18" X 26". The map must be clear and readable. The following minimum information must be provided on the map (additional information may be required):
    - 1) Map scale, north arrow, line type legend, vicinity map, index map for large parcels.
    - 2) The location of the project site in relation to the existing streets, adjoining lots, alleys, water bodies and distance from the nearest cross street.
    - 3) Right-of-way widths and street names.
    - 4) The existing and proposed lot layout labeling each boundary line. Sufficient dimensions and record boundaries so as to define and establish the boundary of the subject property. Use heavy solid line to depict proposed boundaries, light solid line

for existing lot lines to remain, light dashed lines for existing lot lines to be removed and smaller dashed lines for easements. The adjusted parcels and transfer parcels shall be lettered or numbered consecutively in a manner that there will be no confusion with the original lots or parcel numbers (show in a darker, bolder text, i.e. PARCEL A, PARCEL T-1).

- 5) Existing lot numbers, reference to the recorded documents that established the existing lots of the project site, adjoining lots and existing easements.
- 6) Gross area before and after adjustment to the nearest one tenth of an acre. Show the net area when there are easements identified that restrict the surface use of the property, such as vehicular access easements (Net area is gross area minus easement area).
- 7) Signature, seal of the surveyor and the date that plan was prepared.
- 8) APN-Assessor's Parcel Number for each lot.
- 9) Project Number and File number (the LL number assigned by County), sheet number and County title block with owner and engineer block filled out.

B. The following statement shall be added if applicable (i.e. if property corners are to be set):

"Monuments will be set within 90 days along the adjusted lot corners, and a Record of Survey or Corner Record will be filled if required by Section 8762 of Business and professional Code. Gov't Code § 66412(d); Ops. Cal. Atty. Gen. 231(1994). If the Lot Line Adjustment affects any public utility easements, the applicant shall provide verification signed by each of the affected public utilities that they allow the Lot Line Adjustment."

C. Submit a completed "Application for Lot Line Adjustment Approval".

D. Legal descriptions and closure calculations shall be submitted along with the current Title Report for the effected properties for: (a) the final, adjusted lots; (b) the existing lots; and (c) the portions of those lots that are to be transferred. The legal descriptions and closures shall be prepared and signed/stamped by a Licensed Land Surveyor or a qualified Registered Civil Engineer.

E. All required materials shall be submitted simultaneously along with the required fee to the Department of Public Works for review and approval.

## **VESTING**

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually recorded the Lot Line Adjustment documents in accordance with the requirements of the Department of Public Works.

## **RIGHT TO APPEAL**

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than 10 business days from the date of this decision.

cc: *{Via email to County departments}*

CDA – Assistant Director

CDA – Planning Manager

DPW – Land Development

CDA – Environmental Health Services

DPW – Survey

Assessor-Recorder's Office – Mapping Division

North Marin Water District

County Fire CSA 31

Hathaway G. Barry /TR/ & Hathaway G. Barry Trust, PO Box 157, Point Reyes Station, CA 94956

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Sent to Sean Kennings via email to [sean@lakassociates.com](mailto:sean@lakassociates.com)