



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR FREEDOMHOWLER COASTAL PERMIT AND MINOR DESIGN REVIEW

Item No:	2	Application No:	CP 10-24 and DM 10-25
Applicant:	Shea Freedomhowler	Owner:	Shea Freedomhowler
Property Address:	175 Poplar Road, Bolinas	Assessor's Parcel:	192-081-14
Hearing Date:	May 12, 2011	Planner:	Kristina Tierney

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	5 working days to the Planning Commission
LAST DATE FOR ACTION:	July 1, 2011

PROJECT DESCRIPTION:

The applicant is requesting a Coastal Permit and Minor Design Review to legalize a 199 square foot greenhouse and three 1,500 gallon water tanks to support the use of the property for growing crops. No onsite retail or employees are proposed.

The greenhouse would maintain the following property line setbacks: 25 feet to the front (north) property line, 11 feet to the side (east) property line, 70 feet to the side (west) property line, and 57 feet to the rear (south) property line.

GENERAL INFORMATION

Countywide Plan: C-SF5 (Coastal single-family, 2-4 units/acre)
 Zoning: C-RA:B2 (Coastal residential, agricultural district, 10,000 square foot minimum lot area)
 Lot size: 10,000 square feet
 Adjacent Land Uses: Single-family residential
 Vegetation: Non-native ruderal vegetation
 Topography and Slope: Flat
 Environmental Hazards: None identified

ENVIRONMENTAL REVIEW

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 of the CEQA Guidelines because it entails the construction of a small structure.

PUBLIC NOTICE AND COMMENTS

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property. No comments were received.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Bolinas Gridded Mesa Community Plan, and the Local Coastal Program, Unit 1. Please refer to the plan consistency findings IV, V, and VI in the attached recommended resolution.

PROJECT ANALYSIS:

The applicant originally applied for a Coastal Permit and Design Review to legalize a 199-square-foot shed and three water tanks on a vacant property to be used for a small-scale wheatgrass business in response to a Code Enforcement violation. Through the permit process, the applicant discovered that a full septic system and water supply would be required to satisfy Marin County Environmental Health Service Division (EHS) requirements. The property is not large enough to accommodate an onsite septic system and water well and as it does not have a hookup to the Bolinas Public Utilities District for water service, obtaining these services served to limit the options for permitting the project. Therefore, the applicant revised his project to reduce the scope to consist of legalizing the greenhouse and shed to support growing crops on the site. No septic or water well are proposed at this time. The primary use of the property will be for weekend gardening and other small scale agricultural uses, as allowed by the zoning district.

The proposed project is consistent with the required findings for approval of a Coastal Permit contained in Chapter 22.56I and Design Review contained in Chapter 22.82I of the Marin County Code.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Freedomhowler Coastal Permit and Minor Design Review.

- Attachments:**
1. Proposed Resolution recommending approval of the Freedomhowler Coastal Permit and Minor Design Review applications
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Project Plans
 6. Marin County Department of Public Works Memo, 1/14/2010
 7. Marin County Environmental Health Services Memo, 4/29/11
 8. Bolinas Community Public Utility District, 2/1/2010

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 11-XXX

A RESOLUTION APPROVING THE FREEDOMHOWLER COASTAL PERMIT
AND MINOR DESIGN REVIEW
175 POPLAR ROAD, BOLINAS
ASSESSOR'S PARCEL 192-081-14

SECTION I: FINDINGS

I. WHEREAS Shea Freedomhowler is requesting a Coastal Permit and Minor Design Review to legalize a 199-square-foot greenhouse and three 1,500 gallon water storage tanks to support the use of the property for growing crops for the sale off-site. No onsite retail use or employees are proposed.

The subject property is located at 175 Poplar Road, Bolinas, and is further identified as Assessor's Parcel 192-081-14.

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 construction of small 199 square foot greenhouse.

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 Gridded Mesa 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 an accessory structure, which is 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;
- 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

As conditioned, the project does not have or require a permanent water source. While the original proposal included three water catchment tanks, Marin County EHS Services Division was never provided with the information necessary to permit these tanks and therefore they are not included as part of this approval.

B. Septic System Standards

The project does not trigger the requirements for a septic system and none is proposed as part of the project.

C. Grading and Excavation

No grading or excavation would be required for the project.

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, as no grading or excavation is required for the project, any resources present on the site would be undisturbed. 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 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 the Ricksecker's water scavenger beetle (*Hydrochara rickseckeri*); however, the project site does not contain suitable habitat for the species and the project would not involve any grading or excavation or other activities that could affect the 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 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 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 legalization of a small accessory structure. 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. 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 Gridded Mesa Community Plan as it entails the legalization of a small greenhouse 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;

As conditioned, the project would maintain adequate setbacks from all property lines and would not result in the loss of light or privacy to adjacent neighbors. There is a small existing tool shed located on the eastern property line that does not meet the setbacks required by the C-RA:B2 zoning district. Therefore, as conditioned this structure must either meet the required setbacks or be removed.

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 greenhouse is a small, 199 square foot structure that has adequate setbacks to all property lines. The height of the structure, 15 feet, complies with the 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.

- 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 as conditioned, roofing and siding

materials would be approved by the Planning Department and would be 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 Freedomhowler Coastal Permit (CP 10-24) 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 Freedomhowler Coastal Permit and Minor Design Review are approved to legalize a 199 square foot greenhouse.

The subject property is located 175 Poplar Road, Bolinas, and are further identified as Assessor's Parcel 192-081-14.

2. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Freedomhowler Farm," consisting of 2 sheets prepared by Peacock Designs and received December 30, 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 changes. Once approved, the plans shall be incorporated into the approved project file as "Exhibit A-1" and shall supersede "Exhibit A."
 - a. The water catchment tanks shall be eliminated from the project.
 - b. The applicant shall submit an exterior building materials and colors board depicting the use of earth tone exterior materials and colors. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
 - c. Move the existing tool shed on the eastern property line to meet setbacks or remove it.
4. 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.
5. No exterior lighting is proposed or approved as part of this project.

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. 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.

Code Enforcement

8. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the greenhouse. 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.
9. 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.
10. 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.

Marin County Environmental Health Services

11. The use of this parcel shall not include a business with employees or workers as described by the applicant in previous submittals without a County-approved potable water source and the installation of a County-permitted onsite sewage disposal system (Marin County Code: Chapter 18.06.040).

BEFORE ISSUANCE OF A BUILDING PERMIT:

12. A deed recording regarding the use of the building is required.

SECTION III: VESTING 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 22.82.130I and Section 22.56.120I of the Interim Zoning Ordinance 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 **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