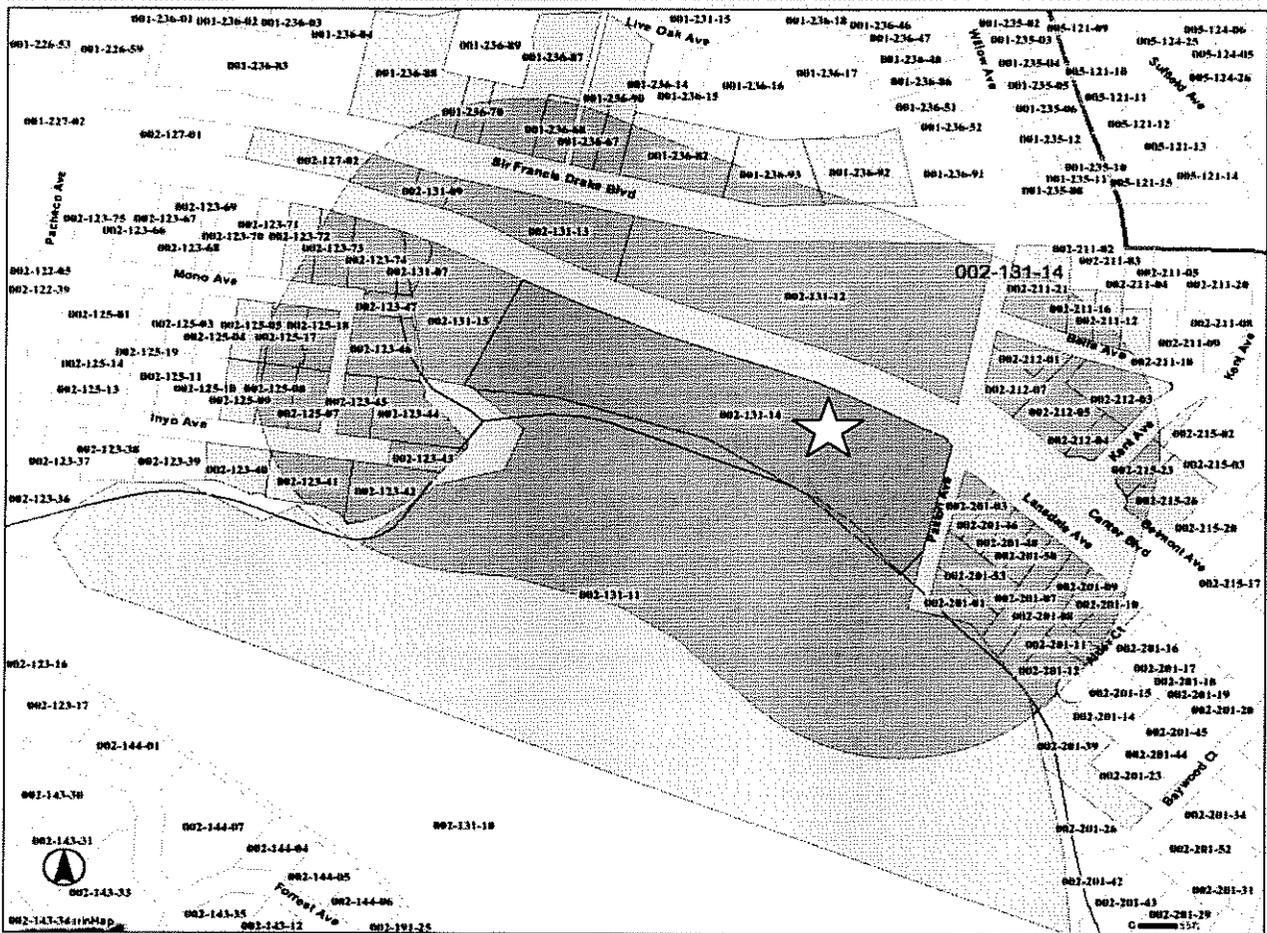


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: June 21, 2012
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Senior Planner
LOCATION: 715 Center Boulevard; Assessor's Parcel No. 002-131-14
ZONING: Central Commercial CC Zone
PROJECT: Outdoor eating area for existing restaurant
ACTION: Use Permit and Design Review; Application # 12-12
APPLICANT: Gregory Smith, Architect
OWNER: Avatar Group, Inc.
CEQA STATUS: Categorically exempt section 15301



715 CENTER BOULEVARD

BACKGROUND

The Fair-Anselm shopping center was built in the 1960's. Avatar Punjabe, a new restaurant, opened at 715 Center Boulevard in April 2012 in the commercial space where Hsing Jen Chinese Restaurant was previously located. Records indicate that this space has been used for various restaurant/food establishments since as early as 1974 when it was Granny's Ice Cream Parlor.

DISCUSSION

The site is located in the Central Commercial CC Zone District. Town Code § 17.100.050(A) indicates that a Use Permit must be obtained from the Planning Commission for principal permitted uses not conducted within a building. Town Code § 17.100.050(54) indicates that restaurants inside buildings are permitted uses so the outdoor dining portion of the restaurant will require a Use Permit.

The applicants proposed placing fifteen, 2 ½ foot by 2 ½ foot tables outside. Eight tables will be located outside the western wall of the business and seven will be placed across the pedestrian pathway for the shopping center to the north of the restaurant along the black metal walkway railing.

The tables will be separated from pedestrian areas by dark grey planters that are 36.5 feet long, 10.5 feet wide and 27.5 feet in height if such a separation is required by the California Department of Alcohol and Beverage Control (See exhibit A).

The tables will have etched, tempered, glass surfaces and four stainless steel legs. The submittal indicates there will be only one table leg in the center but the Building Official has required the tables have four legs, one at each corner, in order to be accessible.

The chairs will be white to match the interior chairs and are made out of injection-molded, fiberglass-reinforced plastic that are stackable and easy to keep clean.

The modern design and high quality materials of the tables and chairs will serve to protect the interests of adjacent businesses. The hours of operation from 11 AM to 9:30 PM will not negatively impact any of the surrounding commercial enterprises.

Other restaurants in Town have approved Use Permits for outdoor seating including the neighboring Iron Springs Brewery and Good Earth Grocery store across the street. Therefore, the approval of this Use Permit will not be a grant of special privilege.

Other Agency Comments/Conditions

Ross Valley Fire Department

The fire alarm system must be extended into all areas of the interior tenant improvements prior to serving patrons outdoors.

The placement of the tables and chairs shall not encroach into the exiting paths for other adjacent commercial spaces.

Building Department

The Building Official has required the tables have four legs, one at each corner, in order to be accessible.

Marin Municipal Water District

Any landscaping material and irrigation must comply with MMWD District Code Title 13.

RECOMMENDATION

Move to approve application # 12-12 based on the following findings and subject to the following conditions:

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 other restaurants and businesses in the Town provide outdoor seating.
2. The restaurant outdoor seating will not be used outside the business hours from 11:00 AM to 9:30 PM and no outdoor activities are proposed for the area other than dining which will not cause excessive noise. Therefore, the development 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 Town Code gives the Commission the authority to grant Use Permits for permitted uses that are not operated entirely within a building as long as the uses will not negatively impact the citizens or surrounding properties [Town Code § 17.100.050(A)]. A review of the proposed location, design of the outdoor furniture and hours of operation has resulted in the Commission determining the proposed outdoor eating area will not have a significant negative impact on the Town and/or its citizens. Therefore, 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, or other plan or policy, officially adopted by the City.

4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

Recommended Conditions

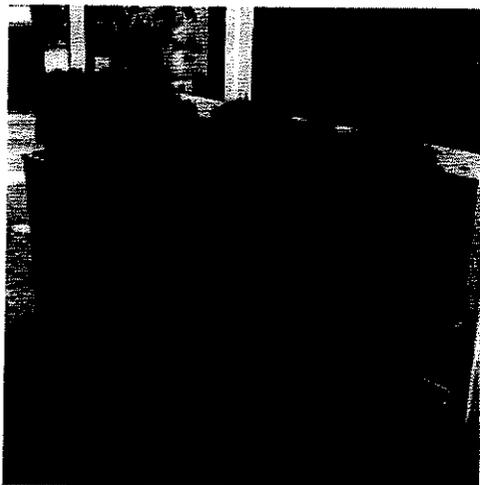
1. The tables shall be accessible with 19 inches of clear knee space to allow wheelchair access.
2. The plant material in the planters shall comply with MMWD's District Code Title 13 should the planter separation be required by the California Department of Alcohol and Beverage Control.
3. The tables and chairs shall be stored inside during non-business hours in an area that maintains fire access pathways or shall be secured outside in some manner acceptable to the Building Official and the Ross Valley Fire Department.
4. The fire alarm system must be extended into all areas of the interior tenant improvements prior to serving patrons outdoors.
5. The placement of the tables and chairs shall not encroach into the exiting paths for other adjacent commercial spaces.
6. The Building Official has required the tables have four legs, one at each corner, in order to be accessible.
7. Any landscaping material and irrigation must comply with MMWD District Code Title 13.
8. Conditions place upon the project by outside agencies may be eliminated or amended with that agencies written verification of the eliminated or modified condition to the Planning Department prior to issuance of the building permit or other activation of any planning permit entitlement.

ATTACHMENTS

- Exhibit A – applicant's supplemental information
- Exhibit B – Other Agency/Department comments/conditions



1



Click image above to enlarge

[The Patio](#) > [Outdoor Garden Planters](#) > [Large Planters 2](#)

Vaso Indoor-Outdoor Planter

The stylish contemporary design of this planter will fit perfectly in the hor outdoors on the patio.

It is rotational molded of a high quality polyethylene resin that is very we resistant in all climates and is available in several fade resistant colors.

The outer surface has a smooth texture with a mat finish.

This is a commercial grade product that is almost break-proof when kno color finish extends throughout the planter so it will not chip or peel and show a different color if scratched.

The inside of the planter has a molded basin for planting that is not rem comes without drainage holes but they can be easily drilled.

The Vaso comes with a 2 year manufacturer's warranty. Manufactured ir

There is no shipping and handling charge for this product.

[← Previous](#) **Alternate Images** [Next →](#)

SHARE   

Like

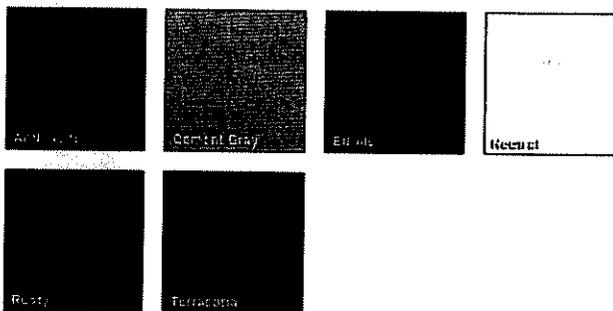
Product ID: #272019

Dimensions: 36.5"L x 10.5"W x 27.5"H. Planting Basin: 34"L x 7.5"W x

Estimated Ship Time: 6-8 weeks

[View Color Swatches](#)

Roll over swatch for larger view:



Vaso Planter

\$439.95

[Choose a color](#)



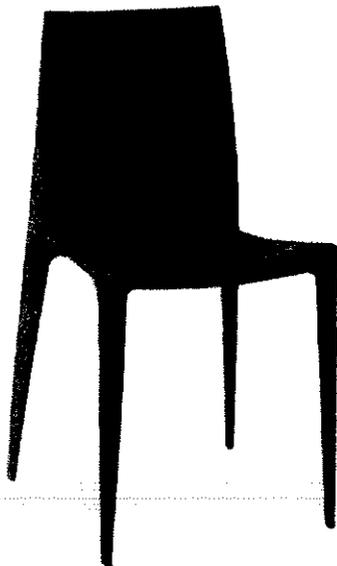
DWR.COM 1.800.944.2233

RECEIVED

PRINT CLOSE X

MAY 07 2012

TOWN OF FAIRFAX



Bellini Chair ®

Designed by Mario Bellini for Heller®

Is there such a thing as an instant classic? We think it may be Mario Bellini's chair design for Heller®, which earned him his eighth Compasso d'Oro award in 2001. Working with injection-molded, fiberglass-reinforced plastic, the celebrated Italian architect and designer created a sturdy, stackable and lightweight chair that's as beautiful as it is versatile. Exceptionally comfortable with a slightly flexible back, it's tough enough to withstand use in a busy restaurant (like the MoMA café) while elegant enough to flatter a sophisticated studio or home. Made in USA.

- For use indoors and out.
- Suitable for commercial use.
- Stacks up to six high.
- Lightly textured surface is easy to clean.

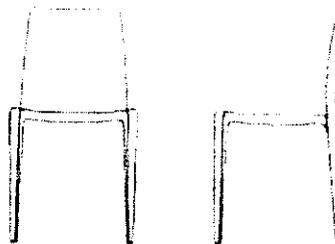
Swatch name: Black



Item#	Product	Price
0044	Bellini Chair ®	\$150.00 USD

Measurements & Materials

Measurements:

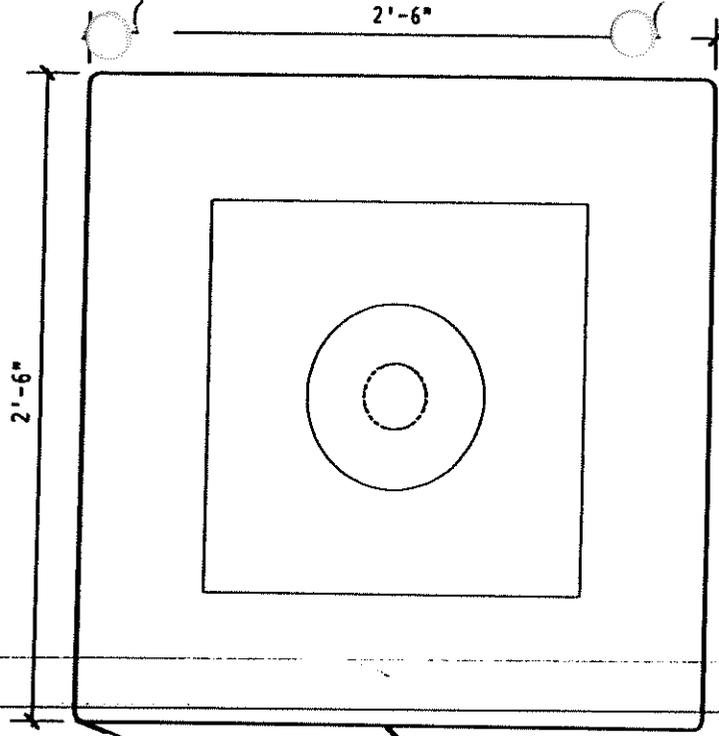


H 33" D 18" W 18"

Materials:

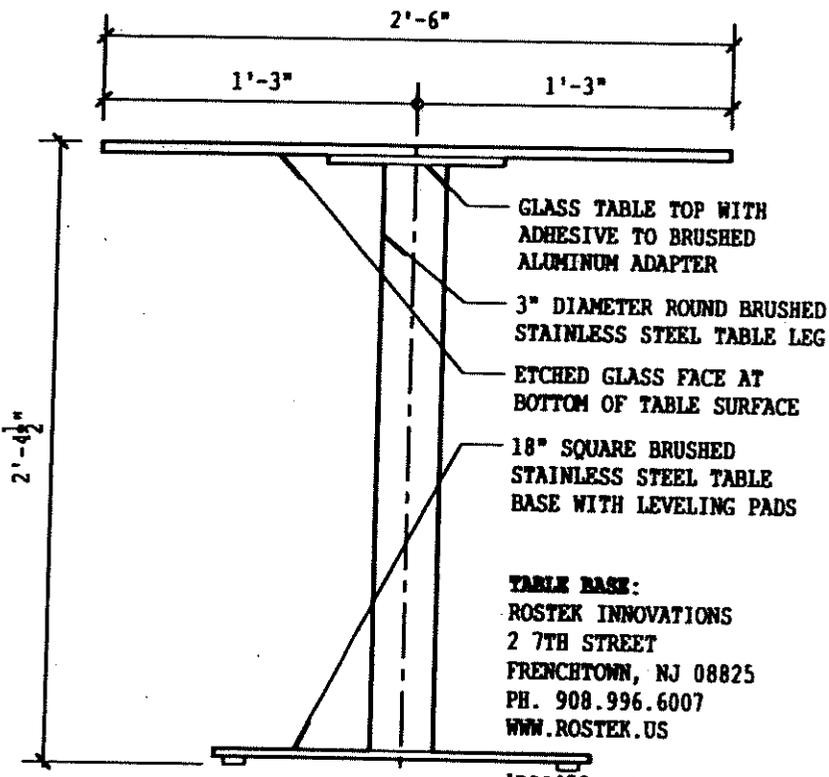
One piece injection molding of modified, fiberglass reinforced polypropylene.

RECEIVED
MAY 07 2012
TOWN OF FAIRFAX



PLAN VIEW

- 1/2" ETCHED, TEMPERED, GLASS TABLE TOP WITH PENCIL EDGES
- 1/2" RADIUS EASED CORNERS, TYPICAL



SIDE ELEVATION VIEW

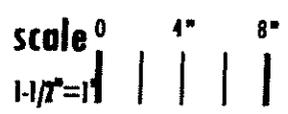
- GLASS TABLE TOP WITH ADHESIVE TO BRUSHED ALUMINUM ADAPTER
- 3" DIAMETER ROUND BRUSHED STAINLESS STEEL TABLE LEG
- ETCHED GLASS FACE AT BOTTOM OF TABLE SURFACE
- 18" SQUARE BRUSHED STAINLESS STEEL TABLE BASE WITH LEVELING PADS

TABLE BASE:
ROSTEK INNOVATIONS
2 7TH STREET
FRENCHTOWN, NJ 08825
PH. 908.996.6007
WWW.ROSTEK.US

#RSQ450 - DINING HEIGHT
#GL220 - GLASS ADAPTER

RECEIVED
MAY - 9 2012
Environmental Health

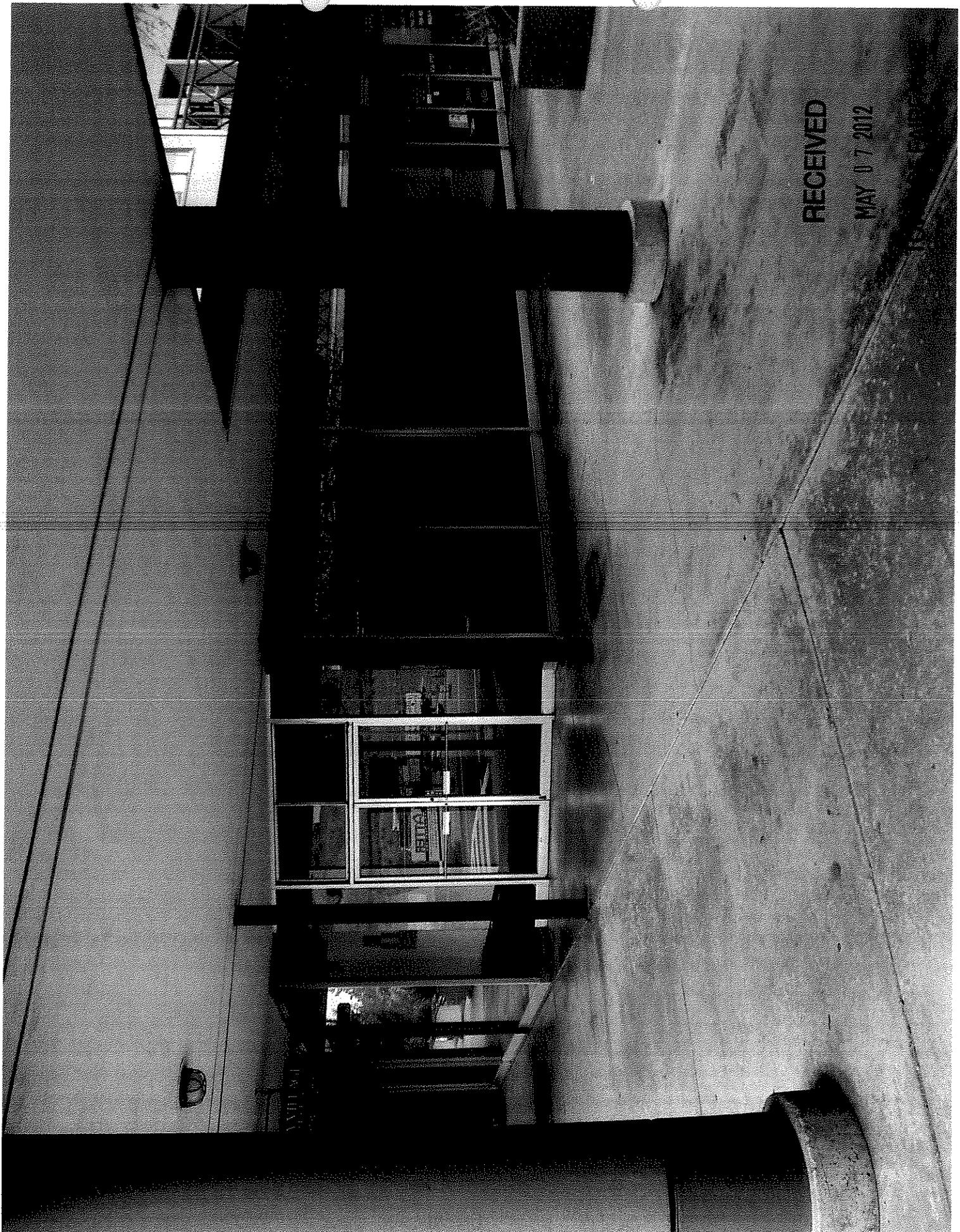
00 GLASS TABLE



RECEIVED

MAY 07 2012

STANDARD





PROJECT DESCRIPTION: ADD OUTDOOR SEATING ~~FOR~~ (30 SEATS) TO
RESTAURANT WITH 30 SEATS DINING INSIDE. OUTDOOR SEATING WILL
BE ON EXISTING CONCRETE PORCH/PATIO AREA.

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size		NO CHANGE
Size of structure(s) or commercial space (square feet)	1,132 sq	NO CHANGE
Height and No. of stories	2 STORIES	NO CHANGE
Lot coverage		NO CHANGE
No. of dwellings units	0	NO CHANGE
Parking ¹	No. of spaces	NO CHANGE
	Size of spaces	NO CHANGE

Amount of proposed excavation and fill	Excavation = N/A	Fill = N/A
--	---------------------	---------------

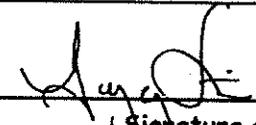
Estimated cost of construction \$ _____

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.

¹Minimum 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? N/A

Signature of Property Owner


Signature of Applicant

Date

05.07.12
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

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.

OUTDOOR DINING IS PROVIDED IN THE CENTER FOR IRON SPRINGS
BREWERY AND GOOD EARTH - WE PROPOSE THE SAME

- 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.

SIMILAR USES ALREADY EXIST. - SEE ABOVE

- 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.

WALKWAYS REMAIN CLEAR. OUTDOOR DINING ADDS TO STREET LIVABILITY



MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169
www.marinwater.org

RECEIVED
MAY 22 2012
TOWN OF FAIRFAX

May 22, 2012
Service No. 38644 & 38656

Linda Neal
Town of Fairfax Planning Dept
142 Bolinas Rd
Fairfax CA 94930

RE: WATER AVAILABILITY – Exterior Improvements
Assessor's Parcel No.: 002-131-14
Location: 711 Center Bl., Fairfax

Dear Ms. Neal:

The above referenced parcel is currently being served. The purpose and intent of these services are to provide water for commercial purposes. The proposed outdoor eating area will not impair the District's ability to continue service to this property provided the annual water use does not exceed the property's current annual combined water entitlement of 9.10 acre feet.

Compliance with all indoor and outdoor requirements of the District Code Title 13 - Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding the District Code Title 13 - Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. You can also find information about the ordinance online at www.marinwater.org.

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559.

If you have any questions regarding this matter, please contact me at (415) 945-1531.

Very truly yours,

Joseph Eischens
Engineering Technician

JE:mp

cc: Town of Fairfax Building Dept

EXHIBIT # B





ROSS VALLEY SANITARY DISTRICT

2960 Kerner Blvd
San Rafael, CA 94901
(415) 259-2949 ~ rvsd.org

May 17, 2012

Linda Neal, Senior Planner
Department of Planning and Building Services
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

RECEIVED
MAY 21 2012
TOWN OF FAIRFAX

SUBJECT: 715 CENTER BOULEVARD, FAIRFAX, CA; APN 002-141-13

Dear Linda:

We are in receipt of your transmittal letter dated May 8, 2012, concerning the above-referenced project. Sanitary District No. 1 has no objection to this project.

If you need further information regarding this matter, please contact the office.

Sincerely,

Randall Y. Ishii, M.S., P.E.
District Engineer

**TOWN OF FAIRFAX
DEPARTMENT OF PLANNING AND BUILDING SERVICES**

142 Bolinas Road, Fairfax, California 94930
Phone (415) 453-1584 FAX (415) 453-1618

LETTER OF TRANSMITTAL

From: Fairfax Planning and Building Services Department

Date: May 8, 2012

RECEIVED
MAY 14 2012
RECEIVED
MAY - 9 2012
Environmental Health
TOWN OF FAIRFAX

- To: Town Engineer Fairfax Police Dept. Marin County Open Space Dist.
 Town Attorney Sanitary Dist. 1 Other - Building Official
 MMWD Public Works Dept. Bureau of Alcoholic Beverage Control
 Ross Valley Fire Marin County Health Dept.

Address and Parcel No: 715 Center Boulevard; Assessor's Parcel No. 002-141-13

Project Description: Operation of an outdoor eating area in conjunction with an existing restaurant.

These plans are being transmitted for review either: a) prior to public hearings on discretionary permits before the Fairfax Design Review Board and Planning Commission; or, for review prior to issuance of a building permit. Please provide your comments on the completeness and adequacy of the submittal for your agencies reviewing purposes within 10 days.

1	12/11/12	Preliminary seating plans

REMARKS The submittal is acceptable as presented.

Please respond by May 30, 2012. Thanks

[Signature] 5/9/12
Priscilla Van Liew, PEHS.
MARIN CO. HEALTH DEPT.

If you have any questions please contact: Linda Neal, Senior Planner

Attn: Stuart

TOWN OF FAIRFAX
DEPARTMENT OF PLANNING AND BUILDING SERVICES
142 Bolinas Road, Fairfax, California 94930
Phone (415) 453-1584 FAX (415) 453-1618

LETTER OF TRANSMITTAL

From: Fairfax Planning and Building Services Department

Date: May 8, 2012

To: Town Engineer Fairfax Police Dept. Marin County Open Space Dist.
 Town Attorney Sanitary Dist. 1 Other - Building Official
 MMWD Public Works Dept. Bureau of Alcoholic Beverage Control
 Ross Valley Fire Marin County Health Dept.

Address and Parcel No: 715 Center Boulevard; Assessor's Parcel No. 002-141-13

Project Description: Operation of an outdoor eating area in conjunction with an existing restaurant.

These plans are being transmitted for review either: a) prior to public hearings on discretionary permits before the Fairfax Design Review Board and Planning Commission; or, for review prior to issuance of a building permit. Please provide your comments on the completeness and adequacy of the submittal for your agencies reviewing purposes within 10 days.

1	12/11/12	Preliminary seating plans

REMARKS NO PD CONCERNS. SB
SERGEANT STUART BAKER

Please respond by May 30, 2012. Thanks

If you have any questions please contact: Linda Neal, Senior Planner



Ross Valley Fire Department
777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: Outdoor Dining
ADDRESS: 715 Center Blvd
Fairfax CA, 94930

Page: 1 of 2
Date: 05/24/2012
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning
Date Stamp # 05/07/12

E-mail: Rbastianon@rossvalleyfire.org
Fire Dept. # 12-0125
Review No. 1

Fire Department Standards can be found at: www.rossvalleyfire.org

Applicant*: Fairfax Planning

***Applicant is responsible for distributing these Plan Review comments to the Design Team.**

Occupancy Class: A-3	Fire Flow Req: 1500 GPM	Sprinklers Required: NO
Type of Construction: V-B	On-site Hyd. Req: NO	Fire Alarm Required: YES
Bldg Area: 1000sf	Turn-Around Req: NO	Permits Required:
Stories: 1	Fire Flow Test Required: NO	
Height: ft.	Wildland Urban Interface: NO	

The project listed above has been reviewed and determined to be:

- APPROVED** (no modifications required)
- APPROVED AS NOTED** (minor modifications required - review attached comments)
- NOT APPROVED AS SUBMITTED** (revise per attached comments and resubmit)
- INCOMPLETE** (provide additional information per attached comments and resubmit)

NOTE: Please review the comments and make corrections and/or add notes as required. Changes and/or additions shall be clouded and referenced by date on a legend. Approval of this plan does not approve any omission or deviation from the applicable regulations. Final approval is subject to field inspection. Approved plans shall be on site and available for review at all times.

**ROSS VALLEY FIRE DEPT.
REVIEWED**

DATE: 5/24/12

Inspections required:

- Access/Water Supply** prior to delivery of combustibles
- Defensible Space/Vegetation Management Plan**
- Alarm/Final**
- Final**

ITEM #	SHEET	COMMENTS	Corr. Made
--------	-------	----------	------------



Ross Valley Fire
Department

777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: Outdoor Dining
ADDRESS: 715 Center Blvd
Fairfax CA, 94930

Page: 2 of 2
Date: 05/24/2012
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning
Date Stamp # 05/07/12

E-mail: Rbastianon@rossvalleyfire.org
Fire Dept. # 12-0125 Review No. 1

Fire Department Standards can be found at: www.rossvalleyfire.org

ITEM #	SHEET	COMMENTS	Corr. Made
1		New permits will not be issued for this property until existing code violations are corrected. Prior to issue of new permits, this property is required have the existing fire alarm system extended into all areas of tenant improvements.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
2		Placement of tables and chairs shall be located so as not to encroach into exiting requirements from other spaces. Provide a plan when applying for construction permit showing detail how required exiting widths will remain clear.	

*If re-submittal is required, all conditions listed above shall be included in revised drawings.
Fire and life safety systems may require a separate permit. Fire permits may be noted as deferred.*