



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR INVERNESS PROPERTIES, LLC COASTAL PERMIT AND USE PERMIT AMENDMENT

Item No:	1	Project ID No:	12-0051
Applicant:	Inverness Properties, LLC	Application No:	CP and UP 12-16
Property Address:	12781 Sir Francis Drake Boulevard, Inverness	Owner:	Inverness Properties, LLC
Hearing Date:	April 26, 2012	Assessor's Parcel:	112-296-22
		Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	May 3, 2012
LAST DATE FOR ACTION:	May 29, 2012

GENERAL INFORMATION:

Countywide Plan:	C-GC (Coastal, General Commercial)
Zoning:	C-CP (Coastal, Planned Commercial)
Community Plan Area:	Inverness Ridge
Lot size:	9,764 square feet
Adjacent Land Uses:	Commercial and open space
Vegetation:	None onsite, Native trees and vegetation on adjacent properties
Topography and Slope:	Flat
Environmental Hazards:	Proximity to Tomales Bay

The applicant is proposing to modify the existing Use Permit for the restaurant formerly known as 'Priscilla's Café' (and before that, 'The Gary Whale'). The restaurant will now be known as 'Saltwater'. The applicant wants to modify the Use Permit to allow: 1) up to 30 patron seats for either the restaurant or outside deck. The original Use Permit had originally not permitted outdoor seating on the deck. This modification will allow the owner to move indoor seating outdoors on to the deck and legally permit the serving of food and beverage both inside and on the deck, but would result in no net increase in the number of seats; 2) a maximum of 4 staff at any one time will be permitted; and 3) there are no special events as part of this Use Permit amendment.

A Coastal Permit is required because the project is within the Coastal zone. A Use Permit Amendment is required because the applicant is requesting use modifications to the existing Use Permits which run with this property.

It should be noted that the notice originally implied that this project was an amendment to both the Coastal Permit and Use Permit. The nature of the project however requires a full Coastal Permit since it involves organizing and modifying the entitlements from multiple prior Use Permits and Coastal Permits.

ENTITLEMENT HISTORY

The existing building is one of the oldest commercial buildings in the community of Inverness, dating back to 1889 and sometimes referred to as the 'Inverness Commons Building' or the 'Bellwether Building'. It is located within a very small area, along Sir Francis Drake Boulevard and just south of Inverness Way, within the communities of Inverness and Inverness Park where commercial development has been identified by the community plan to be located.

The building includes several of Inverness' local shops including a gift shop/coffee bar called Blackbird, the local Post Office, the on-site restaurant (i.e. Priscilla's Café and before that The Gray Whale) and office spaces. Over time, the site has had several Coastal Permits, Use Permits, and Design Reviews associated with it. This has led to confusion on the entitlements associated with this property. One of the issues that has come up recently is the ability for the restaurant at this site to have outdoor seating for food and alcohol service on the outdoor deck.

Use Permit #3475, approved in 1980, originally allowed for 24 seats to serve the restaurant but prohibited the use of the deck for outdoor seating for the serving of food and alcohol. Coastal Permit 83-16 and Design Review 83-28 in 1983 expanded restaurant seating from 24 to 30. Deck seating was again considered, but was again not permitted. In 1985, Coastal Permit 85-26, Use Permit 85-21, and Design Review 85-71 allowed for the expansion of the post office and physical improvements to the building which included expansion of the deck. The applicant states that outdoor eating and alcohol service have existed since this time, however it was never approved as part of this application. In 2002 however, Planning staff allowed the Alcoholic Beverage Control (ABC) to issue an alcohol license permitting the serving of alcohol both in the restaurant, as well as on the deck. As such, the serving of alcohol is legal, but this Use Permit amendment would also allow food service on the deck as well.

Since this time, the restaurant which has occupied the site, weather permitting, has moved some of the approved seating outdoors for patrons to enjoy the views and weather of the local community. The owners of these restaurants never increased the amount of seating which was previously approved. The number of permitted seats for the restaurant is 30. The applicant, as noted above, is not seeking to change this either, but is asking to legally be permitted to have a maximum of 30 total seats for patrons indoors or outdoors on the deck at any given time during the year.

The community has not complained, through a formal code enforcement action, of these restaurants utilizing the deck for the serving of food and drink. The only issues raised by members of the community as a result of this application has been with regards to whether new hours were being asked for and whether special events or music were going to be part of the restaurant's business. The applicant is not requesting these changes either. If the applicant were to seek changing other things including number of patron seats, extended or

modified hours, food service menu, have special events, or play outdoor music, then the applicant would need to apply for an amended Use Permit.

Due to the history and overlapping entitlements associated with this property, the County with this Coastal Permit and Use Permit Amendment is incorporating the other approved uses into this decision.

The application was first submitted on February 28, 2012 and was transmitted to the Department of Public Works, Environmental Health Services, North Marin Water District, Inverness Public Utility District, Inverness Ridge Association, and the Inverness Association. The information and materials submitted during the completeness review of the application included a Site Plan and Floor Plan.

All of the agencies that received a transmittal regarding the project which responded, stated that the project could be completed in conformance with their requirements. Standard conditions of approval were recommended by those agencies, which have been incorporated into the attached Resolution.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Inverness Properties Coastal Permit and Use Permit Amendment 12-16.

- Attachments:**
1. Recommended Resolution approving the Inverness Properties, LLC Coastal Permit and Use Permit Amendment
 2. CEQA Exemption
 3. Vicinity Map
 4. Assessor's Parcel Map
 5. Project Plans
 6. Department of Public Works memo, dated March 30, 2012
 7. Inverness Public Utility District memo, dated March 19, 2012
 8. Environmental Health Services memos, both dated March 13, 2012
 9. North Marin Water District memo, dated March 8, 2012

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 12-
A RESOLUTION APPROVING THE
INVERNESS PROPERTIES COASTAL PERMIT AND USE PERMIT AMENDMENT (UP 12-16)
12781 SIR FRANCIS DRAKE BOULEVARD, INVERNESS
ASSESSOR'S PARCEL 112-296-22

SECTION I: FINDINGS

- I. WHEREAS, the applicant and owner, Inverness Properties, LLC, applied for a Coastal Permit and Use Permit Amendment proposing to modify the existing Use Permit for the restaurant formerly known as 'Priscilla's Café' (and before that, 'The Gary Whale'). The restaurant will now be known as 'Saltwater'. The applicant wants to modify the Use Permit to allow: 1) up to 30 patron seats for either the restaurant or outside deck. The original Use Permit had originally not permitted outdoor seating on the deck. This modification will allow the owner to move indoor seating outdoors on to the deck and legally permit the serving of food and beverage both inside and on the deck, but would result in no net increase in the number of seats; 2) a maximum of 4 staff at any one time will be permitted; and 3) there are no special events as part of this Use Permit amendment.

The subject property is located at **12781 Sir Francis Drake Boulevard in Inverness** and is further identified as **Assessor's Parcel 112-296-22**.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing April 26, 2012, 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 extension of time to vest the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 of the CEQA Guidelines because it entails no increase in the intensity of approved use and would not result in potentially significant impacts to the environment..
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
- A. The project would be consistent with the C-GC (Coastal, General Commercial) land use designation;
 - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 6:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 5:00p.m. on Saturday. (CWP Policies NO-1.1 and NO-1.3);
 - C. The project has been designed to be consistent with the design and scale of the surrounding community (CWP Policies, DES-1.1, DES-1.2, DES-1.h, DES-3.1, DES-4.1, DES-4.c, and DES-5.1.);



- D. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*) because the project would not entail the removal of a substantial number of mature, native trees.
 - E. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because, as designed and conditioned, it will not increase the footprint of the existing building nor the intensity of an already approved use.
 - F. The project would not significantly impact the ecotones on the project site (*CWP Policies BIO-2.3 and BIO-2.4*) because the subject property is in an already disturbed area and located far enough from the shoreline to avoid being constrained by ecotones.
 - G. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the subject property.
 - H. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies BIO4-20, WR-2.1, WR-2.2, and WR-2.3*) because the proposed drainage system complies with the standards and best management practices required by the Department of Public Works.
 - I. The project would be constructed in conformance County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
 - J. The project design and conditions of approval ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), water for fire suppression (*CWP Policy EH-4.c*), defensible space and 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*).
 - K. The project would meet energy efficient standards for exterior lighting, and would reducing excessive lighting and glare (*CWP Policy DES-1.h*) because exterior up-lighting is not proposed, and standard conditions of project approval require that lighting be downward directed.
 - L. The project will comply with the Marin County Energy Efficiency Ordinance (*CWP Policy EN-1.b*) because the Energy Efficiency Ordinance requirements would be implemented during the Building Permit review process to ensure that the project minimizes energy use.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent land use policies of the Inverness Ridge Communities Plan because it involves commercial use, which serves the local community and travelers, within one of the concentrated commercially designated areas of Inverness and Inverness Park, just south of Inverness Way (IRCP, Policies 2.00, 2.00A, 2.01, and 2.02, pages 37-38).
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The lot is already served by the Inverness Public Utility District (IPUD). The district has found that the application is complete for water system purposes. The water supply has therefore been deemed adequate by IPUD and it has the ability to provide the additional service required. In addition, prior to final building permit inspection, the applicant will need to provide documentation to the Marin County Community Development Agency that it has satisfied all water standards required by IPUD. Therefore, the project is consistent with this finding.

B. Septic System Standards

The project has been reviewed and accepted by the Environmental Health Services Division (EHS). According to EHS, no changes or new conditions are required so long as the hours of operation and food service are not changing. Should changes be pursued in the future, the applicant will need to receive approval by the EHS Land Use section as well as the Consumer Protection section. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The project involves no modifications to the building footprint or will otherwise require substantial new grading or excavation since it involves legally utilizing already existing and permitted deck space for food and drink service. Therefore, the project is consistent with this finding.

D. Archaeological Resources

The project is located within an area of known high archaeological sensitivity. This is based on identified and mapped areas of archaeological sensitivity. The project however includes no expansion of the existing commercial structure and a standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures. Therefore, the project is consistent with this finding.

E. Coastal Access

The project site is separated by Sir Francis Drake Boulevard and not located immediately adjacent to the shoreline and will therefore have no impact upon coastal access. Therefore, the project is consistent with this finding.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Inverness community because it does not involve removing any existing housing. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

The proposed project is located outside the vicinity of any recognized sensitive streams or wetlands subject to the stream and wetland protections of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project is not located in the Dune Protection area identified by the Local Coast Plan and there are no dunes in the area. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

Based on review of the California Natural Diversity Database the site is identified as being a potential host to the Pallid Bat (*Antrozous pallidus*) and Marin Hesperian (*Vespericola marinensis*). The site is also known to be within a ½-mile of a known Northern Spotted Owl nest. None of these species were identified onsite during a site visit. The proposed project also does not include an expansion of the existing structure or intensification of use through additional hours, new events or music, or involve increasing the amount of available seating which would serve restaurant. Therefore the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on review of the California Natural Diversity Database the site is identified as being a potential host to Marin Knotweed (*Polygonum marinense*), Lyngbye's Sedge (*Carex lyngbyei*), Coast Lily (*Lilium maritimum*), North Coast Phacelia (*Phacelia insularis* var. *continentis*), and Marin Checker Lily (*Fritillaria lanceolata* var. *tristulis*). None of these species were identified by staff during a site visit. In addition, the building footprint is not expanding, nor is the applicant proposing an intensification of use through additional hours, new events or music, nor does the project involve increasing the amount of available seating which would serve restaurant. Therefore, the project is consistent with this finding.

K. Shoreline Protection

The proposed project is separated by Sir Francis Drake Boulevard and not located immediately adjacent to the shoreline or within a bluff erosion zone. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is located outside of the Alquist-Priolo Special Study Zone. The Department of Public Works has also conditioned that a Registered Geotechnical Engineer or a Registered Civil Engineer with soils engineering expertise review and approve the plans. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the California Building Code and as a condition of project approval, the applicant shall agree to hold the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property. Therefore, the project is consistent with this finding.

M. Public Works Projects

The proposed project will not affect any existing or proposed local public works projects in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The project involves no new physical improvements or other expansion of the existing, legally permitted building. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation facilities and will enhance existing visitor serving facilities because of involves no intensification or expansion of already existing and permitted facilities. The proposed amendment to the Use Permit will also not infringe on access to any nearby local visitor facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail any physical alterations to the existing permitted structure. Therefore, the project is consistent with this finding.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Use Permit findings (Section 22.88.020I of the Marin County Code), as specified below.

A. The establishment, maintenance, or conducting of the use for which this Use Permit is sought will not be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of this use and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood for the reasons listed below:

The amendment to the Use Permit primarily involves the allowance of customers to eat as well as drink on the outside deck. This has been previously prohibited by Use Permit #3475 and was again considered, but not ultimately modified with Use Permit 83-28. Over approximately the past 10-years however outdoor seating, and the serving of food and drink on the deck for prior restaurants at this site however have taken place, with no complaints made about the practice. The neighborhood has clearly found this to be an acceptable use and not an inconvenience, safety, health, or other public hazard. The applicant is not proposing to increase seating capacity. In addition, as noted with the conditions of approval, the applicant is being limited to no more than 30 patron seats for this establishment. The applicant is also not asking for any additional substantial changes, such as evening music, new events, or modified hours of operation.

The other uses on-site, including a 922 square foot gift shop with coffee bar (Blackbird), 2,683 square foot Post Office, and two office spaces are all existing and legally permitted uses through past discretionary and ministerial permits. These uses are to be continued as previously approved, with no modifications being sought.

SECTION II: ACTION

WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Inverness Properties, LLC Coastal Permit and Use Permit Amendment subject to the conditions of approval listed below. This approval authorizes the restaurant formerly known as 'Priscilla's Café' (and before that, 'The Gary Whale') which shall now be known as 'Saltwater'. The applicant is modifying the past Use Permit to

allow: 1) up to 30 patron seats for both food and beverage service for either the restaurant or outside deck. The original Use Permit had originally not permitted outdoor seating on the deck. This modification will allow the owner to move indoor seating outdoors on to the deck and legally permit the serving of food and beverages both inside and on the deck, but would result in no net increase in the number of seats; 2) a maximum of 4 staff at any one time will be permitted; and 3) there are no special allowed events as part of this Use Permit amendment.

In addition, the property is approved to have: a gift shop (presently known as 'Blackbird') with a coffee bar component which includes a limited amount of space for the storage and sale of coffee, pastries, and ice cream and other similar items, as well as a table and seating for customers, that takes up approximately 200 square feet, of the overall 922 square feet, near the front of the shop; a 2,683 square foot post office; a 340 square foot storage area; a 370 square foot office; and another 542 square foot office. The parking serving this site includes 11 parking spaces from an existing parking easement and 10 additional parking spaces identified outside of the parking easement. The site also includes 4 bicycle parking spaces.

The subject property is located at **12781 Sir Francis Drake Boulevard in Inverness**, and is further identified as **Assessor's Parcel 112-296-22**.

SECTION III: CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

Community Development Agency – Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "SITE PLAN AND FLOOR PLAN FOR USE PERMIT AMENDMENT," consisting of one sheet prepared by Marshall Livingston, dated February 27, 2012, and received February 28, 2012, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
3. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
4. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
5. 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.
6. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
 7. BEFORE FINAL INSPECTION, the applicant shall submit written confirmation from the Inverness Public Utility District that all district requirements have been met.
 8. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
 9. 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.

Marin County Department of Public Works - Land Use and Water Resources Division

10. Based on the June 24, 1985 Notice of Decision for Coastal Permit 85-26, Use Permit 85-21, and Design Review 85-71, Findings Item-1, "Parking is acceptable on and off-site". Additionally, based on conditions imposed under the same Use Permit, Item-10, "Prior to the issuance of an occupancy permit, the applicant shall record the approved parking easement."

According to Document No. 2001-0060656 (September 18, 2001), an easement was granted for enough space to accommodate 11 parking spaces. The plans show a total of 21 spaces, 10 of which are outside the parking easement. Therefore, an easement shall be recorded for the 10 spaces outside of the existing recorded easement in order to count them as use for the subject project.

11. The three parking spaces shown in the plans at the intersection of Sir Francis Drake Blvd and Alder Way cannot be counted as they impede traffic flow.

12. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide the intended main entrance serving the restaurant. The main entrance shall meet the minimum 2010 CBC§1133B requirements.
13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide the following two notes on the Site Plan: "The design engineer/architect shall certify to the Department of Public Works in writing that all grading, drainage, and retaining wall construction was completed in accordance with the approved plans and field inspections". All driveways, parking and other site improvements shall be inspected by a Department of Public Works engineer prior to building permit final"; and "Design Engineer/Architect shall verify that all accessible parking and path of travel complies with all State accessibility requirements".
14. BEFORE ISSUANCE OF A BUILDING PERMIT, construction documents must be drawn of sufficient clarity to indicate nature and extent of work associated with accessibility.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide updated signage for the Accessibly parking and path-of-travel from the parking to the main restaurant entrance pursuant to 2010CBC§1129B.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall show the intended outdoor seating configuration in the plans and provide a clear delineation between the Accessible path-of-travel and the outdoor seating area. The seating configuration shall not interfere with the Accessible path-of-travel.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the deck shall meet the minimum requirements for Accessibility to prevent accidental falling or rolling off the deck edge.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, an encroachment permit shall be required for work within the County-maintained road right-of-way.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, all parking spaces shall meet the minimum requirements pursuant to MCC§24.04.330 through §24.04.410.

Marin County Community Development Agency, Environmental Health Services

20. Any changes to menu, equipment, or facility layout must first be approved by Environmental Health Services.
21. Any changes in operational hours change in menu or change of food preparation and cooking equipment will need to be approved by EHS Land Use section as well as Consumer Protections section.

SECTION IV: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **April 26, 2014**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction

is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on May 3, 2012.

SECTION V: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 26th day of April 2012.

BEN BERTO
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary