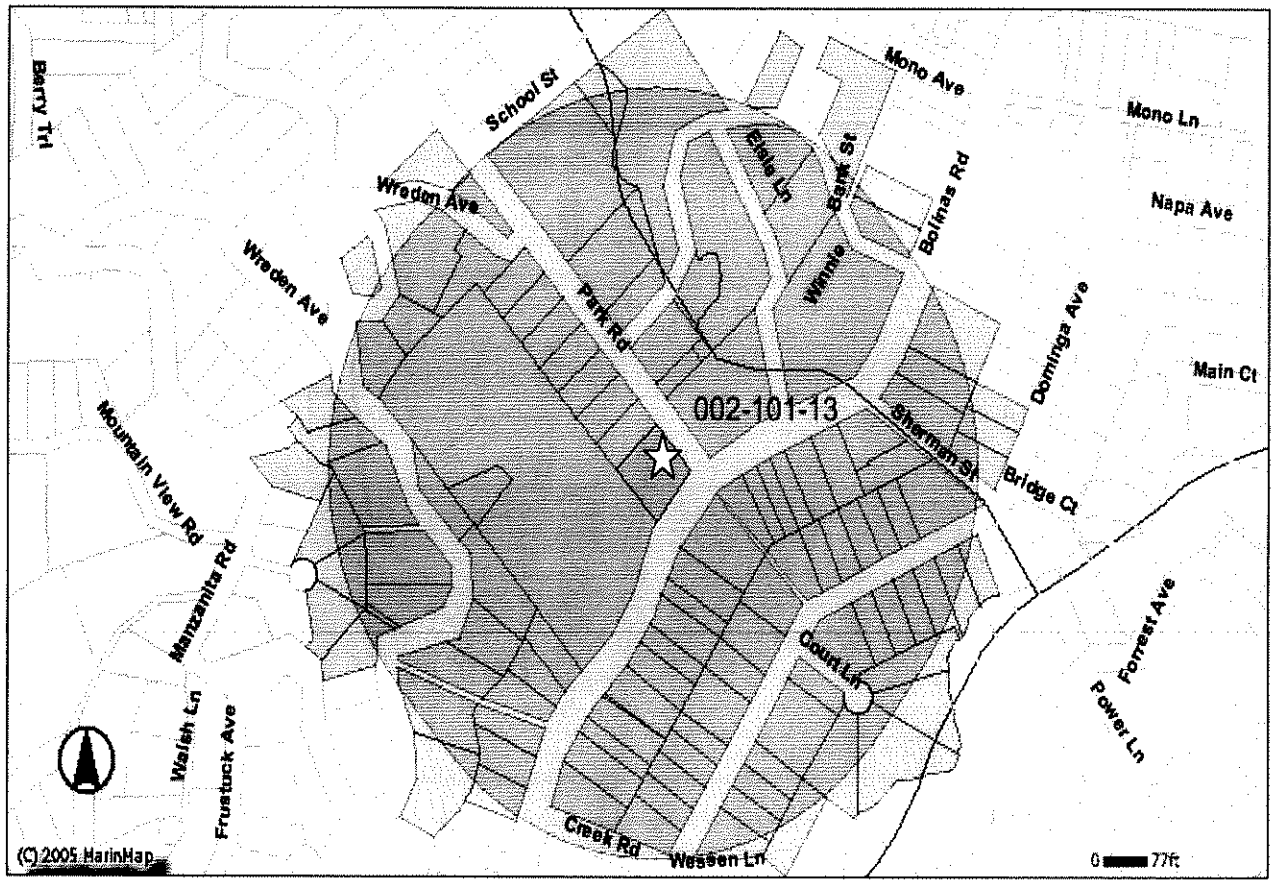
TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services

TO:	Fairfax Town Council
DATE:	July 11, 2012
FROM:	Linda Neal, Senior Planner
LOCATION:	150 Bolinas Road; Assessor's Parcel No. 002-101-13
PROJECT:	Changing 7-11's hours to remain open 24 hours per day
ACTION:	Use Permit Review; Application # 79-UP-33
APPLICANT:	Rajiv Uppal
OWNER:	Richard N. Matthews Trust
CEQA STATUS:	Categorically exempt, § 15301



150 BOLINAS ROAD

AGENDA ITEM # 11

BACKGROUND

On April 21, 2011 the Planning Commission held the original public hearing to review 7-11's request to modify their Use Permit to stay open twenty four (24) hours a day. After taking public testimony from the neighbors at 9 Park Road, the Commission continued the matter for one month to obtain a report from the Police Department on the number of complaints/incidents that had occurred in the 7-11 parking lot between the hours of 12:00 midnight and 6:00 AM during the prior 6 months of the year. They also suggested that the applicants come up with a plan to minimize the possibility of incidents occurring during the new hours.

On May 19, 2011 the Commission again discussed the proposal with the following new information:

(1) The applicants proposed implementing mitigation measures to minimize incidents in the parking lot that included; a) installation of cameras to provide surveillance of the parking lot with the monitor at the cashier counter; b) closing off the two parking spaces immediately adjacent to 9 Park Road from 9:00 PM to 6:00 AM so no vehicles can enter the area; and, c) rescheduling deliveries that used to come Monday night at 11:30 PM to come on Tuesday mornings.

(2) The Police Department reported that 9 calls were received in the last year relating to noise complaints from the 7-11 parking lot (See **Exhibit B** - # 1, Report from Sergeant Stuart Baker).

After again hearing only testimony from the immediate neighbors at 9 Park Road against the requested modification, the Commission approved the project subject to a six (6) month review to assess the impacts of the store remaining open 24 hours (**Exhibit C** #2 – minutes from the May 19, 2011 meeting).

The approval was subject to the following conditions:

1. The Use Permit for the extended hours shall be reviewed at the November 17, 2011 Commission meeting. Information provided will include a report from the Fairfax Police Department documenting any incidents related to the operation of 7-11.

2. No alcohol shall be sold after midnight.

3. Deliveries shall occur during the day.

4. Some type of native water conserving landscaping treatment shall be installed and be maintained in the planter at the southeast corner of the parking lot. The applicant shall provide a landscaping bond to the Town or evidence that they have entered into a contract with a landscaping company for at least one year until the landscape material becomes established.

5. The landscaping at the corner shall be maintained at a height not to exceed 36 inches to ensure that visibility at the corner of Park Road and Bolinas Road is not obstructed.

6. The parking spaces immediately adjacent to 9 Park Road shall be chained off at 9 PM.

7. The side of the parking lot not visible to the employees shall be monitored by camera.

8. The applicant shall continue to comply with all the requirements of the Fairfax Fire Code.

The Planning Commission held the six (6) month review hearing on November 17, 2011, again taking testimony from the neighbors at 9 Park Lane and obtaining a report of police incidents from the Fairfax Police Department (Exhibit B #2– report from Chief Morin). Although there was not an increase in noise or other disturbance incidents that could be directly attributable to 7-11's expanded hours, the Commissioners scheduled another six (6) month review for May 19, 2012 (Exhibit C #3, minutes from the November 17, 2011 meeting). They also added the following additional conditions to their May 19, 2011 Use Permit approval as follows:

1. The applicant shall re-post the, "No Alcohol Sold After Midnight or Before 6 AM" sign inside the store

2. A sign shall be erected outside the front of the store that reads, "Idling of Vehicle Engines Prohibited".

3. The applicant shall erect a public posting board where public notices can be posted.

At the third public hearing on the matter, that included a report from Chief Chris Morin (included in Exhibit B as item # 4), the Planning Commission granted final approval of the Use Permit Modification to allow 7-11 Convenience store to remain open 24 hours on May 17, 2012 subject to the original May 19, 2011 conditions, the subsequent November 17, 2011, conditions and following new, May 19th, 2012 conditions (Exhibit C #4 – minutes from the 5/19/12 meeting). Which include:

1. The applicants shall construct a solid fence between the side of the building and the sidewalk, at a height and location to be reviewed and approved by the Planning Department, to screen 9 Park Road from the headlights of vehicles parking and accessing the 7-11 parking lot at night. Any additional fence height deemed necessary by the Planning Department to serve the role of the fence as a separation between the commercially zoned and residentially zoned sites is approved.

2. A second no idling sign, in addition to the one posted on the front of the building, shall be posted on the northeastern side of the structure.

3. The landscaping beds along the northern side of the parking lot, adjacent to 9 Park Road, shall be landscaped and irrigated with native, drought tolerant plants. These beds are subject to the same maintenance requirements/bond requirement described in condition number 11 below.

4. A no parking sign shall be erected indicating that parking parallel to the chain blocking off the two parking spaces that are chained off between 12 midnight and 6 am, is prohibited.

5. Additional lighting shall be placed on the new fence directed towards the northwestern

corner of the property where people tend to urinate. The lights shall be shaded and directed away from 9 Park Road.

APPEAL

The appellant, owner of 9 Park Road, has appealed the Planning Commission's approval of the Use Permit and her reasons for appealing the decision are contained in **Exhibit A**.

Please Note: **Exhibit D** includes signatures of persons in favor of 7-11's Use Permit Modification.

DISCUSSION

7-11 is located across the street from the Ross Valley Fire Department Fairfax Station House 21 and the Fairfax Police Department. It also is located on the west side of Bolinas Road, one of the more heavily trafficked thoroughfares in Town. Sherwood Oak, one of the larger apartment complexes in Town, is located immediately to the south and west.

The Use Permit to allow the business to stay open twenty-four (24) hours has been reviewed/discussed by the Commission four (4) times now with only one family, the immediate neighbors at 9 Park Road, appearing to speak against the proposal. Numerous conditions have been put in place to minimize impacts of the business having the extended hours on the neighbor. The Police have indicated that the extended hours have not led to any increase in incidents in the area directly related to the business' remaining open all night. The Park Road neighborhood is an area with activity that occurs late into the night - being located near the Fire and Police Stations and with a lot of foot traffic around two (2) AM when the bars close down.

RECOMMENDATION

1. Open the public hearing and take public testimony.

2. Close the public hearing.

3. Move to uphold the decision of the Planning Commission and approve the requested Use Permit modification to allow 7-11 to remain open 24 hours a day subject to the Commissions conditions of approval.

ATTACHMENTS

Exhibit A – Appellant's appeal application
Exhibit B – Reports from the Fairfax Police Department
Exhibit C – Minutes from the 4/21/11, 5/19/11, 11/17/11 and 5/17/12 Planning Commission meetings
Exhibit D – Signature list of persons in favor of the requested Use Permit Modification
Exhibit E - Business owner's supplemental information

TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584/FAX (415) 453-1618

TOWN OF FAIRFAX
MAY 24 2012
RECEIVED

NOTICE OF APPEAL

FOR STAFF USE

Date: 5/24/12 Fee: $ 500.00
Appl.#
Receipt#
Recvd. By: S. Watson
Action:

The purpose of the appeal procedure is to provide recourse in case it is alleged that there is an error in any order, requirement, permit, decision or determination by any administrative official, advisory body or commission in the administration or enforcement of the City Ordinances. Any person aggrieved by the action of any administrative official, advisory board or commission in the administration or enforcement of any ordinance in the Town Code may make verified application to the Town Clerk in the manner prescribed by the Town Council within ten (10) days of action that is appealed.

FEE: Fees are set by resolution of the Town Council. See fee schedule for current application fees.

PLEASE PRINT

Appellant's name Misty Moreno

Mailing address 9 Park Rd/Fairfax Zip: 94930 Day phone 464-6927

Property Address: same

I appeal the decision of: (list board, commission, or department and decision, for example: Planning Commission denial of variance) application #

Planning Commission - for approving 7-11 to open 24hrs.

The following are my reasons for appeal:

I feel that this decision is denying my rights to have a peaceful home life, to sleep w/ my bdrm. window open, and still sleep thru the night - to rise early, refreshed & ready for work.

I hereby declare that I have read the foregoing Notice of Appeal and know the contents thereof. I further declare under penalty of perjury that the information supplied by me is true and correct.

Executed this 24 day of May, 2012

SIGNATURE OF APPELLANT: Misty Moreno

(4/94)

Printed on Recycled Paper

EXHIBIT # A

Linda Neal

From: Stuart Baker
Sent: Saturday, April 30, 2011 10:04 AM
To: Linda Neal
Subject: Calls for service - 150 Bolinas Rd
Attachments: 7-11 Calls for service.xls

Linda,
Per our recent discussion, I have carefully compiled a list of calls for service related to the 7-11 at 150 Bolinas Rd. I have filtered the calls down to noise or other "quality of life" complaints which we have received within the past 12 months between the hours of **10pm and 6am**. I was only able to find 10 calls and I exported them to a spreadsheet for your review. On the far right column, I added a "Notes" section where I gave a very brief description of what the issue was. Please feel free to share this information as it is subject to public records review and let me know if you need anything further.
Stuart

Sergeant Stuart Baker
Fairfax Police Department
144 Bolinas Rd
Fairfax, CA 94930
(415) 453-5330
(415)457-8769 fax
www.fairfaxpd.org

EXHIBIT # B-1

100718010	NOISE	7/18/2010	02:26:38	150 BOLINAS RD		Loud subjects	
100718033	NOISE	7/18/2010	23:36:48	150 BOLINAS RD		Loud subjects	
100719037	NOISE	7/19/2010	22:43:52	150 BOLINAS RD		Loud Vehicle	
100727039	NOISE	7/27/2010	22:42:56	150 BOLINAS RD		Loud subjects	
100815006	NOISE	8/15/2010	02:20:10	150 BOLINAS RD		Loud subjects	
101127001	NOISE	11/27/2010	00:11:49	150 BOLINAS RD		Loud subjects - left in vehicles 1-2 minutes later	
110116003	NOISE	1/16/2011	01:01:12	150 BOLINAS RD		Loud Vehicle	
110123001	NOISE	1/23/2011	00:01:10	150 BOLINAS RD		Loud subjects	
110402002	NOISE	4/2/2011	00:22:15	150 BOLINAS RD		Loud subjects	

Linda Neal

From: Chris Morin
Sent: Monday, April 25, 2011 4:23 PM
To: Linda Neal
Cc: Jim Moore
Subject: RE: 7-11
Attachments: 150 Bolinas.xls; 150 Bolinas filtered.xls

Linda,
I have attached two data sheets.

One lists all activity at the 7-11 location over the past 12 month period showing 87 incidents. The second is the first list filtered down to only include "disturbance" type activity at the same location showing 37 incidents. At the bottom of the last page of each sheet I have listed what the call codes mean.

This may give the planning commission a good snapshot of activity, however a more detailed view of the actual 37 "disturbance" type calls would probably narrow that down even further as a number of them may have nothing to do with the 7-11 Store itself, but rather just the address was listed in some of those incidents.

There were no incidents associated with 9 Park Road during the same 12month period.

We can give a greater breakdown if needed.

Chris

Christopher Morin
Chief of Police
Fairfax Police Department
144 Bolinas Road
Fairfax, CA 94930
415.453.5330 415.457.8769 (fax)

From: Linda Neal
Sent: Monday, April 25, 2011 3:21 PM
To: Chris Morin
Cc: Jim Moore
Subject: 7-11

Chief Morin,

The Planning Commission has asked us to obtain, if possible, a list of incidents with police involvement occurring in and around the 7-11 parking lot and 9 Park Road for the last year. The owner of 9 Park Road told the Commission that she has a lot of trouble with people from 7-11 littering, loitering and making a lot of noise around her home. She feels that the extended hours will only increase her problems although most of the Commissioners seemed to think that having the store open all the time would decrease the problems. Is this information you can provide easily or will it be a real hassle?

Linda

B #2

FAIRFAX POLICE ACTIVITY REPORT ALL ACTIVITY
7-11 Store, 150 Bolinas Road, April 24, 2010 thru April 24, 2011

Incident	Type	Date	Time	Location	Place
100502010	WRNTCRIM	5/2/2010	08:19:12	150 BOLINAS RD	7-11
100502011	415	5/2/2010	08:25:09	150 BOLINAS RD	7-11
100502020	THEFT	5/2/2010	15:03:03	150 BOLINAS RD	7-11
100506033	1182	5/6/2010	21:44:03	150 BOLINAS RD	7-11
100513002	107T	5/13/2010	00:20:10	150 BOLINAS RD	
100517014	647F	5/17/2010	17:48:31	150 BOLINAS RD	7-11
100526029	107T	5/26/2010	23:21:30	150 BOLINAS RD	
100529032	MED	5/29/2010	16:50:52	150 BOLINAS RD	7-11
100531026	107T	5/31/2010	20:11:01	150 BOLINAS RD	7-11
100604033	415	6/4/2010	18:44:14	150 BOLINAS RD	7-11
100604042	NOISE	6/4/2010	21:39:17	150 BOLINAS RD	7-11
100609011	12500	6/9/2010	09:37:40	150 BOLINAS RD	
100612030	WITHSUBS	6/12/2010	14:38:02	150 BOLINAS RD	7-11
100612040	415	6/12/2010	17:16:13	150 BOLINAS RD	7-11
100612068	107T	6/12/2010	22:38:48	150 BOLINAS RD	7-11
100613011	647F	6/13/2010	02:24:39	150 BOLINAS RD	7-11
100619038	415	6/19/2010	19:49:14	150 BOLINAS RD	7-11
100625021	AOA	6/25/2010	18:27:55	150 BOLINAS RD	7-11
100627001	107T	6/27/2010	00:00:42	150 BOLINAS RD	7-11
100630018	JUVE	6/30/2010	21:35:32	150 BOLINAS RD	7-11
100704024	CITASST	7/4/2010	12:35:03	150 BOLINAS RD	7-11
100710040	NOISE	7/10/2010	17:19:52	150 BOLINAS RD	7-11
100716003	WITHSUBS	7/16/2010	02:16:56	150 BOLINAS RD	7-11
100716007	NOISE	7/16/2010	07:04:20	150 BOLINAS RD	7-11
100718010	NOISE	7/18/2010	02:26:38	150 BOLINAS RD	7-11
100718033	NOISE	7/18/2010	23:36:48	150 BOLINAS RD	7-11
100719037	NOISE	7/19/2010	22:43:52	150 BOLINAS RD	7-11
100721037	JUVE	7/21/2010	18:18:36	150 BOLINAS RD	7-11
100727039	NOISE	7/27/2010	22:42:56	150 BOLINAS RD	7-11
100729043	DUI	7/29/2010	21:54:33	150 BOLINAS RD	7-11
100811013	FOUND	8/11/2010	12:40:37	150 BOLINAS RD	7-11

FAIRFAX POLICE ACTIVITY REPORT ALL ACTIVITY
7-11 Store, 150 Bolinas Road, April 24, 2010 thru April 24, 2011

100813034	911	8/13/2010	23:02:15	150 BOLINAS RD	7-11
100815006	NOISE	8/15/2010	02:20:10	150 BOLINAS RD	7-11
100827019	911	8/27/2010	16:50:10	150 BOLINAS RD	7-11
100827028	107T	8/27/2010	21:21:44	150 BOLINAS RD	7-11
100901039	INFO	9/1/2010	22:12:36	150 BOLINAS RD	7-11
100904034	107T	9/4/2010	21:56:40	150 BOLINAS RD	7-11
100912024	XPAT	9/12/2010	16:16:37	150 BOLINAS RD	7-11
100929007	AOA	9/29/2010	08:15:34	150 BOLINAS RD	7-11
101001033	PROBVIOL	10/1/2010	19:56:18	150 BOLINAS RD	7-11
101003024	107T	10/3/2010	20:20:40	150 BOLINAS RD	7-11
101007010	107T	10/7/2010	08:44:23	150 BOLINAS RD	7-11
101010031	UNWANTED	10/10/2010	18:19:51	150 BOLINAS RD	7-11
101017031	WITHSUBS	10/17/2010	19:19:42	150 BOLINAS RD	7-11
101025013	1062	10/25/2010	11:37:17	150 BOLINAS RD	7-11
101025026	TRAFFIC	10/25/2010	18:11:00	150 BOLINAS RD	7-11
101026007	107T	10/26/2010	03:04:35	150 BOLINAS RD	7-11
101104013	1124	11/4/2010	09:41:12	150 BOLINAS RD	7-11
101117045	WITHSUBS	11/17/2010	22:37:43	150 BOLINAS RD	7-11
101127001	NOISE	11/27/2010	00:11:49	150 BOLINAS RD	7-11
101129023	107T	11/29/2010	21:48:48	150 BOLINAS RD	
101208018	107T	12/8/2010	13:46:46	150 BOLINAS RD	7-11
101211029	107T	12/11/2010	23:10:16	150 BOLINAS RD	
101224007	107T	12/24/2010	10:50:50	150 BOLINAS RD	7-11
101224016	1062	12/24/2010	13:18:28	150 BOLINAS RD	7-11
101226014	1062	12/26/2010	13:24:30	150 BOLINAS RD	7-11
110111026	WITHSUBS	1/11/2011	19:43:55	150 BOLINAS RD	7-11
110115023	107T	1/15/2011	22:47:43	150 BOLINAS RD	
110116003	NOISE	1/16/2011	01:01:12	150 BOLINAS RD	7-11
110121047	107T	1/21/2011	23:19:34	150 BOLINAS RD	7-11
110123001	NOISE	1/23/2011	00:01:10	150 BOLINAS RD	7-11
110123002	WITHSUBS	1/23/2011	01:03:59	150 BOLINAS RD	7-11

FAIRFAX POLICE ACTIVITY REPORT ALL ACTIVITY
7-11 Store, 150 Bolinas Road, April 24, 2010 thru April 24, 2011

110123010	WITHSUBS	1/23/2011	06:38:02	150 BOLINAS RD	7-11
110124048	107T	1/24/2011	23:26:12	150 BOLINAS RD	7-11
110131026	WITHSUBS	1/31/2011	19:50:22	150 BOLINAS RD	7-11
110202013	107T	2/2/2011	14:10:02	150 BOLINAS RD	7-11
110213001	107T	2/13/2011	00:30:45	150 BOLINAS RD	7-11
110213025	107T	2/13/2011	20:23:49	150 BOLINAS RD	7-11
110216030	647F	2/16/2011	21:41:11	150 BOLINAS RD	7-11
110226022	WRNTCRIM	2/26/2011	16:28:33	150 BOLINAS RD	7-11
110306003	647F	3/6/2011	01:32:03	150 BOLINAS RD	7-11
110311009	WITHSUBS	3/11/2011	10:41:57	150 BOLINAS RD	7-11
110311027	WITHSUBS	3/11/2011	22:22:47	150 BOLINAS RD	7-11
110312044	WITHSUBS	3/12/2011	22:54:31	150 BOLINAS RD	7-11
110317029	SUSPCIRC	3/17/2011	18:57:38	150 BOLINAS RD	7-11
110320025	107T	3/20/2011	09:51:46	150 BOLINAS RD	7-11
110324034	1091	3/24/2011	21:38:48	150 BOLINAS RD	7-11
110327012	12500	3/27/2011	13:01:26	150 BOLINAS RD	
110329016	CITASST	3/29/2011	14:19:59	150 BOLINAS RD	7-11
110330026	1091	3/30/2011	17:53:11	150 BOLINAS RD	7-11
110402002	NOISE	4/2/2011	00:22:15	150 BOLINAS RD	7-11
110410021	107T	4/10/2011	18:18:45	150 BOLINAS RD	7-11
110414002	THEFT	4/14/2011	02:11:51	150 BOLINAS RD	7-11
110419005	1124	4/19/2011	04:53:51	150 BOLINAS RD	7-11
110423014	107T	4/23/2011	12:27:36	150 BOLINAS RD	7-11
110423015	415	4/23/2011	12:59:46	150 BOLINAS RD	7-11

415 = Disturbance
647F=Drunk Person
WITH SUBJ= Checkin on susp person
JUVE = Juvenile Issue
NOISE= Noise Complaint
911 = 911 call from location
107T = Officer Generated Car Stop
1091- Animal Complaint
12500 Officer Generated Car Stop
WRNTCRIM - Warrant Arrest
1124 - Abandoned Vehicle
Theft - Theft
WITHSUBS= Checkin on susp person
SUSPCIRC- Susp Circumstance
1062 = Meet with Citizen
AOA= Assist Other Agency

FAIRFAX POLICE ACTIVITY REPORT NOISE OR OTHER DISTURBANCE TYPE ACTIVITY
7-11 Store, 150 Bolinas Road April 24, 2010 thru April 24, 2011

Incid	Type	Date	Time	Location	Place
100502011	415	5/2/2010	08:25:09	150 BOLINAS RD	7-11
100502020	THEFT	5/2/2010	15:03:03	150 BOLINAS RD	7-11
100517014	647F	5/17/2010	17:48:31	150 BOLINAS RD	7-11
100604033	415	6/4/2010	18:44:14	150 BOLINAS RD	7-11
100604042	NOISE	6/4/2010	21:39:17	150 BOLINAS RD	7-11
100612030	WITHSUBS	6/12/2010	14:38:02	150 BOLINAS RD	7-11
100612040	415	6/12/2010	17:16:13	150 BOLINAS RD	7-11
100613011	647F	6/13/2010	02:24:39	150 BOLINAS RD	7-11
100619038	415	6/19/2010	19:49:14	150 BOLINAS RD	7-11
100630018	JUVE	6/30/2010	21:35:32	150 BOLINAS RD	7-11
100710040	NOISE	7/10/2010	17:19:52	150 BOLINAS RD	7-11
100716003	WITHSUBS	7/16/2010	02:16:56	150 BOLINAS RD	7-11
100716007	NOISE	7/16/2010	07:04:20	150 BOLINAS RD	7-11
100718010	NOISE	7/18/2010	02:26:38	150 BOLINAS RD	7-11
100718033	NOISE	7/18/2010	23:36:48	150 BOLINAS RD	7-11
100719037	NOISE	7/19/2010	22:43:52	150 BOLINAS RD	7-11
100721037	JUVE	7/21/2010	18:18:36	150 BOLINAS RD	7-11
100727039	NOISE	7/27/2010	22:42:56	150 BOLINAS RD	7-11
100813034	911	8/13/2010	23:02:15	150 BOLINAS RD	7-11
100815006	NOISE	8/15/2010	02:20:10	150 BOLINAS RD	7-11
100827019	911	8/27/2010	16:50:10	150 BOLINAS RD	7-11
100912024	XPAT	9/12/2010	16:16:37	150 BOLINAS RD	7-11
101117045	WITHSUBS	11/17/2010	22:37:43	150 BOLINAS RD	7-11
110111026	WITHSUBS	1/11/2011	19:43:55	150 BOLINAS RD	7-11
110123002	WITHSUBS	1/23/2011	01:03:59	150 BOLINAS RD	7-11
110123010	WITHSUBS	1/23/2011	06:38:02	150 BOLINAS RD	7-11
110131026	WITHSUBS	1/31/2011	19:50:22	150 BOLINAS RD	7-11
110216030	647F	2/16/2011	21:41:11	150 BOLINAS RD	7-11
110306003	647F	3/6/2011	01:32:03	150 BOLINAS RD	7-11
110311009	WITHSUBS	3/11/2011	10:41:57	150 BOLINAS RD	7-11
110311027	WITHSUBS	3/11/2011	22:22:47	150 BOLINAS RD	7-11

FAIRFAX POLICE ACTIVITY REPORT NOISE OR OTHER DISTURBANCE TYPE ACTIVITY
7-11 Store, 150 Bolinas Road April 24, 2010 thru April 24, 2011

110312044	WITHSUBS	3/12/2011	22:54:31	150 BOLINAS RD	7-11
110317029	SUSPCIRC	3/17/2011	18:57:38	150 BOLINAS RD	7-11
110402002	NOISE	4/2/2011	00:22:15	150 BOLINAS RD	7-11
110414002	THEFT	4/14/2011	02:11:51	150 BOLINAS RD	7-11
110423015	415	4/23/2011	12:59:46	150 BOLINAS RD	7-11

415 = Disturbance
647F=Drunk Person
WITH SUBJ= Checkin on susp person
JUVE = Juvenile Issue
NOISE= Noise Complaint
911 = 911 call from location

Linda Neal

From: Chris Morin
Sent: Tuesday, November 01, 2011 9:46 AM
To: Jim Moore
Cc: Linda Neal
Subject: RE: Review of 7-11 Use Permit

Jim
Although I always try to avoid meetings If needed I could attend the 11/17 meeting (but if they didn't ask don't offer!!!!!!!)

Having said that, checking our records from May 19th at 12:01am to date (as it is not 11/9 yet) there are only 3 incidents that are directly related to the store.

05/28/11 12:01am Juveniles gathered in parking lot. Officers arrived within 1 minute and did not locate them

10/15/11 02:12am 8-12 people yelling. Officers arrived within 2 minutes and did not locate anyone

10/16/11 01:52am Loud talking. Officers arrived, subjects contacted and agreed to move along.

I will check again on 11/10 for any additional incidents.

Note: There are a total of 14 incidents that are connected to the address in my CAD system. However other than the three listed above the remaining 11 incidents were not a result of the store being open, but rather an address used in the CAD system or an officer following and pulling over cars at that location.

Let me know if this information in this format will suffice with an update on 11/10/11

Chris

Christopher Morin
Chief of Police
Fairfax Police Department
144 Bolinas Road, Fairfax, CA 94930
415.453.5330 415.457.8769 (fax)
www.fairfaxpd.org

From: Jim Moore
Sent: Tuesday, November 01, 2011 9:20 AM
To: Chris Morin
Subject: FW: Review of 7-11 Use Permit

Hi Chris,

B #3

TOWN OF FAIRFAX
STAFF REPORT

To: **Planning Commission**

From: **Christopher Morin, Chief of Police**

Date: **May 17, 2011**

Subject: **Incidents in and around the 7 – Eleven Store, 150 Bolinas Road (Use Permit Review)**

RECOMMENDATION

The Planning Commission should review the following statistics and information, and then make a decision regarding the 24 hour use permit.

BACKGOUND

At the Planning Commission meeting on November 17, 2011, it was requested that the Fairfax Police Department compile statistics related to the 7-Eleven store at 150 Bolinas Road, and any related activity along Park Road. The parameters are as follows:

1) Activity for the twelve months before the Use Permit was approved on May 19, 2011.
2) Activity for the twelve months after June 1st 2011.
3) A report on how this area is policed.

This was a complicated and detailed request that took over ten hours of staff time to complete. The data is much too complicated to outline in detail in a staff report, and involves well over 1000 pages of data to print, compile and explain. Therefore the below data is a "snapshot" of information. The Police Chief is present to explain the details of the outlined data.

DISCUSSION

It should be noted that in the commission's first request, they requested data for the 12-month period starting after June 1, 2011. That cannot be accomplished because the May meeting is two months prior to the end of the requested 12-month period. Therefore in order to prepare and have this data ready, a cut-off date of May 1, 2012 was used. That data follows:

12 month period, May 19, 2010 thru May 19, 2011:
There were 573 total incidents logged by the police department along Park Road, including 150 Bolinas Road (The 7-Eleven Store). Those incidents are broken down as follows:

16 total incidents at 150 Bolinas Road broken down as:

- 6 noise complaints by citizens.
- 10 officer initiated activities not logged as noise or disturbance issues.

561 total incidents along Park Road broken down as:

YOUTH CENTER

- 268 officer initiated building/security checks of the Youth Center
- 2 officer initiated checks of occupied vehicles near the Youth Center.

B #4

WOMEN'S CLUB

- 265 officer initiated building/security checks of the Women's Club
- 1 citizen report of an intoxicated person near Women's Club (not located)
- 1 citizen request for advice at the Women's Club

PERI PARK

- 19 officer initiated security checks at Peri Park
- 1 citizen report of people arguing in the park
- 4 officer initiated contacts of people in the park after dark

10 month period, June 1, 2011 thru May 1st, 2012:
There were 569 total incidents logged by the police department along Park Road, including 150 Bolinas Road (The 7-Eleven Store). Those incidents are broken down as follows:

20 total incidents at 150 Bolinas Road broken down as:

- 2 noise complaints by citizens
- 15 officer initiated activities not logged as noise or disturbance issues
- 3 officer initiated contacts or stops that were tagged at this address but are not related at all

549 total incidents along Park Road broken down as:

YOUTH CENTER

- 260 officer initiated building/security checks of the Youth Center
- 2 citizen reports of noise near the Youth Center
- 1 officer initiated contact
- 1 officer initiated public intoxication arrest

WOMEN'S CLUB

- 258 officer initiated building/security checks of the Women's Club
- 1 citizen request for advice
- 1 officer initiated vehicle check (light left on in a car)
- 1 officer initiated traffic stop

PERI PARK

- 19 officer initiated security checks at Peri Park
- 5 officer initiated contacts with people in the park after dark

ATTACHMENTS

None

Lisa Hunt, Claus Circle, said that the Good Earth had been a great neighbor and that it would not be a good venue for a night club.

CONSENT ITEMS

A Member of the public requested that the item concerning extending the open hours of a 7/11 store be removed to the regular agenda.

M/S, Hamilton/O'Neil, Motion to remove 150 Bolinas Road, Application # 79 UP-33, to the Regular Agenda

Ayes: All

1. 150 Bolinas Road; Application # 79-UP-33; Request for a modification of a previously approved Use Permit to allow the existing 7-11 convenience store to remain open 24 hours; Assessor's Parcel No. 002-101-13; Highway Commercial CH Zone District; Richard M. Matthews Trust, owner; Rajiv Uppal, applicant; CEQA categorically exempt, §15301.

Senior Planner Neal presented the staff report, when she noted that the request for extended hours had been circulated amongst the agencies who would be concerned. Ms. Neal said that the Police Department had not expressed concern, and she discussed ways of mitigating potential impacts. Ms. Neal said that staff supported the request for reasons in the staff report.

In response to Vice-Chair Hamilton, Ms. Neal said that a violation of the Noise Ordinance could trigger revocation of a Use Permit.

In response to Commissioner Lacques, Ms. Neal said that she had not researched noise problems or criminal activity related to another 7/11 store that was based in the County.

Applicant's representative, Sammy, who said that he worked at the store for 10 hours a day, said that they would ensure there would be no shouting. He said there were cameras that monitored people and that they would call the Police if there were any problems. Sammy said that people wanted supplies during the night, which they could provide and that there appeared to be few people against extending their hours compared to the number who were noticed.

In response to Commissioner Lacques, Sammy said he could not quantify the amount of potential night business. Sammy said that he would be willing to curtail the sale of alcohol at midnight.

Commissioner O'Neill noted that the sale of alcohol was prohibited after 2 a.m. by State law.

In response to Chair Ketcham, a 7/11 representative estimated that the store could expect 15 – 20 customers during nighttime hours based on the number of people who visited their stores at night in Mill Valley.

EXHIBIT # C #1

Chair Ketcham opened the public comment period.

Misty Moreno, 9 Park Road, discussed noise disturbance in the vicinity of the store, and said that she did not support extended hours in a residential area.

Peter Mareno, 9 Park Road, noted that the store was on a busy corner where there was a lot of noise already without the store being allowed to operate all day and all night.

Chair Ketcham closed the public comment period.

In response to Commissioner O'Neil, Ms. Neal said that a Police Department report could be obtained that would identify the areas which particularly caused noise and litter. She noted that there was a public park nearby which could be responsible for some of the noise.

Commissioner Ramsay said that he was not inclined to support all night open hours because he had been woken at 2 a.m. due to noise when bars closed.

Vice-Chair Hamilton said that it was possible the noise issues were an existing problem, and she suggested that there might be a way of resolving the issues such as enhanced monitoring, car parking ticketing, etc., while being able to grant the permit.

Commissioner Lacques said that noise was an important consideration. He supported limiting the sale of liquor to before midnight, restricting parking in the parking lot and that if the Use Permit were granted, then it should be revisited in six months.

Commissioner LaMotte said that she was in favor of continuing the item for further discussion. She thought that there could be other aspects in the neighborhood that could be causing noise.

Commissioner Hall said that noise was part of the territory when people lived downtown, but that extended hours would exacerbate the problems. Furthermore, the store was in a residential area.

M/S, Hamilton/LaMotte, motion to continue Application # 79-UP-33, a request for a modification of a previously approved Use Permit to allow the existing 7-11 convenience store to remain open 24 hours at 150 Bolinas Road in order to obtain additional information from the Police Department with regard to noise disturbance and to discuss with the applicant conditions they would be amenable to adhering to in order to mitigate some of the noise and vagrancy problems.

Ayes: All

Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, May19, 2011

Call to Order/Roll Call:

COMMISSIONERS PRESENT: Morgan Hall
Shelly Hamilton (Vice-Chair)
Brannon Ketcham (Chair)
Peter Lacques
Shelby LaMotte
Ryan O'Neil
Peter Ramsay

STAFF PRESENT: Jim Moore, Planning Director
Linda Neal, Senior Planner
Joanne O'Hehir, Minutes-Secretary

Chair Ketcham called the meeting to order at 7.32 p.m.

APPROVAL OF AGENDA

M/S, Lacques/Hamilton, Motion to approve the Agenda.

AYES: All

Commissioner LaMotte arrived at 7.33 p.m. and Vice-Chair Hamilton arrived at 7.34 p.m.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No-one from the public came forward to speak.

CONSENT ITEMS

None.

PUBLIC HEARING ITEMS

1. 150 Bolinas Road; Application # 79-UP-33: Continued consideration of a request for a modification of a previously approved Use Permit to allow the existing 7-11 convenience store to remain open 24 hours; Assessor's Parcel No. 002-101-13; Highway Commercial CH Zone District; Richard M. Matthews Trust, owner; Rajiv Uppal, applicant; CEQA categorically exempt, § 15301.

C#2

Senior Planner Neal presented the staff report. She discussed the incidents/complaints in the Police report that had occurred during the past year between the hours of 10 p.m. and 6 a.m., which the commissioners had requested at the previous meeting. Ms. Neal also discussed additional security measures and the reasons staff were able to recommend approval of the modification to the Use Permit, which were contained in the staff report.

Commissioner Hall and Ms. Neal discussed the need for the original Use Permit. Ms. Neal noted that landscape maintenance was part of the agreement and that the store owners had recently made improvements.

Commissioner O'Neil and Ms. Neal discussed the Police call-outs and Ms. Neal noted that 10 call-outs in the past year were directly attributed by the Police Department to the 7/11 store.

Chair Ketcham and Ms. Neal discussed noise monitoring in relation to the Police Department.

Rajiv Uppal, applicant, discussed additional camera installation and noted that nighttime deliveries had been changed to daytime deliveries at the store. He said that they had chained off parking spaces nearest to the immediate neighbor between 9 p.m. and 6 a.m.

Mr. Uppal and Commissioner Hall discussed the business and property ownership.

Commissioner Lacques discussed his liquor concerns with Mr. Uppal, who agreed that they would not sell liquor after midnight. Commissioner Lacques said he believed that approximately one noise complaint each month during late night hours was significant.

Chair Ketcham opened the public comment period.

Misty Moreno, Park Road, said that she appreciated the improvements but they are too little, too late. She discussed the reasons she did not support a franchise business and the problems with trash. She said she did not support all night open hours. She discussed a list of incidents she presented to the commissioners.

Ms. Neal noted that the site had been a convenience store since the 1970s and that it was in the Highway Commercial zone, which allowed formula stores.

Peter Parish, Murial Place, noted that disruptions seemed to happen at night when no-one was present on the property and that 24 hour-opening would mean someone would be present.

Chair Ketcham closed the public comment period.

Vice-Chair Hamilton and Planning Director Moore discussed how a change in the zoning code could affect an established business.

Commissioner Lacques said there was another 24-hour convenience store in town and that this was not a suitable location for a store to remain open all night. He believed that it would affect the neighbors and be an incompatible use.

Commissioner Ramsay noted that the store had collected about 200 signatures in support of all-night open hours and that people worked at different hours and needed access to things at different hours. He noted that someone would be on the premises and said that he was not inclined to disrupt the business.

Commissioner Hall noted that most of the problems were generated at night and that he believed it would be worse in the early hours of the morning after the bars closed. He believed that midnight was long enough for the store to remain open and that he would not want the Town of Fairfax to be the kind of town which was open all night long. He did not support extended open hours.

Commissioner LaMotte said that it would not be fair to lay the problems of bars and activities in town on the store. She expressed her concern with the area being lit all night long, which she said encouraged energy and activity, and that she believed midnight was late enough for closing. She said she did not know whether six additional hours would outweigh the perceived or actual detriment that could be caused.

Commissioner O'Neil said that some neighbors would lose some of their quality of life with 24-hour opening, but that there were other residents who had nighttime needs. He believed that the applicant would be making a big concession not to sell alcohol after midnight and that the local community supported the store and would benefit by it, even if it was owned by a corporation.

Vice-Chair Hamilton noted that the store provided an amenity for some people, although she did not believe the community needed a large, well-lit street corner at night. However, she said that it was not known with true certainty how much the problems would worsen if the store hours were extended. She noted that the store had local patronage.

Chair Ketcham discussed the call-outs and he agreed with Vice-Chair Hamilton that that the extent of the possible problems caused by longer opening hours after the bars closed were not know. He noted that many of the locals signed the petition for longer open hours, although he said that he had not seen any demonstration that people would like a 24-hour town.

Vice-Chair Hamilton and Ms. Neal discussed revocation of a Use Permit. In response to Commissioner Lacques, Ms. Neal noted that both tenants and property owners had been notified of the application.

Commissioner Hall discussed his concerns that other businesses might request 24-hour opening.

M/S, Lacques/Hall, Motion to deny Application # 79-UP-33, continued consideration of a request for a modification of a previously approved Use Permit to allow the existing 7-11 convenience store to remain open 24 hours at 150 Bolinas Road.

A roll call was taken:

Ayes: LaMotte, Ketcham, Hamilton, Ramsay, O'Neil
No: Hall, Lacques

Discussion took place on adding further restrictions to the Use Permit.

M/S, O'Neil, Ramsay, Motion to approve Application # 79-UP-33, continued consideration of a request for a modification of a previously approved Use Permit to allow the existing 7-11 convenience store to remain open 24 hours at 150 Bolinas Road based on the findings and conditions in the staff report, with the following added conditions:

1. No alcohol shall be sold after midnight
2. Deliveries shall be made during daytime hours and not during nighttime hours
3. The Planning Commission shall review the Use Permit at the meeting in November and review Police Department reports that would include any incidents associated with the store.
4. Landscaping to be installed and maintained along with the site lines along Bolinas and Park.

A roll call was taken:

Ayes: LaMotte, Ketcham, Hamilton, Ramsay, O'Neil
No: Hall, Lacques

Chair Ketcham read the appeal rights.

2. 40 Forrest Terrace: Application # 11-04:Request for a Use Permit to legalize an unpermitted expansion of a single-family residence and Variances of the minimum and combined Side Yard Setbacks to legalize an unpermitted deck; Assessor's Parcel No. 002-091-01; Residential Single-family RS 6 Zone; Harold Lezzeni, Architect; Julian and Martha Pearl, owners; CEQA categorically exempt, § 15301(e) and 15305(a).

Senior Planner Neal presented the staff report. She noted that the new owners were requesting a Use Permit to legalize a portion of the basement that had been converted to a bathroom and laundry room and the decks, which had been built up to the northern side property line. Ms. Neal also noted that significant excavation would not be necessary or the removal of vegetation. She discussed the applicant's need for discretionary permits for reasons in the staff report.

Ms. Neal said that staff could support the legalization of the living space in the basement because it would not result in the whole structure being out of proportion or character with other properties in the neighborhood. However, Ms. Neal noted that staff could not make findings to support the side setback variance for the decks for various reasons, which included a large, level front yard and a veranda that already provided outdoor useable space.

The applicant, Julian Pearl, said that they had not realized the decks were an issue when they bought the property. He said he had spoken to the neighbors who were directly affected and that they had no objections.

2. 150 Bolinas Road; Application # 79-UP-33: Six (6) month review of a Use Permit modification to allow 7-11 to remain open twenty-four (24) hours; Assessor's Parcel No. 002-101-13; Highway Commercial CH Zone District; Richard M. Matthews Trust, owner; Rajiv Uppal, applicant; CEQA categorically exempt, §15301

Senior Planner Neal presented the staff report. She noted that staff had not received complaints that related to the store being open during the additional hours from 12 midnight through 6 a.m., although the Police Department reported that they had received two complaints which related to noise created by the store during those hours. They also reported that nine complaints had been generated during the same hours the previous six months when the store had been closed. Ms. Neal said that staff therefore recommended approval to allow the store to remain open for twenty-four hours a day, subject to the original conditions of approval.

In response to Commissioner O'Neil, Ms. Neal said that they had not been provided with the names of the complainants.

Commissioner Coley and Ms. Neal discussed the landscaping, which Ms. Neal noted had been maintained.

Chair Ketcham opened the public comment period and Commissioner O'Neil and the applicant, Mr. Uppal, discussed store sales between 12 midnight and 6 a.m. and the alcohol sales ban after midnight.

Commissioner Lacques and Mr. Uppal discussed the removal of the signs related to the banning of alcohol sales after midnight.

Ms. Neal and Commissioner Hall discussed the conditions relating to a Use Permit with regard to complaints. Ms. Neal said that if the conditions of approval were violated, the applicant's Use Permit could be withdrawn.

Misty Moreno, 9 Park Road, discussed the noise caused by people gathering in the parking lot outside the store well after midnight and other ways in which the qualify of her life had been impeded by the store being open 24 hours a day.

In response to Chair Ketcham, Ms. Mareno said that they were disturbed by noise in the early hours of the morning. Previously, when the store had closed at midnight, they had been disturbed before that hour.

In response to Commissioner Lacques, Ms. Mareno said that the chaining off of the parking space closest to their home had been an improvement but that they were frequently awoken by music coming from cars in the summer.

In response to Chair Ketcham, Planning Director Moore said that they would have asked the Police Chief to be present had there been a request from the one of the commissioners. Staff had

not thought it necessary because the number of disturbances had been reduced according to the data provided by the Police Department.

Peter Mareno, 9 Park Road, said that he had made two single calls in one day. He discussed his complaints that related to people gathering at 2 a.m. in the morning after the bars had closed, in addition to the problems of noise caused by cars idling. He requested that the open hours be restricted.

Chair Ketcham closed the public comment period.

Commissioner Coler and Ms. Neal discussed the loitering problems in the parking lot brought up by Mr. Marino.

Ms. Neal discussed the call statistics provided by the Police Department with commissioners Lacques and O'Neil.

In response to Chair Ketcham, Planning Director Moore suggested that they might like to continue the item in order to request the presence of the Police Chief to discuss the noise issues and additional mitigating measures.

Commissioner O'Neil commented on the improvements made by the store's personnel but questioned the overall benefit to the community of extended hours of operation.

Commissioner Hall said that he believed the extended hours exacerbated the noise in the vicinity since people gathered in the parking lot. He noted that there had been fewer calls to the Police Department, but that certain neighbors felt the extended hours were a problem which affected their quality of life.

Commissioner Lacques noted that improvements had been made but he felt some negative effects might exist in a wider area which the Police Department had not been asked to comment upon. He said that the burden of the neighbors seemed to outweigh the benefits of the shop being open all night, which did not seem to do a lot of business between midnight and 6 a.m.

Commissioner Coler concurred with the previous commissioners' comments that there did not appear to be any great benefit gained by the shop remaining open all night. Given the concerns voiced by some of the neighbors, she said she would support a further review of the all night open hours in six months. Commissioner Coler said she would like the Police Department to comment on noise and car idling issues and whether or not it could be ascertained if more people gathered in the parking lot after the bars closed than had done previously when the store had closed at midnight. She said that she would also encourage the applicant to present some ideas to ameliorate the situation that seemed to be affecting the quality of life for some neighbors.

In response to Chair Ketcham, Ms. Neal said that Peri Park closed at dusk.

General discussion took place on the way forward. Commissioner Hall and Mr. Moore discussed the effects on the zoning for the property if the updated General Plan is adopted. Mr. Moore

noted that the store would have to meet different criteria if they made a new application for extended hours after the adoption.

While Commissioner Lacques said that he favored denying the extended open hours, Commissioners O'Neil and Coley believed that there appeared to be fewer problems than previously existed and that the application should not be denied solely on the complaints heard this evening. They supported a six month review with a request to obtain input from the Police Chief.

Following discussion, staff were requested to obtain data from the Police Department related to noise and use after midnight along Park Avenue near the park and youth center for the year that preceded the store's extended open hours. They also requested the same data for the past six months, since the store's extended open hours, and to monitor the next six months until the issue is again reviewed.

Mr. Moore said that he would try to get additional lighting added to the exterior of the youth center.

Discussion on mitigating conditions took place amongst Commissioners.

M/s, O'Neil/Coley, Motion to continue Application # 79-UP-33, a six-month review of a Use Permit modification to allow 7-11 to remain open twenty-four hours at 150 Bolinas Road for another period of six months with the following conditions:

1. That "No idling" and "No alcohol" signs be erected;
2. A community bulletin board be erected outside the store;
3. That the Police Department be asked to provide the information discussed relating to noise and use after midnight along Park Avenue and for the Police Chief to be present at the next meeting.

A roll call was taken:

Hall:	Aye
Lacques:	Aye
Ketcham:	Aye
Coler:	Aye
O'Neil:	Aye

The item passed unanimously and the Chair announced that staff should be consulted if anyone wished to appeal the decision.

Chair Ketcham announced a 3-minute break at 8.55 p.m. and Vice-Chair Hamilton joined the meeting.

AYES: All

Chair Hamilton read the appeal rights.

PUBLIC HEARING ITEMS

2. 150 Bolinas Road; Application # 79-UP-33: Continued review of an approved Use Permit modification to allow the existing 7-11 convenience store to remain open 24 hours; Assessor's Parcel No. 002-101-13; Highway Commercial CH Zone District; Richard Mathews Trust, owner; Rajiv Uppal, applicant; CEQA categorically exempt, § 15301.

Senior Planner Neal presented the staff report. Ms. Neal provided background information on the previous two hearings, and she noted that the applicant had complied with the original conditions of approval, and also the three subsequent conditions of approval. For those reasons, Ms. Neal said that staff could recommend approval of the modification to the use Permit with the conditions laid out in the staff report.

Police Chief Christopher Morin presented his report. He noted that he had provided the data requested by the Commissioners at the previous meeting, which included information that related to activity attributable to the 7/11 store and along Park Road, from midnight to 6 a.m., during the year before the extended opening hours and the year afterwards. Chief Moran discussed the types of complaints and he noted that they were not necessarily attributable to the store.

Police Chief Morin and Commissioner Coler discussed the number of incidents that occurred at 150 Bolinas Road both before and after the store's extended hours. Chief Morin said that he did not believe there was a significant difference between the 16 incidents that occurred prior to the extended opening hours and the 20 that occurred afterwards. He noted that some of the incidents were contacts between the Police and members of the public, where no wrong had taken place. However, he said that all contacts with the public and all incidents were logged.

In response to Chair Ketcham, Chief Morin said he believed that the number of incidents related to the store had remained virtually the same as those that had taken place a year prior to the extended store opening hours.

Commissioner Hall arrived at 7.30 p.m.

Chief Morin and the commissioners discussed noise complaints, when Chief Morin noted that they received many more complaints from other establishments downtown.

Applicant, Rajiv Uppal, noted they had complied with all the conditions and would continue to do so. He discussed some supplemental materials he had provided to the commissioners in support of his application.

Chair Hamilton opened the public comment period.

Misty Moreno, 9 Park Road, discussed landscaping on the Park Road side, which she said had not been maintained. Ms. Marino discussed noise issues and the problems of members of the public urinating on their side of the fence. Ms. Marino asked the Commissioners to rescind the modified Use Permit.

Chair Hamilton closed the public comment period.

Commissioner Kehrlein suggested that a solid fence between Ms. Marino's property and the store's property be erected to mitigate some of the issues raised.

Commissioner Coler noted that landscaping along Park Road had not been discussed and suggested that the store should maintain that side of the property. She agreed with the idea of a fence and suggested that a "no parking" sign be placed on the front of the store building.

Commissioners Ketcham, Lacques and Hall were in agreement to a fence being erected as an additional condition of approval. Commissioner Hall noted that there seemed to be support for the extended opening hours, with opposition from just one source.

Chair Hamilton noted that there had not been a significant increase in incidents, noise, and loitering due to the extended opening hours and that she could therefore support the application, along with the additional condition that a fence be erected between Ms. Moran's side and 150 Bolinas Road.

Commissioner Lacques said that the statistics had not seemed to have materially changed since the extended opening hours and that he would support the application.

M/s, Coler/Hall, Motion to approve Application # 79-UP-33, the continued review of an approved Use Permit modification to allow the existing 7-11 convenience store to remain open 24 hours at150 Bolinas Road, with the conditions adopted at the previous two hearings and the following additional conditions:

1. That a solid fence be erected between 150 Bolinas Road and 9 Park Road, the height to be determined by staff, with special dispensation to exceed the height limit, if necessary, to mitigate car head lamp problems specific to 9 Park Road.

2. Landscaping treatment shall be installed in the established planting beds on Park Road and the .....removed on the south east corner and replaced with planting beds.

3. A "No parking" and "No idling" sign shall be attached to the building adjacent to the two spaces that are chained off after 9 p.m.

A roll call took place:

Kehrlein: Aye
Coler: Aye
Ketcham: Aye

Hamilton: Aye
Lacques: Aye
Hall: Aye

The motion passed unanimously and Chair Hamilton read the appeal rights.

3. 6 School Street Plaza, Suites 100 and 110; Application # 12-09, Request for a Use Permit to operate a spa that provides sensory deprivation tank treatments Assessor's Parcel No. 002-112-13; Limited Commercial CL Zone District; Fred Ezazi, Ezazi and Associates, owner; Kimberly Palczynski, applicant; CEQA categorically exempt, 15301(a).

Senior Planner Neal presented the staff report. She noted that the ordinance that governed spas and hot tubs had not been updated since the 1970s, and that regulations for sensory deprivation tanks did not seem to exist in the United States. However, Ms. Neal noted that they were regulated in Canada and that guidelines had been provided from the Alberta Health Department.

Ms. Neal said that the Assistant Town Attorney had suggested the conditions of approval be made specific to this particular use.

Ms. Neal and Commissioners Lacques and Coler discussed water disposal, which Ms. Neal noted would be drained into the sewer system.

Kimberly Palczynski, applicant, discussed the chemicals that would be used in the tanks, which she said would not be hazardous.

In response to Commissioner Hall, Mr. Ezazi, property owner, said that the tanks would be laid on concrete slab.

Ms. Palczynski and Commissioner Lacques discussed the materials that she intended adding to the water in the tanks, and she confirmed she would not be proposing to use chlorine.

Ms. Palczynski and Commissioner Coler discussed the operational requirements that were included with the materials provided to the Commissioners, the purification chemicals she proposed using and various sanitary issues.

General discussion between the commissioners and Ms. Neal ensued regarding the regulation of sensory deprivation tanks. Ms. Neal noted that County health standards did not exist.

A discussion took place on the proposed materials that were anticipated being used in the tanks. Commissioner Hall noted that the Planning Commission governed land use and should not get involved in specifying the kinds of chemicals and materials the tanks would use.

The applicant discussed the use of H202 (hydrogen peroxide) and the cleaning process.

Petition to Expand Hours of Operation at 7-Eleven, 150 Bolinas Rd., Fairfax to 24 Hours

We, the neighbors of 7-Eleven, want a 24 hour convenience store to satisfy our needs (i.e. medicines, milk, grocery, coffee, etc.). We request the Planning Commission of the Town of Fairfax to please approve this proposal.

Name	Address/~~Telephone Number~~	Number of People in My Household	Signature
Michael Vorlesis	(650) 921-4541	4	[illegible]
[illegible]	(510) 415-8099	5	[illegible]
[illegible]	(415) 453-2570	3	[illegible]
[illegible]	(415) 378-0715		
John Angelosanto	(415) 686-3809	1	[illegible]
Dana Mond	" 3020393	1	[illegible]
Rya SMA	415-571-6315		
Joan Kraemer	415 457 0589	2	[illegible]
Romeo Stevens	415 336-2052	2	[illegible]
Alex Wagner	415-305-3365	3	[illegible]
Jim Smart	415 4507439	5	[illegible]
[illegible]	202 495 2658	4	[illegible]
NICK TANNIER	415 4970468	5	[illegible]
Karen Damsen	453-1811	2	[illegible]
Jen Lauter	415 455 0974	4	[illegible]
John Sannan	415 302 1642	4	[illegible]
[illegible]	114 TOYON	2	[illegible]
ANNE GLASSCOCK	194 FLORIBEL SA	2	[illegible]
Erik Marckwardt	54 Park PSA	4	[illegible]

EXHIBIT # D

Petition to Expand Hours of Operation at 7-Eleven, 150 Bolinas Rd., Fairfax to 24 Hours

TOWN OF FAIRFAX

MAY 13 2011

RECEIVED

Details of Lead Petitioner:
Name: Sammy
Address: 200 Bolinas Rd, Apartment #4, Fairfax Ca 94930
Phone: 415-457-2282

We, the neighbors of 7-Eleven, want a 24 hour convenience store to satisfy our needs (i.e. medicines, milk, grocery, coffee, etc.). We request the Planning Commission of the Town of Fairfax to please approve this proposal.

Signature of Lead Petitioner: Sammy

Name	Address/Telephone Number	Number of People in My Household	Signature
Greg Steptoe	200 Bolinas #49	2	[illegible]
	(415) -233-0722		
Michael McCarty	38 Wreden Ave		
	(415) 425-3891	4	[illegible]
Mark Vance	110 Scenic	1	Mark Vance
[illegible]	93 Meerwaa	1	Michael Petersen
Rebecca Rurka	52 park rd 415 720 7882	1	Rebecca Rurka
Mike Hazel	10 Canyon	4	[illegible]
RACHEL STOVER	44 1/2 CREEK RD.	2	[illegible]
Caroline McFadden	PO Box 76, Fair 307-9054	2	Caroline McFadden
[illegible]	21 Willbrae San Anselmo	3	[illegible]
[illegible]	131 San Carlos Way	1	[illegible]
[illegible]	P.O. Box 457-7746 847	5	[illegible]
Linda Howard	2575 SF Drake Blvd	5	[illegible]
Jacques Thompson	23 Merrim Ave	2	[illegible]
RUDY CONTRATTI	17 NAPA AVE	2	[illegible]
John Crozier	275 Cascade dr	2	[illegible]
Jack Irving	69 Cliffess	1	[illegible]
JOHN MOSES	200 BOLINAS	2	[illegible]
Eudun E Berger	42 porto ave		456-0912
Steven Gaastocci	30 Creek Rd	3	[illegible]
Moorea Allen	415 596 1693	3	Moorea Allen
Michael Kotchea	415 233 3668	1	[illegible]
Randonae Rode	415-209-4600	2	[illegible]
Connor Hanley	415 454-3007	5	[illegible]
Kathleen Cowell	415-455-9459	4	[illegible]
[illegible]	415 721 7624		[illegible]

Petition to Expand Hours of Operation at 7-Eleven, 150 Bolinas Rd., Fairfax to 24 Hours

We, the neighbors of 7-Eleven, want a 24 hour convenience store to satisfy our needs (i.e. medicines, milk, grocery, coffee, etc.). We request the Planning Commission of the Town of Fairfax to please approve this proposal.

Name	Address/Telephone Number	Number of People in My Household	Signature
NYREE HOTCHKISS	68 MEERNAA AVE.	2	[illegible]
Jalynne Ath	22 Live Oak Ave	3	[illegible]
Eric Weinstock	121 Meernaa Ave.	1	Eric Weinstock
William Hughes	371 FORREST AVE	4	[illegible]
Andrea Steptoe	200 Bolinas Rd #49 Fairfax	2	Andrea Steptoe
ERIN MONTANA	200 BOLINAS RD #81	4	[illegible]
Adam Domash	30 Woodland Rd	3	Adam Domash
John Beattie	59 Cypress Dr	3	[illegible]
[illegible]	Frustruck Ave	2	[illegible]
Pat Brothers	73 Scenic Rd	2	Pat Brothers
Judy Anderson	38 Taylor Drive	2	[illegible]
Tim Frazier	200 Frustuck	3	[illegible]
G. Odell	19 Sequoia Rd #	1	[illegible]
Carl Mucki	108 A Meernaa Fairfax	3	[illegible]
[illegible]	200 BOLINAS RD	2	[illegible]
ADAM Clein	200 BOLINAS RD	2	[illegible]
Jennifer Gile	8 Fawn Ridge	8	[illegible]
Tom Bruce	31 BURNA VISTA	1	[illegible]
[illegible]	34 Wreden	2	[illegible]
ARTHUR PIRELLI	1608 Sir Francis Drake Blvd.	2	[illegible]
Jason Fedar	31 Geary St	5	[illegible]
Lejai Tobias	341 Cascade Dr	5	[illegible]
Tamiko Wilson	3 Frustuck Ave	5	[illegible]
Al Smith	88 Wood Lane	1	[illegible]
[illegible]	328-9355	2	[illegible]
Jeff Oodson	454-6162	1	[illegible]
Hermann Dumps	31 Wood Lane FFX	2	[illegible]
[illegible]	415-269-9848	3	[illegible]
ALLISON Clark	73 Mitchell Dr. Fairfax 70-2440	5	Allison [illegible]
JACOB PARICHE	97 WOOD LN	3	[illegible]

Petition to Expand Hours of Operation at 7-Eleven, 150 Bolinas Rd., Fairfax to 24 Hours

We, the neighbors of 7-Eleven, want a 24 hour convenience store to satisfy our needs (i.e. medicines, milk, grocery, coffee, etc.). We request the Planning Commission of the Town of Fairfax to please approve this proposal.

Name	Address/Telephone Number	Number of People in My Household	Signature
[illegible] Barnard	123 Spruce RD	3	[illegible]
Peter Trouw	315 CASCADE	4	[illegible]
Stephen Wilson	44A Bolinas Ave	3	[illegible]
[illegible]	P.O BOX 154 FAIRFAX	1	[illegible]
PHILIP ANDERSON	149 DOMINGA	2	[illegible]
Mary Alexandre	160 Cascade	2	[illegible]
John BOYKIN	143 DOMINGA	1	[illegible]
MICHAEL Allen	7 Mountain View RD.	2	[illegible]
[illegible]	100 Hickory FFX	2	[illegible]
[illegible]	100 Canyon Rd.	3	[illegible]
[illegible]	20 Bolinas Rd FFX	1	[illegible]
[illegible]	81 MITCHELL DR. FAIRFAX	3	[illegible]
Carolyn Shearer	335 Cascade Dr Fairfax	3	Carolyn Shearer
WARREN WOOTON	74 WOODLAND RD.	2	[illegible]
JASON Hoffman	19 belle Ave Fairfax	4	[illegible]
DAVID COLARDO	21 BOLINAS RD	1	[illegible]
STEPHEN P. NYE	20 BOLINAS RD	1	Stephen P. Nye
Ron Flores	27 Glen Dr FFX	3	[illegible]
Douglas Jantz	180 Meernaa Ave Fair	3	[illegible]
NINA Hill	238 FRUSTUCK Ave	4	[illegible]
Mario Bernardini	1508 SFD HW	2	[illegible]
MAYRA Gramajo	415 879-08-25	4	MAYRA Gramajo
VIGNI Garcia	415 233-0157	4	[illegible]
Elizabeth Mitchell	33 Merwin	4	[illegible]
Kerrell Mitchell	33 Merwin	4	[illegible]
[illegible]	415-786 8641	3	[illegible]
DAVID HOUSTON	15 HOOPER. S.A.	4	[illegible]
Kerry Timberlake	312 cascade	6	[illegible]
GREG Posadas	94 Porteous AVE	5	[illegible]
CHRIS LIPPINCOTT	95 GREENHILL	2	[illegible]

Petition to Expand Hours of Operation at 7-Eleven, 150 Bolinas Rd., Fairfax to 24 Hours

We, the neighbors of 7-Eleven, want a 24 hour convenience store to satisfy our needs (i.e. medicines, milk, grocery, coffee, etc.). We request the Planning Commission of the Town of Fairfax to please approve this proposal.

Name	Address/Telephone Number	Number of People in My Household	Signature
[illegible]	[illegible]	3	[illegible]
Ted Fehlhaber	72 Spruce SA	2	[illegible]
James White	30 Willow	2	[illegible]
Neils Goodwin	1818 Lexington	5	[illegible]
Carl Nehm	68 Wreden	2	Carl Nehm
Sara Abeg	22 Padgett	2	[illegible]
Stephen Mintz	120 Scenic Dr	2	[illegible]
[illegible]	415-456-9701	4	[illegible]
[illegible]	415-464-7819	1	[illegible]
[illegible]	415-419-6706	6	[illegible]
[illegible]	415-410-1724	6	[illegible]
Natalie Dixon	415-250-7459	3	Natalie Dixon
Celina Reeder	2 Willow 488-1368	5	[illegible]
Joe Reeder	" "	5	[illegible]
Jameson Reeder	POB*234 SG 939-7077	4	[illegible]
Jessica Arnold	Willow Fairfax	4	[illegible]
[illegible]	925-321-3085	4	[illegible]
Ron Silva	415-548-[illegible] 150 Bolinas Rd	2	[illegible]
PATRICK CARSON	415-524-4824	2	[illegible]
[illegible]	415 454 7724	4	[illegible]
[illegible] Keller	415-823-5878	2	[illegible]
Jane Misskelley	415 488 7877	2	[illegible]
Kyriakos Tsoulfas	415-[illegible]971-7450	3	KTsoulfas
Jessica Layton	415 4574995	2	Layton
Garrett Buckle	" " "	2	[illegible]
Brenda Noble	415 686 7171	3	[illegible]
MICHAEL LEFFER	415 458-1670	4	[illegible]
Alex Hodson	415 487-3488	3	[illegible]
Joseph Vignapi	415 4259 9379	1	[illegible]
JOSHUA PETTIT	415-250-2916	2	[illegible]

Petition to Expand Hours of Operation at 7-Eleven, 150 Bolinas Rd., Fairfax to 24 Hours

We, the neighbors of 7-Eleven, want a 24 hour convenience store to satisfy our needs (i.e. medicines, milk, grocery, coffee, etc.). We request the Planning Commission of the Town of Fairfax to please approve this proposal.

Name	Address/Telephone Number	Number of People in My Household	Signature
Zoe Speidel	403 Cascade	3	Zoe Speidel
Kevin Forrester	309 Cascade	3	K Forrester
Chuck Handeland	13 Deer Creek Ct.	4	C. Handeland
DAVID LICON	390 Casade Dr	4	
Laura Dorgel	320 Overlook Dr.	2	Laura Dorgel
Maureen McManus	34 Arroyo RD	6	Maureen McManus
Annie Yoss	114 Hillside Dr.	4	Annie Yoss
Jennifer Ann Taylor	5 Forest Terrace 454-8626-2222	3	
Kristi Mo	FAIRFAX, CA	3	K
TANKS MAN	FAIRFAX, CA	4	
Doug Chappelle	369 Cascade 4543363	2	Doug Chappelle
TRMK	322 BOLINAS	2	TRMK
DARYL JOHNSON	145 LANSDALE AVE FAIRFAX CA	3	
RICK ADAMS	47 TAMALPAIS	2	
BRIAN CRANE	573 WISTERIA WAY, SRF	4	
JON WHYTE	93 WOODLAND	3	
	2 NZAKA AVE FX	1	
Don O'S	342 Cascade St.	4	DONOVAN
Thizzy Marley	415 Thizz St.	1	
LUIS MENDEZ	4156960257	4	
MICHELLE YOUNG	415-457-4689	2	
ANDREW SHAVAN	415 747-9717	3	
NICK CROSS	415 459 0144	4	
Ryan Kavanaugh	415 259-9942 FX	4	
Pascal Garnier	415-299-9699	4	
Allison Walker	415 302-8023	4	A. Walker
CASEY MCFARLAND	415 879-5162	2	
GEORGIE POE	33 Creek Rd	3	Georgie Poe
Colin Walker	367 Bolinas Rd		Colin Walker
Lin Tolvin	302 Cascade	2	

Petition to Expand Hours of Operation at 7-Eleven, 150 Bolinas Rd., Fairfax to 24 Hours

We, the neighbors of 7-Eleven, want a 24 hour convenience store to satisfy our needs (i.e. medicines, milk, grocery, coffee, etc.). We request the Planning Commission of the Town of Fairfax to please approve this proposal.

Name	Address/Telephone Number	Number of People in My Household	Signature
Scott Brandeberry	206 579-4183	4	[illegible]
Jessica Dulce	(707)321-5684	5	[illegible]
[illegible]	415-2506381	2	[illegible]
Boris Miller	415-577-4898	2	[illegible]
[illegible]	831-331-3609	3	[illegible]
Christie Albarn	415 457 9644	4	[illegible]
Kathlene Jallo	415 460 6767	2	[illegible]
KIM WILSON	415 577 5160	1	[illegible]
Kye Brewer	415-456-6332	4	[illegible]
Jerry Gayle	127 [illegible]	1	[illegible]
Vicki Bornstein	230 Cascade	4	[illegible]
Jerry Illum	PINE DR	3	[illegible]
CRAIG DOW	2 Sunview SA	4	[illegible]
Chris Taylor	311 Cascade	5	
Tom Ford	34 MEADOW	2	[illegible]
LINDA PENZUR	74 BOSQUE	1	[illegible]
Trevor Humphry	7 Wood Lane	4	[illegible]
[illegible]	380 Fawn Dr	4	[illegible]
[illegible]	120 GREENFIELD AVE	2	[illegible]
[illegible]	73 Hillside Dr	2	[illegible]
Michael [illegible]	367 Bolinas	3	[illegible]
JOHN FRIGAARD	133 Bolinas	1	[illegible]
[illegible]	44 Cascade	1	[illegible]
Keith Watson	805 390 2105	8	[illegible]
~~Peyton Jenks~~			
[illegible]	112 Cypress	4	[illegible]
Rix Gaul	112 Cypress	4	[illegible]
[illegible]	183 Laurel Dr	4	[illegible]
[illegible]	200 Bolinas Rd #43	3	[illegible]
Tim Sasan	1 Fawn Ridge	8	[illegible]

9 PARK ROAD
FLOWER BED
PARKING FOR 2 CARS FROM 6AM TO 9PM ONLY
CHAIN FROM 9PM TO 6AM
FLOWERS
DISTANCE FROM A TO B 50'
FLOWER BED
7 - 11
FOOT PATH
PARKING
GARBAGE

EXHIBIT # E

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 1980.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

It makes it easier to shop at night

Name: [illegible]

Address: 169 Cascade

Phone #: 415-456-4192

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 2001.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

and I regularly make nighttime purchases

Name: Simon Costa

Address: 200 Bolinas

Phone #: 415 457-9324

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 4/1/2007.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

and I regularly make purchases at night

Name: Bruce Dombosky

Address: 200 Bolinas Rd #12

Phone #: 415-524-8385

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 1998.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

and I regularly make late-night purchases

Name: Mark Brady

Address: 95 The Alameda

Phone #: 415 454-5701

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 2009.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

and I regularly make purchases at night

Name: Ryan Stonetelt

Address: 200 Bolinas Rd

Phone #:

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 1992.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

and I regularly make purchases at night.
All the time

Name: Joe James

Address: 65 Hickory RD

Phone #: 457-4256

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 2008.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

I Work late; need to eat

Name: Charles Mosell

Address: 214 Pine Dr

Phone #: 415-302-4451

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 1983.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

and I regularly purchase groceries at night

Name: Nik Kulberg
Address: 171 Canyon Rd
Phone #(415)306-1145

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 2005.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

I regularly make purchases at night.

Name: Marne Spilsbury
Address: 164 Meehan Ave
Phone #: (415) 342-9639

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 2002.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

Name: Bridget Lee

Address: 161 Bolinas Rd

Phone #:

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 1970.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

Name: Wendy Butler

Address: 235 Bolinas

Phone #:

May 12th, 2012

Planning Commission

Fairfax, CA

I have been a resident of Fairfax since 1989.

The 7-11 at 150 Bolinas Road is a customer friendly store and I strongly recommend that it should be open 24-hours in order to meet the communities needs for grocery and milk products.

Name: Daniel Dineen

Address: 85 Cascade drive

Phone #: 415 250 8640