



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
ALTMAN/ATID USE PERMIT, DESIGN REVIEW, AND TIDELANDS PERMIT

Item No:	H2	Application No:	UP 07-12, DR 07-17, and TP 07-03
Applicants/Owners:	Daniel Altman and Avi Atid	Assessor's	106-020-38, -39
Property Address:	20105 & 20125 Highway One, Marshall	Parcels:	
Hearing Date:	July 1, 2010	Planner:	Ben Berto
		Approved by:	Tom Lai

RECOMMENDATION: Approve with Conditions
APPEAL PERIOD: July 9, 2010
LAST DATE FOR ACTION: August 26, 2010

PROJECT DESCRIPTION:

The applicants are requesting Use Permit, Design Review, and Tidelands Permit approval to remodel the historic Marshall Tavern building into an approximately 5,880 square foot, six bedroom residence that is proposed to be used as a five room bed-and-breakfast (plus one bedroom for the proprietor/manager). A total of 8 parking spaces (including one handicapped space) are proposed in a currently gravel parking lot on the south side of the Tavern building. The Marshall Tavern was built in the late 1800's, has been vacant for years, and is proposed for numerous improvements, including: 1) repair and reinforcement of the existing structure; 2) installation of additional windows on the west (bay) side of the structure; 3) installation of skylights on the west-facing, one-story portion of the structure; 4) interior remodeling; 5) construction of exterior decks on the lower and upper floors of the west (bay) side of the structure; and 6) installation of roof-mounted solar panels on the south-facing portions of the roof. Previously-proposed construction on the former Marshall Hotel site, and reconstruction of the boat pier have been eliminated from the project. An existing, deteriorated shack located to the north of the platform on which stood the former hotel is proposed to be demolished.

A Use Permit is required for the bed-and-breakfast use. Design Review is required for the various exterior improvements, and a Tidelands Permit is required because work is proposed within 100 feet of the mean high tide line. A Coastal Permit will be processed separately by the Coastal Commission.

GENERAL INFORMATION:

Countywide Plan: C-RS (Coastal, Residential/Commercial)
Zoning: C-VCR (Coastal, Village Commercial-Residential)

Community Plan: East Shore Community Plan
Lot size: 1.09 acres gross, 3,037 square feet dry land area
Adjacent Land Uses: Commercial, single-family residential
Vegetation: Minimal, urban landscaping
Topography and Slope: Level to sloping to waterline
Environmental Hazards: 1/8 mile to Alquist Priolo zone (San Andreas Fault), Urban Wildland Interface fire area, FEMA coastal flood zone with velocity hazard

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 15331, Class 31 of the CEQA Guidelines because it involves repair and restoration to a historic structure in a manner that is consistent with Secretary of Interior Standards for Treatment of Historic Properties and would not result in significant grading, vegetation removal, or any potentially significant impacts to the environment.

PUBLIC NOTICE:

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

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan and the East Shore Community Plan. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

The subject property is a shoreline lot located on the east shore of Tomales Bay in the Town of Marshall. The property is currently occupied with the vacant former Marshall Tavern Building, a platform where the Marshall Hotel was formerly situated, and a small derelict shack on the north side of the property. With the exception of demolition of the derelict shack and some parking improvements, no substantial changes are proposed beyond the tavern structure itself. Two of the 29 existing piers under the structure are recommended by the applicants' engineer for substantial repair, with an additional five piers recommended for minor repairs.

The Marshall Tavern site was originally developed by the Marshall brothers in 1870. The site's history includes razing of the original structure by fire, the Tavern building being shifted off its foundation by the 1906 quake, and loss of the adjacent Marshall Hotel by fire in 1971. The Marshall Tavern building has remained in more or less its current form since 1910, and has been vacant since 1990.

A number of issues have been addressed with this project, as follows:

Flood Hazard

The property is indentified on the Flood Insurance Rate Maps (FIRM) of the Federal Emergency Management Agency (FEMA) as Zone V – Coastal flood zone with velocity hazard. The applicants

have provided information to DPW estimating the value of their proposed improvements as less than half of the value of the structure (see attached memo from Will Kent Construction). As long as the project remains within those limits, they will not have to elevate the structure to bring it into compliance with current flood elevation requirements for new buildings or substantial improvements. If the cost of improvements exceeds 50% of the depreciated value of the existing structure, the flood elevation requirements will apply.

Historical Resource

The historic value of the structure is important for several reasons. One is intrinsic to the project itself – restoration of a landmark historic resource in west Marin. That the building is a historic resource also allows the project to qualify for a Categorical Exemption from CEQA requirements.

The applicant hired Archeological Resource Service (ARS) to conduct a Cultural Resources Inventory (attached). ARS determined that under the theme of Early American Settlement, the Tavern meets two of the four criteria for potential historical significance: 1) it is associated with events that have made a significant contribution to the broad patterns of Marin's settlement history; and 2) it is associated with the Marshall Brothers, who were persons historically important to the local community.

The property is located in an area of medium archeological sensitivity, and ARS did not think that archeological resources were significant nor eligible for the California Register of Historic Resources (CRHR).

Concerning the Tavern, ARS noted that the massing and scale of the Marshall Tavern has been the same since around 1910, and the structure could easily be renovated to its historic appearance. ARS concludes that "the tavern could potentially be eligible for listing on the National Register of Historic Places or the California Register of Historic Resources. It is already recognized as an important historic building locally."

Concerning proposed changes to the tavern, while ARS notes that while several of the changes (e.g., some windows, awning) are not consistent with the historical layout of the structure, however the east (highway facing) side of the structure is the most visually prominent side and "The modifications to this side really work to make the tavern keep its historic appearance...Overall, the proposed changes to the Marshall Tavern appear to conform to the [Secretary of the Interior] rehabilitation standards." Staff has included a condition stipulating that renovation be guided by those standards.

Circulation and Parking

The project site immediately abuts the Highway One Caltrans right-of-way. In fact, the existing tavern building very slightly encroaches into the right-of-way. Traffic and circulation were evaluated by W-Trans, a traffic consultant hired by the applicants for this project (see attached letters and diagrams). The applicants and their traffic consultant spent several months working various issues out with Caltrans. While Caltrans has not formally provided their approval of the proposed circulation and parking beyond their April 7, 2010 email (attached), the tenor of recent communications is favorably disposed towards resolution of Caltrans-related project issues. Caltrans also noted in a written communication that the building's encroachment into the State right-of-way will need to be resolved through their ROW decertification process.

As a side note, the applicants will likely have to reinforce the former septic tanks (now proposed to be utilized as wastewater holding tanks) to allow vehicular parking on top.

Affordable Housing

The development proposes conversion of a formerly occupied, but currently vacant building. Under current County affordability housing requirements, staff calculates that with a 5,880 square foot building, the developer would be required to provide .47 of an affordable unit. Affordable housing regulations allow that when less than one-half of an affordable unit is required, the applicant may pay an in-lieu fee. In this case, for a hotel/motel unit the fee is listed at \$1,745 per room. The fee schedule does not differentiate between rental and the manager/owner's room. Therefore, staff calculates this fee will total \$10,470 and has included a Condition to that effect.

Water and Sewer

Marshall Tavern benefits from the East Shore Wastewater Project, the upgraded wastewater treatment system that the County, working with East Shore residents, has developed for the Marshall area. While historically septage from the property discharged in very close proximity to Tomales Bay, the new system will take advantage of the wastewater project to transport effluent across and uphill of Highway One for treatment and disposal that meets modern standards. Public-private cooperation on the East Shore project has paid dividends in the restoration of the Marshall Tavern without sewage disposal concerns.

Water is proposed to be provided through a shared private water system and found to be acceptable by County Environmental Health Services.

Biology

Avocet Research Associates performed a Species Inventory and Biological Assessment of the Marshall Tavern site (see attached). They note that the site contains no native vegetation, and found no evidence of any special status species, and noted that the site did not provide habitat likely to support those species. If excavation of existing pilings takes place, they found no reason why the species present should not recolonize after cessation of disturbance. Avocet recommended that a protocol-level survey be conducted prior to construction to determine potential use by bats.

SUMMARY:

The Marshall Tavern project represents an acceptable adaptive reuse for a historically important building. Development-related issues associated with this project appear to have been adequately resolved for this pre-building permit project stage.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Altman/Atid Use Permit, Design Review, and Tidelands Permit.

- Attachments:
1. Proposed Resolution recommending approval of the Altman/Atid Use Permit, Design Review, and Tidelands Permit
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Exhibit A – Parcel Site Plan, Floor Plan, and Elevations
 6. "A Cultural Resources Inventory and Historic Structures Evaluation of the Marshall Tavern and Hotel Site" and letter, ARS, 8/11/08, 12/5/08
 7. "Species inventory and biological assessment of Marshall Tavern", Avocet Research Associates, 6/16/08

8. Letters and email from W-Trans, 6/2/09, 2/8/10 and 3/26/10
9. Marshall Tavern Cost Estimate, Will Kent Construction, received 8/21/09
10. Memo from Seri Ngerawatanna, P.E., 4/16/09
11. Letters and email from Caltrans, 3/23/09, 4/07/10
12. Memos from Environmental Health Services, 6/3/10, 6/8/10, 6/11/10
13. Memo from Department of Public Works, 6/9/10
14. Letter from CA Department of Fish and Game, 10/23/06
15. Letter from US Army Corps of Engineers, received 11/14/06
16. Letter from Marin County Fire Department, 7/26/07
17. Letter from East Shore Planning Group, 3/22/09

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MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING THE ALTMAN/ATID
USE PERMIT, DESIGN REVIEW, AND TIDELANDS PERMIT
20105 & 20125 HIGHWAY ONE, MARSHALL
ASSESSOR'S PARCELS 106-020-38 and -39

SECTION I: FINDINGS

- I. WHEREAS the applicants Daniel Altman and Avi Atid are requesting Use Permit, Design Review, and Tidelands Permit approval to remodel the historic Marshall Tavern building into an approximately 5,880 square foot, six bedroom residence that is proposed to be used as a five room bed-and-breakfast (plus one bedroom for the proprietor/manager). A total of 8 parking spaces (including one handicapped space) are proposed in a currently gravel parking lot on the south side of the Tavern building. The Marshall Tavern was built in the late 1800's, has been vacant for years, and is proposed for numerous improvements, including: 1) repair and reinforcement of the existing structure; 2) installation of additional windows on the west (bay) side of the structure; 3) installation of skylights on the west-facing, one-story portion of the structure; 4) interior remodeling; 5) construction of exterior decks on the lower and upper floors of the west (bay) side of the structure; and 6) installation of roof-mounted solar panels on the south-facing portions of the roof. Previously-proposed construction on the former Marshall Hotel site, and reconstruction of the boat pier have been eliminated from the project. An existing, deteriorated shack located to the north of the platform on which stood the former hotel is proposed to be demolished. A Use Permit is required for a bed-and-breakfast use. Design Review is required for the various exterior improvements, and a Tidelands Permit is required because work is proposed within 100 feet of the mean high tide line. The subject property is located at 20105 and 20125 Highway One, Marshall, and is further identified as Assessor's Parcels 106-020-38 and -39.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing July 1, 2010, 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 15331, Class 31 of the CEQA Guidelines because it involves repair and restoration to a historic structure in a manner that is consistent with Secretary of Interior Standards for Treatment of Historic Properties and 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 for the following reasons:
 - A. The proposed project would comply with the C-NC (Coastal, Neighborhood Commercial/Mixed Use) Countywide Plan land use designation because the bed and breakfast use is an appropriate blend of residential and commercial;

- B. The project would preserve an historic structure, who's minimal changes proposed have been found by a historic consultant to be consistent with Secretary of Interior Standards for Treatment of Historic Properties;
 - C. The proposed project would comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
 - D. The proposed 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;
 - E. The proposed project would not cause foreseeable significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
 - F. The proposed project would not involve soil disturbance or affect any natural vegetation.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the East Shore Community Plan because:
- A. The project would involve the preservation and restoration of an existing vacant historic structure that is important to the history of Marshall and the East Shore and is a part of the community's physical layout, rural scale, and social/historic fabric;
 - C. The proposed project would not create traffic hazards;
 - D. The proposed project will provide a low-impact visitor-serving use; and
 - E. The proposed project will utilize solar power and use existing materials.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Zoning Ordinance because:
- The project is a conditionally permitted use in the C-VCR zoning district in which it is located, and the findings for issuance of a Use Permit can be made (see Subsection VII. following).
- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Use Permit per to Section 22.88.020I(3) of Marin County Code can be made. The proposed project is within the intent and objectives for a Use Permit based on the following:
- The establishment, maintenance or conducting of the use for which a Use Permit is sought will not under this particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood:

- A. The proposed bed-and-breakfast adaptive reuse of the former Marshall Tavern would be compatible with surrounding commercial and residential uses and would not generate activities which are detrimental to the use and enjoyment of surrounding properties.
- B. The bed-and-breakfast will involve a maximum of five guest rooms and the owner/manager's room and will provide limited meal service for guests. The use will comply with requirements for water, sanitary waste, access, parking, and fire safety.
- C. The proposed use would not impact any sensitive coastal habitat areas, and would not result in other adverse environmental or visual impacts.

VIII. 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 Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

- A. **It is consistent with the Countywide Plan and any applicable community plan;**

The proposed project entails the remodeling and repair of an existing structure. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-AG3 policies of the Countywide Plan and the East Shore Community Plan.

- B. **It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;**

The project is consistent with this finding insofar as it will restore an important East Shore landmark that has been present in the community for over 100 years. Adequate provisions have been made for water, sewer, access, and parking.

- C. **It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

The proposed project will restore an important landmark that has been vacant for several years. Its use as a bed-and-breakfast will be complementary to other East Shore businesses and the overall community.

- 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 proposed project, will not limit potential development on neighboring properties and should not have an impact on further investment or improvements on this or any other properties in the area. The structure currently extends into the Northwest Pacific right-of-way and (barely) the CalTrans right-of-way. Caltrans has recently indicated its acceptance of the project design.

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

The proposed project will not result in the removal of any trees or protected vegetation. The structure's location on pilings over Tomales Bay on the edge of Highway One provides virtually no opportunity for landscaping. However historically this building was unlandscaped and it's keystone restored presence will result in a substantial aesthetic benefit in of itself.

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

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

The proposed project entails the remodeling and restoration of a prominent intact historic structure that is an important part of the East Shore and west Marin community.

2. Drainage systems and appurtenant structures,

The project has been reviewed and accepted by the Department of Public Works. Drainage will continue much as it has for over 100 years.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

The sites on which the proposed accessory structures are or are to be located are situated on relatively flat slopes and any grading fill will be minimal.

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

Circulation for the project has been reviewed and found acceptable by the Department of Public Works and CalTrans.

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

The proposed project entails the restoration of an historic building for which there is no equivalent along the East Shore of Tomales Bay. The County is fortunate to have such a prominent structure reflective of its history and suitable for restoration.

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.

The proposed project includes solar panels and other energy-conserving features (e.g., the new west-facing windows will be insulated), and the building contributes significantly to the neighborhood's architectural style.

IX. WHEREAS, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Tidelands Permit per Section 22.77.040I of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

A. The encroachment into the tidelands is the minimum necessary to achieve the intent of this Chapter and the purpose of the proposed work.

The proposed project will only result in the extension of two cantilevered decks, one with dimensions of 6'w x 44'l (264 sq.ft), the other 6'w x 30'l (180 sq.ft), on the west-facing exterior of the first floor of the building, over Tomales Bay waters. No additional piers are proposed, although two piers are proposed for major repairs/replacement and five additional piers will require minor repairs.

B. The proposed fill, excavation, or construction will not unduly or unnecessarily:

1. Inhibit navigation;

The proposed decks are attached directly to the west side of the structure and extend outward towards Tomales Bay by a maximum of 6 feet (the larger deck actually is tucked into a portion of the structure and will not extend westward as far as the westernmost edge of the existing structure. Given the decks' only modest extension from the wall of the existing building, they will not inhibit navigation.

2. Inhibit access to publicly owned tidelands;

There are no access easements over the subject property that would be affected by the proposed project.

3. Cause, or increase the likelihood of, water pollution;

The proposed decks would not substantially increase the amount of impervious surfaces on the subject property, will in all likelihood drain directly into the Bay (negating any difference in drainage patterns) and would not generate additional solid waste. Best Management Practices will be required for pier repairs.

4. Cause, or increase the likelihood of, flooding of adjoining parcels;

The proposed project would not change run-off and drainage patterns and the Land Use and Water Resources Division of the Department of Public Works will assure that adequate drainage control measures are implemented pursuant to Best Management Practices (BMPs).

5. Destroy, or accelerate the destruction of, habitats essential to species of fish, shellfish, and other wildlife of substantial public benefit;

The decks are the only addition to the structure, and will be cantilevered with no new piers. The parking area currently exists although the configuration will be slightly modified. With the exception of the handicapped space, the parking area will remain gravel. The biological report concludes that there should not be any long-term or substantial effects on wildlife.

6. Interfere with, or detract from, public view sheds toward the water, particularly on natural features of visual prominence;

The project, as proposed, entails the renovation and repair of an existing historic structure. There should be a substantial improvement in the public view to, from, or across this property because of the project.

7. Conflict with the scenic beauty of the shoreline due to bulk, mass, color, form, mass, height, illumination, materials, or the extent and design of the proposed work;

The proposed construction and repairs would be consistent with standards for renovation of historic structures and should add to the scenic attractiveness of the property.

8. Create a safety hazard in connection with settlement of fill or earthquakes; or

The proposed construction would be designed in compliance with County Building Code and other safety requirements regarding settlement and earthquake hazards.

9. Reduce natural waterways by eroding banks, or causing sedimentation or siltation.

The proposed project involves only modest changes on the exterior of the structure, will incorporate Best Management Practices (BMP's), and therefore should have no effects regarding erosion, sedimentation, or siltation.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Altman/Atid Use Permit (UP 07-12), Design Review (07-17), and Tidelands Permit (TP 07-3) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.88I (Use Permit), 22.42I (Design Review), and 22.77I (Tidelands Permit) of the Marin County Code, the Altman/Atid Use Permit, Design Review, and Tidelands Permit is approved to remodel the historic Marshall Tavern building into an approximately 5,880 square foot, six bedroom residence that would be used as a five room bed-and-breakfast (plus one bedroom for the proprietor/manager). A total of 8 parking spaces (including one handicapped space) are approved in a currently gravel parking lot on the south side of the Tavern building. The Marshall Tavern was built in the late 1800's, has been vacant for years, and is proposed for numerous improvements,

including: 1) repair and reinforcement of the existing structure; 2) installation of additional windows on the west (bay) side of the structure; 3) installation of skylights on the west-facing, one-story portion of the structure; 4) interior remodeling; 5) construction of exterior decks on the lower and upper floors of the west (bay) side of the structure; and 6) installation of roof-mounted solar panels on the south-facing portions of the roof. Previously-proposed construction on the former Marshall Hotel site, and reconstruction of the boat pier have been eliminated from the project. An existing, deteriorated shack located to the north of the platform on which stood the former hotel is approved to be demolished. The subject property is located at 20105 & 20125 Highway One, Marshall, and is further identified as Assessor's Parcels 106-020-38 & -39.

2. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A**, consisting of 12 sheets dated received May 11, 2010, on file in the Marin County Community Development Agency, except as modified by the following conditions.

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.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant 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. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to accurately describe new additions (e.g. decks) as (N), not (E).
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a demolition plan.
6. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
7. 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.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall pay an in-lieu fee for affordable housing, calculated to total \$10,470. Final determination of the applicable fee amount shall be made by the Planning Director.
9. Secretary of Interior Standards for rehabilitation of historic structures shall be used as a guideline for rehabilitation of the building.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Any exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties or Highway One, and be the minimum necessary for safety purposes.

11. 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.
12. 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.
13. 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.
14. 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.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall obtain a Coastal Development Permit from the California Coastal Commission.

16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall either obtain approval from State Lands Commission or a determination from the Commission that their jurisdictional approval is not required.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, a qualified wildlife biologist shall conduct a protocol-level bat survey and shall submit a report to the Community Development Agency staff advancing appropriate measures to protect any bats and nesting activity. 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 the findings and recommendations of the biologist's report, as approved by the Community Development Agency staff. An amendment to the permit may be required to implement mitigations to protect bats.

Marin County Community Development Agency – Environmental Health Services Division

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants are required to pay all outstanding fees associated with the East Shore/Marshall Community Wastewater System to Environmental Health Services and the Tax Collector prior to connection to the System. Proof of payment shall be provided to EHS Land Use staff.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants are required to connect the subject building's plumbing and any other wastewater discharge to the community sewage disposal system known as the East Shore/ Marshall Community Wastewater System. Connection is required prior to obtaining building permit approval by EHS.
20. Traffic bollards are required to protect septic tanks from parking lot traffic. Traffic rated covers and risers are required. In additions, tanks are required to be water tight.
21. This facility will be exempt from the requirement to submit plans for this food facility since if it operates as a Restricted Food Service Facility aka bed and breakfast under the following conditions:
A food facility of 20 guestrooms or less that provides overnight transient occupancy accommodations, that serves food only to its registered guests, that serves only a breakfast or similar early morning meal and no other meals, and that includes the price of food in the price of the overnight transient occupancy accommodation.
If the facility intends to operate outside these parameters they will be required to submit plans for the food facility prior to construction and operations.
22. The applicants' plan to consolidate with an existing, neighboring small public water system will need to be engineered and meet the standards of the California Water Code. The consolidated system will need to apply for a permit amendment through the State Drinking Water Branch, Sonoma District Office. (Contact Waldon Wong at 707-576-2145). As a requirement of the permit amendment, the applicants will need to perform a yield test in August - September, as specified in the recently revised Waterworks Standards.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants will need to apply for and obtain a domestic water permit or an approval letter from the State. Requirements of the domestic water permit will include recorded easements and maintenance and use agreements and a fence installed around the well at least 50 feet in all directions from the casing.

Department of Public Works

PRIOR TO ISSUANCE OF A BUILDING PERMIT, the following requirements shall be met:

24. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW.
25. A registered Civil Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
26. Plans must show any site work, such as grading, drainage and retaining walls. Drainage system design shall incorporate BMP's for treatment of all surface runoff pollution prior to discharge to a watercourse or water body. Project description indicates that downspouts shall drain below the building, note that runoff will need to be treated prior to discharging into the bay. Applicant to refer to MCC 23.18 Urban Runoff Pollution Prevention for post construction storm water management guidelines.
27. A separate Building Permit is required for site/driveway retaining walls with a height of more than 4' (or 3' when backfill area is sloped or has a surcharge).
28. Submit Erosion and Siltation Control plans. Applicant shall refer to www.mcstoppp.org for resources regarding redevelopment and for recycling resources related to construction materials. Dumping into the bay will not be allowed.
29. Provide documentation that the encroachments (i.e. driveway approach, portion of the tavern building, walkway, fences (if any), parking area and landscaping) are permitted by Caltrans.
30. Remove existing fence and vegetation in front of the Tavern that blocks sight lines as recommended by the Traffic Study.
31. Clearly designate the loading or check-in space to facilitate orderly movement in and out of the project site.
32. Note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer prior to final inspection. Certification letters shall include the address of the project site, assessor's parcel number and building permit number.
33. A verifiable construction cost estimate prepared by the architect or an engineer and an appraisal of the existing improvements prepared by a licensed appraiser must be submitted. The cost of the proposed improvements must be compared to the depreciated valued of the existing improvements to determine if the floodplain ordinance MCC 23.09 will apply. If the cost of improvements exceeds 50% of the depreciated value of the existing structure the regulation in MCC 23.09 will apply.

34. The revised cost estimate prepared by Will Kent Construction shows that the cost ratio is 46%. Therefore as described in transmittal #6, you must provide a signed affidavit from Will Kent Construction, since the cost of improvement is between 40% and 60%. Please refer to the affidavit that was provided with the previous transmittal. Provide a copy of the structural plans that are referenced in the letter prepared by Seri Ngerwattana.
35. Submit documentation that Caltrans has reviewed and approved the plans and the traffic study. Provide a copy of the encroachment permit application from Caltrans for the proposed work within Caltrans' right-of-way. Note: It is imperative that the applicant contact Caltrans prior to completion of the application because Caltrans requirements may impact and alter the proposed project or delay the project considerably in the future. Note that **DPW will not approve a building permit** without first receiving a copy of the Caltrans encroachment permit.
36. Accessibility – comments based on DSA – Checklist dated 08/01/09, refer to checklist for CBC section and complete language.
 - a. All accessible paths of travel shall be clearly delineated on the site plan by either a dashed or dotted line. **Section 2.5**
 - b. Provide the following note on the site plan “Accessible path of travel as indicated on plan is a barrier free access route without any abrupt level changes exceeding ½” if beveled at 1:2 max slope, or vertical level changes not exceeding ¼” max, and at least 48” in width. Surface is stable, firm, and slip resistant. Cross slope does not exceed 2% and slope in the direction of travel is less than 5%, unless otherwise indicated. Accessible path of travel shall be maintained free of overhanging obstructions to 80” minimum and protruding objects greater than 4” projection from wall and above 27” and less than 80”. Architect shall verify that there are no barriers in the path of travel.” (reference CBSC Part 1 4-317(b)). **Section 2.6**
 - c. Plans and details shall specify all surface materials (existing and new) along and adjacent to the accessible path of travel. **Section 2.9**
 - d. The accessible path of travel must, to the maximum extent possible, coincide with the route for the general public. **Section 3.2**
 - e. Provide and indicate the following properties for the accessible route of travel: Section 3.7
 - a. Surface must be slip resistant, firm and stable
 - b. On surfaces with slopes up to 6%, provide equivalent of medium salted finish
 - c. On surfaces with slopes equal to or greater than 6%, provide slip-resistant finish
 - d. Outdoor stairs, ramps and landing shall be designed so water will not accumulate on their surfaces
 - f. Indicate the width of the accessible path of travel **Section 3.4.1-9**
 - g. Accessible path of travel at parking stalls shall not compel persons with disabilities to wheel or walk behind parked vehicles other than their own. **Section 3.19**
 - h. Provide and indicate the following dimensions and elements on the plans: **Section 4.12**
 - a. 8 foot wide access aisle on the passenger side of each van accessible parking stall
 - b. 5 foot wide access aisle on the passenger side of each accessible parking stall. Two adjacent accessible parking stalls may share a common access aisle.
 - c. 18 foot log parking stalls and access aisles

- d Loading and unloading access aisles marked by a border painted blue. Within the blue border, hatched lines at 36 inches maximum on center painted a color contrasting with the parking surface, preferably blue or white.
- e 2% maximum slope in any direction at stalls and access aisles
- f A 36 inch wide by 36 inch high International Symbol of Accessibility on the pavement at the rear of each stall
- g Post or wall mounted accessible parking stall signs
 1. Sign must be located at the interior end of the accessible stall
 2. Signs must be reflectorized, 70 square inch minimum with a white ISA on blue background
 3. An additional sign or additional language below the ISA must state "Minimum Fine \$250".
 4. Van accessible spaces must have an additional sign or additional language below the ISA stating "Van Accessible"
- i. "Tow-Away" signs
 1. Post in a conspicuous place at each entrance to an off-street parking lot, or immediately adjacent to and visible from each designated stall
 2. Sign must be 17" x 22" minimum with 1" high letters
 3. Sign must state "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense. Towed vehicles may be reclaimed _____ at _____ or by telephoning _____."
 4. Provide contact information on the plans
- j. A bumper or curb shall be provided and located to prevent encroachment of cars over the required width of the adjacent walkway
- k. Provide the words "NO PARKING" in each access aisle, painted in 12 inch minimum high letters.

37. Comments based on the Parking Detail exhibit dated March 30, 2010 and email dated April 22, 2010.

38. The applicant shall refer to the Bay area Stormwater Management Agencies Association "Start at the Source, Design Guidance Manual for Stormwater Quality Protection" and incorporate design elements into the development where feasible. Applicant may also refer to www.mcstoppp.org and MCC 23.18 Urban Runoff Pollution Prevention for post construction storm water management guidelines.

39. DPW will require final sign-off from Caltrans after all improvements are completed and prior to final inspection of the building permits.

40. Provide a note on the plans stating that all site improvements shall be inspected by a Department of Public Works engineer.

Marin County Fire Department

41. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicants shall revise project plans to incorporate a MCFD KNOX Rapid Entry System.

42. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicants shall revise project plans to provide a Private Fire Protection Water Supply with:
 - a. 20,000-25,000 gallons dedicated to fire protection. The amount over 20,000 gallons is dependant on the amount of potable water available for fire protection and the estimated potential lowest storage level.
 - b. Minimum flow of 500 gallons/minute for the hydrant
 - c. A MCFD standard hydrant within 350 feet of the furthest point of either building.
43. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicants shall provide an approved fire protection sprinkler system.
44. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicants shall provide an approved monitored fire alarm system (ongoing service required regardless of occupancy).
45. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the LPG Tank location must be approved by the MCFD, and provided with seismic anchoring and seismic shut off valve.

California Department of Transportation

46. PRIOR TO FINAL INSPECTION, the building encroachment into the state right of way (ROW) will need to be resolved through the ROW decertification process.

United States Army Corps of Engineers

47. PRIOR TO INITIATING ANY CONSTRUCTION ACTIVITY, unless exempted by regulations, all proposed discharges of dredged or fill material occurring below the plane of high tide line requires Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act (33 U.S. C. §1344).
48. PRIOR TO ISSUANCE OF A BUILDING PERMIT, all proposed structures and work, including excavation, dredging, and discharges of dredged or fill material, occurring below the plane of mean high water in tidal waters of the United States requires Department of the Army authorization and the issuance of a permit under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403).

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by: (1) obtaining a Building Permit or other construction permit, if required, for the approved work and substantially completing the improvements in accordance with the approved permits; and (2) commencing the allowed use on the property, in compliance with the conditions of approval; by July 1, 2012, 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 Sections 22.77.040(7), 22.82.130, and 22.88.050.B of the Marin County Interim Zoning Ordinance.

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 July 9, 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 1st day of July, 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary