



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR**

McEvoy Use Permit Amendment and Minor Design Review

Item No:	C2	Application No:	10-0124
Applicant:	Aidlin Darling Design	Owner:	Nan McEvoy
Property Address:	5935 Red Hill Road, Petaluma	Assessor's Parcel:	125-070-05, -06, -16
Hearing Date:	July 15, 2010	Planner:	Veronica Corella-Pearson
	<b>RECOMMENDATION:</b>		<b>Approve with Conditions</b>
	<b>APPEAL PERIOD:</b>		<b>10 working days to the Planning Commission</b>
	<b>LAST DATE FOR ACTION:</b>		<b>August 17, 2010</b>

**PROJECT DESCRIPTION:**

The applicant, Aidlin Darling Design, has applied on behalf of the owner, Nan McEvoy (represented by Russ Morita), for Use Permit Amendment and Minor Design Review approval. The applicant proposes to amend the existing Use Permit (96-418) to allow for the conversion of an existing 4,760 square foot storage and maintenance building into a wine production facility, and to legalize 1,112 square feet of storage area. The building would be converted to include production equipment and wine storage. The majority of the wine would be produced from grapes grown on site, yet there is potential for some grapes to be used that are not grown on land owned by Nan McEvoy. The new wine facility would not be open to the public. The wine production staff would work normal business hours (7:30 am to 5:00 pm), except during the fall harvest season (5:30 am to 10:00 pm). During the fall harvest, the average noise level would be between 65-70 decibels for approximately 4 hours/day at the exterior walls of the building. The winery would produce and store up to 2,800 cases of wine a year. The Use Permit Amendment would also allow for 39 full time and 9 part time staff that work on staggered shifts. The majority of the wine sales will be on-line, with limited sales in the existing gift shop within the olive pressing facility.

**GENERAL INFORMATION:**

Countywide Plan: AG1 (Agriculture, 1 unit/31-60 acres)  
Zoning: A-60 (Limited Agriculture, 60 acre minimum lot area)  
Lot size: 552 acres  
Adjacent Land Uses: Residential and Agriculture  
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 or site disturbance that would result in impacts to sensitive habitat areas and it would not result in significant amounts of grading or site disturbance.

**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 in response to the public notice.

**PLAN CONSISTENCY:**

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

**BACKGROUND:**

The subject property received Use Permit approval on December 12, 1996 for the operation of an olive processing facility and for incidental retail sales of olive seedlings. The approved improvements at the time were for a new 6,775 square foot building for olive pressing, bottling, administrative and storage areas, and for a 3,360 square foot storage and maintenance building. Both structures were constructed, and the 3,360 square foot storage and maintenance building is included in the proposed Use Permit Amendment and Design Review. The 3,360 square foot building has been expanded and is now 4,760 square feet in size. The proposed Design Review would legalize the 1,112 square feet that has been added without building permits. Also included in the original Use Permit is a condition of approval that limits the McEvoy Ranch to an average of 25 people daily, based on terms of the original well permit issued by the Environmental Health Service.

**PROJECT ANALYSIS:**

The project has been reviewed by the Marin County Fire Protection District and Environmental Health Services. The Use Permit Amendment is to allow the existing storage and maintenance building to be used for wine production and storage, and to allow for grapes not grown on lands owned by Nan McEvoy to be used for wine production. The Use Permit Amendment would also allow for 39 full time and 9 part time staff that work on staggered shifts. The applicant seeks to create a wine production and storage facility that will gradually build up to a production and storage of a maximum of 2,800 cases of wine a year.

*Hours of Operation*

The ranch is operated during the normal business hours of 7:30 am to 5:00 pm, 5 days a week. Currently the ranch is not open to the public, except by "appointment only" tours and special events. The new winery would not be incorporated into the existing public tours of the ranch. Winery staff would work during the normal business hours, except during the fall harvest when staff would be needed on-site from the hours of 5:30 am to 10:00 pm. This would occur for no more than a two week period and no noise would occur after normal business hours.

### *Visitors and Staff*

Currently the ranch is operated with 39 full time and 9 part time employees. The original Use Permit allows for a maximum average of 25 people onsite per day. The Use Permit Amendment would allow for the ranch to continue operating with the existing number of employees and remove the condition of approval that limits the ranch to an average of no more than 25 people daily. During project review, Environmental Health Services has commented that the water system has been expanded and improved and is now regulated by the State Water Resources Control Board as a public water system and the water system is adequate to meet current and projected water demands.

### *Wastewater*

The applicant is proposing to collect all wastewater produced during the wine making process and to contain it within a holding tank that would be located to the south of the building. All wastewater from the wine making process would be sent to East Bay Municipal Utilities District (EBMUD). East Bay Municipal Utilities District will accept 10,000 gallons of wastewater from the winery operation per year. A condition of approval from EHS would require that the applicant to provide written approval and an agreement from the Regional Water Quality Control Board (RWQCB) allowing for the transfer of wastewater to EBMUD. An email has been received confirming this, but no formal letter from RWQCB. EHS is also requiring a "will serve letter" and contract from EBMUD for the acceptance of winery wastewater along with a plan on how they would deal with accidental discharge.

Currently the olive facility and storage building is served by an existing mound septic system. In a letter from Questa dated June 23, 2010 it is stated that the system can handle the existing staff usage and for up to a maximum of 600 gallons per day. For the last five years the average flows have been 166 gallons per day, well below the maximum amount. Therefore, the system is capable of handling the existing staff that are on-site and visitors. During fall harvest, portable toilets will be placed in the field for employee usage.

### *Addition*

The project entails the legalization of 1,112 square feet of storage area that was added without permit to the existing structure. The storage was added on to an existing slab and is in keeping with the design of the building. The added storage area does not affect movement or circulation, and does not substantially distract from the character of the establishment. It is not visible to the public and does not affect any neighboring properties. A condition of approval has been recommended that would require the applicant to apply for a building permit within 30 days, to receive a building permit within 90 days, and to have a final inspection within 180 days.

### *Code Compliance*

Marin County Code Section 22.08.030.E states that a Use Permit is required if any products to be processed are not produced on the same site or on other agricultural properties located in Marin County that are owned or leased by the facilities owner or operator. It is the applicant's intent to process grapes grown on lands owned by Nan McEvoy. There is a possibility that the owner may need to augment or supplement their winery with grapes grown from lands not owned by Nan McEvoy. This would result in no more than a total of 5 delivery trucks of grapes per year.

MCC Section 22.08.030 restricts the property to a maximum FAR of 5%. The subject property is 552 acres and all the existing development on the property results in a FAR of less than 1%. The

new addition would not result in the ranch exceeding the maximum FAR and the addition is to an existing structure that is clustered within the area of existing development.

## **CONCLUSION**

The winery equipment would average 65-70 dBA during the fall harvest during normal business hours. This level of noise is comparable to vehicular traffic at 20 mph at 25 feet away. The winery operation would be over 1,000 feet to the nearest adjacent neighbor, therefore there would be no noise impacts due to the project. The proposed project would not increase the number of on-site staff, and would only result in extended operating hours during the fall harvest (August – October), which typically would occur only during a 2 week period. Due to the low volume of wine that would be produced and that majority of all wine produced would be from grapes grown on the property, the wine operation would not result in a significant increase in traffic. In addition the winery would not be open to the public, and no on-site sales would occur. The addition would not conflict with zoning requirements for the A-60 zoning district in MCC Section 22.08.040. Staff has reviewed Use Permit approval 92-028 and finds that the amendment would not conflict with other conditions of approval. The existing condition of approval that restricts the ranch to an average of 25 people per day based on the old well permit can be removed due to the water system improvements. With the recommended conditions of approval from EHS regarding the wastewater generated from the winery, the project would not affect the health, safety, or welfare of the community and all development would be in keeping with the rural, agricultural character of the community.

## **RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the McEvoy Use Permit Amendment and Minor Design Review (ID # 10-0124).

### Attachments:

1. Proposed Resolution recommending approval of the McEvoy Use Permit Amendment (UP 96-418).
2. McEvoy Use Permit (UP 96-418)
3. CEQA Exemption
4. Location Map
5. Assessor's Parcel Map
6. Project Plans, 4 sheets
7. Application Submittal, dated 5/12/10 and 6/18/10
8. Questa, letters dated 5/6/10, 6/7/10, 6/23/10
9. Environmental Health Services – Water, transmittal dated 6/25/10
10. Environmental Health Services – Water, email 7/2/10
11. Environmental Health Services - Sewage, transmittal dated 6/23/10
12. Department of Public Works, Land Development, transmittal dated 6/3/10
13. Marin County Fire Department, letter dated 6/5/10

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION \_\_\_\_\_

A RESOLUTION APPROVING THE McEvoy USE PERMIT AMENDMENT AND MINOR DESIGN REVIEW (ID # 10-0124)  
5935 RED HILL ROAD, PETALUMA, CA 94952  
ASSESSOR'S PARCELS 125-070-05, -06, -16

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**SECTION I: FINDINGS**

- I. WHEREAS the applicant, Aidlin Darling Design, has applied on behalf of the owner, Nan McEvoy (represented by Russ Morita), for Use Permit Amendment and Minor Design Review approval. The applicant proposes to amend the existing Use Permit (96-418) to allow for the conversion of an existing 4,760 square foot storage and maintenance building into a wine production facility, and to legalize 1,112 square feet of storage area. The building would be converted to include production equipment and wine storage. The majority of the wine would be produced from grapes grown on site, yet there is potential for some grapes to be used that are not grown on land owned by Nan McEvoy. The new wine facility would not be open to the public. The wine production staff would work normal business hours (7:30 am to 5:00 pm), except during the fall harvest season (5:30 am to 10:00 pm). During the fall harvest, the average noise level would be between 65-70 decibels for approximately 4 hours/day at the exterior walls of the building. The winery would produce and store up to 2,800 cases of wine a year. The Use Permit Amendment would also allow for 39 full time and 9 part time staff that work on staggered shifts. The majority of the wine sales will be on-line, with limited sales in the existing gift shop within the olive pressing facility. The subject property is located at 5935 Redhill Road, Petaluma and is further identified as Assessor's Parcels 125-070-05, -06, -16.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on July 15, 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, pursuant to Section 15301, Class 1 because the project would not result in new construction or site disturbance that would impact sensitive habitat areas or result in a significant amount of grading and site disturbance.
- 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 project proposes no new construction or site disturbance and will not conflict with CWP natural systems policies requiring the protection of woodlands, forest, and tree resources (CWP Policies BIO-1.1 and BIO-1.3).

- B. The project proposes no new construction or site disturbance and will not conflict with the natural systems policies regarding supporting vegetation and wildlife disease management programs and promoting the use of native plant species (CWP Policies BIO-1.4, BIO-1.5, BIO-1.6 and BIO-1.7).
- C. The project proposes no new construction or site disturbance and will not conflict with policies regarding special-status species (CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2).
- D. The project proposes no new construction or site disturbance and will not conflict with policies regarding protecting ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on the private open space adjacent to the project site, or impact corridors for wildlife movement (CWP Policies BIO-2.3 and BIO-2.4).
- E. The project proposes no new construction or site disturbance and will not conflict with policies regarding the protection of wetlands or stream conservation areas (CWP Policies BIO-3.1 and CWP BIO-4.1).
- F. The project proposes no new construction or site disturbance and will not conflict with policies regarding stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4).
- G. The project proposes no new construction or site disturbance and does not trigger construction that requires building permit review for earthquake standards (CWP Policies EH-2.1, EH-2.3, and CD-2.8).
- H. The project has been reviewed by Marin County Fire District and is in compliance with required adequate fire protection standards regarding, removal of hazardous vegetation (CWP Policy EH-4.1, and CWP Policy EH-4.2), water for fire suppression (CWP Policy EH-4.c), defensible space and the project does not require a building permit that will require compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n), and clearance of vegetation around the proposed structure (CWP Policy EH-4.h).
- I. The project is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (CWP Policy DES-1.2).
- J. The project proposes no new construction and will not conflict with policies regarding energy efficient standards for exterior lighting, reducing excessive lighting, light pollution, light trespass, and glare. (CWP Policy DES-1.h).

K. The project proposes no new construction or site disturbance and will preserve visual quality, and protect scenic quality and views of the natural environment from adverse impacts related to development (CWP Policy DES-4.1).

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project would be consistent with the mandatory finding to approve a Use Permit pursuant to Section 22.48.040 of the Marin County Code for the reasons listed below.

**A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.**

Marin County Code Section 22.08.040 allows for agricultural processing in the A-60 zoning district. A Use Permit is required if any agricultural products to be processed are not produced on the same site or other agricultural properties located in Marin County that are owned or leased by the same property owner. There is a possibility that the owner may need to augment or supplement their winery with grapes grown from lands not owned by Nan McEvoy. This would result in no more than a total of 5 delivery trucks of grapes per year. All deliveries would be made during normal business hours.

**B. The proposed use is consistent with the Countywide Plan.**

See Section IV and V above.

**C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).**

See Section III above.

**D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.**

The addition and winery is compatible with the existing agricultural use and agricultural processing that is occurring on the property. The winery is over a 1,000 feet away from the nearest adjacent neighbor and majority of the neighboring properties are engaged in agriculture. The conversion, of a storage facility to a winery would not impact these operations due to the ranches remote location, and the small scale of the facility.

**E. That granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.**

The winery equipment will average 65-70 dBA during the fall harvest and will operate during normal business hours. This level of noise is comparable to vehicular traffic at

20 mph at 25 feet away. The winery operation would be over 1,000 feet to the nearest adjacent neighbor, therefore it is not anticipated that there would be any noise impacts from the project. The proposed project would not increase the number of onsite staff, and would only result in extended operating hours during the fall harvest (August – October), which typically would only occur during a 2 week period. Due to the low volume of wine that would be produced and that majority of all wine produced would be from grapes grown on the property, the wine operation would not result in a significant increase in traffic. In addition the winery would not be open to the public, and no on-site sales would occur. With the recommended conditions of approval from EHS regarding the wastewater generated from the winery, the project would not affect the health, safety, or welfare of the community and would be in keeping with the rural, agricultural character of the community.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project would be consistent with the mandatory finding to approve a Design Review pursuant to Section 22.42.060 of the Marin County Code for the reasons listed below.

**A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community.**

The addition has been designed to be in keeping with the rustic, rural character of the property and in keeping with other structures on the property used for production. The addition has been added to an existing structure that is clustered within an area of development and is in conformance with Section 22.08.040.

**B. The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation.**

The addition is in conformance with all requirements of the A-60 zoning district regarding setbacks and height, and is located within an area of existing development. The addition has been sited to not negatively impact light exposure to other structures, circulation, or result in a significant increase in light pollution or glare.

**C. The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements.**

The proposed project does not require the removal of any vegetation and currently there is landscaping surrounding the structure. The project has been reviewed by Marin County Fire Department and was found to be consistent with fire safety requirements.



**D. The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads).**

The project does not result in any cut and fill, or the need for appurtenant structures.

**E. The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).**

The subject building is clustered in an area of existing development and is not located on a visually prominent ridge. The addition would result in construction that is of similar mass and bulk to other buildings on the property. It does not result in construction that would be visually prominent to the public, and is in keeping with the character of existing development.

**F. 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 the requirements of the Marin County Green Building Standards, Title 24 and Ordinance 3492.

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

The proposed project is consistent with all CWP's policies pertinent to the proposed project, and has been reviewed by Environmental Health Services, the Department of Public Works, and Marin County Fire Department to ensure consistency with applicable development regulations, and as conditioned, the project would comply with all applicable sections of the Marin County Code.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the McEvoy Use Permit Amendment (ID# 10-0124) subject to the following conditions:

### Marin County Community Development Agency-Planning Division

1. Pursuant to Marin County Code Sections 22.50 (Use Permit) and 22.42 (Design Review) the McEvoy Use Permit Amendment and Minor Design Review is approved to allow for the conversion of an existing 4,760 square foot storage and maintenance building into a wine production facility, and to legalize 1,112 square feet of storage area. The building will include production equipment and wine storage. The facility may process up to 5 delivery trucks of grapes that are not from lands of Nan McEvoy. The new wine facility will not be open to the public. The wine production staff will work normal business hours

McEvoy Use Permit Amendment and Design Review (#10-0124)

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(7:30 am to 5:00 pm), except during the fall harvest season (5:30 am to 10:00 pm). The applicant is approved for the production and storage of up to 2,800 cases of wine. The wine production equipment will not exceed 70 decibels and must only operate during normal business hours. The ranch may also have a total of 39 full time and 9 part time staff that work on staggered shifts. The subject property is located at 5935 Redhill Road, Petaluma and is further identified as Assessor's Parcels 125-070-05, -06, -16.

2. Conditions of Approval numbers 1 and 4 in Use Permit 96-418 remain active.
3. This Use Permit Amendment shall be recorded to advise all future landowners of the Use Restrictions associated with the McEvoy Winery.
4. PRIOR TO VESTING, the applicant must pay the Code Enforcement Violation fees of \$2,880.
5. PRIOR TO VESTING, the applicant must provide written confirmation from the California Department of Alcohol and Beverage Control that an ABC license has been acquired.
6. 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 (description of project being approved), for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
7. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the addition. 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.
8. Within 90 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
9. Within 120 days of this decision, the applicant must 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.
10. 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.

11. This Use Permit is subject to revocation procedures contained in Chapter 22.120 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the public interest, health, safety, convenience, or welfare of the County.

#### Marin County Environmental Health Services - Sewage

##### PRIOR TO A TANK INSTALLATION PERMIT:

12. Provide written approval/agreement from Regional Water Quality Control Board (RWQCB) addressing the disposal of the winery waste.
13. Provide a "will serve letter" and a copy of the permit from EBMUD for the acceptance of winery wastewater. Please provide a plan on how to deal with accidental discharges. Satisfy all the conditions of EBMUDs acceptance criteria; etc. Also, secure a contract from EBMUD with the length of time clearly stated on it, and what the requirements are to renew the contract.
14. Provide certification from a state approved certified hauler

#### Marin County Fire Department

15. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

### **SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this McEvoy Use Permit Amendment (ID# 10-0124) approval by commencing the allowed use on the property, in compliance with the conditions of approval by July 15, 2012. The applicant must obtain a Building Permit for the addition 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 Use Permit 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.

The McEvoy Use Permit Amendment shall be valid indefinitely, so long as the current owner or subsequent owners of the subject property comply with the conditions of project approval. In the event that the terms of the McEvoy Use Permit Amendment are violated or that the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, the McEvoy Use Permit could be

revoked or suspended in accordance with the terms and provisions of Chapter 22.120.030 of Marin County Code.

Failure to comply with the strict terms of the Conditions of Approval shall result in invalidation of all permits and rights granted herein. The owner(s) of the subject property shall pay all staff cost incurred at the prevailing hourly rate for any required enforcement actions required by the County.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 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 29, 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 15th day of July, 2010.

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JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary