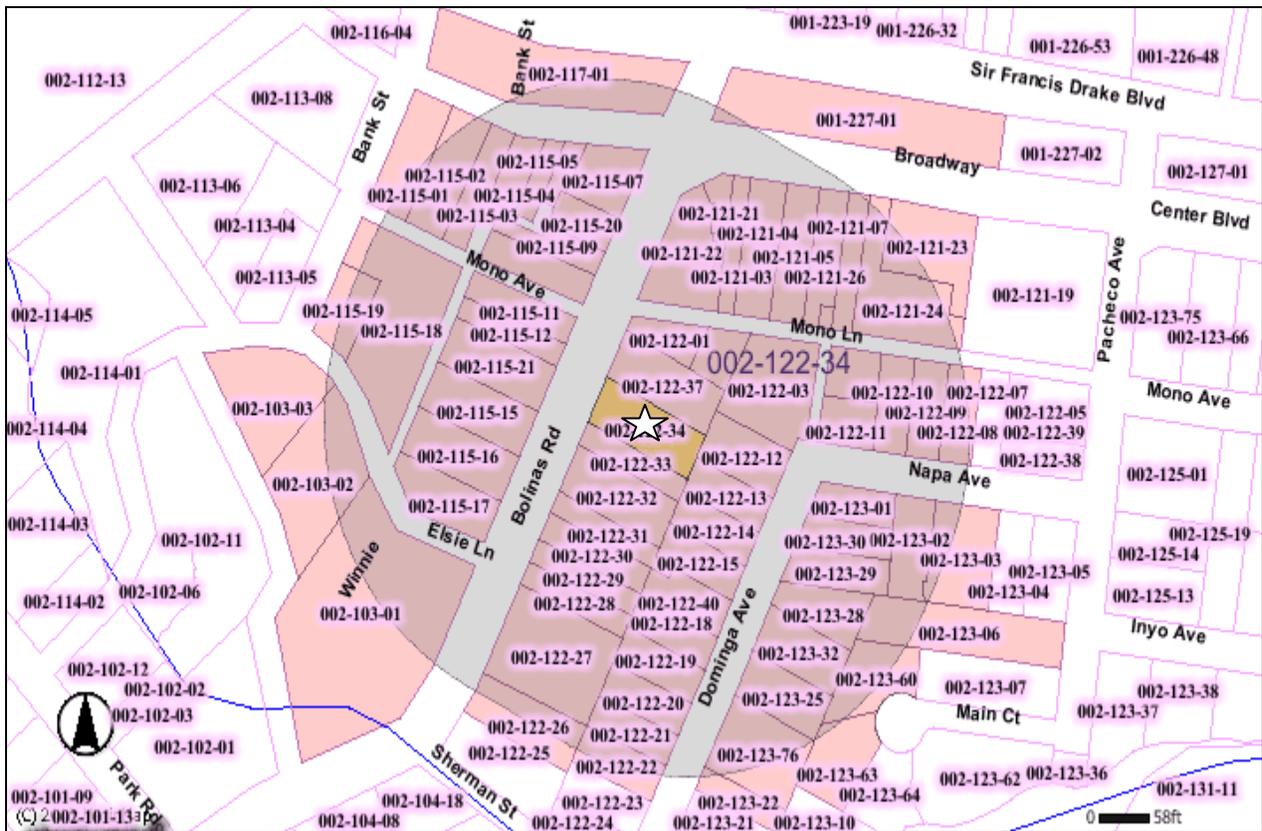


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: September 20, 2012
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Senior Planner
LOCATION: 31 Bolinas Road; Assessor's Parcel Numbers 002-122-01, 02 and 37
PROJECT: Outdoor seating area improvements and exterior color change
ACTION: Design Review; Application # 12-28
APPLICANT: Morgan Hall, Architect
BUSINESS OWNER: Peter Ammerall
OWNER: Brad Schwann
CEQA STATUS: Categorically exempt, § 15301(a)



31 BOLINAS ROAD

BACKGROUND

The 11,221 square foot site is developed with two commercial buildings. One is being utilized as a holistic health care center and the other was being used until recently by Lydia's Lovin Foods Wholesale Packaging and Distribution Center and Lydia's Lovin Foods Restaurant. A Use Permit allowing this mixed use was approved by the Planning Commission on December 20, 2002.

On September 15, 2011 the Commission approved a Use Permit to allow a 570 square foot outdoor eating area at the southwest corner of the restaurant in a portion of the parking lot. The parking lot was reconfigured so that the outdoor seating did not reduce the number of parking spaces below the twenty (20) required by the code so a parking variance was not required.

DISCUSSION

The outdoor seating area will be created by the construction of an overhead trellis cover over a 150 square foot ground level seating area and 354 square foot raised deck seating area. The upper deck area will be accessible both by stairs located on the north side and by an accessible lift at the south end of the ground level seating area. The deck area will have both bench seating and chairs while the ground level seating area will provide five (5) counter seats in addition to table and chair seating. The front entry will be relocated to the southern side of the building where patrons will enter between the outdoor deck area and the southern side of the existing building and the entry walkway will be covered with a flat roof.

The project includes a new façade for the existing building with; a) removal of the existing front door and replacement with a window; b) the monolithic awning being replaced by individual IPE slat awnings over each window; c) installation of 2 1/4 feet of tile wainscot along the bottom of the building with a band of IPE separating the tile from the stucco façade above.

Lighting

The proposed lighting will be; a) bronze anodized aluminum globe style lighting for the stairs; b) cast bronze with opalescent glass wall mounted lights for the outside of the trellis structure and hanging cast bronze with opalescent glass hanging lights over the outdoor eating table areas.

Landscaping

The east, west and south sides of the trellis enclosure will be softened through the use of the IPE siding material and the planting of a combination of Oregon Grape and California Wild Grape plants. The southeast corner will be screened with a Holly Leaf Cherry tree and a California Lilac and a "Swan Hill" Olive tree will be planted at the southwest corner (See page A3 of the project plans, Landscaping). The landscaping will be irrigated by a drip irrigation system. Hanging pocket planters will bring landscaping to the interior of the trellis enclosure.

Furniture

The umbrellas over the lower tables will be hardwood and green cotton fabric umbrellas, the four (4) person tables will be rectangular with teak wood tops and black steel legs, the two (2) person tables will be round with teak tops and black steel legs and they chairs will be teak with black steel, powder coated legs (see project plans page A7).

Color Palette and Materials

The stucco walls of the existing building will be painted Benjamin Moore – Pismo Dunes (AC-k32), the trim will be Benjamin Moore – Fresh Olive (2149-30) and the window sash, door and wall trim will be Benjamin Moore Autumn Purple (2073-20) (see plans including Material and Color Samples).

The structure of the outdoor deck will be kiln dried, clear heart, cedar redwood, the siding and decks surface will be IPE tropical hardwood. The lower tiles detail on the existing building will be "Oceanside Glass Tile" with a Geolog Random Modular pattern (see plans including Material and Color Samples). The floor surface for the lower seating area will also be IPE tropical hardwood.

DESIGN CRITERIA

Town Code § 17.020.030(B) requires that new construction projects in the Central Commercial CC Zone District where the project is located are subject to the Design Review Regulations. Town Code § 17.020.080 requires that the Planning Commission approve the design of such projects after determining that the proposal complies with the design review criteria set forth in Town Code § 17.020.040 as follows:

1. The proposed development shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
2. Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances.
3. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
4. The proposed development shall conform with all requirements for landscaping, screening, usable open space and the design of parking and off-street loading areas set forth in this title.

5. Where the proposed development is located in an area where a neighborhood plan or precise plan has been adopted by the town, the design of the development shall conform in all significant respects with such plans.
6. There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance.
7. The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance.
8. The extent to which the structure conforms to the general character of other structures in vicinity insofar as the character can be ascertained and is found to be architecturally desirable.
9. The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.
10. The extent to which natural features, including trees, shrubs, creeks and rocks, and the natural grade of the site are to be retained.
11. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.
12. The reservation of landscaping areas for the purpose of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites, and separating building areas from paved areas to provide access from buildings to open space areas;
13. In the case of any commercial or industrial structure, the board shall consider its proximity to any residential district and shall consider the effect of the proposed structure upon the character and value of the adjacent residential district area.
14. The design review board may recommend design guidelines to the planning commission and town council for adoption in order to further the objectives of this section and to illustrate design criteria.

Other Agency/Department Comments

Building Official –

The parking lot and dining area must comply with accessibility regulations.

Ross Valley Fire Department –

Fire apparatus access and water supply are adequate for the project but the Fire Department will be performing a complete review of the project plans prior to issuance of the building permit to ensure compliance with the Fire Code.

Marin County Environmental Health Services –

The outdoor dining area is acceptable as submitted.

No other agencies or department had any comments regarding the project.

RECOMMENDATION

1. Open the public hearing and take public testimony.
2. Close the public hearing.
3. Move to approve design review application # 12-28 based on the following findings and subject to the following conditions of approval:

Recommended Findings

1. The proposed modifications to the building, including the varied exterior color palette, landscaping, exterior materials, and outdoor eating/access/deck will create a well composed design harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
2. The combination of Oregon Grape, California Wild Grape, California Lilac shrubs along with the Holly Leaf Cherry Tree and the "Swan Hill" Olive will provide adequate screening and will soften the east, west and south sides of the trellis enclosure. Therefore, proposed landscaping and the retention of the existing trees separates and screens the loading dock service and storage areas from the street.
3. The western side of the parking lot which is currently not well maintained and is visible through the marginal landscaping will be articulated by the addition of the exterior access/outdoor seating deck which will be further enhanced through the addition of landscaping. The western unbroken expanse of the existing building will be broken up and articulated by the construction individual IPA wood slat awnings over the windows and the 2 ¼ feet of tile on the lower portion of the structure. Therefore, proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
4. The Town has no set landscaping requirements. However, the project includes a substantial amount of landscaping and will be an improvement over the existing

landscaping which has not been well maintained. Portions of the parking lot will be removed to allow for the additional landscaping including two new trees. Therefore, the project meets the intent of the design review criteria to decrease or eliminate large expanses of pavement.

5. The parking lot has been redesigned to maintain the existing number of parking spaces and a sign will be installed prior to use of the outdoor eating area to direct patrons to the existence of the parking lot at the rear. The design of the parking lot complies with the Zoning Ordinance and meets the design review criteria for parking and circulation.
6. The design includes sufficient variety in material type, color, landscaping and architectural features to avoid monotony in the external appearance of the building, outdoor eating area and grounds.
7. The proposed outdoor eating area is in proportion with existing building façade and has design elements that compliment the architecture of the structure. The size and design of the structure is in proportion to its building site and it has a balance and unity among its external features so as to present a harmonious appearance.
8. The proposed outdoor eating area will conform to the general commercial character of the other commercially zoned structures and sites in the immediate vicinity and the proposed architectural design is a desirable visual improvement over the long expanse of parking lot that currently exists.

Recommended Conditions

1. During the construction process the following shall be required:
 - a. 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.
 - b. 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.
2. Prior to issuance of an occupancy permit the following shall be completed:
 - a. The civil engineer shall field check the completed project and submit written certification to the Town Staff that the grading and drainage elements have been installed in conformance with the approved parking lot landscaping plans and the recommendations of the soils report.

- b. The Planning Department shall field check the completed project to verify that all design review and planning commission conditions have been complied with including installation of landscaping and irrigation.
3. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.
 4. 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".
 5. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of application # 12-28. Any construction based on job plans that have been altered without the benefit of an approved modification of application 12.28 will result in the job being immediately stopped and red tagged.
 6. The awnings and the new entry that extend over the public way must maintain a minimum elevation of eight (8) feet above the sidewalk and have a two (2) foot clearance from the edge of the curb.
 7. The applicant shall maintain the premises in a neat and attractive manner at all times and such maintenance shall include, but not be limited to exterior building materials, signage, windows, the planters and planting beds, the ground, patio and pavement surfaces.
 8. The parking lot shall be restriped as depicted on the plans prepared by Morgan Hall Architect dated 7/7/11 and submitted with this application. Five (5) of the twenty (20) parking spaces shall be marked for "restaurant patron" use in accordance with Town Code § 17.052.030(2)(H) prior to expanding the business into the outdoor area.
 9. Minor adjustments to the above referenced plan that don't decrease the number of parking spaces or increase the 720 square foot outdoor seating area will be subject to the review and approval by the Department of Planning and Building Services.
 10. The applicant shall provide a landscaping and irrigation bond to the Town in an amount that will cover the cost of the landscaping and irrigation. This bond shall be held for 18 months to ensure the landscaping becomes established.
 11. Plant material shall be a minimum of 5 gallon sized specimens and trees shall be 15 gallon.
 12. The applicant shall have a directional sign made by a professional sign company directing patrons of 29 and 30 Bolinas Road to the parking alongside the building and shall install in a permanent location in the ground. The sign shall be in place prior to outdoor restaurant use.

13. The plans are limited to the development as depicted on the plans dated 1/28/12 by Morgan Hall Architect, pages A1 through A7 and the associated Design Review Material and Color Samples page dated 1/25/12 by Morgan Hall Architect.

14. 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.

ATTACHMENTS

- Exhibit A - Applicant's supplemental information
- Exhibit B – Design Review Letter of Action
- Exhibit C – Other agency/department comments