

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260

PERMIT APPLICATION NO. **2-06-005**
DATE: MAY 25, 2006
PAGE 1 OF 6



TH5a

ADMINISTRATIVE PERMIT

APPLICANT: Hog Island Oyster Company

PROJECT

DESCRIPTION: Remodel and renovation of two existing buildings including construction of a 400-square-foot addition to one building to house shellfish processing tanks; renovations include adding handicap accessible restrooms, retail sales area, office space, workshop and equipment storage and a prep kitchen for onsite sales; construction of a covered walkway between buildings; after-the fact authorization for an existing covered processing area; reconstruction of an existing porch; addition of nine parking spaces; creation of a variable 20-foot average streamside conservation area with restoration and enhancement of native riparian vegetation.

LOCATION: 20215 State Route One, Marshall, Marin County

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and location:

DATE: June 15, 2006
TIME: Meeting Begins at 9:00 a.m., Item Th5a
PLACE: Fountain Grove Inn
101 Fountain Grove Parkway
Santa Rosa, CA 95403
(707) 578-6101

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Alfred L. Wanger
Title: Deputy Director

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Special Conditions

1. Disposal of Removed Debris. No construction materials, debris, or waste shall be placed in Tomales Bay. Any and all debris resulting from construction or repair activities shall be removed from the shoreline immediately. No construction materials or debris shall be placed where they may be subject to wave erosion or

dispersion. All construction materials, debris, and waste shall be removed from the site after project completion, and shall be legally disposed of outside of the Coastal Zone.

2. Riparian Vegetation Restoration. All planting for creek restoration shall be undertaken from native plants indigenous to the Tomales Bay region as identified in Exhibit 4. All plants, seeds and vegetated propagules used in the restoration planting must be obtained from local sources. PRIOR TO COMMENCEMENT OF CONSTRUCTION, permittee shall submit documentary evidence showing either that the creek restoration project has been approved by the California Department of Fish and Game or that no such approval is required.
3. Assumption of Risk, Waiver of Liability, and Indemnity Agreement. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from seismic activity, flooding, storm surge, waves, and tsunamis; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agent, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development that, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The applicant proposes to renovate existing structures at the Hog Island Oyster Company Facility located adjacent to Tomales Bay in Marshall, Marin County. The project is within the retained jurisdiction of the Coastal Commission. The project involves the renovation of two existing buildings: one, known as the "Depot" building, located adjacent to the shoreline of Tomales Bay, and the second, known as the "Marshall Store",

located along Highway One. The renovated bayside Depot building will not be enlarged, but will include conversion of an existing one-bedroom residential unit into commercial space containing office space and a workshop and equipment storage area. There is an existing porch on the south side of the building, in poor condition, which will be reconstructed. The renovation of the Marshall store would expand the structure approximately 400 square feet and extend the building 8 feet beyond the existing building footprint to the west to house shellfish processing tanks. This renovation also includes reconfiguring the existing space to add handicap accessible restrooms, a retail sales area, and a prep kitchen for onsite sales of shellfish. No cooking or restaurant use is proposed. The project also includes the construction of an 8-foot wide, 10-foot high covered walkway between the two buildings and after-the-fact authorization of an existing 840-square-foot covered processing area located to the north of the Depot building. This structure was installed in 1996 to comply with State regulations that required covering existing oyster holding tanks for protection from the elements, without first obtaining a CDP. Construction of this structure prior to obtaining a CDP constitutes a violation of the Coastal Act. Additionally, nine parking spaces will be created in an existing gated work yard and parking area on the north side of the property for employee parking on weekdays, and will provide additional parking for visitors on weekends. This parking area will supplement an existing 8-space parking area on the south side of the property currently used for customer parking. The northern portion of the project site includes an unnamed creek; the project includes the creation of a fenced, variable 20-foot average streamside conservation area and buffer. Currently, there is no buffer between the existing gated work yard and parking area and the creek. The creek will be restored and enhanced with native riparian vegetation, and non-native plants (tamarisk) will be removed.

B. Water Quality

The proposed development is located on the shoreline of Tomales Bay. Tomales Bay is within the Gulf of the Farallones National Marine Sanctuary, one of four national marine sanctuaries in California and one of thirteen in the nation. The Sanctuary was designated in 1981 to protect and manage the 1,255 square miles encompassing the Gulf of the Farallones, Bodega Bay, Tomales Bay, Drakes Bay, Bolinas Bay, Estero San Antonio, Estero de Americano, Duxbury Reef, and Bolinas Lagoon. The Marin LCP emphasizes the importance of Tomales Bay on many levels. It provides important habitat for birds, marine mammals and over 1,000 species of invertebrates. In addition, sharks and rays spawn in the Bay. The Bay also supports a significant aquaculture industry.

Coastal Act Section 30231 requires that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Protecting the water quality and biological productivity of Tomales Bay is essential to preserving the Bay and the coastal resources it supports. Although none of the development is proposed in Tomales Bay, development would occur immediately adjacent to the bay. Disposal of construction materials or debris into the bay would degrade the quality and biological productivity of coastal waters in conflict with Section 30231 of the Coastal Act. Therefore, to prevent construction materials and debris from entering Tomales Bay, **Special Condition No. 1** prohibits the placement of any construction materials, debris or waste in the bay and requires the applicant to remove such materials from the shoreline immediately, and remove such materials from the project site after project completion.

Additionally, Section 30231 of the Coastal Act requires the maintenance of natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. The proposed creek restoration and enhancement activities include replanting the area with native riparian vegetation, removing non-native plants (tamarisk), and the creation of a 20-foot variable buffer to enhance creek protection. Due to historic development at the property, no creek side buffer currently exists. To ensure that the natural vegetation buffer areas that protect riparian habitats are adequately protected, **Special Condition No. 2** requires that only those plants on the approved list of native plants (contained in Exhibit 4) be used in the replanting and restoration activities.

Thus, as conditioned, the proposed development ensures that the proposed development would be undertaken in a manner that protects the water quality and biological productivity of Tomales Bay. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

C. Hazards

Coastal Act policy 30253(1) states that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. Although this site has not been flooded in the past, it is located in a 100-year coastal floodplain and is subject to potentially hazardous storm waves. Since the proposed development is located in a flood-prone area, there is some risk of extraordinary flooding that could result in destruction or partial destruction of the development approved by the Commission. Given that the applicant has chosen to implement the project despite such hazard, the applicant must assume these risks. Accordingly, the Commission imposes **Special Condition 3** concerning assumption of risk, waiver of liability, and indemnity agreement.

Special Condition 3 requires the landowner to assume the risks of extraordinary seismic, wave, storm surge, tsunami, and flooding hazards of the property and waive any claim of liability on the part of the Commission. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards.

Therefore, as conditioned, the proposed development minimizes risks to life and property in areas of high geologic, flood, and fire hazard and is consistent with Section 30253 of the Coastal Act.

D. Alleged Violation

Sometime in 1996, without benefit of a coastal development permit, the applicant undertook development consisting of the construction of an 840-square-foot covered processing area, approximately 12 feet in height and open on the sides, to provide protection of the existing oyster-holding tanks from the elements, as required by State regulations.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation, nor does it constitute an admission as to the legality of any development undertaken on the site without a coastal development permit.

E. California Environmental Quality Act (CEQA)

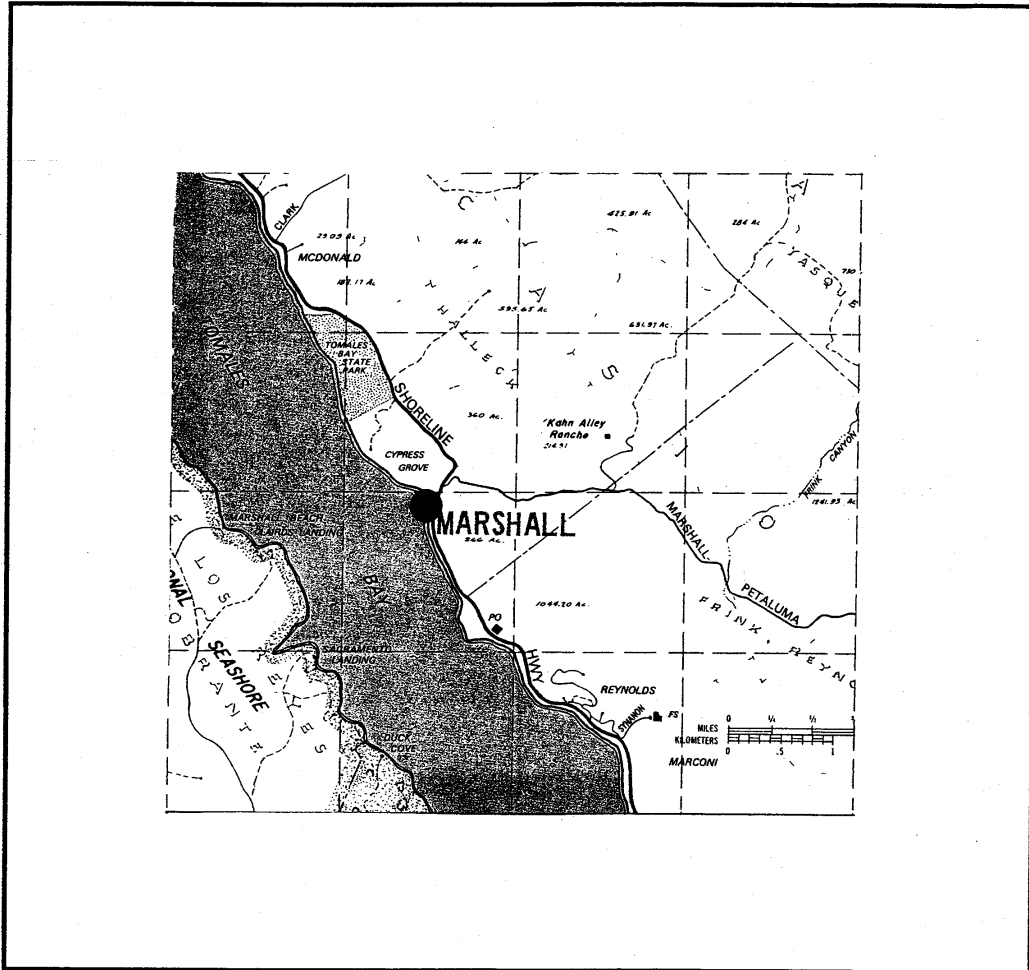
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Marin County
Community Development Agency
Location Map



HOG ISLAND OYSTER COMPANY USE PERMIT/DESIGN REVIEW/TIDELANDS PERMIT
20215 State Route One, Marshall
Assessor's Parcels 106-010-07 and -08
February 16, 2005
Not to Scale

EXHIBIT NO.	1
APPLICATION NO.	2-06-005
HOG ISLAND OYSTER COMPANY	

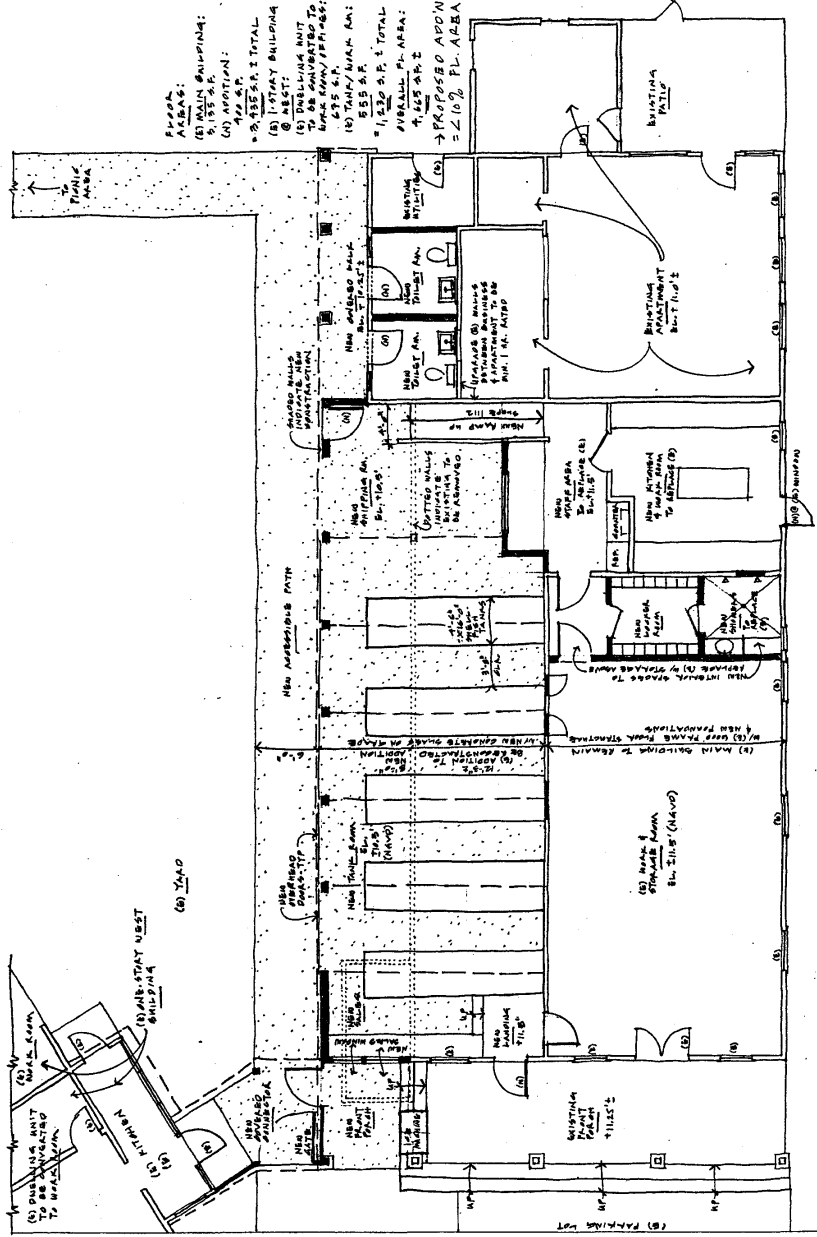
DZA ATTACHMENT 3

PROJECT: HOG ISLAND OYSTER CO. MAIN BUILDING
CLIENT: HOG ISLAND OYSTER CO.
 274 KENNEDY BLVD., MARSHALL, CA 94960
ARCHITECT: PRESERVATION ARCHITECTURE
 274 KENNEDY BLVD., MARSHALL, CA 94960
 PRESERVATIONARCHITECTURE.COM

PROJECT TITLE: HOG ISLAND OYSTER CO. MAIN BUILDING
DATE: 11/20/12

SCALE: 1/8" = 1'-0"

PROJECT NO.: 2



FLOOR PLAN MAIN BUILDING

EXHIBIT NO.	3
APPLICATION NO.	2-06-005
HOG ISLAND OYSTER COMPANY	

Riparian Zone Project
Hog Island Oyster Co.
2004

- Sambucus mexicana (Red Elderberry)
- S. nigra (Blue Elderberry)
- Rhulus ursinus (California Blackberry)
- Eriogonum fasciculatum (Buckwheat)
- Artemesia douglasii
- Eriophyllum sp. (Lizardtail)
- Festuca californica
- Symphoricarpus alba (snowberry)
- Lonicera nitida (Gold)
- Cornus sericea (Redtwig Dogwood)
- Lupinus
- Diplicus (Monkeyflower)
- Rosa californica
- Quercus agrifolia
- Salix sp.
- Garrya elliptica (Coast Silk Tassel)
- Myrica californica (Wax Myrtle)
- Ribes sanguineum glutinosum (Pink Flowering Currant)
- Spirea douglasii
- Erigeron glaucus (Seaside Daisy)
- Calamagrostis nutkaensis
- Muhlenbergia rigens
- Bacharis pilularis (Coyote Bush)
- B. consenquinia
- Corylus cornuta (Hazelnut)
- Holodiscus discolor
- Rhamnus californica
- Ceanothus sp.
- Heuchera micrantha (Coral Bells)

EXHIBIT NO.	4
APPLICATION NO.	2-06-005
HOG ISLAND OYSTER COMPANY	