



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

March 13, 2007

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

**SUBJECT: Harriman Appeal of the Planning Commission's Non-action on the
Olema Farm House (10005 One LLC) Coastal Permit, Design Review and
Use Permit Renewal
10005 State Route One, Olema
Assessor's Parcel 166-201-14**

Dear Board Members:

RECOMMENDATION:

On October 12, 2006, the Deputy Zoning Administrator referred staff's recommendation to conditionally approve the Olema Farm House Coastal Permit, Design Review and Use Permit Renewal to the Planning Commission due to the issues the application raised with respect to Countywide Plan stream conservation area policy consistency. At their November 13, 2006 hearing, the Planning Commission was unable to reach an affirmative vote to either deny or conditionally approve the project. Accordingly, staff recommends that your Board affirm staff's original recommendation to approve the Olema Farm House Coastal Permit, Design Review and Use Permit Renewal subject to conditions of approval related to outdoor music and lighting and voluntary measures proposed by the applicant to reduce impervious surfaces and enhance creekside vegetation.

SUMMARY:

Project Description:

Jeff Harriman, the applicant and property owner proposes the continued operation of the Olema Farm House Restaurant and Olema Liquor and Delicatessen. Use Permit approval for this establishment was originally granted in 1993, subsequently renewed with amendments in 1995, and renewed again in 2000. The existing use consists of a 125-seat restaurant and an approximately 1,000 square foot take-out delicatessen and liquor store. The restaurant generally operates between 11:00 a.m. and midnight, with extended hours on the weekends. The delicatessen is open daily from 7:00 a.m. to 10:00 p.m. The applicant requests approval for the following modifications to the existing use: 1) legalize the enclosure and remodeling of the rear dining area, previously approved as unenclosed deck area and subsequently enclosed in 2003 by the previous property owner; 2) permit limited seating for bar patrons on the new entrance deck; 3) permit low-volume outdoor music on exterior decks and the rear patio; and 4) expand the permitted hours of operation for the restaurant on holidays occurring during the week. The proposed modifications would not increase the previously approved 125-seat maximum capacity of the restaurant/bar. Finally, the applicant is requesting that the Use Permit duration be extended to remain valid indefinitely as long as the terms of the permit are maintained. (Please refer to the detailed permit history and project description in the staff report to the Planning Commission included as Attachment 6).

Development Issues:

The primary development issues related to the Olema Farm House application include the proposal to legalize the rear dining room area and the request to allow outdoor music.

Stream Conservation Area Issues Related to the Rear Dining Area

The subject property is bordered by Olema Creek, a perennial blue-line stream that is subject to Marin Countywide Plan (CWP) and Local Coastal Program (LCP) Stream Conservation Area (SCA) policies. These policies call for the establishment of a 100-foot wide SCA buffer zone between the top of stream banks and proposed development in order to maintain stream courses in their natural state to the greatest extent feasible. The existing 442 square foot rear dining area proposed for legalization encroaches up to 25 feet into the 100-foot SCA buffer area on the property. However, this dining room was created in 2003 through the enclosure of an above-grade deck, which has existed on the property for at least 25 years and which was previously approved by the County in 1993. Neither the conversion of this space from outdoor to indoor dining by the previous owner, nor the current applicant's proposal to legalize and remodel this structure would increase the footprint of development within the SCA, disturb riparian resources, result in grading or vegetation removal, increase erosion, or impact the water quality of Olema Creek. In addition, there is no evidence that the continued use of this area as an indoor dining room would result in detrimental impacts to Olema Creek compared to its previously-approved use as an outdoor above-grade dining deck, or result in a discernable change in the type or intensity of use. Although the enclosure of the deck would allow this dining area to be used throughout the year (rather than on a seasonal basis), it is possible that enclosure of the outdoor dining deck has reduced impacts to the creek from this area related to noise and human activity.

The concern was raised that the project would increase the amount of impermeable surface on the property since the previously approved outdoor deck would have allowed some amount of rainwater to pass through to the ground below. There is no evidence that the effect of this difference in permeability over the small area in question (442 square feet) would have measurable impacts related to water quality, erosion, or run off. However, in response to this concern, the applicant has proposed to reduce the amount of existing impervious surface area within the SCA by converting a portion of the lower patio area to a drywell. Other voluntary measures proposed by the applicant to improve the creek environment include the installation of additional native riparian vegetation along Olema Creek and the reduction of site runoff from the parking lot and hitching post area through the use of bioswales or similar techniques. These proposed measures have been incorporated into the recommended conditions of approval (see Attachment 1, conditions of approval 5 through 9). Based on the factors outlined above, the proposal to legalize the enclosure of the rear deck would not disturb existing vegetation, modify the natural stream channel, increase erosion, adversely impact the visual or aesthetic appearance of the streamside environment, or result in new uses within the SCA beyond those which were previously approved, consistent with CWP and LCP stream conservation area policies, including those which allow minor work to existing, previously approved structures and uses within the SCA. In addition, the applicant's proposal to reduce impervious surfaces and supplement riparian plantings on the property would result in a beneficial impact to Olema Creek, consistent with the SCA policies.

Outdoor Music

As part of the project, the applicant is requesting that Use Permit conditions be modified to permit low-volume outdoor music in conjunction with use of the restaurant's side deck and rear patio area. Past Use Permit approvals for the Olema Farmhouse Restaurant have prohibited outdoor music based on community concerns that sound carries in the Olema Valley and that outdoor music may affect the serenity and rural character of the area. However, the restaurant is located adjacent to the busy traffic intersection of State Route One and Sir Francis Drake Boulevard. Therefore, it is unlikely that the broadcast of low-volume background music would exceed the ambient noise levels in the surrounding

areas. Staff has also received correspondence from the owner of the nearest adjacent property to the south who has indicated support for the applicant's request. The allowance for outdoor music would be consistent with previous Use Permit approvals for other commercial establishments in the vicinity (including the nearby Olema Inn and the adjacent Point Reyes Seashore Lodge), which include no restrictions on the use of recorded outdoor music. Finally, the Deputy Zoning Administrator indicated that the applicant's request for outdoor music was reasonable given the property's location in the historic commercial center of Olema. Based on these factors, staff is recommending approval of the applicant's request to allow low-volume recorded music (defined as music which is not audible from off-site locations) in conjunction with daytime outdoor dining activities on the existing side deck area. However, recommended conditions of approval would continue to prohibit outdoor music of any kind on the rear patio area due to its location within the Olema Creek stream conservation area.

Staff recommends compliance review one year from approval in order to evaluate the adequacy of conditions governing modified hours of operation, outdoor music, and creekside enhancement work.

RECOMMENDATION:

Staff recommends that the Board take the following actions:

1. Review the administrative record and conduct a public hearing;
2. Adopt the proposed resolution conditionally approving the Olema Farmhouse (10005 One LLC) Coastal Permit/Minor Design Review/Use Permit Renewal.

REVIEWED BY:	<input type="checkbox"/> Auditor Controller	<input checked="" type="checkbox"/> Not Applicable
	<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> Not Applicable
	<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> Not Applicable

Respectfully submitted,

Reviewed by,

Christine Gimmler
Senior Planner

Brian Crawford
Assistant Director

- Attachments:
1. Proposed Resolution conditionally approving the Olema Farmhouse (10005 One LLC) Coastal Permit/Minor Design Review/Use Permit Renewal
 2. Location Map
 3. Partial Site Plan
 4. Planning Commission minutes, November 13, 2006
 5. Supplemental Planning Commission Memo, November 9, 2006
 6. Planning Commission staff report, November 3, 2003

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