MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 19-100
A RESOLUTION APPROVING THE CASALE COASTAL PERMIT AND DESIGN REVIEW
2125 DILLON BEACH ROAD, TOMALES
ASSessor’S PARCEL: 100-090-07

***********************

SECTION I: FINDINGS

1. WHEREAS, the project applicant, James Rega, on behalf of the property owner, Gerald Casale Trust, is proposing the following development on an approximately 360-acre lot developed with existing agricultural accessory structures in Tomales:

(a) Construction of a new 3,199 square-foot single-family residence. The residence is proposed to reach a maximum height of 24 feet, 6 inches above surrounding grade and would be located more than 900 feet from the northern side property line, and more than 1,000 feet from the western front, southern side, and eastern rear property lines. A new domestic water well is proposed to be drilled and a new septic system is proposed to be to be installed to accommodate the development.

(b) Construction of a new 4,423 square-foot barn. The barn is proposed to reach a maximum height of 25 feet above surrounding grade and would be located more than 1,000 feet from all property lines.

(c) Construction of a new 2,161 square-foot sheep shelter. The sheep shelter is proposed to reach a maximum height of 18 feet, 8 ½ inches above surrounding grade, and would be located more than 1,000 feet from all property lines.

(d) Construction of a new 1,871 square-foot agricultural worker housing unit. The agricultural worker housing unit is proposed to reach a maximum height of 22 feet, 1 inch above surrounding grade, and would be located more than 1,000 from all property lines.

The existing building area is 846 square feet. The proposed development would result in a building area of 12,536 square feet and a floor area of 12,286 square feet, resulting in a floor area ratio of .078 percent. The application includes an agricultural management plan that entails the continued use of existing livestock grazing and considers future expansion of agricultural operations.

Coastal Permit approval is required for the new single-family residence pursuant to Marin County Interim Code Section (MCC) 22.56.0551 because the development of the single-family residence entails improvements to a property located in a Coastal zoning district not otherwise exempt from Coastal Permit requirements. Design review approval for the new single-family residence is required pursuant to MCC 22.821 because the project site is located in a planned district. The construction of the barn, sheep shelter, and agricultural worker housing unit is categorically excluded from a Coastal Permit pursuant to Categorical Exclusion Order E-81-6 and exempt from Design Review pursuant to MCC 22.82.0301.B because the agricultural buildings are proposed to be located more than 300 feet from any property lines.

2. WHEREAS, on January 10, 2019, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

Casale Coastal Permit and Design Review
Attachment No. 1
DZA Hearing January 10, 2019
3. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because the project entails the construction of one single-family residence and new accessory structures that would not result in a significant effect on the environment.

4. **WHEREAS**, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project does not entail the removal of any trees.

B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because it would avoid any sensitive habitats for special-status species of plants or animal and would not result in an adverse impact to such habitats as verified by the Biological Site Assessment prepared by WRA Environmental Consultants, April of 2018.

C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project is sited 100 feet or greater from any streams or wetlands, and therefore, 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 is sited more than 100 feet or greater from any streams or wetlands, and therefore, would not encroach into any Stream Conservation Areas or Wetland Conservation Areas as verified by the Biological Site Assessment prepared by WRA Environmental Consultants, April of 2018.

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.

5. **WHEREAS**, the proposed development, inclusive of the single-family residence, the sheep shelter, barn, and agricultural worker housing, is consistent with the mandatory findings for development approval in the C-APZ (Coastal, Agriculture Production Zone) pursuant to Marin
County Code Section 22.57.036I because it would maintain and enhance the existing agricultural land use and would provide adequate water supply, sewage disposal, and road access for the agricultural operation.

6. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval (Marin County Code Section 22.56.130I).

**A. Water Supply.**

The project proposes to utilize an existing well to supply domestic water to the proposed single-family residence and other proposed agricultural structures. An additional new well is proposed to be developed to supplement the available water supply. Per the "Interdepartmental Transmittal" by the Environmental Health Services division, the yield test for the existing well is adequate to accommodate up to two residences. Per the water analysis entitled "Test Method – Pump Source" prepared by Jerry and Don Yager's Pump Well Service on October 3, 2018 for the proposed new well, the calculated sustained water-well yield resulted in 4.8 gallons per minute and would provide an adequate supplemental water supply. The development of the new water well would occur in accordance with the requirements of the Marin County Environmental Health Services Division and the Marin County Fire Department standards. Therefore, the project is consistent with this finding.

**B. Septic System Standards.**

The project entails the construction of a new 2,000-gallon septic system to accommodate the proposed single-family residence and a new 1,500-gallon septic system is also proposed to accommodate the proposed agricultural working housing unit. The Marin County Environmental Health Services Division (EHS) has reviewed the proposed project and has found the percolation tests to be acceptable. The development of the two proposed systems would occur in accordance with the requirements of the EHS standards. Therefore, the project is consistent with this finding.

**C. Grading and Excavation.**

The subject property is moderately sloped along the northern and central portions of the site with steeper slopes along the southern portion of the site. The applicant has submitted a grading plan that has been reviewed by the Department of Public Works. The proposed project will require approximately 1,135 cubic yards of grading and earth to prepare the site for the new residence, accessory agricultural buildings, and new on-site circulation. The grading associated with the single-family residence would set the structure into the hillside and would result in a reduced visual profile. Approximately 839 cubic yards of fill would be required to improve the existing driveway and the new on-site circulation. The resulting spoils would be distributed onsite.

Though the project requires over 150 cubic yards of grading, the project is designed to minimize site disturbance by clustering the proposed development on 2.41 acres, which is less than one percent of the entire 360-acre site and locating new development near existing development on the moderately sloped area of the property. An engineered grading and drainage plan would occur in accordance with the requirements of the Department of Public Work’s standards. Therefore, the project is consistent with this finding.
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 medium archaeological sensitivity. As required by the Marin County Code, in the event archeological resources are uncovered during construction, all work shall immediately cease, and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures. Therefore, the project is consistent with this finding.

E. Coastal Access.

The project site is not located adjacent to the shoreline and the project would have no impact upon coastal access because it is sited entirely on the owner’s private property. Therefore, the project is consistent with this finding.

F. Housing.

The project site is currently developed with minor agricultural accessory structures. The proposed project entails the construction of a new single-family residence and agricultural worker housing within the subject property and would not affect the available housing stock in the surrounding community. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection.

According to the Biological Site Assessment (BSA) prepared by WRA Environmental Consultants, April of 2018, there are several environmentally sensitive habitat areas (ESHAs) throughout the site, including wetlands, streams and riparian habitat areas. However, per the BSA, the proposed development has been intentionally designed to avoid to wetland and stream habitats by 100 feet or greater. To further ensure wetland, stream, and riparian area avoidance, a condition of approval will be imposed to require that any additional improvements to the driveway required to meet the standards of the Marin County Fire Department shall avoid all wetlands, streams, and riparian areas. Therefore, the project is consistent with this finding.

H. Dune Protection.

There are no natural dunes in the development area.

I. Wildlife Habitat Protection.

According to the Biological Site Assessment (BSA) prepared by WRA Environmental Consultants, April of 2018, several special-status wildlife species were observed on the site, including Northern Harrier (Circus cyaneus), Golden Eagle (Aquila chrysaetos), Bryant’s Savannah Sparrow (Passerculus sanwichensis alaudinus), Grasshopper Sparrow (Ammodramus savannarum), California Red-legged Frog (Rana draytonii), and Myrtle’s Silverspot Butterfly (Speyeria zerene myrtilae). The subject property contains habitat suitable for some of these species, notably the Western Dog Violet (V. adunca) which is a larval foodplant for the Myrtle’s silverspot butterfly and is considered an environmentally sensitive habitat area (ESHAs). However, the development, inclusive of the single-family residence and improvements to the existing driveway, has been intentionally designed to be located more than 100 feet or greater from the ESHAs identified in the BSA.
Furthermore, the project includes best management practices to avoid disturbance to sensitive wildlife species such as the removal of vegetation between August 16 to January 31, outside of the general nesting bird season. According to the BSA, the project avoids wetlands, riparian lands, and other significant wildlife and would not adversely affect these habitats. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities.

The subject property consists primarily of non-native grasslands and coastal scrub typical of the coastal plain and hills of Marin County. The remaining area outside of the development area is proposed to remain in agricultural use, specifically livestock grazing. Landscaping associated with the proposed single-family residence would consist of native and drought tolerant plants. Therefore, the project is consistent with this finding.

K. Shoreline Protection.

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

L. Geologic Hazards.

The project site is not located in an area of geological hazards as indicated on the Geologic Hazards Map for Unit II of the Local Coastal Program and is not located within the delineated boundaries of the San Andreas fault zone identified on the Alquist-Priolo Special Study Zone Map. The Marin County Community Development Agency – Building and Safety Division would also determine seismic compliance with the California Building Code. Therefore, the project is consistent with this finding.

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 Lot Line Adjustment is proposed as part of this project.

O. Visual Resources and Community Character.

The subject property is not located within the vicinity of State Route 1 or Panoramic Highway and is not adjacent to any shoreline. The subject property is developed with minor agricultural accessory structures and is adjacent to other agricultural properties. The project entails the construction of a new 3,199 square-foot single-family residence. The residence is proposed to reach a maximum height of 24 feet, 6 inches from natural grade and is proposed to be located more than 900 feet from the front property line and more than 1,700 feet from the side and rear property lines. The residence is designed to follow the natural contours of the surrounding landscape and would be graded into the slope, resulting in a lower visual profile. As a result, the proposed residence would not obstruct any coastal views and would be compatible with the surrounding natural and built environment. Therefore, the project is consistent with this finding.
P. Recreational/Commercial/Visitor Facilities.

The proposed project would not provide commercial or recreational facilities, and the subject property is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Preservation.

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Program. Therefore, the project is consistent with this finding.

7. WHEREAS, the project is consistent with the mandatory findings for Design Review approval (Marin County Code Section 22.82.0401).

Mandatory Findings for Design Review (Marin County Code Section 22.82.0401)

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

As discussed in Sections 4, 5 and 6 of this resolution, the project is consistent with the requirements of the Local Coastal Program and the Countywide Plan. Additionally, the project is consistent with the C-APZ (Coastal, Agriculture Production Zone) zoning district because the project consists of the construction of a single-family residence accessory to the primary agricultural use of the property that would have adequate water supply, sewage disposal and off-street parking to serve the residence.

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 existing primary use of the property consists of agriculture, specifically livestock grazing. According to the Agricultural Management and Stewardship Plan, prepared by James Rega et. al, June 2018, the owner would occupy the proposed residence in order to continue, maintain, and enhance the existing agricultural production on the subject property. Additionally, per the letter regarding the “Permitted Use and Reserved Rights” from the Marin Agricultural Land Trust (MALT) dated September 6, 2018, the single-family residence is in keeping with the “Deed of Agricultural Conservation Easement and Development Rights” on the subject property and would have minimal impact on the “protected values” under the easement. The proposed residence would be harmonious with the surrounding natural environment because it incorporates well-articulated building forms and earth-toned colors and materials. Therefore, the project is consistent with this finding.

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;

The project entails the construction of a new single-family residence that is accessory to the primary agricultural operation of the property. The project would neither inhibit future development of other property in the vicinity, nor create a disruption to the overall surrounding area. Further, the project would not impair, or interfere with the public’s ability
to enjoy any surrounding public lands in the vicinity of the project site because the
development is located solely on private property.

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 would not limit potential development on neighboring properties and would not
have an impact on further investment or improvements on this or any other properties in
the area because the residence is located solely on the subject property and would
maintain adequate separation from property lines.

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

The subject property consists of non-native grasslands and coastal scrub typical of the
agricultural landscape of coastal Marin. The proposed project does not entail the removal
of any trees and would entail the planting of native and drought-tolerant plant species that
would occur in accordance to the requirements of the Marin County Fire Department’s fire
safety standards.

F. It will minimize or eliminate adverse physical or visual effects which might
otherwise result from unplanned or inappropriate development, design or
juxtaposition. Adverse effects may include, but are not limited to, those produced
by the design and location characteristics of:

1. The scale, mass, height, area and materials of buildings and structures,

As discussed above, the proposed project entails the construction of a new 3,199
single-family residence which would be accessory to the primary agricultural use of
the approximately 360-acre lot currently developed with minor agricultural
infrastructure. The proposed residence would be in keeping with the scale, mass, and
height of other proposed agricultural structures including a 2,161 square-foot sheep
shelter, a 4,423 square-foot barn and an 1,871 square-foot agricultural worker housing
unit. The proposed residence would be constructed of colors and materials that would
be compatible with the surrounding natural and built environment because it would
include gray colored stone, Monterey cypress brown frames, silver gray steel railings,
and earth toned stucco wall finishes. The proposed residence would be clustered with
the other proposed structures on less than one percent of the lot and located more
than 900 feet from all property lines. Therefore, the residence would not result in
adverse physical or visual impacts on the surrounding environment and is consistent
with this finding.

2. Drainage systems and appurtenant structures,

The project has been reviewed and accepted by the Department of Public Works and
an engineered grading and drainage plan will be submitted in accordance with the
standards outlined by the Department of Public Works during the Building Permit
review process.
3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

As previously discussed, the development area of the subject property is moderately sloped, and the proposed residence has been sited to follow the contours of the natural terrain. Grading associated with the proposed residence would result in a lower visual profile of the structure, and all spoils would be distributed on the site to avoid a large amount of off-haul. All grading and excavation work would be subject to the review and approval of the Department of Public Works to ensure consistency with Marin County requirements.

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

The project is located entirely upon the owner's property. Driveway improvements within the development area are proposed for new onsite circulation between the proposed residence and other new agricultural structures. The project will not result in any significant increase in overall traffic, and will not have an impact on pedestrian, animal, or vehicular access outside of the project site. Therefore, the project would be consistent with this finding.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

As mentioned above, the project as designed is consistent with the policies of the Countywide Plan, and the Interim Zoning Code (Title 22I), maintains adequate setbacks from all property lines, and is otherwise compatible with surrounding agricultural uses. The project is designed and situated on the lot so that the residence would not result in impacts upon sun and light exposure, views, vistas and privacy presently enjoyed by neighboring properties. Therefore, the project is consistent with this finding.

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.

As designed, the materials proposed to be utilized in construction of the new residence, including gray colored stone, Monterey cypress brown frames, silver gray steel railings, and earth toned stucco wall finishes are compatible with the surrounding agricultural area. The proposed residence is designed to minimize potential adverse physical and visual impacts. Lastly, the project would also need to satisfy all energy saving standards required by the Building Division prior to issuance of building permit. Therefore, the project would be consistent with this finding.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator and is subject to the conditions of project approval.

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.

SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Casale Coastal Permit and Design Review subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Permit and Design Review approval authorizes following development on an approximately 360-acre lot developed with existing agricultural accessory structures in Tomales:

   (a) Construction of a new 3,199 square-foot single-family residence. The residence is approved to reach a maximum height of 24 feet, 6 inches above surrounding grade and is approved to be located more than 900 feet from the northern side property line, and more than 1,000 feet from the western front, southern side, and eastern rear property lines. A new domestic water well is approved to be drilled and a new septic system is approved to be installed to accommodate the development.

   (b) Construction of a new 4,423 square-foot barn. The barn is approved to reach a maximum height of 25 feet above surrounding grade and is approved to be located more than 1,000 feet from all property lines.

   (c) Construction of a new 2,161 square-foot sheep shelter. The sheep shelter is approved to reach a maximum height of 18 feet, 8 ½ inches above surrounding grade and is approved to be located more than 1,000 feet from all property lines.

   (d) Construction of a new 1,871 square-foot agricultural worker housing unit. The agricultural worker housing unit is approved to reach a maximum height of 22 feet, 1 inch above surrounding grade and is approved to be located more than 1,000 feet from all property lines. A new septic system is approved to be installed to accommodate the development.

The approved development would result in a building area of 12,536 square feet and a floor area of 12,286 square feet, resulting in a floor area ratio of .078 percent. The approved application includes an agricultural management plan that entails the continued use of existing livestock grazing and considers future expansion of agricultural operations.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Cerini Ranch," consisting of 48 sheets prepared by Periana Architecture, Inc., received in final form on June 18, 2018 and October 22, 2018, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

The applicant shall modify the project to conform to the following requirements:

   a. Any additional improvements to the existing driveway required to meet the standards of the Marin County Fire Department shall be sited to avoid any wetlands or streams.
b. Any bird nesting surveys prepared for the removal of any vegetation between February 1 through August 15 shall be submitted to the Planning Division for review.

3. The project shall conform to the Planning Division’s “Uniformly Applied Standards 2019” with respect to all of the standard conditions of approval.

SECTION IV: VESTING

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within two 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 obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County 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 five business days from the date of this decision (January 22, 2019).

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 10th day of January 2019.

Christine Gimmler
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Michelle Reed
DZA Recording Secretary
The public hearing began at 10:02 a.m.

1. **CASALE COASTAL PERMIT AND DESIGN REVIEW (PROJECT I.D. P2054) AND CEQA EXEMPTION (14-25) The project is located at 2125 Dillon Beach Road, Tomales, further identified as Assessor’s Parcel 100-090-07.**

In response to a question from the Deputy Zoning Administrator (DZA), staff spoke about the concerns that were raised by the California Coastal Commission in the supplemental memorandum dated 1-10-19.

The public hearing was opened for testimony.

The applicants (Sean Kennings, James Rega, and Matt Richmond) spoke about the project and addressed the concerns identified by the California Coastal Commission (CCC). Specifically, Matt Richmond confirmed that the biological assessment had considered wetlands meeting the Coastal Commission’s single parameter criteria, that appropriate buffers for sensitive bird nesting areas would be identified, if needed, following bird surveys, and that identified non-native grasslands did not qualify as coastal terrace prairie.

The public hearing was closed for testimony after everyone had spoken.

The DZA acknowledged the Coastal Commission’s concerns and the responses provided by the applicant.

In response to the request from the DZA, staff stated that she will add a condition requiring that any bird nesting surveys be submitted for staff review prior to any ground disturbance during the Building Permit Review phase.

The Deputy Zoning Administrator adopted the revised Resolution and approved the Casale Coastal Permit and Design Review.

The Deputy Zoning Administrator informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) business days (January 22, 2019).