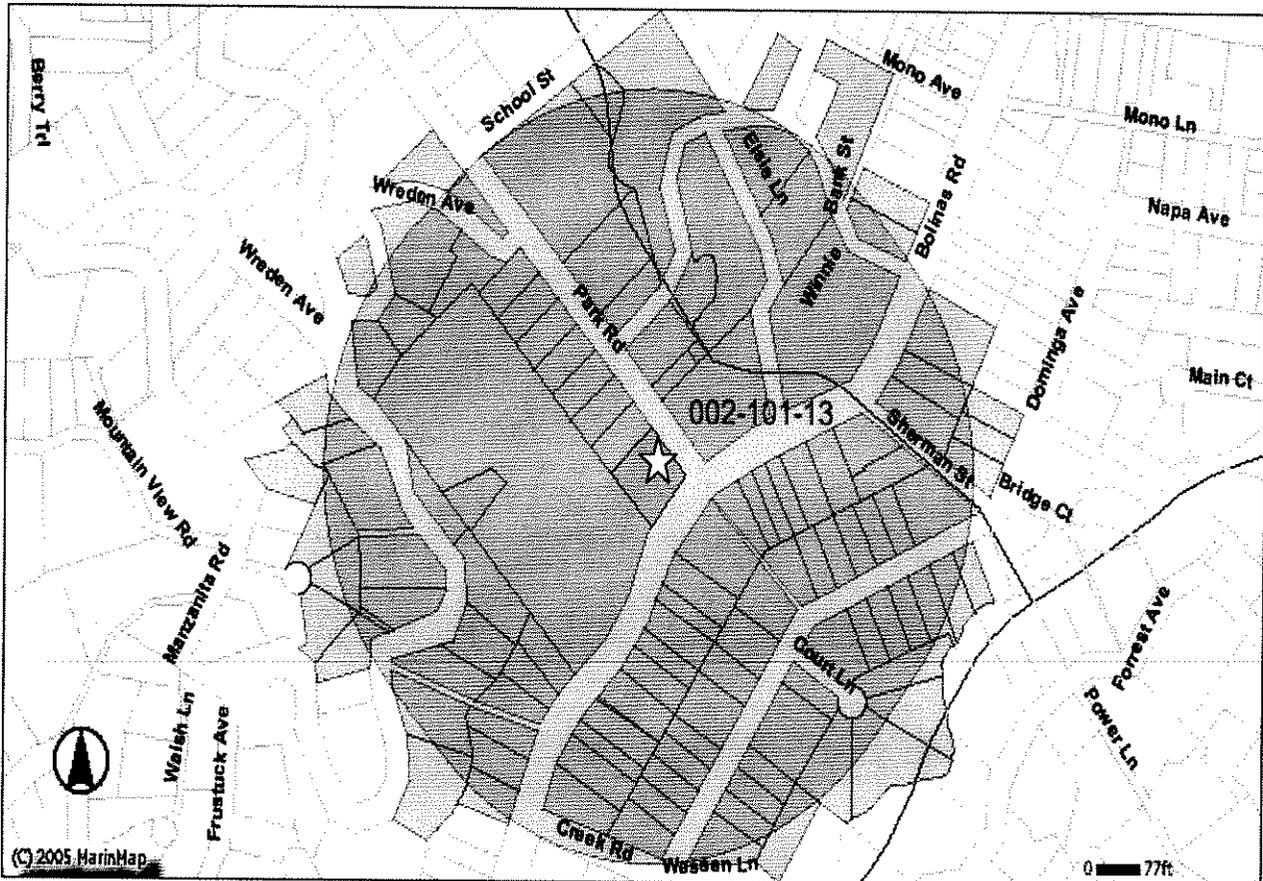


**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** May 17, 2012  
**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 Review; Application # 79-UP-33  
**APPLICANT:** Rajiv Uppal  
**OWNER:** Richard N. Matthews Trust  
**CEQA STATUS:** Categorically exempt, § 15301



**150 BOLINAS ROAD**

## BACKGROUND

On My 19, 2011 the Commission approved a modification of 7-11's Use Permit to allow the business to be open twenty (24) hours subject to the following conditions:

1. The Use Permit for the extended hours shall be reviewed at the November 17, 2011 Commission meeting. Information provided will include a report from the Fairfax Police Department documenting any incidents related to the operation of 7-11.
2. No alcohol shall be sold after midnight.
3. Deliveries shall occur during the day.
4. Some type of native water conserving landscaping treatment shall be installed and be maintained in the planter at the southeast corner of the parking lot. The applicant shall provide a landscaping bond to the Town or evidence that they have entered into a contract with a landscaping company for at least one year until the landscape material becomes established.
5. The landscaping at the corner shall be maintained at a height not to exceed 36 inches to ensure that visibility at the corner of Park Road and Bolinas Road is not obstructed.
6. The parking spaces immediately adjacent to 9 Park Road shall be chained off at 9 PM.
7. The side of the parking lot not visible to the employees shall be monitored by camera.
8. The applicant shall continue to comply with all the requirements of the Fairfax Fire Code.

At its meeting on November 17, 2011, the Fairfax Planning Commission scheduled another six (6) month review of the above referenced Use Permit application for May 19, 2012. They also added additional conditions to their May 19, 2011 Use Permit approval as follows:

1. The applicant shall re-post the, "No Alcohol Sold After Midnight or Before 6 AM" sign inside the store
2. A sign shall be erected outside the front of the store that reads, "Idling of Vehicle Engines Prohibited".
3. The applicant shall erect a public posting board where public notices can be posted.

## DISCUSSION

The applicants have complied with the latest conditions placed upon the business on November 17, 2011 including erecting a public notice board outside the entrance to the building and they continue to comply with the original conditions required at the original hearing on May 19, 2011.

Police Chief Chris Morin's report on police related activity in the Park Road neighborhood is attached as Exhibit A.

## RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to grant final approval of a modification of Use Permit No. 79-UP-33 subject to the following conditions of approval:

### Recommended Conditions

1. No alcohol shall be sold after midnight.
2. Deliveries shall occur during the day.
3. Some type of native water conserving landscaping treatment shall be installed and be maintained in the planter at the southeast corner of the parking lot. The applicant shall provide a landscaping bond to the Town or evidence that they have entered into a contract with a landscaping company for at least one year until the landscape material becomes established.
4. The landscaping at the corner shall be maintained at a height not to exceed 36 inches to ensure that visibility at the corner of Park Road and Bolinas Road is not obstructed.
5. The parking spaces immediately adjacent to 9 Park Road shall be chained off at 9 PM.
6. The side of the parking lot not visible to the employees shall be monitored by camera.
7. The applicant shall continue to comply with all the requirements of the Fairfax Fire Code.
8. The, "No Alcohol Sold After Midnight or Before 6 AM" signs shall remain posted.
9. A sign shall be erected outside the front of the store that reads, "Idling of Vehicle Engines Prohibited". This sign shall remain posted.
10. The applicant shall erect a public posting board where public notices can be posted.

**ATTACHMENTS**

Exhibit A – Fairfax Chief of Police staff report dated May 17, 2012

Exhibit B - Minutes from the 4/21/11, 5/19/11 and November 17, 2011 Planning Commission meetings

Exhibit C – Applicant’s supplemental information

**TOWN OF FAIRFAX  
STAFF REPORT**

**To: Planning Commission**  
**From: Christopher Morin, Chief of Police**  
**Date: May 17, 2011**  
**Subject: Incidents in and around the 7 – Eleven Store, 150 Bolinas Road (Use Permit Review)**

**RECOMMENDATION**

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

**BACKGROUND**

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

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

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

**DISCUSSION**

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

**12 month period, May 19, 2010 thru May 19, 2011:**

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

16 total incidents at 150 Bolinas Road broken down as:

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

561 total incidents along Park Road broken down as:

**YOUTH CENTER**

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

#### WOMEN'S CLUB

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

#### PERI PARK

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

#### **10 month period, June 1, 2011 thru May 1<sup>st</sup>, 2012:**

There were 569 total incidents logged by the police department along Park Road, including 150 Bolinas Road (The 7-Eleven Store). Those incidents are broken down as follows:

20 total incidents at 150 Bolinas Road broken down as:

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

549 total incidents along Park Road broken down as:

#### YOUTH CENTER

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

#### WOMEN'S CLUB

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

#### PERI PARK

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

---

#### **ATTACHMENTS**

None

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

### CONSENT ITEMS

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

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

Ayes: All

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

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

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

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

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

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

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

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

Chair Ketcham opened the public comment period.

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

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

Chair Ketcham closed the public comment period.

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

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

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

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

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

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

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

Ayes: All

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Ketcham closed the public comment period.

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

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

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

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

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

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

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

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

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

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

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

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

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

Discussion on mitigating conditions took place amongst Commissioners.

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

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

A roll call was taken:

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

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

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

Town of Fairfax Planning Commission Minutes

~~Fairfax Women's Club~~

Thursday, May 19, 2011

**Call to Order/Roll Call:**

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

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

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

**APPROVAL OF AGENDA**

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

AYES: All

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

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

No-one from the public came forward to speak.

**CONSENT ITEMS**

None.

**PUBLIC HEARING ITEMS**

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

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

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

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

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

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

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

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

Chair Ketcham opened the public comment period.

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

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

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

Chair Ketcham closed the public comment period.

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

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

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

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

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

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

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

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

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

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

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

A roll call was taken:

Ayes: LaMotte, Ketcham, Hamilton, Ramsay, O'Neil

No: Hall, Lacques

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

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

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

A roll call was taken:

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

Chair Ketcham read the appeal rights.

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

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

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

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

MAY 13 2011

RECEIVED

TO WHOM IT MAY CONCERN:

The following steps have been taken by the management of 7-11:

1. Cameras have been installed and the monitor has been placed at the Cash Register counter, where the cashier can check and report any act causing a disturbance.
2. The parking area on the right of the property is closed by a chain from 9 PM to 6 AM so that no one can enter that area.
3. Grocery deliveries that used to come on Monday night at 11:30 PM have been rescheduled for Tuesday morning.
4. THE CLERK AT THE STORE IS THERE TILL 2 AM AND SHALL CHECK THAT THERE IS NO DISTURBANCE.

SAMMY  
 FOR MR RAJIV WPPAL  
 FRANCHISE OWNER  
 7-11, 150 BOLINAS  
 FFAX

EXHIBIT #     C

TOWN OF FAIRFAX

MAY 13 2011

RECEIVED

Signs currently has two lights (approximate locations are pink circles). However, the one on the left is further over, but can't show that on this picture. Both lights are pointing straight down, and can not be adjusted for light direction. Neither light is illuminating the area due to being mounted at 90 degrees off the wall causing the light to aim straight down. We have been unable to locate any articulating LED fixtures, which is what is needed for this location if you want to stay with the wall packs.

We recommend possibly installing a pole light (see indicated below in pink). Installation of a light pole would illuminate the area that currently is not able to be illuminated with existing lights. Also, we could install a wall pack where originally indicated in first approved drawing to illuminate area by building that currently does not have any lighting. However, the wall is at a 45 degree angle above the door, so we are checking into options such as "bug eyes" flood lights that are LED. Please advise how you wish to proceed.

Wall Pack Light

Sign #3

Sign #1

Sign #2

Sign #3 would be placed at the far left corner of the building. Just placed in location on this picture due to picture limited viewing of full side of building.

Chain will probably need to be the bright orange heavy duty chain with reflectors on it so it is highly visible at night.

Owner is requesting boiler and chain be installed as shown above in PINK. Concerns are that will block the path of travel to the electrical panel, and we are not sure if the fire marshal will be ok with installation that way. Also possible concern over being a possible safety hazard. Need approval and info on installing boilers at these locations.



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

TOWN OF FAIRFAX

Details of Lead Petitioner:

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

MAY 13 2011

RECEIVED

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

Signature of Lead Petitioner: Sammy

Name	Address/Telephone Number	Number of People in My Household	Signature
Greg Steptoe	200 Bolinas #49 (415) - 233 - 0722	2	<i>Greg Steptoe</i>
Michael McCarty	38 Wreden Ave (415) - 425 - 3891	4	<i>Michael McCarty</i>
Mark Vance	110 SCENIC	1	<i>Mark Vance</i>
Michael Petersen	93 Moravia	1	<i>Michael Petersen</i>
Rebecca Burkha	52 Park rd 415 720 7882	1	<i>Rebecca Burkha</i>
Mike LARZU	10 CANYON	4	<i>Mike Larzu</i>
RACHEL STOVER	44 1/2 CREEK RD.	2	<i>Rachel Stover</i>
CHRISTOPHER MADDEN	PO BOX 76, Floor 3079054	2	<i>Christopher Madden</i>
James W. [unclear]	21 Willbore Sultano	3	<i>James W. [unclear]</i>
John [unclear]	131 San Carlos Way	1	<i>John [unclear]</i>
John [unclear]	P.O. Box 457-7746 847	5	<i>John [unclear]</i>
Linda Howard	2575 SFD Peak Blvd	5	<i>Linda Howard</i>
ACOLAS THOMPSON	23 Marum Ave	2	<i>Acolas Thompson</i>
ADDY CONTRATTI	17 NAPA AVE	2	<i>Addy Contratti</i>
John Crozier	275 Casade Dr	2	<i>John Crozier</i>
Jack Irving	69 CHILNESS	4	<i>Jack Irving</i>
Tommy Moses	200 BOLINAS	2	<i>Tommy Moses</i>
Evelyn E. Beigel	42 Portofino Dr	4	<i>Evelyn E. Beigel</i>
STEVEN KRISTOFF	30 CREEK RD	3	<i>Steven Kristoff</i>
Moore Allen	415 596 1690	3	<i>Moore Allen</i>
Michael Kotched	415 233 3668	1	<i>Michael Kotched</i>
Randanae Kode	415-209-4600	2	<i>Randanae Kode</i>
Connor Hanley	415 454-3007	5	<i>Connor Hanley</i>

Kathleen Cunniff 415-455-9459  
 [Signature] 415 721 7624

[Signature]

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

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

Name	Address/Telephone Number	Number of People In My Household	Signature
MYREE HORTON	168 MEEBNA AVE.	2	[Signature]
Julianne Alk	22 Live Oak Ave	3	[Signature]
Eric Weinstock	121 Meena Ave.	1	[Signature]
William Hughes	371 FORREST AVE	4	[Signature]
Andrea Steptoe	200 Bolinas Rd #49 Fairfax	2	[Signature]
ERIN MONTANA	200 BOLINAS RD #81	4	[Signature]
Adam Domash	30 Woodland Rd	3	[Signature]
John Battie	59 Cypress Dr	3	[Signature]
[Signature]	Frustruck Ave	2	[Signature]
TAT Brothel	73 Seemild	2	[Signature]
Judy Anderson	38 Taylor Drive	2	[Signature]
Tim Frazier	200 Frustruck	3	[Signature]
G. Adell	19 SEVUORD #1	1	[Signature]
Carol Muck	108 A Meena Park	3	[Signature]
ALBERT	100 BOLINAS RD	2	[Signature]
Adam Cain	200 BOLINAS RD	2	[Signature]
Jennifer Bilo	8 Fawn Ridge	8	[Signature]
Tom Bruce	21 BUNA Vista	1	[Signature]
Sam Lu	34 Wreden	2	[Signature]
ARTHUR PIRELLI	1608 St Francis Drive Blvd.	2	[Signature]
Jason Redar	31 Gray St	5	[Signature]
Lejani Tobias	341 Cascadia	5	[Signature]
Tamiko Wilson	3 Frustruck Ave	5	[Signature]
Al Smyth	88 Wood Lane	1	[Signature]
Bernie M	378-9355	2	[Signature]
Jeff Doolan	454-6162	1	[Signature]
Therese Dumps	31 Wood Lane FF	2	[Signature]
Kim H	415-269-9848	3	[Signature]
ALLISON Clark	73 Mitchell Dr. Fairfax Va 22040	5	[Signature]
JACOB PAVONE	97 wood LN	3	[Signature]

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

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

Name	Address/Telephone Number	Number of People in My Household	Signature
Mike Barnard	123 Spruce Rd	3	
Dylon Trow	315 CASCADE	4	
Stephen Wilson	44 A Bolinas Ave	3	
Karen Peterson	P.O. BOX 154 FAIRFAX	1	
PHILIP ANDERSON	149 DOMINGA	2	
Maura Alexandrie	160 CASCADE	2	
JOHN BOYKIN	149 DOMINGA	1	
MICHAEL Allen	7 Mountain View Rd.	2	
Andre Patroni	100 Hickory FFX	2	
Eric Suiza	180 Canyon Rd.	3	
Carl Ralbin	202 Bolinas FFX	1	
Boni Cullen	81 MOUNTAIN VIEW FAIRFAX	3	
Carolyn Shearer	335 Cascade Dr Fairfax	3	
WARREN WOOTEN	74 WOODLAND RD.	2	
Susan Hoffman	19 Belle Ave Fairfax	4	
DAVID CALARDO	21 BOLINAS RD	1	
STEPHEN P. NYE	20 BOLINAS RD	1	
Ron Flores	27 Glen Dr FFX	3	
Douglas Jantz	180 Meernaa Ave Fairfax	3	
NINA Hill	738 FRIESTON ST FAIRFAX	4	
Marko Bernarkiki	1808 E SFD HWY	2	
MAYRA G RAMIRO	1415 879-08-25.	4	
VIGNI Garcia	415 233-0157	4	
Elizabeth Mitchell	33 Ueswin	4	
Korral Mitchell	33 Mervin	4	
777 7500	415-786 8641	3	
DAVID HOUSTON	15 HOBSON. S.A.	4	
Kerry Timbarlake	312 cascade	6	
CAREG Passadas	94 Porteous AVE	5	
CHRIS LIPPINCOTT	95 GREEN HILLS	2	

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

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

Name	Address/Telephone Number	Number of People in My Household	Signature
<i>[Signature]</i>	22 Spruce SA	3	<i>[Signature]</i>
Ted Fehlhauer	12 Spruce SA	2	<i>[Signature]</i>
James White	20 Willow	2	<i>[Signature]</i>
Wells Goodwin	1818 Lexington	5	<i>[Signature]</i>
Carl Nelson	68 Wenden	2	Carl Nelson
Scott Dege	22 Pudgee	2	<i>[Signature]</i>
John Mator	120 Spruce SA	2	<i>[Signature]</i>
<i>[Signature]</i>	415-450-9701	4	<i>[Signature]</i>
<i>[Signature]</i>	415-464-7819	11	<i>[Signature]</i>
Walter Waldorff	415-419-6706	6	<i>[Signature]</i>
Maella Kew...	415-410-0724	6	<i>[Signature]</i>
Natalie Orl	415-250-7459	3	Natalie Orl
China Reeder	2 Willow 415-7388	5	<i>[Signature]</i>
Joe Reeder	1- " "	5	<i>[Signature]</i>
Samuel Reeder	POR*23 USG 939-7077	4	<i>[Signature]</i>
Jessica Arrola	Norwood Fairfax 925-321-3085	4	<i>[Signature]</i>
Brenda Lynn	415-488-0679	4	<i>[Signature]</i>
Ron Silva	925 703 Bolinas Rd	2	<i>[Signature]</i>
PATRICK CARSON	415-524-4824	2	<i>[Signature]</i>
Tony Popenot	415 454 7724	4	<i>[Signature]</i>
Mike Keller	415-803-5878	2	<i>[Signature]</i>
Jane Miskelley	417 488 9877	2	<i>[Signature]</i>
Kyriakos Tsoulfas	415- <del>703</del> 971-7456	3	KTsoulfas
Jessica Layton	415 457 4995	2	J Layton
Garrett Buehler	" " "	2	<i>[Signature]</i>
Brenda Noble	415 686 7111	3	<i>[Signature]</i>
MICHAEL LEFER	415 458-1670	4	<i>[Signature]</i>
Alex Hodson	415 487-3488	3	<i>[Signature]</i>
Joseph Vigneri	415 4259 9379	1	<i>[Signature]</i>
JOHNUA PETTIT	415-250-2416	2	<i>[Signature]</i>

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

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

Name	Address/Telephone Number	Number of People in My Household	Signature
ZOE Speidel	403 Cascade	3	Zoe Speidel
Kevin Forrester	309 Cascade	3	K Forrester
Chuck Handelman	13 Deer Creek Ct.	4	C. Handelman
DAVID LICON	390 Cascade Dr	4	[Signature]
Laura Boyd	270 Overlook Dr.	2	Laura Boyd
Maurice McManus	24 Arroyo Rd	6	Maurice McManus
Annie Yoss	114 Hillside Dr.	4	Annie Yoss
Jennifer Antley	5 Forest Terrace 415-450-2222	3	Jennifer Antley
Kristi Mo	FAIRFAX, CA	3	Kristi Mo
JAMES HAIN	FAIRFAX, CA	4	[Signature]
Doug Chappell	369 Cascade 415-3363	2	Doug Chappell
TRANK	522 BOLINAS	2	TRANK
DARYL Johnson	143 LANSDALE ave FAIRFAX CA	3	Daryl Johnson
RICK ADAMS	47 TAMALPAIS	2	Rick Adams
BRIAN CRANE	573 WISTERIA WAY, SRF	4	Brian Crane
JAN WHITE	43 WOOD WAVE	3	Jan White
[Signature]	2 ANAKA AVE FX	1	[Signature]
Don O	342 Cascade St.	4	DONOVAN
Thizzy Marley	415 Thizz St.	1	Thizzy Marley
LINA MENDOZA	415 600 0257	4	Lina Mendoza
MICHAEL YOUNG	415-457-4689	2	Michael Young
ANDREW SPURAN	415 250-9717	3	Andrew Spuran
NICK CRUSE	415 459 0146	4	Nick Cruse
Lyan Kavanagh	415 259-9942 FX	4	Lyan Kavanagh
Pascal Gamen	415-299-9699	4	Pascal Gamen
Elison Walker	415 302-8023	4	Elison Walker
CASEY McFarland	415 879-5162	2	Casey McFarland
George Pop	33 Creek Rd	3	George Pop
Colin Walker	367 Bolinas Rd		Colin Walker
Wm. Fubin	302 Cascade	2	Wm. Fubin

21

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

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

Name	Address/Telephone Number	Number of People in My Household	Signature
Scott Bruneblom	206 579-4183	4	[Signature]
Jessica Dolce	(707) 321-5684	5	[Signature]
<del>E. C. Sizer</del>	415-250-6381	2	[Signature]
Boris Miller	415-577-4888	2	[Signature]
Neta V. Pesta	831-331-3609	3	[Signature]
Amie (MAYN)	415 457-9644	4	[Signature]
Kathlene Jallo	415 460 6767	2	[Signature]
KIM WILSON	415 577 5160	1	[Signature]
Kye Brewer	415-456-6332	4	[Signature]
Jerry Syle	1276 Mainway	4	[Signature]
Nick Boinstein	230 Cascade	4	[Signature]
Jerry Illue	PINE DR	3	[Signature]
CRAIG DOW	2 Sunview SA	4	[Signature]
Chris Taylor	311 Cascade	5	[Signature]
Tom Ford	34 MEADOW	2	[Signature]
LINDA PENZLER	74 BISSUE	1	[Signature]
Trevor Humphrey	7 Wood Lane	4	[Signature]
Claire Linnard	380 Fawn Dr	4	[Signature]
JEFFS COURTEAU	120 GREENFIELD AVE	2	[Signature]
Gregory Gibbs	43 Hillside Dr	2	[Signature]
Michael Kren	367 Bolinas	3	[Signature]
John Frigaard	133 Bolinas	1	[Signature]
John S.	44 Cascade	1	[Signature]
KEVIN WATSON	805 390 2105	8	[Signature]
<del>RYAN WATSON</del>			
Al Coru	112 CROSS	4	[Signature]
Dix Gault	112 CROSS	4	[Signature]
Ally Allen	183 Laurel Dr	4	[Signature]
Shannon Powers	200 Bolinas Rd #103	3	[Signature]
TIM SASAN	1 Fawn Ridge	8	[Signature]