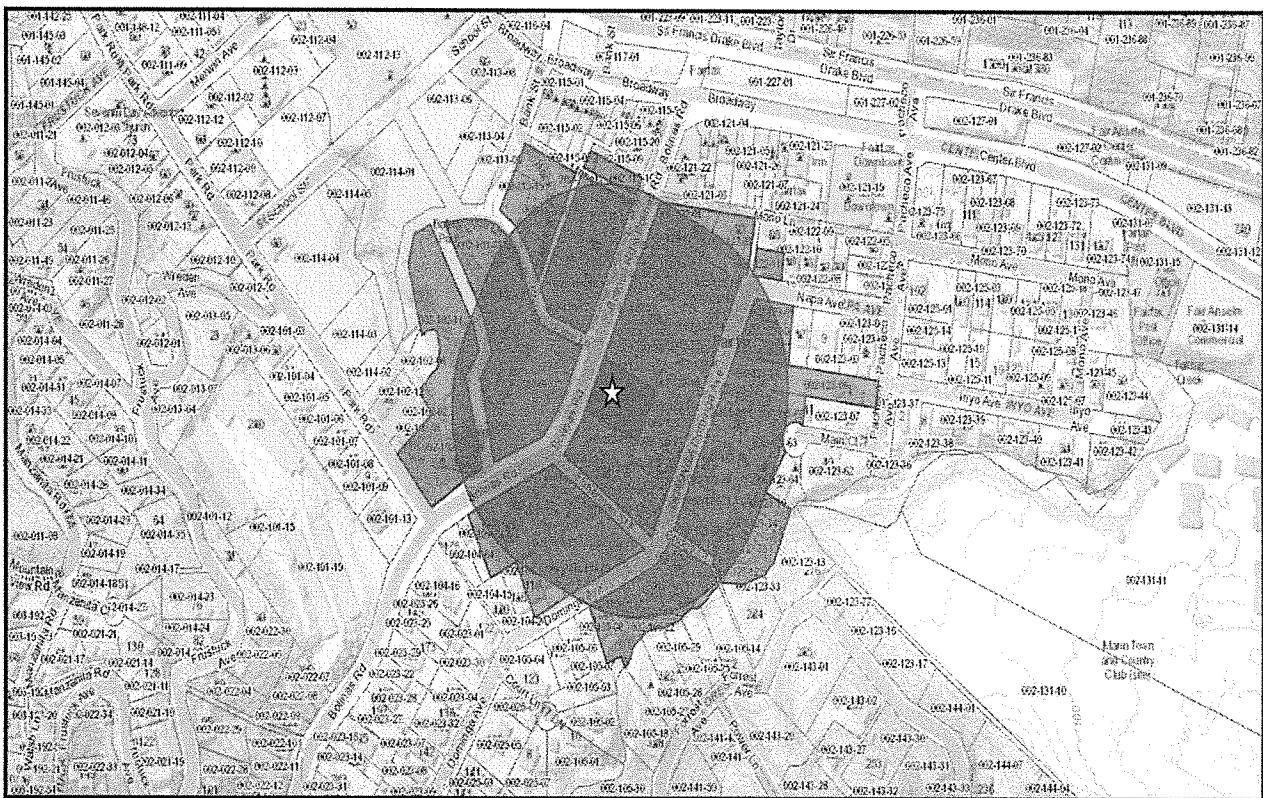


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: March 30, 2017
FROM: Linda Neal, Principal Planner
LOCATION: 85 Bolinas Road, Ste. 1, 2 and 3;
Assessor's Parcel No. 002-122-27
ZONING: Central Commercial CC Zone
PROJECT: Creation of a Health Center in Suites 1, 2 and 3 of an Existing Commercial Building
ACTION: Use Permit; Application # 17-10
APPLICANT: Dr. Joseph Smith
OWNER: Peter Strober
CEQA STATUS: Categorically exempt, § 15301(a)



85 BOLINAS ROAD, SUITES 1, 2 AND 3

BACKGROUND

The site is 12,500-square-foot in size and is developed with an octagon-shaped, 10,843-square-foot, two-story commercial building and 1,585-square-foot parking lot. The Design Review Board approved the design of the property and structure on June 9, 1977, the Planning Commission approved a Use Permit for the project on June 30, 1977 and the Town Council granted an exception to the parking requirements to reduce the on-site parking from the 21 spaces required by the Code to 18 spaces on July 11, 1977. The building was constructed in 1978.

In 1983 the Town Council, upon the recommendation of the Planning Commission, granted a Use Permit to allow the rear ground floor suites 4 through 9 to be used for "service, office and professional uses" because these spaces did not lend themselves to retail uses, having no windows on the street to display items for sale.

Suites 1 and 3 of the building were occupied until recently by the Casa Manana Restaurant and the Yoga Mountain yoga studio.

The Town issued the applicant a business license for retail sales of vitamins and other neuro supplies from Suite 2 in 2009. Suite 2 is currently used by the applicant to sell vitamin supplements and other neuro-related health products in a portion of the space with a client assessment area and a library in the remainder of the space. No use permit has ever been issued for the use of portions of Suite 2 for anything other than retail.

DISCUSSION

The applicant has applied for a Use Permit to expand the operations into a health clinic using Suites 1, 2 and 3 (Attachment A – Applicant's Supplemental Information and Attachment B – Proposed Floor Plans of Health Center). The expansion, if approved, would require the remodeling of these suites.

The health clinic would include a 286-square-foot client assessment/treatment room, an expanded 621-square-foot café, 2 retail areas totaling 483 square feet that would be dedicated to selling supplements, essential oils and providing vitamin B injections, a 150-square-foot library/pre-assessment area and a 1,060-square-foot multi-use room where a variety of classes and lectures will take place, in addition to providing space for clients to read (Attachment A – Applicant's Supplemental Information).

The clinic would be open from 9:00 AM through 8:00 PM and sell retail items including but not limited to vitamin supplements, orthopedic devices such as beds and pillows, color therapy lenses, brock strings (used in vision therapy) and essential oils (Attachment A – Page 2).

Services would include but not be limited to Oncoblot Cancer Assessment (testing for the presence of post-surgery cancer cells), Vestibular Rehabilitation (inner ear/balance

disorders), stroke recovery, cranial sacral therapy (bodywork that addresses the bones of the head, spinal column and sacrum), supplemental vitamin injections, aromatherapy, sound therapy, etc. (Attachment A – Page 2).

Lectures and movement classes would have no more than 20 attendees at a time.

Discretionary Permits

Use Permit

Town Code § 17.100.050(F) indicates a Conditional Use Permit is required for any use which combines retail and service activities when neither aspect of the business is an accessory or principal use but both are an integral part of the business.

The proposed health clinic combines retail and service activities and therefore, requires the approval of a Use Permit.

The building has commercial businesses located to both the north and south of the site and residential uses to the east. The health clinic proposes to locate in the front of the building, immediately adjacent to Bolinas Road with offices for other businesses at the rear of the building located between the clinic and the residential uses to the east. The only outdoor use proposed is the outdoor seating area for the restaurant that would be in the same location as that of the previous restaurant, Casa Manana.

The proposed uses that would make up the clinic are similar to the types of uses found at 29 and 31 Bolinas Road. The Planning Commission granted a Use Permit for mixed use of these buildings on February 16, 2016. This Conditional Use Permit was approved allowing a restaurant, culinary school, food wholesale distribution and a health center.

Conditional Use Permits have also been granted in the past on Bolinas Road for a chiropractic Office, a midwifery and a pediatric acute care office.

Noise

The proposed uses would operate within the building, except for the outdoor restaurant seating proposed at the front of the building. Therefore, the proposed clinic use would comply with the Town Noise Ordinance, Town Code Chapter 8.20.

Parking and Traffic

Town Code § 17.052.030(F) requires that retail service uses/buildings be provided with 1 parking space for each 500-square-foot of gross floor area. This Code section would require a 10,843-square-foot building to provide parking for 21 vehicles. However, the Town Council approved a parking variance for this building allowing the number of on-site parking spaces to be reduced from 21 to 18 prior to the construction of the structure

in 1977. Therefore, the proposed use would not require the approval of a parking variance.

Town Code § 17.056.050(A)(2) indicates the Traffic Impact Permit Ordinance is applicable to the reuse of existing structures where the new use would generate 100 average daily trips or more beyond that generated by the prior use.

Yoga Mountain offered 4 to 5 classes per day, 7 days per week, from 8AM through 8 PM with class sizes ranging from 12 to 30 clients. There is no information available for the number of patrons per day that Casa Manana served.

The reuse and kitchen expansion of the existing restaurant space, including some outdoor seating, would not generate more traffic to the site than the previous restaurant since the inside and outside seating areas would not change. In addition the use of the large room to hold exercise classes, lectures, etc. is not anticipated to increase visits to the site beyond the number previously generated by Yoga Mountain.

Therefore, the proposed health center use would not require the approval of a Parking Variance or a Traffic Impact Permit.

In order to approve a use permit the Commission must be able to make the following findings for approval (staff's recommended findings are bold and italicized after the Town Code findings):

1. 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.

The proposed use is similar to other Conditional Uses related to holistic health care that have been approved on Bolinas Road. Therefore, 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

2. 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.
3. ***The proposed clinic services would all take place within the existing building, except for a small outdoor seating area for the restaurant at the front of the structure. The business hours would be from 9:00 AM through 6:00 PM and occasionally until 8:00 PM. Neither the hours of operation nor the location of the outdoor seating at the front of the site is expected to have significant impacts on the adjacent single-family residences or***

commercial establishments. Therefore, the operation of the clinic would 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. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.

Town Code § 17.100.050(F) gives the Planning Commission the authority to approve use permits that combine retail and service uses. The proposed clinic that would combine a restaurant with retail, alternative medicine treatments, healthy living exercise classes and lectures would invite pedestrians and traffic to this portion of Bolinas Road which complies with the purpose section of the Central Commercial Zone (Town Code § 17.100.010).

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

The design of 85 Bolinas Road, Suites 1, 2 and 3, with the windows of the building elevated a significant height above the pedestrian sidewalk, makes it difficult to attract purely retail businesses that rely on their store window displays to attract customers. The proposed health clinic would create a health care destination with the associated sale of health related retail items. This development would result in a better development of the premises than would otherwise be the case and the approval would be in the public interest and for the protection or enhancement of the general health, safety and welfare of the community.

Other Agency/Department Comments/Conditions

Marin County Environmental Health Department

1. The clinic would require a medical waste permit from the Marin County Environmental Health Department. The business proposes giving clients on-site injections which qualifies the business as a "Small Quantity Medical Waste Generator".
2. The plans for the expanded kitchen are subject to review and approval by the Marin County Environmental Health Department prior to issuance of the building permit to remodel and expand the restaurant.

Ross Valley Fire Department

1. The project would require the installation of an approved fire detection system in accordance with the standards established by the National Fire Protection Association.
2. A commercial cooking exhaust hood would need to be installed and shall comply with the California Mechanical Code. The hood and duct suppression system shall be interconnected to the buildings fire alarm system.
3. Fire extinguishers shall be provided for each 3,000-square-foot or each 75-feet of travel distance. The minimum rating of the extinguishers shall be 2A:10BC. The extinguishers shall have a current service tag from a California State licensed contractor affixed on them.

Marin Municipal Water District

1. The proposed conversion of the existing Yoga Studio and restaurant to an alternative medicine facility would not impair the District's ability to provide water service.
2. Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements.
3. Should backflow protection be required said protection shall be installed as a condition of water service.
4. Ordinance No. 429 required the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing a "substantial remodel" that necessitates an enlarged water service.

Fairfax Building Department

The area being remodeled and the shared bathrooms must comply with the Americans With Disabilities Act and the Uniform Building Code.

The Fairfax Building, Police and Public Works Departments had no comments on the proposed clinic project.

RECOMMENDATION

1. Conduct the public hearing.

2. Move to approve Application # 17-10 by adopting Resolution No. 17-10 (Attachment C) setting forth the findings and conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 17-10

Attachment B – Applicant's supplemental information

Attachment C – 2009 Planning Department letter to applicant dated 4/29/09

Attachment D – Minutes from the 10/6/83 Planning Commission meeting

RESOLUTION NO. 17-10

A Resolution of the Fairfax Planning Commission Approving Conditional Use Permit 17-10 to Allow the Remodel of Suites 1, 2 and 3 of the Commercial Complex at 85 Road to a Allow a Combination of Restaurant/Retail/Personal Service in the Three Front Suites

WHEREAS, the Town of Fairfax has received an application for a Conditional Use Permit to remodel Suites 1, 2 and 3, expand the kitchen and allow outdoor seating in the Suite 1 restaurant space; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on March 30, 2017, 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 Conditional Use Permit ; and

WHEREAS, based on the plans and supplemental information provided by the applicant 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:

The proposal complies Fairfax General Plan Goals and Objectives as follows:

Town Center Element:

Policy TC-1.1.1: New and/or renewed development in the Town Center Planning Area shall preserve and enhance the village character and pedestrian scale of the downtown area. Large, highly visible parking lots characteristic of strip shopping centers are inconsistent with village character.

Policy TC-3.1.1: Mixed-use development is allowed in the Town Center Planning Area under Central Commercial zoning. The Town Center Plan, when created, shall be consistent with this zoning.

The proposal complies with the Zoning Ordinance as follows:

The proposal complies with Town Code § 17.056.050; where a project requires a traffic study for (2) the reuse of existing structures where the new use(s) will generate 100 Average Daily Trips more than the previous uses. The project will not general 100 Average Daily Trips more than the previous uses and is not subject to the Traffic Impact Permit Process.

The Town Council granted a parking variance for the eighteen on-site parking spaces in 1977. The proposed project does not increase the square footage of the building resulting in the requirement for additional on-site parking and therefore, the proposal complies the Town Code § 17.100.110.

The proposal seeks a Use Permit Modification per Town Code § 17.100.050(A) and (F) because: (a) Mixed Use properties; and (b) outdoor uses require a Conditional Use Permit under the current code.

Use Permit Findings:

1. The proposed use is similar to other Conditional Uses related to holistic health care that have been approved on Bolinas Road. Therefore, 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
2. The proposed clinic services will all take place within the existing building, except for a small outdoor seating area for the restaurant at the front of the structure. The business hours will be from 9:00 AM through 6:00 PM and occasionally until 8:00 PM. Neither the hours of operation nor the location of the outdoor seating at the front of the site is expected to have significant impacts on the adjacent single-family residences or commercial establishments. Therefore, the operation of the clinic will not cause excessive or unreasonable detriment to adjoining properties or premises or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
3. Town Code § 17.100.050(F) gives the Planning Commission the authority to approve use permits that combine retail and service uses. The proposed clinic would combine a restaurant with retail, alternative medicine treatments, healthy living exercise classes and lectures will invite pedestrians traffic to this portion of Bolinas Road which complies with the purpose section of the Central Commercial Zone (Town Code § 17.100.010).
4. The design of 85 Bolinas Road, Suites 1, 2 and 3, with the windows of the building elevated a significant height above the pedestrian sidewalk, makes it difficult to attract purely retail businesses that rely on their store window displays to attract customers. The proposed health clinic will create a health care destination with the associated sale of health-related retail items. This development will result in a better development of the premises than would otherwise be the case and the approval would be in the public interest and for the protection or enhancement of the general health, safety and welfare of the community.

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

1. 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.
2. 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.
3. Any changes made to the exterior of the building, including but not limited to new lighting, new signs, planters, etc., shall comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Fairfax Planning Commission or staff as required.
4. 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.
5. The project final inspection and issuance of the occupancy permit shall not occur until all the building improvements have been received from all agencies with jurisdiction over the project.

6. Failure to comply with the conditions for modified Use Permit # 17-10 as herein enumerated, may result in revocation or modification of the Use Permit by the Planning Commission, in accordance with Chapter 17.024 of the Fairfax Town Code (section 17.024.090, grounds for revocation and 17.024.100, grounds for modification).

Ross Valley Fire Department

1. The project will require the installation of an approved fire detection system in accordance with the standards established by the National Fire Protection Association.
2. A commercial cooking exhaust hood will need to be installed and shall comply with the California Mechanical Code. The hood and duct suppression system shall be interconnected to the buildings fire alarm system.
3. Fire extinguishers shall be provided for each 3,000-square-foot or each 75-feet of travel distance. The minimum rating of the extinguishers shall be 2A:10BC. The extinguishers shall have a current service tag from a California State licensed contractor affixed on them.

Marin Municipal Water District

1. The proposed conversion of the existing Yoga Studio and restaurant into an alternative medicine facility will not impair the District's ability to provide water service.
2. Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements.
3. Should backflow protection be required said protection shall be installed as a condition of water service.
4. Ordinance No. 429 required the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing a "substantial remodel" that necessitates an enlarged water service.

Fairfax Building Department

1. The area being remodeled and the shared bathrooms must comply with the Americans with Disabilities Act and the Uniform Building Code.

Marin County Environmental Health Department

1. The clinic will require a medical waste permit from the Marin County Environmental Health Department. The business proposes giving clients on-site injections which qualifies the business as a "Small Quantity Medical Waste Generator".
2. The plans for the expanded kitchen are subject to review and approval by the Marin County Environmental Health Department prior to issuance of the building permit to remodel and expand the restaurant.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the Conditional Use can occur without causing significant impacts on neighboring businesses or residences; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 30th day of March, 2017, by the following vote:

AYES:

NOES:

ABSENT:

Norma Fragoso, Chair

Attest:

Linda Neal, Principal Planner

JAN 09 2017

RECEIVED

ATLAS HEALTH

Dr. Joseph P. Smith
DC DACNB DIBAK FABCDD FABNN

Beloved Town of Fairfax,

This is a use permit application for 85 Bolinas Ave, Fairfax, CA, Suites 1-3 located on Floor 1. The suites are currently zoned for retail, however Atlas Health would like the following permitted:

1. We would like to move our current retail store/reception area next door, from Suite 2 (where we have been for 9 years) to Suite 3, the old Yoga Mountain reception area.
2. We would like to use the old Yoga Mountain yoga studio to host our Atlas Institute 501(c)3 educational classes, movement classes, library, and host community art gallery.
3. We would like to offer supplement injections (B12) and I.V.'s in Suite 2.
4. And we would like to open Atlas Health Café in Suite 1.

Current Operations and Descriptions

Accreditation/ Certificates:

Diplomate International College of Applied Kinesiology
 Diplomate American Board of Chiropractic Neurology
 Fellow American Board of Child Developmental Disorders
 Fellow American Board of Nutrition and Neurodegeneration

Dr. Smith was recently received a community appreciation award for "The Advancement of Functional Medicine Education" by Apex Energetics Educational Services.

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Dr. Smith's life mission is to heal individuals by teaching them what is possible through functional medicine\*, including shifts in diet, nutrition, and lifestyle. He has an exclusive vitamin and supplement distributor that ensures the product integrity and offers vitamins and supplements, which are medical grade, compliant with Prop 65, and are not available to the public or be found in other retail stores.

Atlas Health currently provides the following services in Suite 2:

Supplement Retail  
Essential Oil Retail  
Orthopedic Devices-Beds/Pillows Retail  
Metabolic Assessment  
Brain Health Nutrition Assessment  
Brain Function Assessment  
\*Oncoblot Cancer Assessment  
\*Cunningham PANDAS Assessment  
\*Cyrex Laboratories Immunological Assessments  
Vestibular Rehabilitation  
Stroke Recovery  
Advanced Recovery Potential Electro Therapy  
Kinesiology  
Meridian Therapy  
Cranial Sacral Therapy  
Nutrition  
Chiropractic  
Aromatherapy  
Color Therapy Lens  
Sound Therapy/Vibrational Therapy  
Brock Strings  
Blood Analysis-(processed through an outside lab)  
Stool Testing  
Hormone Testing (both sex and thyroid)  
Genetic Testing  
Red Eyes Assessment  
Mold Screen

### **Proposed Use Permit**

Atlas Health seeks to expand our clinic into Suite 3 by relocating our cashier and reception area to the old Yoga Mountain reception area (17.100.040(A)(42)). In addition to being a waiting area always being open and inviting to foot traffic, this room will be where we sell our supplements, glasses, and orthopedic devices. We have very appealing display shelving that will be visible from the street. We want this space to cater to and invite pedestrian traffic and will decorate it for that purpose.

In our current reception office, located in Suite 2, we would like to continue selling essential oils and keep our attractive shelving display of retail items. We seek to additionally offer supplement/vitamin injections and I.V.'s (like B12) administered by a nurse (17.100.040(A)(42)). There is no other place that offers a service like this in Fairfax or Marin County, so we believe it will appeal to the Fairfax community and bring



more midweek visitors and foot traffic to the CC central commercial zone. Offering this additional service will increase the people in our building by 6 people twice a week.

We plan to continue using Assessment room #2 as our main Assessment & Treatment room because it is not on the street, so our patients will continue to have privacy while we keep the windows open in current Assessment room #1, which will become our Pre-Assessment and Clinic Library Lounge.

In addition, our non-profit organization, Atlas Institute, would like to use the old Yoga Mountain Studio in Suite 3 for educational classes on health & nutritional optimization, community awareness, movement classes, and offer the space as a library reading room and an art gallery (open to the public) when it's not in use. We would like to be able to rent this space to members of the Atlas Institute and the community of Fairfax for specific uses that fall within our mission and what's allowed in the space. We expect 20 people at a time to attend our classes. We will not allow the noise levels to ever exceed 85 db so that neighbors will not be disturbed.

The hours would extend after work hours to ensure everyone has the means to attend. The proposed Institute hours are during normal business hours from 9-6pm and occasional after-hours from 6-8pm.

Lastly, we are seeking to convert Suite 1 into a holistic, organic health food café called the Atlas Health Café 17.100.040 (A)(15). Outside on the porch, we will have attractive chairs and tables with a potted herb garden both hanging and on the ground. Inside, we plan to offer 3 types of medically supervised meal options: Autoimmunity-Paleo diet, Ketogenics diet, and SIBO diet. It is not possible to find any type of restaurant in the entire bay area that specifically caters to individuals on these diets. We also plan to offer raw foods and ferment our own kombucha, sauerkraut, and kimchee. We plan to make healing tonics and tinctures that are not available at the Good Earth, along with medicinal smoothies and juices. All of our foods will be sourced from local farms so everything will be seasonal. Our chef graduated from the Bauman College (Holistic nutrition & Culinary Arts), so this will allow us to be part of the development of students wishing to help people through the culinary arts.

There is nothing like this café anywhere in the bay area. We are confident the Atlas Health Café will do an exceptional job of filling this space with a café that will both serve the town of Fairfax the highest quality of health food possible and bring great foot traffic and midweek customers into town.

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We are applying for a use permit because of Section 17.100.50 (F). We are a combined retail and service activity business and both are integral parts of the business.

We are seeking to update the café to bring it up to code with a county-approved Commercial Kitchen which requires us to expand the kitchen into the Manager's Office next door, we seek to move our current street front reception and retail room to the next suite over, and open up the old yoga studio for educational classes and eventually an art gallery & library. Our proposed uses do not exceed the building occupation capacity of Yoga Mountain or Casa Mañana, so we believe our expansion will not cause additional public nuisance, burdens, excessive or unreasonable detriment to adjoining properties, or a negative impact of any kind. We are only proposing positive changes that bring growth and healing to the town of Fairfax and it's residents.

Per Chapter 17:100 CC Central Commercial Zone:
The Atlas Clinic, Café, and Non-Profit Institute adds to the community of Fairfax.

As noted in 17:100:010- Purpose
We have contributed to the retail heart of the town. Atlas Health provides a service not available in any other part of Fairfax or Marin County. We will cater to and invite pedestrian traffic in all of our street front rooms.

In addition, the Institute is Non-profit and would bring local and non-local residents to the community in which it promotes Fairfax and the food and beverage industry in the town. Patients travel nationally and internationally to visit our clinic. Some patients are in town several days, during which they stay at the Fairfax Inn and shop at our local shops and markets.

We have attached the floor plan with detailed plans of each room (see attached floor plan with specified areas)

Approval of our use permit to expand the offerings of the Atlas Health Clinic, bring a medically supervised nutrition based Health Café and Non-profit Institute to this rare community will result in an even more compelling town that is able to cater to all kinds of healthy lifestyles. With stores such as Good Earth (and Lydia's for a bit), healthy, organic living has been an essential part of Fairfax for a while. Atlas Health's expansion will contribute to the town by providing a high quality organic health food restaurant, medical grade supplements, and by educating the residents on proper nutrition and active lifestyle choices, giving them an alternate view on optimal health.

Thank you for your time.

In Health,
Joseph P. Smith DC & Atlas Health

* Functional medicine addresses the underlying causes of disease, using a systems-oriented approach and engaging both patient and practitioner in a therapeutic partnership. It is an evolution in the practice of medicine that better addresses the healthcare needs of the 21st century. By shifting the traditional disease-centered focus of medical practice to a more patient-centered approach, functional medicine addresses the whole person, not just an isolated set of symptoms. Functional medicine practitioners spend time with their patients, listening to their histories and looking at the interactions among genetic, environmental, and lifestyle factors that can influence long-term health and complex, chronic disease. In this way, functional medicine supports the unique expression of health and vitality for each individual.



TOWN OF FAIRFAX

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

April 29, 2009

Dr. Joseph Smith
Lighthouse Wellness Center
20 Redwood Road
Fairfax, CA. 94930

Re: 85 Bolinas Road; Ste. 2

Dear Mr. Smith,

You have submitted a business license application to operate a chiropractic office from the above referenced location. The Department of Planning and Building Services has reviewed the Zoning Ordinance and we have determined the following:

ZONING

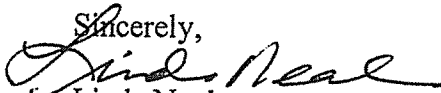
The property is located within the Central Commercial Zone District which allows offices on the second floor only [see enclosed Town Code § 17.100.040(41)]. You may want to consider asking the property owner if there are any spaces available on the second story of the building.

USE PERMIT

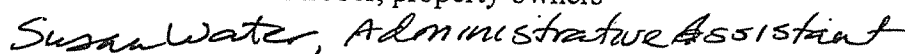
If there are no suitable second floor locations available, you could apply for a Use Permit asking the Planning Commission to allow the location of a chiropractic office on the ground floor which is possible based on Town Code § 17.100.050(D). They have granted a similar use permit in the past for a chiropractic office that used to be located 17 Bolinas Road, which is also located on the first floor of a building located in the Central Commercial Zone. The processing fee for a Use Permit is \$925.00 and we have enclosed an application for your convenience.

We will be unable to issue you a business license until you find a conforming location or are issued a Use Permit to locate at 85 Bolinas Road, Suite 2. If you have any questions, please do not hesitate to contact the Department of Planning and Building Services.

Sincerely,


Linda Neal
Senior Planner

cc. Peter and Jeannine Strober, property owners


Susan Water, Administrative Assistant



57-122-27

TOWN OF FAIRFAX

142 BOLINAS ROAD FAIRFAX, CA 94930

(415) 453-1584

FAX (415) 453-1618

APPLICATION FOR MUNICIPAL BUSINESS LICENSE

2009

Business Classification: PROFESSIONAL
Current Year Fee: \$ 135.00
(see current fee schedule)

Dear Fairfax Business License Holders and Applicants:

Your 2009 Business License Fee is due February 15 and becomes delinquent March 15. If the fee is not paid within 30 days of the due date, a penalty of 10% of the total license fee will be assessed for each month or portion of the month during which the fee remains unpaid. Please complete and return this business license application, including the appropriate section on the reverse side. Should you have any questions, please contact Fairfax Town Hall at (415) 458-2342. Thank you and best wishes for a happy, healthy, and prosperous New Year!

Name of Business: Lighthouse Wellness Center

Business Address: 85 Bolinas Rd Ste 2

Mailing Address: _____

City: Fairfax State: CA Zip: 94930

Business Phone: 415-459-4411

Owner of Business: Dr. Joseph Smith

Owner's Home Address: 20 Redwood Rd
Fairfax, CA 94930

Owner's Phone: 415-847-7759

Describe the Business: Chiropractic

Employer Identification: 502-78-5037 Ownership Professional Corporation
(or Social Security No.) Type: (Corporation, Sole Proprietorship, etc.)

State Sales Tax No. : _____

FOR STAFF USE:			
DATE: _____	REC.# _____	PERMIT# _____	
LIC.# _____	FEE: _____	CONTROL# _____	

PENALTY FOR VIOLATION ASSESSED in accordance with Ordinance #516, Section 1-8:
The undersigned does hereby **DECLARE UNDER PENALTY OF PERJURY** that all information given in this application is true and correct.

SIGNATURE Joseph P. Smith D.C. DATE 4-22-09
PRINT NAME Joseph P. Smith D.C.

Application 83-V-19, Variance of required parking spaces for a Chinese restaurant, A.P.#2-121-22, 1 Bolinas Road, by Norman Lew

83-V-19,
1 Bolina

The applicant was present.

Carl Dern, owner of Fairfax Square at 85 Bolinas, said he was concerned as a citizen about the pedestrian and automobile congestion that this business could create at the corner of Bolinas and Broadway.

The Commission responded that there were 16 indoor seats, that they did not expect the use to be a rambunctious activity, that activity shows a healthy business and if take-out business in town improves they may have to look at having more short term parking.

M/S, Kay-Engstrom, to approve Application 83-V-19, Variance of required parking spaces for a 485 square foot restaurant at 1 Bolinas Road, A.P.#2-121-22, pursuant to the staff findings.

AYES: Engstrom, Kay, O'Donnell, Eckles

NOES: (None)

ABSENT: Divine, Duncan, Wilson

Application 83-UP-21, Use permit for office, professional, service, wholesale and assembly uses, A.P.#2-122-26, 27 and 28, 85 Bolinas Road, Suites 4, 5, 6, 7 and 8, by Carl Dern

83-UP-21
85
Bolinas,
Suites
4, 5, 6,
7 & 8

The applicant was present.

Director of Community Development Hammond explained that assembly uses are not allowed anywhere in the central commercial zone. She recommended conditional approval of the other proposed uses, noting they were permitted uses on the second floor in the central commercial zone.

The Commission considered the following issues:

1. The definition of "assembly;"
2. The size of the suites as a control on the size of the assembly operation.

Mr. Dern suggested calling the activity now in one of the suites involving stained glass "craft works," not assembly. He said the rear units of Fairfax Square are not suited for retail and have no pedestrian traffic. He objected to limiting the number of employees to one employee in addition to the owner as recommended by staff.

Ms. Hammond explained that the limit on the number of employees was intended to be a tool to handle the parking requirements for the uses in those suites. The reasoning was that if the businesses grow larger and get busier, more employees will be needed and more parking spaces will be needed. If the

ATTACHMENT D

parking standards for retail/restaurant use in the zoning ordinance were applied, there would not be enough spaces for the building.

Concerning staff's recommendation for the property owner, Mr. Dern, to notify the Town whenever the tenants in the subject suite change, he said this would be an unfair imposition on his position with his tenants and suggested the business license process and annual fire inspections were adequate for a tenant list.

Ms. Hammond responded that the annual fire inspections are not coordinated with the Town Hall and that business licenses are not always obtained prior to the opening of the business. Without fire and police department review of the proposed uses for these suites, now handled through the use permit process for nonconforming uses, any regulations they may have probably would not be available until the businesses are in operation. The Commission suggested asking the Council to have the police and fire departments review business licenses. Mr. Dern objected to the \$100 violation fee imposed on him by staff for operation of a business without a use permit in one of the suites. He said he felt deceived by the town by this action since he had made a "good faith effort" to comply by applying for the use permit. The Commission informed him it did not have the authority to waive a fine.

M/S, Kay-Engstrom, to approve Application 83-UP-21, with the following modifications and conditions:

1. Service, professional and office uses limited to businesses with two employees in addition to the owner in Suites 4, 5, 6, 7 and 8;
2. Wholesale uses which are accessory to a retail use limited to businesses with two employees in addition to an owner in all suites,

with the intent of the limitation on the number of employees being a way to control the number of parking spaces, pursuant to the staff findings. The motion does not include acceptance of present tenants.

Commissioner Engstrom opposed controlling the number of employees.

The question was called.

AYES: Engstrom, Kay, O'Donnell, Eckles

NOES: (None)

ABSENT: Divine, Duncan, Wilson

TOWN OF FAIRFAX

STAFF REPORT

Date Submitted: 9/29/83

For Meeting of: 10/6/83

TO: Planning Commission

FROM: Rebecca R. Hammond, Director of Community Development

SUBJECT: Application 83-UP-21, Use permit for office, professional, service, wholesale and assembly uses at 85 Bolinas Road, Suites 4, 5, 6, 7 and 8

ATTACHMENTS: 1) Site and floor plan
2) Applicant's statement
3) Tenant Roll, October 1, 1983

DISCUSSION OF ISSUE

(a) Background

Zoning: CC, Central Commercial
General Plan: Central Commercial
Environmental Status: Categorically exempt

(b) Nature of Issue

The proposal is for a use permit for the five suites at the first floor rear of the property for office professional, service, wholesale and assembly uses. These suites can now be used for retail, financial institutions or restaurants/bars under the existing zoning ordinance. Three of these suites are occupied by businesses in these categories which have been established in the last month. One suite is used by Jungle Garden Press, a business long ~~out~~ standing.

The suites included in the application are the following suites:

Suite 4	315 sq. ft.	Suite 7	364 sq. ft.
Suite 5	567 sq. ft.	Suite 8	168 sq. ft.
Suite 6	462 sq. ft.		

14 additional suites exist in the building, 4 downstairs and 10 upstairs. Several of the suites are now combined for use by one business.

DEPARTMENT RECOMMENDATION

The major concerns that staff has about this application is about future control over uses which could create noise, vibrations, odors or parking problems. Other concerns are for administration of fire and police department review of future uses, and for preservation of uses which meet the purpose of the central commercial zoning.

It is recommended that a use permit be granted for office, service and professional use of these five suites and that wholesale uses be allowed only when they are accessory to a retail in all suites. It is further recommended that assembly uses not be allowed as they are not allowed with a conditional use permit in the central commercial zone. The other proposed uses are already permitted on the second floor in this zone.

The parking lot for this building holds 17 regular and 2 handicapped spaces. This parking arrangement was approved at the time the building was constructed and allows for one parking space for each 500 square feet of building area approximately. Most of these businesses are small owner run enterprises with no employees and with limited parking demand. To insure that businesses with a similar parking load be established it is recommended that the use permit be limited to businesses with one employee at the maximum shift in addition to an owner.

In order to implement Fire and Police review (which is now part of the use permit process) it is recommended that the landlord be required to inform the town when a tenant vacates and a new tenant signs a lease or rental agreement. The Police and Fire Departments could review business license applications and make necessary inspections prior to issuance.

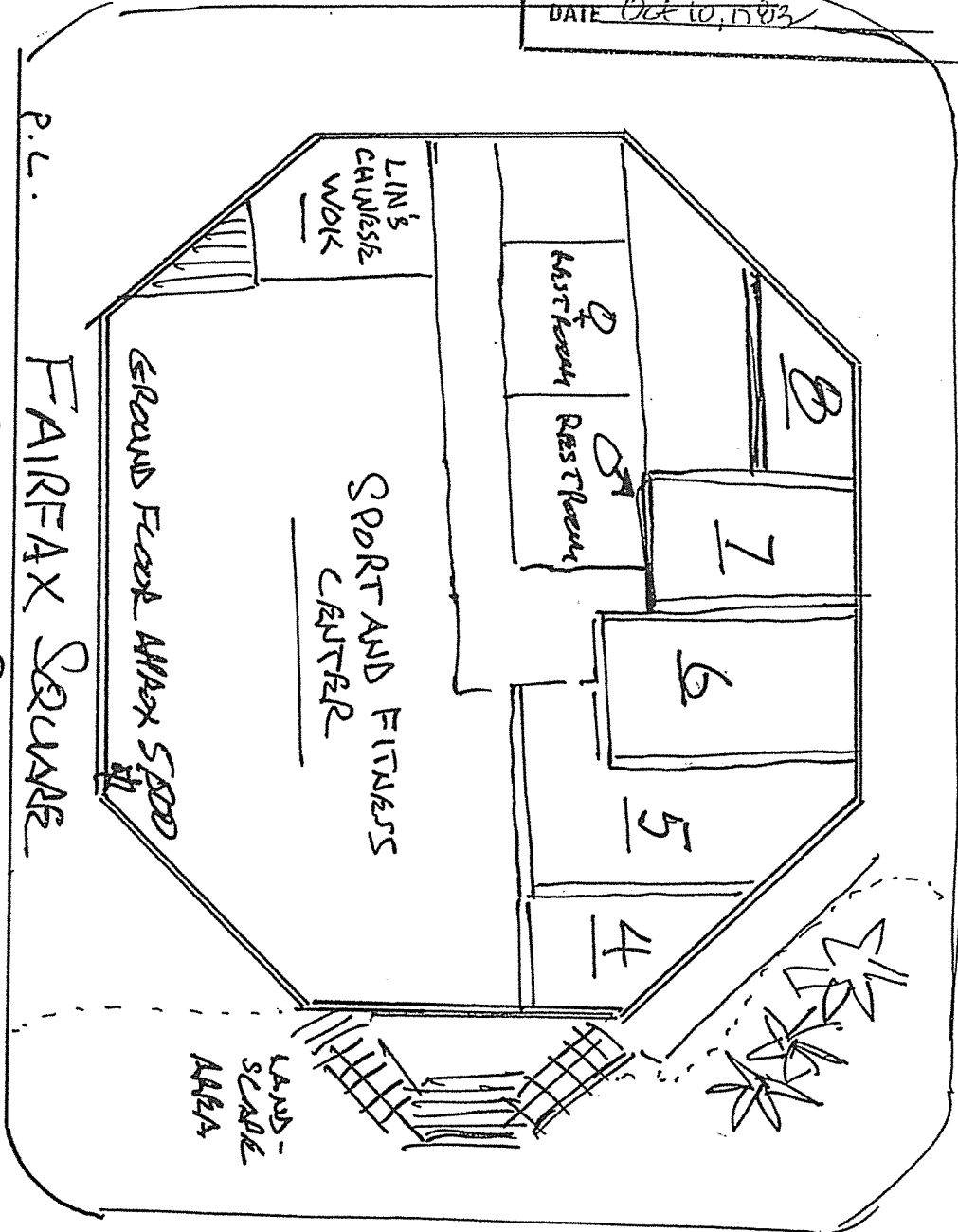
RECOMMENDED COMMISSION ACTION

Move to approve Application 83-UP-21, with the following modifications and conditions:

- 1) Service, professional and office uses limited to businesses with one employee in addition to an owner in Suites 4, 5, 6, 7, and 8.
- 2) Wholesale uses which are accessory to a retail use limited to businesses with one employee in addition to an owner in all suites.
- 3) That the landlord inform the town when a tenant vacates and a new tenant signs a lease or rental agreement for all suites in the building.

1/22
USE PERMIT APPLICATION: M.C.F.C. DEN, FAIRFAX SQUARE. SITE & FLOOR PLAN: N.T.C. DATE 2/22/2023 11:22 AM

P.C.
USE PERMIT SUITES 45678
APPROVED
OFFICE, PROFESSIONAL SERVICE
BY Town Council
DATE Oct 10, 2023



P.C.
PARKING AREA

P.C.

FAIRFAX SQUARE

85 BOLINAS ROAD



7-22-16

Linde,

This is license issued to Suite 2
at 85 Bolinas Road -

This is the vitamin/neuro supplies store
No treatment for B/L

Note: I have given them
a Sign Application



TOWN OF FAIRFAX

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

BUSINESS LICENSE
TAX CERTIFICATE

ISSUED IN ACCORDANCE WITH CHAPTER 13 OF THE FAIRFAX MUNICIPAL CODE. THE BUSINESS LICENSE TAX DOES NOT
SANCTION ANY BUSINESS ACTIVITY OR USE OF PREMISES WHICH ARE IN VIOLATION OF FEDERAL STATE OR LOCAL LAWS

TYPE OF BUSINESS Retail Sales

103172

OWNER

Joseph Smith
8815 Bower, Sebastopol CA 95472

ISSUE DATE
4/13/2016

EXPIRATION DATE
12/31/2016

BUSINESS NAME
ADDRESS
CITY

ATLAS HEALTH
85 BOLINAS ROAD STE 2
FAIRFAX, CA 94930

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES OR VEHICLE.

OFFICE OF THE CITY CLERK

NOT TRANSFERABLE

Sold here