

CALIFORNIA COASTAL COMMISSION

725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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**Important Hearing Procedure Note:**

This is a substantial issue only hearing. Public testimony will be taken only on the question whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

Th10a

Appeal Filed: 6/07/2011
49th Day: Waived
Staff: J.Manna - SF
Staff Report: 11/1/2012
Hearing Date: 11/15/2012

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION

Appeal No.:	A-2-MAR-11-029	See additional correspondence received.
Applicant:	Shea Freedomhowler	
Appellant:	Stacey Henderson	
Local Government:	Marin County	
Local Decision:	Approved with conditions by the Marin County Deputy Zoning Administrator on May 12, 2011 (County Coastal Development Permit Number 09-398)	
Location:	175 Poplar Road, Bolinas, Marin County (APN 192-081-14)	
Project Description:	After-the-fact recognition of a 199-square-foot greenhouse.	
Staff Recommendation:	No Substantial Issue.	

SUMMARY OF STAFF RECOMMENDATION

Marin County approved a coastal development permit (CDP) to recognize a 199 square-foot greenhouse on a property zoned for residential use and small-scale agriculture, located at 175 Poplar Road in Bolinas. The Appellant contends that the County's decision is inconsistent with

the Marin County Local Coastal Program (LCP) because it allows development of a greenhouse without any evidence that the structure is required for agriculture. Specifically, the Appellant contends that: 1) the County approved the greenhouse as an accessory to an agricultural operation without any evidence that the building is connected to agriculture; 2) the County is using a “rule of convenience” to allow structures of this size to be constructed on coastal residential agricultural district parcels if they are considered greenhouses; 3) the condition that requires the Applicant to submit an Agricultural Management Plan for review and approval by the County does not provide for public review of that document; and 4) allowing structures of this nature on vacant lots in the Bolinas Gridded Mesa would have a cumulative adverse impact on coastal resources.

After reviewing the local record, Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project’s conformance with the Marin County LCP. The approved greenhouse is a principally permitted use that is small in scope and complies with all applicable LCP policies, including design and site setback requirements. Specifically, the appeal contentions are addressed as follows: 1) the design of the structure and information about the proposed agricultural use of the property provide factual support that the structure is a greenhouse and would be used to support agricultural activities on the property; 2) the approved project is consistent with the purpose, permitted uses, and design standards for the parcel’s zoning district; 3) the public was provided with an opportunity to express their concerns regarding the approved project at the public hearing; and 4) the footprint of the structure is small and the planned agricultural activities would not adversely impact coastal resources.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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EXHIBITS

- Exhibit 1 – Project Location Map
- Exhibit 2 – Approved Project Site Plan
- Exhibit 3 – Approved Project Design
- Exhibit 4 – County’s Final Local Action Notice
- Exhibit 5 – Appeal Contentions
- Exhibit 6 – Preliminary Agricultural Management Plan
- Exhibit 7 – C-RA: B2 Zoning Design Standards

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission determine that Appeal Number A-2-MAR-11-029 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a **yes** vote.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion would result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission would not hear the application de novo and the local action would become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution:

The Commission finds that Appeal Number A-2-MAR-11-029 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The Marin County-approved project authorizes a 199 square-foot greenhouse after-the-fact on a 10,000 square-foot lot located at 175 Poplar Road (APN 192-081-14) in the Bolinas Gridded Mesa (see **Exhibit 1**). Construction of the greenhouse began in the summer of 2006 but was halted in 2007 after the County flagged the structure because it had not yet been authorized by a CDP. The subject parcel is zoned C-RA: B2 under the Bolinas Gridded Mesa Plan, and is surrounded by other properties also zoned C-RA: B2. C-RA is the zoning district for coastal residential agricultural, and B2 further defines this district as parcels with a minimum lot size of 10,000 square feet. The Marin County LCP outlines policies for C-RA districts regarding the purpose, principal permitted uses, and design standards, and further defines design standard regulations (building site requirements, setbacks, height limit) for B districts which correspond to the lot size. Therefore, the policies that apply to the overall C-RA district and the specific policies that apply to the B2 district, apply in this case. The property is flat and contains non-native ruderal vegetation. At the time of local approval, the development on the property included the partially constructed greenhouse, two small ponds and a tank for water storage, and a small tool shed. The approved project is subject to consistency with the Marin Countywide Plan, the LCP's Bolinas Gridded Mesa Plan, and the Local Coastal Program, Unit I.

Originally, the Applicant proposed after-the-fact authorization of the greenhouse as well as approval of three water tanks on the property to be used for a small-scale wheatgrass business.

This original project would have required a full septic system and water supply on the property. However, the property is not large enough to accommodate an onsite septic system and water well, and does not have a hookup to the Bolinas Public Utilities District for water service. As a result, the Applicant scaled down the project to only request authorization of the greenhouse, which is intended to support weekend gardening and other small-scale agricultural uses on the property. Thus, the County CDP approves the greenhouse only, and requires removal of the water tank and ponds, and relocation of the existing tool shed (so it meets setback requirements) or removal if it can't meet setback requirements, and restoration of disturbed areas (see Special Condition #3 in **Exhibit 4**). Currently, the partially constructed greenhouse, water tank, and ponds are still on the property, but the tool shed has been removed.

The County-approved greenhouse is set back 25 feet from the front (north) property line, 11 feet from one side (east) property line, 70 feet from the other side (west) property line, and 57 feet from the rear (south) property line (see **Exhibit 2**). The greenhouse structure has a floor area of 199 square-feet and a height just under 15 feet. The greenhouse is built on a reinforced concrete footing and includes three large glass insulated windows on the south facing side, three alcoves extending out of the sides of the structure to be used for potting and tool storage, a corrugated metal roof, and walls constructed out of plywood sheathing and lexan thin-wall polycarbonate greenhouse sheathing (see **Exhibit 3**).

B. MARIN COUNTY CDP APPROVAL

On May 12, 2011, the Marin County Deputy Zoning Administrator approved CDP 09-398 legalizing the construction of a 199 square-foot greenhouse on the Applicant's property, and removal/relocation of other site improvements as described above. The County's notice of final local action was received in the Coastal Commission's North Central Coast District office on May 23, 2011 (**Exhibit 4**). The Coastal Commission's ten-working day appeal period for this action began on May 24, 2011 and concluded at 5pm on June 7, 2011. One valid appeal of the County's CDP decision was received during the appeal period (see below and see **Exhibit 5**).

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is located between the between the sea and the first public road paralleling the sea.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section

30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project includes components that are located between the nearest public road and the sea and thus this additional finding would need to be made if the Commission were to approve the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellant contends that the approved project is inconsistent with the Marin County Local Coastal Program (LCP) because it allows development of a greenhouse without any evidence that the structure is required for agriculture. Specifically, the Appellant contends that: 1) the County approved the greenhouse as an accessory to an agricultural operation without any evidence that the building is connected to agriculture; 2) the County is using a “rule of convenience” to allow structures of this size to be constructed on coastal residential agricultural district parcels if they are considered greenhouses; 3) the condition that requires the Applicant to submit an Agricultural Management Plan for review and approval by the County does not provide for public review of that document; and 4) allowing structures of this nature on vacant lots in the Bolinas Gridded Mesa would have a cumulative adverse impact on coastal resources. Please see **Exhibit 5** for the Appellant’s contentions.

E. SUBSTANTIAL ISSUE DETERMINATION

Agricultural Connection

¹ The term “substantial issue” is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government’s CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the County does not raise a substantial issue with regard to the Appellant’s contentions.

The Appellant claims that the County approved the greenhouse as an accessory to an agricultural operation without any evidence that the building is connected to agriculture. The project is located on land intended for both residential use and small-scale agriculture, but both agricultural and residential uses within the Bolinas Gridded Mesa are highly constrained, due in part to the small size of the parcels. As described above, the property is zoned C-RA: B2. The Marin County LCP (Section 22.57.042I) lists accessory buildings and greenhouses as principle permitted uses on C-RA zoned land (see the next section below for the specific LCP language). There are no further specifications in the LCP regarding the types of activities that need to take place within a structure for it to be considered a greenhouse. As illustrated in **Exhibit 3**, elements incorporated into the project design provide evidence that the structure would be used as a greenhouse to support agricultural activities on the property. These elements include:

- Three large windows on the bottom half of the south facing side, which would provide direct light for plants.
- Two alcoves on the north and west sides of the structure which would be used for a potting table and tool storage.
- Walls constructed out of lexan thin-wall polycarbonate sheathing which would allow for additional light penetration within the structure for plants.

In addition, the County required in its conditions of approval that the Applicant submit an Agricultural Management Plan prior to issuance of a building permit. This condition reflects the fact that the approval is based on the greenhouse being used for agricultural purposes, and further ensures that will be the case through County sign-off of the required plan. While the Appellant is correct that the actual plan was not available for public review at the time of the County's approval, the County maintains publicly available guidance on the required content of such plans, and there is little to suggest that the required plan won't follow such established protocols.

In addition, in the time since this matter was appealed, additional information about the agricultural use of the property was submitted by the Applicant (see **Exhibit 6**). This information further supports the County's action and requirements that the greenhouse facilitate planned agricultural activities. Pursuant to the Applicant's submittal, the greenhouse would be used to germinate seeds, process seeds, fruits and vegetables, and house basic agriculture equipment. The equipment would be used to remove invasive species from the property and develop and maintain a native plant display garden. The seed germination would support the development of moderate sized crops of seasonal flowers, fruits, and vegetables on the property. The nature of such agricultural uses will be further documented through the County-required Agricultural Management Plan.

Therefore, the County's approval of this structure as a greenhouse that would function as an accessory to the proposed agricultural operation is supported by the evidence in the record to be consistent with LCP Section 22.57.042I. This appeal contention therefore does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

Design Standards for Agricultural Accessory Structures

The Appellant claims that the County is using a "rule of convenience" to allow the construction of buildings up to 15 feet high with a floor area of 199-square-feet on C-RA: B2 parcels, as long

as the building is considered a greenhouse. As discussed above, there is sufficient evidence from the project design and proposed use of the parcel to verify that the structure would be used as a greenhouse. Allowable uses and design standards applicable to C-RA zoned land are as follows:

22.57.040I C-R-A--Coastal residential, agricultural districts.

22.57.041I Purpose. The purpose of this district is to provide for residential use, combined with small scale agricultural activities, subject to specific development standards.

22.57.042I Principal Permitted Uses. The following uses are permitted in all C-RA districts:

- 1. Single-family residence;*
- 2. Small livestock farming; provided, that not to exceed one horse, or one cow, or one hog, or three sheep, or three goats, or other similar livestock may be kept for each twenty thousand square feet of area of the lot, to a maximum of three horses, or three cows, or three hogs, or six sheep, or six goats or other similar livestock maintained on any one lot;*
- 3. Crops, horticulture, nurseries and greenhouses;*
- 4. Accessory buildings;*
- 5. Home occupations; and*
- 6. Bed and breakfast operations as defined in Section 22.02.103I, for such operations which offer or provide not more than three guest rooms.*

22.57.044I Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200I, "Design standards table".

As stated above, the purpose of the C-RA zoning district includes providing for small-scale agricultural activities, and greenhouses are listed as one of the principal permitted uses within this district. Since the approved structure would function as a greenhouse and would support small-scale agricultural activities on the property, it is consistent with the purpose and permitted uses within the C-RA zoning district.

Design standards for development in C-RA: B2 districts are outlined in LCP Section 22.57.200I (see **Exhibit 7**). LCP Section 22.57.200I identifies minimum setbacks of 25 feet in the front, 10 feet on the sides, and 20% of lot depth (which translates to 20 feet for this property) in the rear; maximum heights of 25 feet (although the typical heights for accessory structures in this area are closer to 15 feet); and maximum floor to area ratio (FAR) of 30% (which translates to 3,000 square-feet for this property). The greenhouse is setback 25 feet from the north (front) property line, 11 feet from the side (east) property line, 70 feet from side (west) property line, and 57 feet from the rear (south) property line, is just under 15 feet in height, and has a floor area of 199 square-feet (see **Exhibit 2** and **Exhibit 3**). Therefore, the structure meets the design standards for C-RA: B2 districts for agriculture accessory structures. As designed, the approved development

is consistent with the purpose, permitted uses, and design standards for the C-RA: B2 zoning district.

This appeal contention therefore does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

Public Review of the Agricultural Management Plan

The Appellant contends that the requirement for an Agricultural Management Plan as a condition of the CDP approval limits the public's input on such Plan, including in terms of the public's ability to review the Plan and appeal staff-level decisions. As described above, the evidence in the record is clear as to the intent for the approved greenhouse. The Applicant has further detailed their intent in submittals since the time of appeal (see **Exhibit 6**). The County's approval is for a fairly small-scale agricultural accessory structure. The issues associated with the project were appropriately considered at a public hearing on May 12, 2011, with proper notice provided by the County. Therefore, members of the public were provided with an opportunity to express their interests and concerns related to this coastal permit, including the agricultural activities taking place on the property. The Appellant participated in those proceedings. In addition, because the approved project is consistent with the purpose, permitted uses, and design standards for the C-RA: B2 zoning district (as discussed in the previous section), the Agricultural Management Plan only documents that the greenhouse will be used to support the proposed small-scale agricultural use of the land. For all the above reasons, this contention does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

Cumulative Coastal Impacts on the Bolinas Gridded Mesa

The Appellant contends that allowing structures of this nature on vacant lots within the Bolinas Gridded Mesa would have a cumulative effect on coastal resources. LCP policies regarding location and density of new development in Bolinas state:

40. Redevelopment/rehabilitation of existing structures and new construction on the Bolinas Gridded Mesa shall be permitted in accordance with the adopted policies of the Bolinas Gridded Mesa Plan (adopted by the Board of Supervisors on November 27, 1984).

As mentioned above, new construction on the Bolinas Gridded Mesa shall be permitted in accordance with the Bolinas Gridded Mesa Plan policies. The Bolinas Gridded Mesa Plan, which identifies the physical characteristics of the Bolinas Gridded Mesa and restricts development on small parcels in this area, states:

The soils, the geology, the slope and slope stability, the existing land use and ownership patterns, and the modified drainage patterns tend to limit the planning opportunities more than do other factors, such as the existing vegetation and wildlife characteristics. Where limiting factors overlap, cumulative constraints act to further direct the planning process. For example, soil characteristics, when considered by themselves, may limit on-site sewage disposal, construction of buildings and roads, and agriculture. When such soil limitations are combined with the constraints associated with excessive slopes or the existing surface

drainage patterns, cumulative constraints may prohibit development of any kind in that area. Thus, it is often a combination of factors that constrain the planning options.

Creation of the C-RA: B2 development zone in the Bolinas Gridded Mesa was part of a land use plan policy set forth in the Bolinas Gridded Mesa Plan attempting to create minimum lot sizes for residential units that would need on-site sewage disposal systems. The minimum lot sizes correspond to soil types, recognizing that some soils in the area are constrained in their ability to support onsite sewage disposal for residential purposes. These policies state:

Policy LU-5: The minimum parcel sizes for residential development on the Mesa shall be restricted by location if on-site sewage disposal systems are used. There shall be three areas for development corresponding to the constraints to on-site sewage, disposal inherent in the soils. The minimum lot size in these three areas shall be 10,000, 20,000 and 40,000 square feet, respectively. In the area requiring a minimum parcel size of 10,000 square feet, 20 to 22 new residential units are possible if a lot consolidation program is implemented. Similarly, in the area requiring a minimum parcel size of 20,000 square feet, 8 to 10 new residential units are possible, and in the area requiring a minimum parcel size of 40,000 square feet, 40 to 43 new residential units are possible. Further study may reveal some areas within this one which are suitable for inclusion in a different zone (see Program LU-5.5). Assessment of a site for a zoning change must include consideration of the cumulative impacts of on-site sewage disposal, including groundwater mounding and soil nitrate accumulation.

LU-5.1--Establish a residential development zone (C-R-A-B2) on the Mesa corresponding to the extent of the T I soils identified by Questa (1983). Require the minimum lot size in this zone to be 10,000 square feet (Figure 4-4). Time Frame: Immediately. Development potential: 20 to 22 residential units.

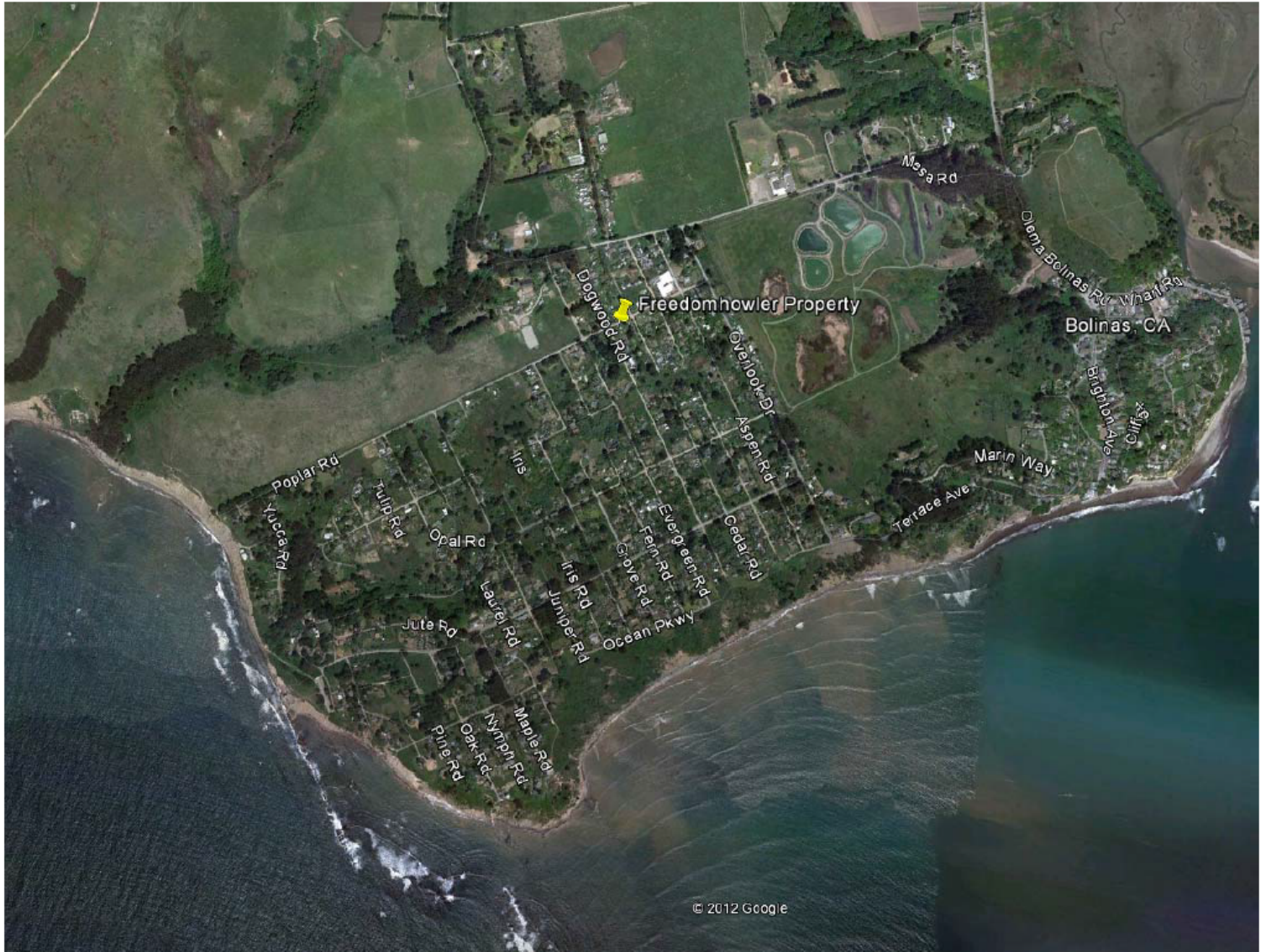
While the subject parcel meets the minimum lot size for residential development in this zoning district, the County determined that this parcel would not be able to support a septic system or a stable water source. Thus, the parcel's constraints in this respect already limit the amount and type of development that can take place on the site, which will limit subsequent impacts to coastal resources that can occur on the property. While cumulative impacts of development on vacant lots in the Bolinas Gridded Mesa should be carefully assessed, the small size, minimal use, and specific type of agricultural activities outlined in this project ensure that the approved project will avoid significant adverse impacts to coastal resources. Further, like the approved development, all new development will be subject to LCP provisions which will continue to protect against significant adverse impacts to coastal resources. Finally, the agricultural activities planned on the property are likely to improve overall resource values through the removal of invasive species and replanting with native perennial vegetation. Thus, this contention does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

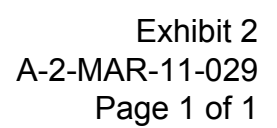
F. CONCLUSION

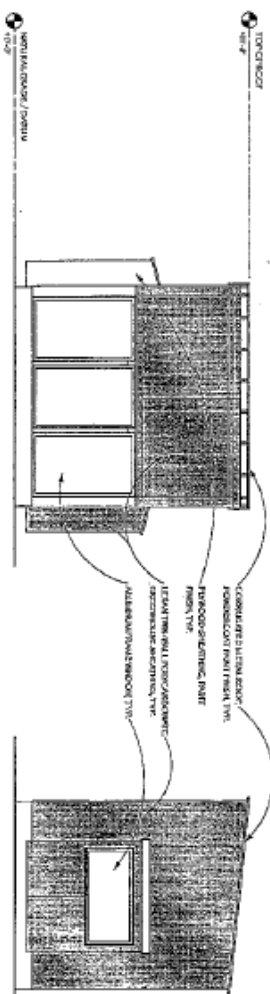
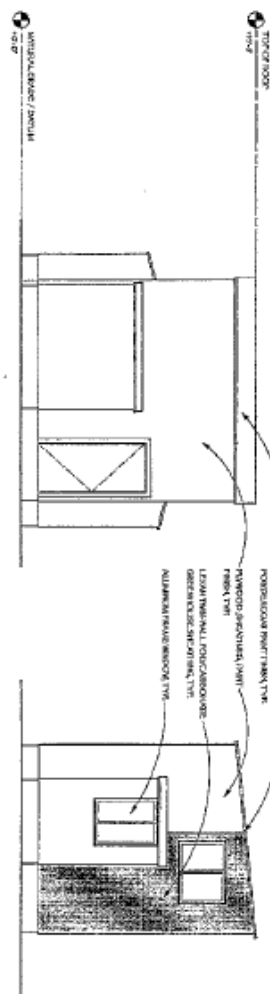
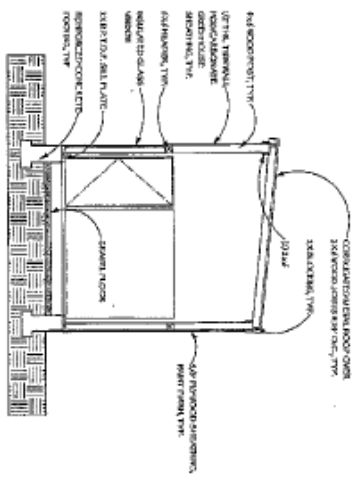
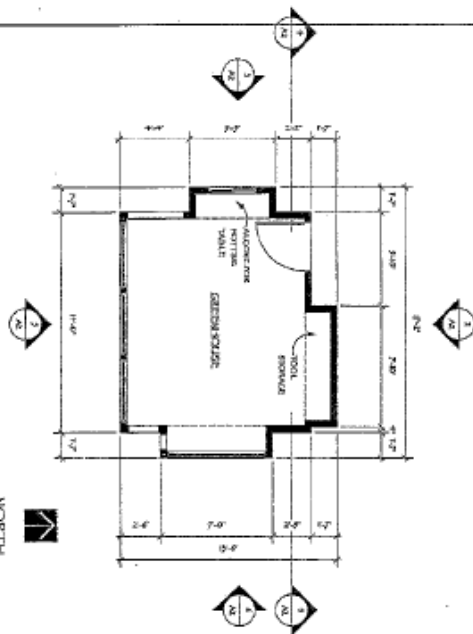
When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. As described above, the Commission has been guided in its decision of whether the issues raised in a given case are “substantial” by the following five factors: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance.

First, the approved greenhouse is small in size and would be used for small-scale agricultural activities that would occur at the site on a monthly basis. Thus, the extent and scope of this project weigh in favor of a finding of no substantial issue. Secondly, the approved project is consistent with the purpose of the zoning district, qualifies as a principally permitted use within the zoning district, and complies with the LCP’s design standards for agricultural accessory structures. The project also would improve the habitat quality of the site by supporting the removal of invasive species and planting of native plants. Thus, there are no significant coastal resources affected by the decision, and coastal resources would actually be enhanced by this approval. Lastly, the decisions made here are site and LCP-specific and therefore do not raise issues of regional or statewide significance. Therefore, given that the evidence supports the County’s action and the County’s analysis did not result in the approval of a project with significant coastal resource impacts, the Commission finds the appeal does not raise a substantial issue of conformance with the LCP.

Given these considerations, the Commission finds that when all five substantial issue factors are weighed together, the appeal contentions do not raise a substantial LCP conformance issue and thus the Commission declines to take jurisdiction over the CDP for this project.







1 NORTH ELEVATION

2 WEST ELEVATION

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

**NOTIFICATION OF APPEAL PERIOD**

DATE: May 24, 2011
TO: Kristina Tierney, Planner
County of Marin, Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157
FROM: Ruby Pap, District Supervisor *RP*
RE: **Application No. 2-MAR-10-013**

Please be advised that on May 23, 2011 our office received notice of local action on the coastal development permit described below:

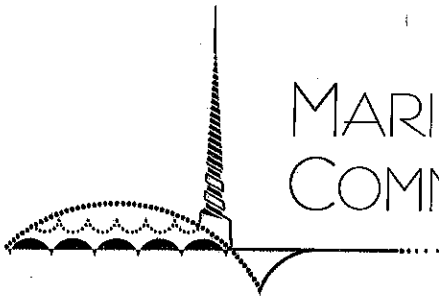
Local Permit #: CP 10-24 / DM 10-25
Applicant(s): Shea Freedomhowler
Description: To legalize a 199-square-foot greenhouse.
Location: 175 Poplar Road, Bolinas (Marin County) (APN(s) 192-081-14)

Unless an appeal is filed with the Coastal Commission, the action will become final at the end of the Commission appeal period. The appeal period will end at 5:00 PM on June 7, 2011.

Our office will notify you if an appeal is filed.

If you have any questions, please contact me at the address and telephone number shown above.

cc: Shea Freedomhowler



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

2- MAR-10-013

NOTICE OF FINAL LOCAL (DEPUTY ZONING ADMINISTRATOR) DECISION

Pursuant to Coastal Act Section 30603(d), Coastal Commission Regulations Section 13571, and LCP Policy and/or Implementation Plan.

May 20, 2011

California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

RECEIVED

MAY 23 2011

CALIFORNIA
COASTAL COMMISSION

Attention: Coastal Planner

Applicant's Name: Shea Freedomhowler
Coastal Permit Number: Coastal Permit-I.D. 09-398
Assessor's Parcel Number: 192-081-14
Project Location: 175 Poplar Road, Bolinas
Determination: Approved With Conditions
(Resolution of the May 12, 2011 Deputy Zoning
Administrator enclosed)
Decision Date: May 12, 2011
County Appeal Period: Five (5) Working Days

Local review is now complete.

This permit IS appealable to the California Coastal Commission.

Any correspondence concerning this matter should be directed to Kristina Tierney, Planner,
at 473-4333.

Sincerely,

Kristina Tierney
Planner

Exhibit 4

A-2-MAR-11-029

**MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY
MEMORANDUM**

DATE: May 20, 2011

TO: Shea Freedomhowler and all interested parties

FROM: Joyce Evans, Secretary

RE: Freedomhowler Revised Resolution # 11-117

It has come to my attention that a transcription error resulted in a Condition of Approval being omitted from the Freedomhowler Resolution. I have attached the revised Resolution with corrected Condition of Approval #3 and apologize for any inconvenience this may have caused.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

REVISED RESOLUTION NO. 11-117

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. 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 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 blue line 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 public views 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 because no septic system or well are proposed on the property that could potentially constrain development on adjacent

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 due to its small scale.

- 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 and approved by the Department of Public Works. No drainage improvements are required.

- 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 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.

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. The existing tool shed on the eastern property line shall be removed.
 - d. The applicant shall submit an Agricultural Management Plan for review and approval by the County.
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. The applicant shall record a deed restriction stipulating that the property does not have an approved potable water source or an approved onsite sewage disposal system and therefore cannot accommodate a residence or employees.

Marin County Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT:

13. Project plans must be amended so that the fence and vegetation along the corner of Poplar Road and Dogwood Road do not exceed more than two feet six inches above the street level of any adjacent intersection, within the area between the property line and a diagonal line joining points on the property lines which are thirty-five feet from their intersection, as extended, in compliance with Section 13.18.010 – Unlawful obstructions of Title 24.

SECTION III: VESTING 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.

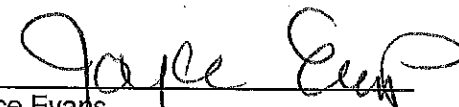
NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on May 19,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

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-6260 FAX (415) 904-6400
TDD (415) 597-5885

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form

RECEIVED**SECTION I. Appellant(s)**

JUN 07 2011

Name: Stacey Henderson
Mailing Address: Post Office Box 713
City: Bolinas

Zip Code: 94924

Phone: (415) 868-2004

COASTAL COMMISSION
NORTH CENTRAL COAST

SECTION II. Decision Being Appealed

1. Name of local/port government: Marin County Community Development Agency
2. Brief description of development being appealed:
Non-agricultural building approved as accessory to an agricultural operation despite any representation by the applicant that any agriculture is planned or any showing that the approved building is in anyway connected to agriculture.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
175 Poplar Road, at Dogwood, Bolinas; APN 192-081-14
4. Description of decision being appealed (check one.):
☐ Approval; no special conditions
☒ Approval with special conditions: Condition 3.d. requires an Agricultural Management Plan
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-2-MAR-11-029

DATE FILED:

6/7/11

DISTRICT:

North Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☒ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: March 12, 2011

7. Local government's file number (if any): Resolution 11-117

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Shea Freedomhowler
1047 6th Street
Arcata CA 95521

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Stacey Henderson

Post Office Box 713
Bollinas CA 94924

(2) Bollinas Community Public Utility District

Post Office Box 390
Bollinas CA 94924

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

This application was approved despite it not being a complete application. Staff recommended condition 3.d. which requires that the applicant subsequently file an Agricultural Management Plan which will vest the approval of the project.

Condition 3.d. denies the review and appeal rights of the public, the planning commission, and the coastal commission of Staff-Level actions. It requires a future submission to vest the approval which is not available for review or appeal until all dates for appeals have past.

A denied application can be resubmitted, an approval cannot be appealed.

It would appear from prior decisions of planning staff at 421 Ocean Parkway, 340 Fern and now at 175 Poplar Road, all in Bolinas, the planning department has fashioned a new rule of convenience not found in the Coastal Act that allows any structure on a C-RA:B2 parcel so long as it does not exceed 15 feet in height, 199 square feet in square footage and is labeled a greenhouse despite any showing of an agricultural need for such a structure.

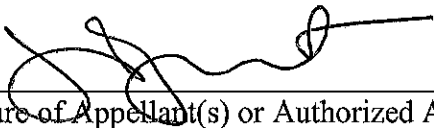
The planning staff went so far as to request that the applicant change the roof of the structure to translucent so that the submission would fit into its defacto rule.

The cumulative effect of allowing every undeveloped lot in the Bolinas Gridded to have a 15 foot high, 199 square foot building as long as it is labeled Agriculture and removing the appeal rights of the public and the Coastal Commission could have significant impacts on Coastal resources that should be reviewed by the Coastal Commission and not at the staff level.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date
: 6/4/2011

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

JOHN WM. BRYANT, ESS.
to act as my/our representative and to bind me/us in all matters concerning this appeal.



Signature of Appellant(s)

Date
: June 4, 2011

Shea FreeLove

Intercontinental Super Clown

Shea Love Freedomhowler
1047 6th Street, Arcata, CA 95521
freelovecircus@yahoo.com
(707)845-5842

Parcel #192-081-14

Jeannine Manna

175 Poplar, Bolinas CA 94924

Agricultural Management Plan

The use of the permitted structure would be to house basic agricultural equipment such as; shovels, lawnmowers, mulch, potting soil, pots and buckets. The rest of the property would be maintained as a simply display garden with native plants. The landscaping materials would be acquired locally at Larner Seeds and Las Baulines Nursery. The property would require minimal monthly maintenance and the structure would otherwise be used for seed germination.

There are three areas on the property that could be used for moderate sized crops of seasonal flowers or fruits and vegetables. The Greenhouse design has large south facing windows that would be very beneficial for germinating seasonal crops. The greenhouse would rotate between processing seeds, fruits and vegetables at the end of a season and germinating seeds for the next season.

22.57.200I Design standards table.

The following design standards shall apply in the respective coastal districts:

Zone	Building Site Requirements	Setbacks	Floor area				
District	Lot Area	Average Width	Front	Side	Rear	Height	Ratio
C-R-A	7,500 sq. ft.	60 ft.	25 ft. lot depth ¹	6 ft.	20%	25 ft.*	30%
C-H-1	7,500 sq. ft.	60 ft.	-	-	-	25 ft.*	-
C-R-I	7,500 sq. ft.	60 ft.	25 ft. lot depth ¹	6 ft.	20%	25 ft.*	30%
C-R-2	7,500 sq. ft.	60 ft.	25 ft. lot depth ¹	6 ft.	20%	25 ft.*	30%
C-VCR	7,500 sq. ft.	60 ft.	0 ft.	5 ft.	15 ft. ¹	25 ft.*	-

¹ Maximum rear yard setback of 25 feet.

* Height limit in Stinson Beach Highlands shall be seventeen feet.

² Commercial uses in C-VCR districts have no side and rear setbacks required.
(Ord. 2637 § 6 (part), 1981)

22.57.201I Regulations for B districts.

In any C district which is combined with any B district, the following design standard regulations, as specified for the respective B district, shall apply.

Zone	Building Site Requirements		Setbacks			
District	Lot Area	Average Width	Front	Side	Rear	Height
B-D	1,750 sq. ft.	35 ft.	10 ft.	5 ft.*	10 ft.	20 ft.
B-1	6,000 sq. ft.	50 ft.	25 ft.	5 ft.*		
B-2	10,000 sq. ft.	75 ft.	25 ft.	10 ft.		
B-3	20,000 sq. ft.	100 ft.	30 ft.	15 ft.		
B-4	1 acre	150 ft.	30 ft.	20 ft.		
B-5	2 acres	150 ft.	30 ft.	20 ft.		
B-6	3 acres	175 ft.	30 ft.	20 ft.		

* Side setback on corner lots--Minimum of ten feet.
(Ord. 2703 § 19, 1982; Ord. 2637 § 6 (part), 1981)

Th/Oa

From: John Wm. Bryant [<mailto:jwb@belvederelaw.com>]
Sent: Tuesday, November 13, 2012 12:18 PM
To: Cavalieri, Madeline@Coastal
Cc: 'Stacey Henderson'; Manna, Jeannine@Coastal
Subject: RE: Appeal No. A-2-MAR-11-29 (Freedomhowler, Marin Co.)

Please see our withdrawal of appeal attached – original will be mailed to you.
Thank you for your time.
John

John Wm. Bryant
~~~~~  
Attorney at Law  
118B Main Street  
Belvedere CA 94920  
(415) 435-4444  
(415) 435-9444 Facsimile  
[jwb@belvederelaw.com](mailto:jwb@belvederelaw.com)  
[www.belvederelaw.com](http://www.belvederelaw.com)

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The information contained in this transmission is attorney privileged and/or confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

**From:** Cavalieri, Madeline@Coastal [<mailto:Madeline.Cavalieri@coastal.ca.gov>]  
**Sent:** Tuesday, November 13, 2012 8:17 AM  
**To:** [jwb@belvederelaw.com](mailto:jwb@belvederelaw.com)  
**Cc:** 'Stacey Henderson'; Manna, Jeannine@Coastal  
**Subject:** RE: Appeal No. A-2-MAR-11-29 (Freedomhowler, Marin Co.)

Yes, a letter signed by Ms. Henderson requesting that the appeal be withdrawn will suffice. Please e-mail or fax a copy as soon as possible (preferably today) and then mail us the hard copy for our files. You could fax it to me 831-427-4877.

Thanks,  
Madeline

---

**From:** John Wm. Bryant [[jwb@belvederelaw.com](mailto:jwb@belvederelaw.com)]  
**Sent:** Friday, November 09, 2012 9:28 AM  
**To:** Cavalieri, Madeline@Coastal  
**Cc:** 'Stacey Henderson'  
**Subject:** Appeal No. A-2-MAR-11-29 (Freedomhowler, Marin Co.)

Ms. Cavalieri:  
What is the process for withdrawing Ms. Henderson's appeal to the Coastal Commission?  
Would a letter prepared on my letterhead and signed by her suffice?  
Thank you,  
John

John Wm. Bryant

~~~~~

Attorney at Law

118B Main Street

Belvedere CA 94920

(415) 435-4444

(415) 435-9444 Facsimile

jwb@belvederelaw.com

www.belvederelaw.com

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JOHN WM. BRYANT
ATTORNEY AT LAW
118B MAIN STREET
BELVEDERE, CALIFORNIA 94920
TELEPHONE: (415) 435-4444
FACSIMILE: (415) 435-9444
EMAIL: jwb@belvederelaw.com

November 13, 2012

CALIFORNIA COASTAL COMMISSION
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: 175 Poplar Road, Bolinas; Resolution 11-117, Marin CDA
Appeal No. A-2-MAR-11-29 (Freedomhowler, Marin Co.)

Dear Commissioners:

On behalf of appellant Stacey Henderson, I request that the appeal filed in opposition to resolution 11-117 of the Marin County Development be withdrawn.

Please let us know if you require anything further to accept our request for withdrawal.

Thank you for your time and consideration.

Sincerely,

Signature on File
John Wm. Bryant
Attorney for Appellant

Signature on File
Stacey Henderson
Appellant