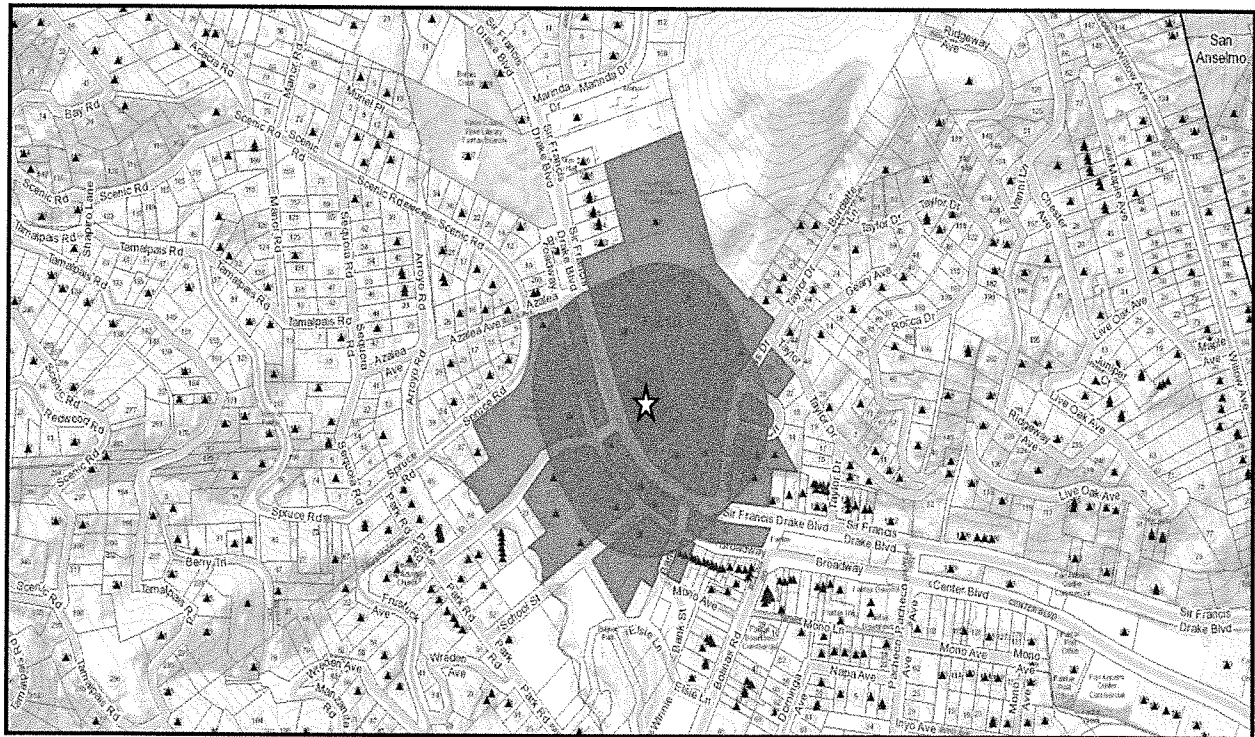


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: February 21, 2019
FROM: Linda Neal, Principal Planner
LOCATION: 2020 Sir Francis Drake Boulevard; Assessor's Parcel No. 001-183-16
ZONING: Highway Commercial CH Zone
PROJECT: Outdoor dining area
ACTION: Use Permit; Application # 19-04
APPLICANT: Jason Faircloth
OWNER: Naaim Karkabi
CEQA STATUS: CEQA categorically exempt, §15301(a).



2020 SIR FRANCIS DRAKE BOULEVARD

BACKGROUND

The 33,448-square-foot site and the site immediately to the northwest are owned by the same person. There is no record of when the Fairfax Market structure or the structure that is now the bicycle store were built, but the market crosses the property line between Assessor's Parcel No. 002-040-18 (the market) and 002-040-16 (the bicycle shop/restaurant) with approximately 7,767-square feet of the store located on the same parcel as the bicycle store. The parking on Parcel 002-040-16 is used by the bicycle shop, while the parking on parcel 002-040-18 is mostly used by the market. The spaces along the front of the site tend to be used by customers of both businesses.

The Planning Commission granted a Conditional Use Permit (CUP) to allow the bicycle retail/repair shop to be remodeled into a combination restaurant/bicycle retail/repair/warehouse business on August 17, 2017 subject to the conditions contained in the attached Resolution No. 17-32 (Attachment B). The CUP was required per Town Code 17.096.050(10) because the business proposed would be made up of three different permitted uses (restaurant/bicycle repair and retail sales/warehouse) to create one unique use .

DISCUSSION

The project encompasses creation of a 740 square-foot outdoor eating area at the southwest corner of the 3,939-square-foot combination restaurant/ bicycle retail and repair/warehouse. 2,704-square-feet of the interior space is dedicated to the restaurant/retail portion of the business while the rear 1,235-square-feet makes up the warehouse/bicycle repair and assembly area. The area would be created by the construction of a 2- to 4-foot-tall, 12-inch-wide, natural finish concrete wall , and would include access stairs on the west side, and an accessible ramp on the east side of the enclosure adjacent to the ADA parking space. The enclosure would provide tables with bench seating, bar seating, and seating around an outdoor fire-pit for 32 persons (18 at picnic benches, 8 bar seats and 6 seats around the fire pit).

Town Code §17.096.050(2) requires that a Use Permit, or in this case a modification of the original use permit, be obtained from the Planning Commission for uses that are not conducted entirely within a building. Therefore, the outdoor seating area requires the approval of a modification of the original Conditional Use Permit (CUP).

Use Permit

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 or laid out on the site in a particular manner."

Bennett House, a 3 story multiple-unit apartment complex, is located east of the project site, an artist studio to the south, the Fairfax Market is located to the north, and across Sir Francis Drake Boulevard to the west is Fairfax Lumber and M & G Burgers.

The restaurant has been serving breakfast lunch and dinner since the fall of 2018. The restaurant hours are Monday through Thursday from 7:00 AM to 10:00 PM, Friday from 7:00 AM to 11:00 PM, Saturday from 8:00 AM to 11:00 PM and Sunday from 8:00 AM to 10:00 PM. The applicant is proposing to operate the outdoor seating area the same hours (Attachment D – applicant’s supplemental information). The proposal does not include any outdoor entertainment or music

The outdoor eating area is proposed 291 feet away from the nearest residential unit at Bennett House Apartments, and the building that houses Fairfax Market and the Splitrock Tap and Wheel provides a buffer for noise and light between the outdoor eating area and those residential units (see Attachment E – distance map).

The noise created by diners in the outdoor eating area is not likely to exceed the permitted noise decibel levels for the adjacent multiple residential dwelling noise zone, which is 55 decibels between the hours of 7 AM and 10 PM and 50 decibels between the hours of 10 PM and 7 AM [Town Code § 8.20.050(B), “Exterior Noise Limits” table], particularly in view of the likely higher ambient noise levels from Sir Francis Drake traffic.

Lighting for the outdoor area will be perimeter low voltage table lights and directed pathway lighting, neither of which is expected to spill beyond the outdoor seating area. Staff has included a recommended condition of approval that the lighting fixtures used to light the outdoor area not result in light spilling beyond the access pathways or beyond the wall enclosing the eating area, and that they be subject to review and approval by the Planning Director prior to issuance of the building permit.

Staff believes the outdoor area can be created without significantly impacting adjacent properties or properties that currently have a view of the existing parking lot.

Design Review Permit

In order to grant a design review permit for exterior changes and new construction in the commercial zones, the Planning Commission must be able to determine that the project complies with the design review criteria contained in Town Code §17.20.040 which include but are not limited to the following: the proposed development shall create a well composed design, harmoniously relate to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community; 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; there shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance; the size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance; the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets; and in the case of

any commercial or industrial structure, the Commission shall consider its proximity to any residential district and shall consider the effect of the proposed structure upon the character and value of the adjacent residential district area.

The proposed design of the patio and barrier wall for the outdoor seating would be natural concrete, unadorned by any ornamentation, color or texturing. While the design of the wall is very simple and its location and height will not conflict with the character of the adjacent building, which has stucco siding, staff believes some surface treatment should occur. Staff has therefore included in the conditions of approval that the wall be painted or textured, or adorned with some type of ornamentation in a manner that will increase the aesthetics of the improvement.

Traffic Impact

The addition of an outdoor seating area for the restaurant will not significantly increase the amount of traffic accessing the site. Use of the outdoor seating would increase during the summer months. The owner reports that the business currently has 67 to 75 average daily visits from customers now. The traffic analysis provided prior to the business expanding to include the restaurant estimated the number of average daily traffic trips to be 67, a number the Town Traffic Engineer found to be reasonable (Attachment C – traffic analysis and Town Traffic Engineer’s comments). The addition of the outdoor seating, which will cater to persons arriving by bicycle, some pass by vehicle traffic trips, and destination vehicular trips, is estimated to increase traffic to the site by an additional 25 to 33 average daily traffic (ADT) trips. Therefore the business will not be subject to the Traffic Impact permit process [Town Code § 17.056.050(3)]. Average Daily Traffic (ADT) is defined as, “The total volume of traffic crossing a fixed point (for example, the boundary of a project) over a 24 hour period, averages over some period of time” (Town Code §17.056.020, definition of ADT).

There is an existing bike rack that can accommodate the storage of 10 to 12 bicycles, which will be retained at the front of the building. The restaurant floor plan includes an indoor bicycle rack for the storage of 7 bicycles. An additional bicycle rack on the south side of the building would have to be removed to accommodate the outdoor eating area. Staff has included as a recommended condition of approval that the applicant provide a bicycle rack plan with the submittal of his building permit, that provides as many replacement bike parking spaces as possible, for review and approval by the Planning Director and the Building Official as part of the building permit application.

The business hours would be from 9:00 AM through 10:00 PM, Monday through Thursday, 9:00 AM through 11:00 PM on Friday, from 8:00 AM through 11:00 PM on Saturday and from 8:00 AM through 11:00 PM on Sunday. The business estimates they will have 8 employees on site during the busiest shift, which is expected on Saturday afternoons.

The number of patrons, employees and hours of operation of this business will not have

a significant impact on the site, the neighboring uses or the adjacent roadways (for further discussion of these matters see the traffic section and parking sections below).

Parking

The site currently accommodates 31 parking spaces on the south side of the building, and an additional 51 parking spaces on the north side of the building. None of the parking is reserved for a specific business on the property.

Construction of the outdoor seating will require the removal of 3 parking spaces, but the proposal includes restriping of the parking lot to provide an additional 3 parking spaces at the southeast corner of the site. There will be no decrease in the number of on-site parking spaces due to the construction of the outdoor dining area. Therefore, the proposed does not require the approval of a parking variance.

Agency/Department Comments/Conditions

Ross Valley Fire Department (RVFD)

The Ross Valley Fire Department has reviewed and approved the proposed project with no modifications required.

Ross Valley Sanitary District and Marin Municipal Water District

Neither the Water District nor the Sanitary District commented on the project.

Fairfax Police, Public Works and Building Departments

Police, Public Works and Building Departments approved the preliminary plans with no comments.

RECOMMENDATION

1. Conduct the public hearing.
2. Move to approve application # 19-04 by adopting attached Resolution No. 2019-03 setting forth the findings and the conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 2019-03

Attachment B – original Resolution of approval 17-32

Attachment C – TJKM trip generation analysis and Town Traffic Engineer's acceptance e-mail

Attachment D - Applicant's supplemental information

Attachment E - Project distance from residential development map

Attachment F- aerial photograph of project site and adjacent uses

RESOLUTION NO. 2019-03

A Resolution of the Fairfax Planning Commission Approving a Modification of Conditional Use Permit, Application # 19-04 to Allow an Outdoor Eating Area at 2020 Sir Francis Drake Boulevard Adjacent to a Combination Restaurant/Retail Bicycles Sales and Repair/Warehouse

WHEREAS, the Town of Fairfax has received an application for a modification to the previously approved Conditional Use Permit to operate a combination restaurant, retail bicycle shop with repair services and a warehouse, to include construction of a 7740 square-foot outdoor eating area; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on February 21, 2019 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 Modification; and

WHEREAS, based on the plans and supplemental information provided by the applicant, as well as the 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 modification; and

WHEREAS, the Commission has made the following findings:

The proposal complies Fairfax General Plan Policies and Programs as follows:

Policy LU-7.2.3: Traffic and parking concerns related to new and renewed development shall be addressed in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity.

Program LU-7.2.3.1: Approve business permits that do not impact neighborhood quality of life, neighborhood character or vehicular circulations and parking.

The proposal complies with the Zoning Ordinance as follows:

Traffic Impact Finding

- A. The proposal complies with Town Code § 17.056.050(A)(3) that requires a traffic study for any project where the incremental development of the property within any five-year-period, results in the cumulative traffic generated by the project exceeding 100 ADT beyond the previous development. The proposed project does not result in an increase of traffic to the site that results in 100 ADT beyond what is currently accessing the site.

Use Permit Findings:

- B. The approval of the use permit will not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
- C. The outdoor eating area is proposed over 290 feet away from the nearest residential unit located northeast of the Fairfax Market portion of the building and is separated from the adjacent commercial businesses by either large expanses of parking lot or Sir Francis Drake Boulevard. Therefore, the development and use of property as approved under the use permit 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.
- D. 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 Town.
- E. 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.

Design Review Finding

- F. As amended to include texturing, color or some type of adornment, approved by the Planning Director, the project complies will comply with the design review criteria. (Town Code § 17.020.040).

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

1. The project is limited to the development depicted in the plans dated October 10, 2018, pages A1.0, A2.0 (revised 12/19/18), and A4.0.
2. Exterior lighting shall be approved by the Planning Director prior to issuance of the building permit and shall limit light-spillage beyond the areas necessary to light access pathways and the outdoor patio, and shall avoid direct offsite illumination.

3. A bicycle parking plan that replaces as much of the bicycle parking being removed by the project as possible shall be submitted with the building permit application and shall be subject to review and approval by the Planning Director prior to issuance of the building permit.
4. The wall around the outdoor seating will be painted or textured, or adorned with some type of ornamentation in a manner that will increase the articulation of the improvement. The design will be subject to review and approval by the Planning Director prior to issuance of the building permit for the project.
5. 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.
6. 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.
7. Any other 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 Planning Director as required.
8. 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 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.

9. The project final inspection and issuance of the occupancy permit shall not occur until all the building improvements and bicycle parking improvements are completed and approvals have been received from all agencies and departments with jurisdiction over the project.
10. If questions arrive as to whether or not the amount of traffic generated by the multiuse building has reached an amount that will require a Traffic Impact Permit, the burden shall be upon the applicant and other adjacent business owner to demonstrate to both the Planning Commission and the Town Council that the traffic impact standards do not apply [Town Code § 17.30.050(C)].
11. The applicant agrees to comply with any mitigation measures recommended by any future Traffic Impact Study.
12. There shall be no storage of any materials, supplies for the business outside the building.
13. There shall be no outdoor entertainment, including the piping of prerecorded music to the outdoor eating area without a modification of this Conditional Use Permit by the Fairfax Planning Commission.
14. Failure to comply with the conditions for modified Use Permit # 19-04 as herein enumerated, may result in revocation or modification of the Conditional 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).
15. Any equipment installed on the either the roof or exterior of the building must be screened from public view.

Marin County Environmental Health Department

16. The project requires the submission and approval of plans by the Health Department prior to issuance of the building permit for the outdoor eating area.

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

The approval of the Use Permit 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 February 21, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:

Chair Swift

Attest:

Ben Berto, Director of Planning and Building Services

RESOLUTION NO. 17-32

A Resolution of the Fairfax Planning Commission Approving Use Permit and Design Review Permits for Application 17-30 to Allow the Remodel of the Commercial space at 2020 Sir Francis Drake Boulevard into a Combination Restaurant/Retail Bicycles Sales and Repair/Warehouse

WHEREAS, the Town of Fairfax has received an application for a Use Permit to operate a combination restaurant, retail bicycle shop with repair services and a warehouse in the 3,939-square-foot commercial space at 2020 Sir Francis Drake Boulevard on June 13, 2017; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on August 17, 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 Use Permit Modification; and

WHEREAS, based on the plans and supplemental information provided by the applicant, a trip generation report dated August 3, 2017 by TJKM traffic engineering firm and peer review of that report by the Town Traffic Engineering firm of Parisi and Associates as well as the 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

WHEREAS, the Commission has made the following findings:

The proposal complies with Fairfax General Plan Policies and Programs as follows:

1. Policy LU-7.2.3: Traffic and parking concerns related to new and renewed development shall be addressed in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity.
2. Program LU-7.2.3.1: Approve business permits that do not impact neighborhood quality of life, neighborhood character or vehicular circulations and parking.

The proposal complies with the Zoning Ordinance as follows:

1. The proposal complies with Town Code § 17.056.050 that requires a traffic study for any project when it either (a) creates a structure that will generate more than 100 Average Daily Trips, or (b) has a floor area of 5,000 square feet or more.
2. The proposal substantially complies the Town Code § 17.100.110: which indicates that 1 parking space is required for every 200 square feet of gross floor area for this site and 1 large, 12 foot by 45 foot loading space; because (a) a loading space has historically informally occurred in the parking lot with little adverse effects, and (b) a

parking variance is no longer required since the parking lot will be restriped to meet the required number of parking spaces (29 spaces).

Use Permit Findings:

- A. The approval of the use permit will not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
- B. The development and use of property as approved under the use permit 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.
- C. 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 Town.
- D. 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.

Design Review Finding

- 1. The project complies 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. 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 Design Review Board 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 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 and bicycle parking improvements and approvals have been received from all agencies and departments with jurisdiction over the project.
6. The applicant shall comply with the conditions of approval for the Use Permit including the requirement to submit a signed and notarized affidavit stating that if/when the use of the commercial space at 2020 Sir Francis Drake Boulevard results in the number of vehicle trips accessing the site every day reaching an amount that would make the use of the site subject to the Traffic Impact Ordinance, as defined in Town Code §17.056.050(A)(2)*, he agrees to the following:
 - a) To allow the Town to contract with a traffic engineering firm to prepare a Traffic Impact Permit (TIP) study, to be paid for by the applicant.
 - b) The Trip study shall provide all the information required in Town Code §17.30.070.

- c) The methodology for the TIP study shall be subject to approval by both the Planning Commission and the Town Council in accordance with Town Code § 17.30.070(F).
 - d) If questions arise as to whether or not the amount of traffic generated by the commercial uses has reached an amount that will require a Traffic Impact Permit, the burden shall be upon the applicant to demonstrate to both the Planning Commission and the Town Council that the traffic impact standards do not apply [Town Code § 17.30.050(C)].
 - e) The applicant agrees to comply with any mitigation measures recommended by a Traffic Impact Study.
 - f) The applicant must comply with all conditions imposed by an outside agency unless that agency waives its conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.
7. There shall be no storage of any materials or supplies for the business outside the building.
 8. Failure to comply with the conditions for modified Use Permit # 17-30 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 11. 17.024.090, ground for revocation and 17.024.100, ground for modification).
 9. Any equipment installed on the either the roof or exterior of the building must be screened from public view.
 10. The Town Traffic Engineer shall review the parking lot circulation and make recommendations, if deemed necessary, on signage or markings necessary to improve the circulation of the parking lot on the eastern side of the building.

Ross Valley Fire

10. An additional fire exit is required, a Type I hood shall be installed above the cooking appliances, the building fire sprinkler system shall be extended into all areas affected by the remodel, the alarm system shall be extended into the remodeled areas and shall meet minimum fire code requirements and have a current certification.
11. The following signage shall be posted: a "maximum occupant" load sign shall be posted near the main exit, illuminated "exit" signs shall be posted over each exit, signs shall be posted over each door that display, "This door to remain unlocked when this space is occupied" in letters 1-inch in height on a contrasting

background.

12. Penetrations through the fire resistant construction shall be protected and fire caulked, minimum 6-inch tall address numbers shall be posted in a visible location from Sir Francis Drake Boulevard, fire extinguishers shall be provided for each 3,000-square-foot of building or for each 75-feet of travel distance and a Certificate of Occupancy shall be issued by the Building Official and be posted adjacent to the front door before the building is occupied.

Marin Municipal Water District

13. The project must comply with District Code 13, Water Conservation and provide conforming backflow protection as a condition of water service. The parcel is currently being served.

Marin County Environmental Health Department

14. The project requires the submission and approval of plans by the Health Department prior to issuance of the building permit for the restaurant improvements.
15. The applicant must comply with all outside agency conditions unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services prior to issuance of the building permit

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

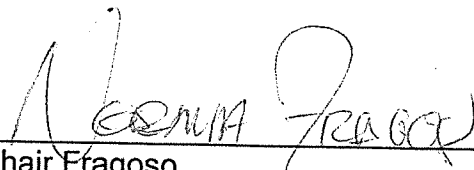
The approval of the Use Permit can occur without causing significant impacts on neighboring businesses or residences; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17th day of August 2017, by the following vote:

AYES: Ackerman, Gonzalez-Parber, Green, Newton, Swift, Chair Fragoso

NOES:

ABSTAIN:



Chair Fragoso

Attest:



Ben Berto, Director of Planning and Building Services



August 3, 2017

Mr. Jason Faircloth
Woodtown Sports, Inc.
2020 Sir Francis Drake Boulevard
Fairfax, CA 94930

Re: Trip Generation for Restaurant at 2020 Sir Francis Drake

Dear Mr. Faircloth:

At your request, TJKM Transportation Consultants has prepared this trip generation summary of your proposed restaurant to be located within the premises of an existing, and continuing, bicycle shop in Fairfax. The Town of Fairfax has requested that you submit an analysis of daily traffic generation for the proposed restaurant.

The proposed use is a café with 1,300 square feet to be located within a building that also has a long standing bicycle shop that provides retail and repair services. TJKM has used the Institute of Transportation Engineer's *Trip Generation, 9th Edition* as a source of standardized trip generation statistics. The appropriate category is ITE Land Use Code 932, Hi Turnover Restaurant. The daily trip generation for this category is 127.15 daily trips per thousand square feet (ksf). The resulting daily trip generation is 166 daily vehicular trips.

Trip Deductions The nature and location of the proposed restaurant in downtown Fairfax means that many of the customers will be walking or bicycling to the facility. TJKM conservatively estimates that 25 percent of the customers will be in this category.

Many of the customers will be driving by the site on Sir Francis Drake Boulevard. As these customers stop to visit the restaurant, they are not creating new vehicular trips because they are already passing by the site. The *ITE Trip Generation Manual* makes recommendations for the quantity of pass-by trips. ITE Land Use Category 932 has studies of pass-by trips of 12 Hi-Turnover sites with an average pass by rate of 42 percent during the p.m. peak hour. We cannot assume this rate holds throughout the day; TJKM suggests the conservative rate of 20 percent of the restaurant users will already be passing by the site on Sir Francis Drake Boulevard.

Some of the customers of the restaurant will already be parked on the site, customers of either the existing bicycle shop or the adjacent Fairfax Market in the same building. The market has an estimated floor area of 15,000 square feet and generates 664 daily trips of its own, based on the ITE Land Use Category 826 Specialty Retail Center, which has about one half the trip generation rate of the Supermarket Category. The market can expect to have 300 to 500 customers per day, in addition to the average of around 20 persons per day currently visiting the bicycle shop. TJKM estimates that about 15 percent of the restaurant customer, or about 18 people, will already be parked on site and walk to the restaurant.



Mr. Jason Faircloth
August 3, 2017
Page 2 of 2

TJKM has attempted to develop conservative estimates of new daily vehicular trips generated by the proposed café. The sum of the deductions described in this letter is 60 percent of all trips. This means that the final expected increase in traffic is 166 daily trips x 40 percent, or 67 trips. TJKM is of the opinion that 67 trips per day would be the upper end of the range of trips that might be expected.

Please contact me if there are questions on this matter.

Very truly yours,

A handwritten signature in black ink that reads "Chris D. Kinzel". The signature is written in a cursive, flowing style.

Chris D. Kinzel, P.E.
Vice President

Linda Neal

From: Curt Harrington <curt@parisi-associates.com>
Sent: Tuesday, August 08, 2017 9:35 AM
To: Linda Neal
Cc: David Parisi
Subject: RE: Letter from traffic engineer for 2020 Sir Francis Drake Boulevard.

Hi Linda,

In summary, it looks like TJKM uses a series of trip deductions based on percent walking/biking, pass-by, and existing trips from the adjacent retail center. Using the same trip generation code that we suggested, they apply the 60% deduction (25% walking& biking, 20% pass-by, 15% on-site) with the 127 trips per 1,000 sq ft rate to get 67 trips.

I think they've taken a reasonable approach and this aligns with our previous guidance that the generation would be significantly less than if you were to count as a hi-turnover restaurant.

Let me know if you need anything else.

Best,

Curt

-----Original Message-----

From: Linda Neal [mailto:lneal@townoffairfax.org]
Sent: Tuesday, August 08, 2017 6:49 AM
To: Curt Harrington <curt@parisi-associates.com>
Subject: RE: Letter from traffic engineer for 2020 Sir Francis Drake Boulevard.

Thank-you.

Linda Neal
Principal Planner

-----Original Message-----

From: Curt Harrington [mailto:curt@parisi-associates.com]
Sent: Monday, August 07, 2017 4:15 PM
To: Linda Neal <lneal@townoffairfax.org>
Subject: RE: Letter from traffic engineer for 2020 Sir Francis Drake Boulevard.

Thanks Linda,

I'll review and get back to you tomorrow!

-Curt

-----Original Message-----

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

DEC 12 2018

RECEIVED

Splitrock Tap & Wheel

Page 12 - Addendum to Use Permit Application – Additional Information Description of the Proposed Use

We received our CUP, ABC license, and all operating permits were final and approved in March 2018. Over the following 4 months we opened slowly, hired staff, refined our menu and our operations. We have been open Lunch through Dinner 7 days a week since our grand opening in early July, with our breakfast service starting up in the fall of 2018.

We have enjoyed the acceptance of the community, and the growing popularity of our café. We have not made any major marketing efforts in favor of slow, word-of-mouth growth approach.

Following on our original plan, we are hoping to add an outside eating option for our customers.

When fully operational, our planned hours of operation will be:

Monday	7:00 am to 10:00 pm
Tuesday	7:00 am to 10:00 pm
Wednesday	7:00 am to 10:00 pm
Thursday	7:00 am to 10:00 pm
Friday	7:00 am to 11:00 pm
Saturday	8:00 am to 11:00 pm
Sunday	8:00 am to 10:00 pm

We have service staff on duty during the following hours:

Monday	11:00 am to 6:00 pm
Tuesday	11:00 am to 6:00 pm
Wednesday	11:00 am to 6:00 pm
Thursday	11:00 am to 6:00 pm
Friday	11:00 am to 6:00 pm
Saturday	10:00 am to 6:00 pm
Sunday	10:00 am to 6:00 pm

The outside eating area will consist of a bar-height perimeter counter for eating (accommodating up to 8 diners), 3 picnic tables (each seating 6 diners), and a propane fueled fire feature with casual seating (seating up to 6 or so)

ATTACHMENT D

Factors that favor this additional use:

- Location's proximity to downtown Fairfax's pedestrian friendly shopping and dining area
- There are few opportunities in Fairfax for outside eating
- Fantastic views and southern exposure
- Location on Sir Francis Drake Blvd. in the Highway Commercial Zone, away from residential areas limits the possibility of problems relating to noise
- Adds to the existing and growing unique dining opportunities in Fairfax
- Both the current CH (Highway Commercial) and proposed CC (Central Commercial) zoning areas permit both individual uses (bicycle/retail store and restaurant/café)

Approximate square footage of the outside dining area is 800 sq ft.

Number of employees during busiest shift: 8 employees (estimated) on a Saturday afternoon shift

We seek permission to build the patio to provide an alfresco dining option for our customers when the weather permits its use, not to expand our total seating capacity.

Fairfax Master Planning Application. Page 13 addendum

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.

Response: Splitrock Tap & Wheel will be open to the public and will comply with all applicable codes, statues, and laws.

The development and use of property, as approved under the use permit, shall not create a public nuisance, 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, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

Response: Splitrock Tap & Wheel will be located in the Highway Commercial zone of the downtown area. The location has a large parking lot with multiple entrances and exits. The business being carried out at the location is not significantly different from other businesses in the area (grocery store, dining, and shopping), and the addition of the outside eating area would not be a significant departure from business activities typical of the downtown area. As such, no adverse physical or economic impacts should be expected.

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, development plan or other plan or policy, officially adopted by the town.

Response: Adding an outside dining area to the café will not run contrary to the goals or objectives contained in the Town of Fairfax Municipal Code of Ordinances. Further to that, Splitrock Tap & Wheel will become a unique business that will add to the character of the Town of Fairfax.

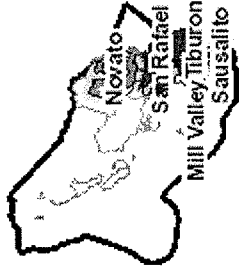
Clarification of Business names and operations

Understanding there may be some confusion about our business name(s), I'd like to make a clarification. While most residents of Fairfax see us as Splitrock Tap & Wheel, we actually operate 3 distinctly different businesses here at 2020 Sir Francis Drake.

The Corporate name of our company is WOODTOWN SPORTS LLC, and we have 2 DBA's under this corporate "umbrella".

DBA Splitrock Tap & Wheel – This is the retail store that most people in Fairfax know us as. This is both a bike shop (sales, service, and accessories), and the café space.

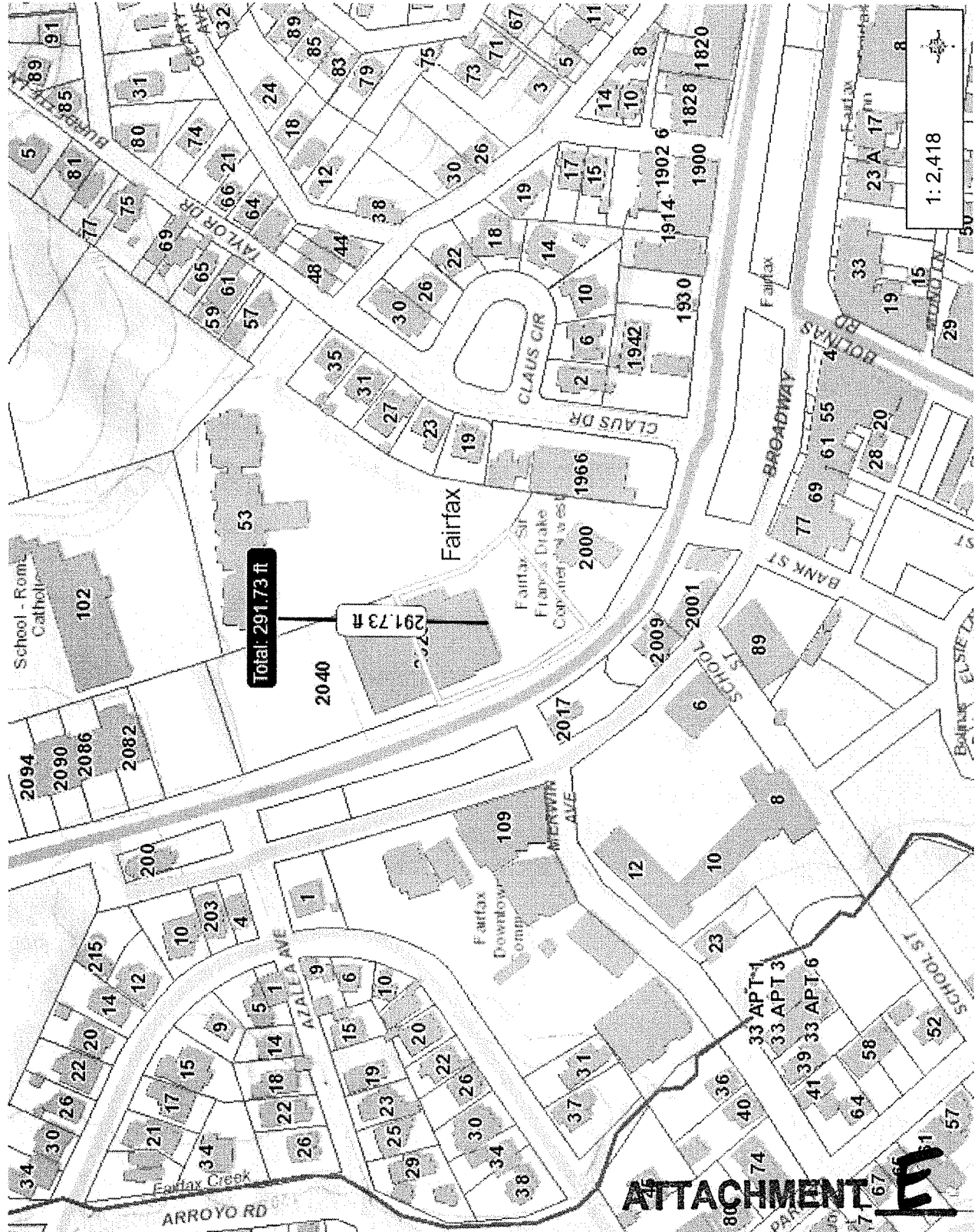
DBA Whyte Bikes USA – This is our bicycle brand. We are the exclusive North America retailer for these bikes, and we sell them through our website (www.whyteusa.bike) directly to our customers in Canada, Mexico and the USA. All Whyte Bikes sold in North America are built and shipped from our location at 2020 Sir Francis Drake Blvd. here in Fairfax. Our architect knows us as Whyte Bikes, which is why this appears on the drawings.



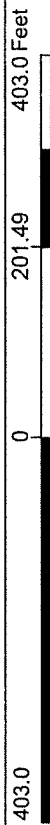
Legend

- Parcel Note
 - ◻ easement
 - ◻ centerline
- Address
- Building Footprint
- Parcel
- Condominium Common Area
- Mobile Home Pad
- City
- Community
- Marin County Legal Boundary
- Other Bay Area County
- Stream - Perennial (NHD)

Notes



1: 2,418



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
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ATTACHMENT

