



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR**  
**KOTULA COASTAL PERMIT AND DESIGN REVIEW**

Item No:	H3	Application No:	CP 09-28/DR 09-60
Applicant:	Bill Kirsch	Owner:	Dorothy Kotula
Property Address:	11300 Hwy 1, Point Reyes Station	Assessor's Parcel:	119-225-10
Hearing Date:	January 14, 2010	Planner:	Kristina Tierney

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>5 working days to the Planning Commission</b>
<b>LAST DATE FOR ACTION:</b>	<b>March 5, 2010</b>

**PROJECT DESCRIPTION:**

The applicant is requesting approval to legalize the installation of a new condenser to support operations of the Palace Market. The condenser is located behind the Palace Market, between the rear wall of the market and the existing dumpster and measures 5 feet tall, seven feet wide and 4 feet deep. It is located approximately 19 feet from the rear (east) property line, 28 feet from the side (south) property line, 2 feet from the rear wall of the Palace Market, and 15 feet from the existing mechanical equipment shed. A noise study conducted by the property owner indicated the equipment to generate noise levels at or near 62 decibels (dBA).

**GENERAL INFORMATION**

Countywide Plan: C-NC (Coastal Neighborhood commercial)  
 Zoning: C-VCR-B2 (Coastal Village Commercial Residential 7,500 square foot minimum lot size)  
 Lot size: 0.30 acres  
 Adjacent Land Uses: Commercial, Single-family residential  
 Vegetation: None  
 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 15301, Class 1 of the CEQA Guidelines because it entails exterior modifications to an existing 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 600 feet of the subject property. No comments have been received.

### PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Point Reyes Station Community Plan, and the Local Coastal Program, Unit 2. Please refer to the plan consistency findings IV, V, and VI in the attached recommended resolution.

### PROJECT ANALYSIS:

The applicant is requesting approval to legalize a new condenser (refrigeration equipment) at the Palace Market in Point Reyes Station. The equipment was installed without a Coastal Permit or Design Review and generates a substantial amount of noise over baseline conditions, which disturbs neighboring property owners. A noise analysis for the project determined that the existing equipment generates noise levels of 62 A-weighted decibels (dBA) day and night. With background night ambient noise levels at 30 dBA, the noise created by equipment at the Palace Market represents approximately a tripling in perceived loudness (a 10 dB change is perceived as a halving or doubling in loudness) over baseline conditions.

Noise at the project site is regulated by the Marin Countywide Plan Noise Element and Section 22.57.125I of the Interim Zoning Code, containing specific development standards for the C-VCR zoning district.

Marin Countywide Plan Program NO-1.a established allowable noise levels for the County and requires that the levels be enforced through CEQA and County discretionary review. Table 1 summarizes the levels established by the Marin Countywide Plan

**Table 1. Benchmarks for Allowable Noise Exposure from Stationary Noise Sources**

	<b>Daytime (7 A.M. to 10 P.M.)</b>	<b>Nighttime (10 P.M. to 7 A.M.)</b>
<b>Hourly L eq, dB</b>	50	45
<b>Maximum Level, dB</b>	70	65
<b>Maximum Level, dB (Impulsive Noise)</b>	65	60

Program NO-1.c requires that all development offset noise impacts where the project would raise the Ldn by more than 5 dBA; raise the Ldn by more than 3 dBA and exceed the normally acceptable standard; or raise the Ldn by more than 3 dBA and the normally acceptable standard is already exceeded.

Section 22.57.125I, Performance Standards which states the following:

*“No use shall produce or create any external evidence of interior operations such as dust, odor, noise, or vibration except for signs and advertising displays authorized by Section 22.69.030I.”*

## Acoustical Analysis

A series of acoustical measurements were conducted to quantify the equipment and baseline noise levels. The noise measurements were conducted at the property line of the residences directly across Mesa Road from the market. Table 2 below summarizes the findings.

**Table 2. Acoustical Measurements**

Mechanical Equipment Operating Condition			Steady A-weighted Sound Level (dBA)	
Condition	New Equipment	Pre Existing Equipment	Daytime	Nighttime
1	On	On	62	62
2	Off	On	58	57
3	Off	Off	52	30

## Analysis

In order to comply with both the Countywide Plan and Interim Development Code, the applicant was directed to proposed project modifications to reduce the noise generated by the Palace Market to 52 dBA during the day and 30 dBA at night in order for the project to conform to Section 22.57.125I, which is the stricter of the two governing standards. The applicant responded to staff's direction by proposing a two phased approach to reduce noise levels. Phase 1 would be implemented immediately and Phase 2 would follow within the next year. Below is a summary of the two phases.

**Phase 1: Replace noisiest condenser with quieter equipment, treat mechanical room openings and add acoustical absorption to the existing barrier at the existing rooftop condenser.**

1. Use Larkin Model LNQ condensers with special quiet fan blade shape and a fan speed of 540 RPM.
2. It is anticipated that the new condenser would need 3 fans instead of the 2 fans on the current unit. The final selection of mechanical equipment should be made by the refrigeration contractor.
3. Install acoustical louvers at the openings in the exterior wall that are required for airflow. Use acoustical louvers having a low-pressure drop design and a minimum 8 dB transmission loss in the 500 Hz octave band (e.g. Industrial Acoustics Company (IAC) Model Noishield LP 12-inch deep acoustical louvers).
4. Eliminate one of the equipment room ventilation hoods and upgrade the remaining ventilation fan with a quiet centrifugal type fan to accommodate the additional flow resistance created by the louvers and the elimination of one of the hoods. The new fan should be selected to have a noise level of 55 dBA or less at a distance of 10 feet.
5. Line the inside faces of the existing barrier around the existing rooftop condenser with a sound absorptive material having a minimum noise reduction coefficient (NRC) of 0.95. The material should also be applied to the face of the exterior wall behind the condenser.

**Phase 2: Replace the remaining condensers with quieter equipment and relocate all condensers to the roof.**

1. Create a rooftop frame with sound absorbing sound barrier walls 80 feet from the Mesa Street edge of the main roof. It can be constructed of steel framing with an open bottom for airflow. They should be constructed of metal insulated panels having a solid side facing away from the equipment and a have a perforated side facing the equipment. They should have a minimum sound transmission class (STC) of 25 and a minimum noise reduction coefficient (NRC) of 0.95. The top of the barrier walls should be 2 feet higher than the top of the condensers. Because of the pitch of the roof, the walls will be approximately 6 to 9 feet high. The bottom of the barrier walls should be within 4 inches of the roof. It may not be possible to use the sound absorptive panels for the lower foot or two of wall. For these areas a solid sheet of 16 gauge sheet metal is sufficient. To limit the vibration transfer, the barrier walls should be supported independent of the rooftop frame.
2. Replace the remaining condensers with quiet equipment and relocate all condensers to the rooftop. The condensers should be mounted to the frame with vibration isolators (Mason Type ND). The size, number and locations should be selected based on the weight of the equipment to provide a static deflection of 0.35 inches. The condensers should be located at sufficient distances from the barriers to allow adequate airflow. The manufacturer's installation guidelines are attached to this report. The refrigeration contractor should review the sketches in this report and consider the manufacturer's guidelines when locating the equipment.
3. Replace the existing rooftop condenser and the equipment room condensers with Larkin Model LNQ condensers that have a special quiet fan blade shape and a fan speed of 540 RPM. Because the fan speed is significantly lower, it will be necessary to use a larger condenser to achieve adequate cooling capacity. The final selection of mechanical equipment should be made by the refrigeration contractor.
4. Improve the construction of the exterior wall of the mechanical room, where necessary, to a minimum 2x4 stud wall with plywood on the exterior side, one layer of gypsum board on the interior side and batt insulation in the stud cavity.
5. Minimize and treat ventilation openings in the mechanical room with 3 foot long silencers having a minimum insertion loss of 25 dB in the 500 Hz octave band (e.g. Industrial Acoustics Company (IAC) Type S). It may be necessary to upgrade the ventilation fans in the equipment room with centrifugal type fans to accommodate the additional flow resistance created by the silencer.

Analysis of Project Modifications

The applicants have proposed two phases of modifications to the existing refrigeration equipment in order to reduce noise generated by the Palace Market to comply with Section 22.57.125I of the Interim Zoning Code. Phase 1 would achieve an immediately noticeable reduction in noise and provide the neighbors with some much needed relief; however, it would not reduce noise to a level that would comply with Section 22.57.125I. In order to comply with the requirements of Section 22.57.125I, the applicants have proposed a second implementation phase. Phase 2 represents the combination of physical modifications proposed by the applicant's acoustical engineer that would achieve the greatest noise reduction and most closely comply with the intent of the noise restrictions for the VCR zoning district. Phase 2 would require that physical modifications be made to the Palace Market building in order for the roof to support the additional weight, which requires additional time and financing to complete.

As Phase 2 involves moving equipment to the roof, there is the potential to increase noise levels at residential receivers located to the south, across Highway 1. The closest homes are on Third Street.

The proposed acoustical barriers and larger commercial buildings that are located between these homes and Highway 1 would provide acoustical shielding from rooftop equipment noise.

**Table 3: Noise Level Estimates with Noise Control Treatments**

Residential Receiver	Ambient Noise Level With Market Equipment Off		Steady A-weighted Sound Level (dBA) from Equipment		
	Day	Night	Existing Conditions	With Phase 1 Treatments	With Phase 2 Treatments
Mesa Road	52	30	62	54	41
3rd Street	47	30 (estimate)	--	--	29

The recommended Phase 1 noise control treatments will substantially reduce the mechanical equipment noise and provide the neighbors with some immediate, much needed relief. Phase 1 treatments will reduce the noise at the nearest homes on Mesa Road by about 6 dBA. This is a clearly noticeable reduction.

Phase 2 is estimated to reduce the noise level by another 13 dBA and is the applicant's best attempt at complying with Section 22.57.125I. Under either Phase 1 or 2 the noise from rooftop equipment would not significantly increase the daytime or nighttime ambient noise levels at the homes along 3rd Street.

In summary, upon implementation of Phase 1 and Phase 2 improvements, the Palace Market would conform with the Marin Countywide Plan Noise Element and Section 22.57.125I of the Interim Zoning Code. As conditioned, 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.

**RECOMMENDATION:**

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

- Attachments:**
1. Proposed Resolution recommending approval of the Kotula Coastal Permit and Design Review
  2. CEQA Exemption
  3. Location Map
  4. Assessor's Parcel Map
  5. Project Plans
  6. Noise Control Recommendations: Palace Market Refrigeration Equipment by Rosen Goldberg Der and Lewitz, Inc, November 25, 2009
  7. Marin County Department of Public Works Memo, 4/6/08
  8. Marin County Environmental Health Services Memo, 4/2/09
  9. Marin County Environmental Health Services Memo, 4/2/09
  10. Point Reyes Village Association memo, dated April 7, 2009

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-XXX

A RESOLUTION APPROVING THE KOTULA COASTAL PERMIT AND DESIGN REVIEW  
11300 HIGHWAY 1, POINT REYES STATION  
ASSESSOR'S PARCEL 119-225-10

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**SECTION I: FINDINGS**

I. WHEREAS Bill Kirsch is requesting a Coastal Permit and Design Review to legalize the installation of a new condenser to support operations of the Palace Market. The condenser is located in the rear of the Palace Market, between the rear wall of the market and the existing dumpster and measures 5 feet tall, seven feet wide and 4 feet deep. It is located approximately 19 feet from the rear (east) property line, 28 feet from the side (south) property line), 2 feet from the rear wall of the Palace Market, and 15 feet from the existing mechanical equipment shed. A noise study conducted by the property owner indicated the equipment to generate noise levels at or near 62 dB.

**The subject property is located at 11300 Highway 1, Point Reyes Station, and is further identified as Assessor's Parcel 119-225-10.**

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing January 14, 2009, 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 15301, Class 1 of the CEQA Guidelines because it entails development accessory to a residentially developed property that would not result in potentially significant impacts to the environment.

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan, the Marin County Development Code, and the Point Reyes Station Community Plan for the following reasons:

A. The project would be consistent with the C-NC (Coastal Neighborhood Commercial/Mixed Use 1-20 units/acre) land use designation and the noise requirements established by the Marin Countywide Plan;

B. The project would support the continued use and operation of the Palace Market in a manner consistent with the development standards of the C-VC-R 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 not cause soil disturbance or remove any vegetation.
  - G. The project would comply with the policies of the Point Reyes Station Community Plan.
- 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**

The equipment under review does not alter water use of the property or require access to a water supply.

**B. Septic System Standards**

The subject refrigeration equipment would not need a septic system as it would merely support the ongoing use of the property for the Palace Market.

**C. Grading and Excavation**

No grading or excavation would be required as the project involves the installation of refrigeration equipment on a completely paved and developed property. The Department of Public Works, Land Use and Water Resources Division, has reviewed and approved the project to ensure consistency with Marin County requirements.

**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 not located in an area of high archaeological sensitivity. Further, as the project involves no grading or excavation there is no potential for any such resources to be disturbed.

**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 II, 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 does not include housing and would not negatively affect the housing stock of the Point Reyes Station community.

## **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 II of the Local Coastal Program or near any ephemeral or intermittent stream indentified on the Inverness Quadrangle of the U.S. geological Survey Maps.

## **H. Dune Protection**

The proposed project is not located in a dune protection area as indentified by the Natural Resources Map for Unit II of the Local Coastal Program.

## **I. Wildlife Habitat**

The project would involve the installation of new refrigeration equipment on a site is completely developed and paved. Therefore it would no affect any rare wildlife species.

## **J. Protection of Native Plant Communities**

The project would involve the installation of new refrigeration equipment on a site is completely developed and paved. Therefore it would no affect any rare plant species.

## **K. Shoreline Protection**

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

## **L. Geologic Hazards**

Review of the Alquist-Priolo Specials 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 replacement of refrigeration equipment at the Palace Market. The project site is commercial in nature and the proposed equipment would match the current use of the property. While the new equipment would be visible to neighbors, it would not impact any neighbors or visual resources in the area.

**P. Recreation/Visitor Facilities**

The proposed project supports the continued use of the property for a commercial facility, the Palace Market. The continued use of the property for the market is consistent with the governing 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 located within the historic preservation boundaries of the Point Reyes Community as identified in the Marin County Historic Study for the Local Coastal Program; however, the proposed project does not entail alterations to a structure that was constructed prior to 1931 and the Palace Market is not identified in as a historic structure.

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 Development Code can be made based on the following findings:

**A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The Phase 1 and Phase 2 of the project are consistent with this finding because the refrigeration equipment would not change the height, mass, and bulk of the existing structures and are proportionately appropriate to the site and neighboring development. The equipment would not impact visual resources and would support the continued use of the property for the Palace Market.

**B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project (Phase 1 and 2) would maintain adequate setbacks from the front and side property lines and would not result in the loss of light or privacy to adjacent neighbors. In addition, all development will be contained within the parcel and would not impact development on public lands or rights-of-way. The proposed modifications to the existing equipment represent a public benefit as they will substantially reduce the noise generated by the market.

- C. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

As proposed, the project (Phase 1 and 2) is located entirely within the subject parcel and would not result in development which would impact future improvements to the surrounding properties.

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;**

The proposed project (Phase 1 and 2) is located on a developed property and would require no tree removal and would conserve non-renewable energy and natural resources.

- E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

The project (Phase 1 and 2) conforms to the planned district development standards by being minimally visible to passerbys and neighboring properties. The project design blends the project into the existing project site.

- 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 proposed project (Phase 1 and 2) has been designed to minimize adverse visual effects related to height.

- 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. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences. In fact, the project will be a benefit to neighbors as it will reduce noise created by the Palace Market.

**G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.**

The project would be required to meet Title 24 and Ordinance 3492 and would not require any tree removal.

**H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposed project, as conditioned, is consistent with all applicable regulations and as described in "F" above, meets the design guidelines, and would not be detrimental to the public or County.

## SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Kotula Coastal Permit (CP 09-28) and Design Review (DR 09-60), 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 Kotula Coastal Permit and Design Review are approved to implement Phase 1 and Phase 2 of modifications to the Palace Market including:

#### Phase 1:

- 1) Install a new Larkin Model LNQ condenser with special quiet fan blade shape and a fan speed of 540 RPM behind the Palace Market. It is anticipated to measure approximately 38 inches wide, 165 inches long, and 49 inches tall and would be located approximately 18 feet from the rear (north) property line, 23 feet from the side (east) property line, 66 feet from the side (west) property line and 2.5 feet from the back of the Palace Market.
- 2) Install acoustical louvers at the openings in the exterior wall that are required for airflow. Use acoustical louvers having a low-pressure drop design and a minimum 8 dB transmission loss in the 500 Hz octave band (e.g. Industrial Acoustics Company (IAC) Model Noishield LP 12-inch deep acoustical louvers).
- 3) Eliminate one of the equipment room ventilation hoods and upgrade the remaining ventilation fan with a quiet centrifugal type fan to accommodate the additional flow resistance created by the louvers and the elimination of one of the hoods. The new fan should be selected to have a noise level of 55 dBA or less at a distance of 10 feet.
- 4) Line the inside faces of the existing barrier around the existing rooftop condenser with a sound absorptive material having a minimum noise reduction coefficient (NRC) of 0.95. The material should also be applied to the face of the exterior wall behind the condenser.

#### Phase 2:

- 5) Create a 18 foot by 40 foot rooftop frame, ranging in height from approximately 8 feet to 4.5 feet with sound absorbing sound barrier walls 75 feet from the Mesa Street edge of the main roof. It can be constructed of steel framing with an open bottom for airflow. They should be constructed of metal insulated panels having a solid side facing away from the equipment and a have a perforated side facing the equipment. They should have a minimum sound transmission class (STC) of 25 and a minimum noise reduction coefficient (NRC) of 0.95. The top of the barrier walls should be 2 feet higher than the top of the condensers. The bottom of the barrier walls should be within 4 inches of the roof. It may not be possible to use the sound absorptive panels for the lower foot or two of wall. For these areas a solid sheet of 16 gauge sheet metal is sufficient. To limit the vibration transfer, the barrier walls should be supported independent of the rooftop frame. Final specifications are subject to approval by the Marin County Planning Department.
- 6) Replace the remaining condensers with quiet equipment and relocate all condensers to the rooftop.
  - a. The condensers should be mounted to the frame with vibration isolators (Mason Type ND). The size, number and locations should be selected based on the weight of the equipment to provide a static deflection of 0.35 inches. The condensers should be located at sufficient distances from the barriers to allow adequate airflow. The

manufacturer's installation guidelines are attached to this report. The refrigeration contractor should review the sketches in this report and consider the manufacturer's guidelines when locating the equipment.

- b. Replace the existing rooftop condenser and the equipment room condensers with Larkin Model LNQ condensers that have a special quiet fan blade shape and a fan speed of 540 RPM. Because the fan speed is significantly lower, it will be necessary to use a larger condenser to achieve adequate cooling capacity. The final selection of mechanical equipment should be made by the refrigeration contractor. The equipment is anticipated to measure approximately 80 inches wide, 165 to 218 inches long, and 49 inches tall.
- 7) Improve the construction of the exterior wall of the mechanical room, where necessary, to a minimum 2x4 stud wall with plywood on the exterior side, one layer of gypsum board on the interior side and batt insulation in the stud cavity.
- 8) Minimize and treat ventilation openings in the mechanical room with 3 foot long silencers having a minimum insertion loss of 25 dB in the 500 Hz octave band (e.g. Industrial Acoustics Company (IAC) Type S). It may be necessary to upgrade the ventilation fans in the equipment room with centrifugal type fans to accommodate the additional flow resistance created by the silencer.

**The subject property is located 11300 Highway 1, Point Reyes Station, and is further identified as Assessor's Parcel 191-041-29.**

2. Plans submitted for building permits shall substantially conform to plans identified as "Exhibit A," entitled, "Palace Market," consisting of 8 sheets prepared by Bill Kirsch, Architect and received October 5, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
4. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
5. 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.

6. All construction activities shall comply with the following standards:
  - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
  - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
7. 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.
8. BEFORE FINAL INSPECTION OF PHASE 1 IMPROVEMENTS, the applicant shall submit an acoustical analysis upon implementation of all proposed measures by an independent third party verifying the noise levels along Mesa Road and at 3<sup>rd</sup> St. If the project amendments don't result in a reduction in noise in keeping with the proposed recommendations, additional measures must be proposed to and accepted by Marin County Planning Department for Phase 2.
9. BEFORE FINAL INSPECTION OF PHASE 2 IMPROVEMENTS, the applicant shall submit an acoustical analysis upon implementation of all proposed Phase 2 measures (and any additional measured deemed necessary by the Marin County Planning Department) by an independent third party verifying the noise levels along Mesa Road and at 3<sup>rd</sup> St. If the project amendments don't result in a reduction in noise in keeping with the proposed recommendations, additional measures must be proposed to and accepted by Marin County Planning Department.

### Code Enforcement

10. Within 30 days of this decision, the applicant must submit Building Permit applications to implement Phase 1 improvements, as outlined above. 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.
11. Within 60 days of this decision, a Building Permit for all Phase 1 improvements 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.
12. Within 90 days, the applicant must complete the approved Phase 1 improvements/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.
13. Within 120 days of this decision, the applicant must submit Building Permit applications to implement Phase 2 improvements, as outlined above. 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.
14. Within 240 days of this decision, a Building Permit for all Phase 2 improvements 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.
15. Within 360 days, the applicant must complete the approved Phase 2 improvements/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.

**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 22.56.050.B.3 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 January 21, 2010.**

**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 14<sup>th</sup> day of January 2010.

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JEREMY TEJIRIAN  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary