

Linda Neal

From: Linda Neal
Sent: Thursday, July 07, 2016 11:46 AM
To: 'Tony DeFrance'
Cc: 'gwala75@gmail.com'; Jim Moore
Subject: progress on floor plans and parking plan for 17-19 Broadway

Hi Tony,

I am just checking-in to see how close you are to submitting the floor plans for the bar/restaurant/food trailer and the site plan showing the accessible parking. You had indicated you would be submitting today, is that still the plan?

Linda Neal
Principal Planner

Linda Neal

From: Tony DeFrance <defrance@cvcta.com>
Sent: Thursday, July 07, 2016 1:45 PM
To: Linda Neal
Cc: gwala75@gmail.com; Jim Moore
Subject: Re: progress on floor plans and parking plan for 17-19 Broadway

Hi Linda.

I am going to need a little more time. Have architect drawing up requested plans, but they are not quite ready yet. Gary also working on final details of handicap access site.

Thank you.

Tony DeFrance

On Jul 7, 2016, 11:46 AM -0700, Linda Neal <lneal@townoffairfax.org>, wrote:

Hi Tony,

I am just checking-in to see how close you are to submitting the floor plans for the bar/restaurant/food trailer and the site plan showing the accessible parking. You had indicated you would be submitting today, is that still the plan?

Linda Neal

Principal Planner

Linda Neal

From: Tony DeFrance <defrance@cvcta.com>
Sent: Monday, June 27, 2016 11:42 AM
To: Lisa Mansbridge; Garrett Graham; Linda Neal; jmoore@townoffairfax.org
Subject: Re: Fwd: completing the 17-19 Broadway application

Hello Linda,

Thank you for the follow up. We do have a grease trap installed and also have the three required washing sinks inside the food trailer. I can get pictures or see if I have some plans that can demonstrate those.

As far as the accessible parking space I will discuss further with Gary Graham and Art Chartock our architect. We have the same conforming accessible parking space that we share with the hotel that was approved a number of years ago. Our position would be that this was approved previously and we would ask that it still be "grandfathered" in under previous approvals. We are willing to set up a meeting to discuss further.

We would like to resolve the outstanding issues once and for all. To date the addition of food to 19 Broadway has gone smoothly and we have excellent reviews and feedback and this has become an important addition to our business and the town of Fairfax.

Thank you for your help and patience with all of this.

Tony DeFrance, MD

From: Linda Neal <lneal@townoffairfax.org>
Date: Mon, Jun 27, 2016 at 8:35 AM
Subject: completing the 17-19 Broadway application
To: "defrance@cvcta.com" <defrance@cvcta.com>
Cc: Jim Moore <jmoore@townoffairfax.org>, Mark Lockaby <mlockaby@townoffairfax.org>, "gwala75@gmail.com" <gwala75@gmail.com>

Dear Mr. DeFrance,

-

I really would like to get your application completed and onto a Commission agenda. The business is currently in violation of Fairfax Zoning Laws. My understanding is that the only items missing are a floor plan for the bar showing where the required 3 washing sinks are located, any food service areas and where the grease traps are and a site plan showing a conforming accessible parking space (please refer to previous letters dated 3/1/16 and 7/26/16). I really do not want to have to contact the Health Department to advise them that you are not in compliance with the Town Code. Please provide the required plan as soon as possible.

-

Sincerely,

-
Linda Neal

Principal Planner
-

TOWN OF FAIRFAX

JAN 06 2015

RECEIVED

GARRETT P. GRAHAM
422 Corbett Avenue
San Francisco, Ca. 94114
Telephone: 415-621-5150...e-mail: gwala75@gmail.com

January 4, 2016

Linda Neal, Principal Planner
Town of Fairfax, California

Re: 19 Broadway LLC Application for Use Permit and Parking Variance

Dear Linda:

I am the landlord of rental properties above 17-19 Broadway, Fairfax. The apartment above 17 Broadway is not used for a rental, as it is used as a "Green Room" for musicians. The three rooms above 19 Broadway are only rented to tenants who do not own cars.

Very truly yours,



Garrett P. Graham
Owner/Landlord
17-19 Broadway, Fairfax, California

TOWN OF FAIRFAX

JAN 06 2015

RECEIVED

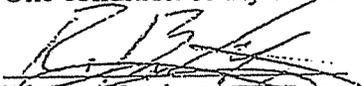
GARRETT P. GRAHAM
422 Corbett Avenue
San Francisco, Ca. 94114
Telephone: 415-621-5150...e-mail: gwaia75@earthlink.net

November 28, 2015

TO WHOM IT MAY CONCERN:

My name is Richard Bunke. I reside in a one-room unit above 19 Broadway. I have been living above 19 Broadway for almost two years. My rent is \$500 per month.

One condition of my rental is that I cannot have a car. I do not own a car.


Richard Bunke

TOWN OF FAIRFAX

JAN 06 2015

RECEIVED

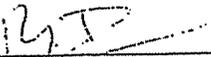
GARRETT P. GRAHAM
422 Corbett Avenue
San Francisco, Ca. 94114
Telephone: 415-621-5150...e-mail: grah756@gmail.com

November 28, 2015

TO WHOM IT MAY CONCERN:

My name is Ryan Iozzia. I reside in a one-room unit above 19 Broadway. I have been living above 19 Broadway for over one year. My rent is \$650 per month.

One condition of my rental is that I cannot have a car. I do not own a car.



Ryan Iozzia

TOWN OF FAIRFAX

JAN 06 2015

RECEIVED

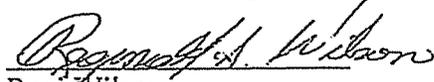
GARRETT P. GRAHAM
422 Corbett Avenue
San Francisco, Ca. 94114
Telephone: 415-621-5150...e-mail: ggraham@sf.gov

November 28, 2015

TO WHOM IT MAY CONCERN:

My name is Regi Wilson. I reside in a one-bedroom unit above 19 Broadway. I have been living above 19 Broadway for 27 years. My rent is \$500 per month.

One condition of my rental is that I cannot have a car. I do not own a car.


Regi Wilson

The Coffee Roastery
Kelly A. London
Deborah A. London
4 Bolinas Road
Fairfax, CA 94930
415-269-6970 c Deb
415-717-0429 c Kelly
June 30, 2016

Town Of Fairfax
Town Manager
Mayor
City Council Members
142 Bolinas Road
Fairfax CA 94930

RE: Food Trucks

Dear Town Manager, Mayor and City Council Member,

As most of you know, we own The Coffee Roastery, here on the corner of Broadway and Bolinas Roads. We are writing today to express our thoughts regarding the recent appearance, requests and proposed conversation regarding food trucks being allowed in the Town of Fairfax.

We as the owners of the The Alpine Building and The Coffee Roastery and as citizens of Fairfax do not support the visitation or installation of food trucks in town. It is our belief that not only will Food Trucks clutter and downgrade Fairfax, but they will lead to the failure and vacancy of Fairfax downtown buildings.

There are many property and business owners who go through great expense and effort to maintain their/our buildings and business locations. We have to pay rent and mortgages, property taxes, business taxes, business licenses, liability and work comp insurances, employee expenses, and a myriad of other business expenses not to mention everyday maintenance expenses on our property and premises(s). It is unfathomable that an out of town (or even locally owned) food truck can pay some nominal fee, pull up, park itself inside a building shell or in a parking lot and start selling products that compete and take money out of the pockets of many of our local businesses. This is wrong.

Food Trucks do not begin to have the expenses that hard working property owners and business owners have to endure to maintain support of their enterprises. Food Trucks pull up at no or little cost and are suddenly in business. They have an unfair advantage to operate at a much lower overhead and the ability to under-sell their products and undercut brick and mortar local business product pricing. This will absolutely lead to failure and vacancy of local brick and mortar business.

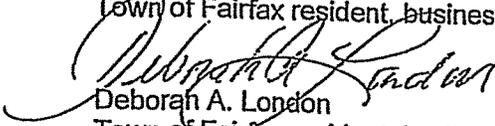
Food Trucks have no or very little blood in the game of what it takes to own and operate properties and businesses. Again, it is our belief that not only will Food Trucks clutter and downgrade Fairfax, but they will lead to the failure and vacancy of Fairfax downtown buildings. We do not support the visitation or installation of food trucks on any basis anywhere in Fairfax. Please vote no on this issue.

Thank you for your time.

Respectfully,


Kelly A. London

Town of Fairfax resident, business owner and property owner


Deborah A. London

Town of Fairfax resident, business owner and property owner

Ps. The only place we feel food trucks somewhat permissible would be those that are included (on a limited basis) in our once a week farmers market venue.

ATTACHMENT 



By e-mail to lneal@townoffairfax.org

December 22, 2015

Linda Neal, Principal Planner
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Re: 19 Broadway, Use Permit Application

Dear Linda:

I'm writing in support of the Use Permit application for the business located at 19 Broadway, Fairfax.

I have reviewed the Project Description and support the grant of a Use Permit and Parking Variance to the project.

Please let me know if you have any questions.

Sincerely,


David Corkill, Owner
Fairfax Theatre

P.O. Box 750595, Petaluma, CA 94975 * Voice 707-762-0990 * Fax 707-762-3969

ATTACHMENT 

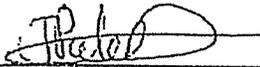
JAN 06 2015

Letter in Support of Use Permit for the Food Truck Serving the 19 BROADWAY Business

RECEIVED

I am Jayu Patel, the owner/manager of the Fairfax Inn. I am the neighbor of 17-19 Broadway. We lease the Fairfax Inn from the Grahams, and have been doing business with the Grahams for over 24 years.

I support the Use Permit for the food truck in the parking lot on the Graham's side of the property. I provide our hotel guests with the menus from the food truck in their rooms.



Jayu Patel

Owner/manager, Fairfax Inn.

11/30/15

Date

Linda Neal

From: Garrett Graham <gwala75@gmail.com>
Sent: Friday, July 22, 2016 10:52 AM
To: Linda Neal; Jim Moore; Lauren and Tony; Amory and Garry
Subject: 19 broadway parking issue

dear linda and jim

as linda will attest 19broadway and the town have always cooperated and worked through our problems for the past 30 plus years. i assure you we will work through this parking issue with the same spirit of cooperation.

i will become involved from this point forward and the first thing i can do is solve the DISABLED parking issue. i know this is important to mark and the town.. i may need a letter from the town to briefly outline the issue and then work with the fairfax inn and get mark to go with me and direct me to the solution. i will probably get tommy bruce to go with mark and me and have him do the work.

then the fairfax inn will be out of the picture and we will deal with just the application of 19brodway and we WILL do what you request re the 19broadway parking issue..

BACKGROUND:.. the 17,000 foot lot on amory and my property is divided into two separate lots. lot number 002-121-23 is the lot the 19broadway building and parking sits on. lot 24 is the lot the fairfax inn sits on. i leased lot 24 to ramon patel and fairfax investment inc in 1995. the lease runs 49 years which is common in these types of hotel lease deals. ramon has his relative jayu patel running he fairfax inn for the past 21 years. i have a very close business and personal relationship with the patels.

the fairfax inn haD nothing to do with our application and once we solve the DISABLED parking issue i request you leave them alone. i know their business and after a record year of making \$300,000 in 2015 , and they still did not make a profit, they are having a down year. i do not want the patels to be bothered about the 19broadway parking issue. they know nothing about whats going on about any parking problem and i ask you to please keep it that way. if you persist in enforcing the lack of 2 parking spaces this will have a very negative effect on my relationship with the patels and will not help their business but just be a distraction WHICH they dont need one,especially now.. the only reason this issue was discovered, after being in this same condition for at least 18 of the past 21 years, is because of a walk through--that should not have involved their property.

it is my belief the town should help the fairfax inn in every way possible. they bring a lot of \$ into our town. this 12 unit- inn has plenty of parking 90% of the time. many nights there are no cars there. its very sad to see them struggle.on those rare, not very often. nights,when hey have a sellout of all 12 rooms there has never been a parking problem. there is no practical or business reason to hassel them about parking.now! please just allow things to be as they have been for 18 years.

just because the town has the power to strictly enforce the parking code does not mean theY must use or abuse that power. the lack of parking places for most all other businesses in town is well known they cannot provide parking but are allowed to operate.. there is no need to be the parking space police when the fairfax inn is one of the rare businesses in town that actually do have a lot of parking places and they have always used the 19broadway parking places, when they have a sellout,. i dont want to get involved in fighting the town over this issue but to me the proper and fair thing to do is let sleeping dogs lie and let things be as they have been for over 18 years. you will be helping a struggling business by doing so.

in closing i want to thank linda for all the hard work she put into helping us with the food truck and parking variance .. it always amazes me how much paperwork goes into these problems.

we really appreciate your support for our use permit for the food truck and parking variance.

im avaiable to meet when you are.

my best personal regards
garry



TOWN OF FAIRFAX

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

August 3, 2016

Tony DeFrance
150 West Oak Knoll Drive
San Anselmo, CA. 94960

Garrett Graham
422 Corbett Avenue
San Francisco, CA. 94114

Re: 17-19 Broadway; parking

Dear Mr. DeFrance and Mr. Graham,

As you know, your Use Permit and Variance applications were continued to the August 18, 2016 Planning Commission meeting. Additionally, Mr. Graham has asked that in reviewing the parking variance request, the Department of Planning and Building Services review only the parking provided at the front of the site and not include the parking immediately in front of and beneath the Fairfax Inn Building.

Staff has concerns about going forward in this manner for this project. Both the Inn and the bar are located on one property under one ownership (e.g., Mr. Graham) and should be reviewed as a whole. The Commission does not have to agree to discount the Inn parking in their review. Reviewing the proposal in this manner may also change staff's recommendation because it may increase the number of parking spaces you are asking a variance from. While staff was willing to support a parking variance request for 2 spaces, a request to further reduce the number of required parking spaces may not be supportable. From a land-use perspective, a kitchen physically can be constructed within the building and the cost of such an improvement is not a legal finding for a parking variance.

In order to provide adequate information to the Commission to enable them to make a decision on this matter at their August 18th, 2016, meeting you must provide staff with the following by 5:00 PM on August 10th, 2016:

- A revised site plan showing all the parking spaces that will be provided in the parking lot to the east of the bar, including the required accessible parking space, and the location of the permanent grease separator installation. Running a hose every night to the sewer through the "portable" grease separator does not meet building code requirements.
- Copies of the bids you have obtained for installation of the kitchen at 17-19 Broadway (these may help the Commission/Town Council make findings for approval even if cost cannot be used as a legal land-use finding by staff).

If you do not provide us with the above information by the requested date, staff will be taking you to the Planning Commission for a public hearing on August 18, and will be recommending denial of the application.

Please note: Staff has serious concerns with the restaurant continuing to operate out of compliance with the building code and Americans with Disabilities Act (ADA). Likewise, we are surprised that the Marin County Health Department has not closed the restaurant which has been operating in violation of building codes and the Americans With Disabilities Act since December of 2015.

If you have any questions, please feel free to contact the Department of Planning and Building Services.

Sincerely,



Linda Neal
Principal Planner

cc. Garrett Toy, Town Administrator
Jim Moore, Director of Planning and Building Services



TOWN OF FAIRFAX

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

January 26, 2016

Tony DeFrance
150 West Oak Knoll Drive
San Anselmo, CA. 94960

Re: 17 and 19 Broadway; Planning Application

Dear Mr. DeFrance,

The Town has been advised by the Ross Valley Sanitary District and the Fairfax Building Official that proper grease traps need to be installed on the property anywhere grease may enter the sewer system. The Sanitary District has also advised that a permit is required from the Central Marin Sanitation Agency (CMSA) and from the Fairfax Building Department for these devices. Please provide a plan showing where these grease removal devices will be located in relation to the trailer where the food will be assembled and the building where the dishes will be washed.

Sincerely,

Linda Neal
Principal Planner

cc. Jim Moore
Gary Graham



TOWN OF FAIRFAX

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

January 22, 2016

Tony DeFrance
150 West Oak Knoll Drive
San Anselmo, CA. 94960

Re: 17 and 19 Broadway; Planning Application

Dear Mr. DeFrance,

Thank-you for submitting the additional items and information we requested in our December 10, 2016 letter. Unfortunately, the information provided on how the accessible parking space requirement will be met is inadequate (see below).

Accessible Parking for 17 and 19 Broadway

The Building Department has indicated that 17 and 19 Broadway are required to have an accessible parking space per Uniform Building Code B11B-208. The Building Code requires that the bar and restaurant parking area have at least 1 accessible parking space that provides parking for persons that have disabilities (see enclosed Table 11B-208.2 from the Uniform Building Code). Please provide a revised site plan showing how this requirement will be met. Depending upon where it is located it may reduce the available parking on site and the Commission needs to know how many parking spaces can be provided when considering your request for a parking variance.

Once the above information is provided the application will again be reviewed for completeness. If you have any questions, please do not hesitate to contact the Department of Planning and Building Services.

Sincerely,

Linda Neal
Principal Planner

cc. Jim Moore
Gary Graham

11B-206.7 to use a platform lift, elevators complying with Section 11B-408 shall be permitted.

2. Elevators complying with Section 11B-408 or 11B-409 shall be permitted in multi-story residential dwelling units. Elevators provided as a means of access within a private residence shall be installed so that they are not accessible to the general public or to other occupants of the building.
3. Destination-oriented elevators complying with Section 11B-411 shall be permitted.

11B-206.6.1 Existing elevators. Where elements of existing elevators are altered, the same element shall also be altered in all elevators that are programmed to respond to the same hall call control as the altered elevator and shall comply with the requirements of Section 11B-407 for the altered element.

Exception: Where a group of existing elevators are altered into a destination-oriented elevator system, or where elements of existing destination-oriented elevators are altered, the same elements shall also be altered in all elevators that are programmed to respond to the same call console or group of call consoles and shall comply with the requirements of Section 11B-411 for the altered elements.

11B-206.7 Platform lifts. Platform lifts shall comply with Section 11B-410. Platform lifts shall be permitted as a component of an accessible route in new construction in accordance with Section 11B-206.7. Platform lifts shall be permitted as a component of an accessible route in an existing building or facility.

11B-206.7.1 Performance areas and speakers' platforms. Platform lifts shall be permitted to provide accessible routes to performance areas and speakers' platforms.

11B-206.7.2 Wheelchair spaces. Platform lifts shall be permitted to provide an accessible route to comply with the wheelchair space dispersion and line-of-sight requirements of Sections 11B-221 and 11B-802.

11B-206.7.3 Incidental spaces. Platform lifts shall be permitted to provide an accessible route to incidental spaces which are not public use spaces and which are occupied by five persons maximum.

11B-206.7.4 Judicial spaces. Platform lifts shall be permitted to provide an accessible route to: jury boxes and witness stands; raised courtroom stations including judges' benches, clerks' stations, bailiffs' stations, deputy clerks' stations, and court reporters' stations; and to depressed areas such as the well of a court.

11B-206.7.5 Existing site constraints. Platform lifts shall be permitted where existing exterior site constraints make use of a ramp or elevator infeasible.

11B-206.7.6 Guest rooms and residential dwelling units. Platform lifts shall be permitted to connect levels within transient lodging guest rooms required to provide mobility features complying with Section 11B-806.2 or residential dwelling units required to provide mobility features complying with Sections 11B-809.2 through 11B-

809.4 and adaptable features complying with Chapter 11A, Division IV.

11B-206.7.7 Amusement rides. Platform lifts shall be permitted to provide accessible routes to load and unload areas serving amusement rides.

11B-206.7.8 Play areas. Platform lifts shall be permitted to provide accessible routes to play components or soft contained play structures.

11B-206.7.9 Team or player seating. Platform lifts shall be permitted to provide accessible routes to team or player seating areas serving areas of sport activity.

11B-206.7.10 Recreational boating facilities and fishing piers and platforms. Platform lifts shall be permitted to be used instead of gangways that are part of accessible routes serving recreational boating facilities and fishing piers and platforms.

11B-206.8 Security barriers. Security barriers, including but not limited to, security bollards and security check points, shall not obstruct a required accessible route or accessible means of egress.

Exception: Where security barriers incorporate elements that cannot comply with these requirements such as certain metal detectors, fluoroscopes, or other similar devices, the accessible route shall be permitted to be located adjacent to security screening devices. The accessible route shall permit persons with disabilities passing around security barriers to maintain visual contact with their personal items to the same extent provided others passing through the security barrier.

11B-207 Accessible means of egress

11B-207.1 General. Means of egress shall comply with Chapter 10, Section 1007.

Exceptions:

1. Where means of egress are permitted by local building or life safety codes to share a common path of egress travel, accessible means of egress shall be permitted to share a common path of egress travel.

2. Areas of refuge shall not be required in detention and correctional facilities.

11B-207.2 Platform lifts. Standby power shall be provided for platform lifts permitted by Chapter 10, Section 1007.5 to serve as a part of an accessible means of egress. To ensure continued operation in case of primary power loss, platform lifts shall be provided with standby power or with self-rechargeable battery power that provides sufficient power to operate all platform lift functions for a minimum of five upward and downward trips.

11B-208 Parking spaces

11B-208.1 General. Where parking spaces are provided, parking spaces shall be provided in accordance with Section 11B-208.

Exception: Parking spaces used exclusively for buses, trucks, other delivery vehicles, or vehicular impound shall not be required to comply with Section 11B-208 provided

**TABLE 11B-208.2
PARKING SPACES**

TOTAL NUMBER OF PARKING SPACES PROVIDED IN PARKING FACILITY	MINIMUM NUMBER OF REQUIRED ACCESSIBLE PARKING SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

that lots accessed by the public are provided with a passenger loading zone complying with *Section 11B-503*.

11B-208.2 Minimum number. Parking spaces complying with *Section 11B-502* shall be provided in accordance with *Table 11B-208.2* except as required by *Sections 11B-208.2.1, 11B-208.2.2, and 11B-208.2.3*. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

11B-208.2.1 Hospital outpatient facilities. Ten percent of patient and visitor parking spaces provided to serve hospital outpatient facilities, and free-standing buildings providing outpatient clinical services of a hospital, shall comply with *Section 11B-502*.

11B-208.2.2 Rehabilitation facilities and outpatient physical therapy facilities. Twenty percent of patient and visitor parking spaces provided to serve rehabilitation facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall comply with *Section 11B-502*.

11B-208.2.3 Residential facilities. Parking spaces provided to serve residential facilities shall comply with *Section 11B-208.2.3*.

11B-208.2.3.1 Parking for residents. Where at least one parking space is provided for each residential dwelling unit, at least one parking space complying with *Section 11B-502* shall be provided for each residential dwelling unit required to provide mobility features complying with *Sections 11B-809.2 through 11B-809.4*.

11B-208.2.3.2 Additional parking spaces for residents. Where the total number of parking spaces provided for each residential dwelling unit exceeds one parking space per residential dwelling unit, 2 percent, but no fewer than one space, of all the parking spaces not covered by *Section 11B-208.2.3.1* shall comply with *Section 11B-502*.

11B-208.2.3.3 Parking for guests, employees, and other non-residents. Where parking spaces are provided for persons other than residents, parking shall be provided in accordance with *Table 11B-208.2*.

Note: When assigned parking is provided, Chapter 11A indicates designated accessible parking for the adaptable residential dwelling units shall be provided on requests of residents with disabilities on the same terms and with the full range of choices (e.g., off-street parking, carport or garage) that are available to other residents.

11B-208.2.4 Van parking spaces. For every six or fraction of six parking spaces required by *Section 11B-208.2* to comply with *Section 11B-502*, at least one shall be a van parking space complying with *Section 11B-502*.

11B-208.3 Location. Parking facilities shall comply with *Section 11B-208.3*.

11B-208.3.1 General. Parking spaces complying with *Section 11B-502* that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance complying with *Section 11B-206.4*. Where parking serves more than one accessible entrance, parking spaces complying with *Section 11B-502* shall be dispersed and located on the shortest accessible route to the accessible entrances. In parking facilities that do not serve a particular building or facility, parking spaces complying with *Section 11B-502* shall be located on the shortest accessible route to an accessible pedestrian entrance of the parking facility.

Exceptions:

1. All van parking spaces shall be permitted to be grouped on one level within a multi-story parking facility.
2. Parking spaces shall be permitted to be located in different parking facilities if substantially equivalent or greater accessibility is provided in terms of distance from an accessible entrance or entrances, parking fee, and user convenience.

Linda Neal

Subject: FW: New Food Service 19 Broadway

Linda Neal
Principal Planner

From: Smail, David [mailto:DSmail@marincounty.org]
Sent: Thursday, July 14, 2016 4:37 PM
To: Mark Lockaby <mlockaby@townoffairfax.org>; Rosso, Stephen <SRosso@marincounty.org>
Cc: Linda Neal <lneal@townoffairfax.org>
Subject: RE: New Food Service 19 Broadway

Rule of thumb: Local building and sanitary district codes trump less stringent health and safety codes. If you and the sanitary district say they need a properly permitted grease trap and they don't comply with those requirements then, they are operating without a valid Health Department "Permit to Operate".

Dave

From: Mark Lockaby [mailto:mlockaby@townoffairfax.org]
Sent: Thursday, July 14, 2016 4:10 PM
To: Rosso, Stephen
Cc: Smail, David; Linda Neal
Subject: RE: New Food Service 19 Broadway

Hi Steve,

The food trailer is going to the planning commission next Thursday for approval. For a few months we have been asking them for plans showing the grease interceptor location, and after no response we went there to see for ourselves. They use the trailer to wash dishes, pots, pans, and utensils. The water goes into the trailers holding tank until the bar closes. Once all the patrons have left they run a hose into the bathroom to empty the holding tank into the sewer system. They are not using a grease interceptor but had one that they are trying to figure out how to connect to their flexible hose.

I cannot approve a portable system like this. The plumbing code requires a fixed system with proper venting for the interceptor to work as intended.

They have indicated that the County Health Department has approved this trailer and the service of food from the trailer through the bar at 17 Broadway to patrons in the restaurant at 19 Broadway with this portable grease trap system. Can you verify this is accurate? If you were unaware that this is how they are operating please let me know your concerns and whether this system might warrant action from the Health Department.

Thanks,

Mark Lockaby
Building Official
Town of Fairfax
142 Bolinas Road

Fairfax, CA 94930
415-458-2370

From: Rosso, Stephen [<mailto:SRosso@marincounty.org>]
Sent: Thursday, January 28, 2016 1:00 PM
To: Mark Lockaby
Subject: RE: New Food Service

Thanks Mark. I am copying the district inspector on this regarding grease trap installation.

Steve Rosso,
Senior R.E.H.S.
Environmental Health Services
County of Marin
415-473-6918
415-473-6907 (main)
415-473-4120 (fax)
www.marincounty.org/ehs

From: Mark Lockaby [<mailto:mlockaby@townoffairfax.org>]
Sent: Thursday, January 28, 2016 10:36 AM
To: Rosso, Stephen; Smail, David
Cc: VanLiew, Pricilla; Bell, Shannon; Linda Neal; Jim Moore
Subject: RE: New Food Service

Hi Stephen,

I just wanted to update you on the status of the 19 Broadway Food Service Trailer. We decided to let them continue to operate while they were going through the planning process. Plans were submitted a while back and we are waiting on comments from the other agencies. One item that did come up is that CMSA is requiring them to install a grease interceptor.

Thanks

Mark Lockaby
Building Official
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930
415-458-2370

From: Rosso, Stephen [<mailto:SRosso@marincounty.org>]
Sent: Friday, November 13, 2015 10:42 AM
To: Mark Lockaby; Smail, David
Cc: VanLiew, Pricilla; Bell, Shannon; Linda Neal; Jim Moore
Subject: RE: New Food Service

Ok, let Dave or I know. I can have a closure letter ready as I am a bit peeved.

Steve

From: Mark Lockaby [<mailto:mlockaby@townoffairfax.org>]
Sent: Friday, November 13, 2015 10:41 AM
To: Rosso, Stephen; Smail, David
Cc: VanLiew, Pricilla; Bell, Shannon; Linda Neal; Jim Moore
Subject: RE: New Food Service

Hi Stephen,

Let us meet with our Planning Director and Town Manager and we will get back to you on how we would like to proceed.

Thanks

Mark Lockaby
Building Official
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930
415-458-2370

From: Rosso, Stephen [<mailto:SRosso@marincounty.org>]
Sent: Friday, November 13, 2015 10:32 AM
To: Mark Lockaby; Smail, David
Cc: VanLiew, Pricilla; Bell, Shannon; Linda Neal; Jim Moore
Subject: RE: New Food Service

Mark, if the city is requiring some type of permit, we can close using this language from Ca Health and Safety Code: **114387**. Any person who operates a food facility shall obtain all necessary permits to conduct business, including, but not limited to, a permit issued by the enforcement agency (EHS). In addition to the penalties under Article 2 (commencing with Section 114390), violators who operate without the necessary permits shall be subject to closure of the food facility and a penalty not to exceed three times the cost of the permit.

Steve Rosso,
Senior R.E.H.S.
Environmental Health Services
County of Marin
415-473-6918
415-473-6907 (main)
415-473-4120 (fax)
www.marincounty.org/ehs

From: Mark Lockaby [<mailto:mlockaby@townoffairfax.org>]
Sent: Friday, November 13, 2015 10:12 AM
To: Rosso, Stephen; Smail, David
Cc: VanLiew, Pricilla; Bell, Shannon; Linda Neal; Jim Moore
Subject: RE: New Food Service

Hi Stephen,

Is there a way to pull your approval until they go through the planning process? We made it clear to them that they would need planning commission approval before serving food.

Thanks

Mark Lockaby
Building Official
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930
415-458-2370

From: Rosso, Stephen [<mailto:SRosso@marincounty.org>]
Sent: Friday, November 13, 2015 9:56 AM
To: Smail, David; Mark Lockaby
Cc: VanLiew, Pricilla; Bell, Shannon
Subject: RE: New Food Service

Yes and the owner said he obtained approval from city planning (I advised him of this several times). The trailer serves the bar and acts as the commissary.

Steve Rosso,
Senior R.E.H.S.
Environmental Health Services
County of Marin
415-473-6918
415-473-6907 (main)
415-473-4120 (fax)
www.marincounty.org/ehs

From: Smail, David
Sent: Friday, November 13, 2015 9:52 AM
To: 'Mark Lockaby'
Cc: Rosso, Stephen; VanLiew, Pricilla; Bell, Shannon
Subject: RE: New Food Service

Not sure. I'll look into it.
Dave

From: Mark Lockaby [<mailto:mlockaby@townoffairfax.org>]
Sent: Friday, November 13, 2015 7:37 AM
To: Smail, David
Subject: New Food Service

Hi Dave,

One of our bars(19 Broadway) is now advertising that they are serving food. They were supposed to go through the planning process in order to change the use from a bar to a combination use. They are using a permanently attached food trailer for the food preparation. Do you know if this was permitted through your Department?

Thanks

Mark Lockaby
Building Official
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930
415-458-2370

Email Disclaimer: <http://www.marincounty.org/main/disclaimers>
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Linda Neal

From: Yonas Abraha <yabraha@rvsd.org>
Sent: Wednesday, February 17, 2016 11:41 AM
To: Linda Neal
Subject: FW: 15, 17 AND 19 BROADWAY, FAIRFAX APN: 002-121-23 AND 24

Hello Linda,

The property owner at 15, 17 AND 19 BROADWAY, FAIRFAX has agreed to install grease trap device per CMSA requirement.

If you have any questions, please let me know.

Sincerely,

Yonas Abraha

Engineering Technician

Sanitary District No. 1 of Marin County

(Ross Valley Sanitary District)

P 415.259.2949 X 209

F 415.460.2149

yabraha@rvsd.org



From: Yonas Abraha
Sent: Friday, January 08, 2016 7:32 AM
To: 'Linda Neal' <lneal@townoffairfax.org>
Subject: FW: 15, 17 AND 19 BROADWAY, FAIRFAX APN: 002-121-23 AND 24

Morning Linda,

CMSA stated that, the Food preparation trailer needs a Permit to Operate from Marin County. They need to ensure compliant grease removal device equipment is installed prior to issuing the permit.

If you have any questions, please let me know.

Thank you,

Yonas Abraha

Engineering Technician

Sanitary District No. 1 of Marin County

(Ross Valley Sanitary District)

P 415.259.2949 X 209

F 415.460.2149

yabraha@rvsd.org



From: Yonas Abraha
Sent: Wednesday, January 06, 2016 11:11 AM

To: 'Linda Neal' <lneal@townoffairfax.org>

Subject: RE: 15, 17 AND 19 BROADWAY, FAIRFAX APN: 002-121-23 AND 24

Hi Linda,

I spoke with Robert Cole at CMSA, and stated that they have to have a grease trap. He will have his crew go out there, and see what the proposal is. As soon as I hear from him I will let you know.

Sincerely,

Yonas Abraha

Engineering Technician

Sanitary District No. 1 of Marin County

(Ross Valley Sanitary District)

P 415.259.2949 X 209

F 415.460.2149



yabraha@rvsd.org

From: Linda Neal [<mailto:lneal@townoffairfax.org>]

Sent: Wednesday, January 06, 2016 11:02 AM

To: Yonas Abraha <yabraha@rvsd.org>

Subject: RE: 15, 17 AND 19 BROADWAY, FAIRFAX APN: 002-121-23 AND 24

Hi Yonas,

Will you just let me know of any comments or conditions CMSA may have for the proposal as soon as possible?

Thanks,

Linda Neal

Principal Planner

From: Yonas Abraha [<mailto:yabraha@rvsd.org>]

Sent: Wednesday, December 23, 2015 7:51 AM

To: Linda Neal <lneal@townoffairfax.org>

Subject: 15, 17 AND 19 BROADWAY, FAIRFAX APN: 002-121-23 AND 24

Morning Linda,

As we spoke on the phone, I did contact Steve Rosso, and said it was ok from his department. Since this is a special case we're going to contact CMSA for more information. If you have any question please let me know.

Thank you,

Yonas Abraha

Engineering Technician

Sanitary District No. 1 of Marin County

(Ross Valley Sanitary District)



TOWN OF FAIRFAX

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

September 16, 2016

Tony DeFrance
150 West Oak Knoll Drive
San Anselmo, CA. 94960

Gary Graham
422 Corbett Street
San Francisco, CA. 94114

NOTICE OF PLANNING COMMISSION ACTION

RE: 17-19 Broadway; Application # 16-29

Continued consideration of a request for a Use Permit and a Parking Variance to prepare meals for an existing commercial business in a food trailer stored in the business parking lot; Assessor's Parcel Numbers 002-121-23 and 24; Central Commercial CC Zone; Tony DeFrance, applicant; Gary and Amory Graham, owners; CEQA categorically exempt, 15301(a).

Dear Mr. DeFrance and Mr. Graham,

At its meeting on September 15, 2016, the Fairfax Planning Commission continued the above referenced application to the October 20, 2016 Planning Commission meeting. Any new information you plan to provide must be submitted no later than October 3, 2016, to be included in the staff report and public packet for the October meeting.

Please remember that In order for the Town to comply with the California Permit Streamlining Act the Commission must take action on your application at the October 20th meeting. Failure to provide the information they requested from you at the August 18, 2016 meeting may result in the Commission denying your application because they cannot legally continue the application to a later date. Therefore, it would behoove you to provide the information they requested by the October 3, 2016 deadline.

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

Sincerely,

Linda Neal
Principal Planner



TOWN OF FAIRFAX

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

August 23, 2016

Tony DeFrance
150 West Oak Knoll Drive
San Anselmo, CA 94960

Garry Graham
422 Corbett Street
San Francisco, CA 94114

NOTICE OF PLANNING COMMISSION ACTION

RE: 17-19 Broadway; Application # 16-29

Request for a Use Permit and a Parking Variance to prepare meals for an existing commercial business in a food trailer stored in the business parking lot; Assessor's Parcel Numbers 002-121-23 and 24; Central Commercial CC Zone; Tony DeFrance, applicant; Gary and Amory Graham, owners; CEQA categorically exempt, 15301(a).

Dear Mr. DeFrance and Mr. Graham,

At its meeting on August 18th, 2016, the Fairfax Planning Commission continued the above referenced application after you, the applicants, agreed to an extension of time of no more than ninety (90) days under the Permit Streamlining Act.

At the meeting, the Planning Commission directed the staff and the applicants to provide Planning Staff and the Commission with additional information. They requested that the applicants provide the following information to further process the planning application:

1. The Commission requested that the applicants Investigate and provide bids to the Department for both the installation of a commercial kitchen within the existing building and for the addition of a kitchen to the side of the building. These improvements would be long term solutions to serving restaurant food in the bar. Since the proposal is now for the owner of Casa Manana to prepare the food, the estimates should be for a kitchen similar in size to the one currently used by Casa Manana;
2. A copy of the Health Department certificate and application (we have already obtained a copy of the certificate and application from the Marin County Health Department);

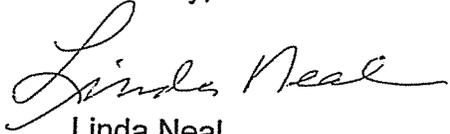
3. Provide evidence the trailer is licensed with the Department of Motor Vehicles (DMV);
4. A planning commissioner commented on the lack of adequate maintenance in the area where the trailer is currently and would continue to be parked. The applicant shall provide information on how the area around the truck would be maintained;
5. Clarify, in writing, the most recent proposal for the use of the trailer for food service. Provide as much information as possible but at a minimum your response should include the following information:
 - a) Would the food trailer be operated by the current owner of Casa Manana, only? If not, how many other employees would assist with food preparation associated with the trailer and how many employees would be on-site at any one time;
 - b) Provide written confirmation that the food from the food truck would be served in the bar and to Fairfax Inn patrons only and would not include carry out service;
 - c) Indicate the proposed hours of food service now that the trailer would be operated by the current owner of Casa Manana;
 - d) If the grease separator would be located within the trailer itself, please provide a written explanation detailing how often the grease separator would be emptied and/or cleaned;
 - e) If the grease separator would not be installed within the trailer, indicate on the site plan how the building code requirements would be met for permanent installation of the separator;
 - f) Staff has been directed to contact the Marin County Health Department to clarify the conditions of their approval for operation of the food trailer. Please provide information regarding the Health Department's conditions of approval for operation of the food trailer. For instance, were the dishes and utensils going to be washed at the commercial food commissary?

The Commission advised the applicants that the food truck shall not be operated and the grease separator shall not be installed until the Commission provides its final action on the Use Permit and Parking Variance for the project. Thus, operation of the food trailer must cease at this time.

Once the above items are adequately addressed, the matter will be scheduled for the first available Planning Commission meeting. If the application is not completed by October 5, 2016, the hearing will be scheduled for the October 20th, 2016 meeting, since the hearing is required to occur within the ninety (90) day extension period in compliance with the California Permit Streamlining Act.

At the Planning Commission meeting, the Commission directed staff to work with the applicants to provide the outstanding information, and bring the application back to the Commission as soon as possible. Please continue to contact the Department of Planning and Building Services should you have any questions regarding this letter or the outstanding information needed to process your application.

Sincerely,

A handwritten signature in cursive script that reads "Linda Neal".

Linda Neal
Principal Planner



TOWN OF FAIRFAX

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

August 23, 2016

Tony DeFrance
150 West Oak Knoll Drive
San Anselmo, CA 94960

Garry Graham
422 Corbett Street
San Francisco, CA 94114

NOTICE OF PLANNING COMMISSION ACTION

RE: 17-19 Broadway; Application # 16-29

Request for a Use Permit and a Parking Variance to prepare meals for an existing commercial business in a food trailer stored in the business parking lot; Assessor's Parcel Numbers 002-121-23 and 24; Central Commercial CC Zone; Tony DeFrance, applicant; Gary and Amory Graham, owners; CEQA categorically exempt, 15301(a).

Dear Mr. DeFrance and Mr. Graham,

At its meeting on August 18th, 2016, the Fairfax Planning Commission continued the above referenced application after you, the applicants, agreed to an extension of time of no more than ninety (90) days under the Permit Streamlining Act.

At the meeting, the Planning Commission directed the staff and the applicants to provide Planning Staff and the Commission with additional information. They requested that the applicants provide the following information to further process the planning application:

1. The Commission requested that the applicants Investigate and provide bids to the Department for both the installation of a commercial kitchen within the existing building and for the addition of a kitchen to the side of the building. These improvements would be long term solutions to serving restaurant food in the bar. Since the proposal is now for the owner of Casa Manana to prepare the food, the estimates should be for a kitchen similar in size to the one currently used by Casa Manana;
2. A copy of the Health Department certificate and application (we have already obtained a copy of the certificate and application from the Marin County Health Department);

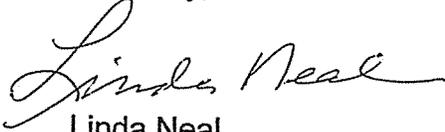
3. Provide evidence the trailer is licensed with the Department of Motor Vehicles (DMV);
4. A planning commissioner commented on the lack of adequate maintenance in the area where the trailer is currently and would continue to be parked. The applicant shall provide information on how the area around the truck would be maintained;
5. Clarify, in writing, the most recent proposal for the use of the trailer for food service. Provide as much information as possible but at a minimum your response should include the following information:
 - a) Would the food trailer be operated by the current owner of Casa Manana, only? If not, how many other employees would assist with food preparation associated with the trailer and how many employees would be on-site at any one time;
 - b) Provide written confirmation that the food from the food truck would be served in the bar and to Fairfax Inn patrons only and would not include carry out service;
 - c) Indicate the proposed hours of food service now that the trailer would be operated by the current owner of Casa Manana;
 - d) If the grease separator would be located within the trailer itself, please provide a written explanation detailing how often the grease separator would be emptied and/or cleaned;
 - e) If the grease separator would not be installed within the trailer, indicate on the site plan how the building code requirements would be met for permanent installation of the separator;
 - f) Staff has been directed to contact the Marin County Health Department to clarify the conditions of their approval for operation of the food trailer. Please provide information regarding the Health Department's conditions of approval for operation of the food trailer. For instance, were the dishes and utensils going to be washed at the commercial food commissary?

The Commission advised the applicants that the food truck shall not be operated and the grease separator shall not be installed until the Commission provides its final action on the Use Permit and Parking Variance for the project. Thus, operation of the food trailer must cease at this time.

Once the above items are adequately addressed, the matter will be scheduled for the first available Planning Commission meeting. If the application is not completed by October 5, 2016, the hearing will be scheduled for the October 20th, 2016 meeting, since the hearing is required to occur within the ninety (90) day extension period in compliance with the California Permit Streamlining Act.

At the Planning Commission meeting, the Commission directed staff to work with the applicants to provide the outstanding information, and bring the application back to the Commission as soon as possible. Please continue to contact the Department of Planning and Building Services should you have any questions regarding this letter or the outstanding information needed to process your application.

Sincerely,

A handwritten signature in cursive script that reads "Linda Neal". The signature is written in black ink and is positioned above the printed name and title.

Linda Neal
Principal Planner



TOWN OF FAIRFAX

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

January 26, 2016

Tony DeFrance
150 West Oak Knoll Drive
San Anselmo, CA. 94960

Re: 17 and 19 Broadway; Planning Application

Dear Mr. DeFrance,

The Town has been advised by the Ross Valley Sanitary District and the Fairfax Building Official that proper grease traps need to be installed on the property anywhere grease may enter the sewer system. The Sanitary District has also advised that a permit is required from the Central Marin Sanitation Agency (CMSA) and from the Fairfax Building Department for these devices. Please provide a plan showing where these grease removal devices will be located in relation to the trailer where the food will be assembled and the building where the dishes will be washed.

Sincerely,

Linda Neal
Principal Planner

cc. Jim Moore
Gary Graham



TOWN OF FAIRFAX

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

January 22, 2016

Tony DeFrance
150 West Oak Knoll Drive
San Anselmo, CA. 94960

Re: 17 and 19 Broadway; Planning Application

Dear Mr. DeFrance,

Thank-you for submitting the additional items and information we requested in our December 10, 2016 letter. Unfortunately, the information provided on how the accessible parking space requirement will be met is inadequate (see below).

Accessible Parking for 17 and 19 Broadway

The Building Department has indicated that 17 and 19 Broadway are required to have an accessible parking space per Uniform Building Code B11B-208. The Building Code requires that the bar and restaurant parking area have at least 1 accessible parking space that provides parking for persons that have disabilities (see enclosed Table 11B-208.2 from the Uniform Building Code). Please provide a revised site plan showing how this requirement will be met. Depending upon where it is located it may reduce the available parking on site and the Commission needs to know how many parking spaces can be provided when considering your request for a parking variance.

Once the above information is provided the application will again be reviewed for completeness. If you have any questions, please do not hesitate to contact the Department of Planning and Building Services.

Sincerely,

Linda Neal
Principal Planner

cc. Jim Moore
Gary Graham

11B-206.7 to use a platform lift, elevators complying with Section 11B-408 shall be permitted.

2. Elevators complying with Section 11B-408 or 11B-409 shall be permitted in multi-story residential dwelling units. *Elevators provided as a means of access within a private residence shall be installed so that they are not accessible to the general public or to other occupants of the building.*
3. *Destination-oriented elevators complying with Section 11B-411 shall be permitted.*

11B-206.6.1 Existing elevators. Where elements of existing elevators are altered, the same element shall also be altered in all elevators that are programmed to respond to the same hall call control as the altered elevator and shall comply with the requirements of Section 11B-407 for the altered element.

Exception: Where a group of existing elevators are altered into a destination-oriented elevator system, or where elements of existing destination-oriented elevators are altered, the same elements shall also be altered in all elevators that are programmed to respond to the same call console or group of call consoles and shall comply with the requirements of Section 11B-411 for the altered elements.

11B-206.7 Platform lifts. Platform lifts shall comply with Section 11B-410. Platform lifts shall be permitted as a component of an accessible route in new construction in accordance with Section 11B-206.7. Platform lifts shall be permitted as a component of an accessible route in an existing building or facility.

11B-206.7.1 Performance areas and speakers' platforms. Platform lifts shall be permitted to provide accessible routes to performance areas and speakers' platforms.

11B-206.7.2 Wheelchair spaces. Platform lifts shall be permitted to provide an accessible route to comply with the wheelchair space dispersion and line-of-sight requirements of Sections 11B-221 and 11B-802.

11B-206.7.3 Incidental spaces. Platform lifts shall be permitted to provide an accessible route to incidental spaces which are not public use spaces and which are occupied by five persons maximum.

11B-206.7.4 Judicial spaces. Platform lifts shall be permitted to provide an accessible route to: jury boxes and witness stands; raised courtroom stations including judges' benches, clerks' stations, bailiffs' stations, deputy clerks' stations, and court reporters' stations; and to depressed areas such as the well of a court.

11B-206.7.5 Existing site constraints. Platform lifts shall be permitted where existing exterior site constraints make use of a ramp or elevator infeasible.

11B-206.7.6 Guest rooms and residential dwelling units. Platform lifts shall be permitted to connect levels within transient lodging guest rooms required to provide mobility features complying with Section 11B-806.2 or residential dwelling units required to provide mobility features complying with Sections 11B-809.2 through 11B-

809.4 and adaptable features complying with Chapter 11A, Division IV.

11B-206.7.7 Amusement rides. Platform lifts shall be permitted to provide accessible routes to load and unload areas serving amusement rides.

11B-206.7.8 Play areas. Platform lifts shall be permitted to provide accessible routes to play components or soft contained play structures.

11B-206.7.9 Team or player seating. Platform lifts shall be permitted to provide accessible routes to team or player seating areas serving areas of sport activity.

11B-206.7.10 Recreational boating facilities and fishing piers and platforms. Platform lifts shall be permitted to be used instead of gangways that are part of accessible routes serving recreational boating facilities and fishing piers and platforms.

11B-206.8 Security barriers. Security barriers, including but not limited to, security bollards and security check points, shall not obstruct a required accessible route or accessible means of egress.

Exception: Where security barriers incorporate elements that cannot comply with these requirements such as certain metal detectors, fluoroscopes, or other similar devices, the accessible route shall be permitted to be located adjacent to security screening devices. The accessible route shall permit persons with disabilities passing around security barriers to maintain visual contact with their personal items to the same extent provided others passing through the security barrier.

11B-207 Accessible means of egress

11B-207.1 General. Means of egress shall comply with Chapter 10, Section 1007.

Exceptions:

1. Where means of egress are permitted by local building or life safety codes to share a common path of egress travel, accessible means of egress shall be permitted to share a common path of egress travel.
2. Areas of refuge shall not be required in detention and correctional facilities.

11B-207.2 Platform lifts. Standby power shall be provided for platform lifts permitted by Chapter 10, Section 1007.5 to serve as a part of an accessible means of egress. *To ensure continued operation in case of primary power loss, platform lifts shall be provided with standby power or with self-rechargeable battery power that provides sufficient power to operate all platform lift functions for a minimum of five upward and downward trips.*

11B-208 Parking spaces

11B-208.1 General. Where parking spaces are provided, parking spaces shall be provided in accordance with Section 11B-208.

Exception: Parking spaces used exclusively for buses, trucks, other delivery vehicles, or vehicular impound shall not be required to comply with Section 11B-208 provided



TOWN OF FAIRFAX

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

December 10, 2015

Tony DeFrance
150 West Oak Knoll Drive
San Anselmo, CA. 94960

Re: 17 and 19 Broadway; Planning Application

Dear Mr. DeFrance,

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:

Title Report

Please provide the Title Report for the entire property (Assessor's Parcel Numbers 002-121-23 and 24) as required by the Planning Application.

Sample Colors

Provide color samples of colors you might consider painting the mobile kitchen food truck to help minimize its visual impact from the street.

Accessible Parking for 17 and 19 Broadway

The Building Department has advised us that 17 and 19 Broadway are required to have their own accessible parking space. Please revise the site plan to show how this space will be provided.

Commissary Kitchen

Provide the address of the off-site commissary kitchen used for most of the food preparation and provide a complete list of food preparation tasks that occur in the commissary kitchen and those that occur in the mobile food truck kitchen.

Food Service

Explain how the provision of food to clients of the Inn is handled. Do employees of 19 Broadway deliver the food to the rooms? Does the owner of the Inn pick-up and deliver the food? Do the people order the food by phone and then pick it up themselves.

Will take out food service be prohibited (will people be able to phone in orders and park in the parking lot to pick-up food and take it home)?

Number of Customers

If numbers of visitors are increasing due to the low cost of the food as indicated on page 3 under item #4, and again on page 5, paragraph 4, that could be evidence that a parking variance should not be granted.

It would be helpful if you can provide information showing that the number of customers has not increased significantly due to the provision of food on site. Showing that the food is only being served to existing customers and is not drawing significant numbers of new customers as a destination eating locale will help make the argument that there will not be impacts on the parking. A review of the property files show that the Town went to great lengths to approve a parking variance to allow the Inn to be built on the site, even allowing the business to restripe portions of Pacheco Avenue and the Parkade to provide additional parking spots off site.

Chamber Support

Also, when the Town Manager, Planning Director and I met with you, the Town Manager recommended that you attend to the Fairfax Chamber of Commerce to see if the proposed would be supported by that group. Did that ever occur and if so, what was the response to your proposal?

Once the above information is provided the application will again be reviewed for completeness. If you have any questions, please do not hesitate to contact the Department of Planning and Building Services.

Sincerely,



Linda Neal
Principal Planner

cc. Jim Moore
Gary Graham

Linda Neal

From: Linda Neal
Sent: Monday, June 27, 2016 12:32 PM
To: 'Tony DeFrance'
Cc: Jim Moore; 'gwala75@gmail.com'
Subject: RE: Fwd: completing the 17-19 Broadway application

Hi Tony,

You need to submit plans showing the Commission that you have met all the agency and building code requirements. Photo's will not do. You need to submit floor plans of the trailer and floor plans of the bar/restaurant. I was told by the health department that the sinks were going to be in the bar and now you are indicating they are in the trailer. The site plan needs to be revised to show the location of the grease traps and the location of the accessible parking space. The accessible space is required by Federal and State Law and the plans submitted to the Planning Commission when the Inn was approved showed a conforming space. The space out on the site now, does not conform and it is required to meet certain requirements by the Americans With Disabilities Act. The Town has no authority to grant exceptions to the State and Federal Laws.

Linda Neal
Principal Planner

From: Tony DeFrance [mailto:defrance@cvcta.com]
Sent: Monday, June 27, 2016 11:42 AM
To: Lisa Mansbridge <lisamans@sbcglobal.net>; Garrett Graham <gwala75@gmail.com>; Linda Neal <lneal@townoffairfax.org>; jmoore@townoffairfax.org
Subject: Re: Fwd: completing the 17-19 Broadway application

Hello Linda,

Thank you for the follow up. We do have a grease trap installed and also have the three required washing sinks inside the food trailer. I can get pictures or see if I have some plans that can demonstrate those. As far as the accessible parking space I will discuss further with Gary Graham and Art Chartock our architect. We have the same conforming accessible parking space that we share with the hotel that was approved a number of years ago. Our position would be that this was approved previously and we would ask that it still be "grandfathered" in under previous approvals. We are willing to set up a meeting to discuss further. We would like to resolve the outstanding issues once and for all. To date the addition of food to 19 Broadway has gone smoothly and we have excellent reviews and feedback and this has become an important addition to our business and the town of Fairfax.
Thank you for your help and patience with all of this.
Tony DeFrance, MD

From: Linda Neal <lneal@townoffairfax.org>
Date: Mon, Jun 27, 2016 at 8:35 AM

Subject: completing the 17-19 Broadway application

To: "defrance@cvcta.com" <defrance@cvcta.com>

Cc: Jim Moore <jmoore@townoffairfax.org>, Mark Lockaby <mlockaby@townoffairfax.org>, "gwala75@gmail.com" <gwala75@gmail.com>

Dear Mr. DeFrance,

-

I really would like to get your application completed and onto a Commission agenda. The business is currently in violation of Fairfax Zoning Laws. My understanding is that the only items missing are a floor plan for the bar showing where the required 3 washing sinks are located, any food service areas and where the grease traps are and a site plan showing a conforming accessible parking space (please refer to previous letters dated 3/1/16 and 7/26/16). I really do not want to have to contact the Health Department to advise them that you are not in compliance with the Town Code. Please provide the required plan as soon as possible.

-

Sincerely,

-

Linda Neal

Principal Planner

-



TOWN OF FAIRFAX

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

March 1, 2016

Tony DeFrance
Managing Member 19 Broadway L.L.C.
150 Oak Knoll Drive
San Anselmo, CA. 94960

Dear Mr. DeFrance,

This letter shall serve to notify you that the existing site parking does not comply with the building code accessible parking space and access aisle requirements. Both the parking space and the access aisle need to be 18 feet long. The space needs to be 12 feet wide and the access aisle at least 60 inches wide. The sign designating the space for accessible parking is required to be centered in the front of the parking area. The entire area is supposed to have less than a 2% cross slope. There is also supposed to be signage advising people without disabilities that they cannot park in the accessible space.

A site inspection on March 2, 2016 to verify the site does not meet ADA parking regulations also revealed that some of the parking spaces shown on the site plan prepared by the architect are no longer accessible for parking. These spaces have been converted to outdoor patio seating, an exercise area and storage. The existing and proposed site plans need to be revised to accurately reflect the existing and proposed parking spaces.

We also need to know where the grease trap is going to be installed. Please provide a revised floor plan for 17-19 Broadway that shows where the three sinks required by the Health Department for dishwashing and sterilization are/will be located and where the grease trap will be installed. If the temporary mobile kitchen will need to periodically dump grease into the trap, please provide a site plan and written description of how that will occur.

Until we have the above information your application is incomplete and the restaurant portion of the business is at risk of being shut down for non-compliance with health, building and ADA codes.

Sincerely,

Linda Neal
Principal Planner

cc. Steve Rosso, Senior REHS, Marin County Environmental Health Services

Linda Neal

From: Linda Neal
Sent: Tuesday, June 28, 2016 8:17 AM
To: 'Tony DeFrance'
Cc: Jim Moore; 'gwala75@gmail.com'
Subject: RE: completing the 17-19 Broadway application

Excellent. Thanks for working with me.

Linda Neal
Principal Planner

From: Tony DeFrance [mailto:defrance@cvcta.com]
Sent: Monday, June 27, 2016 1:31 PM
To: Linda Neal <lneal@townoffairfax.org>; Garrett Graham <gwala75@gmail.com>
Cc: Jim Moore <jmoore@townoffairfax.org>; Mark Lockaby <mlockaby@townoffairfax.org>
Subject: Re: completing the 17-19 Broadway application

Okay I understand. We will work on these and bring to you in the next ten days.
Thank you.
Tony

On Jun 27, 2016, 1:20 PM -0700, Garrett Graham <gwala75@gmail.com>, wrote:

hi linda

the economic survival of one of your towns most visible businesses may be at stake.

the handicap parking is the same since 1995 and our parking configuration and spaces are also the same. they have been approved by the town twice.

we are hopeful town staff will get us to an approval of our variance and use permit.

thank you
garry

On Mon, Jun 27, 2016 at 8:35 AM, Linda Neal <lneal@townoffairfax.org> wrote:

Dear Mr. DeFrance,

I really would like to get your application completed and onto a Commission agenda. The business is currently in violation of Fairfax Zoning Laws. My understanding is that the only items missing are a floor plan for the bar showing where the required 3 washing sinks are

located, any food service areas and where the grease traps are and a site plan showing a conforming accessible parking space (please refer to previous letters dated 3/1/16 and 7/26/16). I really do not want to have to contact the Health Department to advise them that you are not in compliance with the Town Code. Please provide the required plan as soon as possible.

Sincerely,

Linda Neal

Principal Planner

Linda Neal

From: Linda Neal
Sent: Thursday, July 07, 2016 11:46 AM
To: 'Tony DeFrance'
Cc: 'gwala75@gmail.com'; Jim Moore
Subject: progress on floor plans and parking plan for 17-19 Broadway

Hi Tony,

I am just checking-in to see how close you are to submitting the floor plans for the bar/restaurant/food trailer and the site plan showing the accessible parking. You had indicated you would be submitting today, is that still the plan?

Linda Neal
Principal Planner

Linda Neal

From: Tony DeFrance <defrance@cvcta.com>
Sent: Thursday, July 07, 2016 1:45 PM
To: Linda Neal
Cc: gwala75@gmail.com; Jim Moore
Subject: Re: progress on floor plans and parking plan for 17-19 Broadway

Hi Linda.

I am going to need a little more time. Have architect drawing up requested plans, but they are not quite ready yet. Gary also working on final details of handicap access site.

Thank you.

Tony DeFrance

On Jul 7, 2016, 11:46 AM -0700, Linda Neal <lneal@townoffairfax.org>, wrote:

Hi Tony,

I am just checking-in to see how close you are to submitting the floor plans for the bar/restaurant/food trailer and the site plan showing the accessible parking. You had indicated you would be submitting today, is that still the plan?

Linda Neal

Principal Planner

Linda Neal

From: Tony DeFrance <defrance@cvcta.com>
Sent: Monday, June 27, 2016 11:42 AM
To: Lisa Mansbridge; Garrett Graham; Linda Neal; jmoore@townoffairfax.org
Subject: Re: Fwd: completing the 17-19 Broadway application

Hello Linda,

Thank you for the follow up. We do have a grease trap installed and also have the three required washing sinks inside the food trailer. I can get pictures or see if I have some plans that can demonstrate those.

As far as the accessible parking space I will discuss further with Gary Graham and Art Chartock our architect. We have the same conforming accessible parking space that we share with the hotel that was approved a number of years ago. Our position would be that this was approved previously and we would ask that it still be "grandfathered" in under previous approvals. We are willing to set up a meeting to discuss further.

We would like to resolve the outstanding issues once and for all. To date the addition of food to 19 Broadway has gone smoothly and we have excellent reviews and feedback and this has become an important addition to our business and the town of Fairfax.

Thank you for your help and patience with all of this.

Tony DeFrance, MD

From: **Linda Neal** <lneal@townoffairfax.org>
Date: Mon, Jun 27, 2016 at 8:35 AM
Subject: completing the 17-19 Broadway application
To: "defrance@cvcta.com" <defrance@cvcta.com>
Cc: Jim Moore <jmoore@townoffairfax.org>, Mark Lockaby <mlockaby@townoffairfax.org>, "gwala75@gmail.com" <gwala75@gmail.com>

Dear Mr. DeFrance,

-

I really would like to get your application completed and onto a Commission agenda. The business is currently in violation of Fairfax Zoning Laws. My understanding is that the only items missing are a floor plan for the bar showing where the required 3 washing sinks are located, any food service areas and where the grease traps are and a site plan showing a conforming accessible parking space (please refer to previous letters dated 3/1/16 and 7/26/16). I really do not want to have to contact the Health Department to advise them that you are not in compliance with the Town Code. Please provide the required plan as soon as possible.

-

Sincerely,

-
Linda Neal

Principal Planner
-



TOWN OF FAIRFAX

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

August 3, 2016

Tony DeFrance
150 West Oak Knoll Drive
San Anselmo, CA. 94960

Garrett Graham
422 Corbett Avenue
San Francisco, CA. 94114

Re: 17-19 Broadway; parking

Dear Mr. DeFrance and Mr. Graham,

As you know, your Use Permit and Variance applications were continued to the August 18, 2016 Planning Commission meeting. Additionally, Mr. Graham has asked that in reviewing the parking variance request, the Department of Planning and Building Services review only the parking provided at the front of the site and not include the parking immediately in front of and beneath the Fairfax Inn Building.

Staff has concerns about going forward in this manner for this project. Both the Inn and the bar are located on one property under one ownership (e.g., Mr. Graham) and should be reviewed as a whole. The Commission does not have to agree to discount the Inn parking in their review. Reviewing the proposal in this manner may also change staff's recommendation because it may increase the number of parking spaces you are asking a variance from. While staff was willing to support a parking variance request for 2 spaces, a request to further reduce the number of required parking spaces may not be supportable. From a land-use perspective, a kitchen physically can be constructed within the building and the cost of such an improvement is not a legal finding for a parking variance.

In order to provide adequate information to the Commission to enable them to make a decision on this matter at their August 18th, 2016, meeting you must provide staff with the following by 5:00 PM on August 10th, 2016:

- A revised site plan showing all the parking spaces that will be provided in the parking lot to the east of the bar, including the required accessible parking space, and the location of the permanent grease separator installation. Running a hose every night to the sewer through the "portable" grease separator does not meet building code requirements.
- Copies of the bids you have obtained for installation of the kitchen at 17-19 Broadway (these may help the Commission/Town Council make findings for approval even if cost cannot be used as a legal land-use finding by staff).

If you do not provide us with the above information by the requested date, staff will be taking you to the Planning Commission for a public hearing on August 18, and will be recommending denial of the application.

Please note: Staff has serious concerns with the restaurant continuing to operate out of compliance with the building code and Americans with Disabilities Act (ADA). Likewise, we are surprised that the Marin County Health Department has not closed the restaurant which has been operating in violation of building codes and the Americans With Disabilities Act since December of 2015.

If you have any questions, please feel free to contact the Department of Planning and Building Services.

Sincerely,

A handwritten signature in cursive script that reads "Linda Neal".

Linda Neal
Principal Planner

cc. Garrett Toy, Town Administrator
Jim Moore, Director of Planning and Building Services

Linda Neal

From: Garrett Graham <gwala75@gmail.com>
Sent: Friday, July 22, 2016 10:52 AM
To: Linda Neal; Jim Moore; Lauren and Tony; Amory and Garry
Subject: 19 Broadway parking issue

dear linda and jim

as linda will attest 19broadway and the town have always cooperated and worked through our problems for the past 30 plus years. . i assure you we will work through this parking issue with the same spirit of cooperation.

i will become involved from this point forward and the first thing i can do is solve the DISABLED parking issue . i know this is important to mark and the town.. i may need a letter from the town to briefly outline the issue and then work with the fairfax inn and get mark to go with me and direct me to the solution. i will probably get tommy bruce to go with mark and me and have him do the work.

then the fairfax inn will be out of the picture and we will deal with just the application of 19brodway and we WILL do what you request re the 19broadway parking issue..

BACKGROUND:.. the 17,000 foot lot on amory and my property is divided into two separate lots. lot number 002-121-23 is the lot the 19broadway building and parking sits on. lot 24 is the lot the fairfax inn sits on. i leased lot 24 to ramon patel and fairfax investment inc in 1995. the lease runs 49 years which is common in these types of hotel lease deals. ramon has his relative jayu patel running he fairfax inn for the past 21 years. i have a very close business and personal relationship with the patels.

the fairfax inn haD nothing to do with our application and once we solve the DISABLED parking issue i request you leave them alone. i know their business and after a record year of making \$300,000 in 2015 , and they still did not make a profit, they are having a down year. i do not want the patels to be bothered about the 19broadway parking issue. they know nothing about whats going on about any parking problem and i ask you to please keep it that way. if you persist in enforcing the lack of 2 parking spaces this will have a very negative effect on my relationship with the patels and will not help their business but just be a distraction whlCH they dont need one,especially now.. the only reason this issue was discovered, after being in this same condition for at least 18 of the past 21 years, is because of a walk through--that should not have involved their property.

it is my belief the town should help the fairfax inn in every way possible. they bring a lot of \$ into our town. this 12 unit- inn has plenty of parking 90% of the time. many nights there are no cars there. its very sad to see them struggle.on those rare, not very often. nights,when hey have a sellout of all 12 rooms there has never been a parking problem. there is no practical or business reason to hassel them about parking.now! please just allow things to be as they have been for 18 years.

just because the town has the power to strictly enforce the parking code does not mean theY must use or abuse that power. the lack of parking places for most all other businesses in town is well known they cannot provide parking but are allowed to operate.. there is no need to be the parking space police when the fairfax inn is one of the rare businesses in town that actually do have a lot of parking places and they have always used the 19broadway parking places, when they have a sellout,. . i dont want to get involved in fighting the town over this issue but to me the proper and fair thing to do is let sleeping dogs lie and let things be as they have been for over 18 years. you will be helping a struggling business by doing so.

in closing i want to thank linda for all the hard work she put into helping us with the food truck and parking variance .. it always amazes me how much paperwork goes into these problems.

we really appreciate your support for our use permit for the food truck and parking variance.

im avaiable to meet when you are.

my best personal regards
garry

The Coffee Roastery
Kelly A. London
Deborah A. London
4 Bolinas Road
Fairfax, CA 94930
415-269-6970 c Deb
415-717-0429 c Kelly
June 30, 2016

Town Of Fairfax
Town Manager
Mayor
City Council Members
142 Bolinas Road
Fairfax CA 94930

RE: Food Trucks

Dear Town Manage, Mayor and City Council Member,

As most of you know, we own The Coffee Roastery, here on the corner of Broadway and Bolinas Roads. We are writing today to express our thoughts regarding the recent appearance, requests and proposed conversation regarding food trucks being allowed in the Town of Fairfax.

We as the owners of the The Alpine Building and The Coffee Roastery and as citizens of Fairfax do not support the visitation or installation of food trucks in town. It is our belief that not only will Food Trucks clutter and downgrade Fairfax, but they will lead to the failure and vacancy of Fairfax downtown buildings.

There are many property and business owners who go through great expense and effort to maintain their/our buildings and business locations. We have to pay rent and mortgages, property taxes, business taxes, business licenses, liability and work comp insurances, employee expenses, and a myriad of other business expenses not to mention everyday maintenance expenses on our property and premises(s). It is unfathomable that an out of town (or even locally owned) food truck can pay some nominal fee, pull up, park itself inside a building shell or in a parking lot and start selling products that compete and take money out of the pockets of many of our local businesses. This is wrong.

Food Trucks do not begin to have the expenses that hard working property owners and business owners have to endure to maintain support of their enterprises. Food Trucks pull up at no or little cost and are suddenly in business. They have an unfair advantage to operate at a much lower overhead and the ability to under-sell their products and undercut brick and motor local business product pricing. This will absolutely lead to failure and vacancy of local brick and mortar business.

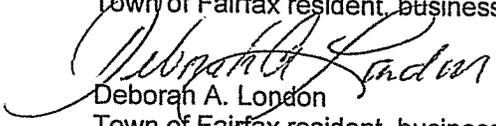
Food Trucks have no or very little blood in the game of what it takes to own and operate properties and businesses. Again, it is our belief that not only will Food Trucks clutter and downgrade Fairfax, but they will lead to the failure and vacancy of Fairfax downtown buildings. We do not support the visitation or installation of food trucks on any basis anywhere in Fairfax. Please vote no on this issue.

Thank you for your time.

Respectfully,


Kelly A. London

Town of Fairfax resident, business owner and property owner


Deborah A. London

Town of Fairfax resident, business owner and property owner

Ps. The only place we feel food trucks somewhat permissible would be those that are included (on a limited basis) in our once a week farmers market venue.

ATTACHMENT H1

ABSENT: Gonzalez-Parber, Hamilton
RECUSE: Ackerman

Chair Kehrlein stated there was a 10-day appeal period.

Commissioner Ackerman returned to the dais.

3. 17-19 Broadway; Application #16-29

Request for a Use Permit and a Parking Variance to prepare meals for an existing commercial business in a food trailer stored in the business parking lot; Assessor's Parcel Numbers 002-121-23 and 24; Central Commercial CC Zone; Tony DeFrance, applicant; Gary and Amory Graham, owners; CEQA categorically exempt, 15301(a).

Principal Planner Neal presented the staff report.

Commissioner Green asked about the effect of not having the grease separator. Principal Planner Neal stated the grease gets into the sewers and gums up the filtration systems. Commissioner Green asked how long they have been operating without one. Principal Planner Neal stated staff did not know- they had a temporary grease separator that was hooked up each night into the sewer. Planning Director Moore stated a temporary separator does not meet the regulations.

Commissioner Green noted several parking spaces were being used by the truck and he asked who owned these spaces. Principal Planner Neal stated the owner has divided the parcel for tax purposes into two different parcels. Planning staff is of the opinion that the parking is shared by all the uses on the site- this was the proposal for development of the Inn. The property owner wants to separate the parking and say the parking in front of the arch is for the bar and anything under the Inn is for the Inn. That is not how the application for the Inn was processed.

Principal Planner Neal discussed the two proposals, both of which have brought the accessible parking space into compliance with the code and both further reduce the parking beyond the two spaces that were originally going to be lost due to the trailer.

Commissioner Fragoso asked which spaces were designated for the residential use. Principal Planner Neal stated that was not specified.

Commissioner Newton asked if the owner of Casa Manana would need a Conditional Use Permit to operate a food truck anywhere in this area. Planning Director Moore stated any outside activity in the Central Commercial District requires a Use Permit.

Commissioner Green asked if the Health Department has inspected this facility. Principal Planner Neal stated he would need to ask the applicant.

Commissioner Ackerman asked the applicant to discuss the plan to work with the owner of Casa Manana.

Commissioner Fragoso referred to the disabled parking space near the front door of the Inn and asked if it was the appropriate size. Principal Planner Neal stated "no". Commissioner Fragoso noted one of the parking spaces for the Inn has been converted to storage. Principal Planner Neal stated both plans restore that parking space.

Commissioner Newton asked about the process for allowing the applicant to re-submit an application without having to pay additional fees. Principal Planner Neal stated the current proposal is very different from the original. She discussed the requirements of the Permit Streamlining Act.

Commissioner Newton asked if the Commission could waive the fees. Principal Planner Neal stated "no"- only the Town Council could waive fees.

Chair Kehrlein opened the Public Hearing.

Dr. Tony DeFrance, applicant, made the following comments:

- He thought they could bring in food from the outside since they are zoned for a restaurant.
- The food truck has been operating since August, 2015. They stopped operations on July 5th.
- They have a Health Department Certificate of Operation for the food trailer.
- They have complied with the grease trap requirement. It is portable.
- They have an appointment with a plumber and the sanitary agency tomorrow morning regarding the grease trap.
- They submitted plans for parking.
- They want to bring in the owner of Casa Manana to work for them as an employee.

Commissioner Ackerman asked about the hours of operation and who could be served- bar and hotel patrons only, etc. Dr. DeFrance stated the hours of operation for the food truck would be 5:00 p.m. to midnight. They would be serving food only in the confines of the bar (17-19 Broadway). There will be no take-out.

Commissioner Newton asked the applicant if he was amenable to a continuance to allow the Commission more time for review. Dr. DeFrance stated "yes".

Chair Kehrlein asked Dr. DeFrance if he considered adding a kitchen to the existing structure. Dr. DeFrance stated he received two bids in excess of \$250,000 to build a kitchen addition- it must be a commercial kitchen and the proximity to the hotel requires special venting.

Mr. Garry Graham, owner, made the following comments:

- He urged the Commission to make a pro-business decision.
- The owner of Casa Manana is excited to work with them.
- The food truck has been operating for one year with no complaints.
- They received a prior recommendation of approval in July and were given 30 days to fix the parking.
- They will work on the parking issue with staff and the Inn.
- Disapproval would threaten two businesses in Town.
- He asked the Commission to give them a chance to team up with Casa Manana.
- He started the business in 1984 and named it 19 Broadway. It has been voted the Best Music Venue in Marin.

Mr. Lew Tremaine made the following comments:

- This item should be continued.
- The applicant is offering the owner of Casa Manana an opportunity to get a new foothold in the community- they are not throwing him a "life-line".
- The applicant has decided to comply with the July 21st recommendations including the parking requirements.

Chair Kehrlein closed the Public Hearing.

Commissioner Newton provided the following comments:

- She suggested a continuance to allow the applicant to work with staff to clarify the proposal.
- She would like to hear the proposal next month.

Commissioner Ackerman provided the following comments:

- He agreed with the suggestion made by Commissioner Newton.
- There are a lot of moving parts. This is a complicated issue.
- Staff had a problem receiving all the materials and information that had been requested.
- The food truck was in operation, without a permit, for quite a while.
- Compliance with the Health Code was marginal.
- He is not usually of the opinion that parking should be a big issue. However, there are ongoing issues in the downtown with parking spilling out into the neighborhoods.
- He is happy to see the possibility of 19 Broadway and Casa Manana working together.

Principle Planner Neal clarified they were not able to go back to the July resolution recommending approval because that resolution was written for a variance for only two parking spaces. The proposal has changed in order to comply with ADA requirements- it now reduces on-site parking by three parking spaces. No resolution has been written for this proposal. Planning Director agreed that there were a lot of unanswered questions.

Commissioner Frago provided the following comments:

- She agreed with the comments made by staff.
- There were no approvals in July- simply recommendations that were based on conditions that were not complete.
- The Town Council and Planning Commission are very supportive of the local businesses.
- She would be more comfortable if all the State and County requirements were met.
- The plans should clearly identify the parking requirements.
- She is somewhat supportive of the idea of a food truck and understands the difficulties of building a kitchen.
- A condition should be added with respect to the cleanliness of the area where the food truck would be located.
- She would be delighted if this provided an opportunity for the owner of Casa Manana to continue to work in Town.
- She would like to see this application come back to the Commission quickly in a clean format.

Commissioner Green provided the following comments:

- There is a current health and pollution situation (grease trap) and the food truck should not be allowed to continue to operate.
- Information must be submitted to staff in a timely basis.
- Some of the exhibits are ambiguous.
- They need to comply with all regulations.
- He supported a continuation.

Chair Kehrlein provided the following comments:

- Her main issue with the application is the food truck itself- they should be temporary and not a permanent use.
- Health codes are strict with respect to the disposal of grease, number of sinks, lighting levels, etc.
- The parking issue can be worked out.
- Remodeling inside the building will not be easy.
- She could support an addition to the side of the building.
- Serving food as a part of this business is a great idea.

Commissioner Frago provided the following comments:

- She liked the idea of a small addition to the building- this would give them a long-term facility.

Principle Planner Neal asked the applicant to sign an agreement for a 90-day extension of time due to the Permit Streamlining Act. The applicant signed the agreement.

M/s, Newton/Fragoso, Motion to continue application #16-29, 17-19 Broadway, for up to 90 days. Staff shall work with the applicant to bring the application back to the Commission as soon as possible.

AYES: Ackerman, Fragoso, Green, Newton, Chair Kehrlein

ABSENT: Gonzalez-Parber, Hamilton

4. 20 Cypress Drive; Application #16-31

Request for a Use Permit to enclose the front porch of a single-family residence to create a dining room; APN #003-202-04; Residential Single-family RS 6 Zone; Wendy Kirk-Scalise, applicant/owner; CEQA categorically exempt per Section 15031(a).

Principal Planner Neal presented the staff report.

Commissioner Green referred to page 2 of the resolution, item #2, and suggested adding some limitations on the hours and days for construction vehicles since the neighborhood is pretty tight and the street space is limited. Principal Planner Neal stated the Commission could add that as a condition.

Chair Kehrlein opened the Public Hearing.

Ms. Wendy Kirk-Scalise, owner, made the following comments:

- She has an open front porch that she would like to enclose with windows and an entryway so she can have a dining room.
- Parking has never been a problem and should not be an issue.

Commissioner Ackerman agreed that parking is not an issue in this area. He would advise the owner to think about insulating that room.

Commissioner Green stated this is a brilliant design. He asked the owner if she has considered solar. Ms. Kirk-Scalise stated "yes" but her finances are limited at this time.

Commissioner Green referred to the resolution, "Miscellaneous Conditions", and stated the following condition should be added as a boilerplate, permanent condition: "The applicant is encouraged to install or seek to install solar power when feasible per the Fairfax Town Code".

Chair Kehrlein closed the Public Hearing.

M/s, Newton/Fragoso, Motion to approve Resolution No. 16-26 to allow the enclosure of a 132-square-foot porch at 20 Cypress Drive with the addition of the condition suggested by Commissioner Green.

AYES: Ackerman, Fragoso, Green, Newton, Chair Kehrlein

ABSENT: Gonzalez-Parber, Hamilton

Chair Kehrlein stated there was a 10-day appeal period.

5. 29 Broadway; Application #83-UP-32

Clarification of what types of occasional private uses are permitted by Use Permit #83-UP-32, approved on June 16, 2016, in the outdoor back-yard area of the bar; Central Commercial (CC) Zone; Charles Peri, applicant/owner; CEQA Categorically exempt per Section 15301.

