



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR

Hog Island Oyster Company Use Permit Amendment

Item No:		Application No:	UP 09-23
Applicant:	Hog Island Oyster Company	Owner:	Tom McCoy
Property Address:	20215 Highway 1, Marshall	Assessor's Parcel:	106-010-08, 13
Hearing Date:	August 27, 2009	Planner:	Veronica Corella-Pearson
	RECOMMENDATION:		Approved with Conditions
	APPEAL PERIOD:		5 working days to the Planning Commission
	LAST DATE FOR ACTION:		N/A

PROJECT DESCRIPTION:

The applicant has applied for Use Permit Amendment approval to amend Use Permit 99-23, approved on February 16, 2006, to allow for the onsite sale of beer and wine during business hours. No additional water usage is proposed. Beer would be sold in bottles and wine would be sold in half or full bottles and no glassware would be provided, except during special private events. Some compostable beverage containers may be made available. No further changes are proposed to the Use Permit 99-23. The establishment would continue to operate during its normal business hours. No structural changes are proposed or changes to parking.

GENERAL INFORMATION:

Countywide Plan: C-VCR (Coastal, Village, Commercial, Residential)
Zoning: C-SF5 (Coastal, Single-family Residential, 2-4 units/acre)
Lot size: Approximately 6.3 acres (including approximately half an acre of dry land area and 5.75 acres of submerged and tideland areas)
Adjacent Land Uses: Residential and Commercial
Vegetation: Native and non-native
Topography and Slope: Level
Environmental Hazards: None

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines because the project would not result in new construction that would result in site disturbance, and would not change any of the conditions of operation

PUBLIC NOTICE:

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 600 feet of the subject property. To date, no comments have been received.

PLAN CONSISTENCY:

The proposed project is consistent with the goals and policies of the Marin Countywide Plan and the Local Coastal, Unit II Plan. Please refer to the plan consistency findings contained in the attached resolution.

BACKGROUND

In February of 2006, the applicant received Use Permit Design Review, and Tidelands Permit approval for the legalization and improvements to the Hog Island Oyster Company facility located along the Tomales Bay shoreline in Marshall. The project included the continuation of the existing shellfish processing and sales use as well as new construction, legalization and rehabilitation of existing structures, and related site improvements. Specifically, approved construction and improvements include: 1) restoration and remodeling of the existing bayfront "Depot" building to include 675 square feet of office space and a 555 square foot workshop/equipment area; 2) restoration and remodeling of the existing "Marshall Store" building to include handicapped accessible toilet facilities for employees and the public, a kitchen/work room, a 750 square foot retail sales room for both oysters and Hog Island apparel, and a staff room with lockers; 3) the construction of an approximately 400 square foot addition to the west side of the "Marshall Store" to accommodate shellfish processing tanks; 4) construction of a new covered walkway between the "Depot" and "Marshall Store" building; 5) legalization of the existing covered processing area located immediately north of the Depot Building; and 6) reconstruction of an existing porch area along the south side of the Depot building.

Since approval, the applicant has remodeled the Depot building and workshop/equipment area, and has restored and remodeled the Marshall Store and included handicapped restroom facilities, constructed the staff room with lockers, and is using the processing area to the north of the Depot. An extension was granted on January 11, 2008 for two years to vest the remaining work by securing Building Permits before February 16, 2010. The applicant has indicated that they may be applying for the remaining Building Permits by the end of the year.

Staff has reviewed the Conditions of Approval for the prior Use Permit, and the applicant has provided all required plans, reports, and permits required for the construction that has been completed. The applicant has implemented the restoration plan that was required in the original approval, and a letter has been received by STRAW (Students and Teachers Restoring a Watershed) which states that the restoration plan (Condition of Approval #7) has been implemented and the applicant has a success rate of 66.4 percent survival for all restoration plantings, and additional plantings will be done to ensure that there is at least a 90 percent survival rate.

PROJECT ANALYSIS:

Since the Use Permit was approved, the applicant has completed a number of the items approved, and the applicant has implemented the parking improvements and has implemented a number of management measures to ensure compliance with the requirements of Use Permit

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99-23. Specifically Condition of Approval #12 has been met by instituting an online reservation system to insure that they do not exceed the maximum occupancy and available parking. Further, the approved Use Permit 99-23 does not explicitly prevent the sale of alcoholic beverages, and MCC 22.57.123I allows for the sale and serving of alcoholic beverages with Use Permit approval.

Currently, onsite consumption of alcoholic beverages is permitted. Hog Island allows for visitors to bring their own wine or beer. The applicant has applied to the State Department of Alcoholic Beverage Control (ABC) for an alcoholic beverage license, for a 41 premises, which requires no public convenience and necessity determination from the County. To date staff has not received any complaints regarding this issue from the community or any complaints regarding traffic or noise. The applicant has expressed that by selling their own beer and wine, they would have greater control over what occurs on premises, and it would assist in sales. Staff finds that this request would not violate any of the original conditions of approval, and staff finds that the applicant has been very diligent in meeting all their conditions of approval. Therefore staff finds that granting the Use Permit Amendment would not result in adverse impacts to the local community.

CONCLUSION

The applicant does not propose any new changes that may include new development, remodels, or changes to the intensity of use on the subject property. Staff has reviewed Use Permit approval 99-23 and finds that the amendment would be consistent with the recommendations of UP 99-23, and that the project would be in conformance with all required conditions of approval. New conditions of approval have been also been added to the recommended resolution by Environmental Health Services for a septic inspection and historic production data. Staff has also incorporated into the recommended resolution a Condition of Approval that all prior Conditions of Approval in UP 99-23 remain in effect

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the Hog Island Oyster Company Use Permit Amendment (UP 09-23).

Attachments:

1. Proposed Resolution recommending approval of the Hog Island Oyster Company Use Permit Amendment (UP 09-23).
2. Hog Island Use Permit (UP 99-23) Resolution No. 06-111
3. CEQA Exemption
4. Location Map
5. Assessor's Parcel Map
6. Environmental Health Services – Sewage, transmittal dated 06/18/09
7. Environmental Health Services – Water, transmittal dated 07/07/09
8. Environmental Health Services – Food, transmittal dated 05/08/09
9. Department of Public Works, Land Development, transmittal dated 05/13/09