

**RESOLUTION NO. 2007-\_\_\_\_\_**  
**RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS**  
**A RESOLUTION APPROVING WITH CONDITIONS THE OLEMA FARM HOUSE**  
**(10005 ONE LLC) COASTAL PERMIT/MINOR DESIGN REVIEW/USE PERMIT RENEWAL**  
**ASSESSOR'S PARCEL 166-201-14**  
**10005 STATE ROUTE ONE, OLEMA**

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**SECTION I: FINDINGS**

- I. WHEREAS Jeff Harriman has submitted an application for Coastal Permit, Minor Design Review, and Use Permit Renewal approval for the continued operation of the Olema Farm House Restaurant and Olema Liquor and Delicatessen. Use Permit approval for this establishment was originally approved in 1993, subsequently renewed with amendments in 1995, and renewed again in 2000. The existing use consists of a 125-seat restaurant and approximately 1,000 square foot take-out delicatessen and liquor store on the 1.4-acre subject property. 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 is also requesting approval for the following minor modifications to the existing use: 1) permit up to four tables and umbrellas on the new entrance deck to be used by bar patrons weather permitting; 2) legalize the enclosure of the rear dining area, previously approved as unenclosed deck area, including replacement of the existing plexiglass roof and installation of new windows; 3) permit low-volume outdoor music on the deck which faces the parking lot and the rear patio; and 4) expand the permitted hours of operation for the restaurant to 8:00 a.m. on holidays occurring during the week (Monday through Friday). As shown on the seating plan, 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. The subject property is located at 10005 State Route One, Olema, and is further identified as Assessor's Parcel Number 166-201-14; and
- II. WHEREAS the Marin County Deputy Zoning Administrator held duly noticed public hearings on August 17, 2006 and October 12, 2006, to consider the merits of the project, and hear testimony in favor of and in opposition to the project. Due to the policy interpretation regarding allowable development within the SCA, the Deputy Zoning Administrator referred staff's original recommendation for consideration by the Planning Commission.
- III. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on November 13, 2006 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project and was unable to reach an affirmative vote to either deny or conditionally approved the project.
- IV. WHEREAS, on November 16, 2006, Jeff Harriman filed a timely appeal of the Planning Commission's non-action in order to obtain a decision regarding Use Permit Renewal for continued operation of the Olema Farm House Restaurant and Olema Liquor and Delicatessen. The appeal supports staff's original recommendation for conditional approval of the Olema Farm House (10005 One LLC) Coastal Permit/Minor Design Review/Use Permit Renewal.

- V. WHEREAS, the Marin County Board of Supervisors held a duly noticed public hearing on March 13, 2007, to consider the merits of the project and hear testimony in favor of, and in opposition to, the project.
- VI. WHEREAS, the Marin County Board of Supervisors finds that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines because it entails the continued operation of a previously approved commercial use involving no expansion of use and minor modifications to a previously-approved structure involving no expansion of the building footprint. The previously approved outdoor dining deck, which was subsequently enclosed, has existed on the property for at least 25 years and was formally authorized by the Board of Supervisors in 1993. Although this portion of the structure encroaches up to 25 feet into the designated Stream Conservation Area along Olema Creek, there is no evidence that continued use of this area for indoor dining would result in adverse impacts to Olema Creek compared to its previously approved use as an outdoor dining deck. Accordingly, the proposed project would not result in any adverse environmental impacts
- V. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the goals and policies of the *Marin Countywide Plan* because it would:
- A. Provide local- and visitor-serving facilities in the Coastal Recreation Corridor on a commercially-developed property;
  - B. Provide job opportunities in the Coastal Recreation Corridor without adversely affecting agricultural areas, public open spaces, or natural resources in the project vicinity;
  - C. Comply with Marin County standards for access, parking, flood control, and seismic safety;
  - D. Not adversely impact water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
  - E. Not cause soil disturbance, the removal of natural vegetation, or increase the footprint of development within a designated Streamside Conservation Area or impact the water quality of Olema Creek consistent with stream conservation area policies, including those which allow minor work to existing, previously approved structures and uses within an SCA.
- VI. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the goals and policies of the Local Coastal Program, Unit II, because it would allow for the continued operation of a local- and visitor-serving commercial use located in existing buildings which do not result in visual, traffic, noise, light or odor impacts on nearby residential and commercial uses. In addition, the subject property is served by existing roadways and services, and the project would not result in grading, tree removal, or impacts to riparian vegetation and habitat along Olema Creek.
- VII. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit pursuant to the requirements and objectives of the Local Coastal Program, Unit II (Section 22.56.130 of Marin County Code) for the reasons listed below.

**A. Water Supply:**

The subject property is currently served by the North Marin Water District. No changes to the water service to the existing uses on the site are proposed.

**B. Septic System Standards:**

The existing septic system and recirculating gravel filter serving the subject property were approved by the Board of Supervisors in 1995 as part of the previous Use Permit Renewal application, subject to conditions that the applicant submit quarterly performance reports to Environmental Health Services to enable EHS staff to monitor the operation of the system. The current Use Permit renewal application has been reviewed by EHS staff, who have recommended approval of the project, subject to conditions which require that the previously-established monitoring and reporting program be continued. Water use will continue to be limited to the previously established quantities. In addition, wastewater quality must continue to meet previously established specifications.

**C. Grading and Excavation:**

The proposed project consists of the continued operation of previously-approved commercial uses in existing structures and would result in no additional grading or excavation.

**D. Archaeological Resources:**

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. However, the project would not disturb cultural resources because no grading or excavation is proposed.

**E. Coastal Access:**

The subject property is located within the village of Olema and would not affect public access to coastal areas. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

**F. Housing:**

The proposed project would not affect the availability of housing stock within the community of Olema.

**G. Stream Conservation Protection:**

The subject property is bordered to the southwest by Olema Creek, an identified perennial blue-line stream that is subject to these SCA policies of the Countywide Plan and stream protection policies of the Local Coastal Program, Unit II. The existing 442 square foot rear dining area proposed for legalization encroaches up to 25 feet into the 100-foot SCA buffer area. However, this dining room was created through the enclosure of an above-grade deck which has existed on the property for at least 25 years and was formally authorized 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 this structure (including replacement of the roof and installation of new windows) would increase the footprint of

development within the SCA area, disturb riparian resources, result in grading or vegetation removal, increase erosion, or impact the water quality of Olema Creek. Furthermore, 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. Based on these factors, the proposal to legalize the rear deck enclosure 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. 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 Countywide Plan SCA policies.

**H. Dune Protection:**

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

**I. Wildlife Habitat:**

The subject property is bordered by Olema Creek, which is known to support several special-status species including listed species such as the California red-legged frog, California freshwater shrimp, and coho and steelhead salmon. However, the proposed project entails the continued operation of previously approved commercial uses within existing buildings with no new construction proposed with the exception of replacement of the roof and windows on an existing previously approved structure. Therefore, the project would not impact riparian resources on the property.

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

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is not located in an area containing rare and endangered plants. In addition, review of the Natural Diversity Data Base Maps on file with the Marin County Community Development Agency reveals that the subject property is not located in the habitat area for any rare or endangered plant species.

**K. Shoreline Protection:**

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

**L. Geologic Hazards:**

The project site is located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program. These include flood hazards associated with location within a 100-year flood plain as well as earthquake and tsunami hazards associated with location within the delineated boundaries of the San Andreas Fault Zone as identified on the Alquist-Priolo Special Studies Zone Map. Olema Creek, which runs along the southwesterly rear property line, is underlain by a potentially active earthquake fault. Other geologic hazards include liquefaction, although the project site is located within the mostly stable slope

stability category (Slope Stability Zone 1) according to the slope stability maps prepared by Wagner and Smith that are on file with the Community Development Agency. The project entails the continued operation of previously approved commercial uses within existing structures. Minor alterations to replace the roof and windows of the existing rear dining room would be reviewed by the Community Development Agency, Building Inspection Division to ensure conformance with seismic requirements under the Uniform Building Code.

**M. Public Works Projects:**

The proposed project would not result in the expansion of public roads or water and sewer improvements.

**N. Land Division Standards:**

No land division or property line adjustment is proposed as part of this project.

**O. Visual Resources:**

The proposed project entails the continued operation of previously approved commercial uses within existing structures and the replacement of the roof and windows of the existing rear dining room. Although the new roof, as modified by conditions of approval, would be approximately 3 feet higher than the existing roofline, this portion of the building is located at the rear of the property where it would not impair or obstruct coastal views from State Route One or result in other visual impacts on surrounding properties.

**P. Recreation/Visitor Facilities:**

The project proposes continued mixed use of the subject property, including small scale commercial uses (restaurant, delicatessen/liquor store) and two dwelling units, consistent with governing Village Commercial Residential zoning regulations, which encourage a mixture of residential and commercial uses.

**Q. Historic Resource Preservation:**

The project site is located within the designated historic district boundaries for Olema as identified in the Marin County Historic Study for the Local Coastal Program. In addition, the original two-story Olema Farmhouse building, which is well over 100 years old, has significance as an example of mid-19<sup>th</sup> century architecture in the historic core of Olema. However, both the "side" outdoor dining deck constructed in 2002 as well as the rear dining room proposed for legalization are located behind the Olema Farmhouse building where they are not readily visible from public areas and do not conflict with the historic character of the property or the community. The proposal to legalize the enclosure of the rear dining room, including replacement of the existing irregularly pitched plexiglass roof and installation of new windows would improve the appearance of this portion of the structure and create a roof line that is more consistent with the historic building while still ensuring that this portion of the structure is distinguishable from the original Olema Farmhouse building.

**R. Fire Protection:**

Conditions of project approval require that the applicant shall comply with all requirements of the Marin County Fire Department.

- VIII. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the mandatory finding to approve a Use Permit pursuant to Section 22.88.020(3) of Marin County Code for the reasons listed below.

**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.**

1. As modified by conditions of approval, the continued operation of the existing local- and visitor-serving restaurant and delicatessen/liquor store which have operated on the subject property for over 13 years 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.
2. Legalization of the dining room created through the enclosure of a previously approved outdoor dining deck would not entail any expansion or discernable intensification of the existing restaurant use, would not impact riparian resources on the property, and would not result in other adverse environmental or visual impacts.
3. Department of Public Works staff have determined that adequate on-site parking exists to serve the continued operation of existing commercial and residential uses on the site. Since the last Use Permit Renewal was approved, the amount of public area associated with the restaurant use has increased by approximately 700 square feet due to construction of the side deck in 2002, and the proposal to use a portion of the entry deck for outdoor seating. As a result, the property would be 6 parking spaces short of the 56 spaces required under current codes. However, staff has not received complaints or identified any on-going problems with parking capacity or traffic circulation resulting from the existing uses on the property. In addition, previous parking counts have indicated that the site could accommodate peak parking demand. Finally, although the public area on the site has increased slightly, conditions of approval continue to limit the maximum seating capacity of the restaurant to 125 seats. Therefore, the total number of customers present at any one time has remained the same since the previous Use Permit was renewed. Based on these factors, existing on-site parking is adequate to serve the continued operation of existing uses on the site.
4. Environmental Health Services staff have determined that the existing on-site septic system is adequate to serve continued operation of existing commercial and residential uses on the site, subject to conditions which require that the previously-established monitoring and reporting program be continued.

5. The existing intensity of commercial and residential uses on the property would be adequately served by existing water facilities, as determined by the North Marin Water District.
  6. No changes to the existing seating capacity are proposed as part of this application, and conditions of approval specify that a combined maximum of 125 seats must be maintained, regardless of the number of outdoor deck/patio seats in use at any given time. In addition, the proposal to allow up to 4 tables (8 seats) on the front entry deck for use of bar patrons weather permitting would not exceed the maximum seating allowance or result in other adverse impacts to neighboring uses.
  7. The proposal to slightly expand existing hours of operation to allow the restaurant to open at 8:00 on holidays occurring during the week is reasonable and compatible with the hours of operation of nearby commercial uses in Olema.
  8. The broadcast of low-volume recorded music in conjunction with outdoor daytime dining activities on the side deck area would not disturb the character of the community due to the proximity of the property to the busy traffic intersection of State Route One and Sir Francis Drake Boulevard.
- IX. WHEREAS the Marin County Board of Supervisors finds that the proposed project is exempt from the requirements of Design Review pursuant to Section 22.82.040 of Marin County Code for the reasons listed below.

The proposed project entails the continued operation of previously approved commercial uses within existing structures and the legalization and remodeling of a rear dining area created through the enclosure of a previously approved deck. Although the new roof proposed over the rear dining room would be approximately 3 feet higher than the existing roofline, this portion of the building is located at the rear of the property where it would not impair or obstruct coastal views from State Route One or result in other visual impacts on surrounding properties. Conditions of approval would ensure that the new roofline would not exceed a height of 25 feet above grade as required by the governing zoning. The project site is located within the designated historic district boundaries for Olema as identified in the Marin County Historic Study for the Local Coastal Program. In addition, the original two-story Olema Farmhouse building, which is well over 100 years old, has significance as an example of mid-19<sup>th</sup> century architecture in the historic core of Olema. However, the rear dining room proposed for legalization is located behind the Olema Farmhouse building where it is not readily visible from public areas and does not conflict with the historic character of the property or the community. The proposal to legalize the enclosure of the rear dining room, including replacement of the existing irregularly pitched plexiglass roof and installation of new windows would improve the appearance of this portion of the structure and create a roof line that is more consistent with the historic building while still ensuring that this portion of the structure is distinguishable from the original Olema Farmhouse building. Finally, no changes to existing commercial signage on the property are proposed and conditions of approval reiterate that no portable A-frame signs are permitted on the premises.

## SECTION II: DECISION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Board of Supervisors hereby approves the Olema Farm House (10005 One LLC) Coastal Permit/Minor Design Review/Use Permit Renewal applications subject to the following conditions:

### ***NOTE: ADD DRAINAGE AND PLANTING CONDITIONS WHEN REVISED***

#### Marin County Community Development Agency -- Planning Division

1. The Olema Farm House (10005 One LLC) Coastal Permit/Minor Design Review/Use Permit Renewal approval permits the continued use and operation of a restaurant/bar, delicatessen/liquor store, and two apartment units, on the 1.4 acre property located at 10005 State Route One, Olema, and further identified as Assessor's Parcel 166-201-14.
2. Except as modified by conditions of approval, plans submitted for a Building Permit for the approved rear dining room modifications shall substantially conform to plans identified as "Exhibit A": entitled "Proposed Rear Dining Room Remodel for the Olema Farmhouse Restaurant, 10005 State Route One, Olema", received June 1, 2006, and on file in the Marin County Community Development Agency -- Planning Division.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be revised to reflect a maximum height of 25 feet above grade. Exterior building materials and colors for the rear dining room shall match the existing building.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate that the dining room modifications incorporate as many green building practices as feasible (i.e. energy efficient windows, Forest Stewardship Council certified wood, low/no VOC paint/finishes, etc.)
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval of Community Development Agency and Department of Public Works staff a riparian planting plan prepared in consultation with a biologist or riparian ecologist which provides increased shading for Olema Creek while allowing view and access corridors to the stream. The planting plan should focus on the least vegetated portion of the creek in the vicinity of the rear patio area and shall utilize a planting palette that includes a mix of taller (willow, alder) as well as low-growing species.
6. PRIOR TO FINAL INSPECTION, the required plantings shall be installed by a qualified landscape contractor with expertise in the field of riparian landscape installations. The choice of contractor shall be subject to review and approval by the Community Development Director. Upon inspection and acceptance of the plantings by County staff, the applicant shall enter into a maintenance agreement, secured by a bond, for a period of three years, to ensure survival of at least 80 percent of the plantings. The deposit amount shall be based on cost estimates from qualified professionals, subject to review and approval by the Community Development Director.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval of Community Development Agency and Department of Public Works staff a drainage enhancement plan which includes the following components:



- a. Replacement of the concrete slab closest to the creek (currently a portion of the lower patio area) with an approximately 4-foot by 10-foot dry well designed to absorb sheet flow from the remaining patio area and rear dining room rain gutters. To minimize maintenance requirements, the surface of the drywell shall be capped to avoid blockage with mud and debris during flooding events and run-off shall be directed to the drywell below grade.
- b. The construction of a drywell, bioswale or other permanent measures designed to increase on-site infiltration of surface runoff from the parking lot.
- c. Construction of a physical barrier at the hitching post area to contain horse manure away from the creek. In addition, implements will be provided to allow riders to clean up after their horses and properly dispose of manure.

NOTE: As an alternative to items a. and b. above, the applicant may propose the replacement of up to two parking spaces at the northwest corner of the parking lot with a larger dry well (located above the flood plain) designed to absorb drainage from both the rear dining room roof and the parking lot area.

8. PRIOR TO FINAL INSPECTION, approved drainage improvements shall be inspected and approved by Community Development Agency and Department of Public Works staff.
9. PRIOR TO FINAL INSPECTION, the applicant shall take measures to ensure that the existing garbage dumpsters on the property are kept closed to reduce litter and animal foraging. Such measures may include, but are not limited to installing a device to prevent the dumpster lid from being fully opened and enclosing the back of the dumpster area to prevent loose litter from being blown into the creek
10. Use of the property shall substantially conform to the following conditions, which supersede all conditions of approval of the previous Trans-Global Resources (Olema Farm House) Coastal Permit, Minor Design Review/Use Permit Renewal granted for the subject property on December 7, 2000.
11. The development, maintenance, and conduct of the Olema Farmhouse restaurant and bar shall be subject to the following conditions:
  - a. The maximum number of seats that can be used at any time in conjunction with the restaurant and bar is 125 seats.
  - b. The front entry deck may be used for up to 8 outdoor seats.
  - c. The outdoor side deck and rear patio areas shall have a combined maximum occupancy of 80 seats. In order to ensure that the permitted maximum occupancy of 125 seats for the restaurant is maintained, only 45 indoor seats would be permitted to be used when all 80 outdoor seats are utilized. Periodic review may be conducted by the Community Development Agency to ensure compliance with this condition.
  - d. Use of the outdoor side deck and rear patio for dining purposes shall be restricted to daylight hours. All outdoor dining uses shall be limited to the side deck, front entry deck, and rear patio only. Exterior lighting on the side deck and rear patio shall be maintained to be consistent with the restriction on use of the deck and patio for dining purposes during daylight hours, and as required for safety and security of the

premises, including allowance for safe ingress and egress and normal set-up and clean-up activities after dark. Lighting fixtures that are designed primarily to permit or facilitate after-dark activities on the side deck and rear patio shall be prohibited.

- e. The approved hours of operation for the restaurant and bar shall be:

Sunday:	8:00 a.m. to 12:00 a.m.
Monday – Thursday:	11:00 a.m. to 12:00 a.m.
Friday:	11:00 a.m. to 2:00 a.m.
Saturday:	8:00 a.m. to 2:00 a.m.

**Note:** The restaurant is permitted to open at 8:00 a.m. on holidays that fall on a weekday (Monday through Friday).

- f. Special events, including wedding and banquet uses, are permitted as long as such events do not exceed the 125 seat maximum occupancy and use of deck and patio areas in conjunction with such events would be subject to the limitation on outdoor dining specified above.
- g. The broadcast of low-volume recorded music in conjunction with outdoor dining activities is permitted on the existing side deck only provided it is limited to the daytime hours only. Live music is not permitted. As defined in this Use Permit, daylight hours shall end at official sunset and “low-volume recorded music” shall be defined as music played at a volume that is not audible from off-site locations.
12. The maintenance and conduct of the delicatessen and liquor store (Olema Liquor and Deli) shall be subject to the following conditions:
- a. The delicatessen and liquor store shall be restricted to the lower (ground) floor of the structure.
- b. All sales shall be on a take-out basis only. Indoor seating and picnicking facilities are not authorized as part of this Use Permit approval and are prohibited.
- c. Hours of operation for the delicatessen and liquor store shall be restricted to 7 a.m. to 10 p.m. (and 7:00 a.m. December 31 to 2:00 a.m. January 1).
13. Portable A-frame signage is not permitted on the premises. Periodic review may be conducted by the Community Development Agency to ensure compliance with this condition.
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. 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.
16. This Use Permit is subject to revocation procedures contained in Sections 22.88.040 and 22.88.045 of the Marin County Code in the event any terms of this approval are violated or if the uses are conducted or carried out in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, or if the uses are conducted in violation of the conditions of this permit. Failure to comply with any of the terms contained in this approval shall constitute grounds for revocation of this Use Permit.

#### Marin County Department of Public Works

17. The project is in a Special Flood Hazard Area, Zone A, as shown on the Flood Insurance Rate Map (FIRM Community-Panel Number 060173-0216A revised March 1, 1982). The County has determined the Base Flood Elevation to be between 52 and 53-feet NGVD. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the plans shall show Base Flood Elevation (BFE) based on NGVD 1929 Datum on all elevation views of the proposed project. Site plan must show Flood Insurance Rate Map (FIRM) Flood Zone designation and Base Flood Elevation (BFE) using the National Geodetic Vertical Datum of 1929.
18. PRIOR TO ISSUANCE OF A BUILDING PERMIT, provide DPW a real estate appraisal of the property improvements as they currently exist, prior to any proposed improvements or improvements that were constructed without a building permit. The appraisal must show the depreciated cost of structure separately from the value of the land and be for the individual structure. Provide DPW a cost estimate of the value of the work, prepared and stamped by a registered engineer, architect, or estimator for the cost of the improvements. Should the cost to value ratio exceed 50%, the lowest floor elevation for the entire building shall be at or above the Base Flood Elevation. Revised plans as well as additional requirements would be required.
19. PRIOR TO ISSUANCE OF A BUILDING PERMIT, revise plans to indicate that all new construction below the base flood elevation shall be constructed with materials resistant to flood damage. Construction of floor joists, floor insulation, and HVAC components below BFE shall meet the requirements of FEMA Technical Bulletins 2-93 and 11-01. Electrical and sanitary utilities shall also meet FEMA Technical Bulletins.

Environmental Health Services

20. The applicant shall be responsible for maintaining the septic system Operating Permit and complying with the monitoring conditions.

North Marin Water District

21. BEFORE THE FINAL INSPECTION, the applicant shall submit confirmation from the District that all requirements of the District have been satisfied.

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE, LET IT BE RESOLVED that the Olema Farm House (10005 One LLC) Coastal Permit/Minor Design Review/Use Permit Renewal shall be vested by submitting a Building Permit application to legalize and remodel the approved rear dining room within 45 days of approval, obtaining a Building Permit for all approved work within 180 days, and substantially completing the improvements in accordance with the secured building permit within 270 days of approval, and complying with all conditions of approval, or all rights granted in this approval shall lapse. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff at least 10 days prior to the deadline, and may be granted for good cause, such as delays beyond the applicant's control.

NOW, THEREFORE BE IT FURTHER RESOLVED that upon completion of the requirements to vest this application, the Olema Farm House (10005 One LLC) Coastal Permit/Minor Design Review/Use Permit shall remain valid indefinitely as long as all the terms of the permit are maintained. This permit may be subject to periodic permit compliance review by Community Development Agency staff. Failure to comply with conditions of approval may result in revocation or modification of the Use Permit.

**SECTION IV: VOTE**

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this \_\_\_\_th day of \_\_\_\_\_, 2007, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

\_\_\_\_\_  
CLERK