

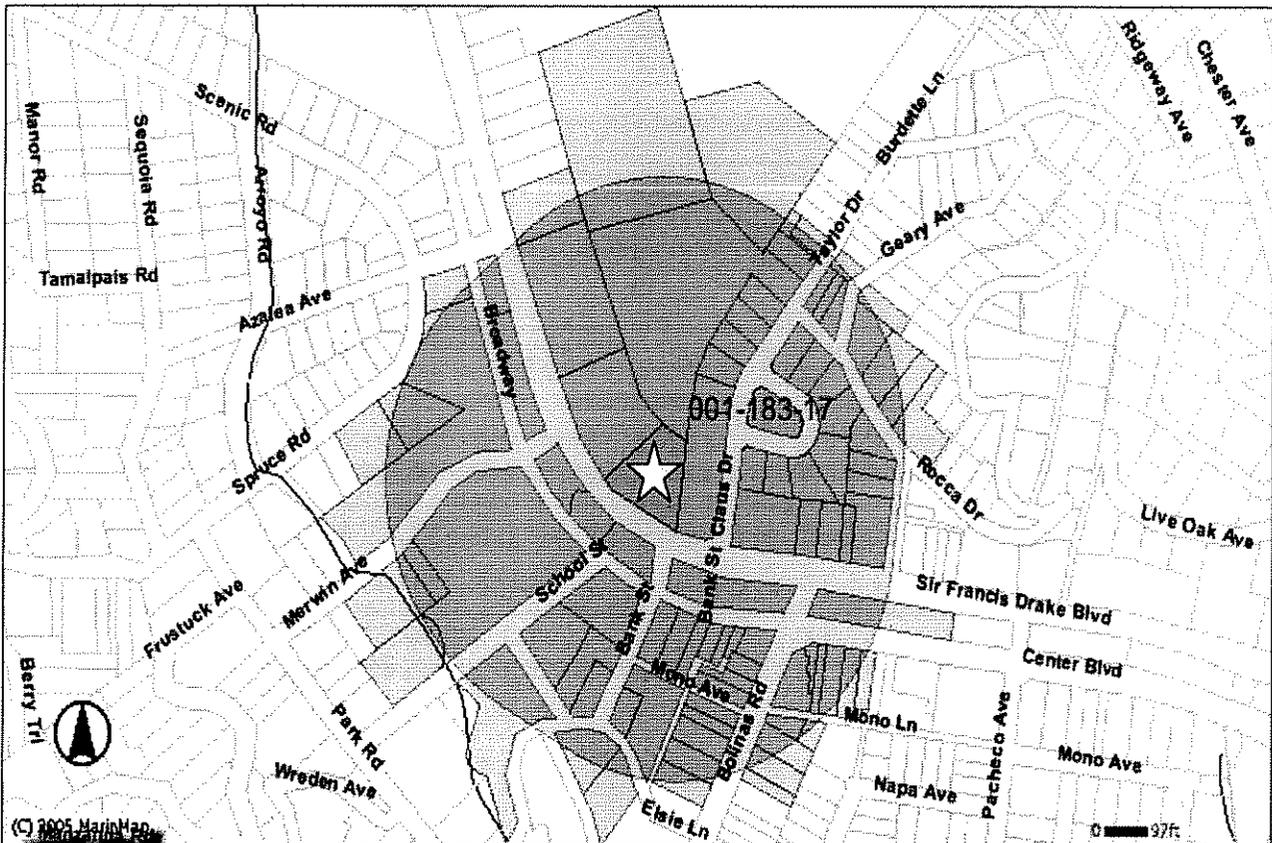
**TOWN OF FAIRFAX  
STAFF REPORT**

**TO:** Mayor, Members of the Town Council

**FROM:** Michael Rock, Town Manager  
Jim Moore, Director of Planning & Building Services  
LAK Associates, Contract Planner

**DATE:** August 17, 2011

**SUBJECT:** Introduction of Terrapin Crossroads Project and Consideration of Adoption of Resolution No. 11-47, a Resolution of the Town Council of the Town of Fairfax Establishing a Methodology for Preparing a Traffic Impact Study for a project encompassing the construction of a 16,570 square foot commercial building designed for use as a Performance Art Building; Assessor's Parcel No. 001-183-17, 2000 Sir Francis Drake Blvd.



**2000 Sir Francis Drake Boulevard**

## **RECOMMENDATION**

1. Open the Public Hearing and take testimony.
2. Close the Public Hearing.
3. Move to adopt Resolution #11-47 establishing the methodology for the Traffic Impact Study (see Attachment Exhibit 1).

## **BACKGROUND**

Section 17.056.030 of the Town Code requires a Traffic Impact Permit for projects that create a structure or add additional square footage to a structure that generates more than 100 ADT; or that has a floor area of 5,000 square feet or more.

*Further, section 17.056.070 of the Town Code requires that the methodology to be used in the Traffic Study be set forth in a resolution of the Town Council.*

The purpose of this public hearing is to allow the Town Council to approve by resolution, the methodology to be used in the Traffic Study. According to the municipal code the methodology may provide, but is not limited to the following:

- (1) Specific standards for individual impacted intersections for level of service and/or when to take traffic counts; and
- (2) Adjustment to traffic counts taken during particular seasons of the year.

## **DISCUSSION**

The purpose of this public hearing is to consider public input and allow the Town Council to approve by resolution, the methodology to be used in the Traffic Study for the proposed Terrapin Crossroads redevelopment located at 2000 Sir Francis Drake Boulevard. The Traffic Study will assess the potential traffic impacts related to the redevelopment of the existing vacant gas station site, and the associated remote parking lots. The Terrapin Crossroads proposes to operate a new musical performance facility with a gross total of 16,570 square feet on the property. The Terrapin Crossroads Project Description is attached as Exhibit 2.

The subject of this public hearing is to determine the scope of the Traffic Study that will evaluate the traffic impacts of the new Terrapin Crossroads musical performance facility in order to be granted a Traffic Impact Permit.

## **TRAFFIC IMPACT REPORT**

The applicant has submitted the traffic impact study Letter of Proposal and Scope of Work prepared by Nelson Nygaard, dated August 11, 2011 (see Attachment Exhibit 3). The attached Letter of Proposal and Scope of Service was peer reviewed by Parisi Transportation, Inc on August 11, 2011, and may be adjusted after public testimony is received at this hearing.

## **ATTACHMENTS**

Exhibit 1: Draft Resolution #11-47

Exhibit 2: Terrapin Crossroads Project Description

Exhibit 3: Nelson Nygaard Traffic Report Letter of Proposal and Scope of Work, dated 8/11/11

Exhibit 4: Traffic Impact Permit – Municipal Code Sections

Exhibit 5: Application Process

Exhibit 6: Letters from the Public

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**RESOLUTION NO. 11- 47**  
**A RESOLUTION OF THE FAIRFAX TOWN COUNCIL ESTABLISHING A**  
**METHODOLOGY FOR PREPARING A TRAFFIC IMPACT STUDY FOR**  
**THE TERRAPIN CROSSROADS PROJECT AT**  
**2000 CENTER BOULEVARD**  
**TOWN OF FAIRFAX, CALIFORNIA**

**WHEREAS**, the Town of Fairfax, Municipal Code Section 17.056.030 requires a Traffic Impact Permit for projects that are greater than 5,000 square feet in floor area, and

**WHEREAS**, the Town of Fairfax, Municipal Code Section 17.056.070 (F) requires that Town Council approve the methodology for preparing a Traffic Study needed before the Traffic Impact Permit can be granted, and

**WHEREAS**, Phil and Jill Lesh (together, the "Applicant") proposes to construct and operate a new musical performance facility called the Terrapin Crossroads with a gross total of 16,570 square feet (the "Project") on the property at 2000 Center Boulevard, Fairfax, and

**WHEREAS**, the Project requires a Traffic Impact Permit, and the Applicant has submitted a preliminary traffic study methodology from Nelson Nygaard as described in the Letter of Proposal and Scope of Service dated August 11, 2011, and

**WHEREAS**, the Town Traffic Consultant, Parisi Transportation, Inc has indicated they will perform a peer review of the traffic study as described in the Nelson Nygaard Letter of Proposal and Scope of Service dated August 11, 2011.

**NOW THEREFORE BE IT RESOLVED** by the Fairfax Town Council as follows:

**SECTION I.** The Town Council hereby approves the methodology for assessing the traffic impacts of the proposed Terrapin Crossroads musical performance facility as described in the Letter of Proposal and Scope of Service dated August 11, 2011 and as modified at the public hearing.

**SECTION II.** The Town Council hereby requests that the Traffic Impact Study be prepared by Nelson Nygaard based on said methodology for presentation to the Town in for consideration of the Traffic Impact Permit for the Project.

The Foregoing Resolution was adopted by the Town Council of Fairfax at a regular meeting thereof, held on the 17<sup>nd</sup> day of August 2011, by the following vote, to wit:

**EXHIBIT # 1**

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AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Mayor Larry Bragman

**ATTEST:**

\_\_\_\_\_  
Judy Anderson, Town Clerk



1924 Fourth Street  
San Rafael, CA 94901

**August 4, 2011**

**Terrapin Crossroads – Project Description**

**Summary**

The Applicants, Phil and Jill Lesh, propose to construct a two-story building with a basement at 2000 Sir Francis Drake Boulevard in Fairfax, CA. The Assessor’s Parcel Number is 001-183-17. The lot size is approximately 18,358 square feet, with southwest facing frontage on Sir Francis Drake Blvd. The building is designed to be a barn adapted for use as a musical performance space. The barn will accommodate a maximum of 500 people per performance for up to a maximum of 100 performances per year. Food and drink will be available, including alcoholic beverages; food will be prepared in the basement kitchen and the barn will feature two service bars on the first and second floors. In addition to featuring musical performances the facility will be used as a community gathering place for youth activities, school music programs, community fundraisers and local non-profit meetings and presentations, along with seminars and lectures.

**General Information**

- **General Plan Designation:** Highway Commercial
- **Zoning Designation:** Highway Commercial
- **Compliance with Town Plans and Policies:** The proposed use is in compliance with the Town of Fairfax General Plan and Zoning Codes. The proposed project will be ADA compliant.
- **Site Character:** The parcel is triangular shaped parcel fronting Sir Frances Drake. The site slopes approximately nine feet from the southwestern corner to the southeastern corner over a distance of approximately 182 feet that is the parcel frontage on Sir Frances Drake.
- **Flood Zone:** The parcel is not in a mapped flood zone
- **Wildland/Urban Interface Zone:** The parcel is not in a Wildland/Urban Interface Zone.
- **Utilities:** The parcel is currently served and will continue to be served by Marin Municipal Water District, Ross Valley Sanitary District, and Pacific Gas and Electric.

**For the purpose of this Application, the proposed programs will include the following:**

- Professional music performances (Phil Lesh & Friends, Phil’s Ramble Band)
- Phil and Jill strongly believe that helping teens find their passion is very important – to that end Phil will host a variety of workshops for local youths in the upstairs Family Room, he will invite notable musicians, artists, photographers, professors, athletes, film producers, politicians, philosophers, actors, poets to motivate and inspire the participants.
- Seminars and Conversations will also be available for adults along with dinner beforehand.
- The Family Room will be made available to local non-profits for meetings and presentations.
- Phil and Jill have a long running charitable foundation –The Unbroken Chain Foundation. Unbroken Chain Foundation will hold fundraising benefits at Terrapin Crossroads for local

organizations such as police, fire, open space, parks, local school music, arts and athletic programs and other organizations that benefit the Town of Fairfax.

- There will be ongoing exhibits of art and photography from local artists along with historical music.

This list is not intended to be all-inclusive but rather to indicate the range of uses anticipated for the facility.

### **General Building Description**

The building will consist of three levels: basement of approximately 3,288 square feet, ground floor of approximately 8,250 square feet that includes the performance space of approximately 3018 square feet and second floor and balcony of approximately 5,032 square feet.

The ground level includes the performance space, stage, entry breezeway and living room. The living room is connected via the breezeway to the performance space and will serve as the lobby to the performance space. The living room will be furnished with couches, chairs and tables. The living room will also serve both healthy small plates and beverage service during performances and off hours as well. A wrap around covered porch on the south, east and west elevations of the building will be accessed from the living room via sliding barn doors. The covered porch and adjacent landscaped areas will contain bench seating. Dressing rooms, staging and storage areas are located behind the stage at the rear of the building.

The second floor includes balconies, office, bathrooms and family room. The family room is a large open beamed room that will be furnished with couches, tables, chairs, a pool table and well-stocked book shelves available during shows for special guests, family, friends and musicians. On non-show nights, the family room will be used for community gatherings including music workshops, seminars and conversations.

The basement includes a kitchen and men and women's bathrooms. The elevator accesses the basement, ground floor and second floor. Three stairwells access the second floor from the ground floor. The balcony stairwells are located respectively on the northwest corner of the western balcony and on the northeastern corner of the eastern balcony. The main staircase is located on the ground floor at the western end of the breezeway that accesses both the basement and second floor.

### **Hours of Operation**

- Performances: Fifty to one hundred nights per year - 6:00 PM to 12:30 PM
- Food and Drink: Thursday through Sunday - 5:00 PM to 12 Midnight
- Concerts and other activities may occur on Monday through Wednesday depending on artists availability.

### **Number of Employees/Busiest Shift**

- Busiest shift would be during musical performances
- Managers: 3
- Security: 8 to 11
- Reception/Ushers: 2
- Cooks/Waiters/Bartenders: 7

- Tech/Roadies: 4
- Musicians: 6 to 10

### **Previous Use & Adjacent Uses**

The site was previously used as auto repair shop and gas station. Currently the site is being used as a parking lot for the Good Earth Natural Food Market. A Soil and Groundwater (contaminant) Investigation was performed in September 2002 that indicated the site is free of contaminants. Additionally the project applicants will have a Phase II Environmental Site Assessment performed. Existing structures will be demolished and the entire site will be graded to accommodate the proposed use. All demolished materials including asphalt paving will be recycled. The adjacent uses to the east and west are Grocery Stores. The parcel fronts on Sir Frances Drake Boulevard and across the street to the south is an abandoned gas station. To the north (rear) are the Bennett House gardens.

### **Building Design**

The two-story building is intended to look and feel like a barn. The building will have a maximum height of 28 feet 6 inches. The exterior siding is vertical wood boards. The roof is dark gray composition shingle. There are 11 clear glass windows facing Sir Frances Drake. There are nine entrances/exits. The performance space exterior walls will be an assembly constructed concrete and framed walls with layers of sheetrock per specifications from the acoustical engineers, Charles Salter Associates. All mechanical systems will be located within the building. The doors will be a barn style constructed of either all wood or wood and glass panels. The building siding and wood doors will be clear stained natural wood. The building will contain a sprinkler system for fire suppression. The porch floor surrounding the building will be clear stained wood decking. The building architecture is designed to fit both into the old urban style of downtown Fairfax and also blend with the rural character of West Marin.

### **Green Building**

The applicants will strive to reduce the impact of the project's construction, create a project that is connected to the community, and provide an environment for the staff and public that will reduce the energy and water consumption while at the same time creating an indoor environment that is relatively free of pollutants.

The proposed project location, on a previously developed site, is within a ½ mile of many basic services and will provide direct connectivity to the local community. Although the site is not considered a Brownfield site, the redevelopment of the abandoned site will improve the visual and aesthetic appeal of this key downtown location. Redevelopment of the site will benefit the local economy.

As part of the project's construction, salvageable material will be donated from the de-construction of the existing facilities. Other materials such as asphalt concrete will be recycled. In addition to the Storm Water Pollution Prevention Plan (SWPPP) that is required, the project endeavors to reduce the storm water runoff rate by replacing the existing impervious materials with landscaping and permeable hardscape materials.

The project plan will encourage carpooling to reduce traffic in the vicinity of the project. The project will utilize existing parking at adjacent commercial properties to eliminate the creation of additional impervious parking surfaces. Bicycle parking will be provided on site to encourage alternate means of transportation to the project.

As part of the landscaping of the site, the project sponsors desire to reduce the heat island effect by providing large shade trees, especially on the west side of the site. Light colored building elements and an open grid pavement system along with utilizing roofing materials that have a high solar reflectance and thermal emittance will also reduce the heat island effect.

The project sponsors envision a project design that will reduce energy consumption by 15% over the *California Energy Code* requirements. The project will be designed based on the 2008 Energy Efficiency Standards and will include all Energy Star appliances and data collection methods to store and maintain records of energy consumption of each major energy system in the building on an hourly and daily basis. The project will provide onsite renewable energy generation equal to 1% (or greater) of the rating of the main electrical panel overcurrent breaker. This will be accomplished by a photovoltaic system mounted on the roof.

For water reduction, the plan will utilize a schedule of plumbing fixtures and fixture fittings that will reduce the overall use of potable water within the building by 20% with a goal of reducing potable water consumption by 30%.

In order to reduce the fuel consumption for delivery of materials to the site and thereby reduce the emission of greenhouse gases, the plan will utilize materials and products to the greatest extent that are produced within a 500 mile radius of the project site.

The project construction will incorporate to the greatest extent possible, sustainably harvested materials, such as Certified Lumber. The project will use concrete imbedded with fly ash that reduces filling the landfills with waste products while increasing the strength and workability of the concrete.

To the greatest extent practicable, the plan will establish a construction waste management plan that diverts much of the construction debris out of the landfill cycle. During operation of the facility, receptacles for depositing of recyclable materials will be implemented throughout, along with the utilization of biodegradable products for food service.

In order to reduce the energy consumption of the building's facilities, the plan will include a written plan of procedures for testing, balancing and adjusting the heating and air conditioning systems for peak performance. The plan will provide the building owners with detailed operating and maintenance procedures for each system to ensure peak performance during operations.

As required by local Marin County ordinance, the fireplace in the "family room" will utilize only a direct-vent sealed-combustion gas or sealed wood-burning fireplace. Additionally, to maintain indoor air quality during and post construction, the project will provide temporary ventilation during construction and flushing/vacuuming of all heating and air conditioning ductwork prior to occupancy. As part of the construction methodology, the project will utilize, to the greatest extent practicable, formaldehyde free products and low VOC flooring and finishing products. Air sampling and testing at the project completion will be utilized to ensure a healthy air environment per the State of California standards

### **Access and Parking**

The main vehicular access, loading and unloading will be located on the east side of the building directly off SFD. There will be no parking spaces on site. Bus or delivery drop-off will be located on the east side of the building in a designated loading and unloading area only.

All Parking for events will be offsite and will meet or exceed Fairfax parking requirements. Long term Agreements will be provided in writing regarding off-site parking.

Bicycle parking racks will be provided onsite.

Pedestrian access will be improved by construction of a new sidewalk on the south side of Sir Francis Drake Blvd. within the public right of way.

An emergency Fire Lane, 20 feet wide and approximately 88 feet in length, extending to the north on the east side of the building will be provided per the Applicant's discussions with the Ross Valley Fire Department. Additionally, a new fire hydrant will be installed on the south side of the building per the RVFD recommendations.

### **Landscaping**

The preliminary landscape plan's concept is tailored to compliment the simple barn like profiles of the building and blend into and enhance the downtown Fairfax pedestrian environment. The landscape plan is designed to add a bit of simple charm and artistic whimsy with romantic plantings reminiscent of Fairfax historic rural gardens. The covered porch's wood plank walks are surrounded with informal groupings of flowering saucer magnolia trees, rambling climbing roses, textural grasses, and low no-mow meadow grasses. The porch walk way will have benches for informal seating as well adjacent seat wall access. The paving will provide ADA compliant access with historic materials.

The fire access rated pavers are planned as porous with no-mow meadow grass cover. The no-mow meadow supports the bioswale on site water filtration.

Fencing is planned as open galvanized hog wire set in rough wood post and rail. The fencing will be planted with climbing Red Altissimo roses, Scarlet Begonias, and fragrant star jasmine.

The irrigation will be drip and low precipitation pop-up spray heads incorporating all the latest MMWD requirements including evapotranspiration weather adjusting valve control timers.

To the extent possible all exterior lighting will abide by the guidelines and recommendations of the International Dark Sky Association.

### **Site Drainage**

#### **Existing Conditions**

Ninety-eight percent of the site is covered with impervious surfaces consisting of the service station building, concrete gas pump bay, and asphalt parking. The site is sloped from the northerly corner to the southerly corner at approximately three percent. Concrete curbs were constructed near the easterly, northerly and westerly property lines.

Storm drainage runoff on this site flows on the surface from the westerly and northerly portions of the property to the concrete curb along the easterly property line. At the southerly end of this curb the runoff flows onto the neighboring property to a drop inlet drainage structure in the Good Earth parking lot. Drainage from this drop inlet is conveyed in a storm drain pipe to an existing catch basin at the face of curb in Sir Francis Drake Boulevard.

### Proposed Improvements

With the proposed use of the property, the developed impervious surfaces will consist of a building, covered porch and concrete walkways. These new impervious surfaces will cover approximately sixty-two percent of the site. This change to impervious surfaces (a thirty-six percent reduction) will cause a significant reduction to the amount of storm water leaving the property.

Roof water and landscaped areas at the front, westerly side and rear of the building will be intercepted and conveyed in storm drain pipes to a drop inlet near the southerly corner of the property. Water from grassy swales along the easterly property line will also be intercepted and taken to this drop inlet. Drainage from the drop inlet will be conveyed in a storm drain to a new catch basin in Sir Francis Drake Boulevard. Drainage from the new catch basin will be conveyed in a storm drain to the existing catch basin in the street approximately 75 feet easterly of this site.

In addition to the reduction of runoff provided by less impervious surfaces, runoff from this site will be further reduced and cleaned of contaminants as follows:

The proposed fire lane and auto lane will be constructed using porous pavers. Storm water on these lanes will filter through drain rock to sub-drains at the low sides of the lanes. This filtering will delay the water from leaving the site that will cleanse the water decrease contaminants. The sub-drain pipe and trench will be wrapped with a geosynthetic filter fabric that will also clean the storm water.

Runoff on the easterly side of the site will be directed to grassy swales to be constructed at minimum slopes. These swales are one of the best methods available for cleaning contaminants from runoff.

### Site Constraints

The project applicant has identified the following potential environmental impacts: aesthetics, air, noise, greenhouse gases, hydrology, geology and geotechnical, cultural, traffic and hazardous waste. The applicant has contracted with the Town of Fairfax to engage consultants to provide detailed analysis for review and inclusion in an Initial Study prepared by the Town of Fairfax. Feasible mitigation measures resulting from the technical studies will be incorporated in the project design as appropriate. In addition, to the consultants engaged by the Town, the project applicant has engaged the consulting services of Charles Salter Associates acoustical engineers to assure the noise levels from the performance hall are inaudible to nearby residences. A letter from the firm is attached.

### Construction Schedule

Construction is tentatively scheduled to begin in the summer of 2012. Construction will last approximately one year. Hours of construction operation will conform to the Town of Fairfax's Construction Hour's Ordinance. Loading and Unloading of construction materials will occur on site. Off haul of excess fill dirt is estimated to be 2,000 cubic yards. An estimated 200 truck trips will be required to remove the dirt. To the extent possible work vehicle parking shall occur on site. The Applicant will secure temporary worker vehicle parking off site. Construction vehicle parking shall be prohibited on residential streets.



August 11, 2011

Bruce Burman  
Jazz Builders  
1924 Fourth Street  
San Rafael, CA 94901

Dear Mr. Burman:

We are pleased to offer the following proposal to provide transportation planning assistance, and prepare a Transportation Impact Analysis (TIA), for the Terrapin Crossroads project at 2000 Sir Francis Drake Boulevard in Fairfax, California.

### **Project Staff**

For this project, we have assembled the following team of senior staff, whose combined experience in the areas of transportation demand management (TDM), impact analysis, parking, and transportation engineering, is well suited to the task at hand:

Brian Canepa, Senior Associate

Colin Burgett, AICP, Principal

Michael Moule, PE, PTOE (Traffic Engineer), Principal

In addition, we have retained the services of John Atkinson (subconsultant) to provide specialized TDM expertise focusing on event management.

### **Scope of Work**

The scope of work and deliverables for this project are outlined in Attachment A.

### **Fees**

The budget for this Scope of Work (prepared August 11, 2011) is detailed in Attachment B. Please note that revisions to this Scope of Work (including any changes requested by the City following the August 17<sup>th</sup> scoping meeting) would require a budget adjustment.

The budget for key tasks is as follows:

- Refinements to Project Description & Scoping (Task 1): \$4,016
- Project Travel Demand Forecast (Task 2): \$3,930
- Parking & TDM Plan (Task 3): \$7,898
- Data Collection (Task 4): \$5,089
- Transportation Impact Analysis (Task 5): \$18,509

**Attendance at public hearings (following the August 17th scoping meeting) and/or meetings with City staff** is not included in this fee. Attendance at public hearings and/or meetings with City staff, if requested in writing or via e-mail, would be billed separately for an additional fee, based on the Hourly Rates specified in Exhibit B.

The total fee for these services (Tasks 1-5 of the Work Scope described in Attachment A) is \$39,442.

Please note that we bill our work on a time and materials basis, so that you will pay only for the hours you actually use. Our services will be billed monthly on a time-and-materials basis. Such compensation shall be payable in the following manner:

- We request a retainer in the amount of \$10,000 as an upfront payment, prior to attending the August 17<sup>th</sup> public hearing.
- Within 30 days of receipt, the amount set forth in the monthly statements submitted to Client by Consultant. These statements will describe the services rendered, fees charged and expenses incurred by Consultant during the previous month.
- Upon Client's failure to pay within 60 days of receipt the full amount set forth in any monthly statement submitted to Client by Consultant, the unpaid balance will bear interest at the rate of 1.5% per month until the unpaid balance plus interest is paid in full. Client shall not be obligated to pay any interest that would exceed the maximum lawful rate.

### **Additional Services**

Please note that work items requested outside the Scope of Work outlined in this letter, such as additional meetings, may require a contract amendment. No additional work will be performed without prior authorization.

### **Authorization**

If this proposal is acceptable, you may indicate approval by signing in the space provided below and returning the original for our files. Alternatively, you may issue a purchase order or consultant contract with this proposal attached as an exhibit. This proposal is valid for 90 days from the date of this letter. If you have any questions, please do not hesitate to call us at (415) 284-1544.

Sincerely,

Paul Jewel, COO

AGREED For Nelson\Nygaard:

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Paul Jewel, COO

AGREED for Client:

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Name

Title

Date

# Attachment A

## TERRAPIN CROSSROADS TRANSPORTATION IMPACT STUDY – SCOPE OF WORK (PREPARED AUGUST 11, 2011)

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### **Nelson | Nygaard** consulting associates

785 Market Street, Suite 1300, San Francisco, CA 94103  
415-284-1544 Phone      415-284-1554 FAX

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CONTACT: COLIN BURGETT, PRINCIPAL

The following Scope of Work describes the tasks that will be performed by Nelson\Nygaard to prepare a Transportation Impact Study for the proposed *Terrapin Crossroads* development (the "Project") at 2000 Sir Francis Drake Boulevard in Fairfax, California.

### **Project Understanding & Assumptions**

Based on the project description contained in the initial Use Permit submittal, and verbal information supplied to Nelson\Nygaard by Jazz Builders (the "Project Applicant"):

- The Project will consist of a three-level building with approximately 11,500 square feet of usable space on an 18,358-square foot lot, to be utilized for workshops, meetings and concerts.
- The facility will be open to the public between the hours of 5:00 pm and Midnight (while staff would arrive as early as 2:00 pm), up to seven days per week.
  1. Based on the proposed hours of operation: the scope of work described below does not include an analysis of AM Peak Hour traffic conditions (since the project would generate no traffic during that time period).
- Operations at the site will consist of the following three operational types:
  1. *Concert Days (up to 100 per year)*: live entertainment with up to 500 paying guests plus approximately 30 to 40 staff.
    - Based on a conversation with the Project Applicant, staff would arrive beginning at 2 pm on Concert Days, while the majority of paying guests would generally arrive between 5:00 and 7:00 pm
    - Paying guests would depart between \_\_\_ and \_\_\_ pm (*additional information to be provided by Project Applicant*)
    - Staff would depart between \_\_\_ and \_\_\_ pm (*additional information to be provided by Project Applicant*)
  2. *Workshop Days (up to 50 per year)*: attendance by up to \_\_\_ participants, plus approximately \_\_\_ staff (*additional information to be provided by Project Applicant*)
    - Arrival times for staff and participants: to be provided by Project Applicant.

- Departure times for staff and participants: to be provided by Project Applicant.
- 3. *Non-event Days (over 200 per year):* attendance by up to \_\_\_ participants, plus approximately
- Parking for staff and visitors (including concert-goers and workshop attendees) will be provided at an off-site location (see discussion of additional information required, below).

Based on the assumptions described above, Nelson\Nygaard will perform the Tasks (1 to 5) described below:

## **Task 1: Project Description Refinement & Scoping**

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### **Task 1.1 Scoping Meeting**

Nelson\Nygaard and John Atkinson (subconsultant) will attend the August 17<sup>th</sup> scoping meeting in Fairfax.

### **Task 1.2 Project Description Refinement**

Nelson\Nygaard has budgeted up to 12 hours to assist the Project Applicant in refining the Project Description to provide additional information necessary for conducting the Transportation Impact Analysis (TIA) in Task 5. This scope of work assumes that the Project Applicant will provide Nelson\Nygaard with the following additional information:

#### ***Description of Hourly Operations***

- Project Applicant will augment the project operations plan (described in the Use Permit submittal) to include additional information describing the estimated range of arrival and departure patterns (number of people arriving and departing during each time period) divided into the following categories for Typical, Workshop, and Major Event days:
  - *Number of staff (arrivals and departures) – average and maximum*
    - *Typical Days*
    - *Workshop Days*
    - *Major Event Days*
  - *Number of guests (arrivals and departures) – average and maximum*
    - *Typical Days*
    - *Workshop Days*
    - *Major Events*
  - *Other activity (anticipated number of deliveries, etc.) during each time period based on typical operations*
- This information is requested for each of the following time periods (to be provided by the Applicant based on the planned operation and experience with similar venues):
  - *6 am to 2 pm (Weekday, Saturday, Sunday)*
  - *2 pm to 4 pm (Weekday, Saturday, Sunday)*

- 4 pm to 5 pm (Weekday, Saturday, Sunday)
- 5 pm to 6 pm (Weekday, Saturday, Sunday)
- 6 pm to 7 pm (Weekday, Saturday, Sunday)
- 7 pm to 8 pm (Weekday, Saturday, Sunday)
- 8 pm to 10 pm (Weekday, Saturday, Sunday)
- 10 pm to Midnight (Weekday, Saturday, Sunday)
- After midnight (if applicable)

### **Parking Plan**

- **Parking Lot Site Plan** to specify the:
  - Proposed quantity and location(s) of off-site parking spaces to be provided for each relevant time period (weekday afternoon, weekday evening, Saturday afternoon, Saturday evening, Sunday afternoon, Sunday evening, etc.)
  - Location and dimensions of proposed parking spaces and access driveways (and path of travel to/from the proposed off-site parking facility), including description of proposed valet "stacking" for special events (if applicable)
  - Location and dimensions of pedestrian pathways to be utilized for entering and exiting the parking lot(s) for staff, visitors and event attendees
- **Valet Drop-off/Pick-up Site Plan** to specify the proposed location(s) and dimensions of:
  - Any proposed valet drop-off and pick-up locations (including information specifying the amount of vehicle storage space to be provided where vehicles will approach the drop-off locations)
  - Pedestrian pathways to/from the Valet Parking Drop-off/Pick-up locations
- **Parking and Transportation Demand Management (TDM) Plan** to provide a written description of the following:
  - Details concerning proposed measures to encourage use of the proposed off-site parking facility by staff and guests (i.e., types of measures to be implemented) as well as a description of potential measures to discourage use of adjacent on-street parking by concert attendees and other guests (if applicable)
  - Details concerning proposed incentives to encourage carpooling (description of potential incentives, etc.)
  - Proposed supply of bicycle parking (number of bicycles to be accommodated; location and types of bicycle racks or bicycle storage spaces to be provided, etc.)

### **Site Loading & Delivery Plan**

- Dimensioned site plans for the on-site driveway and loading docks
- Description of truck and bus turning movements (and types of trucks and buses) that will be required
- Truck and bus turning movement diagrams should be included in an updated site plan to be provided to Nelson\Nygaard by the Project Applicant's Civil Engineer, to show the turning radius required for the anticipated vehicle types

### **Description of Potential Construction Activities Affecting Circulation & Local Access**

- Description of any construction activity that will require temporary (and/or on-going or long-term) closure of any travel lanes, sidewalks, or bicycle lanes
  - Additional information to be provided by the Project Applicant (described above) pertaining to the description of hourly operations, parking plan, site loading and delivery plan, and description of potential construction activities affecting construction

### **Task 1.3 Scope Refinement**

Nelson\Nygaard has budgeted up to 4 hours to prepare a revised scope, following completion of Tasks 1.1 and 1.2 and receipt of comments from David Parisi (City of Fairfax representative) following the August 17<sup>th</sup> scoping meeting.

Deliverable: Revised Scope of Work for Tasks 2, 3, 4, 5 & 6 (if requested by City)
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## **Task 2: Trip Generation & Parking Demand Forecast**

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### **Task 2.1 Review of Project Operations Plan**

Nelson\Nygaard will review the project description, site plans, and operations plan.

### **Task 2.2 Trip Generation Forecast**

Based on the review of the Project Operations Plan conducted in Task 2.1, Nelson\Nygaard will prepare a forecast of Person Trips and Motor Vehicle Trips generated by the Project for the following time periods:

- Daily Trips (Person Trips & resulting Bicycle, Pedestrian and Motor Vehicle Trips) for the following four (4) daily scenarios:
  - Weekday (non-concert days)
  - Weekday (concert days)
  - Saturday (non-concert days)
  - Saturday (concert days)
- Weekday Peak Hour trips (Person Trips & resulting Bicycle, Pedestrian and Motor Vehicle Trips) for the following five (5) peak hour scenarios:
  - Morning Peak Hour (between 7 and 9 am)
  - Evening Peak Hour (between 4 and 6 pm)
    - Non-concert days
    - Concert days
  - Nighttime Peak Hour (between 6 and midnight)
    - Non-concert days

- Concert days

### **Task 2.3 Parking Demand Forecast**

Based on a complete list of a potential range of concert and non-concert activities (to be provided by the Project Applicant during Task 1) during different time periods, Nelson\Nygaard will conduct a parking demand analysis to determine the actual estimated demand for parking at the project.

Utilizing the industry-standard Institute of Transportation Engineers (ITE) Parking Generation Handbook, 4<sup>th</sup> Edition parking rates (to the extent feasible for this Project), adjusted based on data for other comparable venues (where available) and to account for environmental factors such as local travel modes, Nelson\Nygaard will develop a forecast of parking demand and recommended parking supply for Typical Days (non-concert) and Major Event Days (concert operations). The analysis will account for parking occupancy rates among different uses over the course of a typical weekday and Saturday.

Deliverable:      Memorandum summarizing Travel & Parking Demand forecasts (for review by David Parisi prior to conducting Tasks 5)
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## **Task 3: Parking & TDM Plan**

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### **Task 3.1 Review of Draft Parking Plan & Proposed TDM Strategies**

Nelson\Nygaard will review the current parking plans for the project, including relevant parking regulations, such as existing parking requirements, and evaluate the transit and multi-modal amenities around the project site. Together, these data will provide a solid baseline for understanding the "parking profile" for the project.

### **Task 3.2 Transportation Demand Management Recommendations**

Based on the proposed transportation demand management (TDM) strategies identified by the Project Applicant, Nelson\Nygaard will provide recommendations for implementation and monitoring. John Atkinson (subconsultant to Nelson\Nygaard) will provide specialized TDM expertise related to event management.

### **Task 3.3 Parking Management Recommendations**

Based on the Project Applicant's proposed parking strategy (to be augmented with additional information as described in Task 1), Nelson\Nygaard and John Atkinson will prepare a Parking Management Plan.

The Parking Management Plan will provide recommendations to manage the project's parking demand during peak hours. These measures may include using satellite parking, valet parking, tandem parking, and if appropriate, transportation demand management measures such as parking cash-out to reduce employee parking demand.

Deliverable:	Memorandum summarizing the recommended Parking & TDM Plan elements (for potential incorporation into the Project Description and/or Parking Mitigations described in Task 5)
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## **Task 4: Data Collection**

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Nelson\Nygaard has budgeted for the following data collection efforts to be undertaken prior to Task 5:

- An inventory of on-street parking supply, and vehicle occupancy, will be conducted within approximately 1,000 feet of the Project site. This inventory will be conducted on a typical weekday and Saturday, between the hours of 2 p.m. and 8 p.m. The results will be summarized in the T.I.A report (to be prepared in Task 5) which will include a map showing the primary travel paths to and from the Project Site and to/from proposed Off-Street Parking Location.
- Peak-period turning movements will be conducted at up to seven (7) study intersections between the hours of 4 p.m. and 6 p.m. (the typical period for evaluating "PM Peak Hour" traffic operations)
  - Since the Project Description indicates the facility will not be open during morning hours, this scope of work does not include an analysis of AM Peak Hour conditions
- 24-hour traffic volume counts will be conducted at up to two locations each on Claus Drive and Sir Francis Drake Boulevard (with remaining 24-hour traffic volume data to be utilized from counts conducted in 2011 for the *Good Earth Market Traffic Impact Analysis*)
- Motor vehicle, bicycle and pedestrian collision data for the past 5 years will be tabulated (from available sources) for the segment of Sir Francis Drake Boulevard between Pacheco and Azalia.

## **Task 5: Transportation Impact Analysis**

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The Transportation Impact Analysis (TIA) will be prepared by Nelson\Nygaard, based on the following key inputs:

- Project Description (provided by the Project Applicant, and refined during Task 1)
- Travel Demand Forecast (developed during Task 2)
- Parking & TDM Plan (developed in Task 3)
- Data Collection (conducted in Task 4)

The TIA will include the following key elements:

- Traffic Impact Assessment
  - Analysis of potential level of service (LOS) impacts to peak-hour traffic operations at up to seven (7) study intersections. Based on the initial Project Description provided by the Project Applicant, the traffic assessment described in this work scope is limited to the PM Peak Hour (between 4 and 6 PM).

- The LOS analysis will be conducted for Existing (Year 2011) and Future (Cumulative) conditions, consistent with City of Fairfax traffic analysis methodology. The future year of analysis will be determined by the City (see Task 5.1).
- Parking Impact Assessment
  - Analysis of the adequacy of the proposed parking supply and parking management plan to accommodate typical and event-day operations.
  - Evaluation of potential impact to off-site parking supply and occupancy within the vicinity of the Project site
  - Consideration of potential secondary impacts to traffic, bicycle, pedestrian, or transit circulation that could result from the Project
- Multi-modal Transportation Impact Assessment
  - Potential impacts to bicycle circulation and storage (adequacy of the proposed bicycle parking plan)
  - Potential impacts to pedestrian circulation
  - Potential impacts to transit circulation and transit capacity
- Site Impact Assessment to Circulation
  - Potential site loading impacts (deliveries, set-up for major events, etc.)
  - Potential construction impacts (such as temporary blockages to travel lanes or sidewalks)

### **Study Intersections for Traffic Study**

Nelson\Nygaard has budgeted to conduct an analysis of PM Peak Hour conditions at up to seven (7) study intersections, for Existing (2011) and Future (Cumulative) conditions. The precise location and number of study intersections will be determined by the City prior to conducting the data collection described in Task 4.

This work scope assumes that any changes to the proposed list of study intersections (and/or any other changes to other data collection or analysis locations described in this work scope) will be communicated to Nelson\Nygaard in writing or via e-mail by David Parisi (City representative) during Task 1 (Scope Refinement following August 17<sup>th</sup> scoping meeting), or during review of the trip generation and parking demand forecasts (prepared during Task 2), or during review of the Parking & TDM plan elements (prepared during Task 3).

A preliminary list of study intersections, which will be refined following City review, is as follows:

1. Sir Francis Drake Boulevard / Claus Drive
2. Sir Francis Drake Boulevard / Taylor Road
3. Sir Francis Drake Boulevard / Pacheco Avenue
4. Sir Francis Drake Boulevard / Pastori Avenue
5. Broadway / Center Boulevard / Pacheco Avenue
6. Broadway / Bolinas Road`
7. Broadway / Claus Drive

## Daily Traffic Volumes

In addition to the analysis of potential Peak Hour impacts at study intersections, the TIA will provide a table describing Daily and Peak Hour Traffic Volumes, on the following streets, with and without the Project:

- Claus Drive (2 locations: North and South of Sir Francis Drake Boulevard)
- Sir Francis Drake Boulevard (3 locations, East of Claus Drive)
- Center Boulevard (2 locations)
- Pastori Avenue (1 location, South of Sir Francis Drake Boulevard)

## Task 5.1 Cumulative Baseline (No Project) Traffic Volumes

This scope of work assumes that Future (Cumulative) Baseline (No Project) traffic volumes will be derived from a growth rate, and/or turning movements for "added" future-year trips at each study intersection, to be provided to Nelson\Nygaard by David Parisi (City representative).

Deliverable: Cumulative Baseline (No Project) Traffic Volumes (for review by David Parisi)
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## Task 5.2 Project Trip Assignment

Based on the PM Peak Hour trip generation forecast (prepared during Task 2) for both "typical" and "major event" days, Nelson\Nygaard will "assign" trip to each of the study intersections (based on the likely route of inbound and outbound vehicle trips during the PM Peak Hour).

The basic pattern of trip arrival to the study area will be derived from the travel routes described in the *Good Market Analysis Traffic Impact Analysis*, adjusted to account for the specific nature of this Project and the proposed parking locations.

Nelson\Nygaard will submit the proposed Trip Assignment methodology to David Parisi for review and approval, prior to conducting Task 5.3.

Deliverable: Project Trip Assignment (proposed assignment of project trips to each study intersection; to be submitted for review by David Parisi)
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## Task 5.3 Level of Service Analysis

Nelson\Nygaard will evaluate intersection level of service (LOS) at each of the seven (7) study intersections during the following analysis periods:

- Existing Conditions (Year 2011)
  - Existing Conditions
  - Existing plus Project Conditions (Typical Day)

- Existing plus Project Conditions (Major Event Day)
- Future Conditions (Year 2016)
  - Future Baseline Conditions (No Project)
  - Future plus Project Conditions (Typical Day)
  - Future plus Project Conditions (Major Event Day)

### **Task 5.4 Traffic Impacts & Mitigations**

Based on the PM Peak Hour LOS analysis conducted in Task 5.3, Nelson\Nygaard will prepare findings of significance based on the City of Fairfax traffic impact criteria (which establishes a minimum LOS threshold of LOS D). This will include an assessment of sight distance (approaching project driveway locations).

If significant impacts to traffic are identified, based on the City's criteria for significance, Nelson\Nygaard will identify potential feasible mitigations, which may include location-specific mitigations (such as signal or travel lane modifications) as well as potential mitigations related to Project operations and/or transportation demand management (TDM) measures. Any such measures will include a recommendation for monitoring.

### **Task 5.5 Bicycle Impacts & Mitigations**

Nelson\Nygaard will prepare findings of significance to assess the likelihood of potential impacts to bicycle circulation. This will include an assessment of potential impacts to bicycle circulation on adjacent streets (which would include an assessment of Project elements that could potentially obstruct or interfere with bicycle circulation adjacent to the Project site and/or off-site parking location), as well as the adequacy of the proposed bicycle parking and storage facilities.

If significant impacts are identified, based on the City's criteria for significance, Nelson\Nygaard will identify potential feasible mitigations.

### **Task 5.6 Construction Impacts to Circulation**

Based on the construction plan to be provided by the Project Applicant, Nelson\Nygaard will prepare findings of significance to assess the likelihood of potential transportation impacts occurring construction.

If significant impacts are identified, based on the City's criteria for significance, Nelson\Nygaard will identify potential feasible mitigations.

### **Task 5.7 On-site Loading Impacts & Mitigations**

Nelson\Nygaard will provide an assessment of potential off-site loading impacts and mitigations, based on the Site Plan(s) and Project Description to be prepared to by the Project Applicant, which should include a description of the types of trucks and buses that will serve the site, and measures to accommodate truck and bus turning movements (where needed). In addition, the applicant should include truck and bus turning movement diagrams with their site plan submittal.

Based on the Applicant's site plan and project description, Nelson\Nygaard will prepare an assessment of the proposed loading locations, as well as the adequacy of the proposed truck and bus storage and turning accommodations (if relevant based on the Project Description).

If significant impacts are identified, based on the City's criteria for significance, Nelson\Nygaard will identify potential feasible mitigations.

### **Task 5.8 Parking Impacts & Mitigations**

Nelson\Nygaard will assess the adequacy of the proposed parking supply, and parking management plan, to accommodate parking demand resulting from the Project. This assessment will incorporate the on-street parking supply assessment conducted in Task 4.

Based on this assessment, Nelson\Nygaard will prepare findings of significance pertaining to:

- Potential impacts to on-street parking supply (within one-half mile of the Project site), resulting from the Project
- Potential secondary impacts to traffic, bicycle and pedestrian circulation

If significant impacts are identified, based on the City's criteria for significance, Nelson\Nygaard will identify potential feasible mitigations, including monitoring recommendations where appropriate.

### **Task 5.9 Pedestrian Impacts & Mitigations**

Nelson\Nygaard will assess potential impacts to pedestrian circulation (including potential trip hazards, or obstructions to pedestrian circulation) within one-quarter mile of the Project site, resulting from the Project.

If significant impacts are identified, based on the City's criteria for significance, Nelson\Nygaard will identify potential feasible mitigations.

### **Task 5.10 Transit Impacts & Mitigations**

Nelson\Nygaard will assess potential impacts to local transit circulation, transit access (including pedestrian access to adjacent bus stops) and transit capacity (based on available data), resulting from the Project.

If significant impacts are identified, based on the City's criteria for significance, Nelson\Nygaard will identify potential feasible mitigations.

### **Task 5.11 Administrative Draft TIA**

Nelson\Nygaard will submit an *Administrative Draft Transportation Impact Analysis* (TIA) report for review by David Parisi and City staff, summarizing the impact analysis findings.

### **Task 5.12 Public Review Draft TIA**

Based on a single set of non-conflicting comments following City review of the *Administrative Draft TIA*, Nelson\Nygaard will make revisions and submit the Public Review Draft to David Parisi and the City. Nelson\Nygaard has budgeted up to twelve (12) hours for revisions. Responses requiring additional technical analysis, and/or scope modification, would require a budget augmentation.

### **Task 5.13 Responses to Public Comments**

Nelson\Nygaard has budgeted up to eight (8) hours for preparing Responses to Public Comments. Responses requiring additional technical analysis, and/or scope modification, would require a budget augmentation.

Deliverable:	Administrative Draft report: <i>Transportation Impact Analysis</i> Public Review Draft report: <i>Transportation Impact Analysis</i>
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### **Optional: Public Hearings & Meetings with City staff**

*Attendance by Nelson\Nygaard and/or John Atkinson at public hearings (following the August 17<sup>th</sup> scoping meeting) and/or meetings with City staff, if requested by the Client, are not included in the base fee estimate). Such attendance (if requested in writing or via e-mail by the Project Applicant) would be billed separately (not included in the base fee) at the Standard Hourly Rates described in Attachment B.*

## **Attachment B**

### **Schedule and Budget**

#### *Fees and Schedule*

The proposed budget for this work is described in the detailed project budget in Figure 1. Please note that we bill our work monthly on a time and materials basis, so that you will pay only for the hours you actually use.

Figure 1: Project Budget

Terrapin Crossroads Parking/TDM Plan & TIA  
Project Budget (8/11/2011)

Task Description	Hourly Billing Rate						Subconsultant	Hours	Cost	Other Direct Costs	Total Fee
	Principal \$187.00	Senior Associate \$137.00	Associate Project Planner \$120.00	Associate II \$87.00	Intern \$42.00						
1.1 August 17th Scoping Meeting	6						0	\$7,020	\$75	\$7,095	
1.2 Project Description Rollout	2						4	\$1,680	\$0	\$1,680	
1.3 Refinements to Scope	2						4	\$648	\$0	\$648	
<b>Task Total</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>\$9,348</b>	<b>\$75</b>	<b>\$9,423</b>	
2.1 Review of Project Operations Plan	4	2						\$1,008	\$0	\$1,008	
2.2 Trip Generation Forecast (Daily, AM & PM, Weekday & Weekend)	2	4		6				\$1,500	\$0	\$1,500	
2.3 Parking Demand Forecast (Typical & Peak)	6	6		6				\$1,404	\$0	\$1,404	
<b>Task Total</b>	<b>6</b>	<b>12</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$3,912</b>	<b>\$0</b>	<b>\$3,912</b>	
3.1 Review of Applicant's Draft Parking Plan & Proposed TDM Strategies	4	4		12				\$2,124	\$0	\$2,124	
3.2 Operations & TDM Recommendations	2	8		4				\$2,600	\$0	\$2,600	
3.3 Parking Recommendations	8	8		16				\$4,080	\$0	\$4,080	
<b>Task Total</b>	<b>2</b>	<b>20</b>	<b>0</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$7,804</b>	<b>\$0</b>	<b>\$7,804</b>	
4.1 On-site Parking Inventory				8	28			\$2,208	\$150	\$2,358	
4.2 Peak Period (4-5 pm) Turning Movement Counts at 7 Intersections								\$0	\$1,575	\$1,575	
4.3 24-hour volume counts at 4 locations								\$0	\$750	\$750	
4.4 Collision data (debussion)				4				\$300	\$0	\$300	
<b>Task Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>\$2,514</b>	<b>\$2,475</b>	<b>\$4,989</b>	
5.1 Year 2016 Baseline Forecast (PM Peak Hour only)	2			4				\$792	\$0	\$792	
5.2 Project Trip Assignment (Weekday PM Peak Hour, Typical Day & Concert Day)	4							\$1,022	\$0	\$1,022	
5.3 Weekday PM Peak Hour LOS (2011 & 2016; 7 scenarios each, 6 study intersections)	18			24				\$5,894	\$75	\$6,069	
5.4 Traffic Impacts & Mitigations	4			4				\$1,136	\$0	\$1,136	
5.5 Bicycle Impacts & Mitigations	2			2				\$468	\$0	\$468	
5.6 Construction Impacts & Mitigation (Circulation only)	2			2				\$568	\$0	\$568	
5.7 On-site Loading Impacts & Mitigations	2			4				\$648	\$0	\$648	
5.8 Parking Impacts & Mitigations				4				\$1,210	\$0	\$1,210	
5.9 Pedestrian Impacts & Mitigations	2			2				\$468	\$0	\$468	
5.10 Transit Impacts & Mitigations	2			2				\$468	\$0	\$468	
5.11 Access Draft, Transportation Impact Analysis	8	8		4				\$2,080	\$10	\$2,090	
5.12 Public Review Draft, Transportation Impact Analysis	4	4		4				\$1,664	\$10	\$1,674	
5.13 Response to Comments	4	4		4				\$1,296	\$10	\$1,306	
<b>Task Total</b>	<b>48</b>	<b>32</b>	<b>0</b>	<b>82</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$19,404</b>	<b>\$105</b>	<b>\$19,509</b>	
X.1 Meetings with City staff	0	0						\$0	\$0	\$0	
X.2 Public hearings	0	0						\$0	\$0	\$0	
<b>Task Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>TOTAL HOURS</b>	<b>64</b>	<b>20</b>	<b>0</b>	<b>188</b>	<b>0</b>	<b>0</b>	<b>26</b>	<b>\$92,412</b>	<b>\$2,730</b>	<b>\$95,142</b>	
<b>TOTAL COST</b>	<b>\$ 11,569</b>	<b>\$ 10,412</b>	<b>\$ 0</b>	<b>\$ 19,478</b>	<b>\$ 1,111</b>	<b>\$ 2,730</b>	<b>\$ 0</b>	<b>\$ 30,102</b>	<b>\$ 2,459</b>	<b>\$ 32,561</b>	

### **Cost Reimbursement Charges**

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Travel costs are based on direct reimbursements for commercial transportation, including vehicle rental. Costs for other commercial services (e.g., printing; computer time, internet access, laboratory fees, materials and supplies) are billed as direct reimbursement costs. A general and administrative charge of 5% will be added to all subcontractor and sub-consultant costs.

### **Schedule of Hourly Billing Rates**

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The schedule of hourly billing rates for any additional work undertaken as part of this project is provided below:

Principal VII (Jeff Tumlin)	\$222.00
Principal V (Colin Burgett, AICP)	\$187.00
Principal V (Michael Moule, PE, PTOE)	\$187.00
Senior Associate II (Brian Canepa)	\$137.00
GIS	\$120.00
Associate Project Planner	\$120.00
Subconsultant (John Atkinson)	\$105.00*
Associate II	\$97.00

### **Delinquent Accounts**

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Interest is charged at 1.5% per month for accounts delinquent over 60 days. This is an annual percentage rate (APR) of 19.6%<sup>1</sup>

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<sup>1</sup> Hourly rate for Subconsultant includes a 5% general and administrative charge.

**CHAPTER 17.056: TRAFFIC IMPACT PERMIT**

**Section**

- 17.056.010 Intent
- 17.056.020 Definitions
- 17.056.030 Required
- 17.056.040 Term
- 17.056.050 Applicable projects
- 17.056.060 Application
- 17.056.070 Traffic study
- 17.056.080 Traffic impact mitigation plan
- 17.056.090 Planning Commission hearing
- 17.056.100 Town Council hearing
- 17.056.110 Required findings

**Cross-reference:**

*Vehicles and Traffic, see Title 10*

**§ 17.056.010 INTENT.**

The intent of this chapter is:

(A) To provide an equitable tool for assessing traffic impacts of development and changes in land use;

(B) To permit development on a scale proportionate with the capacity of existing and proposed transportation facilities;

(C) To permit development and land use changes when appropriate traffic mitigation measures can be adopted; and

(D) To meet the goals and objectives of the community and avoiding the disruption of neighborhoods from through traffic.

(Prior Code, § 17.30.010) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

**§ 17.056.020 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADJUSTED DAILY TRAFFIC VOLUMES.**

Correction to reflect seasonal variations on a month-to-month basis within a year and/or day-to-day within a given week (e.g., traffic patterns will differ from weekends to weekdays and from summer [vacation] months to winter).

**AVERAGE DAILY TRAFFIC or ADT.** The total volume of traffic crossing a fixed point (for example, the boundary of a project) over a 24-hour period, averaged over some period of time.

**DISCRETIONARY APPROVALS.** Approvals attained at public hearings before the Fairfax Planning Commission or Town Council, as required by this code and this title, including, but not limited to the following: use permits, variances, design review, grading permits, tentative subdivision maps and master plans authorized under the Planned Development and Single-Family Residential Master Plan zoning districts.

**INTERSECTION, IMPACTED.** Those intersections that regularly experience atypical traffic volumes, which require special study and standards.

**LEVEL OF SERVICE or LOS.** A measure of the conditions existing under various speed and volume conditions on any highway or street. These levels of service, designated "A" through "F," from

best to worst, cover the entire range of traffic operations that may occur.

**LEVEL OF SERVICE, ACCEPTABLE.** The acceptable level of service for signalized intersection of the principal circulation system is level of service "D." For unsignalized intersections, the **ACCEPTABLE LEVEL OF SERVICE** shall be as designated by the Town Council.

**PRINCIPAL CIRCULATION SYSTEM.** The system of roads and highways and associated intersections shown on a map adopted by a resolution of the Fairfax Town Council.

**PROJECTED TRAFFIC.** Traffic demand projected for five years from the date of the traffic report, based on estimates of future development provided by the town and other public agencies.

**ROADWAY SEGMENT.** An entire length of roadway between intersections or a portion separate from an intersection.

**TOWN.** The Town of Fairfax.  
(Prior Code, § 17.30.020) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

**§ 17.056.030 REQUIRED.**

A currently valid traffic impact permit (TIP) is a prerequisite to any building permit, site improvement, occupancy permit or any discretionary approval from the town for applicable projects, as defined in § 17.056.050.

(Prior Code, § 17.30.030) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

**§ 17.056.040 TERM.**

(A) (1) The traffic impact permit will be valid for a period of one year from the date of approval. Any physical improvements for the project must begin within the term of the permit and then be diligently

pursued to completion. If no physical improvements are required, the use of the property must begin operation within the term of the permit. Each phase of a multi-phase project must be started within the term of the permit and then be diligently pursued to completion.

(2) A further permit must be obtained for any required improvements not begun within the term of the permit. The term of a permit shall include any extensions thereof.

(B) The Planning Commission may grant one year extensions of an approved TIP at duly noticed public hearings provided they are supplied with adequate information establishing that the basis of their findings for the original permit has not substantially changed.

(Prior Code, § 17.30.040) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

**§ 17.056.050 APPLICABLE PROJECTS.**

(A) Except as noted below, these regulations are applicable to:

(1) Any project that creates a structure or adds additional square footage to an existing structure that meets either of the following conditions:

- (a) Generates more than 100 ADT; or
- (b) Has a floor area of 5,000 square feet or more.

(2) The reuse of existing structures where the new use will generate 100 ADT or more beyond that generated by the prior use;

(3) The incremental development of property or the subdivision and development of multiple properties when, within any five-year period, the cumulative traffic generated by the project exceeds the criteria set forth in division (A)(1) above.

(B) The following are exempt from these regulations:

(1) Individual single-family dwellings and additions thereto on legally created lots; and

(2) Projects which, on the effective date of the ordinance adopting this chapter, had an approved precise plan, use permit, or design review approval and which began construction within one year of the effective date of the ordinance codified in this chapter.

(C) When a question as to the applicability of the regulations arises, the proponents must demonstrate to the Planning Commission and Town Council that these standards do not apply to their project.

(D) The town shall use the "Traffic Generation Manual" of the Institute of Traffic Engineers to assess the application standards of this section. When considering the traffic generation of a shopping center the town shall employ the thirtieth design hour traffic generation volumes. The town may accept other sources of traffic generation figures for unique land uses.

(Prior Code, § 17.30.050) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

#### § 17.056.060 APPLICATION.

Application for a traffic impact permit shall include:

(A) An application form provided by the Planning Department that has been signed by the property owner or authorized representative;

(B) A site location map showing the location of the project and the town's principal circulation system;

(C) The project's preliminary site plan showing structures, parking and circulation,

(D) Preliminary floor plans;

(E) A traffic study of the project and its impact on the town's traffic system; and

(F) Deposits as required by the Planning Department to cover the time and expense of the town in reviewing and processing of the application. (Prior Code, § 17.30.060) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

#### § 17.056.070 TRAFFIC STUDY.

(A) The TIP shall be accompanied by a traffic study that is found by the town's Traffic Engineer to be complete and in compliance with professional and written standards for the reports. The Planning Commission or Town Council may request the clarification or expansion of any of the materials that is submitted. When a traffic study is required in conjunction with environmental review documents mandated by the California Environmental Quality Act, the study shall be prepared by or under the authority of the town, and paid for by the applicant.

(B) The study shall include, but not be limited to the following information:

(1) A description of the project and the existing traffic and circulation setting;

(2) For the intersection and roadway segments identified in division (E) below, an assessment of the adjusted daily traffic volumes, a.m. and p.m. peak hour traffic volumes, and a.m. and p.m. level of service analysis for each of the following conditions:

(a) Existing traffic, the unadjusted traffic counts;

(b) Existing daily traffic plus projected traffic; and

(c) Existing daily traffic, plus projected traffic, plus project traffic. Estimate of future levels of service may take into account only those traffic and circulation system improvements that

have received all necessary approvals and funding or funding is adequately provided for by ordinance or other means satisfactory to the town.

(C) The report shall be appended with the total listings of traffic counts and the intersection capacity worksheets.

(D) The report may include a traffic impact mitigation plan (TIMP), as described in § 17.056.080.

(E) The report shall address all of the intersections and roadways of the town's principal circulation system for which the project is expected to increase the existing adjusted average daily traffic volumes of any approach or segment by one percent or by 100 cars, whichever is less. The town shall determine the scope.

(F) The methodology to be used in the traffic study shall be that set forth in a resolution of the Town Council. The methodology may provide, but it is not limited to the following:

(1) Specific standards for individual impacted intersection for level of service or when to take traffic counts; and

(2) Adjustment to traffic counts taken during particular seasons of the year.  
(Prior Code, § 17.30.070) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

**§ 17.056.080 TRAFFIC IMPACT MITIGATION PLAN.**

(A) The project proponent may submit with the traffic study a plan detailing measures that will mitigate the project's adverse circulation impacts. If the plan is submitted it shall include the following:

(1) The plan will provide details of mitigation measures, such mitigation measures including, but not limited to any of the following types:

(a) Physical improvements to street systems, such as intersection designs, signalization, turn or deceleration lanes and the like (e.g., bike path systems and the like);

(b) Transportation system management programs;

(c) In-lieu fees for permanent circulation improvements;

(d) Annual contributions for transit operation programs; and

(e) Reduction in the scale or density of a project or the intensity of the proposed types of uses.

(2) A time schedule for the implementation of the proposed mitigation measures;

(3) The comments of other responsible agencies on any mitigation improvements proposed outside the town.

(B) Prior to issuance of a building, grading or occupancy permit, or approval of a tentative or final subdivision map, the project proponents must either implement any approved improvement plan or provide the town with adequate guarantees of its implementation in a manner acceptable to the town. The guarantees shall be set forth in an agreement between the town and the applicant and supported by bonds or other securities acceptable to the town, guaranteeing the faithful performance of the work and payment for the labor and materials. The agreement shall provide for a time limit to perform the work; the time limit shall be as determined adequate by the town, but shall not exceed two years. The permit may be extended by the town for reasonable cause.

(Prior Code, § 17.30.080) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

**§ 17.056.090 PLANNING COMMISSION HEARING.**

(A) (1) The traffic impact permit application shall be presented to the Planning Commission at a duly noticed public hearing.

(2) The TIP hearing can be held simultaneously with any other discretionary approvals being considered by the Planning Commission in connection with the project in question.

(B) This hearing shall be noticed as required for the discretionary approval or if other hearings are not otherwise required, the TIP hearing shall be noticed as required for a use permit.

(C) The Planning Commission will approve, approve with conditions or modifications or deny the permit application based on the findings contained within § 17.056.110.

(Prior Code, § 17.30.090) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

**§ 17.056.100 TOWN COUNCIL HEARING.**

(A) Upon approval or conditional approval of a TIP application by the Planning Commission, the permit shall be presented to the Town Council at a duly noticed public hearing.

(B) Proceedings by the Town Council on a TIP permit shall be the same as those which govern the Planning Commission's actions as specified in § 17.056.090 of this chapter.

(Prior Code, § 17.30.100) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

**§ 17.056.110 REQUIRED FINDINGS.**

To approve the traffic impact permit, the Planning Commission and Town Council must make one of the following findings.

(A) The project's average daily traffic, when added to the existing daily traffic, plus projected traffic, will not cause the performance of intersection of roadway linkages to fall below the acceptable level of service or otherwise further reduce the system performance if it is already below the acceptable level of service; nor will it cause a significant degradation in service levels for impacted intersections at their peak traffic periods.

(B) (1) The traffic impact mitigation plan approved by the Planning Commission and Town Council will adequately mitigate the project's adverse traffic impacts.

(2) This plan is consistent with the goals and objectives of the Fairfax general plan or applicable specific plans and the intent of the zoning district in which the project is situated, and of this chapter.

(C) The project's average daily traffic will not increase the traffic volume on any roadway segments or intersection approaches of the town's principal circulation system by more than one percent or by more than 100 vehicles, whichever is less.

(D) The project will provide an overriding public benefit that will sufficiently offset its adverse traffic impacts. Any affirmative decision of the Planning Commission or the Town Council based upon this finding must be approved by a five-sevenths majority of the Planning Commission and a four-fifths majority of the Town Council. The grounds for making this finding must be set forth in the approving motion. (Prior Code, § 17.30.110) (Ord. 352, passed - -1986; Am. Ord. 553, passed - -1986)

( )

( )

( )

## **The Terrapin Crossroads Project: What is the Public Process for Considering this Project?**

The Terrapin Crossroads project will need the following entitlements from the Town: (1) conditional use permit, (2) parking variance, (3) height variance due to features of subterranean structure and possibly (4) a driveway separation variance. (Note: additional entitlements may be required as the project design process proceeds.) In order for the Terrapin Crossroads entitlement application to be deemed "complete" and move forward for Planning Commission, Design Review Board and Town Council public hearings, the Applicant is being required to complete what is called an "Initial Study" as part of what is required under the California Environmental Quality Act (aka, CEQA).

The Initial Study process involves a detailed assessment by professionals of potential environmental impacts in these areas: (1) Aesthetics, (2) Agricultural Resources, (3) Air Quality, (4) Biological Resources, (5) Cultural Resources, (6) Geology and Soils, (7) Hazards and Hazardous Materials, (8) Hydrology and Water Quality, (9) Land Use and Planning, (10) Mineral Resources, (11) Noise, (12) Population and Housing, (13) Public Services, (14) Recreation, (15) Transportation/Traffic, (16) Utilities and Service Systems; all resulting in a matrix known as "Mandatory Findings of Significance," which lists whether there is a (a) Potentially significant impact, (b) Less than significant impact with mitigation incorporation, (c) Less than significant impact, or (d) No impact - for any of the sixteen categories above.

Once the Initial Study is completed, if there are no environmental impacts or any potential impacts have been "mitigated" to less than significant, it is filed with the County as a draft Negative Declaration (or Mitigated Negative Declaration, as the case may be), deposited in specific public places for public review, and circulated for a thirty (30) day period with all pertinent public agencies for review and comment. The (Mitigated) Negative Declaration will then be considered for certification at the Planning Commission (PC), which is a prerequisite to approval of the project entitlements by the PC, the Design Review Board (DRB) and Town Council. Importantly, if any potential impacts cannot be mitigated to less than significant levels, then the applicant would be required by CEQA to prepare an Environmental Impact Report (aka, EIR).

The final stop in the entitlement process, unless there is an appeal to Town Council of any decisions at either the PC and/or the DRB is with the Town Council for final approval of the (Mitigated) Negative Declaration and the Traffic Impact Permit.

Please note that in the Town of Fairfax, for a project of this nature, a "Traffic Impact Permit" is also required as part of the entitlement application process. As the first step, per Town Code, the applicant is required to obtain Town Council approval of the methodology to be used in the traffic analysis that it prepares as part of the application process. Typically, this is in the form of the "Scope of Service" to the agreement between the applicant and their traffic consultant conducting the transportation/traffic analysis - before commencing the analysis. Once the methodology is approved by the Council, the study is commenced and the report is written for review by the Planning Commission and Design Review Board public hearings on the Use Permit application. Finally, assuming the project is approved at both of those public hearings, the Town Council is required to approve the final professional analysis after a peer review by a traffic consultant retained and directed by the Town (at the applicant's expense).

Therefore, the first step in the public participatory process has been scheduled for the Town Council meeting on August 17, 2011 at 7:00 pm at the Women's Club located at 46 Park Road to approve the Scope of Service (i.e., the "methodology") for the Traffic Analysis.

# **EXHIBIT # 6**

## **Letters from the Public**

**Linda Neal**

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**From:** Michael Rock  
**Sent:** Sunday, August 07, 2011 11:07 PM  
**To:** Jim Moore; Linda Neal  
**Subject:** Fwd: in support of Mr. Lesh's music venue in Fairfax

Michael Rock  
Town Manager  
Town of Fairfax

Begin forwarded message:

**From:** Neil McKechnie <[neil@mckfamily.com](mailto:neil@mckfamily.com)>  
**Date:** August 7, 2011 8:34:40 PM GMT-07:00  
**To:** Mayor Larry Bragman <[lbragman@townoffairfax.org](mailto:lbragman@townoffairfax.org)>, Vice-Mayor Pam Hartwell-Herrero <[phartwell-herrero@townoffairfax.org](mailto:phartwell-herrero@townoffairfax.org)>, Council Member David Weinsoff <[dweinsoff@townoffairfax.org](mailto:dweinsoff@townoffairfax.org)>, Council Member Lew Tremaine <[ltremaine@townoffairfax.org](mailto:ltremaine@townoffairfax.org)>, Council Member John Reed <[jreed@townoffairfax.org](mailto:jreed@townoffairfax.org)>, Michael Rock <[mrock@townoffairfax.org](mailto:mrock@townoffairfax.org)>  
**Subject:** in support of Mr. Lesh's music venue in Fairfax

Hello honorable Mayor, Town Council and Town Manager,

As a Fairfax resident, I'm writing in strong support of Phil Lesh's proposed plan to build a music venue in our fine town. I neither know Mr. Lesh nor am affiliated in any way with his effort, but live within a quarter mile of the location.

My young family moved here in July 2010 from Canada and were drawn to choose Fairfax over many other Bay Area communities for its vibrant culture. Mr. Lesh's plan is invigorating because it offers our town the opportunity to expand that culture coherently – he's not building a Starbucks or a Target or a even tawdry "top 40" dance hall. It is a live music venue with roots to the 1960's counter culture that is the basis for our town's unique spirit. It would be nearly impossible to find a better suited proprietor for the neglected gas station space that, with the imminent departure of the retail presence of The Good Earth next door, will shortly devolve into a mild blight.

Almost weekly we brag to visitors about how our fine town stands as the best nightlife option in Marin County, eclipsing far larger cities like our neighbors in San Anselmo, San Rafael and even more far flung like Sausalito, Mill Valley and Novato. None come close in comparison to the vibrancy that Fairfax offers.

Should we be concerned about unsavory people swarming our town? This is Fairfax. We call that variety and spice of life, no problem – our easy going nature can handily cope with that. Will there be traffic challenges? Possibly, although only in the evening time when school and commuter flow is greatly abated and can be handled without issue. Parking? Same, Saint Rita's and Fairfax Lumber have risen to offer there lots for use, let alone the larger lot across from FairAnselm plaza which is easily walkable to the site. Noise and trash bothering residents in the immediate vicinity of the venue? Come on, they moved in next to the commercial district which predates anyone living today – they had to expect that there would be evening activities nearby. It's too opportunistic to try to convert their neighborhood into a quiet non-commercial district now, however hopeful they may be, when they are adjacent to it and always have been.

If I have any concern about this endeavor, it is that the cadre of Fairfax residents who oppose any change will once again raise their minority voices to squelch the effort in its entirety. Indeed, in 13 short months of living here, we've already seen countless examples of people espousing a "Don't change a façade, rock or twig" mentality to any proposed modification to the town. Had that view prevailed, there would be no Coffee Roastery. No 123 Bolinas. No Perry's Deli, and more. Heck, years ago Fairfax's only draw was the fabulously popular Marin Town and Country Club....if historic photos are to be believed, there were at least 500 or maybe more visitors there daily, the same as what Mr. Lesh's venue would attract only 1 or 2 times per week. Has our town regressed 100 years to the point we cannot accommodate such modest numbers?—

This effort is good for the town's spirit, viability and culture. We can easily manage and accommodate whatever negativities might arise, as we're quite used to hosting nightlife in our fine town.

Mr. Mayor and Town Council, it may be tempting to cater to the "squeaky wheels" of the vocal minority. But please don't. This is good for Fairfax and I am quite sure that the majority of residents silently support it.

Respectfully,

Neil McKechnie

[neil@mckfamily.com](mailto:neil@mckfamily.com)

Fairfax, California

**Linda Neal**

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**From:** Gregory Nudd [greg@nudd.com]  
**Sent:** Wednesday, August 10, 2011 12:01 PM  
**To:** Michael Rock  
**Cc:** Linda Neal  
**Subject:** traffic study for Terrapin Landing

Exciting times for you folks!

I've seen the plans for Terrapin Landing on the town web site. I support the project and look forward to seeing it built and enjoying the music there.

That said, I'd like to see green transportation baked into the design and the business plan. If biking to the venue is adequately supported, then traffic/parking hassles could be significantly minimized. While the project description mentions bicycle racks, I didn't see any space for on-site bike parking on the drawings. They're going to need a fair amount of space for dedicated bike valet parking, at least 100 bikes judging from the size of the bike valet areas for brewfest and the Fairfax Festival. The developers should be working with the town and the MCBC on a comprehensive plan to encourage biking to the venue by providing safe and welcoming ingress and egress and sufficient secure bike parking.

I'm writing you about this now because I will be unable to attend the council meeting where the scope of the traffic study will be discussed. The consideration of green transportation is going to be key in the traffic study. The study should consider a number of scenarios with various levels of carpooling and biking to the venue.

Thanks in advance for considering this request. I would appreciate it if you would incorporate it into the information you will be presenting to the Town Council.

Greg Nudd  
Fairfax  
415-488-6249

*235 Oak Manor Drive*

TOWN OF FAIRFAX

AUG 10 2011

RECEIVED

August 10, 2011

To: Jim Moore, Michael Rock, Linda Neal, Town Council and  
Planning Commission ✓

Re: Lesh Proposal

From: Alice Ducayet, 30 Claus Circle

This is much worse than a Wal Mart in our town.

Please consider that the issues on this list cannot be mitigated  
~~or avoided by prior promises.~~

It is your responsibility not to PROMOTE this project until you  
have understood how detrimental to our families it could be.

The Lesh spin of "family" and "community" awareness is entirely  
bogus. The fans and hangers-on and camp followers and musicians  
with vans in our neighborhood in the afternoons as well as nights  
is a threat to our small neighborhood.



List of issues pertaining to the proposed music venue which probably cannot be controlled or improved by prior agreement.

#### FIRE

1) At present the city does not patrol up on the undeveloped hill where people smoke and party and camp. There is no chance that they will have the staff to patrol in future. There have been two fires and break-ins. Increased numbers up there put us at greater risk.

2) Traffic congestion could restrict emergency vehicle access.

#### NOISE

- 1) Fans hanging out on the streets
- 2) Fans up on the hill at night
- 3) Fans camping overnight
- 4) Fans returning to cars after hours
- 5) ~~Non-resident dogs free on the street~~
- 6) Non-resident dogs left in cars barking
- 7) traffic noise including car alarms, sirens, horns

#### CROWDS

- 1) trash, bottles, dog poop
- 2) congested traffic: pollution, parking
- 3) general disruption and danger from influx of fans into our neighborhood

THE CHARACTER OF OUR NEIGHBORHOOD would be threatened.

PROPERTY VALUES threatened

**Linda Neal**

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**From:** Michael Rock  
**Sent:** Tuesday, August 09, 2011 6:59 AM  
**To:** Jim Moore; Linda Neal  
**Subject:** Fwd: Phil Lesh venue concerns

Michael Rock  
Town Manager  
Town of Fairfax

Begin forwarded message:

**From:** Kim Janson-Smith <[kim.janson@comcast.net](mailto:kim.janson@comcast.net)>  
**Date:** August 8, 2011 9:14:31 PM PDT  
**To:** Mayor Larry Bragman <[lbragman@townoffairfax.org](mailto:lbragman@townoffairfax.org)>, Vice-Mayor Pam Hartwell-Herrero <[phartwell-herrero@townoffairfax.org](mailto:phartwell-herrero@townoffairfax.org)>, Council Member David Weinsoff <[dweinsoff@townoffairfax.org](mailto:dweinsoff@townoffairfax.org)>, Council Member Lew Tremaine <[ltremaine@townoffairfax.org](mailto:ltremaine@townoffairfax.org)>, Council Member John Reed <[jreed@townoffairfax.org](mailto:jreed@townoffairfax.org)>, Michael Rock <[mrock@townoffairfax.org](mailto:mrock@townoffairfax.org)>  
**Subject:** Phil Lesh venue concerns

Dear Mayor Bragman and members of the Town council,

As a resident of Marinda Drive, which is a block away from the proposed venue site Phil Lesh is hoping to secure, I wish to voice my concerns as a member of this community and a resident of one of the developments that will be directly impacted negatively if this venue is allowed to proceed.

I am requesting that the following comments are added to the Official File.

1. To build a 500 person theater means there will be several hundred cars cramming onto Sir Frances Drake and causing an incredible amount of traffic every performance. This will directly impact our ability to get in and out of town by car. This is a quality of life issue as this isn't a big town, only a two lane road.
2. I see parking as another problem that is of monumental concern. I anticipate people driving around my street hoping for free parking, clogging up my road and making my residential neighborhood into a parking garage. In addition, this brings noise and general disturbance to this area, another quality of life issue. I don't want my street turned into a parking lot, and certainly

am worried about the noise that comes with massive amounts of people, perhaps inebriated, disrupting the calm and quiet on my street.

3. I am concerned about the number of events per week. While the owners are stating it will only be one or two a week, what's not to prevent them from increasing it down the road, a year or two after opening? I would expect Mr Lesh and Co. to come back to the city and threaten shut down if they don't get more nights to be open, saying they can't afford to stay open on only a few nights a week.
4. Crowd Noise in town, vagrancy, crime, and loitering all are additional issues that I am concerned about. I left a big city to get away from such and now feel with this venue it is a potential threat to why I moved here.

I would appreciate these matters to be taken seriously into consideration when reviewing this application. I live in Fairfax for many reasons, but one of them isn't to feel that I'm in a big city with traffic and noise issues. We have plenty of music venues and what is being proposed is better suited to a larger town, such as San Rafael. Doing this for the tax revenue isn't enough of a reason to disturb my neighborhood and what I consider a peaceful town. Please reconsider.

Kindly,

Kim and Toby Janson-Smith

125 Marinda Drive

**Linda Neal**

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**From:** Michael Rock  
**Sent:** Monday, August 08, 2011 2:32 PM  
**To:** Jim Moore; Linda Neal  
**Subject:** FW: PROPOSED MUSIC VENUE

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**From:** [tontowcs@aol.com](mailto:tontowcs@aol.com) [<mailto:tontowcs@aol.com>]  
**Sent:** Monday, August 08, 2011 10:22 AM  
**To:** [Ibragman@townoffairfax.org](mailto:Ibragman@townoffairfax.org); [phartwell-herrero@townoffairfax.org](mailto:phartwell-herrero@townoffairfax.org); Council Member David Weinsoff; Council Member Lew Tremaine; Council Member John Reed; Michael Rock  
**Subject:** PROPOSED MUSIC VENUE

Dear sirs:

Many people oppose any change for many different reasons - just fear of change, lack of understanding that the world has changed, etc. Some people have good reasons for their opposition. And as in the case of the proposed new music venue, many of reasons are based on speculation. The proposal by Phil Lesh is the first real new business idea the Town of Fairfax has had in quite a while.

This proposal will mean more money coming into the town in all forms. Yes there will be more people but what is wrong with people anyway. They will come and dine at the existing restaurants, buy goods at the local existing stores and yes require more parking. Maybe its time that we did something about that.

On the other hand, if our town wants to remain sort of sleepy and in a constant state of financial emergency; we should tell Phil Lesh to go help out San Rafael or some other place. If the Town of Fairfax misses this opportunity to increase business for the locals and increase revenues for the town it will be a shame.

The possibility of increased "vagrancy, crime and loitering" as posssed by some is first of all just a possibility and not an acutality. If it does occur there are remedies for this and they can be utilized. Yet, all the while, we will benefit by all the other positives this business will bring.

Sincerely yours,

Will Silverthorne

**Linda Neal**

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**From:** Kerry Olivotti [bellezzaskin@yahoo.com]  
**Sent:** Monday, August 08, 2011 11:10 AM  
**To:** Michael Rock  
**Cc:** Linda Neal

Hello

I wanted to take the time to let you know, as a native San Anselmo/Fairfaxian, I grew up working everywhere from Spankys, to Broadway Squeeze (pre Scoop), to Coffee Roastery, and as local business owner now, how much I support the idea of Phil Leshs Terrapin Landing. I think it would be a great asset to our town and inject new life and new \$\$, at a time in our economic situation that, I think, would be almost irresponsible, not to consider. From following the articles on the Patch and in the Marin IJ and reading Phils mission statement, it seems that what Phil is proposing would be a perfect venture for the demographic of Fairfax. I have talked, not only to many other merchants, but also soooo many people I know who have been living in this town for 35+ years who are incredibly excited about this prospect. I believe most of the concerns of the neighbors could be easily mitigated. I love this town, I have worked really hard to be able to stay and raise my family here, I believe I know this town and the community and I think we would be crazy as a community to not invite a venture like this into our town, it fits the cultural heritage, history and landscape of our town. An upscale , classy venue is what this town and what Marin at large needs, and needs now and I think we should be honored that it COULD be in our community !

Thank You and Good Luck,

Kerry Olivotti  
Bellezza Skin Care  
83 Broadway Blvd.  
Fairfax, CA 94973

**Linda Neal**

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**From:** Michael Rock  
**Sent:** Thursday, August 04, 2011 3:29 PM  
**To:** Jim Moore  
**Cc:** Linda Neal  
**Subject:** FW: Say no to Phil Lesh's proposed music venue

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**From:** Kay Ryan [<mailto:kayryan@earthlink.net>]  
**Sent:** Thursday, August 04, 2011 3:18 PM  
**To:** Council Member Lew Tremaine  
**Cc:** Council Member John Reed  
**Subject:** Fwd: Say no to Phil Lesh's proposed music venue

Begin forwarded message:

**From:** Kay Ryan <[kayryan@earthlink.net](mailto:kayryan@earthlink.net)>  
**Date:** August 4, 2011 3:16:43 PM PDT  
**To:** [dweinsoff@townoffairfax.org](mailto:dweinsoff@townoffairfax.org)  
**Cc:** [phartwell-herrero@townoffairfax.org](mailto:phartwell-herrero@townoffairfax.org)  
**Subject:** Say no to Phil Lesh's proposed music venue

Dear Mayor Larry Bragman and Fairfax Town Council members,

Living as I do a stone's throw away from Phil Lesh's proposed music venue, I've been paying serious attention to his plans. I just found a flyer under my windshield wipers outlining some possible downsides of his proposal, and there were even more downsides than I'd thought of myself. I'd love to be in favor of this project -- it feels in a number of ways like a great fit for Fairfax -- but it also feels way too large, and too difficult to absorb for a very small, sweet town.

Of course, I'm most immediately concerned about parking -- feeling pretty sure that scofflaws would park up in Fairfax Heights where I live (Taylor Drive) and all over the place. But additionally there's the increased traffic burden, particularly at the SFD/Claus light down at my corner which is already a trouble spot.

But really, all the points on the flyer seem to me like legitimate concerns if Lesh's plans are as reported in the IJ. We all love to hang out in Fairfax, but the town would be choked with hanger-outers. And certainly it isn't unreasonable to think we'd get rogue campers, right up on my hill (behind Bennet House). We already do.

If Lesh wanted to have, say, a music school, that would be great; it would be an ornament for the community, and Fairfax could deal with those kinds of numbers. But a big venue for concerts? NO.

I'm not saying anything new, but I wanted to add my name to the NIMFY list.

I would like to be kept informed about developments and meetings regarding this hot topic.

Thank you all in advance for the long hours of intense deliberation this project will require of you.

Sincerely,

Kay Ryan  
60 Taylor Drive  
Fairfax, CA 94930

**Linda Neal**

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**From:** ed\_tilton@comcast.net  
**Sent:** Thursday, August 04, 2011 3:18 PM  
**To:** k-flores@comcast.net; lisahhunt@comcast.net; gould\_h@yahoo.com; tanyawclark@gmail.com; danpeix@hotmail.com; apeixotto@costelloandsons.com; vflumiani@yahoo.com; krolldaveb@aol.com; Gerken, Teja; Gould, Heather; Neighbor, Alice & Dave; Neighbor, Tanya & Brad; Neighbor, Vicoria & Chris; Osweiler, Rich; Peixotto, Adrienne; Peixotto, Dan.  
**Cc:** Chris Morin; rmeagor@rossvalleyfire.org; cafehunt@hotmail.com; danpeix@hotmail.com; krolldaveb@aol.com; gould h; vflumiani@yahoo.com; osweiler1@gmail.com; bob@epoindexter.com; ctokunaga@yahoo.com; woodmadeleine@hotmail.com; christinanau@gmail.com; larryberlin@hotmail.com; lisahhunt@comcast.net; teja@tejagerken.com; diskabob@comcast.net; linayaforster@aol.com; cphedmrk@pacbell.net; swgaidano@yahoo.com; Michael Rock; Jim Moore; Linda Neal;  
**Subject:** Re: Terrapin Crossing

Hello to all who are concerned about the future of Fairfax:

I just want to add my voice to that of my neighbors - Terrapin Crossing is not right for Fairfax! Too big of a night club, too much of a 'scene' for our small town, too much traffic, too much trash, too many cars to park, too many people hanging out -- Just too much!

Once the city gets an independent impact study, I'm sure they will agree that Terrapin Crossing would have too much of a negative impact on Fairfax to be allowed.

Thanks for listening,

Ed Tilton  
14 Claus Circle  
457-6306

## Linda Neal

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**From:** k-flores@comcast.net  
**Sent:** Thursday, August 04, 2011 2:44 PM  
**To:** cafehunt@hotmail.com; k-flores@comcast.net; ed\_tilton@comcast.net; danpeix@hotmail.com; krolldaveb@aol.com; tejagerken@tejagerken.com; gould\_h@yahoo.com; vflumiani@yahoo.com; osweiler1@gmail.com; bob@epoindexter.com; ctokunaga@yahoo.com; woodmadeleine@hotmail.com; edwardgsouza@comcast.net; christinanau@gmail.com; larryberlin@hotmail.com; lisahhunt@comcast.net; teja@tejagerken.com; diskabob@comcast.net; linayaforster@aol.com; cphedmrk@pacbell.net; swgaidano@yahoo.com; Michael Rock; Jim Moore; Linda Neal; Mayor Larry Bragman  
**Cc:** Chris Morin; rmegor@rossvalleyfire.org  
**Subject:** Terrapin Crossing

Good morning,

I am one of the residents that live on Claus Circle. I attended a couple of the Town Meetings a few months ago after we heard through the grapevine that Phil Lesh was proposing to open a music venue at the Good Earth. I also attended the meeting at Brad and Tanya Clark's house with James Rosenfield the representative for Phil Lesh and Family.

When my whimsical side talks, it sounds intriguing to say we live in the music capital of Northern California where Phil Lesh, a Grateful Dead musician, opened Terrapin Crossing (Landing). Pretty cool to think that followers from all over will come to Fairfax to see this barn type structure and maybe can even see a concert or two and I don't have to travel at all for the same experience. But then my realistic side speaks and really it is not such a good idea for this type of venue right smack in the middle of our small, laid back town of Fairfax. Many, Many thoughts cross my mind such as:

- Increased traffic - The Miracle Mile and Sir Francis Drake is already impacted with a steady stream of daily traffic starting at 4pm every afternoon. Now what is it going to be like when Fairfax is having a concert on Friday and Saturday night or whenever Phil Lesh decides to have a concert?
  - What about Emergency Vehicles coming into or through our city?
  - What about us, the locals, who would have to deal with the traffic?
  - What about parents picking up their children from school or day care?
  - What about out of town vehicles, that already impact SFD, driving to the beach?
- Parking - where do they expect all the cars to park? My understanding is there will be 32 parking sites offered at the barn and Phil Lesh will offer "valet" parking at St. Rita's and Fairfax Lumber. How so "Marinish" to have "valet" parking"! We aren't Ross and we don't want to be! Do they know that St. Rita's has Bingo every Friday night with more that half of the parking lot full? People are first going to park their own car, in and around our residential streets, before they have some unknown park their car. And no matter how you look at it, you really can't enforce them not to park in front of our houses. The police are going to have their hands full and not respond to our calls.
- Security - Phil Lesh will provide their own security guards checking people as they arrive and leave the venue. Really!? What if there is a medical emergency? Their security aren't able to provide this type of help and will be calling the police or 911. What if there is an argument that leads to a fight outside of the venue? The police will again have to be called in. This is our local police that are already short a police officer. How much can you expect them to do?
- Vagrancy - The ticket holders that actually get into the venue are not the problem. It will be the people that come to Fairfax just to get a glimpse of musicians or hoping to buy a ticket from someone. You can say that tickets are only purchased on line but you can't control anyone

from driving and parking in Fairfax. Where would they go to hang out after they can't get in? Back to their cars to hang out? The local bars would be fine, however they are already fully impacted on a Friday or Saturday nights. I doubt we can walk in Fairfax on either of these night and feel comfortable.

- Trash - The sidewalks of Fairfax are already pretty disgusting. Now let's add in a concert or two a week, 500 plus people in our little town, eating, drinking, urinating on the sidewalks and buildings?

Fairfax is known to be a peaceful, safe, quite rural town. We are able to walk to the grocery stores, restaurants, clothing stores, bars, movie theater.

Adding a 16,000 sf building doesn't fit our idea of the town we choose to live.

Appreciate your understanding,

Kathy Flores

14 Claus Circle

(415) 457-6306

## Linda Neal

---

**From:** krolldaveb@aol.com  
**Sent:** Thursday, August 04, 2011 10:21 AM  
**To:** Michael Rock; Jim Moore; Linda Neal  
**Cc:** woodmadeleine@hotmail.com; kathyosweiler@gmail.com; ed\_tilton@comcast.net; osweiler1@gmail.com; danpeix@hotmail.com; peterappleseed42@yahoo.com; linayaforster@aol.com; ctokunaga@yahoo.com; tonialowe@yahoo.com; lisahhunt@comcast.net; bclark93949@hotmail.com; apeixotto@costelloandsons.com; cphedmrk@pacbell.net; disckabob@comcast.net; opinion@marinij.com  
**Subject:** Terrapin Crossing

Dear Michael Rock, James Moore and Linda Neal,

I am writing as a concerned citizen, and long term resident of our community about the proposed nightclub "Terrapin Crossing".

While I understand the need for another revenue producing business in town, my concerns revolve around the issues of the safety and well-being of our residents, as well as the character of our community.

Fire and emergency vehicles will have a difficult time navigating around the crowds coming and going from the events to be held.

There will be more campers and homeless (with outstanding warrants, doing drugs, smoking and partying/arguing, etc.) on the hill behind Bennett House as well as sleeping in Peri Park, the ball field and other less well traveled sections of town. I need not remind you of the fire danger that this will incur to an already marginal situation (since I have lived here there have been two fires and I believe at one time there was a homicide).

What about all the clubgoers leaving at 1 or 2 in the morning-drunk and high and rowdy.

Be under no illusion that they will leave in an orderly and easily controlled fashion.

How will the already understaffed Police force, maintenance crews and Fire Department be able to handle all this ?

Can this town afford the kind of havoc that will occur EVERY Friday and Saturday (it will be like having the Fairfax Festival every weekend).

This will forever change the family oriented character of our neighborhood. And threatens the very way of life that we so cherish about our town and neighborhood.

David Kroll (Fairfax Community Coalition)

30 Claus Circle

Fairfax

**Linda Neal**

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**From:** Linaya Forster [linayaforster@aol.com]  
**Sent:** Wednesday, August 03, 2011 9:57 PM  
**To:** Linda Neal  
**Subject:** Proposed business "Terrapin Crossing"

Hi Linda,

I am writing as a concerned long term resident of Fairfax about the proposed business "Terrapin Crossing". I have lived at 23 Claus Dr. (two doors up from the Good Earth) for over 25 years and have had to adjust to many negative changes in the neighborhood since Food Villa went out of business and the Good Earth moved into their site. Hearing that the Good Earth was moving to the old Albertson's site was music to my ears, at last, less traffic, fewer people making u-turns in my driveway, lower noise levels from delivery trucks and garbage pick up early in the morning, less people loitering in the park across the street and fewer drugs being sold there.

Now I am concerned that approving a business that will promote rock music and host concerts at least twice a week will magnify the problems our neighborhood has endured for years. Since there is little parking available on the proposed property visitors WILL park in surrounding neighborhoods, my neighborhood being the closest to the building. Where would any guests I might like to have over on a weekend evening park? What would be the noise level when patrons, who have been drinking, return to their vehicles to leave the venue late at night? Will drugs be a problem? Will violence accompany the presence of this "nightclub"?

When an individual is applying for a use permit they can easily make promises that later are forgotten and impossible to enforce. I hope all of these problems are reviewed thoroughly with the residents of Claus Dr. and Claus Circle given proper consideration. Please read just a few articles about crime outside of nightclubs in San Francisco and think about whether having a nightclub within a few hundred yards of your bedroom windows would be desirable or not.

<http://www.sfexaminer.com/local/crime/2011/04/fights-lead-stabbings-san-francisco-alley-nightclub>

<http://www.sfexaminer.com/local/crime/2011/06/suspect-fatal-shooting-near-san-franciscos-fishermans-wharf-stand-trial-murder>

<http://www.sfexaminer.com/local/crime/2011/01/two-men-stabbed-front-soma-nightclub>

Thank you for you consideration of my concerns,

Linaya Forster  
23 Claus Dr.  
Fairfax

**Linda Neal**

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**From:** Michael Rock  
**Sent:** Thursday, August 04, 2011 7:50 AM  
**To:** Jim Moore  
**Cc:** Linda Neal  
**Subject:** FW: Concert Venue Concerns

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**From:** [erickson18@comcast.net](mailto:erickson18@comcast.net) [mailto:[erickson18@comcast.net](mailto:erickson18@comcast.net)]

**Sent:** Wednesday, August 03, 2011 9:54 PM

**To:** Michael Rock; Council Member John Reed; Council Member Lew Tremaine; Council Member David Weinsoff; Vice-Mayor Pam Hartwell-Herrero; Mayor Larry Bragman

**Subject:** Concert Venue Concerns

As a home owner within two blocks of Phil Lesh's proposed music venue, I have serious concerns about its effect upon my neighborhood and town.

Traffic is already a problem in this area. With Good Earth alone, there has been a noticeable impact as people sometimes back up traffic on Claus Avenue trying to find parking or slide through the red light on Drake Blvd. A 500 person venue would create major problems that would extend beyond our neighborhood, increasing traffic on Drake Blvd.

Noise from those attending, and the associated impact of the crowds, would fall upon our neighborhood and the nearby Bennett House.

We moved here with the belief that Fairfax would remain the kind of town it has always been. We would not have made Fairfax our home if we had expected one of the largest music venues in Marin to be placed next door to one of the town's oldest housing areas. It is simply not appropriate for this neighborhood or this town.

At the very minimum, the proposal should be subject to an environment impact review that could address mitigation in a meaningful way. But I hope that the Council will not approve the project. How many of you would want a 500 person venue within two blocks of your home? Unless you would welcome it near you, you should not approve it here.

I enjoy music. But the project reminds me of the efforts to put a casino at Point Molate – the Richmond city council wisely concluded that a proposal of that type was not appropriate to the area and was willing to forgo any added revenue from it. I hope that you will do the same.

Arnold Erickson  
Taylor Dr., Fairfax

## Linda Neal

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**From:** Michael Rock  
**Sent:** Thursday, August 04, 2011 7:50 AM  
**To:** Jim Moore  
**Cc:** Linda Neal  
**Subject:** FW: NO to Phi Lesh Venue

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**From:** Marion Lovett [<mailto:mlovett18@comcast.net>]  
**Sent:** Wednesday, August 03, 2011 9:12 PM  
**To:** Michael Rock; Council Member John Reed; Council Member Lew Tremaine; Council Member David Weinsoff; Vice-Mayor Pam Hartwell-Herrero; Mayor Larry Bragman  
**Subject:** NO to Phi Lesh Venue

As my town representatives, I strongly urge you to deny the proposed Phil Lesh music venue planned for downtown Fairfax. I live on Taylor Drive, two blocks up from Good Earth. For years now, the public access to our road has essentially been a parking lot due to Good Earth traffic. We thought there would be some relief with Good Earth moving, only to learn that an even worse alternative has been proposed.

- The Fairfax Festival causes major disruption to our neighborhood. I am convinced that the venue would cause ongoing disruption in terms of safety and parking.
- We bought our home in Fairfax because of the atmosphere and safe environment. The proximity of the new venue to our home would cause negative impact and result in a deterioration to our property value.
- Parking on our street is a major concern - it can only get worse with this change.

I am adamantly opposed to this proposal and believe that it is not in the best interest of our neighborhood and the town of Fairfax. I urge that you vote NO.

Marion Lovett  
85 Taylor Drive  
Fairfax, CA 94930

**Linda Neal**

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**From:** Michael Rock  
**Sent:** Tuesday, August 02, 2011 8:50 AM  
**To:** Jim Moore  
**Cc:** Linda Neal  
**Subject:** FW: Phil Lesh Music Venue

FYI

-----Original Message-----

**From:** Jai Uttal [<mailto:jaiuttal@gmail.com>]  
**Sent:** Sunday, July 31, 2011 1:49 PM  
**To:** [lbragman@townoffairfax.org](mailto:lbragman@townoffairfax.org); Vice-Mayor Pam Hartwell-Herrero; Council Member David Weinsoff; Council Member Lew Tremaine; Council Member John Reed; Michael Rock  
**Subject:** Phil Lesh Music Venue

Dear Friends,

I am a Fairfax resident at 75 Rocca Drive, up the hill from Good Earth. I have a family of three and I'm a lover and supporter of the arts. As well, I am a musician by profession. However, I must loudly voice my opinion AGAINST the proposed music venue of Phil Lesh. I think it's quite obvious that the negative impact this will have on our town will hugely outweigh any good from having a new concert hall. As it is, every night I listen to the concerts at 19 Broadway from my upstairs window. I can only imagine how loud Phil's music will be. And what about parking, traffic, crime, crowd noise, trash, etc???

Please listen to the voices of Fairfax's residents and don't approve this venue.

Thank you very much,  
Jai Uttal

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**Linda Neal**

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**From:** Michael Rock  
**Sent:** Tuesday, August 02, 2011 8:49 AM  
**To:** Jim Moore  
**Cc:** Linda Neal  
**Subject:** FW: Phil Lesh Music Venue

FYI

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**From:** [CALEES@comcast.net](mailto:CALEES@comcast.net) [mailto:[CALEES@comcast.net](mailto:CALEES@comcast.net)]  
**Sent:** Monday, August 01, 2011 10:39 PM  
**To:** Mayor Larry Bragman; Vice-Mayor Pam Hartwell-Herrero; Council Member David Weinsoff; Council Member Lew Tremaine; Council Member John Reed; Michael Rock  
**Cc:** [calees@comcast.net](mailto:calees@comcast.net)  
**Subject:** Phil Lesh Music Venue

Dear Mayor and Town Council Members,

I am writing to protest the building of the Phil Lesh Music Venue in downtown Fairfax. As a resident and homeowner in the downtown area of Fairfax for 21 years, I do not want to have this area contaminated with more noise, more traffic, and more environmental pollution.

I understand that town revenue is needed, but I also understand that it cannot be attained at the cost of the town residents quality of life. I am suggesting that a compromise be reached in regards to the location of this project. This massive project would be better suited in an area with less people population and more open space. "Compromise is not a bad word"

Sincerely,

Cheryl Lees  
71 Rocca Drive  
Fairfax, CA 94930

415-256-1988

**Linda Neal**

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**From:** Building  
**Sent:** Monday, August 01, 2011 3:46 PM  
**To:** Linda Neal  
**Subject:** FW: Terrapin Landing at old Gas station next to Good Earth

Mark Lockaby  
Building Official  
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930  
415-458-2370 desk  
415-453-1618 fax

---

**From:** Brad Clark [<mailto:bclark93949@hotmail.com>]

**Sent:** 2011-07-29 14:35

**To:** [apeixotto@costelloandsons.com](mailto:apeixotto@costelloandsons.com); Fairfax PD; Mayor Larry Bragman; Vice-Mayor Pam Hartwell-Herrero; Council Member David Weinsoff; Council Member Lew Tremaine; Council Member John Reed; [info@rossvalleyfire.org](mailto:info@rossvalleyfire.org); Judy Anderson; Jim Moore; Building

**Cc:** [bob@epoindexter.com](mailto:bob@epoindexter.com); [cafehunt@hotmail.com](mailto:cafehunt@hotmail.com); [christinanau@gmail.com](mailto:christinanau@gmail.com); [cphedmrk@pacbell.net](mailto:cphedmrk@pacbell.net); [ctokunaga@yahoo.com](mailto:ctokunaga@yahoo.com); [danpeix@hotmail.com](mailto:danpeix@hotmail.com); [diskabob@comcast.net](mailto:diskabob@comcast.net); [edwardgsouza@comcast.net](mailto:edwardgsouza@comcast.net); [ed\\_tilton@comcast.net](mailto:ed_tilton@comcast.net); [gould\\_h@yahoo.com](mailto:gould_h@yahoo.com); [k-flores@comcast.net](mailto:k-flores@comcast.net); [krolldaveb@aol.com](mailto:krolldaveb@aol.com); [larryberlin@hotmail.com](mailto:larryberlin@hotmail.com); [linayaforster@aol.com](mailto:linayaforster@aol.com); [lisahhunt@comcast.net](mailto:lisahhunt@comcast.net); [osweiler1@gmail.com](mailto:osweiler1@gmail.com); [swgaidano@yahoo.com](mailto:swgaidano@yahoo.com); Tanya Clark; [teja@tejagerken.com](mailto:teja@tejagerken.com); [tejagerken@tejagerken.com](mailto:tejagerken@tejagerken.com); [vflumiani@yahoo.com](mailto:vflumiani@yahoo.com); [woodmadeleine@hotmail.com](mailto:woodmadeleine@hotmail.com)

**Subject:** RE: Terrapin Landing at old Gas station next to Good Earth

Dear Chief Morin, Ross Valley Fire, Elected officials and Town employees,

I concur with Adrienne's concerns listed below. The town of Fairfax does not have the infrastructure to support 50,000+ concert goers per year. An additional concern is around emergency vehicles. Concert traffic will directly impact fire and medical transport services to Fairfax, Ross Valley and West Marin (Drake is the corridor for Marin General Hospital). I look forward to the scoping process. Thanks -Brad Clark

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**From:** [apeixotto@costelloandsons.com](mailto:apeixotto@costelloandsons.com)

**To:** [fairfaxpd@fairfaxpd.org](mailto:fairfaxpd@fairfaxpd.org); [lbragman@townoffairfax.org](mailto:lbragman@townoffairfax.org); [phartwell-herrero@townoffairfax.org](mailto:phartwell-herrero@townoffairfax.org); [dweinsoff@townoffairfax.org](mailto:dweinsoff@townoffairfax.org); [ltremaine@townoffairfax.org](mailto:ltremaine@townoffairfax.org); [jreed@townoffairfax.org](mailto:jreed@townoffairfax.org); [info@rossvalleyfire.org](mailto:info@rossvalleyfire.org); [janderson@townoffairfax.org](mailto:janderson@townoffairfax.org); [jmoore@townoffairfax.org](mailto:jmoore@townoffairfax.org); [building@townoffairfax.org](mailto:building@townoffairfax.org)

**CC:** [bclark93949@hotmail.com](mailto:bclark93949@hotmail.com); [bob@epoindexter.com](mailto:bob@epoindexter.com); [cafehunt@hotmail.com](mailto:cafehunt@hotmail.com); [christinanau@gmail.com](mailto:christinanau@gmail.com); [cphedmrk@pacbell.net](mailto:cphedmrk@pacbell.net); [ctokunaga@yahoo.com](mailto:ctokunaga@yahoo.com); [danpeix@hotmail.com](mailto:danpeix@hotmail.com); [diskabob@comcast.net](mailto:diskabob@comcast.net); [edwardgsouza@comcast.net](mailto:edwardgsouza@comcast.net); [ed\\_tilton@comcast.net](mailto:ed_tilton@comcast.net); [gould\\_h@yahoo.com](mailto:gould_h@yahoo.com); [k-flores@comcast.net](mailto:k-flores@comcast.net); [krolldaveb@aol.com](mailto:krolldaveb@aol.com); [larryberlin@hotmail.com](mailto:larryberlin@hotmail.com); [linayaforster@aol.com](mailto:linayaforster@aol.com); [lisahhunt@comcast.net](mailto:lisahhunt@comcast.net); [osweiler1@gmail.com](mailto:osweiler1@gmail.com); [swgaidano@yahoo.com](mailto:swgaidano@yahoo.com); [tanyawclark@gmail.com](mailto:tanyawclark@gmail.com); [teja@tejagerken.com](mailto:teja@tejagerken.com); [tejagerken@tejagerken.com](mailto:tejagerken@tejagerken.com); [vflumiani@yahoo.com](mailto:vflumiani@yahoo.com); [woodmadeleine@hotmail.com](mailto:woodmadeleine@hotmail.com)

**Subject:** Terrapin Landing at old Gas station next to Good Earth

**Date:** Fri, 29 Jul 2011 17:25:31 +0000

Dear Chief Morin, Ross Valley Fire, Elected officials and Town employees,

As a homeowner here in Fairfax, my fellow neighbors and I have met with Phil Lesh's representative and expressed our concerns, they have indicated they can work around all these issues and have the "100% backing of the town of Fairfax" but we do not see how this will work.

The plan we were told by the Lesh family representative is:

- A new 5,000 square foot, 2 story building located next to the current Good Earth

- 500 person capacity (more capacity than all the current downtown bars combined)
- 50-100 concerts a year – 1 to 2 per week!
- 30 parking spots, with overflow parking at St. Rita's and Fairfax Lumber

**Claus Circle/Drive concerns**

A venue like Terrapin landing is great in theory to generate revenue to the town but please consider the true cost to our town.

This would require the city to:

- Need additional trash pick up
- Clean sidewalks, streets and trash removal the DAY AFTER a show
- Increase police patrol on event nights

As a representatives of our great town please consider the concerns of the neighbors adjacent and beyond in Fairfax:

- Traffic
- Trash
- Parking
- Vagrancy/Crime
- Noise
- Public intoxication (alcohol and drugs)
- Loss of property value
- MORE homeless sleeping on hill behind Bennett house
- People arriving without tickets then, hoping to get in or going to bars for "streaming in" provided by Lesh

Bottom-line please do not endorse this and encourage them to find a new location  
 Thank you,  
 Adrienne Peixotto

**Linda Neal**

---

**From:** Judy Anderson  
**Sent:** Friday, July 29, 2011 10:38 AM  
**To:** Michael Rock; Building; Linda Neal  
**Subject:** FW: Terrapin Landing at old Gas station next to Good Earth

FYI

Judy Anderson, CMC  
Town Clerk/Assistant to the Town Manager Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930  
415: 458-2343

"Go Green, Keep it on screen - think before you print"

-----Original Message-----

**From:** Adrienne Peixotto [<mailto:apeixotto@costelloandsons.com>]  
**Sent:** Friday, July 29, 2011 10:26 AM  
**To:** Fairfax PD; Mayor Larry Bragman; Vice-Mayor Pam Hartwell-Herrero; Council Member David Weinsoff; Council Member Lew Tremaine; Council Member John Reed; [info@rossvalleyfire.org](mailto:info@rossvalleyfire.org); Judy Anderson; Jim Moore; Building  
**Cc:** [bcclark93949@hotmail.com](mailto:bcclark93949@hotmail.com); [bob@epoindexter.com](mailto:bob@epoindexter.com); [cafehunt@hotmail.com](mailto:cafehunt@hotmail.com); [christinanau@gmail.com](mailto:christinanau@gmail.com); [cphedmrk@pacbell.net](mailto:cphedmrk@pacbell.net); [ctokunaga@yahoo.com](mailto:ctokunaga@yahoo.com); [danpeix@hotmail.com](mailto:danpeix@hotmail.com); [diskabob@comcast.net](mailto:diskabob@comcast.net); [edwardgsouza@comcast.net](mailto:edwardgsouza@comcast.net); [edtilton@comcast.net](mailto:edtilton@comcast.net); [gouldh@yahoo.com](mailto:gouldh@yahoo.com); [k-flores@comcast.net](mailto:k-flores@comcast.net); [krolldaveb@aol.com](mailto:krolldaveb@aol.com); [larryberlin@hotmail.com](mailto:larryberlin@hotmail.com); [linayaforster@aol.com](mailto:linayaforster@aol.com); [lisahunt@comcast.net](mailto:lisahunt@comcast.net); [osweiler1@gmail.com](mailto:osweiler1@gmail.com); [swgaidano@yahoo.com](mailto:swgaidano@yahoo.com); [tanyawclark@gmail.com](mailto:tanyawclark@gmail.com); [teja@tejagerken.com](mailto:teja@tejagerken.com); [tejagerken@tejagerken.com](mailto:tejagerken@tejagerken.com); [vflumiani@yahoo.com](mailto:vflumiani@yahoo.com); 'woodmadeleine@hotmail.com'  
**Subject:** Terrapin Landing at old Gas station next to Good Earth

Dear Chief Morin, Ross Valley Fire, Elected officials and Town employees,

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Claus Circle/Drive concerns

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As a representatives of our great town please consider the concerns of the neighbors adjacent and beyond in Fairfax:

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- Trash
- Parking
- Vagrancy/Crime
- Noise
- Public intoxication (alcohol and drugs)
- Loss of property value
- MORE homeless sleeping on hill behind Bennett house
- People arriving without tickets then, hoping to get in or going to bars for "streaming in" provided by Lesh

Bottom-line please do not endorse this and encourage them to find a new location

Thank you,

Adrienne Peixotto

**Linda Neal**

---

**From:** Michael Rock  
**Sent:** Sunday, August 07, 2011 11:07 PM  
**To:** Jim Moore; Linda Neal  
**Subject:** Fwd: in support of Mr. Lesh's music venue in Fairfax

Michael Rock  
Town Manager  
Town of Fairfax

Begin forwarded message:

**From:** Neil McKechnie <[neil@mckfamily.com](mailto:neil@mckfamily.com)>  
**Date:** August 7, 2011 8:34:40 PM GMT-07:00  
**To:** Mayor Larry Bragman <[lbragman@townoffairfax.org](mailto:lbragman@townoffairfax.org)>, Vice-Mayor Pam Hartwell-Herrero <[phartwell-herrero@townoffairfax.org](mailto:phartwell-herrero@townoffairfax.org)>, Council Member David Weinsoff <[dweinsoff@townoffairfax.org](mailto:dweinsoff@townoffairfax.org)>, Council Member Lew Tremaine <[ltremaine@townoffairfax.org](mailto:ltremaine@townoffairfax.org)>, Council Member John Reed <[jreed@townoffairfax.org](mailto:jreed@townoffairfax.org)>, Michael Rock <[mrock@townoffairfax.org](mailto:mrock@townoffairfax.org)>  
**Subject:** in support of Mr. Lesh's music venue in Fairfax

Hello honorable Mayor, Town Council and Town Manager,

As a Fairfax resident, I'm writing in strong support of Phil Lesh's proposed plan to build a music venue in our fine town. I neither know Mr. Lesh nor am affiliated in any way with his effort, but live within a quarter mile of the location.

My young family moved here in July 2010 from Canada and were drawn to choose Fairfax over many other Bay Area communities for its vibrant culture. Mr. Lesh's plan is invigorating because it offers our town the opportunity to expand that culture coherently – he's not building a Starbucks or a Target or a even tawdry "top 40" dance hall. It is a live music venue with roots to the 1960's counter culture that is the basis for our town's unique spirit. It would be nearly impossible to find a better suited proprietor for the neglected gas station space that, with the imminent departure of the retail presence of The Good Earth next door, will shortly devolve into a mild blight.

Almost weekly we brag to visitors about how our fine town stands as the best nightlife option in Marin County, eclipsing far larger cities like our neighbors in San Anselmo, San Rafael and even more far flung like Sausalito, Mill Valley and Novato. None come close in comparison to the vibrancy that Fairfax offers.

Should we be concerned about unsavory people swarming our town? This is Fairfax. We call that variety and spice of life, no problem – our easy going nature can handily cope with that. Will there be traffic challenges? Possibly, although only in the evening time when school and commuter flow is greatly abated and can be handled without issue. Parking? Same, Saint Rita's and Fairfax Lumber have risen to offer there lots for use, let alone the larger lot across from FairAnselm plaza which is easily walkable to the site. Noise and trash bothering residents in the immediate vicinity of the venue? Come on, they moved in next to the commercial district which predates anyone living today – they had to expect that there would be evening activities nearby. It's too opportunistic to try to convert their neighborhood into a quiet non-commercial district now, however hopeful they may be, when they are adjacent to it and always have been.

If I have any concern about this endeavor, it is that the cadre of Fairfax residents who oppose any change will once again raise their minority voices to squelch the effort in its entirety. Indeed, in 13 short months of living here, we've already seen countless examples of people espousing a "Don't change a façade, rock or twig" mentality to any proposed modification to the town. Had that view prevailed, there would be no Coffee Roastery. No 123 Bolinas. No Perry's Deli, and more. Heck, years ago Fairfax's only draw was the fabulously popular Marin Town and Country Club....if historic photos are to be believed, there were at least 500 or maybe more visitors there daily, the same as what Mr. Lesh's venue would attract only 1 or 2 times per week. Has our town regressed 100 years to the point we cannot accommodate such modest numbers?

This effort is good for the town's spirit, viability and culture. We can easily manage and accommodate whatever negativities might arise, as we're quite used to hosting nightlife in our fine town.

Mr. Mayor and Town Council, it may be tempting to cater to the "squeaky wheels" of the vocal minority. But please don't. This is good for Fairfax and I am quite sure that the majority of residents silently support it.

Respectfully,

Neil McKechnie

[neil@mckfamily.com](mailto:neil@mckfamily.com)

Fairfax, California

**Linda Neal**

---

**From:** Michael Rock  
**Sent:** Thursday, August 11, 2011 12:48 PM  
**To:** Linda Neal  
**Subject:** FW: a vote FOR the music venue

For the packet

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**From:** Vivienne Ruggiero [<mailto:marindamom@gmail.com>]  
**Sent:** Thursday, August 11, 2011 11:42 AM  
**To:** Mayor Larry Bragman; Vice-Mayor Pam Hartwell-Herrero; Council Member David Weinsoff; Council Member Lew Tremaine; Council Member John Reed; Michael Rock  
**Subject:** a vote FOR the music venue

Dear Town Council,

Twice I have had flyers placed in my mailbox from an anonymous person listing the dire consequences of allowing Phil Lesh to open a music venue on Sir Francis Drake, next to the Good Earth.

I heartily disagree. I think a music venue of this sort is just what this town needs. From what I have read Mr. Lesh has been considerate in his planning, taking the neighbors concerns into account and ensuring that the new structure will be sound-proof. So long as the doors are kept closed this should take care of the noise. The suggested site has been vacant for too long - it would be nice to see something useful and fun in there. And what a boon to the other merchants to have such a draw bringing people to Fairfax!

Please approve the permit for this music venue.

Sincerely,

Vivienne Ruggiero  
*117 Marinda Drive*

## Linda Neal

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**From:** Michael Rock  
**Sent:** Thursday, August 11, 2011 2:21 PM  
**To:** Linda Neal  
**Cc:** Jim Moore  
**Subject:** FW: Phil Lesh venue

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**From:** Heidi Kane [<mailto:heidikane@gmail.com>]  
**Sent:** Thursday, August 11, 2011 2:04 PM  
**To:** Michael Rock  
**Subject:** Phil Lesh venue

Dear Michael-

I wanted to write you a quick note to let you know that there are residents directly behind the proposed Phil Lesh Venue that DO NOT want this.

I have been a tax paying resident of Fairfax for 8.5 years now. We are raising a family here and love the town. We go to the public school here, and play in the parks.

Now we are all for development. We need more viable business in Fairfax to be paying taxes. This has always been my biggest complaint that the town ties its hands in old ways of thinking, and now we can barely afford a police dept.

What we need is more diversification in businesses. We have way too many used clothing, and bars already. I am forced to do all my spending in San Anselmo & San Rafael, who actually have shops that supply things I need.

I think its great that Phil Lesh wants to do a music Venue, but I think another town would be a better fit. We already have several bars that provide live music for people. Just like we don't need another used clothing store, we don't need another music/bar space. This would take away from existing businesses that have been here a long time. Already we have too limited of parking in Fairfax, and the traffic is too much. I've read that they want to shuttle people here, etc. But that won't solve it. People will still be parking in front of our houses and leaving trash everywhere.

I am tired of the "Party" image that Fairfax has. This is a great little town, that needs to grow up. Lets be smart about making decisions in this town.

Thanks for reading.

--  
Heidi Kane  
[Heidikane@gmail.com](mailto:Heidikane@gmail.com)

## Linda Neal

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**From:** Clark, Brad [Brad.Clark@bankofthewest.com]  
**Sent:** Thursday, August 11, 2011 3:30 PM  
**To:** Jim Moore  
**Cc:** Michael Rock; Linda Neal; bclark93949@hotmail.com  
**Subject:** RE: Terrapin Crossing - Soils report

Thank you for your prompt response Jim. I appreciate your efforts. I will reach out to Jazz Builders regarding the 2002 soils report.

As far as the traffic report scoping meeting scheduled for next Thursday. Our neighborhood association would like to submit a comment letter prior to the meeting. However we did have an initial question about the scope of the traffic report.

Will the report include a parking study as part of the overall traffic study? The submitted project description (posted on the town site) does not provide details around where the 500 concert goers will park (other than long term parking contracts will be put place). Isn't the parking data needed in order to determine the impact of traffic?

Again I appreciate your time and effort.

Regards,

Brad Clark  
22 Claus Circle  
457-7350

**Brad Clark, Marketing, VP**

180 Montgomery Street, San Francisco, CA 94104 | (415) 399-8283 | M (925) 705-6708 | (415) 393-4563 |  
[bankofthewest.com](http://bankofthewest.com)

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**From:** Jim Moore [<mailto:jmoore@townoffairfax.org>]  
**Sent:** Thursday, August 11, 2011 2:56 PM  
**To:** Clark, Brad  
**Cc:** Michael Rock; Linda Neal; bclark93949@hotmail.com  
**Subject:** RE: Terrapin Crossing - Soils report

Hi Brad,

Sorry to take so long to get back to you today.

We have checked our project file on Terrapin Crossroads, and that of the Project Planner on this application (LAK and Associates) and at this point this particular item is not part of their application to the Town. Nor do we have a record of it from previous activities on the property.

So, you will probably need to check with the property owners and/or perhaps the project manager for the applicant to see if you can get a copy that way.

FYI: if you go to the Town's webpage and click on the "Project Description" under the blurb on Terrapin Crossroads you will find contact info on the project manager: Jazz Builders, Inc.

Also, please be advised that the applicant, as part of the CEQA "Initial Study" process, will be conducting a "Phase II" investigation of the site.

Hope this helps.

Jim

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**From:** Clark, Brad [<mailto:Brad.Clark@bankofthewest.com>]  
**Sent:** Thursday, August 11, 2011 8:48 AM  
**To:** Jim Moore  
**Cc:** Michael Rock; Linda Neal; [bclark93949@hotmail.com](mailto:bclark93949@hotmail.com)  
**Subject:** RE: Terrapin Crossing - Soils report

Hi Jim,

I am interested in obtaining a copy of the Soil and Groundwater (contaminant) Investigation report that was performed in September 2002 on the 2000 Sir Francis Drake Boulevard site.

How would I go about getting a copy?

Thanks,  
Brad

**Brad Clark, Marketing, VP**

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**From:** Clark, Brad  
**Sent:** Tuesday, August 09, 2011 8:25 AM  
**To:** [mrock@townoffairfax.org](mailto:mrock@townoffairfax.org); 'lneal@townoffairfax.com'  
**Subject:** Terrapin Crossing - Soils report

Hi Michael & Linda,

I would like to request a copy of the Soil and Groundwater (contaminant) Investigation report that was performed in September 2002 on the 2000 Sir Francis Drake Boulevard site.

Can you please assist me?

Thanks,  
Brad

Brad Clark, Marketing, VP

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