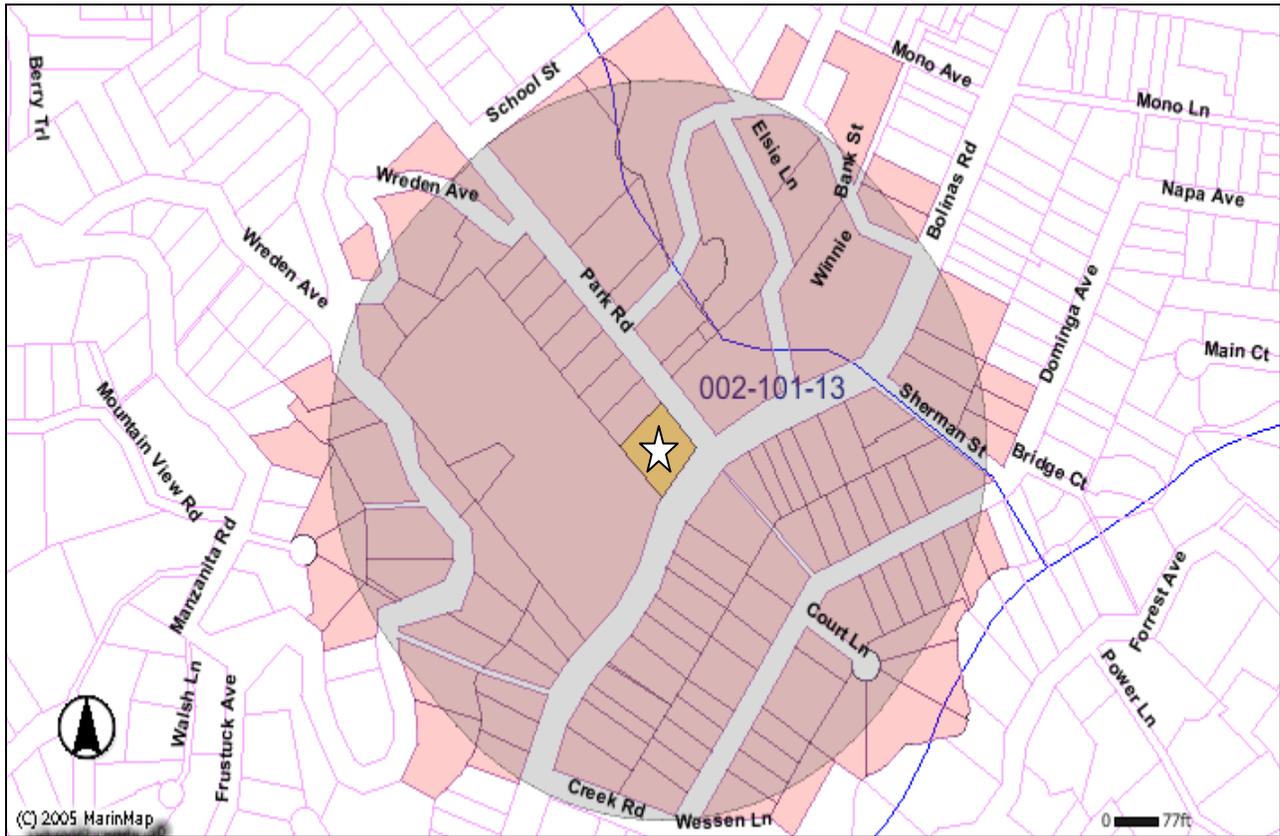


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: May 19, 2011
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 150 Bolinas Road; Assessor's Parcel No. 002-101-13
PROJECT: Changing 7-11's hours to remain open 24 hours per day
ACTION: Use Permit Modification; Application # 79-UP-33
APPLICANT: Rajiv Uppal
OWNER: Richard N. Matthews Trust
CEQA STATUS: Categorically exempt, § 15301



150 BOLINAS ROAD

BACKGROUND

This item was continued from the April 21, 2011 meeting. At the meeting the Commission asked staff to obtain information from the Fairfax Police Department on the number of complaints/incidents occurring in the 7-11 parking at night for the last 6 months to a year.

The Commission also asked the applicants to meet with staff and come up with a plan for minimizing the possibility of incidents occurring during the new hours (i.e. security cameras, additional monitoring, etc.).

For a further discussion of the proposal see the attached staff report dated April 21, 2011.

DISCUSSION

The Fairfax Police Department searched their records and have determined that between the hours of 10pm and 6am they responded to 37 calls at 7-11 over the last year. Ten of those calls were "quality of life" calls at 150 Bolinas Road (Exhibit A).

The applicants have agreed to install a camera in the area of the parking lot adjacent to the residences on Park Road. The camera will be linked to a monitor located at the register counter of 7-11 so the area is visible to the clerk at all times.

The applicants also propose securing the parking spaces immediately adjacent to the nearest residence at 9 Park Road so that vehicles cannot parking in them between the hours of 12 midnight and 6 AM.

They have also provided a petition with the signatures of persons in favor of the businesses proposed extended hours (Exhibit B).

RECOMMENDATION

Move to approve a modification of Use Permit No. 79-UP-33 based on the following findings and subject to the following conditions of approval:

Recommended Conditions

- Some type of native water conserving landscaping treatment shall be installed in the planter at the southeast corner of the parking lot. The applicant shall provide a landscaping bond to the Town or evidence that they have entered into a contract with a landscaping company for at least one year until the landscape material becomes established.
- The applicant shall continue to comply with all the requirements of the Fairfax Fire Code.
- The parking spaces immediately adjacent to the nearest residence shall be secured and be unavailable for parking between the hours of 12pm and 6am.
- A camera shall be installed in the area of the parking lot adjacent to the residences on Park Road. The camera will be monitored by the clerk.

Recommended Findings

1. 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 because there are other businesses in Town that, while not staffed all the time, provide services 24 hours a day such as the Rhino Gas Station and Bank of America gas station and bank ATM's. Most 7-11 stores are open 24 hours a day.
2. The police have indicated that having the 7-11 open 24 hours a day will not cause excessive or unreasonable detriment to surrounding properties because the store is located immediately across the street from the Police Department and is not a location where people tend to loiter.
3. Approval of the use permit is not contrary to those objectives, goals or standards contained in Title 17, the Zoning Ordinance, of the Fairfax Town Code which indicates that businesses in the CH Zone allow a variety of retail businesses with long operating hours.
4. Approval of the use permit is in the public interest because it will provide a place to purchase food staples during hours when other retail stores are closed without having to travel out-of-Town.

ATTACHMENTS

Exhibit A – Fairfax Police Department e-mail and call log for 12 months

Exhibit B - Staff report and draft minutes from the 4/21/11 Planning Commission meeting

Exhibit C - applicant's supplemental information