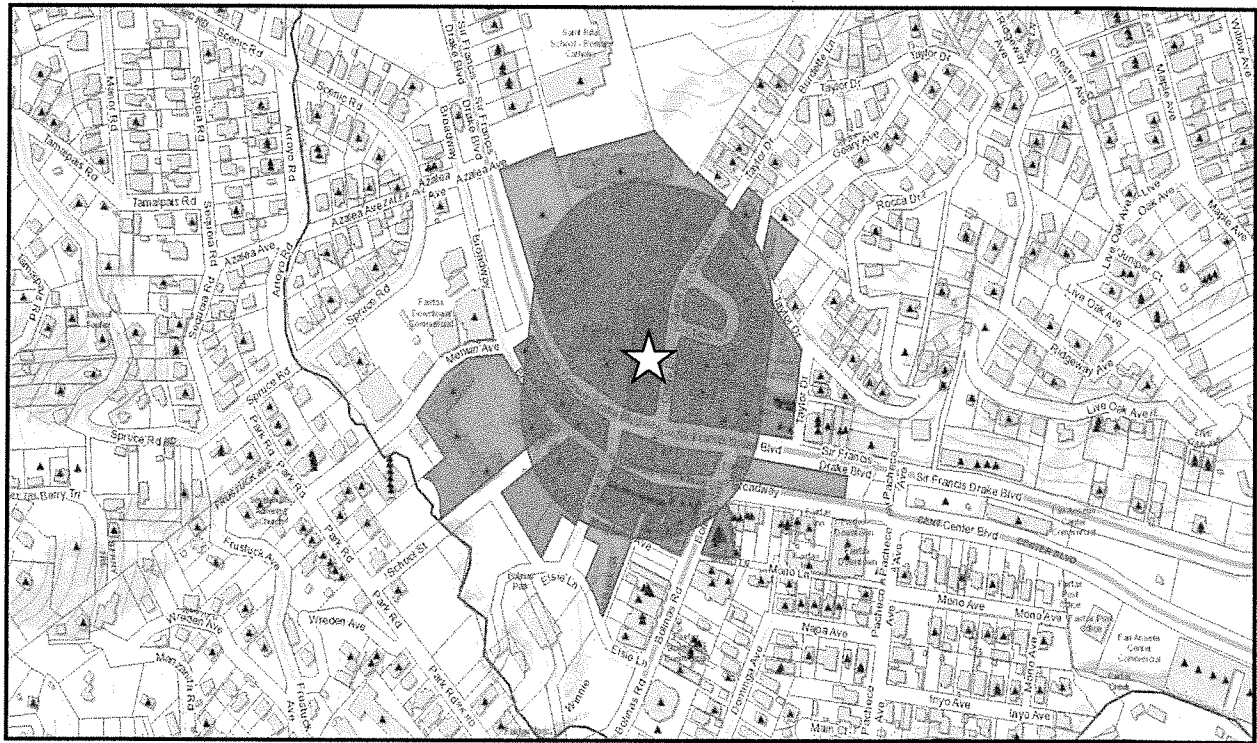


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: May 17, 2018
FROM: Linda Neal, Principal Planner
LOCATION: 1966 Sir Francis Drake Blvd.; Assessor's Parcel No. 001-221-12
ZONING: Highway Commercial CH Zone District
PROJECT: Expansion of existing museum use
ACTION: Use Permit Modification; Application # 18-08
APPLICANT: Joe Breeze, representative for the Marin Mountain Bicycle Museum
OWNER: Mark Squire
CEQA STATUS: Categorically exempt, § 15301(a)



1966 SIR FRANCIS DRAKE BOULEVARD

BACKGROUND

The 22,560 square-foot site is relatively level and is developed with a 2 story, 8,275 square-foot, structure. Also existing on the site is an enclosure on the northern side of the site that screens 3 shipping containers and 2 compressors that are used as storage by the businesses operating out of the rear portion of the building.

The Good Earth Grocery store relocated from its original site across from Town Hall at 123 Bolinas Road to the project site at 1966 Sir Francis Drake Boulevard in early 2001. In November of 2001, after the Design Review Board had approved the design of a screening fence for the storage area at the rear of the building, the Commission granted a use permit legalizing the shipping containers that had been installed in the parking lot for extra storage. When the store began its relocation to its current site at 720 Center Boulevard in 2013, a Use Permit was granted for a mixed use of the building by the Commission allowing the structure to be divided into 4 suites. The 3,033 square-foot Suite A was approved for a bicycle museum with retail gift sales and accompanying office and second floor storage space. The 1,500 square-foot center Suite B was approved for office uses and the rear 2,377 square-foot Suite C was approved for a commercial kitchen. The 1,075 square-foot second floor Suite D was approved as a residential living unit. Suites A and B were approved to share the 290 square-foot public restrooms located between Suites A and B.

The original use permit was modified in 2014 to allow Myoko's Kitchen, a wholesale and retail purveyor of cashew based cheeses and other food items made from cashews, to operate from suites B and C and to include a demonstration kitchen and retail space, continuing to share the public restrooms with the bicycle museum.

The 2,377 square-foot, suite C is currently being sublet to a bakery that is using both suite C and the storage containers located at the rear of the site. The owner has indicated to staff that he is hoping when the Myoko's Kitchen lease is up, the bakery will sign a new lease for suite C and continue to operate from the site.

The 2013 and 2014 Use Permits were approved subject to a number of conditions including the following:

- Any change in any of the uses from a museum, general office/retail/museum event space, wholesale commercial kitchen use and one upstairs residential living unit shall require a modification of the approved use.
- Any expansion of the operating hours for any of the uses shall be subject to a modification of the Use Permit by the Planning Commission.
- Any physical changes to the interior of the building that change the square footages of the uses will require the approval of a modification of this use permit.

The original Resolution No. 13-6 approving the mixed use, and a subsequent

Resolution No. 14-08 approving a modification of the original mixed use are attached as exhibits C and D.

DISCUSSION

The bicycle museum is now applying for a modification of the use permit to expand into the middle Suite B to provide more museum display area, a library and research room, and two offices, and to expand the loft storage area. They will be utilizing 5,043 square-feet of the 8,275 square-foot building and expanding the existing 531 square-foot, second floor loft storage area by 220 square-feet, into suite B. The new storage area will be created by constructing a safety railing above the bathrooms so the lighting for the new area will be provided by the existing lighting for Suite B (the storage will be created on top of the existing bathrooms). The use would include the public restrooms. Suite C because has its own restroom located in northeast corner of that space. There are no changes proposed for Suite C or for the second floor residential unit. The storage expansion will increase the total building square-footage from 8,275 square-feet to 8,495 square-feet.

Parking

Town Code 17.052.030(E) requires that exhibition halls, such as the museum, provide 1 parking space for every 300 square feet of gross floor area. Wholesale uses, like the bakery, are required to provide 1 parking space per every 2 employees working during the busiest shift [Town Code §§ 17-052.030(E) and (K)]. Where a parcel includes 2 or more uses, the parking requirements shall be the aggregate of the requirements for the various uses (Town Code § 17.052.030).

The modification for this mixed use requires 22 parking spaces and 27 parking spaces are provided on the site. Therefore, the proposed mixed use modification does not require the approval of a parking variance (See table below).

Use	existing parking	parking required for modification
bicycle museum	8 spaces	16 spaces
Myoko's Kitchen/wholesale bakery	24 employees = 12 parking spaces	8 employees = 4 parking spaces
residential unit	2 spaces	no change
Total # required	22 spaces	22

Traffic

The traffic generated by the previous mixed use of the building was estimated to be 124 Average Daily Traffic (ADT – Town Code § 17.056.010, Definition of Average Daily Traffic). Expansion of the museum and the reduction in the number of employees on

the busiest shift for Myoki's Kitchen to the busiest bakery shift from 24 to 8 is expected to generate less ADT to the site. Therefore, the proposed use modification does not require the approval of a Traffic Impact Permit [Town Code § 17.056.0509A)(1)(a)].

Use Permit Modification

Town Code § 17.028.010 indicates that the purpose of the Use Permit process is "to allow the proper integration into Fairfax of uses which may be suitable only in certain locations in the Town or in a zone or only if the uses are designed of laid out on the site in a particular manner". The section goes onto to indicate that, "in consideration of an application for a conditional use, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures, to the physical environs of the proposed use(s) and to all pertinent aspects of the public health, safety and welfare".

In reviewing the proposed modification staff asked the applicants to provide additional information on the special events that occur in conjunction with the museum use so we could revisit the hours of operation limits in the use permit resolution. These events sometimes utilize a portion of the parking lot at the front of the structure and sometimes extend to hours the museum is not typically open. Events include the occasional use of the facility for parties by persons not affiliated with the museum and these often start or extend into the evening hours, with clean-up sometimes lasting until 11:00 PM (Exhibit B – applicant's supplemental information). Staff has not received any complaints about any of the events the museum has hosted and we do not believe the proposed extended hours will result in conflicts with surrounding uses because the evening events all occur inside the building with members from the bicycle museum in attendance to curtail noise impacts.

The previously approved hours of operation for the museum were:

Museum, Thursday through Sunday from 11:00 AM to 7:00 PM.

Office/retail area/demonstration kitchen, Sunday through Saturday from 8:00 AM to 7:00 PM, and three nights per week, until 10:00 PM.

Wholesale commercial kitchen, Sunday through Saturday from 8:00 AM to 7:00 PM.j

Staff is recommending that the hours be expanded for the following reasons:

Bakeries usually start preparing goods early in the morning before 8:00 AM.

The private parties and events held in the bicycle museum and the parking lot start before and extend beyond the normal museum hours from 11:00 to 7:00 PM.

Organized rides start in the parking lot as early as 9:00 AM and private parties often continue to as late as 10:00 PM with an hour after used for clean-up. If the expanded hours generate a significant number of complaints that the museum and bakery are unable to address, the Use Permit can be scheduled for a review for possible modification of the conditions of approval including a reduction in the operation hours.

The proposed modification of the use permit, to expand the bicycle museum, use the back suite as a wholesale bakery and retain the second floor residential unit is in keeping with the originally approved mixed use. The proposed Use Permit modification will require the adoption of a new resolution of approval, Attachment A, Resolution No. 2018-06.

Staff is recommending that the hours be expanded as follows:

- Bakery/Commercial Kitchen Hours – 6:00 AM to 7:00 PM.
- Museum Hours – Thursday through Sunday, from 11:00 AM to 7:00 PM
- Special Events (including organized bike rides, private parties, film nights, etc.) – 9:00 AM (bike rides) to 11:00 PM (night time events).

We are also recommending that the Commission amend the conditions as follows:

That all events occurring beyond 8:00 PM be held inside or be moved entirely inside the building at 8:00 PM.

That the permitted uses of the building be generalized so that some modification of the uses can occur without all applicants having to return before the Planning Commission to modify the use permit.

We are recommending that the list of permitted uses in this mixed use building be as follows: Museum, retail or personal service businesses in Suites, A, B and C with retail, office, personal service or wholesale food preparation uses allowed in Suites B and/or C. These types of businesses or combinations of these types of businesses shall be permitted in the specified suites without requiring a modification of the use permit. Any use that would increase the Average Daily Traffic to the site by 100 ADT on a regular basis, would still require the approval of a traffic impact permit by the Planning Commission and exterior changes would still require a Design Review permit.

Other Agency/Department Comments/Conditions

The project does not include any significant expansion/modification of the building that would require the installation of new electrical or plumbing. The building already has a fire sprinkler system. Therefore, the project will be reviewed by the other agency/departments prior to issuance of the building permit. Any conditions they deem necessary to comply with building and fire codes will be made conditions of the building permit approval by staff prior to issuance of the building permit.

RECOMMENDATION

1. Conduct the public hearing.
2. Move to approve application # 18-08, modifying the original use permit, by adopting

Resolution No. 2018-05 setting forth the findings and conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 2019-06

Attachment B – applicant's supplemental information

Attachment C – Resolution No. 14-8 modifying the original use permit in 2014

Attachment D – Resolution No. 13-6 approving the original use permit in 2013

RESOLUTION NO. 2018-06

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit Amendment to allow Mixed Use Development of an Existing Commercial Structure at 1966 Sir Francis Drake Boulevard Combining Museum, Office, Retail Space, Wholesale Food Preparation/Commercial Kitchen, Personal Service Uses and a Second Story Residential Unit

WHEREAS, the Town of Fairfax has received an application to modify a Conditional Use Permit for an approved mixed use development of the existing commercial building at 1966 Sir Francis Drake Boulevard, to expand the existing museum and gift shop to include a library and research room, additional storage, two office spaces, a commercial wholesale bakery, and one (1) living unit; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on May 17, 2018 at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission approved the amended Conditional Use Permit for the proposal; and

WHEREAS, based on the documentary evidence in the record, as well as testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary Conditional Use Permit; and

WHEREAS, the Commission has made the following findings:

1. Approval of the Conditional Use Permit modification is consistent with those objectives, goals or standards pertinent to the particular case and contained or set forth in the Fairfax General Plan (GP) and Town Zoning Ordinance as follows:

- GP Land-use Goal LU-7: Preserve community and neighborhood character.

The mixed use will preserve the community and Claus Circle neighborhood character because the proposed uses will not generate a significant amount of the traffic or increased need for parking and will result in only minor interior changes to the building.

- GP Land-use Policy 7.1.2: New and/or renewed development in the Town Center Area should preserve and enhance the village character of the Town Center Area in the mix of land uses, architectural styles and ornamentation, materials colors and textures.

The mixed use combines commercial and residential use on this site located in the Highway Commercial Zone and expands the locally run museum that fosters the public's knowledge about mountain biking and serves as a local depository for historic information about mountain biking, which has its roots in Fairfax and Marin.

2. The approval of the Conditional Use Permit will result in equal or better development of the premises than would otherwise be the case, and said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.
3. The business hours of operation will not conflict with the uses of the adjacent residential and commercial properties.
4. The development and use of property as approved under the Conditional Use Permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the Conditional Use Permit.
5. Neither present nor anticipated future traffic volumes generated by the use of the site for the proposed museum or the bakery/commercial kitchen mixed use will rise to the level where a traffic impact permit is required.
6. The approval of the Conditional Use Permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
7. Approval of the Conditional Use Permit will result in equal or better development of the premises than would otherwise be the case, and said approval is in the public interest and for the protection or enhancement of the general health, safety, or welfare of the community.
8. The proposed parking and loading zones comply with the Town Parking Ordinance, Town Code Chapter 17.052.

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

1. Modifications to the Conditional Use Permit as shown in the attached plans and information dated received May 2, 2018 are hereby approved.
2. Future changes in the use of the building involving minor interior remodeling to accommodate the mixed uses as follows may be approved by the Planning Director without requiring a modification of this Conditional Use Permit.
 - a. Museum, retail or personal service businesses are permitted in Suites, A, B and C.
 - b. Retail, office, personal service or wholesale food preparation uses are permitted in Suites B and/or C.

3. Hours of operation for the mixed use development are as follows:
 - a. Museum Hours – Daily from 10:00 AM to 7:00 PM
 - b. Special Events (including organized bike rides, happy hour BBQ events, private parties, film nights, etc.) – 6:00 AM (bike rides) to 11:00 PM (night time events). No use of the building shall occur after 11:00 PM.
 - c. Bakery/Commercial Kitchen Hours – 7:00 AM to 7:00 PM
 - d. No deliveries shall occur prior to AM
 - e. Outdoor events, other than use of the parking lot as a pre-ride meeting location for organized bicycling events, shall occur only between the hours of 10:00 AM and 8:00 PM.
 - f. All event occurring beyond 8:00 PM shall be held inside or moved entirely inside the building by 8:00 PM.
4. Any use or combination of uses that are determined to have the potential to increase the Average Daily Traffic to the site by 100 ADT on a regular basis will require the approval of a traffic impact permit by the Planning Commission, or peer review and approval of a letter from a traffic engineer indicating why the mixed use will not generate enough traffic to warrant a Traffic Impact Permit.
5. Any exterior changes to the building, other than the erection of permitted signs, will require the approval of a design review application by the Planning Commission. Changes subject to review include but are not limited to new lighting, planters, any new structures or storage containers, outdoor furniture, etc.
6. Any expansion of the operating hours for any of the uses shall be subject to a modification of the Conditional Use Permit by the Planning Commission.
7. Any physical changes to the interior of the building that changes the number of suites or adds additional square footage to the structure will require prior approval of a modification to this Conditional Use Permit.
8. The area within the arbor at the front of the building may be used by the Bicycle Museum for either an outdoor area for employees to gather, display museum items, or hold seminars related to bicycles during the day and shall be limited to occurring within the arbor structure.
9. The applicant shall obtain a sign permit from the town prior to erecting any signs on the building or the property.
10. Changes in the business hours that will result in any of the businesses operating beyond the hours described in these conditions will require a modification of this Conditional Use Permit.
11. The applicants shall maintain the premises in a neat and attractive manner at all times. Such maintenance shall include, but not be limited to, exterior building

materials, signage, windows, the planters, the ground and the pavement surfaces.

12. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.
13. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.
14. The applicants shall obtain a tree removal permit from the Tree Committee prior to removing any trees from the site.
15. Conditions of other agencies or departments shall be complied with unless said agency or department notifies the Department of Planning and Building Services in writing that the condition is no longer a requirement.
16. Building permits shall be obtained prior to any modifications to the structures requiring compliance with the California Building Code.
17. Prior to issuance of the building permit for the expansion of the second floor storage area, the project will be subject to review and approval by the Ross Valley Fire Department, Marin Municipal Water District, Ross Valley Sanitary District and the Fairfax Police, Public Works and Building Departments. Any conditions placed

upon the project by these agencies or departments shall be conditions of the building permit and shall be complied with prior to building permit issuance or applicable inspection. All requirements shall be completed prior to final inspection and/or issuance of the occupancy permit.

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

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17th day of May, 2018, by the following vote:

AYES:
NOES:

Chair, Mimi Newton

Attest:

Ben Berto, Director of Planning and Building Services

MAY 02 2018

RECEIVED

MARIN MUSEUM OF BICYCLING**Page 12 bottom – information relevant to project**

The Use Permit granted in 2014 was for the entire 1966 SFD building, for use by both Marin Museum of Bicycling (Suite A) and Miyoko's Kitchen (Suites B and C). This Modification application is for the Museum only, Suites A and B. We are including updates to reflect current /planned operation of the Museum, and the absence of Miyoko's Kitchen, which has moved out of the building.

Our expansion is to the museum's interior gallery, library and work areas. We think it unlikely to create notable change to the impact that the museum has had on the neighborhood during its first three years (2015 to 2018).

The museum's normal open hours are 4 to 6 days per week, usually Thursday-Sunday 11 AM to 5PM. Our staffers may be on site any day of the week, working mostly inside or in the garden and parking areas, and arriving on foot, by bicycle or car, parking in our lot. Typical staffing per day is 2 to 10. We occasionally offer extended public open hours, special openings, speakers, films or other events on weekdays or weekends, day or evening. We typically have 1 to 4 late afternoon and/or evening events per month. These take place mostly in the interior of the building, with some use of the front parking lot (facing Sir Francis Drake) for events such as barbecues. Events normally end by 9 or 10PM with the occasional interior gathering and cleanup continuing to about 11PM or midnight. We occasionally rent the interior space for fundraising, with museum staffers on site making sure noise etc is limited.

Typical daytime visitors: 5 to 40 through the course of the day. Evening event attendance: typically about 40 to 110. Many visitors/attendees choose to arrive by bicycle. Some events are "post-ride" with most attendees arriving by bicycle and gathering in the front parking lot.

We expect this change of use for the overall building to be positive for the neighborhood. The previous tenant's business grew faster than expected and eventually had multiple shifts of employees arriving by car 6 to 7 days per week and overflowing into the neighborhood, and operating delivery trucks, forklifts etc.

Marin Museum of Bicycling
1966 Sir Francis Drake Boulevard
Fairfax, CA 94930

April 15, 2018

Ben Berto, Planning Director
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Re: 1966 Sir Francis Drake Boulevard, proposed expansion into 1966-B

Dear Mr. Berto,

Thank you for your letter of April 12. Regarding your questions 1 and 2 therein, here are my answers:

Please note: Marin Museum of Bicycling has been occupying 1966-A Sir Francis Drake Blvd. With the proposed expansion we would occupy 1966-B SFD. We do not have plans of occupying 1966-C SFD or 1966-D SFD.

1. Special events: As we noted in our answer to Questions 3 and 4 from your March 27th letter, we do not expect significant changes in our event activity. The mode people use to get here varies by event. If the event involves a ride, most participants arrive by bike. For Speaker Series, regular museum visits etc, we get a mixture of arrivals, by bike/motor vehicle/foot/ public transportation, and we do not expect a change. Compared to most businesses in Fairfax we probably have a greater ratio of visitors arriving by bicycle.

With 1966-A, we have 9 motor-vehicle parking spaces on site. Renting 1966-B nets us an additional 11 parking spaces on site. There are 2 additional handicap spaces. We also have 20 bicycle stalls. So the additional parking should decrease impact on residences in the neighborhood.

2. Our expanded use will not generate 100 average daily traffic trips beyond that generated by the previous use of the building. As noted earlier, we do not expect this expansion to create significant changes in traffic trips, and we are gaining additional parking. Our museum's expansion into 1966-B will have significantly less impact on traffic and parking than the previous tenant of 1966-B. The previous tenant had employees arriving for multiple work shifts day and night, overflowing into the neighborhood on a daily basis.

You are welcome to call me if you have any questions.

Thank you and I hope to hear from you soon.

Best regards,



Joe Breeze, curator. Personal office #: (415) 454-6536

Marin Museum of Bicycling
1966 Sir Francis Drake Boulevard
Fairfax, CA 94930

April 4, 2018

TOWN OF FAIRFAX

APR 05 2018

RECEIVED

Ben Berto, Planning Director
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Re: 1966 Sir Francis Drake Boulevard

Dear Mr. Berto,

On March 27, Linda Neal sent me a letter requesting additional information about the proposed modification to Marin Museum of Bicycling, an all-volunteer-run nonprofit organization. I hope the following is what you need.

1. Site plan: Please see my attached Site Plan drawing of 1966 Sir Francis Drake Boulevard. I am including two copies of each.
2. Floor plans: Please see my attached floor plan drawings of 1966 Sir Francis Drake Boulevard. I am including two copies of each. These drawings include:
 - First Floor, Existing
 - First Floor, New
 - Second Floor, Existing
 - Second Floor, New
3. MMB 2017 event description: Please see my list of events held at the museum in 2017 and my answers to questions 3 in the accompanying Word doc.
4. MMB planned event description: Please see my Word doc with answer to question 4.

You are welcome to call me if you have any questions.

Thank you and I hope to hear from you soon.

Best regards,



Joe Breeze, MMB volunteer, member of the MMB board and curator.
Personal office #: (415) 454-6536

Question 3. Special events at the Marin Museum of Bicycling

The attached spreadsheet gives a quick summary of events for 2017. The types of events are varied, and include:

- Educational speaker series, held 6 times in 2017. Typically about once a month, on a weeknight (generally Thursday), 7:00-8:30 pm. Illustrated lectures on a variety of cycling-related topics including bicycle history, Marin history, art, and nature. These talks occur inside the museum. We have had 40 to 120 attendees.
- Happy hour BBQ events, held 2 times in 2017. Summertime community-building get-togethers. The BBQ is in the front parking lot and terrace area, and attendees are welcome to come inside and stroll through the museum exhibits. These have so far been Friday nights from 5:00-7:30 pm. We have had about 50 to 80 attendees.
- Events in collaboration with the Marin County Bicycle Coalition (MCBC). We had 3 in 2017. Two ladies' nights to encourage and support women in cycling, just prior to MCBC's two Fondo bike rides, both on Thursdays, from 6:00-8:00 pm; 30-50 attendees. A combined MCBC and Marin Museum of Bicycling members Holiday party was on a Thursday evening in early December from 6:00-8:00 pm with about 100 attendees.
- Drake High School's mountain bike team used the museum's parking lot on a Saturday in October for a ride start (9am) followed by a BBQ (about noon to 2pm), and students and families were welcomed into the museum. That drew about 80 people.
- The Mountain Bike Hall of Fame is a project of the museum. One weekend per year in fall we host three events over two days, to celebrate the year's Hall of Fame inductees. These events occur in the parking lot and the museum. They are a Friday dinner meet and greet, Saturday morning small-group bike rides followed by a BBQ lunch for riders and guests, and Saturday evening induction ceremony and dinner. These events draw from 50-100 attendees. In 2017 the dates were September 22 and 23.
- We occasionally rent out our space for private parties and meetings. In 2017 Sustainable Fairfax used our space for their annual fundraiser on a Saturday evening, for about 120 guests. We also had a couple of daytime rentals, for Marin bikes on a Thursday (about 50 people indoors) and Salsa bikes on a Saturday (the parking lot only, about 40 people over the course of the day).
- These are not special events but FYI, during our normal business hours (Thursday-Sunday 11 – 5) or sometimes on other weekdays during similar hours, we host interested groups for custom tours of the museum. In 2017 these groups included: Senior Access, Day Caring Preschool, Dominican University, Lawrence Jones School, Cal Bike Coalition Dream Ride, Women Ride SF and a few others. These have anywhere from 10-80 participants.
- This is not an event organized by the museum; the Appetite Seminar, a Fairfax Thanksgiving-morning tradition for 40 years, is an unsponsored ride. In recent years many riders have gathered in the museum parking lot for post-ride socializing from about 11AM to 1PM. We do not have a count on attendees; a guess would be 300-350.

Question 4. Proposed uses of the new museum area/how the expansion will change the types of events:

The expansion of The Marin Museum of Bicycling will be housed in 1966-B Sir Francis Drake Boulevard and add 1650 square feet of museum space and 11 off-street parking spaces (along Claus Drive) to our current operation at 1966-A Sir Francis Drake Boulevard. It is above all an expansion of our interior space. We don't anticipate any significant change in our existing events such as speaker events, which are and will continue to be held in our existing main gallery. It is possible that we may add new events such as book talks, and opening receptions for rotating temporary exhibits. The potential new events would be much like our current range of events in both scale and character.

The new space, 1966-B, will be divided into 3 areas, west, center and east.

As you see in the floor plans, our current exhibit along the west wall will flow through a new opening into the new west exhibit area "Middle Bike Addition" (900 square feet), drawing visitors into the new space. Along with the continuation of our current permanent exhibit and additional permanent exhibits, this area will allow space for special rotating/temporary exhibits. Thus, we would likely hold receptions for special exhibits, which would tend to be centered in this area; access to the receptions would be via the main gallery of the museum. Receptions might draw about 30 to 120 people. Any special exhibit would tend to run for a few months, so opening reception events would not be frequent.

The central area (300 square feet) will be our new library, housing books, archived materials and a table. This space will be used for research and meetings and will have some additional display area for bicycles and related artifacts, works on paper, periodicals and ephemera, etc. A new type of event for which we might use the library space would be book talks by local or visiting writers. We envision book talks as occasional small-group events drawing 10 to 40 guests, in afternoons or early evenings. As needed according to the attendees, we would be able to hold a book talk in the new west exhibit area rather than the library.

The east space (300 square feet), along Claus Drive, is divided into 2 offices. We anticipate that one office will serve for business activities and the other will be workspace for organizing, cataloging, scanning and storing archival material. The Claus Drive entrance will be used infrequently, for office access. The main entrance to the museum will remain the existing front door (facing the front parking lot and SF Drake).

Marin Museum of Bicycling 2017 Events on site

Type of Event	Day	Date	Hours of Event	Space Used	# of Attendees
Speaker Series #7, Nick Taylor—sculptor	Friday	Feb. 17	7:00-8:30pm	Museum	40
Speaker Series #8, Commute Crew	Wednesday	March 8	7:00-9:00pm	Museum	120
Speaker Series #9, Bombers to Bikes	Thursday	April 27	7:00-8:30pm	Museum	120
Open House Happy Hour/BBQ	Friday	May 19	5:00-7:00pm	Parking lot & Museum	50
Speaker Series #10, Cycling Marin 1890	Wednesday	May 24	7:00-8:30pm	Museum	120
Speaker Series #11, Women on Wheels	Tuesday	June 13	7:00-8:30pm	Museum	80
MCBC Ladies Night	Thursday	July 13	6:00-8:00pm	Museum	30
Open House Happy Hour/BBQ	Friday	July 21	5:00-7:00pm	Parking lot & Museum	80
Speaker Series #12, Major Taylor	Thursday	July 27	7:00-8:30pm	Museum	100
MCBC Ladies Night, Dirt Fondo	Thursday	August 24	6:00-8:00pm	Museum	50
MBHOF, Meet and Greet Dinner	Friday	September 22	6:00-9:00	Museum & Arcade	70
MBHOF, Ride and BBQ	Saturday	September 23	9:00-3:00	Museum & Arcade	40
MBHOF, Induction Ceremony	Saturday	September 23	6:00-9:00	Museum & Arcade	100
MCBC/MMB Member Holiday Party	Thursday	December 7	5:50-7:30pm	Museum	100
Sustainable Fairfax Fundraiser	Saturday	April 1	6:00-10:00pm	Museum & Arcade?	125
Marin Bikes, Dealers Meeting	Thursday	April 6	8:00am-4:00pm	Museum	50
Salsa Bikes, Demo Day	Friday	April 21	11:00am-6:00pm	Museum & parking lot	40
Drake HS MTB Team, Meet for Ride/BBQ	Saturday	October 29	9:00am-1:00pm	Parking Lot & Museum	80
Appetite Seminar, gathering post-ride	Thursday	November 23	11am-1:30pm	Parking Lot & Arcade	350

RESOLUTION NO. 14-8

A Resolution of the Fairfax Planning Commission Modifying a Previously Approved Conditional Use Permit for Mixed Use Development of an Existing Commercial Structure at 1966 Sir Francis Drake Boulevard Combining a Museum, Office Space, Retail Space, a Demonstration Kitchen, A Commercial Kitchen and a Second Story Residential Unit

WHEREAS, the Town of Fairfax has received an application to modify an approved mixed use development of the existing commercial building at 1966 Sir Francis Drake Boulevard to include a museum, office space, retail space, demonstration kitchen, a commercial kitchen and one (1) living unit; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on June 19, 2014 at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission approved the modified Use Permit and Design Review permits for the proposal; and

WHEREAS, based on the documentary evidence in the record, as well as testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary Use Permit and Design Review Permit; and

WHEREAS, the Commission has made the following findings:

1. Approval of the use permit modification is consistent with those objectives, goals or standards pertinent to the particular case and contained or set forth in the Fairfax General Plan (GP) and Town Zoning Ordinance as follows:

- GP Land-use Goal LU-7, the mixed use will preserve the community and Claus Circle neighborhood character because the proposed uses will not generate a significant amount of the traffic or increased need for parking and will result in only minor exterior changes to the building.
- GP Land-use Policy 7.1.3, the mixed use combines commercial and residential use on this site located in the Central Commercial Zone.
- GP Housing Element Goal H-3, the project will create a one bedroom residential unit within walking distance of public transportation and local stores and businesses. Residents of the unit will therefore, not be dependent on automobile travel.
- GP Town Center Element Policy 2.1.2, the renewed use of this commercial building does not increase the building height and results in a two story building with architectural details compatible with the village character of the Town.
- GP Town Center Element Policy 3.2.12, the project will include new landscaping that is native and drought tolerant.

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

3. The business hours of operation are as follows and will not conflict with the uses of the adjacent residential and commercial properties:

- Museum, Thursday through Monday from 11:00 AM to 7:00 PM.
- Office/ retail area/demonstration kitchen, Sunday through Saturday, from 8:00 to 7:00 PM, and three nights per week until 10:00 PM.
- Wholesale commercial kitchen, Sunday through Saturday from 8:00 AM to 7:00 PM

Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

4. Neither present nor anticipated future traffic volumes generated by the use of the site for the proposed museum/office/commercial kitchen mixed use will rise to the level of significance where a traffic impact permit is required.

5. The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

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

7. The proposed parking and loading zones comply with the Town Parking Ordinance, Town Code Chapter 17.052.

8. The proposed development will create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community and complied with the design criteria of the Town Code.

9. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.

10. There is sufficient variety in the design of the structure and grounds to avoid monotony in external appearance of the building.

11. The proposed exterior changes and landscaping comply with the Design Review Criteria set forth in Town Code § 17.020.040.

12. Given that the demonstration kitchen is of a classroom/workshop/education nature, it is not expected to generate a significant amount of traffic and noise.

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

1. Any change in any of the uses from a museum, general office space, retail, demonstration kitchen and wholesale commercial kitchen use shall require the modification of the approved use permit.
2. Any expansion of the operating hours for any of the uses shall be subject to a modification of the Use Permit by the Planning Commission.
3. Any physical changes to the interior of the building that change the square footages of any of the uses will require the approval of a modification of this use permit.
4. Any exterior changes to the building, other than the erection of permitted signs, will require the approval of a design review application by the Planning Commission. Changes subject to review include but are not limited to new lighting, planters, any new structures or storage containers, outdoor furniture, etc.
5. Prior to issuance of any building permits for the building remodel the applicant shall obtain a lot line adjustment from the Town and record an approved lot line adjustment map at the Marin County Recorder's Office.
6. The area within the arbor at the front of the building is approved for use by the Bicycle Museum for either an outdoor area for employees to gather, display museum items, or hold seminars related to bicycles during the day and shall be limited to occurring with the arbor structure.
7. The pathway from the office area to the Clause Drive sidewalk shall be differentiated from the adjacent parking spaces either with colorized/stamped or other method acceptable to the Director of Planning and Building Services.
8. The parking lot shall be restriped prior to the project final inspection and issuance of the occupancy permit. The small and large loading spaces shall be marked as such.
9. The applicant shall obtain a sign permit from the town prior to erecting any signs on the building or the property.
10. Changes in the business hours that will result in any of the businesses operating beyond the hours described in finding number 3 above will require a modification of the approved Use Permit.

11. The applicants shall maintain the premises in a neat and attractive manner at all times. Such maintenance shall include, but not be limited to, exterior building materials, signage, windows, the planters, the ground and the pavement surfaces.
12. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.
13. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.
14. The applicants shall obtain a tree removal permit from the Tree Committee prior to removing the tree on the eastern side of the building if required.
- 15- Conditions of other agencies or departments shall be complied with unless said agency or department notifies the Department of Planning and Building Services that the condition is no longer a requirement.
16. The wood burning stove has been removed and no wood burning stove shall be put in place.
17. Deliveries shall occur no earlier than 8 AM.

Building Official Condition

A lot line adjustment must be approved and the map recorded at the Marin County Recorder's office prior to *issuance* of any building permits for the office or the wholesale kitchen areas that include doors or windows on the west side of the space.

Ross Valley Fire Department Conditions

1. An automatic sprinkler system will need to be installed as well as a full fire alarm system. The current system may be able to be modified to meet current requirements.
2. A lot line adjustment is required in order for the project to comply with building and fire codes.
3. A certificate of occupancy must be obtained from the Fairfax Building Department prior to any of the spaces in the building being occupied.

Ross Valley Sanitary District Condition

A connection permit is required from the District and the required size of the sewer lateral will depend on the fixture count calculated during the building permitting process. If the existing lateral is the appropriate size it will need to be tested in the presence of a District Officer and found to meet District requirement, or a new lateral will need to be installed.

Marin Municipal Water District Recommendations/Conditions

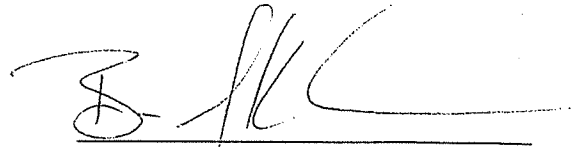
1. The District recommends installation of a separate water meter for the residential unit.
2. All into and outdoor improvements, including landscaping and irrigation, must comply with District Code Title 13, Water Conservation. Indoor plumbing fixtures must meet specific efficiency requirements and landscaping plans must be reviewed and approved by the District for compliance.
3. Should backflow protection be required, it shall be installed as a condition of water service.

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

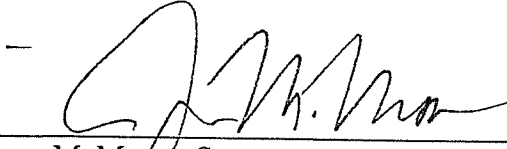
The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 19th day of June, 2014, by the following vote:

AYES: Ezzett, Gonzalez-Parber, Green, Kehrlein, Hamiton, LaMotte, Chair Ketcham
NOES: None

Attest:



Brannon Ketcham, Chairperson



James M. Moore, Secretary
Director of Planning and Building Services

RESOLUTION NO. 13-6
A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit for Mixed Use Development of an Existing Commercial Structure at 1966 Sir Francis Drake Boulevard Combining a Museum, Office/Retail/Museum Event Space, A Commercial Kitchen and a Second Story Residential Unit

WHEREAS, the Town of Fairfax has received an application to approved a mixed use development of the existing commercial building at 1966 Sir Francis Drake Boulevard to include a museum, office/retail/museum event space, a commercial kitchen and one (1) living unit; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on July 18, 2013 at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission approved the Use Permit and Design Review permits for the proposal; and

WHEREAS, based on the documentary evidence in the record, as well as testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary Use Permit and Design Review Permit; and

WHEREAS, the Commission has made the following findings:

1. Approval of the use permit is consistent with those objectives, goals or standards pertinent to the particular case and contained or set forth in the Fairfax General Plan (GP) and Town Zoning Ordinance as follows:
 - GP Land-use Goal LU-7, the mixed use will preserve the community and Claus Circle neighborhood character because the proposed uses will not generate a significant amount of the traffic or increased need for parking and will result in only minor exterior changes to the building.
 - GP Land-use Policy 7.1.3, the mixed use combines commercial and residential use on this site located in the Central Commercial Zone.
 - GP Housing Element Goal H-3, the project will create a one bedroom residential unit within walking distance of public transportation and local stores and businesses. Residents of the unit will therefore, not be dependent on automobile travel.
 - GP Town Center Element Policy 2.1.2, the renewed use of this commercial building does not increase the building height and results in a two story building with architectural details compatible with the village character of the Town.
 - GP Town Center Element Policy 3.2.12, the project will include new landscaping that is native and drought tolerant.
2. The approval of the use permit will result in equal or better development of the premises than

would otherwise be the case, and said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

3. The business hours of operation are as follows and will not conflict with the uses of the adjacent residential and commercial properties:

- Museum, Thursday 11:00 to 9:00 PM and Friday through Wednesday from 11:00 AM to 7:00 PM.
- Office/Retail/Museum Event Space, Sunday through Saturday from 9:00 AM to 5:00 PM
- Wholesale/Commercial kitchen, Sunday through Saturday from 8:00 AM to 6:00 PM
- If the center commercial space is used for museum events the event is limited to taking place during approved museum hours.

Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

4. Neither present nor anticipated future traffic volumes generated by the use of the site for the proposed museum/office/commercial kitchen mixed use will rise to the level of significance where a traffic impact permit is required.
5. The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
6. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.
7. The proposed parking and loading zones comply with the Town Parking Ordinance, Town Code Chapter 17.052.
8. The proposed development will create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community and complied with the design criteria of the Town Code.
9. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
10. There is sufficient variety in the design of the structure and grounds to avoid monotony in external appearance of the building.
11. The proposed exterior changes and landscaping comply with the Design Review Criteria set forth in Town Code § 17.020.040.

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

1. Any change in any of the uses from a museum, general office/retail/museum even space space, wholesale commercial kitchen use and one (1) upstairs residential living unit shall require the modification of the approved use permit.
2. Any expansion of the operating hours for any of the uses shall be subject to a modification of the Use Permit by the Planning Commission.
3. Any physical changes to the interior of the building that change the square footages of any of the uses will require the approval of a modification of this use permit.
4. Any exterior changes to the building, other than the erection of permitted signs, will require the approval of a design review application by the Planning Commission. Changes subject to review include but are not limited to new lighting, planters, any new structures or storage containers, outdoor furniture, etc.
5. Prior to issuance of any building permits for the building remodel the applicant shall obtain a lot line adjustment from the Town and record an approved lot line adjustment map at the Marin County Recorder's Office.
6. The area within the arbor at the front of the building is approved for use by the Bicycle Museum for either an outdoor area for employees to gather, display museum items, or hold seminars related to bicycles during the day and shall be limited to occurring with the arbor structure.
7. The pathway from the office area to the Clause Drive sidewalk shall be differentiated from the adjacent parking spaces either with colorized/stamped or other method acceptable to the Director of Planning and Building Services.
8. The parking lot shall be restriped prior to the project final inspection and issuance of the occupancy permit. The small and large loading spaces shall be marked as such.
9. The applicants shall do one of the following prior to the project final inspection/certificate of occupancy; 1) provide a historical letter of action and approved plans from the Town showing that the roofed shade structure and attached panels at the rear of the property received design review approval and a building permit; b) remove the corrugated metal roof and what appear to be unnecessary screening panels; or c) legalize the corrugated metal roof and screening panels by obtaining design review approval and a building permit for the improvements.
10. The applicant shall obtain a sign permit from the town prior to erecting any signs on the building or the property.

11. Changes in the business hours that will result in any of the businesses operating before 8:00 AM or after 7:00 PM will require a modification of the approved Use Permit.
12. The applicants shall maintain the premises in a neat and attractive manner at all times. Such maintenance shall include, but not be limited to, exterior building materials, signage, windows, the planters, the ground and the pavement surfaces.
13. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.
14. The applicant or permit holder shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Town Council, Planning Commission, Planning Director, Design Review Board or any other department, committee, or agency of the Town concerning a development, variance permit or other land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permit holders duty to so defend, indemnify, and hold harmless shall be subject to the Town promptly notifying the applicant or permit holder.
15. The applicants shall obtain a tree removal permit from the Tree Committee prior to removing the tree on the eastern side of the building if required.
16. Conditions of other agencies or departments shall be complied with unless said agency or department notifies the Department of Planning and Building Services that the condition is no longer a requirement.
17. Future use of the woodburning stove requires a use permit modification.
18. Deliveries shall occur no earlier than 8:00 AM.

Building Official Condition

A lot line adjustment must be approved and the map recorded at the Marin County Recorder's office prior to *issuance* of any building permits for the office/retail/museum event space or the wholesale kitchen areas.

Ross Valley Fire Department Conditions

1. An automatic sprinkler system will need to be installed as well as a full fire alarm system. The current system may be able to be modified to meet current requirements.

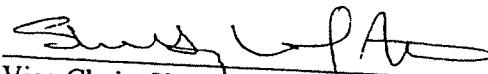
3. The Traffic Impact Permit required by Chapter 17.56 of the Town Code is hereby granted and the Project is approved, subject to compliance with the conditions of approval listed above and all applicable Town Code requirements.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 20th day of June 2013, by the following vote:

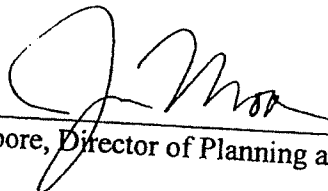
AYES: Hall, Hamilton, Kehrlein, Ketcham, LaMotte

NOES:

ABSTAIN: Ezzet


Vice Chair, Shelby LaMotte

Attest:


Jim Moore, Director of Planning and Building Services