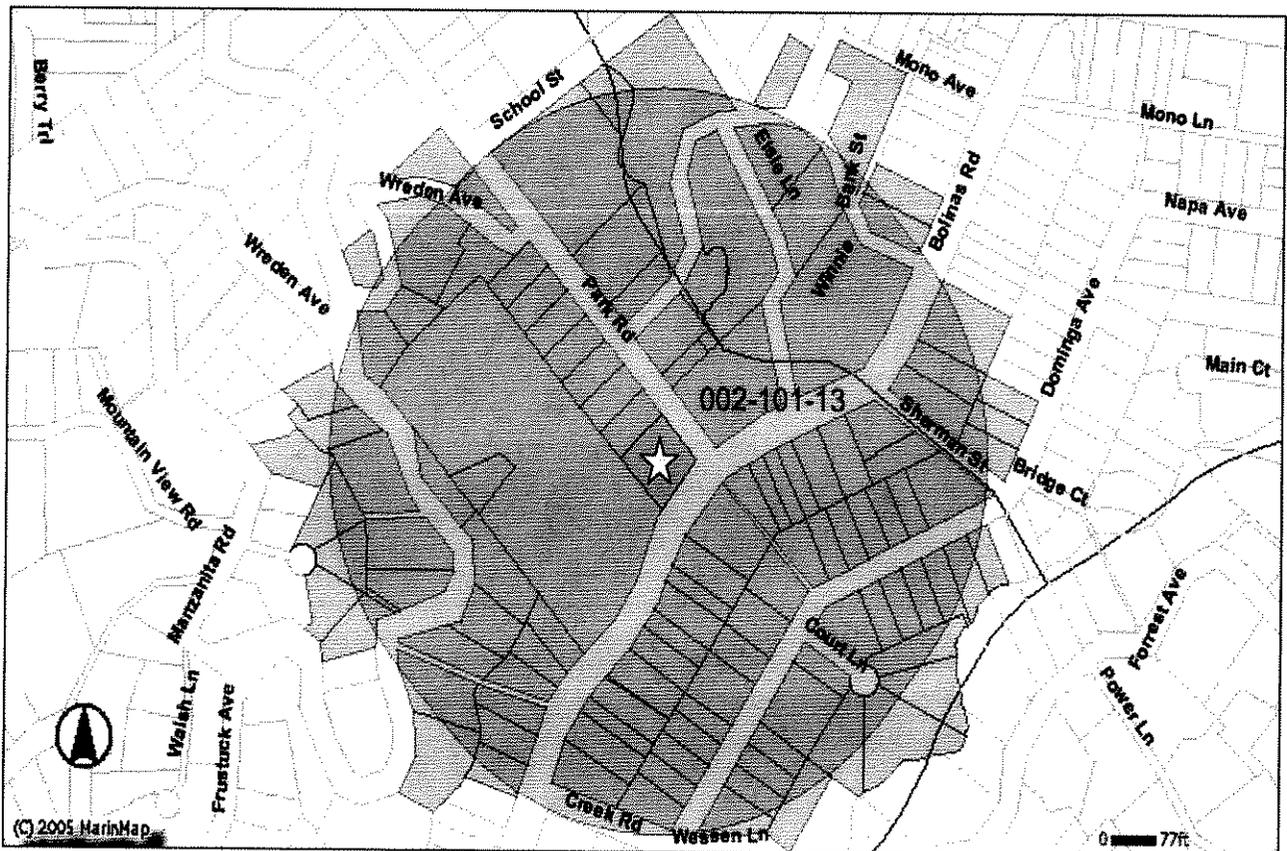


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: February 21, 2013
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: Expanding 7-11's hours on Fridays, Saturdays and Sundays
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

The 10,000 square foot site is level and developed with a 2,160 square foot building. In 1972 the Planning Commission approved a Use Permit for a retail store on the site subject to the hours being limited from 6:00 AM to 12:00 PM and subject to the planters being landscaped and the landscaping being maintained.

In 2011 the business owner applied to modify the Use Permit to keep the store open 24 hours per day. On May 19, 2011, the Commission approved the request subject to a number of following conditions of approval, including fencing, signage, landscaping and operational requirements and parking restrictions.

The approval was also subject to a 6 month review of the Use Permit, which occurred November 17, 2011, at which time the Commission imposed an additional 6 months review and placed additional conditions upon the modified Use Permit.

On May 17, 2012, the Commission granted final approval of the modified use permit, but the neighbor at 9 Park Road appealed the Commission's final decision to the Town Council.

On November 7, 2012 the Council granted the appeal, overturning the Commission's action, and denying the Use Permit for the extended hours. On December 1, 2012, the initial use permit restriction limiting the hours of operation from 6:00 AM to 12:00 PM was restored.

On November 14, 2012, the Applicant submitted a new application for a modification to the use permit that would permit twenty four hour operation Fridays, Saturdays and Sundays.

DISCUSSION

Nowhere in the Town Code are all night establishments prohibited in the Central Commercial District (CC). In fact the Code is silent with respect to dictating privately owned businesses hours of operation. The bars are open until 2 AM and the Rhino gas station and Bank of America, although not staffed at night, still dispense money and gasoline to patrons at all hours. Two restaurants, the Sleeping Lady Café and the Gestalt House remain open past 12:00 midnight with the Sleeping Lady closing at 1:00AM on Fridays and Saturdays and the Gestalt House closing at 2:00 AM on Thursdays, Fridays and Saturdays.

During the previous operation of the 7-11 for 24 hours a day (i.e., from May, 2011 until December 2012 when the use permit modification appeal was granted) there were no reported increases in traffic or noise complaints according the Fairfax Police Department that were directly attributable to the extended business hours.

7-11 is now applying to modify their use permit to be open 24 hours only three nights a week on Fridays, Saturdays and Sundays. There are citizens in Town who do not own vehicles and who

might find the close proximity of 7-11 in its central location in Town more convenient and able to serve their needs than other businesses located in San Anselmo or in the County of Marin.

In addition, since the business operated for 24 hours a day for over a year without a significant impact on the immediate neighborhood and without increasing the number of police assistance calls from a significant number of neighbors in the area, staff has no reason to believe that the business staying open all night on Fridays, Saturdays and Sundays, subject to reasonable recommended conditions describe below, will negatively impact the Town.

OTHER AGENCY/DEPARTMENT COMMENTS (See Exhibit B)

Fairfax Police Department

No comments or concerns.

Ross Valley Fire Department

Applicant shall continue to comply with all fire department regulations.

Marin Municipal Water District

Continued compliance with Water Conservation Title 13.

Marin County Environmental Health Department

No comments or concerns.

RECOMMENDATION

Move to adopt Resolution Number 13-03 approving modification of Use Permit No. 79-UP-33 to allow 24-hour operation of the retail use on Fridays, Saturdays and Sundays, subject to the following conditions of approval:

Recommended Conditions

1. The applicants shall retain and maintain the solid fence they constructed between the side of the building and the sidewalk, at a height and location to be reviewed and approved by the Planning Department, to screen 9 Park Road from the headlights of vehicles parking and accessing the 7-11 parking lot at night. Any additional fence height deemed necessary by the Planning Department to serve the role of the fence as a separation between the commercially zoned and residentially zoned sites is approved.
2. A second no idling sign, in addition to the one posted on the front of the building, shall be remain posted on the northeastern side of the structure.

**KNOX
LEMMON
ANAPOLSKY** LLP

ATTORNEYS-AT-LAW

300 Capitol Mall, Suite 1125
Sacramento, California 95814-4339

TELEPHONE: (916) 498-9911

FACSIMILE: (916) 498-9991

www.klalawfirm.com

FEB 04 2013

RECEIVED

Deborah K. Patterson
Andrew D. Loveland
Stephen J. Byers
Kurt D. HendricksonSender's E-Mail:
sbyers@klalawfirm.comThomas S. Knox
John M. Lemmon
Louis J. AnapolskyOF COUNSEL
Michael A. Grob

February 1, 2013

VIA FEDERAL EXPRESSFairfax Planning Department
Attn: Linda Neal, Senior Planner
142 Bolinas Rd.
Fairfax, CA 94930**Re: 150 Bolinas Road; Revised Use Permit Application**

Dear Ms. Neal,

Our law firm represents 7-Eleven and its franchisee Rajiv Uppal. I am writing in response to your letter to Mr. Uppal dated December 10, 2012. I am enclosing a copy of your letter.

In your letter, you informed Mr. Uppal that the Use Permit Application that he submitted on November 14, 2012 to the Fairfax Planning Department ("Department") has been deemed incomplete. The remainder of this letter addresses the three areas in your December 10 letter regarding the additional information and/or documents required by the Department so that Mr. Uppal's Application may be deemed complete.

The following is a list of the three areas from your December 10 letter as well as 7-Eleven's response to each of those areas:

1. **"Please complete pages 1 and 2 of the application to include the property owner's name, contact information, mailing address, his/her signature, lot size, size of the structure and number of parking spaces on the site."**

Please find enclosed with this letter two pages from the November 14, 2012 Use Permit Application with some of the additional information (highlighted in yellow) requested in your December 10 letter. The remaining information requested in Item No. 1 from your letter is as follows:

EXHIBIT #

A

We are unaware of any fax or work number for the property owner.

The property has six (6) regular parking spots and one (1) handicapped parking space.

2. "Provide findings for why the use permit will not negatively impact the neighboring properties and include a description of the mitigation measures you are willing to incorporate on pages 12 and 13 of the application form (i.e. the parking lot cameras, the fence, chaining off the two parking spaces closest to 9 Park Road, monitor the checkout counter, etc.)."

Due to space limitations on pages 12 and 13 of the application form, we hereby incorporate the following as if it was included on those pages. As explained more fully below, the new Use Permit will not negatively impact neighboring properties.

First, the Fairfax Police Chief has testified that complaints related to the 7-Eleven **decreased** since the Department conditionally approved 24-hour operations. The July 11, 2012 Staff Report from the Department states that "there was **not** an increase in noise or other disturbance incidents that could be directly attributable to the 7-11's expanded hours..."¹ The same Staff Report states that "[t]he Police have indicated that the extended hours have **not** led to any increase in incidents in the area directly related to the business' remaining open all night."² In the Police Chief's May 17, 2011 Report, he notes that from May 19, 2010 through May 19, 2011 (before the Town approved the 24/7 Use Permit), there were six noise complaints made relating to the 7-Eleven store compared to only two noise complaints from June 1, 2011 through May 1, 2012 (after the Town approved the 24/7 Use Permit). The October 3, 2012 Staff Report from the Department states that "since the granting of the Use Permit, the Police have indicated that the extended hours have not led to an increase in incidents in the area directly related to the business' remaining open all night: the number [of] incidents . . . went down. This is presumably due to the additional security cameras, lighting, and 24-hour presence of 7-Eleven staff."³

Second, the following additional findings made by the Department provide further evidence that the new Use Permit will not negatively impact neighboring properties:

- **"The Park Road neighborhood is an area with lots of activity, some of which occurs late into the night** – being located near the Fire and Police Stations, the Youth Center, Peri Park and the Women's Club."⁴

¹ Emphasis added.

² Emphasis added.

³ Underline in original.

⁴ Town of Fairfax Staff Report, Department of Planning and Building Services, September 5, 2012, pg. 2 (emphasis added).

- **“Although there was not an increase in noise or other disturbance incidents that could be directly attributable to 7-11’s expanded hours, the Commissioners scheduled another six (6) month review for May 19, 2012.”**⁵
- **“7-11 is located across the street from the Ross Valley Fire Department Fairfax Station House 21 and the Fairfax Police Department. It also is located on the west side of Bolinas Road, one of the more heavily trafficked thoroughfares in Town. Sherwood Oak, one of the larger apartment complexes in Town, is located immediately to the south and west.”**⁶
- **“The Park Road neighborhood is an area with activity that occurs late into the night – being located near the Fire and Police Stations and with a lot of foot traffic around two (2) AM when the bars close down.”**⁷
- **“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.”**⁸
- **“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.”**⁹
- **“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.”**¹⁰

⁵ Town of Fairfax Staff Report, Department of Planning and Building Services, July 11, 2012, pg. 3 (emphasis added).

⁶ *Id.* at pg. 4 (emphasis added.)

⁷ *Id.* (emphasis added.)

⁸ Minutes of April 21, 2011 Planning Commission Meeting, pg. 2 (emphasis added).

⁹ *Id.* at pg. 3 (emphasis added.)

¹⁰ *Id.* (emphasis added.)

- “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.**”¹¹
- “Commissioner LaMotte said **that it would not be fair to lay the problems of bars and activities in town on the store.**”¹²
- “In response to chair Ketcham, **Chief Morin said he believed that the number of incidents related to the store had remained virtually the same as those that had taken place a year prior to the extended store opening hours.**”¹³
- “Councilmember O’Neil asked the chief if this is a good idea and whether or not it will cause more issues. He desired to know the recommendation in regard to the community because he expressed concern for the character of the Town changing. **Police Chief Morin did not see this being an issue. He explained that when 7-Eleven was closed there were more noise problems, so from a law enforcement perspective, it is not an issue. He further believed it is a benefit to those that need the service.**”¹⁴

Third, many Fairfax residents want the 7-Eleven store open 24 hours a day. 7-Eleven previously presented a petition signed by hundreds of Fairfax residents attesting that they “want a 24 hour convenience store to satisfy our needs (i.e. medicines, milk, grocery, coffee, etc.).”

Fourth, my clients are willing to take (or have already taken) the following mitigation measures:

- Franchisee installed video cameras to provide surveillance of the parking lot with a monitor located at the cashier’s counter;
- Franchisee will close the parking spaces immediately adjacent to the Morenos’ property from 9:00 p.m. to 6:00 a.m. so no vehicles can use those spaces during late night and early morning hours;
- Franchisee will re-schedule deliveries to take place during the day rather than at night or during the early morning;
- Franchisee will not sell alcohol after midnight;

¹¹ *Id.* (emphasis added).

¹² Minutes of May 19, 2011 Planning Commission Meeting, pg. 3 (emphasis added).

¹³ Minutes of May 17, 2012 Planning Commission Meeting, pg. 2 (emphasis added).

¹⁴ Minutes of July 11, 2012 Planning Commission Meeting, pg. 6 (emphasis added).

- Franchisee installed landscaping as requested by the Town of Fairfax;
- Franchisee will post a "No Alcohol Sold After Midnight or Before 6 a.m." sign inside the store;
- Franchisee will post two signs outside the store that read "Idling of Vehicle Engines Prohibited;"
- Franchisee erected a public posting board where members of the public can post notices;
- Franchisee built a fence between the store and the Morenos' property;
- Franchisee installed additional lighting on the newly installed fence;
- 7-Eleven is willing to pay for the construction of a sound wall between the store and the Morenos' property.

3. "Provide 14 copies of the property site plan including property lines and building and parking space locations."

Please find the aforementioned documents enclosed with this letter.

Once you have reviewed this letter and the enclosed materials, please contact me to discuss 7-Eleven's place on the agenda for the Department's February 21, 2013 meeting.

Sincerely,



STEPHEN J. BYERS

SJB/sd

Enclosures

cc: James M. Moore, Director of
Planning & Building Services (via email)
Jim R. Karpiak (via email)



TOWN OF FAIRFAX

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

COPY

December 10, 2012

Rajiv Uppal
150 Bolinas Road
Fairfax, CA. 94930

Re: 150 Bolinas Road; Use Permit application

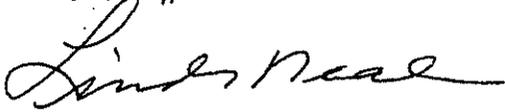
Dear Mr. Uppal,

The Department of Planning and Building Services has completed its review of the above referenced application and we regret to inform you that it has been deemed incomplete. The following represents our findings and request for additional information:

1. Please complete pages 1 and 2 of the application including the property owners name, contact information and mailing address, his/her signature, lot size, size of the structure and number of parking spaces on the site.
2. Provide findings for why the use permit will not negatively impact the neighboring properties and include a description of the mitigation measures you are willing to incorporate on pages 12 and 13 of the application form (i.e. the parking lot cameras, the fence, chaining off the two parking spaces closest to 9 Park Road, monitor on the checkout counter, etc.).
3. Provide 14 copies of the property site plan including property lines and building and parking space locations.
4. Submit 14 copies of any information you want provided to the Planning Commission. (i.e. if you want to submit any information that was provided to the Planning Commission with the previous application it must be re-submitted).

If you have any questions, please do not hesitate to contact the Department of Planning and Building Services.

Sincerely,

A handwritten signature in cursive script that reads "Linda Neal". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Linda Neal
Senior Planner

cc. Steven Byer, Attorney at Law

PLANNING APPLICATION FORM
Town of Fairfax Planning Department

<p>For PLANNING COMMISSION action:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Annexation <input type="checkbox"/> General Plan Amendment from _____ to _____ <input type="checkbox"/> Design Review (hillside*, commercial*, multi-family*, 5'-8' residential setback 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 type="checkbox"/> Other: <hr/> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental Review* 	<p>For ADMINISTRATIVE action</p> <ul style="list-style-type: none"> <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 <p align="center">TOWN OF FAIRFAX</p> <p align="center">NOV 1st 2012</p> <p align="center">RECEIVED</p> <hr/> <p>For Office Use Only</p> <p>Application # _____</p> <p>Receipt # _____ TOWN OF FAIRFAX</p> <p align="center">NOV 1st 2012</p> <p align="center">RECEIVED</p>
---	--

TOWN OF FAIRFAX

NOV 1st 2012

RECEIVED

* Please complete the appropriate Supplemental Questionnaire.

** See special submittal requirements.

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

|                                     |                                    |                  |
|-------------------------------------|------------------------------------|------------------|
| Job Site Address:<br>150 BOLINAS RD | Assessor Parcel No.:<br>002-101-13 | Zone:<br>CH ZONE |
|-------------------------------------|------------------------------------|------------------|

|                                                    |                                               |                        |
|----------------------------------------------------|-----------------------------------------------|------------------------|
| Property Owner(s) Name:<br>RICHARD MATTHEWS        | Phone Numbers:<br>Home: 415-472-5190<br>Work: | Fax Number:            |
| Mailing Address:<br>339 DEVON DRIVE                | City:<br>SAN RAFAEL                           | State/Zip:<br>CA 94903 |
| Applicant(s) Name (contact person):<br>RAJIV UPPAL | Phone Numbers:<br>Home:<br>Work: 415-457-2282 | Fax Number:            |
| Mailing Address:<br>150 BOLINAS RD                 | City:<br>FAIRFAX                              | State/Zip:<br>CA 94930 |

PROJECT DESCRIPTION: TO REMAIN OPEN 24 HOURS  
FRIDAY, SATURDAY SUNDAY

GENERAL INFORMATION (if applicable):

| Item                                                   | Existing     | Proposed |
|--------------------------------------------------------|--------------|----------|
| Lot size                                               | 10,000 sq ft |          |
| Size of structure(s) or commercial space (square feet) | 2160 sq ft   |          |
| Height and No. of stories                              |              |          |
| Lot coverage                                           |              |          |
| No. of dwellings units                                 |              |          |
| Parking <sup>1</sup> No. of spaces                     |              |          |
| Size of spaces                                         |              |          |

|                                        |              |        |
|----------------------------------------|--------------|--------|
| Amount of proposed excavation and fill | Excavation = | Fill = |
|----------------------------------------|--------------|--------|

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.

<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? \_\_\_\_\_

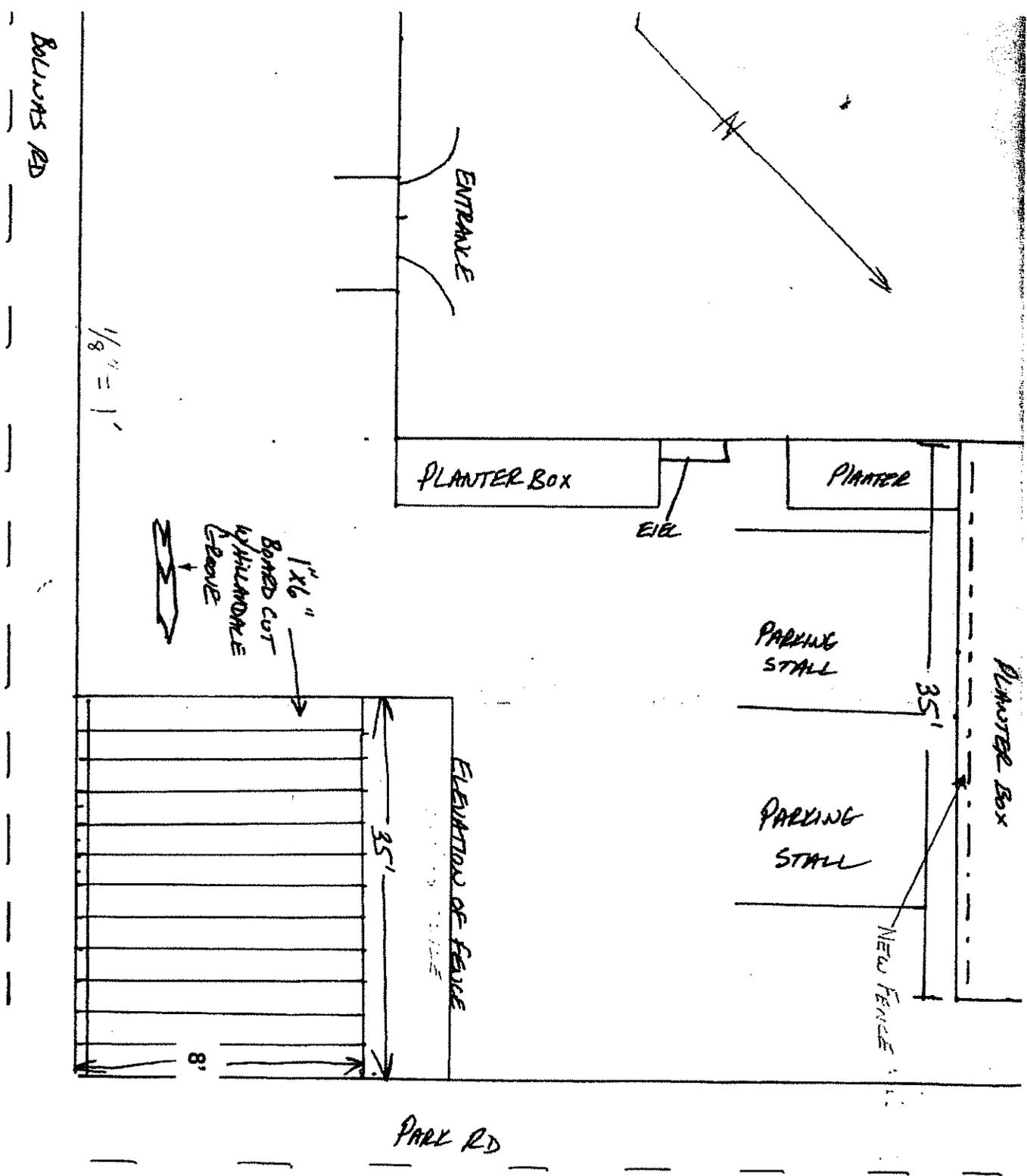
[Signature]  
 Signature of Property Owner

1-3-13  
 Date

[Signature]  
 Signature of Applicant

11/14/12  
 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



7-ELEVEN  
 SITE # 15957

150 BOLINAS  
 FAIRFAX, CA, 94930  
 415-457-2282

$\frac{1}{8}'' = 1'$   
 --- = ROAD  
 - - - = NEW FENCE

3. The landscaping beds along the northern side of the parking lot, adjacent to 9 Park Road, shall be landscaped and irrigated with native, drought tolerant plants. These beds are subject to the same maintenance requirements/bond requirement described in condition number 11 below.
4. A no parking sign shall be erected indicating that parking parallel to the chain blocking off the two parking spaces that are chained off between 12 midnight and 6 am, is prohibited.
5. Lighting shall be placed on the building directed towards the northwestern corner of the property where people tend to urinate. The lights shall be shaded and directed away from 9 Park Road.
6. The, "No Alcohol Sold After Midnight or before 6 AM" sign shall be permanently posted.
7. No alcohol shall be sold after midnight.
8. Deliveries shall occur during the day.
9. The native water conserving landscaping treatment shall be maintained in the planter at the southeast corner of the parking lot.
10. 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.
11. The parking spaces immediately adjacent to 9 Park Road shall be chained off at 9 PM.
12. The side of the parking lot not visible to the employees shall be monitored by camera.
13. The applicant shall continue to comply with all the requirements of the Fairfax Fire Code.
14. A sign shall be erected outside the front of the store that reads, "Idling of Vehicle Engines Prohibited".
15. The applicant shall erect a public posting board where public notices can be posted.

## **ATTACHMENTS**

- Exhibit A – letter from Stephen J. Byers, Attorney at Law, Knox Lemmon Anapolsky, LLP, dated 2/1/13
- Exhibit B - Resolution No. 13-02
- Exhibit B - Other agency/department comments

**RESOLUTION NO. 13-02**

**A RESOLUTION OF THE FAIRFAX PLANNING COMMISSION GRANTING APPROVAL OF USE PERMIT MODIFICATION TO ALLOW 24 HOUR RETAIL OPERATIONS ON WEEKENDS AT 150 BOLINAS ROAD; APPLICATION 79-UP-33; ASSESSOR'S PARCEL NUMBER 002-101-13**

**WHEREAS**, in 1972 the Planning Commission granted a use permit for the operation of a retail store on the property at 150 Bolinas Road (the "Property"), which use permit was subsequently modified in 1979 and designated as 79-UP-33 (the "Use Permit");

**WHEREAS**, a 7-11 retail market has been operated continuously on the Property since the Use Permit was granted;

**WHEREAS**, on November 14, 2013, the Rajiv Uppal ("Applicant") submitted an application for a modification to the use permit that would permit twenty four hour operation Fridays, Saturdays and Sundays;

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the application and received and reviewed testimony and documentary evidence on the matter;

**WHEREAS**, local departments and agencies, including the Fairfax Police Department and Ross Valley Fire Department, submitted evidence to the Commission that they have no concerns about the 24-hour operation of the business;

**WHEREAS**, the Commission reviewed evidence regarding other 24 hour uses in Town, the retail services that would be provided to the public by the additional hours, the impacts occurring during the previous 24 hour operation of the site during 2011 and 2012, and the need for conditions to reduce the potential for impacts of the 24 hour operations;;

**NOW, THEREFORE**, the Planning Commission of the Town of Fairfax does hereby find and determine, based on substantial evidence in the record before it at the public hearing, as follows:

1. The approval of the modification to the Use Permit permitting 24-hour operations on Fridays, Saturdays and Sundays will not result in public nuisances and excessive or unreasonable detriment such as excessive noise during the hours from midnight to 6:00 a.m. on Fridays, Saturdays and Sundays, in the area of the Property;
2. 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;

3. The police have indicated, and the lack of reported 7-11 related complaints that occurred between May 19, 2011 and November 7, 2012 during the previous 24 hours per day business operation confirms, that having the extended hours with the prohibition of alcohol sales after midnight, will not cause excessive or unreasonable detriment to surrounding properties.
4. Approval of the use permit modification is not contrary to those objectives, goals or standards contained in Title 17, the Zoning Ordinance, or the Fairfax Town Code which allows retail commercial uses in the Central Commercial Zone District and places no restrictions on business hours of operation.
5. Approval of the use permit is in the public interest because it will provide a place; a) to purchase food staples in a central location that is a reasonable walking distance from most of the residential areas of Town; and b) during hours when other local retail stores are closed.

**THE FOREGOING RESOLUTION** was duly and regularly adopted by the Planning Commission of the Town of Fairfax, County of Marin, State of California, at a regular meeting thereof, held on the 21<sup>st</sup> of February, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Shelby LaMotte, Vice Chair

Attest:

---

Jim Moore  
Director of Planning and Building Services

**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 - *To Sergeant Stuart Baker*

**From: Fairfax Planning and Building Services Department**

Date: February 7, 2013

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

Address and Parcel No: 150 Bolinas Road; Assessor's Parcel No. 002-101-13

Project Description: Second attempt to convert an existing 7-Eleven store with limited operating hours to a 24 hour operation but only on Fridays Saturdays and Sundays. No building expansion plans are proposed and the store is currently open from 6 AM through 12 Midnight.

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 | February 4, 2013 | Application form, site plan and letter dated February 1, 2013, from Steven Byers, Attorney with Knox Lemmon Anopolsky LLP |
|   |                  |                                                                                                                           |
|   |                  |                                                                                                                           |
|   |                  |                                                                                                                           |
|   |                  |                                                                                                                           |
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|   |                  |                                                                                                                           |
|   |                  |                                                                                                                           |
|   |                  |                                                                                                                           |

REMARKS NO POLICE DEPT CONCERNS. (SB)

Please respond by ASAP but no later than February 14, 2013. Thanks

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

**EXHIBIT #** C



Ross Valley Fire Department  
777 San Anselmo Avenue, San Anselmo, CA 94960

Roger Meagor  
FIRE CHIEF

# Memo

**To:** Linda Neal, Sr. Planner

**From:** Rob Bastianon, Fire Inspector 

**Date:** 4/1/2011

**Re:** 150 Bolinas Road, Fairfax

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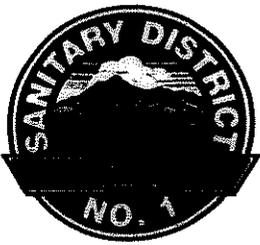
Ross Valley Fire Department has reviewed the request to amend the original use permit to allow hours of operation be extended to 24.

As a condition, the applicant is to at all times remain in compliance with Town of Fairfax Fire Code requirements.

Committed to the protection of life, property, and environment.  
SAN ANSELMO • FAIRFAX • SLEEPY HOLLOW

---

HEADQUARTERS: 777 San Anselmo Avenue, San Anselmo, CA 94960 TEL: (415) 258-4686 FAX: (415) 258-4689 [www.rossvalleyfire.org](http://www.rossvalleyfire.org)



# ROSS VALLEY SANITARY DISTRICT

*Serving the Greater Ross Valley Area for 111 YEARS* TOWN OF FAIRFAX

2960 Kerner Boulevard San Rafael, Ca 94901  
Ph: 415.259.2949 Fax: 415.460.2149

MAR 30 2011

WWW.RVSD.ORG

Brett N. Richards ~ General Manager

RECEIVED

Directors: Marcia Jonson, President ~ Peter Wm Sullivan, M.D., Secretary ~ Patrick Guasco, Treasurer ~ Pam Meigs ~ Frank Egger

March 28, 2011

Ms. Linda Neal  
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930

**SUBJECT: 150 BOLINAS ROAD; ASSESSOR'S PARCEL NO. 002-101-13**

Dear Ms. Neal:

We are in receipt of your transmittal dated March 23, 2011 concerning the above-referenced project. This project has no impact on the public sanitary sewer. Therefore, 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



# MARIN MUNICIPAL WATER DISTRICT

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

March 30, 2011  
Service No. 33606

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

**RECEIVED**

**MAR 31 2011**

**TOWN OF FAIRFAX**

**RE: WATER AVAILABILITY – Convenience Store**  
Assessor's Parcel No.: 002-101-13  
Location: 150 Bolinas Rd., Fairfax

Dear Ms. Neal:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a 7-Eleven convenience store. The proposed change of operating hours will not impair the District's ability to continue service to this property.

Compliance with the District's Water Conservation Ordinance 414 is a condition of water service. Plans shall be submitted, and reviewed to confirm compliance. The ordinance requires a landscape plan, an irrigation plan, and a grading plan for projects with grades over 10%. Any questions regarding this ordinance should be directed to the plan review program manager at (415) 945-1497. You can also find information about the ordinance online at [www.marinwater.org](http://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,

A handwritten signature in black ink, appearing to read "Joe Eischens".

Joseph Eischens  
Engineering Technician  
JE:dh

cc: Town of Fairfax Building Dept

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

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

**RECEIVED**  
**MAR 28 2011**  
Environmental Health

**LETTER OF TRANSMITTAL**

**From: Fairfax Planning and Building Services Department**

**Date: March 23, 2011**

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

Address and Parcel No: 150 Bolinas Road; Assessor's Parcel No. 002-101-13

Project Description: Conversion of an existing 7-Eleven store with limited operating hours to a 24 hour per day operation. No building expansion plans or parking lot modifications are proposed and the store is currently open from 6 AM through 12 Midnight.

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 | 3/16/11 | Completed application form, store photos and plans |
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**REMARKS** *No requirements from EHS as there*

Please respond by April 6, 2011. Thanks

*appears to be no food facility expansion or changes. Jane Paul Supervising REHS.*

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