



TOWN OF FAIRFAX

STAFF REPORT

December 4, 2013

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*
Jim Moore, Director of Planning and Building Services

SUBJECT: Council Directed referral of Planning Commission approval of a Conditional and Formula Business Use Permit, Design Review, Sign Permit and Traffic Impact (TIP) Permit to open a gas station/convenience market (Project) on a site that has historically been used as a gas station/auto repair business; Project is categorically exempt from CEQA per section 15301(a).

RECOMMENDATION

Open the public hearing and continue the public hearing to the Council's meeting in January 2014 to provide the Council more opportunity to consider all the comments and information presented at the hearing as well as any additional information requested from the applicant or staff.

DISCUSSION

Attached is a memo detailing the issues to be considered with the discretionary permits approved by the Planning Commission (Commission) for the proposed gas station project: a Conditional Use Permit, Design Review, Sign Permit and Traffic Impact (TIP) Permit. The memo provides the context for the issues and the findings the Council must make regarding the four factors required for a conditional use permit.

Staff recommends the Council conduct the public hearing and continue the public hearing to January after receiving public testimony, considering any additional information from the applicant, and requesting, if needed, additional information from the applicant and/or staff. This recommendation is based on the anticipated level of public comment to be received and the quantity/complexity of the information to be considered by the Council. Continuing the public hearing to January 2014 will allow time for the Council to consider all the information provided at the hearing as well as an opportunity to review any additional information received at the meeting or requested from the applicant and/or staff.

It should be noted that upon further analysis, staff has determined that the Project is currently zoned Highway Commercial which does require a conditional use permit for gas stations, but is not subject to formula business standards listed in the Central Commercial zoning. The attached memo provides more detail on zoning for the Project.

FISCAL IMPACT

To be determined.

**SUPPLEMENT TO
AGENDA ITEM # 17**

Attachments

Exhibit A- Staff memo

Exhibit B- Directed Referral form

Exhibit C- Signed Planning Commission resolution

Exhibit D- Approved Planning Commission minutes from the September 19, 2013 meeting

Exhibit E- Letter from applicant's legal counsel

Exhibit F- Planning Application

Exhibit G- Additional comments received from the public

**TOWN OF FAIRFAX
MEMORANDUM**

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*
Jim Moore, Director of Planning and Building Services

DATE: December 4, 2013

SUBJECT: **PROPOSED GAS STATION/CONVENIENCE MART- 2001 SFD**

INTRODUCTION

On September 19, 2013, the Planning Commission approved a Use Permit (including a Formula Business Use Permit), Design Review, Sign Permit, and Traffic Impact Permit for the reuse of an existing gas station at 2001 Sir Francis Drake Boulevard (Project). Each of these actions would have constituted a final approval by the Planning Commission, except for the Traffic Impact Permit, which must also be approved by the Town Council.

On September 26, 2013, prior to the time the Council received the Traffic Impact Permit for its consideration, Councilmember Goddard called the entire matter to the jurisdiction of the Town Council on a directed referral. As explained below, under the directed referral process, a Councilmember may call up to the Town Council for consideration a matter previously acted on by the Planning Commission. At the December 4th meeting, the Council will consider not only the Traffic Impact Permit, but all of the approvals previously issued by the Planning Commission.

This memo provides information the Council should consider in its decision making process and the findings the Council will need to adopt to support a denial or approval of the application.

BACKGROUND

This section provides general information on the Project.

Location. The site in question is located at 2001 Sir Francis Drake Boulevard. (A map is attached as Exhibit A.) It comprises some 8,700 square feet, sloping downward at a 7% grade from the southwest corner to the eastern property line. As can be seen, the site lies between Sir Francis Drake Boulevard and Broadway, with an existing curb cut from Sir Francis Drake Boulevard allowing vehicular access onto and through the site.

Site usage over time. The site currently bears a single 1,950 square foot structure of uncertain age, though it is known that it was built some time prior to 1969. (The exact construction date is not clear from the record.) The site was remodeled in the early 1970's as a Chevron Gas Station with an auto repair shop. It remained such until the mid 1990's, when it became an independent gas station, Fairfax Gas. The business last obtained a business license in 2008 and closed in late

2008 or early 2009. Since the station's closure, the site has remained vacant, with the building unoccupied. A chain link fence currently surrounds the property.

Proposed project. Applicant Arash Salkhi proposes to remodel the existing building into a Chevron Gas Station/Extra Mile convenience store. The proposed operating hours of operation are 6:00 A.M. to 9:00 P.M. Two employees would operate the store while open. While he proposed to provide five vehicle parking spaces on the site to serve both customers and employees, the Planning Commission reduced the officially approved number of parking stalls to four (further discussion on this point is included below).

Council Directed Referral. On September 19, 2013, the Planning Commission approved a Use Permit (including Formula Business Use Permit findings), Design Review, a Sign Permit, and a Traffic Impact Permit for the proposed project. One week later, Councilmember Goddard called the entire application up for Town Council review by filing a directed referral with the City Clerk. In accordance with the requirements of the directed referral process, Councilmember Goddard listed her grounds for seeking a directed referral; these included questions regarding (1) the Project's consistency with the Town Code, and (2) the adequacy of the public notice provided in conjunction with the processing of the application.

Under section § 17.036.130(A) of the Town Code:

Any action brought before the Town Council by the directed referral process is before the Council in a state of full review. The Council may conduct a de novo hearing on the pending application and, notwithstanding the provisions of § 17.036.120, the Council shall not be limited to a consideration of the grounds set forth in the directed referral. All alternatives open to the primary authority are also opened to the Council such that approval, approval with conditions or denial action may be taken by the Council.

Thus, the Council will consider this proposed project in its entirety, not just the Traffic Impact Permit. To aid the Council in its decision-making, staff has prepared an analysis of each approval sought by the applicant.

Land Use Designation. The Town's General Plan 2012 is its pre-eminent land use tool and sets forth a "vision for the future of the Town" (GP, page 5) by, among other things, establishing general plan land use designations for every parcel within its scope (GP, Fig. LU-1), identifying existing zoning for some parcels and future zoning for others (GP, Fig. LU-2), and setting out the goals, objectives, policies, and programs that would allow for the implementation of this vision. As relevant to the Project, the Project site bears a General Plan land use designation of Central Commercial (Fig. LU-1). The site is also identified in the zoning map included in the General Plan as bearing a new zoning district designation of Central Commercial (Fig. LU-2). This would represent a change from the site's previous zoning district designation of Highway Commercial, a zoning designation that was abandoned in the 2012 General Plan. The Town Council adopted the General Plan via resolution in April 2012.

The General Plan is implemented through various other documents, including the Town Code. In the wake of the General Plan's adoption, a number of actions contemplated in it are still

getting underway. Here, the Town Code still contains language referencing this site as found within the Highway Commercial zoning district.

CONDITIONAL USE PERMIT

Chapter 36 (Highway Commercial) of Title 17 (the Zoning Ordinance) of the Town Code governs land use and development within the Highway Commercial zoning district. Under § 17.096.050, service stations are permitted within the CH zoning district upon securing a conditional use permit. (Note that, unlike the Central Commercial zoning district, the HC district does not require the satisfaction of Formula Business Use Permit considerations.) Applicants for any use permit in the Town must demonstrate the ability of their proposed use to meet the four factors set out in § 17.032.060 in order to gain approval.

Final action, either in the form of an approval or a denial, on all use permit applications requires findings to be made to support each conclusion. Below is the analysis of each of the four factors.

(A) The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

Analysis: There is no evidence currently in the record that would indicate that granting this requested use permit would constitute a grant of special privilege or otherwise contravene the doctrines of equity and equal treatment. Service stations are conditionally permitted within the CH zoning district. Should the Council believe there is additional information on the Project that indicates otherwise, it may request such information so that it may be considered.

(B) The development and use of property, as approved under the use permit, shall not create a public nuisance, cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

Analysis: The Council will need to consider whether the Project creates the adverse impacts as described in this section. To assist in the Council’s deliberations, staff provides the definitions of terms as identified in the Town Code as well as other issues to consider with regard to this section.

Public Nuisance

The Council can consider if the Project would constitute a public nuisance. The Town Code defines a ‘public nuisance’ to include “[a]nything injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by a neighborhood or by a considerable number of persons in the town” (Town Code § 1.012.005). In addition, the ‘public nuisance’ definition also includes “any condition caused or permitted to exist in violation of any provision of this Code” The Code also lists particular activities that would constitute a nuisance, including the obstruction of public

streets (§ 1.12.035) and unpermitted encroachments “on or upon any sidewalk, alley, street, lane, court, park or other public place” (§ 1.12.040).

Analysis: This site was operated as a gas station for decades prior to closing a several years ago. The Town has no records indicating that its previous operation as a gas station caused any of the deleterious effects prohibited by this factor. In the years since the station closed, development in close proximity to it has not given rise to substantially different surroundings, the comfortable enjoyment of which would suffer as a result of approving the re-use of this site as a gas station. The Council may request any additional information from the applicant and/or staff that it believes will assist the Council with determining if such impacts exist.

Obstruction of public streets.

The Code identifies the obstruction of public streets as a public nuisance (§ 1.12.035). Specifically, the Code states that:

No person shall obstruct the use of streets, alleys, sidewalks, roads, trails, public ways or places or buildings in the town by causing or permitting to be placed, erected or otherwise set in position any fence, barrier, or other obstruction protruding past the nearest property line adjoining the public sidewalk or public walkway, nor shall any person obstruct the flow of any creek, tributary or any other watercourse with any objects or materials that interfere with or redirect the natural course of the water, except pursuant to permits issued by appropriate regulatory agencies.

Analysis: As relevant here, the applicant had proposed the inclusion of five parking spaces to serve the Project. Three of these spaces were proposed to be perpendicular to the northern frontage of the existing structure (see Attachment B, which shows the proposed vehicle turning paths). The use these spaces would have required vehicles to cross into the sidewalk to complete the turning movements necessary to exit the site. While the August 2013 Traffic Impact Study prepared by the applicant’s consultant did not determine this to be a safety hazard (see August 20, 2013 *Traffic Analysis for Conversion of Service Bays to a Convenience Market*, p.17), the Planning Commission took issue with the configuration and required the applicant to reconfigure the parking to avoid this conflict. This reconfiguration, in turn, led to a loss of one proposed parking space, leaving a total of four to serve the Project. This decision seems to be in keeping with Policy C-1.3 of the General Plan’s Conservation Element, which directs decision-makers to “[p]romote pedestrian and bicycle circulation to ensure that automobile convenience does not compromise bicycle and pedestrian safety and convenience.”

The Council should consider whether such reduction of parking will create an adverse impact to the community. In its deliberations, the Council may also request any additional information from the applicant and/or staff that it believes will assist the Council with determining if such impacts exist.

Adverse physical or economic effects

The Council can consider any adverse physical or economic impacts of the Project to adjoining properties.

Analysis: Issues to consider include, but are not limited to, economic impacts to similar businesses in Town and impacts to traffic circulation and parking in the Downtown area. The Council can discuss the Traffic Impact Study and determine whether the proposed traffic measures are sufficient. In its deliberations, the Council may also request any additional information from the applicant and/or staff that it believes will assist the Council with determining if such impacts exist.

(C) Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any master plan, development plan or other plan or policy, officially adopted by the town.

Analysis: To assist in the Council in its deliberations, this memo provides information (see next page) on applicable General Plan policies and compares the standards in the CH zoning to the CC zoning. If, after reviewing that, the Council feels its needs further information to make a finding on this factor, the Council may request any additional information it deems necessary to assist in its analysis.

(D) Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that the approval is in the public interest and for the protection or enhancement of the community.

Analysis: Without the approval of this use permit, the site will conceivably remain vacant and unused for at least some period of time. If the use permit is approved, it will operate as a service station and associated convenience mart. The Council should decide which circumstance would better serve the public interest and enhancement of the community. Another factor to consider is the sales tax revenue generated from the Project. The Council could consider whether this Project generate additional revenues to the Town or merely transfer sales from one business to another. Staff believes the Project will generate significant annual new sales tax revenues to the Town which can be used by the Council to fund future priority projects and programs. Again, the Council may request any additional information it deems necessary to assist in its analysis.

GENERAL PLAN AND ZONING

To assist in the Council in its deliberations, staff provides information on applicable General Plan policies and compares the standards in the CH zoning to the CC zoning.

As a policy document, the Town's General Plan contains its objectives and goals. The zoning ordinance delineates the standards applicable to uses and development within each zoning district. Pertinent portions of each are discussed below.

General plan conformance. All land use decisions must conform to the general plan. Listed below are some of the applicable General Plan 2012 objectives and goals relevant to this site:

Land Use Element

- *General Plan land use designation.* General Plan 2012 identifies this site as being within the ‘Central Commercial’ land use district. (Fig. LU-1)
- *Zoning district.* The General Plan likewise contemplated this site being rezoned from Commercial Highway to Central Commercial, thus bringing it into conformance with its General Plan land use designation. (Fig. LU-2)
- *Preservation of community and neighborhood character.* Land Use Program 7.1.1.2 provides “[r]ezone all Commercial Highway (CH) Zone to Central Commercial (CC) Zone and revise the CC Zone as appropriate.”
- *Mix of land uses.* Land Use Policy 7.1.2 envisions “[n]ew and/or renewed development in the Town Center Area should preserve and enhance the village character of the Town Center Area in the mix of land uses, architectural styles and ornamentation, materials, colors and textures.”

Circulation Element

- *Complete circulation networks.* General Plan Circulation Element Goal C-5 directs decision-makers to “[c]onsider pedestrian and bicycle facilities as an integral part of a complete circulation network that provide affordable, healthful, and ecological means of transportation.”
- *Infrastructure.* “Improve and maintain bicycle and pedestrian infrastructure.” (Program C-5.1.3)

Zoning Ordinance conformance. As previously discussed in this report, the proposed project site’s current zoning land use designation (CH) differs from that dictated by the General Plan (CC). Under state law, if a zoning ordinance becomes inconsistent with a general plan because of amendment to the plan, or to any element of the plan, the zoning ordinance must be amended within a reasonable time so that it is consistent with the amended general plan. No deadlines are established by statute for the completion of this work, and the Town is still in the process of completing this formal rezoning.

As relevant here, the CH and CC zoning districts deal markedly differently with uses such as applicant proposes here. Importantly, these zoning use and development standards were already in place when the Council approved General Plan 2012. In other words, the Council directed the rezoning of the CH properties to CC in the General Plan knowing that their direction would materially change the applicable uses and development standards to which these rezoned properties would be subject. The following table highlights some of the difference between the CH and CC zoning designations:

Regulation	CH	CC	Notes
Purpose	Among other things: “to cater to automobile traffic rather than to pedestrian traffic.” (§17.096.010(B))	Among other things: “[t]he development of the CC central commercial zone caters to and invites pedestrian traffic.” (§17.100.010)	These statements of legislative purpose demonstrate the different way in which the Town views the primary functions of these districts.
Uses permitted	Service stations allowed with a use permit (§17.096.050)	Does not include service stations as a use permitted either by right or conditionally (§§17.100.040 and .050) Moreover, “[u]ses not specifically listed in §§17.100.040 and 17.100.050 are specifically prohibited unless a use determination by the Planning Director is made which finds the use not specifically listed is similar to another use permitted or conditionally permitted within the [CC] District.” (§17.100.055(A))	Though service stations would normally be prohibited in the CC District, here, the Planning Director determined that applicant’s proposed operation of a convenience store with the service station allowed the use to be considered as one “combin[ing] wholesale and retail sales and/or retail sales and service activities when neither aspect of the business is an accessory or principal use but both are an integral part of the business,” which uses are conditionally permitted in CC under §17.100.050(F)
Parking	Generally, one parking space is required for each 200 sq.ft., or fraction thereof of gross floor area + one large off street loading space for each 20,000 sq.ft. or fraction thereof (§17.096.120(A)) (Total here: 10 parking spaces + 1 loading) However, for uses permitted with a CUP, the number may be varied “in accordance with the facts, findings, and determinations governing approval of the use permit as set forth in Ch. 17.032 of this title and in conformity with design review requirements.”	Same as CH (§§17.100.110(A) and (C)(2))	In order to avoid use of the sidewalk for turning movements, the Planning Commission had reduced the number of required parking spaces for the gas station/convenience store to four, per §17.100.110(C)(2)). Council might consider whether allowing a parking reduction in the CC – which is meant to cater to pedestrians – would have made more sense than allowing the same reduction in the CH – which is meant to

Regulation	CH	CC	Notes
	(§ 17.096.120(C)(2))		cater to auto traffic.
Formula Businesses	No additional or different factors to consider	The CC Zoning District includes a second Article to regulate the placement of these types of businesses. As its introduction states, “[i]t is the purpose of this Article to limit the number of formula businesses and formula restaurants in the CC zone to those that are compatible with the needs of area residents, to preserve and encourage the owner-operator characters of the town’s businesses, and to promote the local economy.” (§17.100.150) Thus, proposed formula business uses must be able to demonstrate compliance with ten additional land use considerations to be approved in the district. (§17.100.170)	The CH zoning district was not framed in such a way so as to regulate formula businesses, while the CC zone clearly was.

- Conformance with CH zoning.** Given that the proposed project is a service station with associated convenience mart, it falls within the uses conditionally permitted within the CH zone, which was intended to cater to automobiles. Though that zone’s parking calculations would suggest ten parking spaces for a facility this size, the ordinance does permit a parking reduction, provided certain facts, findings, and determinations governing approval of the use permit are met, and design review is satisfied. Exercising this discretion, and in light of the tight turning movements necessary on the site, the Planning Commission had approved four official parking spaces for this use. Moreover, the Planning Commission found that the gas station fuel bays should be considered as additional parking. (Note that the Planning Commission’s resolution does not indicate whether, in making this decision as to the acknowledgment of additional parking, they considered the development standards governing off-street parking set forth in Town Code § 17.052 (‘Off Street Parking and Loading Requirements’).) For reference, staff notes that the Traffic Impact Study prepared by W-Trans estimated 4,341 daily trips for applicant’s proposed use. To satisfy this factor, Council will need to find that the approval of this use, as so configured, is not contrary to the zoning standards that apply here.
- Conformance with CC zoning.** The Project is subject to the CH zoning standards. As a result, the Formula Business standards of the CC zone are not a requirement of the Conditional Use Permit.

TRAFFIC IMPACT AND DESIGN REVIEW PERMITS

The Directed Referral allows the Council to also consider the Design Review and Sign Permits for the Project. Town Code requires both the Planning Commission and Council to consider the Traffic Impact Permit (TIP) for projects.

Traffic Impact Permit

The discretionary Traffic Permit has to be approved by both the Planning Commission and the Town Council. The Commission approved the Traffic Study based on the finding that can be found as number 6 of the attached Resolution No. 13-06. The discussion of the Traffic Impact Permit can be found on pages 7, 8 and 9 of the September 19, 2013 Commission staff report.

Staff recommends that the Council refer to the Traffic Impact Study as needed in discussing the Use Permit issues, but not decide on the TIP until after the Use Permit issue is resolved.

Design Review and Sign Permits

The Commission granted discretionary permits for the design of the project and the reuse of the monument sign. A discussion of these discretionary permits can be found on pages 6 and 7 of the September 19, 2013 Commission staff report and as findings 9 and 10 in Resolution No. 13-06. Again, Staff recommends that the Council refer to the Design Review and Sign permits as needed in discussing the Use Permit issues, but not decide on these two permits until after the Use Permit issue is resolved.

ENVIRONMENTAL REVIEW

Staff had previously determined this project to be exempt from the California Environmental Quality Act ("CEQA," as codified at Public Resources Code §§ 21,000, et seq., and regulated by 14 C.C.R. §§ 15,000, et seq.) pursuant to the categorical exemption for Existing Facilities (14 C.C.R. § 15301). That determination will be revisited in light of the zoning discussed above.



TOWN OF FAIRFAX

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

RECEIVED

SEP 26 2013

TOWN OF FAIRFAX

NOTICE OF APPEAL / *Directed Referral*

FOR STAFF USE

Date: 9/26/13 Fee: _____
Appl.# _____
Receipt# _____
Recvd. By: Town Clerk
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 RENEE GODDARD

Mailing address rgoddard@townoffairfax.org
TOWN HALL Zip: _____ Day phone 458-2343 (Town)

Property Address: 2001 Sir Francis Drake Blvd.

I appeal the decision of: (list board, commission, or department and decision, for example: Planning Commission denial of variance) application # 13-32

The following are my reasons for appeal:

CONSISTENCY WITH TOWN CODE; INADEQUATE PUBLIC NOTICE

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 26 day of SEPT., 2013

SIGNATURE OF APPELLANT: Renee Goddard

(4/94)

EXHIBIT # B

RESOLUTION NO. 13-06

A Resolution of the Fairfax Planning Commission Approving the Traffic Impact Permit, Use Permit for a Gas Station and Convenience Store, Use Permit for a Formula Business, Design Review and Sign Permit to Allow the Operation of a Chevron/ExtraMile Gas Station Convenience Store at 2001 Sir Francis Drake Boulevard

WHEREAS, the Town of Fairfax has received an application to reopen a Chevron Station and ExtraMile Convenience store at 2001 Sir Francis Drake Boulevard; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on September 19, 2013 at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission approved the Traffic Impact Permit, Use Permits, Design Review and Sign Permit; and

WHEREAS, based on the traffic study and other documentary evidence in the record, as well as testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary permits.

WHEREAS, the Commission has made the following findings:

1. The property is designated for commercial use in the Fairfax General Plan and is located in the Central Commercial Zone District and it is located along the Town's main traffic corridor Sir Francis Drake as are the other two gas stations in Town. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The business hours of operation, including deliveries, are from 6:00 am to 9:00 pm Monday through Sunday and the site is not located immediately adjacent to any residential sites. Therefore, the approval of the Use Permit and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
3. The General Plan Land Use Policy No. LU-7.2.3 indicates that, "Traffic and parking concerns related to new and renewed development shall be addresses in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity". The traffic study prepared for the proposed project by W-trans verifies that the property can be developed as proposed without significantly impacting traffic in the area. The inclusion of a driveway on Broadway and the minor redesign of the onsite parking will further minimize impacts on surrounding streets and properties. Therefore, the Conditional Use Permit is consistent with those objectives,

goals and standards pertinent to the particular case and contained or set forth in the General Plan and Zoning Ordinance.

4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.
5. The proposed exterior changes comply with the Design Review Criteria set forth in Town Code § 17.020.040.
6. Neither present nor anticipated future traffic volumes generated by the use of the site for a Chevron Station/ExpressMile convenience store require strict or literal interpretation and enforcement of the parking regulations.
7. With redesigned parking spaces as per the conditions below, granting of the exception to the required number of on-site parking spaces will not result in the parking or loading of vehicles on Sir Francis Drake Boulevard in an unsafe manner or in such a manner as to interfere with the free flow of traffic. Furthermore, the site has limited potential for additional parking because of its small size and by the Town's interest in retaining its right to develop the Bank Street easement in the future. While traditional parking may be limited, the fueling bays will function as additional parking for the retail portion of the business.
8. This station will be the first name brand gasoline station as you travel east on Sir Francis Drake Boulevard towards the Ross Valley. Therefore, it is likely that many of the day to day customers will be local and will live in the Upper Ross Valley, San Geronimo Valley and Central West Marin Areas. The increased competition will benefit and promote the local economy.
9. The proposal revised by the Commission at the September 19, 2013 meeting complies with the Design Review Criteria set forth in Town Code § 17.020.040 and the Sign Ordinance, Town Code § 17.064.050.
10. The proposed sign program, with the elimination of the internally illuminated ExtraMile sign, is the minimum necessary to alert traffic passing both east and west by the station that it sells Chevron Gas and includes an ExtraMile convenience store.

WHEREAS, the Commission has approved the project subject to the applicant's compliance with the following conditions:

1. Notwithstanding item 2e below, this approval is limited to the development illustrated on the plans prepared by PM Design Group dated 7/15/13, pages SP1, TP1, A1, A1.1, A2, A2.1, A2.2, A3, A3.1, A3.2, L1 and the survey prepared by Ziebatech Land Surveying.
2. Prior to issuance of a building permit the applicant or his assigns shall:

a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:

- Construction delivery routes approved by the Department of Public Works.
- Construction schedule (deliveries, worker hours, etc.)
- Notification to area residents
- Emergency access *routes*

b. Submit a bond, letter of credit or cash deposit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.

c. Submit a bond, letter of credit, or cash deposit to the Town in an amount that will cover the cost of landscaping and irrigation materials and installation. The amount shall be retained for 18 months after issuance of the Certificate of Occupancy to ensure that all new landscaping becomes established.

d. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.

e. The following revised plans shall be submitted for review and approval by the staff and Town Traffic Engineer:

- A landscaping and irrigation plan that includes landscaping and irrigation along the south wall of the building.
- A lighting plan that meets, but does not exceed, minimum ADA and Building Code requirements so as to minimize light trespassing beyond the property lines.
- Design plans detailing 1) revised canopy colors showing a café ole' or white canopy fascia with white or blue lettering for the Chevron sign according to the color palette articulated in the plans, and 2) the wall treatment on the south side of the building.
- A site plan detailing the location of, and design for, a driveway onto Broadway.
- A parking, striping, and site circulation plan detailing the revised angled parking and Broadway entry/exit driveway.

3. During the construction process the following shall be required:

- a. Prior to the concrete pour for the sidewalk, any accessibility features and for the new driveway on Broadway, the concrete forms shall be inspected and approved by the building official.
 - b. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.
 - d. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
4. Prior to issuance of an occupancy permit the following shall be completed:
- a. The parking space and entry and exit arrows shall be painted and the "no left turn" signs shall be installed and shall be approved by staff. Signage shall be erected at the expense of the applicant and be installed by the Fairfax Public Works Department.
 - b. The new driveway on Broadway shall be completed.
 - c. The landscaping and irrigation shall be completed.
5. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.
7. During construction developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".
8. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of permit # 13-32. Any construction based on job plans that have been altered without the benefit of an approved modification of permit #13-32, will result in the job being immediately stopped and red tagged.
9. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.
10. The applicant or owner shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other

department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

11. The planters shall be planted with drought tolerant plants and shall be maintained in an acceptable condition.

12. The applicants shall maintain the premises in a neat and attractive manner at all times. Such maintenance shall include, but not be limited to, exterior building materials, signage, windows, the planters, the ground and the pavement surfaces.

13. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.

14. Any changes made to the exterior of the building, including but not limited to new lighting, new signs, planters, etc, shall comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Fairfax Design Review Board (when required).

15. The use permit shall be subject to a six (6) month review after occupancy has commenced. At this time, in addition to considering any public complaints, the Town Traffic Engineer and Planning Commission shall review a site circulation analysis, prepared by the project traffic engineer, to determine if the site circulation is operating appropriately or if Use Permit modifications are needed. The Commission review shall occur after the analysis is reviewed by the Fairfax Traffic Committee.

16. Prior to any improvements to the Bank Street easement, the applicant's traffic engineer shall review and make recommendations for any necessary modifications to the site to ensure continued use of the site does not create traffic hazards. Any proposed changes shall be subject to the approval of a Use Permit modification by the Planning Commission.

17. Direct and reflected glare and excess site brightness from the remodeled station shall be minimized.

18. Lighting, especially from the canopy, shall not exceed minimum safety and ADA standards so as to minimize the light trespass beyond the property lines.

19. The light fixtures mounted under the canopy shall be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface of the canopy. The canopy facial shall extend at least 12 inches below the lens fixtures to block the direct view of the light sources and lenses from the property line.

20. Any lighting mounted on the building or in association with any signage shall be recessed or shielded so the light source is not directly visible from the property line. All lighting shall be directed downward and no internally illuminated signage shall be allowed.

21. Prior to issuance of the building permit, the applicant shall record a revocable encroachment permit with the Marin County Recorder's Office for all station improvements that are located within the public easement.

22. The use of the site shall remain consistent with the Formula Business approval stipulations required for the site and contained in this resolution and attached staff report.

23. Should Broadway ever be realigned to allow for development of a sidewalk on the north side of the street the applicant shall contribute his pro rata share towards the sidewalk improvements.

24. Delivery hours are limited to the hours of operation from 6:00 AM to 9:00 PM.

25. Nothing in the approval of this Use Permit, nor any other discretionary permits, shall limit or impede the Town's right and ability to develop its easement on the site or to develop adjacent roadways consistent with the Town's General Plan.

26. The canopy fascia shall be café ole' or white and the Chevron sign shall be white or blue according to the shades in the approved color palette contained in the plans.

Marin Municipal Water District

1. All indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements, landscaping and irrigations plans must be reviewed and approved by MMWD prior to installation of the landscaping plan.

2. Should backflow prevention be required it shall be installed prior to the project final inspection.

Ross Valley Sanitary District

A connection permit will be required. The size of the sewer lateral will depend on the fixture count which will be calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count the applicant can either install a new lateral or test the old lateral in the presence of a District Inspector and found to meet current requirements prior to the project final inspection.

Ross Valley Fire Department

The building shall be provided with a fire suppression system that complies with Fire and Building Code requirements.

Marin County Environmental Health Department

The project plans must be submitted and be approved by the Environmental Health Department prior to the start of construction.

Fairfax Building Department

The construction plans submitted to the Building Department must include details showing that the project is compliant with accessibility upgrades required by the Building Code.

Conditions placed upon the project by other agencies or departments can be waived in writing by those agencies or departments. Conditions placed upon the project by the Commission can only be modified or waived by the Commission.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

1. The approval of the Use Permits, Design Review, Sign Permit and Traffic Impact Permit can occur without causing significant impacts on neighboring businesses or residences.
2. The Project's average daily traffic will not cause the performance of intersection or roadway linkages to fall below the acceptable level of service or otherwise further reduce the system performance nor will it cause a significant degradation in service levels for impacted intersections at their peak traffic periods.
3. The Traffic Impact Permit required by Chapter 17.56 of the Town Code is hereby granted and the Project is approved, subject to compliance with the conditions of approval listed above and all applicable Town Code requirements.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 19th day of September, by the following vote:

AYES:
NOES:
ABSENT:



 Chair, Shelley Hamilton

Attest:



 Jim Moore
 Director of Planning and Building Services

Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, September 19, 2013

Call to Order/Roll Call

COMMISSIONERS PRESENT: Roxanne Ezzet-Lofstrom
Shelly Hamilton (Chair)
Brannon Ketcham
Shelby LaMotte (Vice-Chair)

COMMISSIONERS ABSENT: Laura Kehrlein

STAFF PRESENT: Linda Neal, Senior Planner Neal
Joanne O'Hehir, Minutes Secretary

Chair Hamilton called the meeting to order at 7.15 p.m.

APPROVAL OF AGENDA

M/s, Ezzet-Lofstrom/Ketcham, Motion to approve the agenda:

AYES: All

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one from the public came forward to speak.

CONSENT ITEMS

1. **1621 Sir Francis Drake Boulevard; Application # 13-27**
Request for a Use Permit to locate two office spaces on the ground floor of an existing structure located in the Central Commercial CC Zone District where offices are only permitted on the second floor; Assessor's Parcel No. 002-211-02; Central Commercial CC Zone; Genevieve LeGoff, applicant; William Lehrke, owner; CEQA categorically exempt, § 15301.

M/s, Ketcham/Ezzet-Lofstrom, Motion to approve the consent item:

AYES: All

Chair Hamilton announced the appeal rights.

PUBLIC HEARING ITEMS

2. **2001 Sir Francis Drake Blvd.; Application # 13-32**
Request for a Conditional Use Permit, Formula Business Use Permit, Design Review, Sign Permit and Traffic Impact (TIP) Permit to open a gas station/convenience market on

EXHIBIT # D

a site that has historically been used as a gas station/car repair business; Assessor's Parcel No. 002-116-04; Central Commercial CC Zone District; Ron Jacobs, PM Design Group, applicant; Arash Salkhi, owner; CEQA categorically exempt, § 15301(a).

Senior Planner Neal presented the staff report, when she provided background information on the site, and noted that it had been rezoned Central Commercial. Ms. Neal discussed an excavation permit that had been issued, before discussing the proposed project, which she said consisted of a request to convert a former auto repair site into a gas station and convenience store. Ms. Neal noted that a Conditional Use Permit would be necessary for reasons she explained. She went on to discuss the hours of operation, which staff believed would not impact nearby residences.

Ms. Neal discussed the parking requirements and some issues with the proposed parking spaces. She noted that insufficient spaces existed but that, since shop purchases were most often made by those stopping for gas, staff believed that the gas service bays could contribute towards the parking requirements. Ms. Neal discussed exceptions to the parking regulations that could be made with regard to Conditional Use Permits.

Ms. Neal discussed formula business uses in relation to the code. She noted that named brand gasoline was currently not sold in town, and that the proposed project would be similar to the site's former use as an auto repair business, which were reasons that staff could support the project.

Ms. Neal noted that the design review part of the project consisted primarily of the building, landscaping and signage. She discussed the refurbished canopy and building colors, and she noted that the façade of the building would be light brown. Ms. Neal said that the proposed signs were similar to those at other gas stations, but that staff did not support the request for an interior illuminated sign that had been proposed for reasons she explained.

Ms. Neal went on to discuss the traffic study, which she said concluded that the proposed business would not significantly affect traffic flow.

Ms. Neal discussed the Council's recommendation to the applicant that they consider adding a driveway leading to Broadway, which staff had included in the conditions of approval. She also suggested that a further condition of approval should be added that the driveway should be realigned to allow a sidewalk to be constructed and that the applicant should make a contribution towards the sidewalk improvements.

Commissioner Ketcham and Ms. Neal discussed parking on site, the recommended driveway, and egress.

In response to Commissioner Ketcham, Ms. Neal noted that the Town Council would review the traffic study.

Chair Hamilton and Commissioner LaMotte discussed their concerns about lack of parking for the convenience store. Ms. Neal reiterated the fact that purchases were generally made when customers bought gas and were parked in a gas bay. She also noted that a Conditional Use Permit

allowed the Planning Commission to review its decisions after a period of time had elapsed once a project had been completed.

General discussion took place on formula businesses. Commissioner Ketcham discussed the reasons why he supported a third gas station business in town, one of which related to competition.

Vice-Chair LaMotte discussed her concern that the colors and signage should blend in more with the image of the town, that they needed toning down. She also expressed her concern regarding the height and extent of the canopy, and that more lighting than was necessary had been proposed.

Ron Jacobs, Project Architect, discussed the problems associated with the lack of parking. He noted that they were happy to work with the town over the angling of the front spaces but that they were trying to maximize parking. He said that they would be willing to work with the town over the lighting and the canopy. Mr. Jacobs noted that they would be using LED lighting, which was more energy efficient.

In response to Commissioner Ketcham, Mr. Jacobs noted that they town had asked them to study the feasibility of adding a driveway to Broadway; that they hadn't been asked to show it on the plans but to consider whether it would be possible.

Mr. Jacobs and Commissioner Ketcham discussed the street sign on Sir Francis Drake Blvd with regard to lighting. Mr. Jacobs said that they intended to light the canopy but that they did not propose adding lighting to the building.

General discussion took place on the colors of the canopy and the building. Commissioner Ezzet-Lofstrom suggested that the blue color could perhaps be changed, since it seemed to be incongruous with its surroundings. Mr. Jacobs said that they might be open to changing the color since the site was not owned by Chevron, and he suggested that the panels of the canopy be changed to a more muted shade to tie in with the building and perhaps match the fascia color, to which there appeared to be general agreement.

Commissioner Ketcham and Mr. Jacobs discussed the condition that related to the traffic engineer reviewing and recommending modifications to the site should improvements be made to the Bank Street easement. Mr. Jacobs said that the site's owner was aware of the condition, which he discussed.

David Parisi, the town's Traffic Engineer, and Commissioner LaMotte discussed the route tankers would make and their access to the site.

Mr. Salkhi, property owner, discussed delivery times at other locations and said that he had control over deliveries. He said that Chevron would be happy to operate under whatever hours were directed. Mr. Salkhi discussed gas prices in relation to market supply.

In response to Commissioner Ketcham, Mr. Salkhi said that gas deliveries would be made between 6 a.m. and 9 p.m. when an employee would be present.

Chair Hamilton opened the public comment period.

Kelly Bright, Cascade Drive, said that she would like to know if auto mechanical work would take place at the site. In response, Mr. Salkhi said that the site would dispense gas and house a convenience store.

Chair Hamilton closed the public comment period.

In response to Commissioner LaMotte, Ms. Neal noted that a revocable encroachment permit formed part of the conditions of approval in relation to improvements made in the public easement.

Commissioner Ezzet-Lofstrom and Mr. Jacobs discussed the materials for the south elevation of the building. Mr. Jacobs said that it was covered in ivy and plant growth and that they proposed using a pressure cleaning system on the colored concrete wash.

Mr. Jacobs noted that the applicant would not want the item to be continued because of lighting issues and that they would be happy to comply with whatever guidelines the Commission felt were fit.

General discussion on lighting ensued and there was general agreement that lighting should be kept to a minimum level required for safety and ADA accessibility.

Discussion took place on the excavation permit. Mr. Salkhi confirmed that the permit had been issued and that work would begin next week.

David Parisi, Traffic Engineer, discussed the Traffic Impact Report. He discussed trip rates and distribution of trip rates that related to the intersections in the vicinity, which he confirmed should operate at acceptable levels. Mr. Parisi also discussed traffic delays for drivers entering the site via a left-turn from Sir Francis Drake Blvd, and he discussed the parking bays in front of the store. He discussed staff's recommendation that a sidewalk be provided along the frontages and that bike parking facilities should be installed.

General discussion took place on the location where delivery tankers could turn on Sir Francis Drake Blvd.

Dalene Whitlock, W Trans, discussed the turns that delivery tankers would need to make to access the site. She noted that there were different options available of which the best would need to be determined.

In response to Commissioner Ezzet-Lofstrom, Ms. Whitlock discussed tanker access to the site if the easement area were removed.

Commissioner Ketcham and Mr. Parisi discussed egress in relation to the proposed Broadway driveway and the reasons why consideration had been given to providing an additional driveway to allow access from Broadway.

Ms. Neal noted that staff had suggested a condition of approval that the project should be subject to a six-month review after the site had been operating to allow the Town Engineer and the Planning Commission to review an analysis of traffic circulation.

Commissioner LaMotte discussed her concern that tanker turns would affect other businesses in town in relation to ingress and egress.

General discussion took place on the problems of traffic build-up on Sir Francis Drake Blvd from the east that related to two sets of traffic signals that were not coordinated, one of which was not in Fairfax.

Chair Hamilton said that she would not want to penalize a business due to general traffic issues that were not of their making. She also noted that it would be better for the site to be utilized than to remain undeveloped.

Commissioner Ezzet-Lofstrom and Mr. Parisi discussed possible increased traffic volumes due to high school students frequenting the store. Mr. Parisi said he did not believe this would occur and that trip generation data had been collected under comfortable scenarios.

In response to Commissioner Ezzet-Lofstrom, Ms. Neal noted that the Traffic Safety Committee could review a new traffic analysis report after the business had been open for 6 months to determine if improvements or changes were needed, which they could recommend to the Planning Commission.

Commissioner Ketcham discussed his concern that the town might be held accountable should the Broadway exit be constructed at the town's insistence and then later found not to work. In response, Ms. Neal said that the Town Council and the Town Attorney would be reviewing the project and would draw up their own resolution.

Commissioner LaMotte and Ms. Neal discussed the monument sign.

General discussion on internally illuminated signs took place. Ms. Neal noted that the town discouraged such signs but that the applicant had requested an internally illuminated sign on the building.

In response to Commissioner LaMotte, Ms. Neal noted that the pump decals were not considered to be signs, albeit that they are not addressed by the sign ordinance.

Discussion on the color of the canopy fascia took place.

M/s, Ketcham/Ezzet-Lofstrom, Motion to approve Application # 13-21, a request for a Conditional Use Permit, Formula Business Use Permit, Design Review, Sign Permit and Traffic

Impact (TIP) Permit to open a gas station/convenience market on a site that has historically been used as a gas station/car repair business at 2001 Sir Francis Drake Blvd. with the following amendments and additions to the findings and conditions of approval to Resolution 13.06:

Findings

Use Permit Findings:

The finding regarding the proposed business hours of operation shall be amended to read:

With the proposed hours of operation being from 6:00 AM to 9:00 PM, when deliveries must also be made, the business would presumably not impact.....”

The site is limited by the town’s interest in maintaining the easement, so the gas bays may function as additional retail parking to meet the parking requirements.

Formula Business Use Permit Finding No. 8 shall be amended to read:

The proposed location of a gasoline station on this site is appropriate because the site has historically been developed and used as a service station with a second complimentary use (previously auto repair) in the existing building. While there is another station directly to the northeast, the Town of Fairfax has supported three (3) gas stations for over forty (40) years and the business will promote economic prosperity through increased competition.

Signs: Under Exceptions to the Sign Ordinance, amendments were made as follows:

One 10.5 square foot Chevron logo sign is proposed.

An exception to erect four (4) signs instead of the permitted 2 [(Town Code § 17.064.050(B)]

Conditions:

Condition 2 e shall be added:

Prior to issuance of the building permit, revised plans shall be submitted to the Building, Planning and Engineering departments with the following: Revised landscaping and irrigation plan to include the south side of the building, site parking, striping and circulation time, a Broadway entrance design, lighting plan and design review revisions to the canopy colors and signage per the additional conditions.

Condition 15 shall be amended to read:

The Use Permit shall be subject to a six (6) month review after opening at which time the Town Traffic Engineer and Planning Commission shall evaluate a site circulation analysis of how the site circulation is operating, as well as delivery truck routes, prepared by the project traffic

engineer for possible Use Permit modifications. The Commission review shall occur after the analysis is reviewed by the Fairfax Traffic Committee.

Condition 18 shall be amended to read:

Lighting shall not exceed minimum safety and ADA standards in order to minimize light trespassing beyond property lines.

Condition 29 shall be changed to 19.

Condition 20 shall be amended to read:

Any lighting mounted on the building shall be recessed or shielded so the light source is not directly visible from the property line and the light is directed downward and not be internally illuminated.

Condition 23:

Should a driveway entrance to Broadway be installed, the applicants shall include a pro rata share of sidewalk costs.

Condition 24:

The business shall operate between the hours of 6 a.m. and 9 p.m. No deliveries for fuel or retail items shall occur outside business hours.

Condition 25:

Nothing in this granting of the Use Permit shall impede the potential for the Town of Fairfax to make improvements in the Bank easement in relation to the Town Center Plan.

Condition 26:

The canopy fascia shall be in white with blue lettering as shown on the plans, and the number of signs shall be as per the existing drawings.

A roll call was taken:

Ezzet-Lofstrom	AYE
Hamilton	AYE
LaMotte	AYE
Ketcham	AYE

The motion passed unanimously and Chair Hamilton read the appeal rights before announcing a 10-minute break at 10:00 p.m.

MINUTES

3. Minutes from the August 15, 2013 meeting.

M/s, Ketcham/Ezzet-Lofstrom, Motion to approve the minutes of August 15, 2013:

AYES: Ketcham, Ezzet-Lofstrom, Hamilton

ABSTAIN: LaMotte

DISCUSSION ITEMS

Chair Hamilton noted that the matrix from the General Plan would be presented at a future meeting for discussion and that the General Plan Implementation Committee had completed the Climate Action Plan. It had yet to be determined if the Planning Commission needed to review the Climate Action Plan.

COMMISSIONER COMMENTS AND REQUESTS

In response to Commissioner Ketcham, Ms. Neal said that the Housing Element seemed to be on track to meet its timelines.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,

Joanne O'Hehir

FOREMAN & BRASSO

ATTORNEYS AT LAW

Ronald D. Foreman
Russell F. Brasso

930 Montgomery Street, Suite 600
San Francisco, California 94133
Tel: 415.433.3475
Fax: 415.781.8030
www.foremanandbrasso.com

Marin Office
21 Tamal Vista Boulevard, Suite 174
Corte Madera, CA 94925

November 15, 2013

VIA E-MAIL

gtoy@townoffairfax.org

Garrett Toy
Town Manager
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

RE: Notice of Appeal/Directed Referral
Application No. 13-32
Property Address: 2001 Sir Francis Drake Blvd.

Dear Garrett:

Thank you for meeting with us yesterday.

As a follow up to the matters raised during our meeting, please interpret this letter as a request for a copy of the entire Town of Fairfax Planning Department file for the excavation permit for the above site (approved by the Planning Commission on August 15, 2013) and the Planning Department file for the Traffic Impact Permit, Parking Variance, Use Permit for a Formula Business, use Permit for a mixed gas station/retail use, Design Review and a Sign Permit to allow operation of a Chevron gas station and an ExtraMile convenience store at the above site (approved by the Planning Commission on September 19, 2013, excluding the Traffic Impact permit to be heard by the Town Council). By this request, I would like a copy of the file and request that the files be made part of the submission package for the Town Council meeting scheduled for December 4, 2013.

Please ensure that all portions of the files are included, including staff correspondence and reports, correspondence and submittals from the petitioner, the application check list, the list of persons notified of the applications and all other components of the excavation and use permit files.

Additionally, there are some questions that were raised at the meeting that I would like answers to including:

1. How the notice provided during the application process was "inadequate notice;"
2. Did the notice provided during the application process comply with the provisions

EXHIBIT # E

- of the Fairfax Municipal Code of Ordinances;
3. Did the notice provided during the application process comply with the California Government Code;
 4. How was the approval of the Planning Commission inconsistent with the Fairfax Town Code;
 5. How was the approval of the Planning Commission contrary with the Fairfax Town Code;
 6. How was the Planning Department resolution approved by the Planning Commission inconsistent with the Fairfax Town Code;
 7. How was the Planning Department resolution approved by the Planning Commission contrary with the Fairfax Town Code.

I recognize that we discussed several of these topics yesterday with yourself, James Moore, the Director of Planning & Building Services, Linda Neal, the Senior Planner, Ron Jacobs, the project Architect, Arash Salkhi, the applicant and myself. Nevertheless, for purposes of establishing the record for the December 4, 2013 hearing before the Town Council, I am making this request in writing as I informed you I would.

Finally, we understand that you desire to have any submittal for your pre-hearing package made available to you by Monday, November 25, 2013 in light of the upcoming Thanksgiving holiday. We will do our best to meet that schedule. Thank you.

Very truly yours,
FOREMAN & BRASSO


Ronald D. Foreman

RDF/dp
cc: Client

OCT 15 2012

PLANNING APPLICATION FORM
Town of Fairfax Planning Department

RECEIVED

For PLANNING COMMISSION action:	For ADMINISTRATIVE action
<input type="checkbox"/> Annexation <input type="checkbox"/> General Plan Amendment from _____ to _____ <input checked="" type="checkbox"/> Design Review (hillside* <u>commercial*</u>) <input type="checkbox"/> multi-family*, 5'-8' residential setback <input type="checkbox"/> additions to existing dwellings) <input type="checkbox"/> Precise Development Plan** <input type="checkbox"/> Second Unit Use Permit * <input type="checkbox"/> Sign Review * <input type="checkbox"/> Parcel Map/ Tentative Map/ Vesting <input type="checkbox"/> Tentative Map, Lot Line Relocation <input checked="" type="checkbox"/> Use Permit * <input type="checkbox"/> Variance <input type="checkbox"/> Zone Change from _____ to _____ <input type="checkbox"/> Encroachment <input type="checkbox"/> Certificate of Compliance <input type="checkbox"/> Hill Area Residential Development <input checked="" type="checkbox"/> Other: <u>ENGINEERING REVIEW</u> <input type="checkbox"/> Environmental Review*	<input type="checkbox"/> Admin. Sign Review (commercial)* <input type="checkbox"/> Admin. Design review (hillside)* <input type="checkbox"/> Admin. Lot Line relocation <input type="checkbox"/> Other <hr/> For Office Use Only Application # _____ Receipt # _____

* Please complete the appropriate Supplemental Questionnaire.

** See special submittal requirements.

~~~~~ Please see fee schedule for required application fees. ~~~~~

|                                                              |                                           |                                              |
|--------------------------------------------------------------|-------------------------------------------|----------------------------------------------|
| Job Site Address:<br><u>2001 SIR FRANCIS DRAKE<br/>BLVD.</u> | Assessor Parcel No.:<br><u>002-116-04</u> | Zone: <u>CC</u><br><u>CENTRAL COMMERCIAL</u> |
|--------------------------------------------------------------|-------------------------------------------|----------------------------------------------|

|                                                                                           |                                                            |                                    |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------|
| Property Owner(s) Name:<br><u>PENDING OWNER:<br/>SALKHI FAMILY TRUST<br/>ARASH SALKHI</u> | Phone Numbers:<br>Home: _____<br>Work: _____               | Fax Number: <u>N/A</u>             |
| Mailing Address:<br><u>NOVATO, CA 94945</u>                                               | City: <u>NOVATO</u>                                        | State/Zip: <u>CA, 94945</u>        |
| Applicant(s) Name (contact person): <u>RON JACOBS<br/>STANTEC ARCH.</u>                   | Phone Numbers:<br>Home: _____<br>Work: <u>707-774-8329</u> | Fax Number:<br><u>707-765-9908</u> |
| Mailing Address:<br><u>STANTEC ARCHITECTURAL<br/>1383 N. McDOWELL BLVD. #250</u>          | City: <u>PETALUMA</u>                                      | State/Zip: <u>CA, 94954</u>        |

PROJECT DESCRIPTION: TO RE-OPEN VACANT GAS STATION. CONVERT EXIST. AUTO SERVICE BUILDING TO CONVENIENCE STORE (W/ BEER & WINE SALES). REMODEL EXTERIOR OF BUILDING & FUEL CANOPY. INSTALL NEW FUEL DISPENSERS, SIGNAGE, LANDSCAPING & IRRIGATION.

GENERAL INFORMATION (if applicable):

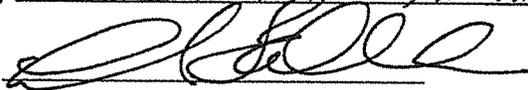
| Item                                                   | Existing           | Proposed                                                              |
|--------------------------------------------------------|--------------------|-----------------------------------------------------------------------|
| Lot size                                               | 9,700 SQ. FT. ±    | NO CHANGE                                                             |
| Size of structure(s) or commercial space (square feet) | 1,950 SQ. FT       | NO CHANGE                                                             |
| Height and No. of stories                              | 18'-0"± ; 1 STORY  | NO CHANGE                                                             |
| Lot coverage                                           | 3,431 SQ. FT = 35% | NO CHANGE                                                             |
| No. of dwellings units                                 | N/A                | N/A                                                                   |
| Parking <sup>1</sup>                                   | No. of spaces      | NO MARKED SPACES                                                      |
|                                                        | Size of spaces     | N/A                                                                   |
|                                                        |                    | 1 = 17' x 10' (ACCESSIBLE)<br>2 = 9' x 19'<br>3 = 9' x 22' (PARALLEL) |
| Amount of proposed excavation and fill                 | Excavation = N/A   | Fill = N/A                                                            |

Estimated cost of construction \$ 1,600,000.00

Lot Coverage is defined as the land area covered by all buildings and improvements with a finished height above grade and all impervious surfaces except driveways.

<sup>1</sup>Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

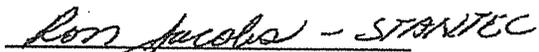
Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? THERE IS AN UNRECORDED EASEMENT THAT RUNS ACROSS THE EASTERLY PORTION OF THE PROPERTY. THERE HAS BEEN DISCUSSION WITH THE TOWN OF FAIRFAX ABOUT WHAT IMPACT, IF ANY, THIS HAS ON THE PROPERTY



Signature of Property Owner

10/3/12

Date



Signature of Applicant

10/4/12

Date

Planning Department staff is available by appointment between 8:30 a.m. and 12:00 noon and 1:00 p.m. and 5:00 p.m. Monday through Thursday at 142 Bolinas Road, Fairfax, CA. (415) 453-1584

## FLOOR AREA RATIO (FAR) AND LOT COVERAGE STATISTICS

The following information will be used to verify application FAR and lot coverage amounts. Applications will not be considered complete until the following table is complete.

|                                               | Existing                                     | Proposed               |
|-----------------------------------------------|----------------------------------------------|------------------------|
| Footprint square footage for all structures   | BUILDING = 1,950 S.F.<br>CANOPY = 1,400 S.F. | NO CHANGE<br>NO CHANGE |
| Living space square footage                   | N/A                                          |                        |
| First floor                                   |                                              |                        |
| Second floor                                  |                                              |                        |
| Third floor                                   |                                              |                        |
| Total                                         | 3,350 S.F.                                   | NO CHANGE              |
| Accessory structure square footages           |                                              |                        |
| Sheds                                         |                                              |                        |
| Pool houses                                   |                                              |                        |
| Studios/offices                               |                                              |                        |
| Second units                                  |                                              |                        |
| Miscellaneous (specify use)                   | TRASH ENCLOSURE<br>85 S.F.                   | NO CHANGE              |
| Total                                         | 85 S.F.                                      | NO CHANGE              |
| Square footage of impervious surfaces         |                                              |                        |
| Walkways                                      |                                              |                        |
| Patios                                        |                                              |                        |
| Impervious decks                              |                                              |                        |
| Miscellaneous (specify use)                   | CONCRETE TANK &<br>DRIVE SLABS = 2,250       | NO CHANGE              |
| Total                                         | 2,250 S.F.                                   | NO CHANGE              |
| Garage/carport square footages (specify type) | N/A                                          |                        |

\* All square footage measurements must be the sum of all interior floor area measured from the exterior faces of the exterior walls for structures (Town Code § 17.008.020).

**FLOOR AREA:** Fairfax Town Code § 17.008.020, Definitions, defines “floor area” as the sum of all interior floor area measured from the exterior faces of the exterior walls. The “floor area” of any accessory structures on the same lot shall be included. The “floor area” of any garage in excess of 500sf in size for single-family residences and 800sf in size for duplexes shall also be included.

**LOT COVERAGE:** Fairfax Town Code § 17.008.020, Definitions, defines “lot coverage” as the percentage of the lot area that is occupied by the ground area of a building, any accessory building(s), as well as any impervious surface areas such as patios (other than driveways) adjacent to the building or accessory structure.

## Submittal Requirements Checklist

- Title report for the project property is required for all submittals. A copy of the current fee title deed must also be submitted for commercial projects, new residences and 50% remodels.

### For Administrative actions (Sign permits that comply with the Sign Ordinance, lot line adjustment or certificates of compliance.)

- Two (2) sets of site plans and floor plans (elevation plans for new construction)
- Completed Application form(s)
- Fee (see "Fee Schedule")

### For Planning Commission and Design Review Board actions

- Fourteen (14) full size sets of site plans, floor plans and elevation plans
- One set of plans reduced to 8 ½ inches by 11 inches (*larger sets will not be accepted*)
- Completed Application forms(s)
- 14 sets of photographs of the project site
- Fee (see "Fee Schedule") \$ 1,974.00
- Environmental Initial Study Questionnaire (if applicable)
- An approved Vegetative Management Permit from the Ross Valley Fire Department for new homes and 50% remodels

N/A

- **Note:** You must include a completed "Applicant Affidavit for Property Owners Mailing List" along with the required materials for Planning Commission or Design Review actions.

### \*\*\*ALL PROJECT PLANS MUST INCLUDE\*\*\*

**A Site Plan that is fully dimensioned and drawn to scale, collated and folded with other pages of the project, including the following:**

1. Property boundaries and easements.
2. Foundation and roof lines of all existing and proposed structures located on the property; differentiate between proposed and existing structures.
3. Foundation lines of all neighboring structures.
4. On-site drives, parking, loading spaces, landscaped areas, patios, etc.
5. Street right-of-way lines, curb line or pavement edge, sidewalks, and parkways.
6. The location and species of all trees on site, showing trunk circumferences (measured 4 1/2ft above natural grade) and driplines.
7. Fences and walls, existing and proposed.
8. Yards and open space areas.
9. Storage areas and screening.
10. Topographic features: streams, drainage channels, ditches, rock outcroppings, etc. If the project is adjacent to a watercourse a cross section of the watercourse channel must also be provided.
11. Existing visible landmarks (utility poles, street lights, fire hydrants).
12. Accurate contour lines:
  - Slopes below 5% - contours not required
  - Slopes between 5% and 15% - contour interval must be two feet
  - Slopes exceeding 15% - contour interval must be five feet
13. Other information deemed necessary to evaluate this application.
14. Flood Zone and flood elevation certificate if property is located in an A' zone or B' zone.

### Floor Plans

1. Provide existing and proposed floor plan for all structures on the site.
2. Provide proposed floor plans separately from existing floor plan.
3. Other information deemed necessary to evaluate this application.

### Building Elevations must include:

1. Existing and proposed ground line, wall height, floor height, and ridge height, roof pitch, as well as the appearance of the structure(s).
2. Cross section drawings of existing and proposed structures.
3. For Design Review:
  - Color rendering of proposed exterior addition including exterior finish/color, window trim, roof material, siding materials, etc. (14 copies).
  - Color and materials board (11" x 17") to include exterior finish/color, window trim, roof material, siding materials, etc. (one board and 14 copies of the board)
  - Photographs of the existing property and abutting neighbors (14 sets)
4. Other information deemed necessary to evaluate this application.

### Landscape Plans are required for all new residences, 50% remodels and all commercial projects and must include:

1. The type, size, and spacing of plants, and maintenance provisions. (Maintenance information includes: type of irrigation system, location of clocks, sprinkler heads and areas to be drip irrigated.)
2. Retaining walls, lighting, slopes, if applicable.
3. Other information deemed necessary to evaluate this application.

Within 30 days of submittal, Town staff will review this application for completeness of required information and/or fees, and a notice of completeness or non-completeness will be mailed to the applicant. Applications cannot be processed until accepted as complete. Further revisions of completed material may be necessary after the 30 day period.

### All plans must be fully dimensioned and drawn to scale, collated, and folded.

| OTHER IMPORTANT DEPARTMENT/AGENCIES:                                                                                                                                                                                                                                                                                  |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>Ross Valley Fire Service:</b> You must provide a vegetative management plan to the Fire Dept. and receive approval prior to submitting your application to the Planning Department. It is your responsibility to contact the Fire Marshal for Fire Department requirements (e.g., sprinklers, hydrants, turnouts). | Contact Fire Marshal @<br>415/258-4686    |
| <b>Building Department:</b> If you are increasing the occupancy (number of people) and/or altering the structural character of a building, you may trigger seismic, Fire and other Building requirements.                                                                                                             | Contact Building @<br>415/453-2263        |
| <b>Marin Municipal Water District:</b> Your project may generate the need for additional water.                                                                                                                                                                                                                       | Contact MMWD @<br>415/924-4600 ext. 335   |
| <b>Ross Valley Sanitary District:</b> If you are adding on or building new, you may need to upgrade or install a lateral sewer line.                                                                                                                                                                                  | Contact RVSD @<br>415/461-1122            |
| <b>Ross Valley School District:</b> If adding on or building a house, school fees will likely be charged. Contact school district for the dollar amount.                                                                                                                                                              | Contact School District @<br>415/454-2162 |

## SUPPLEMENTAL QUESTIONNAIRE & DRB APPLICABILITY

### DESIGN REVIEW

For Commercial, Planned Developments, Hillside Residential and Multiple Family Design Review: (Include brand and number for all finish and/or paint colors.)

1. Exterior finish: EXISTING BRICK
2. Proposed exterior wall color(s): CHEVRON EXTRA MILE COLORS, SEE SHTS. A2.2 & A3.2
3. Proposed exterior trim color: SAME AS ABOVE #2
4. Proposed exterior window color: ANODIZED ALUMINUM
5. Proposed roof material and color: STANDING SEAM METAL
6. Special features: \_\_\_\_\_
7. Lot Coverage: BUILDING & CANOPY = 3,350 S.F.
8. Number of existing parking spaces and their sizes: NO MARKED SPACES
9. Number of proposed parking spaces and their sizes: 7 TOTAL; (1) 16' x 19' ACCESSIBLE, (3) 9' x 19', (3) 9' x 22'

### DESIGN REVIEW APPLICABILITY

#### 1. Hillside Design Review (in a ridge line)

All new dwellings located on hillside properties and all additions on properties located in a ridgeline scenic corridor (which include deck and stairway structures) shall require design review.

Additions and accessory structures may be exempt from design review where the applicant demonstrates, through the use of story poles, plans and photo montages, that an accessory structure or addition will have no impact on significant view corridors due to the proposed location of the structure in relation to existing improvements. Project exemption shall be determined by the Fairfax Planning Director.

#### 2. Multiple family Design Review

Multiple family residential units of three (3) or more and additions to structures located in the Multiple Family RM Zone.

#### 3. 50% remodels of additions to residential properties

#### 4. Commercial Design Review

The Design Review Board must approve any minor modifications to existing buildings, structures or improvements such as awning, canopies, window, doors, color changes, automated teller machines, or other modifications similar to the above for properties located in the Commercial Zones.

#### 5. Signs

Signs complying with the Sign Ordinance can be approved by staff. Other signs require the approval of the Fairfax Design Review Board.

#### Design Review Application - Additional information required.

- 14 complete sets of plans are required for design review applications. If your project requires design review you will need to prepare the additional information described below in addition to the information required in pages 3 and 4 of the planning application.
- Exterior elevations from all sides. If multiple buildings are proposed, composite elevations for the entire street frontage are required.
- Cross section through project, showing project and existing adjacent features.
- Lighting plan - detail of exterior fixtures, location and illumination (amount of light).
- Utility entrance location, trash storage location, mechanical equipment location.
- Detail of fascias, trim, railing, trellis.
- Specify irrigation systems to be used on the landscaping plan.
- 14 color elevations.
- 14 sets of color samples (copies of color samples are not accepted).
- Projects in the Downtown Area are required to submit a drawing at 1" = 40'.

We would like you to put in your own words how the project meets the design review criteria set forth in section #17.020.040 of the Fairfax Zoning Ordinance. This will help you and the Planning Commission focus on the ordinance requirements.

NOTE: In order to visualize the dimensions and location of the proposed structure, the Town review process requires story poles for new structures, second story additions and 50% remodels. Story poles must be erected 10 days prior to the first public hearing for a project. Poles shall be erected at all proposed building corners (rising to the proposed height of the building at that corner), and at the highest point of the proposed roof-line. Also the front corners of undeveloped land must be staked and tagged in the field. You, the applicant, will have to maintain the poles and corner flags in good condition until all public hearings on the project are over and appeal periods have lapsed. Avoid unnecessary delays to your project by maintaining the poles through out the review process.

**SUPPLEMENTAL QUESTIONNAIRE**

**VARIANCE**

**VARIANCE (S) REQUESTED:**

\_\_\_\_\_ foot front yard variance to construct a \_\_\_\_\_ within  
\_\_\_\_\_ feet of the front property line.

\_\_\_\_\_ foot rear yard variance to construct a \_\_\_\_\_ within  
\_\_\_\_\_ feet of the rear property line.

\_\_\_\_\_ foot side yard variance to construct a \_\_\_\_\_ within  
\_\_\_\_\_ feet of the side property line.

\_\_\_\_\_ foot creek setback variance to construct a \_\_\_\_\_ within \_\_\_\_\_ feet  
of the top of the creek bank.

Other (fence height, building height, parking number or size, etc.) \_\_\_\_\_

**FINDINGS:**

1. List below special circumstances applicable to the property, including size, shape, topography, location, or surroundings, to show why the variance should be granted; and why the granting of the variance will not be a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone (you may attach a statement).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. List below your reasons why the variance will not materially adversely affect the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood (you may attach a statement).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Explain why complying with the Town Ordinance requirements will be a hardship for the owner.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8  
N/A

Variance - Additional information required.

- Include a cross section through the proposed project depicting the project and the relationship of the proposal to existing features and improvements on adjacent properties.
- Lot coverage calculation including all structures and raised wooden decks.

In order to approve your project, the Planning Commission must make findings of fact which state that 1) there is a special feature of the site (such as size, shape or slope) which justifies an exception; 2) that the variance is consistent with the treatment of other property in the neighborhood; 3) that strict enforcement of the ordinance would cause a hardship; and 4) that the project is in the general public interest.

In the space below, please provide any information which you feel is relevant to these issues and which further explains your project.

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### Hill Area Residential Development (HRD) - Additional information required.

- Amount of excavation and fill required for development (in cubic yds.) \_\_\_\_\_  
If the excavation and fill amounts exceed 100 cubic yards it must be reviewed and approved by the Planning Commission. Please submit an excavation application and fee as well.
- If any public roads will need to be extended to access the residence plans must include the existing and proposed type of surface, the length and width of roadway to be improved, slope of roadway, elevations of any retaining walls that will need to be constructed, locations of curbs, gutter and drainage improvements and identification of emergency vehicle turn arounds (if required).
- Locate all trees within the right-of-way easement and any trees that will need to be removed (must include size and species of trees). An application for a tree permit and approval by the tree committee is required for the cutting or trimming of trees with a trunk circumference as set forth in Town Code Chapter 8.36.  
 Check if a tree permit is required.
- List any notable physical features of the site, such as creeks, drainage channels, rock outcroppings, tree stands, etc.:

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- Lot size \_\_\_\_\_ square feet      Lot frontage \_\_\_\_\_ ' \_\_\_\_\_ "
- Name and address of Licensed Surveyor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Name and address of Registered Civil Engineer: \_\_\_\_\_  
\_\_\_\_\_

NOTE: In order to visualize the dimensions and location of the proposed structure, the Town review process requires story poles. Story poles must be erected prior to an application being filed with the Planning Department. Poles shall be erected at all proposed building corners (rising to the proposed height of the building at that corner), and at the highest point of the proposed roof-line. Also the front corners of undeveloped land must be staked and tagged in the field. You, the applicant, will have to maintain the poles and corner flags in good condition until all public hearings on the project are over and appeal periods have lapsed. Avoid unnecessary delays to your project by maintaining the poles through out the review process.

10  
N/A

HRD Attachment Page 2

- Show existing and proposed on-site and off-site drainage facilities and necessary improvements on the site plan.
  - Provide a signed and sealed report by a registered civil engineer specializing in soils and foundations, containing the following information:
    - site soil drainage
    - relevant watershed boundaries (hydrologic units)
    - relationship of proposed construction to drainage patterns in the vicinity, and the cumulative effects of run-off, necessary drainage improvements, on and offsite foundation adequacy, site geology, and the safety of proposed construction
  - Include an erosion control plan with the grading plan, including a re-vegetation program.
  - Floor plans should include finished floor elevations for all living levels including attic, basement and loft areas. If the residence has multiple floor elevations (a split level residence), finished floor elevations should be included for all rooms.
  - A summary table including the following square footages: footprint, total living space, subtotals for each floor, garage, decks and any accessory buildings.
  - Profiles depicting the relationships between proposed structures on the project site and structures existing on neighboring properties (i.e. neighboring homes, parking structures).
  - Elevations of all proposed retaining walls including a description of construction materials.
  - Report from Ross Valley Fire Authority.
- Indicate in writing how the project has been designed to comply with the HRD OVERLAY ZONE DEVELOPMENT STANDARDS, Chapter 17.072 of the Fairfax Zoning Ordinance.

## Use Permit Applications - Additional information required.

- A written description of the proposed use, major activities, hours of operation, number of employees on the premises during the busiest shift and when the busiest shift is expected and other information pertinent to the application.
- Floor plans must include location of any special equipment.
- Designate customer, employee and living areas.
- If different uses are included in this activity, for example storage, retail, living space, etc. Indicate square footage of each proposed use.

In order to approve your project, the Planning Commission must make findings of fact which state that the project will not have a negative impact on the general public welfare, conforms with the policies of the Town, does not create excessive physical or economic impacts on adjacent property and provides for equal treatment with similar properties in Town.

In the space below, please provide any information which you feel is relevant to these issues and which further explains your project.

*THIS PROJECT PROPOSES TO CONVERT AN EXIST. AUTO SERVICE BLDG. INTO A CONVENIENCE STORE (TO INCLUDE BEER & WINE SALES). IT ALSO INCLUDES AN UPGRADE/REMODEL OF THE BUILDING & CANOPY EXTERIORS, NEW SIGNAGE AND UPGRADES TO LANDSLAPING. THE BUSINESS WOULD OPERATE FROM 6:00 AM - 9:00 PM, WITH 2 EMPLOYEES AT MOST TIMES.*

*THIS SITE HAS BEEN CLOSED DOWN FOR OVER A YEAR AND IS AN EYESORE TO THE TOWN. THIS PROJECT WOULD BENEFIT THE TOWN TREMENDOUSLY.*

The final disposition of each use permit shall be in accordance with the facts of the particular case, and such facts must support the following determinations and findings before a use permit may be approved. Indicate how the findings below can be made:

- The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

THE SITE WAS/IS AN EXISTING GAS STATION. THIS PROJECT IMPROVES THE SITE. A TON.

- The development and use of property, as approved under the use permit, shall not create a public nuisance, cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

THE SITE IS CURRENTLY IN DISREPAIR AND ADDS BLIGHT TO THE TOWN. THIS PROJECT CHANGES THAT DRASTICALLY

- Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any master plan, development plan or other plan or policy, officially adopted by the town.

THE PROJECT, WITH THE CUP, IS NOT CONTRARY TO THE MASTER PLAN.

**TOWN OF FAIRFAX**  
**PUBLIC NOTICE REQUIREMENTS**  
**FOR ALL LAND USE ENTITLEMENTS**

Public notice is sent to property owners, residents and businesses for all land use entitlements including the following:

Zoning Change Amendments, Design Review, Variance, Use Permit, and Hill Area Development Permits. The area to be noticed is any parcel within 300 feet of the boundary line of the property that is the subject of the application.

When filing your application include a Notification Map and a Mailing List and Mailing Labels and stamps for property owners and residents to be notified as described below.

The applicant is responsible for the accuracy of these materials.

Erroneous information may require re-mailing or re-scheduling of the public hearing. When you file your application please sign and submit the attached affidavit stating that the required map, mailing list and labels have been prepared following these instructions.

The applicant prepares and provides the following:

1. A neighborhood notification map, mailing list and mailing labels
2. Postage stamps for each label
3. Completes the affidavit certifying the accuracy of the mailing list
4. Posts the site with an 11 inch x 17 inch Notice Form provided by the Planning Department.

If the approval of an application is delayed by unresponsiveness of an applicant, the address list and labels may have to be redone to ensure their accuracy.

Once Planning staff determines that an application is complete, they send a notice of completeness and provide the poster for the applicant. The poster is to be filled out by the applicant to describe the project. The poster is to be waterproofed and posted in a clearly visible location along the street frontage of the property at least 10 days prior to the public hearing.

The Planning Department provides the notices, reviews the mailing information provided by the applicant, and mails the notice.

**Mailing List:**

List the Assessor's Block and Lot Numbers for all lots within the Notification Map with the Names and Mailing Addresses of all the property owners and the Mailing Address for all residents and businesses. Include yourself and anyone else you wish notified. Please count the addresses and provide a stamp for each label.

Submit self-adhering **Mailing Labels** with this information, one name and address per label. For property owners, use the names. For residents and businesses, you may use either their name or "Occupant". Property Owners are those in the latest Assessors Tax Roll, available at the Marin County Assessor's Office

For Residents or Businesses you can get the number of dwellings or businesses on a lot from the property owner or building manager, or by counting the mail boxes, doorbells and any businesses. You may also use the reverse telephone directory at the library, use addresses shown on the mailbox, doorbell or reverse telephone directory, including any letter suffixes (134, 134A) or fractions (249, 249 1/2). If a doorbell or mailbox has a name but no separate street or apartment number, use that name for the mailing labels. There is usually a Resident anytime the Property Owner in the Town wide Tax Roll has a different mailing address.

In addition, a list of apartment/ multifamily renters is available on disk or in hard copy from the Planning Department. This list is an additional resource for creating the mailing list. Where the address of the owner differs from the location address of the property to be noticed, labels should be created for both owners and residents.

**Affidavit of Preparation of Notification Map,  
Mailing List and Mailing Labels for Public  
Notification for Land Use Public Hearing**

I, MICHAEL HIGGELSON, do hereby declare as follows:  
(print name)

1. I have prepared the **Notification Map, Mailing List and Mailing Labels for Public Notification for** in accordance with Planning Department guidelines.
2. I understand that I am responsible for the accuracy of this information, and that erroneous information may require re-scheduling the public hearing.
3. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, SEPT 19<sup>th</sup>, 2017 in the Town of Fairfax,  
California.

  
Signature

Application No: \_\_\_\_\_

Project Location: 2001 SIR FRANCIS DEAKE BLVD.

**Authorization for Engineering Review**

I, RON JACOBS, as owner (applicant) on the above application and property hereby authorize the Town Engineer to review the application plans and subject site and agree to reimburse the Town for any and all charges. I understand this includes the actual cost charged by the Town Engineer, plus 30% to cover the cost of staff review, coordination and general overhead. I am making a deposit of \$ 750.00 toward such charges. Should the cost of the review exceed this deposit, an additional deposit to cover overages must be made before processing the application continues or prior to the issuance of respective permits and entitlements.

Date: 10/4/12

Signature: Ron Jacobs

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Property Owner (Applicant): STANTEC ARCHITECTURE - RON JACOBS

Mailing Address: 1303 N. MEADOWCREEK BLVD # 250

City: PETAWUMA State: CA Zip Code: 94954

Telephone: (H) \_\_\_\_\_ (W) 707-774-8329

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Deposit Amount: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

Date: \_\_\_\_\_

**From:** Maryann O'Sullivan [<mailto:maryannosullivan1@gmail.com>]  
**Sent:** Sunday, December 01, 2013 9:21 AM  
**To:** Michele Gardner  
**Cc:** [jodytimms@comcast.net](mailto:jodytimms@comcast.net)  
**Subject:** regarding Chevron station - please forward to Council members.

RECEIVED  
DEC 02 2013  
TOWN OF FAIRFAX

Hello Michele

Please would you forward this to the Council members. Thanks a lot, Maryann

Dear Fairfax Council Members

I am writing to urge you to stop the Chevron gas station and convenience store from locating in Fairfax. Fairfax has done a wonderful job to date of resisting chain stores and protecting the town's attractive and unique qualities. A Chevron station and convenience store is not needed would be an eyesore. Please don't allow Chevron to locate in Fairfax.

Thank you very much.

– Maryann O'Sullivan

22 Madrone Court

Fairfax, 94930

EXHIBIT #     G

RECEIVED

DEC 02 2013

TOWN OF FAIRFAX

From: Owens Dennis [mailto:djo920@gmail.com]  
Sent: Monday, December 02, 2013 12:21 AM  
To: Michele Gardner  
Subject: Chevron/ Fossil Fuel warnings

I am writing to comment on the Fossil Fuel warning idea.  
I totally support disseminating information about fuel choices and their impacts.  
I know that fossil fuel consumption not only adds to global warming but also  
contributes to pollution of our water and our air

Sent from my iPhone

**From:** David Spampanato [mailto:david.spampanato@oracle.com]  
**Sent:** Sunday, December 01, 2013 1:24 AM  
**To:** Michele Gardner  
**Subject:** Say no to Chevron in Fairfax  
**Importance:** High

RECEIVED  
DEC 02 2013  
TOWN OF FAIRFAX

Fairfax Town Council,

I am personally against the proposed Chevron gas station/service station in the Town of Fairfax. Many of us moved here and lived here for years for the charm and character of this town and this proposal decays the character and state of this community. Additionally, the traffic at this intersection is already difficult to manage and this will cause additional problems.

I and many others urge you to say NO to this proposal.

Your Fairfax resident,  
David Spampanato

**From:** Vincent Pizzuto [mailto:newskeilig@mac.com]  
**Sent:** Thursday, November 28, 2013 11:24 AM  
**To:** Michele Gardner  
**Cc:** Fernando Esponda  
**Subject:** No Chevron in Fairfax  
**Importance:** High

RECEIVED  
DEC 02 2013  
TOWN OF FAIRFAX

Dear Ms. Gardner,

I am a resident in Fairfax and live at 171 Forrest Avenue. I am writing to join the chorus of residents who are opposed to having the Chevron gas stations move into the town. The uniqueness of Fairfax as a community who emphasizes sustainability, local commerce and clean fuel sources. If he is to proceed with his gas station, perhaps we might insist as a town that he install a certain number of electric charging stations on the grounds in service of the current and growing energy needs of Fairfax residents as many of us are intentionally migrating to electric vehicles.

I have read Mr. Salkhi's FaceBook post in which he explains his position as a private owner who needs to use the Chevron name. But in addition to the parent company, Chevron, having no investment in Fairfax, their Florissant signs and oversized logos are eye sores, and I am not convinced that Chevron has gone far enough in allowing this particular location to be more low-key, sightly, and adding rather than detracting from the beauty of our downtown.

My partner and I plan to be at the upcoming hearing this Tuesday and wish to express our deep concerns in advance. As our elected officials we sincerely hope that we can depend on you all to represent the concerns of our community.

Thank You for your Attention,

vincent pizzuto  
171 Forrest Avenue

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Rev. Vincent A. Pizzuto, Ph.D.  
Associate Professor  
Chair, Department of Theology and Religious Studies  
University of San Francisco  
2130 Fulton Street  
San Francisco, CA 94117

Office: 415-422-5299  
Web: [www.newskeilig.org](http://www.newskeilig.org)

RECEIVED

DEC 02 2013

TOWN OF FAIRFAX

**From:** William Beck [mailto:wmrbeckinvest@comcast.net]  
**Sent:** Thursday, November 28, 2013 12:23 PM  
**To:** Michele Gardner  
**Cc:** William Beck  
**Subject:** Chevron Station in Fairfax

To the Fairfax Town Council:

I am 100% in favor of the opening of the proposed Chevron / Extra Mile service station in the Town of Fairfax. I definitely intend to shop there. I urge the Town Council to say YES to the special permits required for the project. It would bring additional revenue to Fairfax and benefit those of us in West Marin where there are few gas stations and convenient stores. This will in no way alter the small town character of Fairfax where I do much of my shopping. During this difficult time we should be encouraging new businesses that provide employment. This is my unsolicited, independent opinion and I am in no way connected with Chevron or Extra Mile except that I occasionally buy gas from Chevron.

Sincerely,  
William Beck

From: Allison Spampanato [mailto:ASpampanato@wsgc.com]  
Sent: Monday, December 02, 2013 1:37 PM  
To: Michele Gardner  
Subject: Please Please no Chevron

RECEIVED  
DEC 02 2013  
TOWN OF FAIRFAX

Hi Michele,

We so enjoy the quaint, local atmosphere in downtown fairfax. Having a chain gas station will not only hurt the business of the 2 existing gas stations (that never have any waiting lines), but will add traffic and poor ambiance to our beautiful town. We simply don't need another gas station, much less a chain gas station with bright lighting.

Please help to see that Fairfax stays beautiful and vote no on Chevron.

Thank you!!

REC-11

DEC 02 2013

TOWN OF FAIRFAX

**From:** Daniel Vollmer [mailto:cooktheneat@yahoo.com]  
**Sent:** Monday, December 02, 2013 11:46 AM  
**To:** Michele Gardner  
**Subject:** I oppose the new Chevron

I am a recent new resident to downtown Fairfax and I love it! I was saddened to hear about the plans for the new Chevron station. I am writing to you to urge you to oppose the opening of a new Chevron station downtown. Fairfax does not need a Chevron.

Thank You

Daniel Vollmer  
72 Broadway Blvd, Fairfax

From: Robert Wolfson [mailto:rwolfson@me.com]  
Sent: Saturday, November 30, 2013 10:18 AM  
To: Michele Gardner  
Subject: please distribute to council members

RECEIVED

DEC 02 2013

TOWN OF FAIRFAX

To:  
Fairfax Town Council:

I am a long time resident of Fairfax and want to preserve the special character of our town.

I am against the opening of the proposed Chevron / Extra Mile service station, or any additional gas station, in the Town of Fairfax. I pledge not to shop there. I urge the Town Council to say no to the special permits required for the project.

Sincerely,  
Robert Wolfson  
~~~~~

Robert Wolfson
79 Woodland Road
Fairfax, CA 94930

From: Tim Halikas [mailto:timh@astound.net]
Sent: Tuesday, December 03, 2013 1:39 PM
To: Michele Gardner
Subject: Chevron

RECEIVED
DEC 03 2013
TOWN OF FAIRFAX

Hi Michele,

I'm a resident of Fairfax, 48 Geary Ave.

I'm emailing you in hopes you will voice my opinion to the town council in OPPOSITION to Chevron or ANY national chain being allowed to open for business in this town.

I will also try and make tomorrow nights meeting at the Woman's Club.

thank you, please acknowledge receipt of this email.

Tim Halikas

RECEIVED

DEC 04 2013

TOWN OF FAIRFAX

From: Billy [mailto:bnothofer@gmail.com]
Sent: Tuesday, December 03, 2013 7:12 PM
To: Michele Gardner
Subject: Please distribute to council members

Fairfax Town Council:

I am against the opening of the proposed Chevron and Extra Mile service station, or any other gas station, in the Town of Fairfax. I urge the Town Council to say no to the special permits required for the project.

I came all the way from NJ to find a perfect town in the US that takes care of its community and goes the extra mile(S) to preserve the environment and culture around a wonderful community. Everyone that comes to visit us here from the east coast is in awe of this community because it stands so far apart from the careless, mass-produced, shallow, profit-first-environment-second mind set that is pervasive in much of America today which destroys the beauty and culture and creativity and originality of small towns. Fairfax is a magnet for positivity and creativity and progress. Please don't tell me that a Chevron and Extra Mile store is what this community is all about and where we're headed. That would be a tragedy to let a Chevron station open and carelessly turn a community that is known for its leadership, culture, and for **setting an example in environmental protection** into a blind city that does not recognize art and culture and real societal value.

Please say no to the permitting of this project and keep Fairfax on the right path.

Bill Nothofer, Fairfax resident

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DEC 04 2013

TOWN OF FAIRFAX

From: Angelo Douvos <douvos@sbcglobal.net>

Date: Tue, Dec 3, 2013 at 8:04 PM

Subject: Chevron gas station

To: "lbragman@townoffairfax.org" <lbragman@townoffairfax.org>

Cc: "jreed@townoffairfax.org" <jreed@townoffairfax.org>, "sweinsoff@townoffairfax.org" <sweinsoff@townoffairfax.org>, "rgoddard@townoffairfax.org" <rgoddard@townoffairfax.org>, "bcoler@townoffairfax.org" <bcoler@townoffairfax.org>

Dear Larry and Fellow Fairfax City Council Members:

I fervently hope that Fairfax will reject the proposal for a new Chevron station. As a back-up proposal, if stopping Chevron is not possible, I hope you will extract from Chevron a pledge to put a sticker on each gas pump. Here is proposed wording: DRIVE SLOWLY - SAVE GAS AND THE ENVIRONMENT! Peace, Angelo Douvos, San Rafael (a one-time resident of Fairfax - on Forrest Avenue)

From: Angelo Douvos [mailto:douvos@sbcglobal.net]

Sent: Tuesday, December 03, 2013 7:41 PM

To: Michele Gardner

Subject: Chevron proposal

Dear Michelle, Please pass on my opposition to the proposed Chevron gas station. I once lived in Fairfax, on Forrest Avenue, and care about the city and the environment. Chevron is very bad for Richmond; Chevron is not needed in Fairfax. Thanks, Angelo Douvos, San Rafael

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DEC 04 2013

TOWN OF FAIRFAX

From: Sarah Ferner <sarahsaltmarsh@yahoo.com>
Date: Tue, Dec 3, 2013 at 8:52 PM
Subject: No Chevron, please
To: "bcoler@townoffairfax.org" <bcoler@townoffairfax.org>

Ms. Coler,

We were so surprised to hear today from fellow Manor School parents that the Town Council approved the Chevron station and convenience store. We sincerely hope you reconsider allowing a chain store to move into such a prominent space. There are so many creative places flourishing in town, we would love to see a better use of that space that would support existing businesses and keep in tune with the great vibe of our little town. Please, please, say no to gas, junk food, and mega-chains - three things that really aren't "Only in Fairfax" and that we just don't need more of.

Thank you,
Sarah and Matt Ferner
676 Cascade Dr.

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DEC 04 2013

TOWN OF FAIRFAX

From: Angelo Douvos [mailto:douvos@sbcglobal.net]

Sent: Tuesday, December 03, 2013 7:41 PM

To: Michele Gardner

Subject: Chevron proposal

Dear Michelle, Please pass on my opposition to the proposed Chevron gas station. I once lived in Fairfax, on Forrest Avenue, and care about the city and the environment. Chevron is very bad for Richmond; Chevron is not needed in Fairfax. Thanks, Angelo Douvos, San Rafael

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DEC 04 2013

TOWN OF FAIRFAX

From: Linn [mailto:linn.walsh2010@gmail.com]
Sent: Wednesday, December 04, 2013 6:39 AM
To: Michele Gardner
Subject: Chevron station

Hi Michele,

Kindly direct this correspondence to the Town Council asking them to turn down the application to put a Chevron Gas and Convenience Station in downtown Fairfax. Being at the top of the list of global polluters contributing to the production of greenhouse gasses, we do not need or want this business in our town.

Thank you,

Linn Walsh
99 Dominga Ave
Fairfax CA

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DEC 04 2013

TOWN OF FAIRFAX

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

From: Doug Clark [mailto:douggclark@comcast.net]

Sent: Wednesday, December 04, 2013 9:38 AM

To: Mayor John Reed; Michele Gardner

Subject: Chevron

Chevron is emblematic of large corporate greed and not a good fit for the town of Fairfax. We can do better than a large Chevron sign and minimart dominating Sir Francis Drake Blvd. The town has taken bold, brave stands in the past against ridge top development and corporate franchise stores. Such moves have helped to keep our amazing town unique and "local". After Chevron, what comes next? Thank you to the town council, planning commission, town employees and active town members for the hard work required to keep this town great.

Sincerely,

Doug and Stephanie Clark
Fairfax residents

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DEC 04 2013

TOWN OF FAIRFAX

From: Troy Gimbel <TGimbel@coda-tech.com>

Date: Tue, Dec 3, 2013 at 7:45 PM

Subject: No Chevron in Fairfax

To: "jreed@townoffairfax.org" <jreed@townoffairfax.org>, "dweinsoff@townoffairfax.org" <dweinsoff@townoffairfax.org>, "lbragman@townoffairfax.org" <lbragman@townoffairfax.org>, "rgoddard@townoffairfax.org" <rgoddard@townoffairfax.org>, "bcoler@townoffairfax.org" <bcoler@townoffairfax.org>

Dear Fairfax Town Council,

I am vehemently opposed to a Chevron Extra-Mile in Fairfax (I can't believe I even have to point out the obvious. It dumbfounds me that it even got this far).

We absolutely do not need another Gas station/Convenience store.

Chevron is the antithesis of all that Fairfax stands for.

By allowing a Chevron with an attached junk food /landfill store;

1. This eyesore will bastardize the look and feel of our small town.
2. Directly conflict with the ordinance against "formula business" (chain stores).
3. Harm the other business like Fairfax Market, Coffee Roastery, Rhino, and others.
 - a. Don't be fooled by the rouse that it is a franchise therefore a local business. Between the franchise fees, and supply contracts the franchise owner must agree to, Chevron will still make the majority of the profit.
 - b. Because of their corporate size and power Chevron can;
 - i. Artificially lower gas prices to drive the local independents out of business then raise their prices back up.
 - ii. Pollute and contaminate the soil with little recourse.
4. Increase pollution from idling cars and gas vapors.
5. Add another GMO laden Junk food outlet supporting big multinational corporations that pollute the earth.
6. Create unsafe traffic conditions.
7. Create extra landfill (candy and junk food wrappers).

Regards,

Troy Gimbel, RCDD, CTS
Senior Design Engineer

Coda Technology Group
1370 Redwood Way, Suite C
Petaluma, CA 94954
Phone [707.795.3522](tel:707.795.3522)
Direct [707.664.5127](tel:707.664.5127)
Fax [707.795.3526](tel:707.795.3526)
Mobile [925.451.2992](tel:925.451.2992)
Video 12.189.29.150
www.coda-tech.com

Home address
448 Oak Manor Drive
Fairfax, CA 94930

From: Krishna Tyner [mailto:krishnatyner@gmail.com]
Sent: Wednesday, December 04, 2013 12:19 PM
To: Michele Gardner
Cc: Krishna Tyner
Subject: Chevron issue

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DEC 04 2013
TOWN OF FAIRFAX

PLEASE DISTRIBUTE TO OTHER COUNCIL MEMBERS AND LOCAL OFFICIALS

To: Fairfax Town Council

I am against the opening of the proposed Chevron / Extra Mile service station, or any additional gas station, in the Town of Fairfax. I pledge not to shop there. I urge the Town Council to say no to the special permits required for the project

In 2008, I fell in love with and bought a home in Fairfax in part because of the town's unique beauty and it's commitment to preserving an independent spirit. Fairfax is a rare and very special community, that boasts a Green Party majority city council and has retained some of it's uniqueness by supporting independent businesses and keeping the chains outside the town limits (In fact, there are ordinances in place preventing chain stores).

We already have two unbranded service stations, we don't need a big-named third -- a Chevron -- one of the worst environmental offenders of all time. No, and please, let's use the space for something else.

Sincerely,

Krishna Tyner

127 Dominga Ave
Fairfax, CA 94930

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DEC 04 2013

TOWN OF FAIRFAX

From: Eric Leland [mailto:eric@fivepaths.com]
Sent: Wednesday, December 04, 2013 12:29 PM
To: Michele Gardner
Subject: Concern about proposed Chevron Business in Fairfax

Hi Ms. Gardner,

I hope this email finds you well.

I would like to register my lack of support for the proposed new Chevron station in downtown Fairfax. We have a great gas station downtown already that is rarely over-busy, even on busy weekend days. We also have a local convenience store downtown already. Chevron is also a top global polluter, as well as regionally in the city of Richmond.

While it will be great to see a business occupy the vacancy in downtown Fairfax, Chevron is a very bad choice.

Could you please see that my message makes it to the town council?

Thanks!

Eric Leland
100 Dominga Ave
Fairfax, CA

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DEC 04 2013

TOWN OF FAIRFAX

From: Jennifer Hammond [mailto:jennyhammo@yahoo.com]
Sent: Wednesday, December 04, 2013 2:44 PM
To: Michele Gardner
Subject: Proposal re: Chevron Service Station and ExtraMile Convenience Store

Michele,

I would like to submit the attached article and report for review with respect to application # 13-32.
Please distribute to town council.

Thank you!

Jennifer Hammond

Gas Stations Pollute Their Immediate Surroundings, Spanish Study Finds

Feb. 5, 2011 — In Spain it is relatively common to come across gas (petrol) stations surrounded by houses, particularly in urban areas. Researchers from the University of Murcia (UM) have studied the effects of contamination at petrol stations that are potentially harmful to health, which can be noted in buildings less than 100 metres from the service stations.

"Some airborne organic compounds -- such as benzene, which increases the risk of cancer -- have been recorded at petrol stations at levels above the average levels for urban areas where traffic is the primary source of emission," Marta Doval, co-author of the study and a researcher at the UM, said.

The study, which has been published in the *Journal of Environmental Management*, shows that the air at petrol stations and in their immediate surroundings is affected by emissions stemming from evaporated vehicle fuels (unburnt fuels from fuel loading and unloading operations, refuelling and liquid spillages).

The research team measured the levels of "typical traffic" pollutants in different parts of the urban area of Murcia, and calculated the quotients for the levels of an aromatic compound (benzene) and a hydrocarbon (n-hexane) at three Murcia petrol stations (near the petrol pumps and surrounding areas) to find the distance at which the service stations stop having an impact.

"In the three cases studied we obtained maximum distances of influence of close to 100 metres, although the average distance over which this contamination has an effect is around 50 metres," Enrique González, the UM researcher who led the research team, said.

However, the distances depend on the number of petrol pumps, the amount of fuel drawn from them, traffic intensity, the structure of the surroundings, and weather conditions.

According to the researcher, "the more contaminated the zone surrounding the petrol station as a result of other causes (traffic), the lower the impact of the two pollutants at the service station." If traffic in the area surrounding



It is relatively common to come across gas stations surrounded by houses, particularly in urban areas. Researchers have noted the effects of contamination at gas stations at buildings less than 100 meters from the service stations. (Credit: iStockphoto/TIM MCCAIG)

the petrol station is very intense, and exceeds the emissions from the station itself, pollution at the service station is "overlapped and goes unnoticed" over short distances.

Advice for new constructions

The research study shows that a "minimum" distance of 50 metres should be maintained between petrol stations and housing, and 100 metres for "especially vulnerable" facilities such as hospitals, health centres, schools and old people's homes. "Ideally, the 100 metre distance should be respected in plans for building new houses," says Doval.

The researchers propose carrying out this study at new construction areas in which it is planned to build these kinds of facilities. However, petrol stations are not the only source of emission of these pollutants.

"There is not much use in protecting people from petrol stations if the other sources of emission (above all traffic and industries near population hubs) are not controlled or reduced," stresses González.

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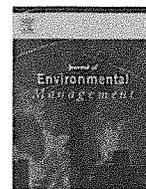
MLA

Plataforma SINC (2011, February 5). Gas stations pollute their immediate surroundings, Spanish study finds.

12/4/13

ScienceDaily. Retrieved December 4, 2013, from <http://www.sciencedaily.com/releases/2011/02/110204130315.htm>

Note: If no author is given, the source is cited instead.



Assessing the impact of petrol stations on their immediate surroundings

Isabel M. Morales Terrés, Marta Doval Miñarro*, Enrique González Ferradas, Antonia Baeza Caracena, Jonathan Barberá Rico

Department of Chemical Engineering, School of Chemistry, University of Murcia, 30071 Murcia, Spain

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ABSTRACT

This paper describes a novel methodology for evaluating the extent to which petrol stations affect their surroundings. The method is based on the fact that the ratio of the concentrations of aliphatic and aromatic hydrocarbon pollutants in the air of the petrol stations and their surroundings (basically determined by vapor emissions from unburned gasoline) differs from the ratio found in urban air, which is mainly influenced by traffic emissions. Bearing this in mind, the spatial limit of influence of petrol stations in any direction would be the first point, moving away from the station, where the ratio becomes equal to the urban background ratio. Application of the methodology involves multipoint measuring campaigns of the air at the studied petrol station and built-up area in general and processing the data with software capable of providing isoconcentration contours. The procedure should help local authorities in terms of land management, so that a “belt” can be established around petrol stations where housing or vulnerable populations and activities such as those in schools, hospitals and community centers should be restricted.

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1. Introduction

Volatile organic compounds (VOCs) belong to a very heterogeneous group of chemicals characterized by their relatively high vapor pressures. Exposure to these compounds can bring about a variety of adverse health effects, including asthma, headaches, mucosal symptoms (Steinmann, 2008) and, in some cases (e.g. benzene), an increased risk of cancer (Ott et al., 1978; Lynge et al., 1997). In Europe, the only legally regulated VOC as regards air quality is benzene (Directives 2000/69/EC and 2008/50/EC). The indirect effects of VOCs on health are related to their role as precursors of ozone and other photochemical pollutants.

In urban areas, the main source of VOCs is usually traffic. Additional sources are petrol stations and small-scale industries (paint, adhesives, etc.) which use organic compounds as solvents. Petrol stations as emission sources of VOCs have been the subject of considerable study, a particular interest being those related to the design and evaluation of control systems in an attempt to diminish emissions (Uren, 1997; Ohlrogge et al., 2000), those related to their effects on workers (Brugnone et al., 1997; Periago and Prado, 2005) and environmental studies to evaluate associated air quality

(Gonzalez-Flesca et al., 2002; Palmgren et al., 2001; Srivastava et al., 2005; Fernández-Villarrenaga et al., 2005).

Although Spanish petrol stations were traditionally located in largely uninhabited areas, the continuous urban growth experienced by Spain in recent years has resulted in many petrol stations being built within urban areas surrounded by buildings. This situation has led to controversy between the citizens whose houses are close to the petrol stations and the authorities responsible for land management. However, few methods permit us to establish the impact of these petrol stations on the surrounding environment, the work carried out by Karakitsios et al. (2007) in this respect being a notable exception. These authors concluded that petrol stations make a significant contribution to ambient benzene concentration in their vicinity. They calculated this contribution by comparing the background concentration, measured by passive samplers, to the contribution of the roads, estimated with both COPERT and CALINE4 models. However, the use of dispersion models is always affected by considerable uncertainty.

In this paper, an alternative methodology is described for use as a land management tool by responsible authorities. The methodology is based on the fact, which we demonstrate in this study, that the ratio of the concentrations of aliphatic and aromatic hydrocarbon pollutants in the air in the vicinity of petrol stations differs from that found in “normal” urban air. The point of using concentration ratios is that they eliminate from the analysis

* Corresponding author. Tel.: +34 868 88 39 37; fax: +34 868 88 41 48.
E-mail address: mdoval@um.es (M.D. Miñarro).

a number of local factors (e.g. wind speed) which affect absolute concentrations and which are impossible to take into account (Gelecsér et al., 1997).

2. Experimental section

2.1. Location

The study was carried out in the city of Murcia, located in the south-east of the Iberian Peninsula, which is characterized by very low annual rainfall (around 375 l/m²), annual average temperature of 18 °C and extreme temperatures of 40–45 °C in summer and –2–0 °C in winter.

The air of the urban surface of the city, around 465 hm², was the subject of the study with regard to VOC concentrations together with that of a petrol station known as “La Fica”. This petrol station is located on the east side of the city and is Stage I implemented, that is, it uses vapor recovery devices to return the VOC-saturated volume of air displaced from the storage tank being filled to the tank being emptied (Gonzalez-Flesca et al., 2002). It has four pumps for gasoline and diesel and one for motorbikes. The N and S approaches to the petrol station are unhindered due to the presence of a 30 m-wide road. A single low building is situated east of the station and has no more construction behind it. On the other

side of the road (west of the station) stand several 3-storey blocks. This explains why this particular petrol station was chosen: the west area is inside the built-up area of the city, whereas the east is practically undeveloped (Fig. 1).

2.2. Sampling

As the traffic conditions in the city are not the same throughout the week, working days (from Monday 08.00 h to Friday 22.00 h) were distinguished from weekends (Friday 22.00 h to Monday 08.00 h). This study was carried out in two different Monday-to-Friday campaigns (from 26/05/08 to 30/05/08, and from 16/06/08 to 20/06/08) with a total exposure time in each campaign of 110 h.

One-hundred-and-five Radiello® passive samplers (RAD130 Cartridge Adsorbent and RAD120 Diffusive Body, Sigma Aldrich, Inc., St. Louis, Missouri (US)) were used to measure VOCs in the urban area. Information about sampler deployment throughout the city and quality control can be found in González Ferradás et al., 2010. The present study forms part of a larger one aimed at evaluating different aspects related to the influence of VOCs in Murcia (e.g., the best locations for siting air monitoring stations to measure benzene (González Ferradás et al., 2010)), which explains the great number of measuring points chosen. Therefore, fewer samplers can be used to reduce cost and time in future studies.

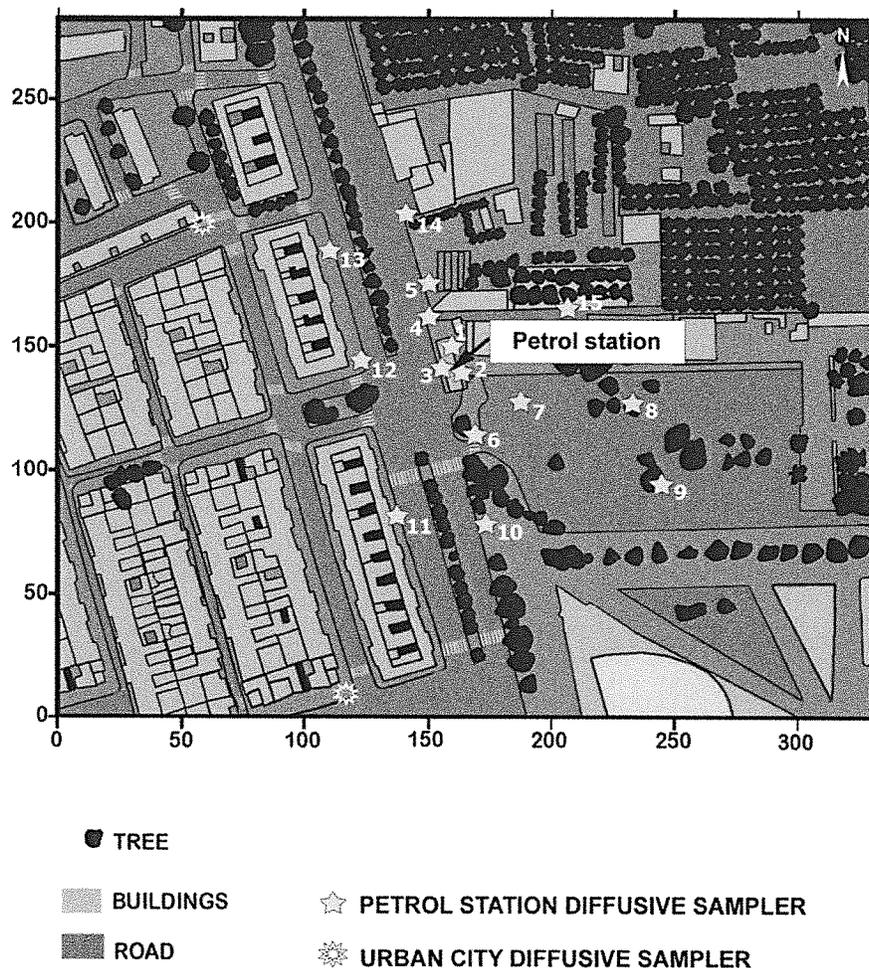


Fig. 1. Location of the passive samplers inside and around the petrol station “La Fica”. (2 passive samplers from the 105 passive samplers used in the urban sampling are also shown). (Distances in meters).

With regard to the measurements in the petrol station, fifteen Radiello® passive samplers (apart from the 105 passive samplers used in the city area) were set up in the vicinity, three of them within the petrol station itself, close to the pumps, and the rest were set up to achieve a maximum radial layout of 100 m. The final location was determined by the availability of fastening places. The distribution of the passive samplers around the petrol station can be seen in Fig. 1.

Temperature, wind speed and wind direction were measured hourly during the two sampling campaigns at an air quality monitoring station located near the petrol station. Temperature was measured with a PT100 Hygroclip S3 sensor (Rotronic Instruments Ltd, Crawley, West Sussex (UK)) and wind speed and direction with a Young 03002 anemometer (R.M. Young Company, Traverse City, Michigan (US)).

2.3. Analysis and concentration calculations

Benzene, n-hexane and cyclohexane were the VOCs chosen for analysis during the two different Monday-to-Friday campaigns as these compounds are representative of aromatics, paraffins and cyclic paraffin hydrocarbons, respectively. Hydrocarbon desorption from the active charcoal in the passive samplers was carried out using carbon disulfide. Further details regarding solvent desorption can be found in González Ferradás et al., 2010. A gas chromatograph (HP 6890, Agilent Technologies, Inc., Santa Clara, California (US)) equipped with a flame ionization detector and a semi-capillary DB-5 column (J&W Scientific; 50 m long and 0.32 mm i.d.; film thickness 1 µm; Agilent Technologies, Inc., Santa Clara, California (US)) was used for quantitation. The oven temperature was programmed from 50 °C (0 min) at 10 °C/min to 80 °C (10 min) and at 10 °C/min to 200 °C (10 min). The injector and detector temperatures were 250 and 350 °C, respectively, and the flow rate of the carrier gas (N₂) was 40 ml/min. Operational procedures (sampler set up and recovery, desorption and analysis of VOCs) were developed in order to assure comparable results.

Once the mass of each hydrocarbon was known, m_i , the concentration, C_i , was calculated using the following equation: $C_i = m_i / (SR_i \cdot t)$, where SR_i is the sampling rate of the Radiello diffusive sampler for the i -component (8.0×10^{-5} m³/min for benzene, 6.6×10^{-5} m³/min for n-hexane and 5.4×10^{-5} m³/min for cyclohexane), obtained from Fondazione Salvatore Maugeri (2008), and t is the exposure time.

3. Data treatment

First of all, linear correlations between the different measured hydrocarbons in each campaign were noted. Unusual observations were detected with the help of Minitab 13.0 (Minitab Inc., State College, Pennsylvania (US)). Minitab is a statistical software package which includes, among others, modules for general univariate statistics, multivariate statistics, time series analysis and non-parametric statistics. We used the regression option to obtain regression equations, the Pearson coefficients, and unusual observations. We could distinguish two types of atypical points; points that were atypical for all of the pollutants (a behaviour that was observed in only one campaign) were omitted because they were probably due to analytical mistakes, whereas points that were atypical for just one or some of the pollutants or which showed atypical behaviour in more than one campaign were not removed because a source other than traffic could have existed. The percentage of points removed was around 5% in the urban sampling whereas no data from the vicinity of the petrol station was eliminated. After that, a statistical analysis with SPSS 15.0 (SPSS Inc., Chicago, Illinois (US)) was carried out to determine the frequency

distributions of pollutant concentrations. These concentrations showed a lognormal behaviour whereas pollutant ratios followed normal distributions for a 95% confidence level.

From the comparison of the measurements in the city and in the petrol station, a methodology for evaluating the influence of petrol stations on their vicinity was determined. The methodology was based on the fact that the ratio of certain VOCs differs in the general ambient air of the city from that in the air of petrol stations. For each pair of hydrocarbon concentration ratios, the following parameters were calculated: $URB(N)$, defined as the average value in the urban area of the N ratios (~ 105) obtained for each pair of contaminants, and $PS(3)$, defined as the average value of the 3 ratios obtained for each pair of contaminants within the petrol station. For instance, $URB(N)$ and $PS(3)$ for the quotient of benzene and n-hexane were calculated with equations (1) and (2), respectively.

$$(Benz/nHex)_{URB(N)} = \frac{\sum_{i=1}^{i=N} (Benz/nHex)_i}{N} \quad (1)$$

$$(Benz/nHex)_{PS(3)} = \frac{\sum_{i=1}^{i=3} (Benz/nHex)_i}{3} \quad (2)$$

For each average ratio of pollutants, the relative difference between that found in the urban area and that found in the petrol station, D , was calculated, taking as the reference the lower value of each pair which coincided with that found in the urban area, equation (3).

$$D = \frac{\left[\left((Benz/nHex)_{PS(3)} - (Benz/nHex)_{URB(N)} \right) \right]}{(Benz/nHex)_{URB(N)}} \times 100 \quad (3)$$

The next step was to draw the isoconcentration curves of the two hydrocarbons with the highest relative difference in ratios, radiating from the petrol station by means of suitable software, in this case SURFER 8.0 (Golden Software Inc., Golden, Colorado (US)), and using as inputs the concentration data of the passive samplers located inside (3 points) and around the petrol station (12 points). It was also necessary to include some background concentrations taken from the urban monitors. These graphs permit us to obtain the concentration values of each selected pollutant at different distances from the petrol station in each primary direction (N, S, E and W). The extent of the influence of the petrol station is taken as the first point in each direction moving away from the station where the ratio becomes equal to the urban background ratio.

4. Results and discussion

4.1. Meteorological data

The average temperature during each campaign was 19.7 and 23 °C, respectively. With regard to wind speed, the average value for the first campaign was 1.8 m/s, whereas in the second campaign an average value of 1.5 m/s was found. In both campaigns, similar wind behaviour was observed. The main wind direction was NE-ENE during 30% and 40% of the time of the first and second campaign, respectively. When wind speed was <3 m/s no prevalent direction was shown in any case.

4.2. Concentration data in the city

Statistical analysis of the distribution of the concentration data by Kolmogorov–Smirnov and Shapiro–Wilks tests showed that spatial concentrations in the area of the petrol station and the

urban city could be fitted to lognormal distributions for a significance level of 0.05. Ratios of concentrations also passed the normality tests with the same level of significance. The average values of the concentration logarithms for n-hexane, benzene and cyclohexane (and their standard deviations in parenthesis) were 0.581 (0.179), 0.519 (0.195) and 0.491 (0.193) for the first sampling campaign and 0.547 (0.184), 0.493 (0.203) and 0.554 (0.210) for the second one, respectively. Analysis of variance showed that there were no significant statistical differences in the results obtained in the urban area from the first to the second campaign at a 95% confidence level.

A significant result found was the very good linear correlation ($R^2 > 0.9$) between the different pairs of pollutants in the city. Taking benzene as a reference, the Pearson correlation coefficients obtained for n-hexane and cyclohexane versus benzene were 0.946 and 0.954, respectively, for the first campaign, and 0.970 and 0.928, for the second campaign, after eliminating unusual observations (around 5%) by means of Minitab 13.0 as explained in Section 3. In Fig. 2, the relationship between n-hexane and benzene in the urban area (solid lines) can be observed for the two campaigns. Similar graphs were obtained for cyclohexane and benzene. From the examination of Fig. 2, the following aspects can be concluded:

1. The concentrations of benzene and n-hexane in Murcia (far away from other sources such as petrol stations) are mainly from traffic emissions as there is a clear linear trend, shown in Fig. 2 by means of solid lines. Any point located outside this general trend is indicative of an emission source other than traffic, which is the case of the concentrations found inside the petrol station, linked by dotted lines.
2. Uncertainty calculation of the slopes of the solid lines in Fig. 2 showed that the slight differences found in them are inside the variability of the slopes for a confidence interval of 95%. Nevertheless, it could happen that there were significant differences from one campaign to another as petrol and diesel composition is not constant over time. Meteorology, traffic density and architectural elements do not influence the ratio but they can proportionally affect the concentration changes of both compounds in air. In this sense, the more traffic there is, the higher the concentrations of n-hexane and benzene will be, however, the ratio, as seen in Fig. 2, remains constant.
3. Taking into account the two previous points, the air in the city of Murcia and in other similar cities in relation to emission patterns, i.e. with no important emission sources other than traffic, can be defined by means of straight lines that link the concentrations of two organic compounds emitted by traffic.

4.3. Calculating the impact of petrol stations

N-hexane, benzene and cyclohexane concentrations measured in and around the petrol stations are shown in Table 1. F1–F15 are the codes of the diffusive samplers. F1–F3 were located inside the petrol station and the rest of them outside as explained in Section 2.2. The higher concentrations obtained in F1–F3 in the second campaign are probably due to the higher ambient temperature registered in the latter campaign. They could also be due to a greater activity in the petrol station during the second campaign but, unfortunately, we have no information on the petrol and diesel dispensed during the sampling periods.

As can be seen in Table 1, the lowest concentrations are found in E direction. There are several reasons for this. The first is that no other anthropogenic emissions are present in this direction whereas in all other directions the influence of the road is clearer. The presence of buildings also hinders pollutant dispersion favouring higher concentrations between them and the petrol station. Finally, the wind blowing from NE-ESE favours a higher impact of pollutants from the petrol station in WSW-SW directions.

It can be checked from Fig. 2 that the concentrations of n-hexane and benzene measured at the petrol station (3 sites) do not follow the same behavior (dashed lines) as the points in the city located a distance away. In Fig. 2b, point F3 is not shown because of its high concentrations, but it was taken into account in the linear regression. These high concentrations were probably due to a greater proximity of the corresponding sampler to an emission source (tanks, pumps) together with a possibly higher amount of petrol/diesel sold in that campaign and higher temperatures.

From the above, it can be concluded that the air at the petrol station does not have the same proportion of VOCs as the general city air. Presumably, there is an area close to the petrol station where the VOC concentrations are influenced by both the petrol station and traffic. As we go further from this area, the VOC concentrations are closer to that found in the general air. The closest places to the petrol station, in each direction, where the ratio becomes equal to the background one delimit the area which is influenced by the petrol station.

Following the methodology described in Section 3, the best pair of pollutants was n-hexane and benzene in the two campaigns, as their ratio had the highest relative difference between the petrol station and the rest of the city. The differences for each campaign are shown in Table 2.

In both cases, the highest deviations were obtained when comparing n-hexane (non-aromatic hydrocarbon) with benzene (aromatic), while aliphatic–aliphatic comparisons, and presumably, aromatic–aromatic comparisons, showed lower deviations.

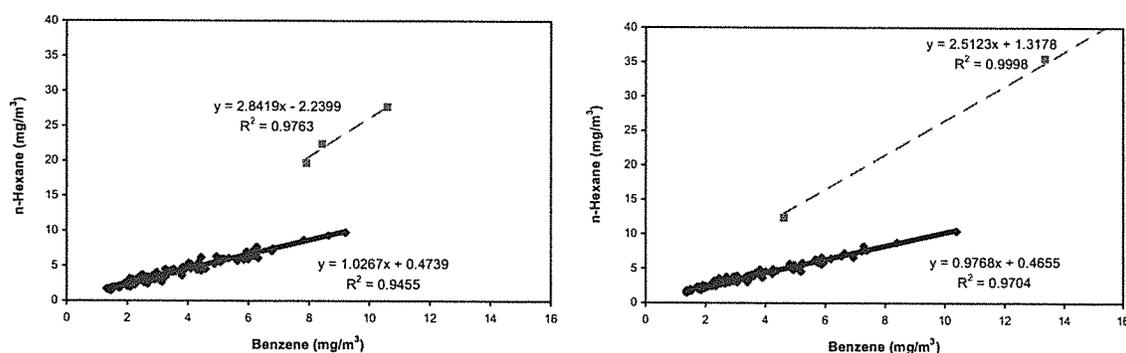


Fig. 2. N-hexane vs benzene concentrations in the city (solid lines) and in the petrol station (dashed lines). (a) First sampling campaign; (b) second sampling campaign.

Table 1

N-hexane, benzene and cyclohexane concentrations ($\mu\text{g}/\text{m}^3$) measured with the 15 passive samplers in and around the petrol station. F1–F3 were located inside the petrol station. F4–F15 were deployed to achieve a maximum radial layout of 100 m. Their orientation respect to the petrol station is also indicated.

Passive sampler code	Orientation	1st Campaign			2nd Campaign		
		n-hexane	benzene	cyclohexane	n-hexane	benzene	cyclohexane
1	Centre	19.7	7.91	14.9	12.4	4.61	11.1
2	Centre	22.4	8.44	15.9	35.5	13.3	31.9
3	Centre	27.7	10.6	21.2	94.8	37.3	100.2
4	N	9.63	4.69	6.51	19.6	8.60	21.9
5	N	7.92	3.84	5.76	8.69	4.14	8.56
6	S	2.03	1.72	1.66	2.24	1.81	2.19
7	SE	2.21	1.88	1.88	2.21	1.64	2.83
8	ESE	1.77	1.46	1.40	2.08	1.27	1.86
9	SE	1.53	1.38	0.98	1.69	1.36	1.82
10	S	2.29	2.18	2.22	2.26	1.99	3.08
11	SSW	5.45	4.82	4.49	5.84	5.33	6.48
12	W	4.96	4.84	4.44	6.91	5.59	6.43
13	NNW	3.71	3.65	3.02	6.00	4.61	6.29
14	N	5.32	4.19	3.55	6.05	4.22	5.99
15	ENE	1.88	1.36	1.39	1.36	1.16	2.34

This can be attributed to the thermal stability of these compounds during the combustion process. Aliphatic compounds are more easily burned than aromatic compounds, which meant that aliphatic/aromatic concentration ratios were significantly lower in the city air than in the petrol station, where the air was mainly characterized by unburned gasoline vapours. These findings were corroborated by their autoignition temperatures, being 498, 260 and 240 °C for benzene, cyclohexane and n-hexane, respectively (INSHT, 2003).

Selected pollutant (n-hexane and benzene) isoconcentration curves for each campaign were obtained by means of SURFER 8.0, selecting a multiquadric interpolation (Figs. 3 and 4, respectively), using as inputs the concentration data of the 15 passive samplers located inside and in the vicinity of the petrol station (Fig. 1). Only one point representative of the petrol station was used, obtained from the average concentration of the three passive samplers located inside the station. It was also important to use as input several concentration values typical of the urban air to set the background concentrations of the city relatively close to the petrol station. Finally, using the grid node editor tool of the above-mentioned software, concentrations of the selected compounds were obtained at different distances from the centre of the petrol station, in each geographical direction, so that the ratio of n-hexane/benzene could be calculated at different distances from the petrol station.

The relationship between the n-hexane/benzene ratio and the distance from the petrol station for each campaign is represented in Fig. 5. The horizontal solid line represents the average n-hexane/benzene ratio obtained in the city during each campaign. The 95% confidence interval of this average is shown as dashed lines. The distances in each direction at which the ratios start having similar values to that found in ambient air, that is, when the ratios are inside the 95% confidence interval of the typical urban air ratios, delimit the area influenced by the petrol station.

As shown in Fig. 5, the further we go from the petrol station the concentration ratio gets closer to that found in city air, which is mainly characterized by traffic emissions. From Fig. 5, the impact of the petrol station in each direction can be calculated as the point where the n-hexane/benzene ratio falls within the region of the 95% confidence interval of the urban average ratio. Table 3, summarizes the distances obtained in both campaigns.

A comparison of the distances obtained in both campaigns shows a higher influence of the petrol station in the second campaign probably due to the higher temperatures registered in the latter campaign. Although emissions from vehicle traffic have an evaporative loss contribution (around 10%), motor vehicle exhaust represents the main source of the total VOC on-road emission rate (around 90%) (Doskey et al., 1999; Olson et al., 2009). High temperatures favour evaporation losses in both locations – urban city and petrol station – but they are likely to be more noticeable in the air around the petrol station as they represent the main emission source. Anyway, the distances were similar in both campaigns and, in all cases, below or equal to 75 m.

It is also worth noting that, in both sampling campaigns, the most affected directions were N and E, whereas the less affected direction was W. This can be explained by the following: The petrol station is located in the limit of the urban perimeter. An NNW-SSE heavy traffic road splits the area into two: one with a considerably high level of traffic (West half) and one largely uninhabited (East half). The higher the traffic near the petrol station, the higher the concentrations of pollutants coming from it and, consequently, the ratio of any pair of aromatic and paraffinic hydrocarbons will be more representative of traffic than of the petrol station, that is, the emissions coming from the petrol station will be more and more insignificant as other emission sources become more important. Also, the presence of buildings in the W direction acts as a barrier against the pollution coming from the petrol station and the main road. This implies that the distance

Table 2

Average concentration ratios in the urban area, URB (N) and inside the petrol station "La Fica", PS(3), and relative differences, D, for the two sampling campaigns.

	1st Campaign			2nd Campaign		
	n-Hex/Benz	n-Hex/Cyclohex	Cyclohex/Benz	n-Hex/Benz	n-Hex/Cyclohex	Cyclohex/Benz
URB(N)	1.16	1.23	0.95	1.10	0.96	1.14
PS(3)	2.59	1.34	1.93	2.63	1.06	2.49
D, %	123	8.94	103	139	10.4	118

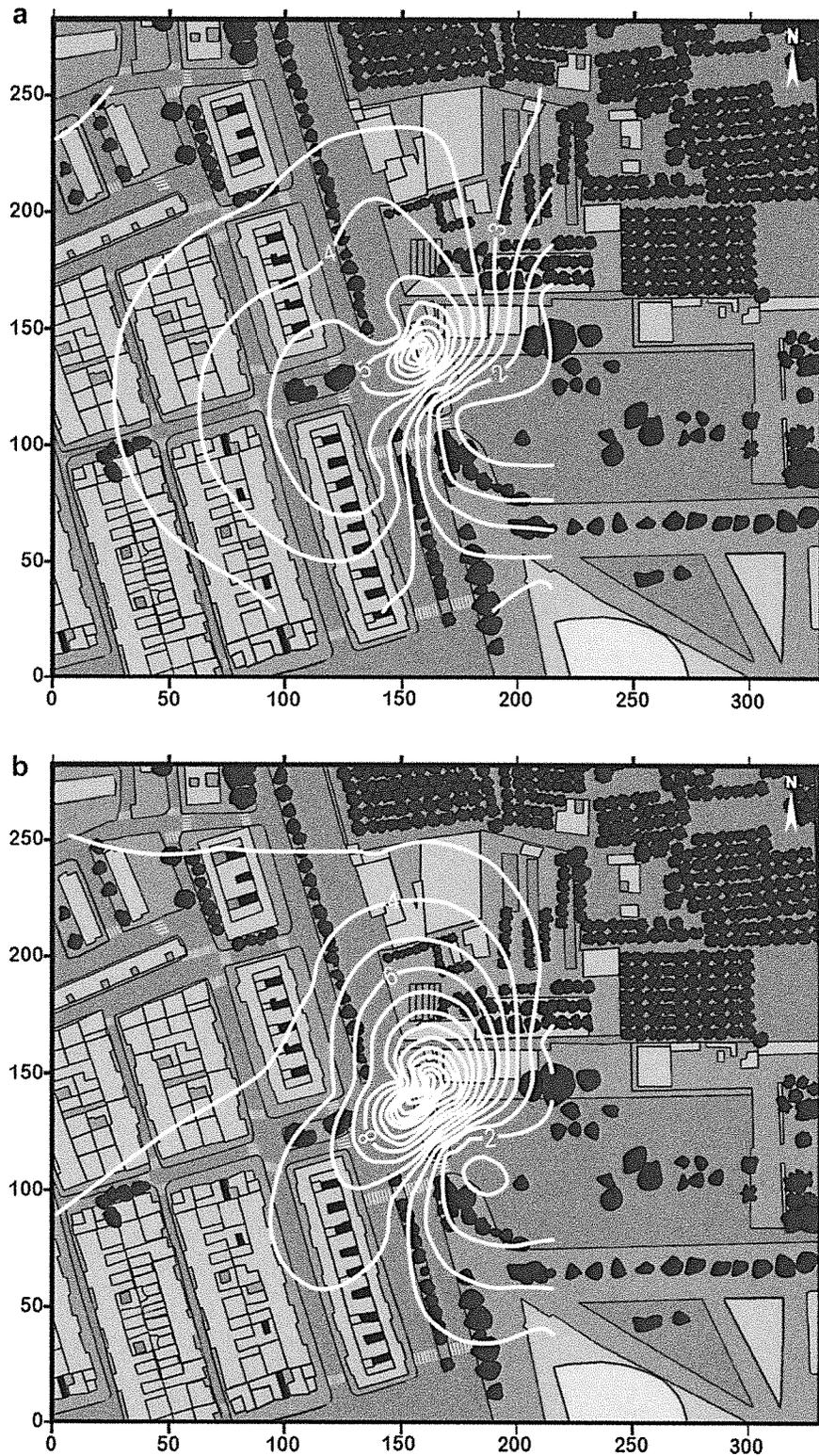


Fig. 3. Isoconcentration curves ($\mu\text{g}/\text{m}^3$) of (a) benzene and (b) n-hexane in the first sampling campaign. (Distances of the axis in meters).

between the buildings and the petrol station is likely to be the maximum influence distance in this direction as, behind them, concentrations are very close to the city background ones. These results highlight the fact that the influence of petrol stations

depends on the characteristics of the surrounding area (mainly traffic density), thus we can establish that their spatial influences are relative. However, the special location of the studied petrol station, the time of year the samples were taken and the results

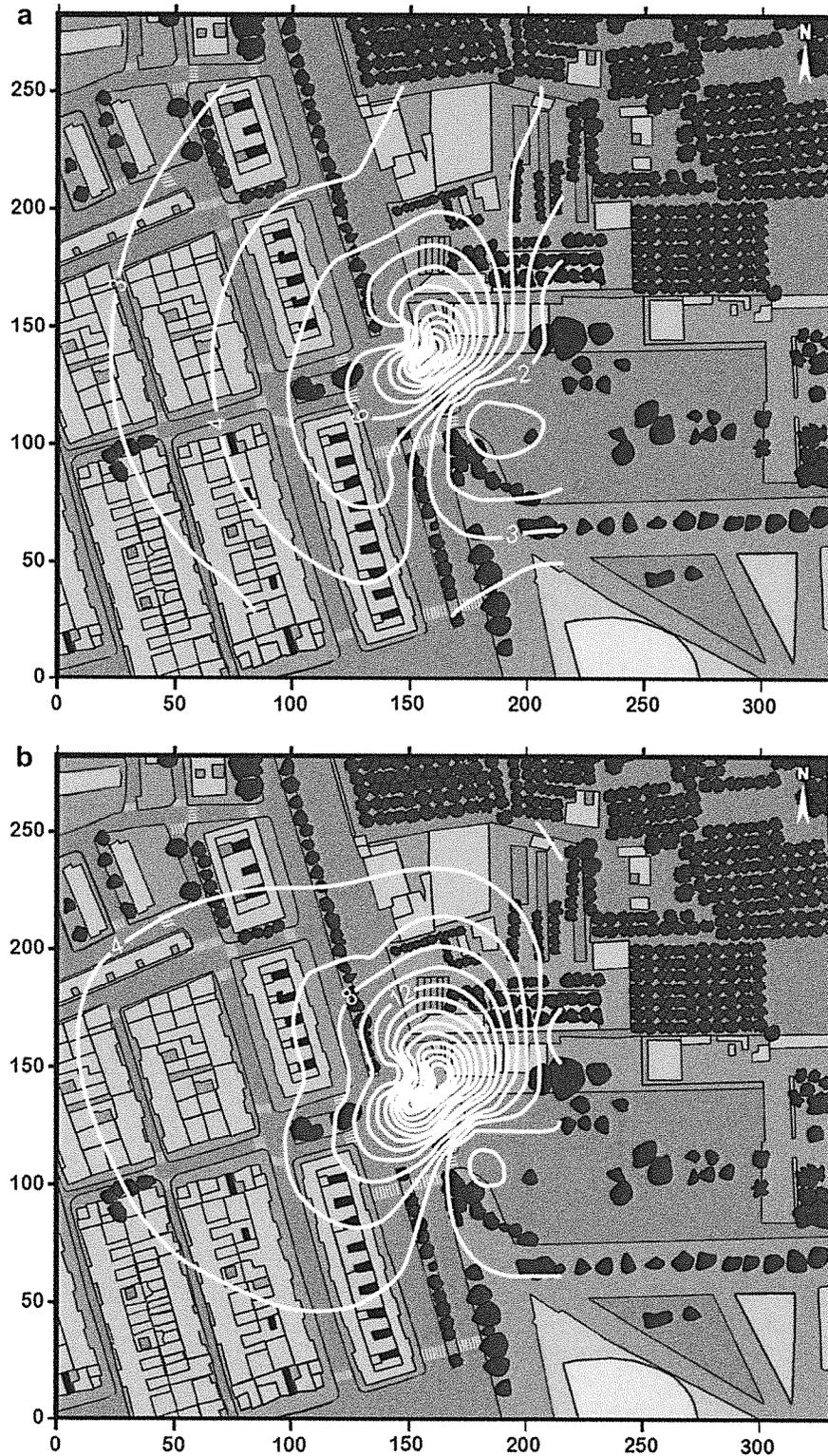


Fig. 4. Isoconcentration curves ($\mu\text{g}/\text{m}^3$) of (a) benzene and (b) n-hexane in the second sampling campaign. (Distances of the axis in meters).

obtained suggest that the impact of small and medium sized petrol stations will be, approximately, within a 100 m radius. Nevertheless, it would be advisable to apply this methodology in any case in order to establish with more precision the impact of

petrol stations on their environment in order to carry out more efficient land management. It would be also interesting to carry out indoor samplings in the buildings close to the petrol station to estimate resident exposure.

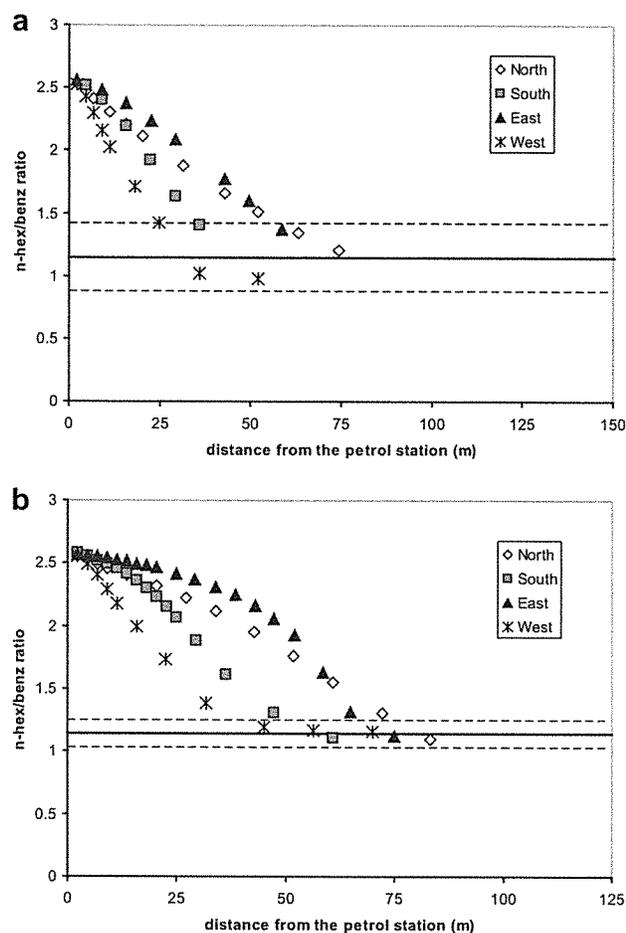


Fig. 5. Relationship of the n-hexane/benzene ratio vs distance from the petrol station. (a) First sampling campaign; (b) second sampling campaign.

Table 3

Maximum spatial influence distances (in meters) of the petrol station “La Fica” in the two sampling campaigns.

Direction	1st Campaign	2nd Campaign
North	60	75
South	36	49
East	60	67
West	25	39
Average	45	58

Finally, we should remember that it is necessary to aim at avoiding the impact of any type of major pollution source on the population. As has been shown before, in the W direction, the influence of the petrol station was lower because a different pollution source was even more important than the one coming from the petrol station with the subsequent harmful effects of that source on the population. Minimization of concentrations of chemicals of concern, regardless of their sources, is indispensable for effective health protection.

5. Conclusions

In this work, we present a methodology for estimating the spatial influence of petrol stations on their surroundings based on the fact that the concentration ratio of n-hexane and benzene

found in the air of the petrol stations is different from that found in city air (mainly determined by motor vehicle exhaust). The first point in each geographical direction moving away from the petrol station where the ratio becomes equal to the urban background ratio delimit its area of influence.

The reach distances obtained in the second measuring campaign (June) are higher than those of the first one, probably due to the higher ambient temperature in June which favours evaporation losses in the petrol station during filling up. Anyway, the distances were similar and, in all cases, below or equal to 75 m.

In both campaigns, lower impacts were obtained in those directions with heavy traffic density (W and S), whereas directions N and E, without buildings or roads, showed higher impacts. This can be explained as follows: when the petrol station is surrounded by roads with intense traffic, the emissions from the petrol station are not as important as those coming from vehicle combustion. If the petrol station emissions are mixing with relatively clean air the typical n-hexane/benzene ratio from these stations changes more slowly. From these results, it can be concluded that the influence of petrol stations is a relative question although, in no case, was the influence greater than 75 m.

Presumably, small and medium sized petrol stations will have a similar impact on their surroundings as the one in this work; however, it is recommended that this methodology be applied to specify their reach with more precision. This methodology will help establish a “belt” around petrol stations where vulnerable populations and activities such as those in schools and hospitals should be restricted. Finally, we should remember that minimization of concentrations of chemicals of concern, regardless of their sources, is indispensable for effective health protection. For this purpose, similar or different methodologies should be applied or developed to assess the spatial limits of influence of these other sources.

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DEC 04 2013

TOWN OF FAIRFAX

From: marionne valliant [mailto:marionnedesign@gmail.com]
Sent: Wednesday, December 04, 2013 1:01 PM
To: Michele Gardner
Subject: NO CHEVRON IN FAIRFAX

To: Michelle Gardner please distribute this letter to council members.

Fairfax Town Council,

I am against the opening of the proposed Chevron / Extra Mile service station, or any additional gas station, in the Town of Fairfax. I pledge not to shop there. I urge the Town Council to say no to the special permits required for the project.

Sincerely,
Marionne Valliant