

Applicant/Architect; Martha Noble and Lisel Blash, applicants; CEQA categorically exempt, § 15301(a) and 15303(e).

In response to Commissioner Fragoso, Principal Planner Neal provided clarification on structures that are proposed for removal and an accessory building.

3. **232 Hillside Drive; Application # 14-19:** Modification of a previously approved Hill Area Residential Development permit to enclose and convert an open storage area to a “garage like” storage shed; Assessor’s Parcel No. 002-181-02; Upland Residential UR 10 Zone District; Kelly and Deborah London, applicants/owners; CEQA categorically exempt, § 15301(a).
4. **138 Ridgeway Avenue; Application # 15-22:** Request for a Use Permit to use a 120 square foot prefabricated accessory structure as an artist studio; Assessor’s Parcel No. 001-214-21; Residential RS 6 Zone District; David and Idie Weinsoff, applicants/owners; CEQA categorically exempt, § 15303(e).
5. **69 Spruce Road; Application # 15-09:** Continued consideration of a request for a Preferential Parking Permit to create a 32 foot long by 9 foot wide parking space by constructing a retaining wall that will reach up to 7 feet in height. Project will also include reconstruction of the residence access stairway. The entire project will take place within the Spruce Road right-of-way along the property frontage; Assessor’s Parcel No. 001-145-01; Residential Single-family RS 6 Zone District; Wendy Oliveira, Farallon Company, applicant; Ellen De Martini, owner; CEQA categorically exempt, § 15301(4) and 15305(b).
Recommended for continuance until the August 20, 2015 Commission meeting.

M/s, Fragoso/Ackerman, Motion to approve Consent, including continuing the item at 69 Spruce Road to the meeting of August 20, 2015:

AYES: Ackerman, Fragoso, Kehrlein, Newton

ABSENT: Gonzalez-Parber, Green, Hamilton.

Commissioner Kehrlein read the appeal rights.

PUBLIC HEARING ITEMS

6. **2001 Sir Francis Drake Boulevard; Application # 15-18:** Continued consideration of a request for a Use Permit for outdoor seating, Design Review of proposed exterior changes and site improvements, and a Parking Variance to have 1 less than the required number of parking spaces and less than the required dedicated delivery vehicle loading space; Assessor’s Parcel No. 002-116-04; Highway Commercial CH Zone District; Brian and Elizabeth Back, applicants; Arash Salkhi, owner; CEQA categorically exempt, § 15301(a) and 15303(c).

Principal Planner Neal explained that the applicant had been asked at the previous hearing to investigate alternative parking lot designs which would enable a vehicle to turn around in the

parking lot and exit onto Sir Francis Drake Blvd safely. Ms. Neal explained that sufficient space has been provided by decreasing the planting strip and she noted that the project otherwise remains unchanged.

Ms. Neal confirmed that the Town Engineer has verified that a car can make a turn in the public parking lot in four moves and would not need to back out on to Sir Francis Drake Blvd.

Ms. Neal discussed the reduced planting strip. She noted that a vibrant planting area would be difficult to maintain and that, should the Town extend Bank Street through to Sir Francis Drake Blvd in the future, there would be less than the required 4 feet for a sidewalk. Ms. Neal said that staff believes the planting strip could be increased by 2 feet by reducing the outdoor seating area, which is not the applicants' wishes.

Ms. Neal also noted that a parking variance is required to reduce the number of required spaces from 10 to 9, but that staff believes findings can be made and, overall, staff recommends approval of the project with the modifications to the property.

Planning Director Moore discussed the planting strip. He said that staff believes it would be possible to move the parking lot in a westerly direction to increase the planting strip, although it is not a major concern. Mr. Moore discussed the increase in driving aisle space and said that staff likes the project and design overall. Mr. Moore said that there are two small redwood trees that the applicants would like to remove which will be considered by the Tree Committee.

Ms. Neal said that the applicants will explain, using the plans, the reasons why they feel the parking lot cannot be moved westwards, which she said relates to the sidewalk approach and a doorway.

Commissioner Fragoso expressed her dissatisfaction with the reduced sidewalk.

Commissioner Newton and Mr. Moore discussed the sidewalk design in relation to the Town's wish, at some future date, to extend Bank Street through Sir Francis Drake Blvd. Mr. Moore noted that if the Town develops the right-of-way, some trees will need to be removed, which he discussed. He noted that the Town's aim is to accommodate cars and cyclists, and that it would be a challenge to accommodate pedestrians with a reduced sidewalk. Mr. Moore noted the sidewalk would be on the applicant's property.

Commissioner Newton and Mr. Moore discussed the possible future development of the intersection. Mr. Moore noted that there are no plans or final disposition on the matter, although a plan exists for the Parkade, albeit it is stale. Mr. Moore said there will be public meetings if the area is considered for development.

Commissioner Ackerman suggested adding a condition that the sidewalk on the applicants' property should always be available for public use. Mr. Moore and Commissioner Ackerman discussed the line of travel for pedestrians.

Acting Chair Kehrlein suggested eliminating the parking lot wheel stops in order to extend the curb of the planting strip or sidewalk and gain additional space, which she discussed with Mr. Moore.

Brian Back, Applicant, briefly discussed his vision for their project. Sean Kenney, Project Architect, discussed the design update. He noted that they have moved the trash enclosures and increased the turning radius in the parking lot. He agreed that they could widen the planter strip by relocating the entry doors, but he said the applicants like the present entry location because it is on a sidewalk where people gather and it is in the center of their project. Mr. Kennedy said that the pedestrian pathway constrains their ability to move the parking to the west, and that it might eliminate the pedestrian connection and would not provide good accessibility.

Mr. Kennedy said that a 2 feet wide planting area is fairly generous according to their landscape designer. He noted that it is on private property and explained what they are trying to achieve. Mr. Kennedy said they want to bring people to the site from a public thoroughfare and the best pathway is close to the building and not on Sir Francis Drake Blvd.

Commissioner Newton, Mr. Kennedy and staff discussed the development of the northern end of the sidewalk. Mr. Moore explained that the Town Engineer requested the corner be developed as part of the application in preparation for any future development of Bank Street. This prompted discussion amongst the commissioners and staff.

Commissioner Ackerman and Mr. Moore discussed an area east of the parking lot that is asphalted. Mr. Moore noted that there are no plans for this piece of land as part of the application.

In response to Commissioner Newton, Mr. Moore said that the Applicant is not proposing to landscape the Town's easement.

Commissioner Fragoso suggested a condition of approval that related to staff using the parking lot.

Mr. Moore and Commissioner Ackerman discussed the need for a revocable encroachment permit to ensure the sidewalk through the applicant's property remains accessible to the public. Commissioner Ackerman explained why he believes a condition of approval would suffice, which did not meet with the agreement of Commissioners Newton and Fragoso.

In response to Acting Chair Kehrlein, Ms. Neal confirmed that part of the monument sign would be in the public right-of-way and so it would be included in the requested encroachment permit. Acting Chair Kehrlein discussed the wall on Sir Francis Drake Blvd. with Mr. Kennedy, which she said would be uninviting and too bulky.

Acting Chair Kehrlein discussed the proposed fence with staff, who confirmed that there will be a gradation in height, with the highest portion being 6 feet.

Acting Chair Kehrlein opened the public comment period.

Ann Mannis, 4 Azalea, said she supports the project. She said that there has been an old, decaying gas station that has been an eyesore and now there is an opportunity to turn it into something viable.

She said the project is pedestrian and bike friendly, that the applicants have been accommodating and the project should not be held up any longer.

Acting Chair Kehrlein closed the public comment period.

Commissioner Ackerman discussed an additional wording to the resolution regarding the walkway through the property, to which there was general agreement.

In response to public comment, Commissioner Fragoso noted that the project had been continued due to safety issues regarding the parking lot and the ability of cars to exit safely. Mr. Moore said that the town has parking requirements prescribed by code that must be met unless an exception to the code can be made.

Mr. Moore discussed the revocable encroachment permit with Commissioner Newton.

Commissioner Ackerman discussed proposed minor amendments to the Conditions of Approval, including Amplified Instruments, instead of amplified keyboards.

Commissioner Ackerman said that it was a proud moment when the Town could use the General Plan to support residents who strongly opposed the proposed Chevron Station in this location. Commissioner Ackerman said that he is happy with the series of events that have resulted in a better project, which he said he supports.

Commissioner Newton suggested the traffic engineer is asked to consider whether a “No crossing” sign would be appropriate on part of the sidewalk, which she identified. Commissioner Newton requested that the remediation considerations she raised at the last meeting could be included when plans are drafted for landscaping the easement area.

M/s, Ackerman/Newton, Motion to adopt Resolution # 15-20, 2001, Application # 15-18 for the request for a Use Permit for outdoor seating, Design Review of proposed exterior changes and site improvements, and a Parking Variance to have 1 less than the required number of parking spaces and less than the required dedicated delivery vehicle loading space at 2001 Sir Francis Drake Boulevard with the following amendments to the Resolution and Conditions of Approval:

“Amplified keyboard” changed to “Amplified instrument”;

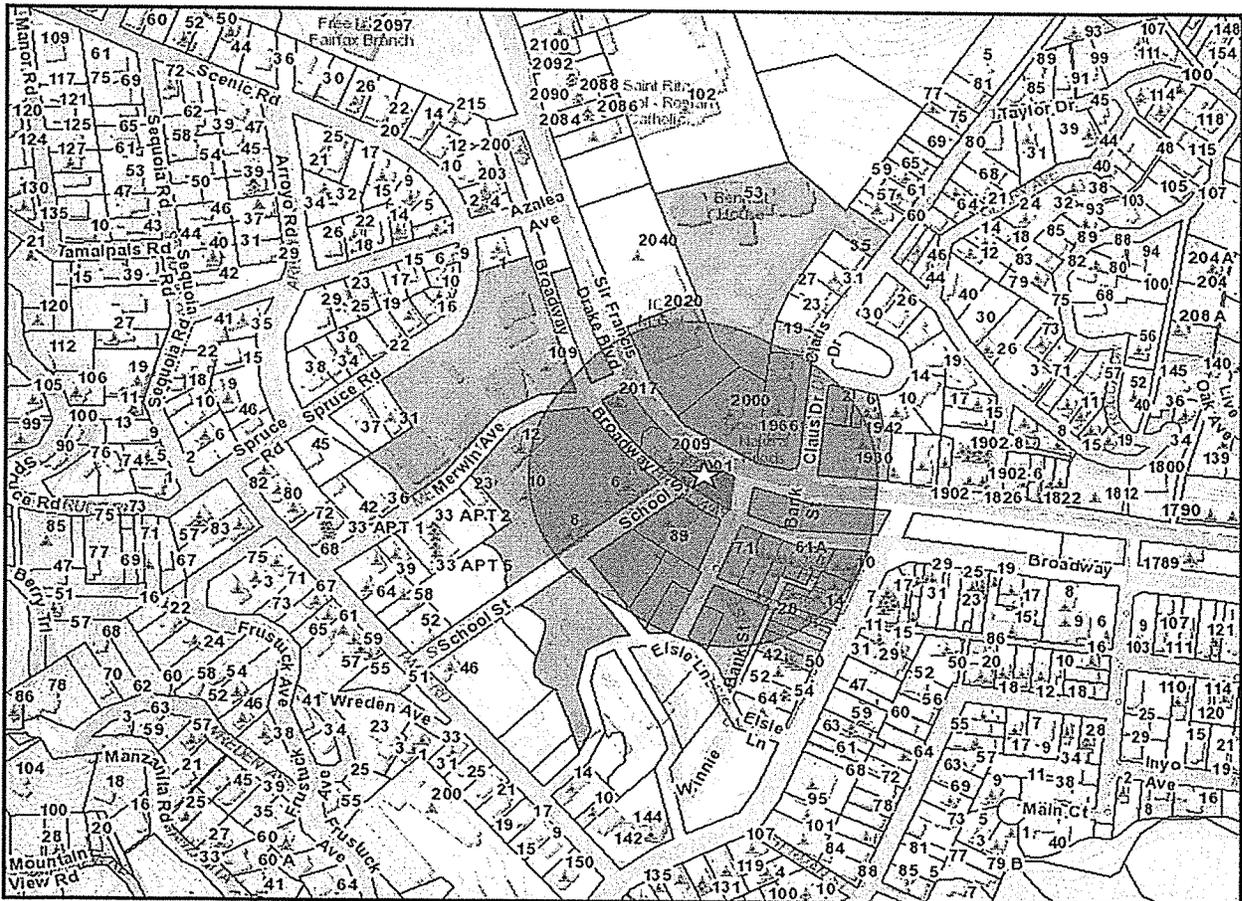
“This approval is limited to the development illustrated on the plans.....pages A0.01, A0.02, A1.00, A100.1...” amended to read: “This approval is limited to the development illustrated on the plans.....pages A0.01, A0.02, A1.00, A100.1 revised 7/9/15...”

AYES: Ackerman, Fragoso, Kehrlein, Newt./on
ABSENT: Gonzalez-Parber, Green, Hamilton.

Commissioner Kehrlein read the appeal rights and announced a 5-minute break at 8:20 p.m.

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

TO: Fairfax Planning Commission
DATE: July 16, 2015
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
LOCATION: 2001 Sir Francis Drake Blvd.; Assessor's Parcel No. 002-116-04
ZONING: Highway Commercial CH Zone
PROJECT: Exterior changes to existing commercial property
ACTION: Design Review, Parking Variance, Loading Space Variance
APPLICANT: Brian and Elizabeth Back
OWNER: Arash Salkhi
CEQA STATUS: Categorically exempt, § 15301(a) and 15303(c).



2001 SIR FRANCIS DRAKE BLVD.

BACKGROUND

At its meeting on June 18th, 2015, the Fairfax Planning Commission continued this application and directed the applicants to explore alternative parking lot design(s) that allow adequate aisle/parking lot area in compliance with standard accepted engineering principles. The Commission indicated that the project must be redesigned to provide adequate maneuvering room so that vehicles entering a full parking lot at 2001 Sir France Drake Boulevard are able to turn around and exit onto Sir Francis Drake Boulevard head first.

DISCUSSION

Site Circulation and Parking

The applicants have redesigned the site increasing the parking lot aisle width to 26 feet by decreasing the planting strip between the parking lot and the Town public right-of-way by 2 feet. Otherwise, the proposal remains the same.

The Town Traffic Engineer has verified that the new design will allow vehicles to turn around in four moves inside the parking lot so they will not have to back out onto Sir Francis Drake Boulevard.

Please note that the narrowing of the planting strip along the east side of the parking lot will make it difficult to maintain a vibrant planting area in this location: and in the future, should the Town extend Bank Street through to Sir Francis Drake Boulevard there would/will be less than the required four (4) feet for a sidewalk. Likewise, as was noted at the previous Planning Commission meeting, it appears that there is room to make up that 2 feet on the outdoor eating area (western) side of the site. Having said that, the applicants have indicated that they do not want to shift the parking lot to the west because they want the "sidewalk" that runs through the site to pass the front entry door where it is currently located. For the record, staff believes that the front entry door could be have been relocated and/or the sidewalk could be reconfigured to retain the 4 foot wide planting strip next to the Town owned Bank Street easement - and also meet the applicant's goals.

Regarding parking, the project still requires the approval of an exception to the parking regulations to provide only 9 parking spaces on-site while the code requires 10 spaces.

Findings for approval of the requested adjustment to the parking regulations could include the following:

- The applicants have redesigned the project to provide all but 1 of the required on-site parking spaces and they have located all of the parking on the private property and out of the Bank Street easement.

- They have provided a turning ratio analysis for the proposed parking lot verifying that automobiles and small (e.g. 24 foot or less) delivery vehicles can safely enter and exit the lot without significantly impacting adjacent traffic flows.
- Only small delivery vehicles may access the site to deliver goods and supplies and only when the business is not open to the public (Between 10:00 PM and 6:00 AM). Note: See Exhibit F – applicant's e-mail dated 5/29/15.
- Prior to issuance of the building permit the applicant shall provide a written description of the incentives they will incorporate into their business plan and operations to encourage employees to walk, bike or take public transportation to work.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing and discuss the project.
3. Move to approve application # 15-18 by adopting Resolution # 15-20 granting a Use Permit, Design Review and a Sign Permit for the proposed modifications to 2001 Sir Francis Drake Boulevard

ATTACHMENTS

Attachment A – Resolution No. 15-20

Attachment B – Town Traffic Engineer's e-mail dated 7/7/15

Attachment C – June 18, 2015 staff report and attachments

RESOLUTION NO. 15-20

A Resolution of the Fairfax Planning Commission Approving the Use Permit for a Restaurant with Indoor and Outdoor Seating, Design Review, and Sign Permit to Allow the Operation the Station Restaurant at 2001 Sir Francis Drake Boulevard

WHEREAS, the Town of Fairfax has received an application to create the Station Restaurant at 2001 Sir Francis Drake Boulevard; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on June 18, 2015, and again on July 16, 2015 at which times all interested parties were given a full opportunity to be heard and to present evidence, and on July 16, 2015 the Planning Commission approved Use Permits, Design Review and a Sign Permit; and

WHEREAS, based on the traffic analysis provided, other documentary evidence in the record, as well as testimony at the public hearings, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary permits.

WHEREAS, the Commission has made the following findings:

1. The property is designated for commercial use in the Fairfax General Plan and is currently located in the Highway Commercial Zone District and it is located along the Town's main traffic corridor Sir Francis Drake Boulevard. Therefore, the approval of the use permit for outdoor seating and limited live music shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The business hours of operation are from 6:00 am to 10:00 pm Monday through Sunday and the site is not located immediately adjacent to any residential sites. Therefore, the approval of the Use Permit and use of property as approved 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 General Plan Land Use Policy No. LU-7.2.3 indicates that, "Traffic and parking concerns related to new and renewed development shall be addressed in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity. The traffic analysis and parking turning radius information prepared for the proposed project by W-trans and S_SK Studio verifies that the property can be developed as proposed without significantly impacting traffic in the area. The redesign of the onsite parking will minimize impacts on surrounding streets and properties. Therefore, the

Conditional Use Permit is consistent with those objectives, goals and standards pertinent to the particular case and contained or set forth in the General Plan and Zoning Ordinance.

4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.
5. The proposed exterior changes comply with the Design Review Criteria set forth in Town Code § 17.020.040.
6. The applicants have redesigned the project to provide all but 1 of the required on-site parking spaces and they have located all of the parking on the private property and out of the Bank Street easement.
7. The redesign includes a turning ratio analysis for the proposed parking lot verifying that automobiles and small delivery vehicles can safely enter and exit the lot without significantly impacting adjacent traffic flows.
8. Only small delivery vehicles will access the site to deliver goods and supplies and only when the business is not open to the public. The limited hours will enhance the function of the lot for parking during business hours and also help minimize impacts on traffic passing the site during commute and other busy traffic hours when Sir Francis Drake Boulevard and Broadway can become congested (Between 10:00 PM and 6:00 AM).
9. The business plan will incorporate incentives to encourage employees to walk, bike or take public transportation to work to limit those using the on-site parking to customers.
10. The proposed sign program, is the minimum necessary to alert traffic passing both east and west by "the Station" restaurant.

WHEREAS, the Commission has approved the project subject to the applicant's compliance with the following conditions:

1. This approval is limited to the development illustrated on the plans prepared by Studio Skaggs Kennedy dated June 10, 2015, pages A0.01 and A0.02, A1.00, A100.1, A1.01, A1.02, A2.10, A2.20, A4.10, A4.20, A4.21 and the survey prepared by Ziebatech Land Surveying dated May 31, 2013.
2. Prior to issuance of a building permit the applicant or his assigns shall:
 - a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:

- Construction delivery routes approved by the Department of Public Works.
- Construction schedule (deliveries, worker hours, etc.)
- Notification to area residents
- Emergency access routes

b. Submit a bond, letter of credit or cash deposit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.

c. The applicant shall submit a bond, letter of credit, or cash deposit to the Town in an amount that will cover the cost of landscaping and irrigation materials and installation prior to issuance of a building permit. The amount shall be retained for 18 months after issuance of the Certificate of Occupancy to ensure that all new landscaping becomes established.

d. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.

e. Submit plans for the private walkway for approval by the Public Works Department and Building Official

f. Submit a landscaping and irrigation plans for Planning Department review and approval.

g. Sign, notarize and record the Revocable Encroachment permit at the Marin County Recorder's Office.

h. The final parking lot design and adjacent roadways circulation shall be reviewed by the Town Traffic Engineer to determine if any additional traffic safety signs are required as a result of the new parking lot. If additional signage is required it shall be paid for by the applicant, but be installed by the Town Public Works Crew under the supervision of either the Town Traffic Engineer or the Public Works Manager.

3. During the construction process the following shall be required:

a. Prior to the concrete pour for the public sidewalk the private walkway linking Broadway with Sir Francis Drake and improvements required for any accessibility features, the concrete forms shall be inspected and approved by the building official.

- b. 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.
 - c. 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.
4. Prior to issuance of an occupancy permit the following shall be completed:
 - a. All the parking lot improvements shall be completed.
 - b. The landscaping and irrigation shall be completed.
5. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.
6. 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".
7. **Any** changes, modifications, additions or alterations made to the approved set of plans will require a modification of permit # 15-18. **Any** construction based on job plans that have been altered without the benefit of an approved modification of per 15-18, will result in the job being immediately stopped and red tagged.
8. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.
9. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or

not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

10. The applicants shall maintain the premises in a neat and attractive manner at all times. Such maintenance shall include, but not be limited to, exterior building materials, signage, windows, the planters, the ground and the pavement surfaces.

11. The applicants shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.

12. Any changes made to the exterior of the building, including but not limited to new lighting, new signs, planters, etc, shall comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Planning Commission (when required).

13. Prior to any improvements to the Bank Street easement, the town traffic engineer shall review and make recommendations for any necessary modifications to the site to ensure continued use of the site does not create traffic hazards. Any proposed changes shall be subject to the approval of a Use Permit modification by the Planning Commission.

14. Direct and reflected glare and excess site brightness from the remodeled structure shall be minimized.

15. Light trespass beyond the property lines shall be minimized especially from the trellis.

16. Any lighting mounted on the building shall be recessed or shielded so the light source is not directly visible from the property line and the light is directed downward.

18. The use of the site shall remain consistent with the stipulations required for the site and contained in this resolution.

19. Live music shall be limited to unamplified singing with 1 amplified key board no more than once a week on Sundays between the hours of 11 AM and 1 PM. Modifications to the use permit will be subject to review and approval of a Use Permit

modification from the Planning Commission.

20. Only small delivery vehicles shall access the site to deliver goods and supplies and only when the business is not open to the public.

21. The business plan will incorporate incentives to encourage employees to walk, bike or take public transportation to work to limit those using the on-site parking to customers. The business plan incentives shall remain in effect while the business is in operation and are conditions of the Use Permit approval. The business plan will be provided to the Town prior to the project final inspection and issuance of the certificate of occupancy...

Ross Valley Sanitary District

A connection permit will be required. The size of the sewer lateral will depend on the fixture count which will be calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count the applicant can either install a new lateral or test the old lateral in the presence of a District Inspector to verify the lateral meets current requirements prior to the project final inspection.

Ross Valley Fire Department

1. The building shall be provided with a fire suppression system and sprinkler monitoring system that complies with Fire and Building Code requirements. A separate deferred permit shall be obtained from the Fire Department and plans and specifications for the system shall be submitted by and individual/firm licensed to the design/design build sprinkler systems (required prior to building permit issuance)
2. A fire alarm system shall be installed throughout the building. The system requires a permit from Ross Valley Fire and shall be designed and submitted by a company or individual licensed to design/design and build alarm systems (required prior to building permit issuance).
3. Commercial cooking lineups require the hood and duct work be protected by a pre-engineered fire suppression system. A separate deferred permit shall be required for each system. Plans and specifications for system shall be submitted by an individual/form licensed to design/design and build fire suppression systems. A Class K extinguisher shall be provided (required prior to building permit issuance).
4. A 2A10BC rated fire extinguisher shall be located every 75 feet of travel or 3000 square feet throughout the property.
5. Address numbers sized in accordance with Ross Valley Fire Standard #205 must

be placed adjacent to the front door and on the monument sign.

6. The fire pit areas shall remain clear of flammable and combustible vegetation and other material at all times.
7. All decorative materials including upholstered fabrics shall be made of non-combustible materials, be factory flame treated or have flame treatment applied by a California State Fire Marshal approved licensed contractor. Certificates shall remain on site for each product and be readily available upon request.

Marin County Environmental Health Department

The project plans must be submitted and be approved by the Environmental Health Department prior to issuance of the building permit.

Marin Municipal Water District

1. The properties current water entitlement is 0.76 acre feet which will be insufficient for the proposed use. Additional water entitlement will need to be purchased.
2. A High Pressure Water Service application must be filed with a copy of the building permit and the applicant will need to comply with all the District's rules and regulations in effect at the time of the permit application. The application must include verification of indoor fixtures compliance, the landscaping plan, irrigation plan and grading plan.
3. The applicants shall comply with the backflow prevention requirements and provide evidence they have been complied with prior to the project final inspection and issuance of an occupancy permit by the Building Department.

Fairfax Building Department

1. The construction plans submitted to the Building Department must include details showing that the project is compliant with accessibility upgrades required by the Building Code. This includes the proposed pedestrian walkway.
2. Construction plans shall be provided for all pedestrian walkway/sidewalk areas shall be subject to review and approval by the Public Works Manager prior to issuance of the building permit.

Fairfax Public Works Department

Plans shall be submitted for the pathway that will connect with Town improvements for review and approval by the Public Works Director prior to its installation.

Miscellaneous Conditions

Conditions placed upon the project by other agencies or departments can be waived in writing by those agencies or departments. Conditions placed upon the project by the Commission can only be modified or waived by the Commission.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines that the approval of the Conditional Use Permit, Design Review Permit, Sign Permit and Encroachment Permit can occur without causing significant impacts on neighboring businesses or residences.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 16th day of July, 2015, by the following vote:

AYES:
NOES:
ABSENT:

Chair, Planning Commission

Attest:

Jim Moore
Director of Planning and Building Services

Linda Neal

From: David Parisi <david@parisi-associates.com>
Sent: Tuesday, July 07, 2015 6:00 AM
To: Linda Neal
Subject: RE: Station - 2001 Sir Francis Drake - turning analysis

Thanks Linda.

I really won't have much more to add then as the only remaining issue was for the ability for vehicles to turn around (besides the provision of 9 instead of 10 parking spaces and the lack of a separate loading zone, which I already addressed in a letter). Unless you need another short letter from me that says the four-point turnaround appears to work.

David

From: Linda Neal [mailto:lneal@townoffairfax.org]
Sent: Monday, July 06, 2015 4:50 PM
To: David Parisi
Subject: RE: Station - 2001 Sir Francis Drake - turning analysis

Hi David,

It was suggested to them that they had room to retain the 4 foot planting strip that staff had previously requested on the east side of the lot and could expand to the west to get the required space. We did not make it an actual requirement so they decreased the planting strip instead of expanding the lot to the west. Staff will point that out to the Commission and will be recommending that the 4 foot planting strip between the parking lot a public right-of-way be retained.

Linda Neal
Principal Planner

From: David Parisi [mailto:david@parisi-associates.com]
Sent: Monday, July 06, 2015 1:26 PM
To: Linda Neal
Subject: RE: Station - 2001 Sir Francis Drake - turning analysis

Hi Linda,

Two things:

1. Did they move the northern/western curb 2' like Jim requested?
2. Do you need another short letter from me, or will an email suffice at this stage?

David

From: Linda Neal [mailto:lneal@townoffairfax.org]
Sent: Monday, July 06, 2015 10:48 AM

To: David Parisi
Subject: FW: Station - 2001 Sir Francis Drake - turning analysis

Hi David,

Attached is the latest revision of the parking lot for 2001 Sir Francis Drake Boulevard. Can you please review and comment ASAP. This was continued from the June 18th Commission meeting to our July 16th meeting so we have to write the staff report later this week.

Let me know if you have any questions or comments we need them to address.

Thanks

Linda Neal
Principal Planner

From: Sean Kennedy [<mailto:sean@studiosk.net>]
Sent: Thursday, July 02, 2015 2:52 PM
To: Jim Moore; Linda Neal
Cc: Brian Back; Elizabeth Back; Maxine Skaggs Kennedy
Subject: Re: Station - 2001 Sir Francis Drake - turning analysis

Jim and Linda -

Wanted to resend the turning analysis PDF. When I went to print the PDF from W trans the layer showing car movements was not printing out. Want to make sure the PDF is viewable both on screen but also in print. Have reattached site plan as well so easier to forward to David.

Cheers
Sean

s_sk
studio skaggs kennedy
www.studiosk.net
t: 415.235.9205

On Thu, Jul 2, 2015 at 1:45 PM, Sean Kennedy <sean@studiosk.net> wrote:

Jim and Linda -

Attached is revised turning analysis based on your comments and some adjustments (attachment 3 page PDF showing regular car, SUV and large SUV). Note: by moving the trash enclosure to a new location we obtain acceptable turning radii without impeding into the ADA loading zone. We have also attached the corresponding architectural siteplan.

Please review and let us know if you have any comments prior to sending to David Parisi for his review.

Thanks in advance and have good holiday weekend
Sean

s_sk
studio skaggs kennedy
www.studiosk.net
t: 415.235.9205

3. **2001 Sir Francis Drake Boulevard; Application # 15-18:** Request for a Use Permit for outdoor seating, Design Review of proposed exterior changes and site improvements, and a Parking Variance to have 1 less than the required number of parking spaces and less than the required dedicated delivery vehicle loading space; Assessor's Parcel No. 002-116-04; Highway Commercial CH Zone District; Brian and Elizabeth Back, applicants; Arash Salkhi, owner; CEQA categorically exempt, § 15301(a) and 15303(c).

Principal Planner Neal presented the staff report. She explained that the applicants are proposing to open a restaurant with indoor and outdoor seating. She discussed the proposed outdoor dining area, which includes a children's area, and the number of proposed outdoor seats that the applicant is requesting.

Ms. Neal discussed the parking area. She said the Traffic Engineer has concluded that the proposed restaurant will generate less traffic than the previous use of a gas station and that traffic would not reach a threshold to warrant a traffic study.

Ms. Neal discussed parking, when she noted that 9 spaces are proposed when 10 are required by the code. She said that the owners live nearby and will offer incentives to their employees not to use the spaces, which she discussed. Ms. Neal also discussed the lack of a delivery vehicle-loading zone and she commented on deliveries.

Ms. Neal explained that staff believes further analysis of the parking area is necessary for reasons she explained and she noted that staff have suggested alternative designs in the staff report, which should provide an additional parking space. Ms. Neal noted that staff have recommended approval of the project with an additional parking space, but that they have been alerted to the problem of how cars could safely leave the parking lot if there are no free spaces.

Planning Director Moore discussed a prior submittal in relation to parking, which met the Town's parking requirements. Mr. Moore explained that the applicant has a business model with a threshold for seating that they feel is critical, which affects the parking plan. The applicants are proposing to restrict truck deliveries to small delivery trucks, since the truck-loading area does not meet the code, restrict employee parking, and ensure deliveries are made before business hours. Mr. Moore said that staff believes an opportunity exists to provide an additional parking space and that further analysis is necessary to determine how cars can exit the lot safely when the lot is full.

Ms. Neal said that the project meets the design review criteria, and that signage is reasonable with the exception of the children's art sign for reasons she explained. She discussed a revocable encroachment permit, which staff would recommend, for the installation of a private pedestrian pathway.

Mr. Moore and Commissioner Newton discussed exterior seating numbers in relation to there being insufficient parking spaces. They also discussed traffic ingress and egress and Mr. Moore explained why westbound traffic could not turn left out of the parking lot. Mr. Moore and Commissioner Newton also discussed the route pedestrians would take to the site after leaving their car at the Parkade lot. They also discussed trees, the possible provision of AstroTurf, the presence of petroleum under the site and the feasibility of using Broadway as an exit. Mr. Moore

discussed the reasons why an egress on to Broadway had not been considered for a previous application, which related to the Town reserving the right to develop the easement at Bank Street at some point in the future.

Chair Green discussed his concerns that there is insufficient parking and that parking for up to 10 employees would need to be accommodated if they needed to drive to work. He recommended a continuance to explore the alternative parking lot designs suggested in the staff report to accommodate the 10th space required by the code.

Commissioner Gonzalez-Parber and Ms. Neal discussed the entitlements for water provision to the restaurant. Mr. Moore noted that the Fire Department and Water District will determine those requirements.

Vice-Chair Hamilton discussed her concerns about the need for cars to back out of a full parking lot onto Sir Francis Drake Blvd. She commented on the difficulty of allowing an egress onto Broadway and Mr. Moore discussed an alternative design suggested in the staff report (that would need to be analyzed), which would make the exist possible for the time being.

In response to Commissioner Frago, Ms. Neal said that the two restrooms meet the code. They discussed the toxicology report in relation to toxic residues beneath the easement belonging to the Town. Commissioner Newton commented on an environmental report included in the packet that concluded the State felt additional remedial action would not be warranted since the toxins are buried deep underground.

Commissioner Newton and Ms. Neal discussed the Resolution in relation to there being no residences immediately adjacent to the Property. Ms. Neal noted that second units built above adjacent businesses are part of the Commercial Zone, which does not change any analysis for the Use Permit. They discussed signage for the site and Ms. Neal explained why the Traffic Engineer does not favor a left turn egress at the site.

Commissioner Frago discussed live music and her parking concerns with Ms. Neal. She made suggestions that might provide more room for turning.

Commissioner Ackerman suggested design changes for the loading area, which Mr. Moore said would not be ADA compliant.

Chair Green suggested a minor amendment to the Resolution, to which there was general agreement.

Brian Beck, Applicant, discussed the project. He said they had met with the neighbors and that they have a family-friendly plan with outdoor seating. Mr. Beck discussed some of the green design features that has been incorporated and he said that one less parking space should not have a significant impact on parking.

Sean Kennedy, Architect, discussed traffic circulation in the parking lot. He explained that they will encourage pedestrians and that a pedestrian walkway will be a main component of the design.

He said that they want to encourage cyclists and that the garden will be an oasis for people to relax and gather. He discussed the monitoring wells in relation to trees, the garden and lighting plan.

Mr. Moore asked for clarification of the plans when he noted that the architect's plans were different to those provided to the commissioners.

Elizabeth Beck, Applicant, discussed the importance of the children's play area as part of their project.

Seth Goddard, 12 Marin Road, said he supports the project. He said it will be a good place for people to hang out and he asked for the project to be approved.

Tim Gnatek, 91 Meernaa, said he supported the project; that it would be an innovative use of the space and he feels strongly about creating a safe place for kids.

Chair Green closed the public comment period and announced a 10-minute break at 8:50 p.m.

In response to Chair Green, Mr. Beck discussed ways in which they would encourage employees not to use their vehicles, which included the provision of bicycle racks for their exclusive use.

Commissioner Gonzalez-Parber said she liked the design and supported the project in the main. She recommended they revisit the parking lot design. Commissioner Gonzalez-Parber discussed the black wall, which she described as "unfriendly", with Mr. Kennedy. She also expressed her disappointment that the communal sink will be removed.

Commissioner Gonzalez-Parber led a discussion in the hours of operation and early morning deliveries. Mr. Beck said they could be flexible.

Vice-Chair Hamilton said that it is a great project. She made suggestions about delivery hours and trucks, and said she would agree to allowing music at stipulated times. Vice-Chair Hamilton said that the ability for drivers to turn when the parking lot is full remains a problem and she would support a continuance. Mr. Kennedy suggested removing a parking space and Vice-Chair Hamilton said that an engineer should study the parking lot configuration.

Commissioner Ackerman suggested a walkway be eliminated, which he discussed with Mr. Moore.

Mr. Kennedy and Mr. Moore discussed the parking lot issues that need to be addressed by an engineer and Mr. Moore suggested the project be continued. Commissioner Fragoso suggested design changes that might provide additional space.

Chair Green said he would support a continuance and he noted that, in general, design review of the project is not a problem.

Commissioner Ackerman said he could support a variance for 9 parking spaces if cars can pull in and out of the lot safely. He said he supports the design.

Commissioner Newton discussed tree removal with Mr. Kennedy and the relocation of the children's wall. They also discussed outdoor seating, Astroturf and well monitoring. Commissioner Newton made suggestions for landscaping along Sir Francis Drake Blvd. and parking. Mr. Kennedy explained why they did not care for the design options suggested by staff. Commissioner Newton said she loved the project but agreed that parking is an issue.

Commissioner Ackerman suggested "amplified keyboard" be replaced with "amplified instrument" in the Conditions of Approval.

Following discussion, the following changes will be made to the resolution:

The hours of operation will be from 7 a.m. – 10 p.m., Monday through Friday, and 6 a.m. – 10 p.m. Saturday and Sunday. Small delivery vehicles equal to or less than 24 feet without air breaks or backup noise (if feasible) will be used for deliveries to begin no earlier than 5 a.m.

Seating for 96 will be included in the resolution and "amplified instrument" will replace "amplified keyboard".

Vice-Chair Hamilton suggested communal-style benches and tables are included in the design to gain more space and she discussed a "donated driveway" idea for employees.

M/s, Ackerman/Gonzalez-Parber, Motion to continue Application # 15-18, a request for a Use Permit for outdoor seating, Design Review of proposed exterior changes and site improvements, and a Parking Variance at 2001 Sir Francis Drake Blvd., to the meeting of July 16, 2015.

AYES: Ackerman, Fragoso, Gonzalez-Parber, Green, Hamilton, Newton
NOES: None
ABSENT: Kehrlein

ELECTION OF TREE COMMITTEE ALTERNATE

Following discussion between staff and the commissioners, Planning Director Moore will seek advice from the Town Attorney as to whether commissioners could rotate as an alternate on the Tree Committee.

MINUTES

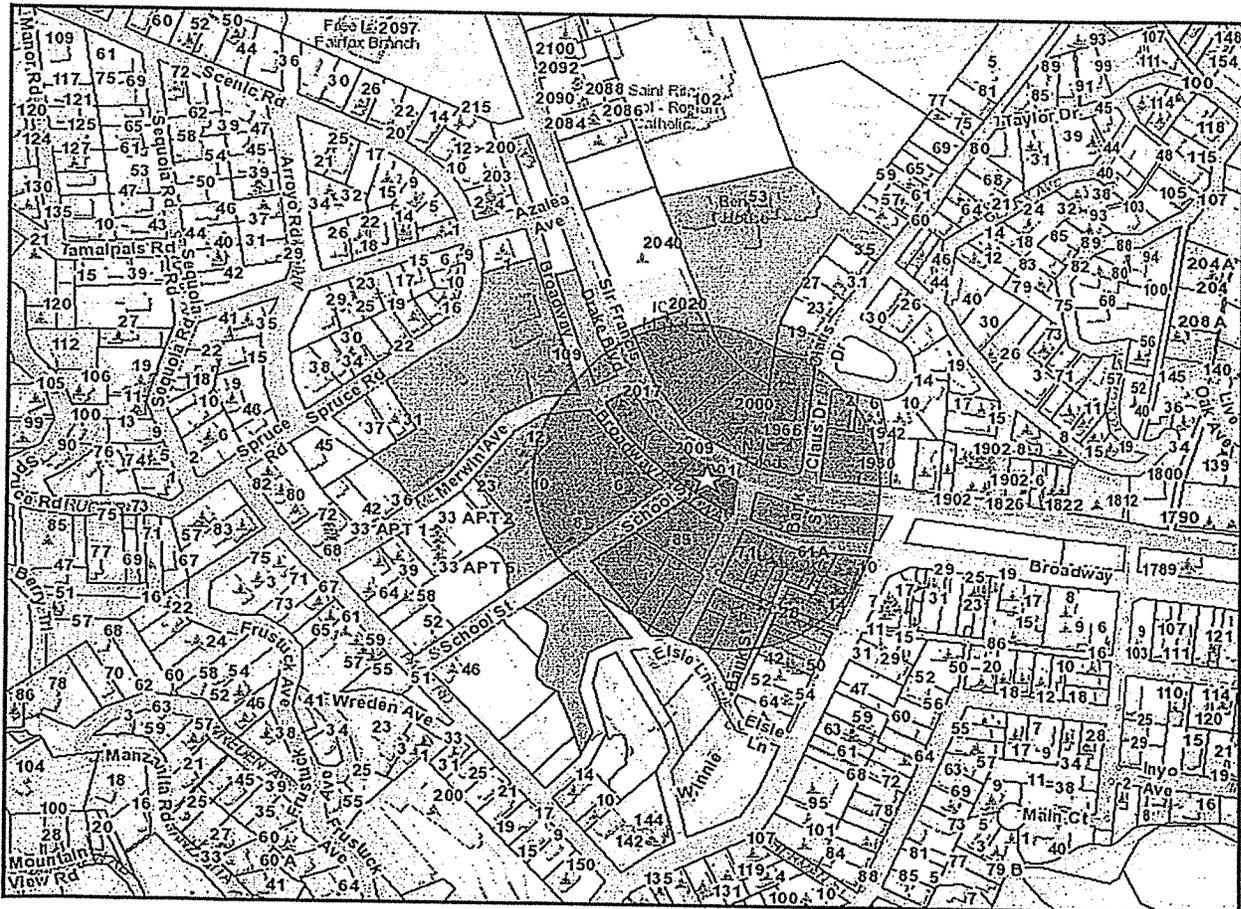
8. Minutes from the May 21, 2015 and May 11, 2015 meetings.

M/s, Gonzalez-Parber/Ackerman, Motion to approve the minutes of May 21st and May 11, 2015 with the following amendments:

Minutes from May 21, 2015: Page 6, "...an informal residence addition erected by the owner at 29 Bolinas...", amended to read, ".....an informal residence addition erected by the owner on the lot behind 29 Bolinas....".

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

TO: Fairfax Planning Commission
DATE: June 18, 2015
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
LOCATION: 2001 Sir Francis Drake Blvd.; Assessor's Parcel No. 002-116-04
ZONING: Highway Commercial CH Zone
PROJECT: Exterior changes to existing commercial property
ACTION: Design Review, Parking Variance, Loading Space Variance
APPLICANT: Brian and Elizabeth Back
OWNER: Arash Salkhi
CEQA STATUS: Categorically exempt, § 15301(a) and 15303(c).



2001 SIR FRANCIS DRAKE BLVD.

BACKGROUND

The 8,700 square foot site slopes down at a rate of 7% from the southwest corner to the eastern side property line. There is no record of when the 1,950 square foot structure was built although it was some time prior to 1969. The site was remodeled in the early 70's and was a Chevron Station with an auto repair shop until the mid 90's when it became the independent station, Fairfax Gas. The business last obtained a business license in 2008 and closed either late 2008 or early 2009.

The property owner had previously submitted discretionary applications to reopen the site as a Chevron Station with a Convenience Market which was denied by the Town in 2013.

The owner then submitted plans to convert the site to a food service use in August of 2014. The site plan for that approved project is attached as Exhibit E. That project, approved by the Commission on September 25, 2014, was looked upon favorably by the staff and the Commission because it did two things:

- (1) The design restored the Bank Street public right-of-way, that had been used by the Chevron station for years, to the Town; and
- (2) The project incorporated a redesign of the parking lot so that it conformed to the Town parking regulations and met with the approval of the Town Traffic Engineer.

DISCUSSION

The applicants are now proposing to open a restaurant on the site that will include indoor seating for 53 and outdoor seating for 43 (total seating for 96). The outdoor dining area will include an unstructured space that can be used as a children's area or other outdoor flex space use. Please note: The owners have indicated that their business plan requires that they have a certain minimum number of seats.

The parking area has been modified from what was approved by the Commission in September of 2014, to create the outdoor seating area, eliminating the truck loading area and decreasing on-site parking spaces from 10 to 9.

The September 2014 design review approval was for minor exterior changes to the building involving new paint, filling in the roll up auto service doors, a new monument sign, landscaping, etc. The current submittal includes significant changes to the exterior façade of the building and street scape, new signage, landscaping and installation of a pedestrian pathway that will run through the site and connect the cross walk that runs from the corner of Bank Street to the public parking lot with a public sidewalk on the south side of Sir Francis Drake Boulevard that will be installed by the

applicant at the direction of the Town Traffic Engineer. Further discussion of each aspect of the proposal follows.

Traffic Impact

A traffic impact study was prepared for the gas station/convenience market. That study indicated that a gas station/market at 2001 Sir Francis Drake Boulevard would not significantly impact the existing levels of service of the adjacent intersections and therefore, would not have a negative impact on traffic on the surrounding streets.

The applicant's traffic engineer, W-trans, has provided staff with an analysis indicating the proposed restaurant will generate fewer average daily vehicle trips than the gas station/convenience store (Exhibit C). The Town Traffic Engineer reviewed the vehicle trip generation rates provided by the Institute of Transportation Engineers and determined that a high turnover, sit-down food service use would generate fewer daily and peak period vehicle trips than the convenience market with eight vehicle fueling bays that had previously been proposed. The traffic study prepared for the previously proposed use determined that the traffic generated by the gas station/convenience store would not result in any significant changes to the level of service at any of the nearby intersections. Therefore, the Town Engineer has made the determination that the proposed restaurant use, which will generate much less traffic than the previously analyzed use, does not reach the threshold that would require the review and approval of a Traffic Impact Permit (Exhibit D).

Site Circulation and Parking

Town Code sections 17.052.030(H) and 17.096.120(B)(1)(2) both require 1 parking space for each 200 square feet of building square footage for restaurants and undesignated uses in the Highway Commercial CH Zone.

The parking lot has been redesigned so that it no longer includes any portion of the Town's Bank Street public right-of-way but does require an exception to the parking regulations for the CH Zone to provide only 9 parking spaces instead of the required 10 spaces and no designated truck loading zone. Please note: Having fewer than the required number of parking spaces can increase pass-by trips and traffic congestion as vehicles search for parking off site.

Use of the on-site parking by the proprietors will not be necessary because they live close-by and employees will be encouraged to avoid parking on-site by offering them cost saving benefits for utilizing public transportation and bicycling. A maximum of 10 employees are expected to be on site during the busiest shift.

The applicants have addressed the lack of a delivery vehicle loading area by indicating they will only contract with companies that have small delivery vehicles available and that deliveries will only be allowed when the restaurant is not open (Exhibit F - e-mails from applicant).

The original submittal by the applicants proposed reusing the undeveloped Bank Street right of way previously used by the gas station for the restaurants private parking and provided only 5 parking spaces (sheets L0 through L3 of the project plans show the originally submitted site plan). Staff and the Town Traffic Engineer questioned the use of the Town easement for private parking, the substandard parking, substandard parking lot aisle width and lack of a truck loading area.

Staff then met with the applicant's and advised them that we were unable to support the parking lot as proposed and recommended that they redesign it. Staff indicated that in order make findings to approve an exception to the parking regulations we have to be able to find that the parking and circulation requirements cannot be met. The previously approved plan in September of 2014 shows that the regulations can be complied with (Exhibit E).

There are always many different ways to design a project to meet both the code and the needs of an applicant. Staff believes that further examination of how the parking lot and the indoor and outdoor seating areas relate to each other may be warranted. Further analysis and/or redesign may allow the project to be redesigned to provide the required 10 parking spaces and could free up additional site are for delivery truck maneuvering. A couple of alternative designs that could be considered by the Planning Commission include:

Alternative 1: Eliminating the outdoor flex space and relocating some of the outdoor seating to that area to improve the parking lot circulation. Perhaps the site is too small to accommodate the 96 seats the business plan requires and to have outdoor flex space as well.

Alternative 2: Keeping the kitchen and bathrooms in the location shown on the September 2014 plan. The floor space that was going to be used by the convenience store for the cold case cabinets can provide additional seating. This type of redesign could allow more room to propose a parking a circulation plan more similar to the existing approved plan that complies with the Town Code regulations.

Alternative 3: Perhaps the flex space can be relocated so it is adjacent to the parking lot and can be used as parking and loading area during normal operations but can also be cordoned off for special occasions and used as additional seating are or outdoor performance space. Please note: the Use Permit request includes a request to allow live entertainment - owner plans to have a monthly gospel brunch a couple of Sundays each month from 11:00 AM to 1:00 PM with roughly 3 singers and an amplified keyboard (See Exhibit F-applicant's 6/11/15 e-mail).

However, while staff believes the project can be redesigned to meet the parking requirements we also believe that the loss of one space will not have a significant

impact on traffic or parking due the sites proximity to the public parking lots on Mono Avenue, the ball field lot and the parkade parking lot.

Furthermore, in the Highway Commercial Zone, adjustments to the parking and loading requirements can be made via conditions and findings set forth in the approval of the Conditional Use Permit [Town Code § 17.096.120(C)(2)}. In order to approve an adjustment to the parking code regulations, the Commission should be able to find that conditions incorporated into the project approval, meet the intent of Parking Ordinance and minimize the impacts of the decreased parking and truck loading area on the public.

Findings for approval of the requested adjustments to the parking regulations contained in the Conditional Use Permit application could include the following:

- The applicants have redesigned the project to provide all but 1 of the required on-site parking spaces and they have located all of the parking on the private property and out of the Bank Street easement.
- They have provided a turning ratio analysis for the proposed parking lot verifying that automobiles and small (e.g. 24 foot or less) delivery vehicles can safely enter and exit the lot without significantly impacting adjacent traffic flows.
- Only small delivery vehicles may access the site to deliver goods and supplies and only when the business is not open to the public (Between 10:00 PM and 6:00 AM). Note: See Exhibit F – applicant's e-mail dated 5/29/15.
- Prior to issuance of the building permit the applicant shall provide a written description of the incentives they will incorporate into their business plan and operations to encourage employees to walk, bike or take public transportation to work.

Encroachment Permit

The applicants are proposing to install a private pedestrian path from Sir Francis Drake Boulevard to the Broadway & Bank Street intersection, portions of which will be located on the public easement. Therefore, if this part of the application is approved, they will have to obtain a Public Works Encroachment permit from the Fairfax Public Works Manager prior to pouring the pathway.

Design Review

The proposed exterior changes include the following:

- The mansard roof will be retained but will be cleaned and repaired and the fascia board will be painted a light grey/white (Valspar, Butterfly Wings VR115D)

- Much of the façade will be resurfaced with blackened wood cladding and the areas that will not be resurfaced will be stained to complement the cladding (Valspar, Sooty Lashes VR115A)
- The rear of the building will be repaired and repainted a tan color as needed (Valspar, Watership Down 22-1C).
- The roll up doors that used to access the car repair area of the building will be replaced with aluminum and glass roll up garage doors.
- The entrance will be redesigned with wood and glass doors and a wood pedestrian door will be added on the west side of the glass roll up doors.
- A fence and trellis are proposed along much of the Sir Francis Drake frontage although the fence will be replaced with a 4 foot tall concrete wall on the west side of the parking lot entry and a 4 foot fence east of the entrance. The fence east of the parking entrance will vary in height from 3 ½ feet in height to 5 feet. The fence will be made of blackened wood in a herringbone pattern and the trellis will be of wood and steel and will contain lighting and heating systems.
- The garbage area will be located inside an enclosure with a blackened wood façade that will match that of the building and fences.
- Outdoor tables, chairs, fire pits and umbrellas will be installed in the outdoor seating area and are of a quality that will enhance the building design changes. The style of the outdoor furniture to be used is clean and modern. The outdoor fire pits will be gas.

All the proposed design changes are of a quality and character that will improve the site, create an interesting and well composed façade and complement the adjacent commercial developments.

Sign Program

The sign ordinance limits businesses to having only 2 signs displaying the business identification name, with one of the signs erected on the building façade and the second being a projecting sign. The total sign square footage may not exceeds 1 square foot of sign for each 1 foot of building linear frontage [Town Code § 17.064.050(A)]. The building frontage measures 80 feet so this site can have 80 square feet of signage and still be in compliance with the Code.

Sign programs that conform to the sign ordinance can be reviewed and approved by staff. However, conforming signage often is unable to meet the advertising and identification needs of some unique sites in the Town and this is one of them.

The applicants are proposing to erect the following 3 signs on the site:

- A double sided monument sign of concrete and wood with metal sign copy that includes a planted wire wall in the design and will be externally lit from below. The sign is 34 square feet and displays the business identification name, "the Station" on both sides and will be illuminated with halo lighting. Town Code § 17.064.050(D)(3) counts the area of double faced signs as only 1 sign, where the faces are parallel such as this proposed monument sign].
- An 11 square foot wood sign over front door with the business identification name, "The Station" in metal with backlighting.
- A 16 square foot children's art wall that will change from time to time on the south side of the building. Staff has included a condition that this sign be relocated on the site. The art wall is proposed for the south side of the building where there is no sidewalk and no safe way to view this display, which constitutes a sign based on the definition of sign found in Town Code § 17.064.020, definition of sign. This sign must be located to an alternative spot on the site where it can be viewed safely.

The sign program that proposes a total of 61 square feet of signage complies with the Town Code square footage limit. However, the monument sign and the number of signs requires that the Commission grant the sign program and exception [Town Code §§ 17.064.050(B) and 17.064.060(G)].

In order to approve an exception to the sign ordinance regulations, which a monument sign requires, the Commission must be able to make one of the following findings:

1. Exceptional or extraordinary circumstances or conditions, not resulting from any act of the owner or applicant, apply to the location under consideration and not generally to other business or properties in the vicinity.
2. The exception is the minimum necessary to serve the sign's intended use.
3. The application submitted is extraordinary and outstanding in design; or
4. The sign is of historical significance.

The substantial setback of the building from Sir Francis Drake Boulevard is the circumstance that warrants approval of a monument sign with another sign over the entry door in this location and similar exceptions have been granted for adjacent First Federal Savings and Loan and M & G Burgers.

New Landscaping

New landscaping beds will be installed and be planted with new plant material. A drip irrigation system will be installed. Both the plants and the irrigation system will be water

conserving and unplanted bed surfaces will be mulched to minimize water evaporation. The final landscaping plan will be subject to review and approval by both Marin Municipal Water and the Planning Department to ensure the plans meet MMWD Title 13 and the area between the parking spaces and the Bank Street public right-of-way is adequately landscaped.

Site Clean-up

According to the Bay Area Regional Water Quality Control Board that has been overseeing the clean-up of the gas station residues from the site soil, the site meets the criteria of the State Water Board's Low Threat Case Closure Policy and the case file deadline to contest the closure expired on May 27, 2015. The wells will be removed or be disabled shortly and then the case file will be closed (Exhibit G).

Other Agency/Department Comments/Conditions

Marin Municipal Water District

1. All indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements, landscaping and irrigations plans must be reviewed and approved by MMWD prior to installation of the landscaping plan.
2. Should backflow prevention be required it shall be installed and inspected by a District Inspector prior to the project final inspection.

Ross Valley Sanitary District

A connection permit will be required. The size of the sewer lateral will depend on the fixture count which will be calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count the applicant can either install a new lateral or test the old lateral in the presence of a District Inspector to verify the lateral meets current requirements prior to the project final inspection.

Ross Valley Fire Department

1. The building shall be provided with a fire suppression system and sprinkler monitoring system that complies with Fire and Building Code requirements. A separate deferred permit shall be obtained from the Fire Department and plans and specifications for the system shall be submitted by and individual/firm licensed to the design/design build sprinkler systems (required prior to building permit issuance)
2. A fire alarm system shall be installed throughout the building. The system requires a permit from Ross Valley Fire and shall be designed and submitted by

3. a company or individual licensed to design/design and build alarm systems (required prior to building permit issuance).
4. Commercial cooking lineups require the hood and duct work be protected by a pre-engineered fire suppression system. A separate deferred permit shall be required for each system. Plans and specifications for the system shall be submitted by an individual/firm licensed to design/design and build fire suppression systems. A Class K extinguisher shall be provided and shall be noted on the submitted plans (required prior to building permit issuance).
5. A 2A10BC rated fire extinguisher shall be located every 75 feet of travel or 3000 square feet throughout the property.
6. Address numbers sized in accordance with Ross Valley Fire Standard #205 must be placed adjacent to the front door and on the monument sign.
7. The fire pit areas shall remain clear of flammable and combustible vegetation and other material at all times.
8. All decorative materials including upholstered fabrics shall be made of non-combustible materials, be factory flame treated or have flame treatment applied by a California State Fire Marshal approved licensed contractor. Certificates shall remain on site for each product and be readily available upon request.

Marin County Environmental Health Department

The project plans must be submitted and be approved by the Environmental Health Department prior to issuance of the building permit.

Marin Municipal Water District

1. The properties current water entitlement is 0.76 acre feet which will be insufficient for the proposed use. Additional water entitlement will need to be purchased.
2. A High Pressure Water Service application must be filed with a copy of the building permit and the applicant will need to comply with all the District's rules and regulations in effect at the time of the permit application. The application must include verification of indoor fixtures compliance, the landscaping plan, irrigation plan and grading plan.
3. The applicants shall comply with the backflow prevention requirements and provide evidence they have been complied with prior to the project final inspection and issuance of an occupancy permit by the Building Department.

Fairfax Building Department

1. The construction plans submitted to the Building Department must include details showing that the project is compliant with accessibility upgrades required by the Building Code. This includes the proposed pedestrian walkway.
2. Construction plans shall be provided for all pedestrian walkway/sidewalk areas shall be subject to review and approval by the Public Works Manager prior to issuance of the building permit.

Fairfax Public Works Department

Plans shall be submitted for the pathway that will connect with Town improvements for review and approval by the Public Works Director prior to its installation.

Miscellaneous Conditions

Conditions placed upon the project by other agencies or departments can be waived in writing by those agencies or departments. Conditions placed upon the project by the Commission can only be modified or waived by the Commission.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing and discuss the project.
3. Move to approve application # 15-18 by adopting Resolution # 15-20 granting a Use Permit, Design Review approval and a Sign Permit for the proposed modifications to 2001 Sir Francis Drake Boulevard

ATTACHMENTS

- Exhibit A – Resolution No. 15-20
- Exhibit B – Applicant's supplemental information
- Exhibit C – W-trans traffic Analysis
- Exhibit D – Town Traffic Engineer's memorandums of 4/24/15 and 5/12/15
- Exhibit E – Previously approved site plan
- Exhibit F – Applicant's e-mail addressing delivery vehicles
- Exhibit G – Site clean-up information, report from Pangea and 3/25/15 letter from the San Francisco Bay Regional Water Quality Board

RESOLUTION NO. 15-20

A Resolution of the Fairfax Planning Commission Approving the Use Permit for a Restaurant with Indoor and Outdoor Seating, Design Review, and Sign Permit to Allow the Operation the Station Restaurant at 2001 Sir Francis Drake Boulevard

WHEREAS, the Town of Fairfax has received an application to create the Station Restaurant at 2001 Sir Francis Drake Boulevard; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on June 18, 2015 at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission approved Use Permits, Design Review and Sign Permit; and

WHEREAS, based on the traffic analysis provided, other documentary evidence in the record, as well as testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary permits.

WHEREAS, the Commission has made the following findings:

1. The property is designated for commercial use in the Fairfax General Plan and is located in the Highway Commercial Zone District and it is located along the Town's main traffic corridor Sir Francis Drake Boulevard. Therefore, the approval of the use permit for outdoor seating and limited live music shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The business hours of operation are from 6:00 am to 10:00 pm Monday through Sunday and the site is not located immediately adjacent to any residential sites. Therefore, the approval of the Use Permit and use of property as approved 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 General Plan Land Use Policy No. LU-7.2.3 indicates that, "Traffic and parking concerns related to new and renewed development shall be addressed in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity. The traffic analysis and parking turning radius information prepared for the proposed project by W-trans and S_SK Studio verifies that the property can be developed as proposed without significantly impacting traffic in the area. The redesign of the onsite parking will minimize impacts on surrounding streets and properties. Therefore, the

EXHIBIT #

A

Conditional Use Permit is consistent with those objectives, goals and standards pertinent to the particular case and contained or set forth in the General Plan and Zoning Ordinance.

4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.
5. The proposed exterior changes comply with the Design Review Criteria set forth in Town Code § 17.020.040.
6. The applicants have redesigned the project to provide all but 1 of the required on-site parking spaces and they have located all of the parking on the private property and out of the Bank Street easement.
7. The redesign includes a turning ratio analysis for the proposed parking lot verifying that automobiles and small delivery vehicles can safely enter and exit the lot without significantly impacting adjacent traffic flows.
8. Only small delivery vehicles will access the site to deliver goods and supplies and only when the business is not open to the public. The limited hours will enhance the function of the lot for parking during business hours and also help minimize impacts on traffic passing the site during commute and other busy traffic hours when Sir Francis Drake Boulevard and Broadway can become congested (Between 10:00 PM and 6:00 AM).
9. The business plan will incorporate incentives to encourage employees to walk, bike or take public transportation to work to limit those using the on-site parking to customers.
10. The proposed sign program, is the minimum necessary to alert traffic passing both east and west by "the Station" restaurant.

WHEREAS, the Commission has approved the project subject to the applicant's compliance with the following conditions:

1. This approval is limited to the development illustrated on the plans prepared by Studio Skaggs Kennedy dated June 10, 2015, pages A0.01 and A0.02, A1.00, A100.1, A1.01, A1.02, A2.10, A2.20, A4.10, A4.20, A4.21 and the survey prepared by Ziebatech Land Surveying dated May 31, 2013.
2. Prior to issuance of a building permit the applicant or his assigns shall:
 - a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:

- Construction delivery routes approved by the Department of Public Works.
- Construction schedule (deliveries, worker hours, etc.)
- Notification to area residents
- Emergency access routes

b. Submit a bond, letter of credit or cash deposit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.

c. The applicant shall submit a bond, letter of credit, or cash deposit to the Town in an amount that will cover the cost of landscaping and irrigation materials and installation prior to issuance of a building permit. The amount shall be retained for 18 months after issuance of the Certificate of Occupancy to ensure that all new landscaping becomes established.

d. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.

e. Submit plans for the private walkway for approval by the Public Works Department and Building Official

f. Submit a landscaping and irrigation plans for Planning Department review and approval.

g. Sign, notarize and record the Revocable Encroachment permit at the Marin County Recorder's Office.

h. The final parking lot design and adjacent roadways circulation shall be reviewed by the Town Traffic Engineer to determine if any additional traffic safety signs are required as a result of the new parking lot. If additional signage is required it shall be paid for by the applicant, but be installed by the Town Public Works Crew under the supervision of either the Town Traffic Engineer or the Public Works Manager.

3. During the construction process the following shall be required:

a. Prior to the concrete pour for the public sidewalk the private walkway linking Broadway with Sir Francis Drake and improvements required for any accessibility features, the concrete forms shall be inspected and approved by the building official.

b. 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.

c. 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.

4. Prior to issuance of an occupancy permit the following shall be completed:

a. All the parking lot improvements shall be completed.

b. The landscaping and irrigation shall be completed.

5. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.

6. 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".

7. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of permit # 15-18. Any construction based on job plans that have been altered without the benefit of an approved modification of per 15-18, will result in the job being immediately stopped and red tagged.

8. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

9. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the

Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

10. The applicants shall maintain the premises in a neat and attractive manner at all times. Such maintenance shall include, but not be limited to, exterior building materials, signage, windows, the planters, the ground and the pavement surfaces.

11. The applicants shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.

12. Any changes made to the exterior of the building, including but not limited to new lighting, new signs, planters, etc, shall comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Planning Commission (when required).

13. Prior to any improvements to the Bank Street easement, the town traffic engineer shall review and make recommendations for any necessary modifications to the site to ensure continued use of the site does not create traffic hazards. Any proposed changes shall be subject to the approval of a Use Permit modification by the Planning Commission.

14. Direct and reflected glare and excess site brightness from the remodeled structure shall be minimized.

15. Light trespass beyond the property lines shall be minimized especially from the trellis.

16. Any lighting mounted on the building shall be recessed or shielded so the light source is not directly visible from the property line and the light is directed downward.

17. The applicant shall record a revocable encroachment permit for the station improvements that are located with the public easement at the Marin County Recorder's Office prior to issuance of the building permit for the project.

18. The use of the site shall remain consistent with the stipulations required for the site and contained in this resolution.

19. Live music shall be limited to unamplified singing with 1 amplified key board no more than once a week on Sundays between the hours of 11 AM and 1 PM. Modifications to the use permit will be subject to review and approval of a Use Permit modification from the Planning Commission.

Ross Valley Sanitary District

A connection permit will be required. The size of the sewer lateral will depend on the fixture count which will be calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count the applicant can either install a new lateral or test the old lateral in the presence of a District Inspector to verify the lateral meets current requirements prior to the project final inspection.

Ross Valley Fire Department

1. The building shall be provided with a fire suppression system and sprinkler monitoring system that complies with Fire and Building Code requirements. A separate deferred permit shall be obtained from the Fire Department and plans and specifications for the system shall be submitted by and individual/firm licensed to the design/design build sprinkler systems (required prior to building permit issuance)
2. A fire alarm system shall be installed throughout the building. The system requires a permit from Ross Valley Fire and shall be designed and submitted by a company or individual licensed to design/design and build alarm systems (required prior to building permit issuance).
3. Commercial cooking lineups require the hood and duct work be protected by a pre-engineered fire suppression system. A separate deferred permit shall be required for each system. Plans and specifications for system shall be submitted by an individual/form licensed to design/design and build fire suppression systems. A Class K extinguisher shall be provided (required prior to building permit issuance).
4. A 2A10BC rated fire extinguisher shall be located every 75 feet of travel or 3000 square feet throughout the property.
5. Address numbers sized in accordance with Ross Valley Fire Standard #205 must be placed adjacent to the front door and on the monument sign.
6. The fire pit areas shall remain clear of flammable and combustible vegetation and other material at all times.

7. All decorative materials including upholstered fabrics shall be made of non-combustible materials, be factory flame treated or have flame treatment applied by a California State Fire Marshal approved licensed contractor. Certificates shall remain on site for each product and be readily available upon request.

Marin County Environmental Health Department

The project plans must be submitted and be approved by the Environmental Health Department prior to issuance of the building permit.

Marin Municipal Water District

1. The properties current water entitlement is 0.76 acre feet which will be insufficient for the proposed use. Additional water entitlement will need to be purchased.
2. A High Pressure Water Service application must be filed with a copy of the building permit and the applicant will need to comply with all the District's rules and regulations in effect at the time of the permit application. The application must include verification of indoor fixtures compliance, the landscaping plan, irrigation plan and grading plan.
3. The applicants shall comply with the backflow prevention requirements and provide evidence they have been complied with prior to the project final inspection and issuance of an occupancy permit by the Building Department.

Fairfax Building Department

1. The construction plans submitted to the Building Department must include details showing that the project is compliant with accessibility upgrades required by the Building Code. This includes the proposed pedestrian walkway.
2. Construction plans shall be provided for all pedestrian walkway/sidewalk areas shall be subject to review and approval by the Public Works Manager prior to issuance of the building permit.

Fairfax Public Works Department

Plans shall be submitted for the pathway that will connect with Town improvements for review and approval by the Public Works Director prior to its installation.

Miscellaneous Conditions

Conditions placed upon the project by other agencies or departments can be waived in writing by those agencies or departments. Conditions placed upon the project by the Commission can only be modified or waived by the Commission.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines that the approval of the Conditional Use Permit, Design Review Permit, Sign Permit and Encroachment Permit can occur without causing significant impacts on neighboring businesses or residences.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 18th day of June, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Philip Green

Attest:

Jim Moore
Director of Planning and Building Services