

## 1. COASTAL PERMIT, AND USE PERMIT AMENDMENTS: (Project ID: 12-0051) INVERNESS PROPERTIES

The subject property is located at **12781 Sir Francis Drake Blvd, Inverness** and is further identified as **Assessor's Parcel No. 112-296-22**.

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.

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 Deputy Zoning Administrator (DZA) asked if staff had any additional comments or had received additional correspondence since the staff report was distributed and the staff responded, noting the following:

- A recommendation to create a standard range of hours of operation from 7:00 A.M. to 9:00 P.M. for all commercial uses;
- A future tenant can request to modify the hours administratively.

The public testimony portion of the hearing was opened.

The applicant, Marshall Livingston, spoke regarding the favorable elements of the project, including the following:

- Legalization of the seating on the deck;
- Maximum number of employees at four is not adequate for peak times and made a request to strike this limitation;
- Discussion on the easement partially owned by the Inverness Foundation; and
- Septic system repair is complete and will not interfere with parking.

Members of the public speaking in favor of the project included: Bridger Mitchell

- Patio seating is a long standing use and represents no change in actual use;

- Overflow parking on the west end in the dirt area can be used as public parking as a continuation of current practice;
- Acknowledge that alcohol is a permitted beverage;
- Include the second floor uses; and
- The Coastal Permit will refer to everything.

The public testimony portion of the hearing was closed.

Staff responded to questions from the Deputy Zoning Administrator (DZA) to clarify several issues including the following:

- Michel Jeremias, Department of Public Works, noted that if the applicant plans to designate additional parking on the easement they will need to apply to do so;
- If the applicant intends to count the additional parking spaces, the easement should be recorded; and
- The Inverness Association would provide the public parking easement.

The Deputy Zoning Administrator (DZA) made several comments pertaining to the project, including the following:

- Concurs with the hours of operation;
- Protect the area in the Coastal Zoning district for commercial use;
- There will be no restriction on the number of employees;
- Note on the Project Description that a beer and wine license is included;
- The site's overall hours are 7:00 A.M. to 9:00 P.M. with adjustments to be considered administratively;
- If the applicant wishes to designate additional parking spaces, a public parking easement would be satisfactory; and
- Live or amplified music in the outside area is not allowed without a Use Permit Amendment.

The Deputy Zoning Administrator (DZA) concurred with staff's findings and conditions of approval in the Resolution, and approved the Inverness Properties Coastal Permit and Use Permit Amendments.

The Deputy Zoning Administrator (DZA) informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

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- Legalization of the seating on the deck;
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- Patio seating is a long standing use and represents no change in actual use;
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- Include the second floor uses; and
- The Coastal Permit will refer to everything.

The public testimony portion of the hearing was closed.

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- Michel Jeremias, Department of Public Works, noted that if the applicant plans to designate parking on the easement they will need to apply to do so;
- If the applicant intends to count the other parking spaces available, the easement should be recorded; and
- Approach the Inverness Association of a public parking easement.

The Deputy Zoning Administrator (DZA) made several comments pertaining to the project, including the following:

- Concur with the hours of operation;
- Create and protect the area in the Coastal Zone commercial use;
- There will be no element tied to the restriction on the number of employees;
- Note on the Project Description that a beer and wine license is included;
- The hours are 7:00 A.M. to 9:00 P.M. with adjustments to be considered administratively; and
- Live or amplified music in the outside area is not allowed.

The Deputy Zoning Administrator (DZA) concurred with staff's findings and conditions of approval in the Resolution, and approved the Inverness Properties Coastal Permit and Use Permit Amendments.

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