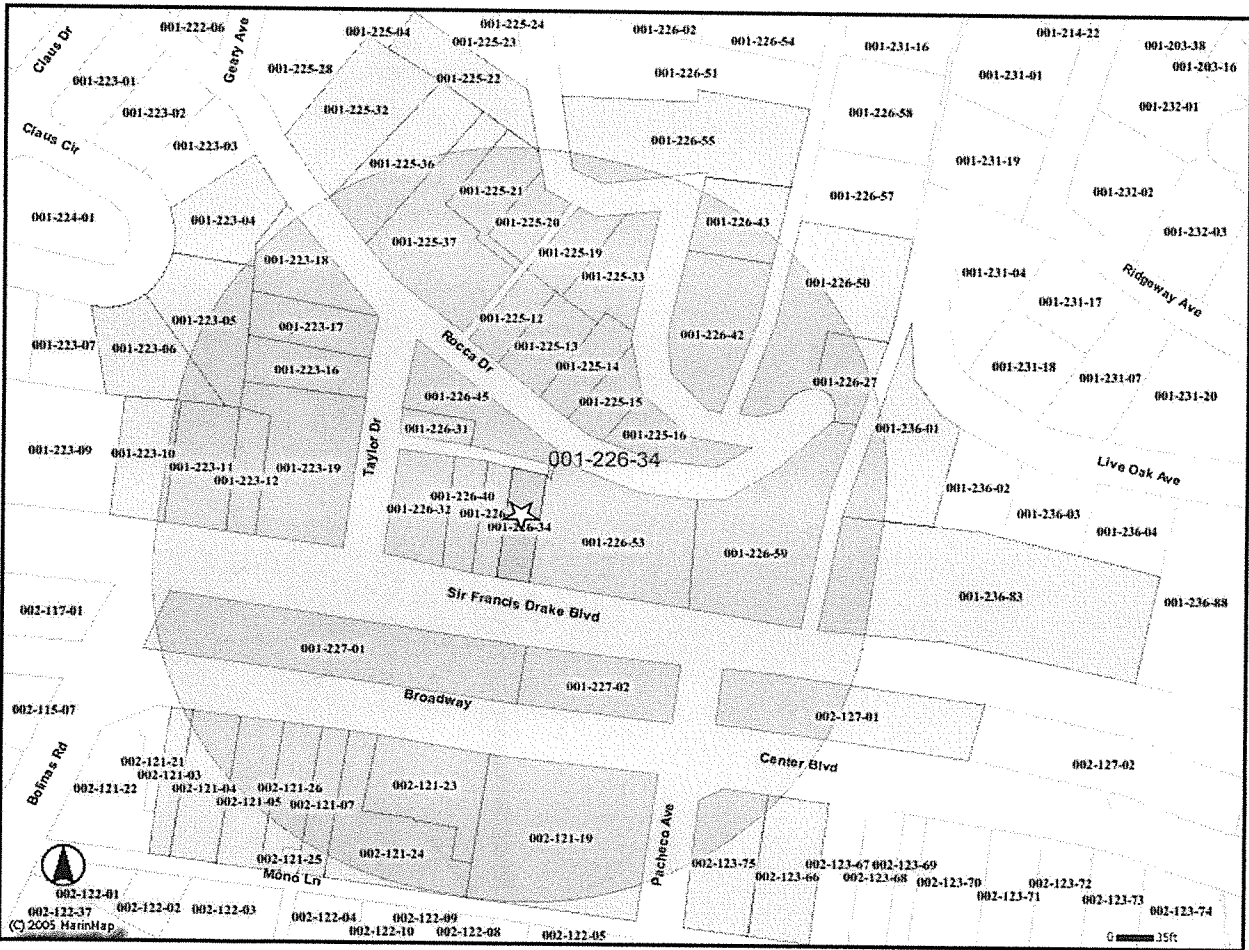


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: January 15, 2015
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Principal Planner
LOCATION: 1820 Sir Francis Drake Blvd.; 001-226-34
ZONING: Central Commercial CC Zone District
PROJECT: Conversion of a commercial space to a tea shop
ACTION: Use Permit and Parking Variance; Application # 15-01
APPLICANT: Tracy Brien
OWNER: Russell Marney
CEQA STATUS: Categorically exempt, §15301(a)



1820 SIR FRANCIS DRAKE BOULEVARD

BACKGROUND

The 2,500 square foot site is level at the front but slopes up steeply at the rear. The site is developed with a structure that was original constructed some time before the Town's incorporation in 1930 and was remodeled and upgraded in 2012. The structure contains a commercial space and bathroom on the first floor and a three bedroom, 2 bath residential unit on the second floor.

DISCUSSION

The applicant is proposing to remodel the 840 square foot commercial space, installing tables, bench seats and counter seating to accommodate 33 seated customers inside. The applicant is also proposing to have one communal table in the rear outdoor area along with potted plants to create a tea "meditation" area that can seat up to 6 persons.

The applicant would also like to have live acoustic music that utilizes instruments such as the Japanese flute and sitar to play middle-eastern and other types of mellow music very different from other live music typically found at other venues in Fairfax that have live music use permits.

In addition to serving and selling tea the applicant is working with the Marin County Health Department to include in the remodel the improvements that will be necessary to serve pre-made and packaged food, prepared off-site. Food will not be the main focus of the business but will be a lighter type fare available as an accompaniment to the tea.

Hours of operation are expected to be from Monday through Thursday from noon to 8:00 PM and Fridays and Saturdays from noon to 10:00 PM. The applicant expects there to be two to three employees at any one time.

The applicant is proposing to erect one 16.5 square foot sign with the business identification name "Wu Wei Tea Temple" displayed above the door. This sign complies with the sign ordinance and only requires staff approval. Staff will issue the sign permit to the applicant if the required discretionary permits are approved by the Planning Commission.

The proposed business requires the approval of a Use Permit by the Commission.

A Use Permit: Town Code §1717.100.050(A) indicates that establishments operating outside a building require a Use Permit, Town Code §17.100.050(C) indicates that establishments providing entertainment require a Use Permit and Town Code §17.100.050(F) requires that uses that combine retail and service activities require a Use Permit. Therefore, the proposed tea shop requires the approval of a Use Permit.

The live music will be acoustic only and will not extend beyond the business hours of operation which end Monday through Thursday at 8:00 PM and at 10:00 on Fridays and

Saturdays. Staff has included a recommended condition of approval that if the Use Permit is approved, the rear door to the outdoor meditation patio will remain closed when live entertainment is occurring to minimize its impact on neighboring residential properties on Rocca Drive.

The limited hours will also minimize the impact of noise from the outdoor seating on adjacent residential properties. If the Town receives complaints that noise from the outdoor eating or the live music violate the Town's noise ordinance, Town Code Chapter 8.20, the use permit will be scheduled for a public hearing for possible modification or revocation.

Parking

The change in use does not require a parking variance because the parking requirement for the last use of the space for retail and the parking requirement for a restaurant is identical. The previous use was as an art gallery (Mine) and before that a book store. Town Code § 17.052.030(F) requires 4 spaces for this type of retail use in an 840 square foot space. Town Code 17.052.030(H) requires 1 parking spaces for each 200 square feet of floor area for restaurants for a total of 4 spaces required for 840 square foot building (the code does not require additional parking for outdoor seating).

Other Agency/Department Comments/Conditions

Marin County Environmental Health – the final project plans will require review and approval by the Health Department prior to issuance of the remodel building permit.

Ross Valley Sanitary District – Any permit issuance for this building requires a sewer connection permit from the Sanitary District. The building will not be released for occupancy until the District's permit requirements are fulfilled.

Fairfax Building Department – The front entrance does not have the required 60 inch by 60 inch landing at the exterior front door to comply with Americans with Disability Act regulations. These regulations must be met before occupancy is allowed.

RECOMMENDATION

Adopt Resolution No. 15-04 approving application # 15-01 for a Tea House with live music and outdoor seating at 1820 Sir Francis Drake Boulevard.

ATTACHMENTS

Exhibit A – Resolution No. 15-04

Exhibit B - Applicant's supplemental information

RESOLUTION NO. 15-04

A Resolution of the Fairfax Planning Commission Approving the Use Permit for a Tea House that will Combine Tea Retail Sales, Tea and Food Service Business, Including Outdoor Service and Live Acoustic Music at 1820 Sir Francis Drake Boulevard

WHEREAS, the Town of Fairfax has received an application to operate a combination tea retail sales of tea and tea and food service with outdoor seating and live acoustic music in 840 square feet of the building at 1820 Sir Francis Drake Boulevard; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on January 15, 2015 at which time the Planning Commission approved the Use Permit; and

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

WHEREAS, the Commission has made the following findings:

1. The proposed combination retail sales food and tea service business will fit in and not conflict with any of the other businesses or residential uses in the immediate neighborhood. Therefore, 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.
2. The business hours of operation Sunday through Thursday from 12:00 noon to 8:00 PM and from 12:00 noon to 10:00 PM on Fridays and Saturdays. Therefore, the approval of the Use Permit 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. Approval of the use permit is consistent with those objectives, goals or standards pertinent to the particular case and contained in the Fairfax Zoning Ordinance.
4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

EXHIBIT # A

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

1. The applicant 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, 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 use of the site shall remain consistent stipulations required for the site and for the stipulations contained in this resolution for the retail tea/food and tea service with outdoor seating and live acoustic music. Any violations of the noise ordinance resulting from either the indoor or outdoor use will result in the Use

Permit being scheduled for a Commission review hearing for either modification of the Use Permit or revocation.

6. Marin County Environmental Health – the final project plans will require review and approval by the Health Department prior to issuance of the remodel building permit.
7. Ross Valley Sanitary District – Any permit issuance for this building requires a sewer connection permit from the Sanitary District. The building will not be released for occupancy until the District's permit requirements are fulfilled.
8. Fairfax Building Department – The front entrance does not have the required 60 inch by 60 inch landing at the exterior front door to comply with Americans with Disability Act regulations. These regulations must be met before occupancy is allowed.

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 15th day of January, 2015, by the following vote:

AYES:

NOES:

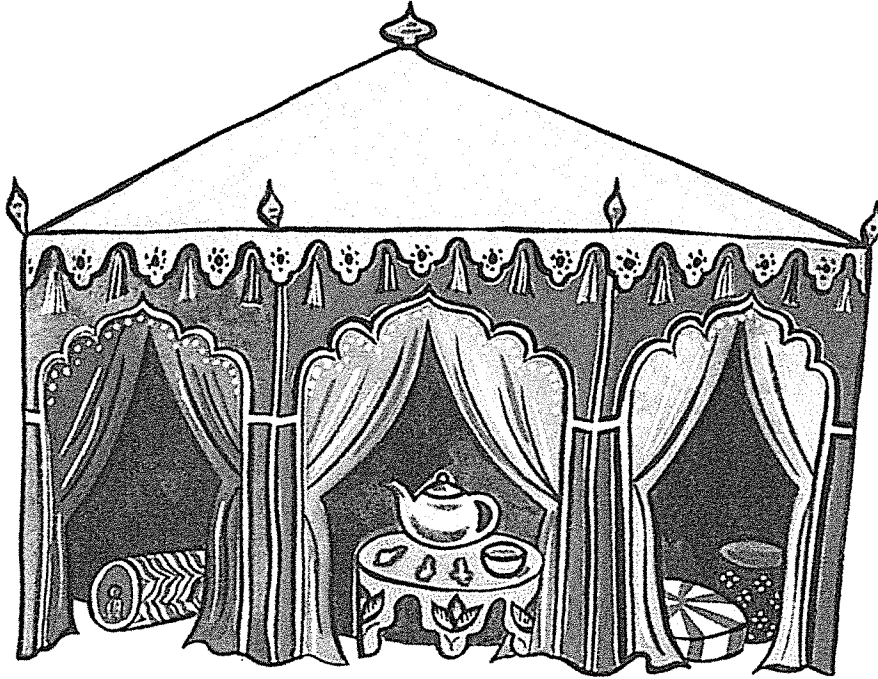
ABSENT:

Chair, Philip Green

Attest:

Jim Moore, Director of Planning and Building Services

PROPOSAL
1820 SIR FRANCIS DRAKE



Wu Wei Tea Temple

Wu Wei Tea Temple
Tracy Brien || tracy@wuweiteatemple.com || 415-516-2578

EXHIBIT # **B**

(1)

WU WEI TEA TEMPLE 1820 SIR FRANCIS DRAKE

Experiencing the Ritual of Tea

The Wu Wei Tea Temple is a perfect fit for the Fairfax and surrounding communities. The Tea House will be able to support people in the community who are looking for a quieter place to recharge and nurture themselves.

What is a Tea House?

Tea houses have been around for hundreds of years. They are used as a gathering places for communities through-out the world. The teas found in a tea house are often rare and are made in a hand crafted way that expresses the unique expression of the tea farmer who made the tea. This tea house will be able to support both the Tea Connoisseur as well as the person who has never tried tea before.

The Wu Wei Tea Temple will be selling rare, artisanal tea from around the world. You'll be able to buy a cup, or pot of tea, and/or purchase dry tea leaves to make tea for yourself at home.

Who Would Benefit from a Tea House in Fairfax?

Over the past year, I have been selling my teas in and around Fairfax at the Farmer's Market as well as through participating in events in Marin. I have learned that I attract a really interesting cross-section of people. Kids are enchanted. Parents are amazed by how much their children like teas. People who are seeking caffeine free-alternatives love to taste and try all my herbals teas. People who want to slow down and add more ritual into their busy lives find themselves lingering in my company for extended periods of time.

Use Permit to be a Café that sells some (limited) Retail

I am applying for a use permit to be a tea house that both sells a warm cup of tea, as well as, being able to sell dried tea leaves for a customer to take home. I am envisioning that I will sell an occasional tea pot and tea leaves to encourage people to integrate the ritual of tea in their own home.

Live Music

With Fairfax being known in Marin for it's nightlife and music – I too want to offer live (acoustic) music in the Tea Temple. Musical styles that come from the Silk Roads Trades Routes, such as the Japanese Flute, the Sitar, Middle Eastern music... just to name a few examples. Music that is soothing, gentle and that awakens the quieter spirit within each of us. There are many very accomplished musicians here in Marin who specialize in these kinds of instruments and it would be wonderful to support this musical community.

Outdoor Garden

At this location there is a less than 400 square foot garden area in the back. I would love to use this area as a tea garden with one large communal table surrounded by potted trees,

statues and plants. A quiet place outdoors, a place to meditate, watch the birds, read a book, relax.

Hours of Operation

I am thinking Noon until 8pm (most nights). On Friday and Saturday I'd like to be open until 10pm (maybe even 11pm if the community supported it).

How Many Employees

I am thinking two to three employees.

About the Wu Wei Tea Temple

To me the Wu Wei Tea Temple is going to be much like all of my other favorite businesses in Fairfax -- meaning being a place for community to gather. The vision is about supporting local musicians that place music from the silk roads, supporting local micro-food purveyors, along with supporting quieter more contemplative members of our community though having a tea garden and opening them up to the world of tea.

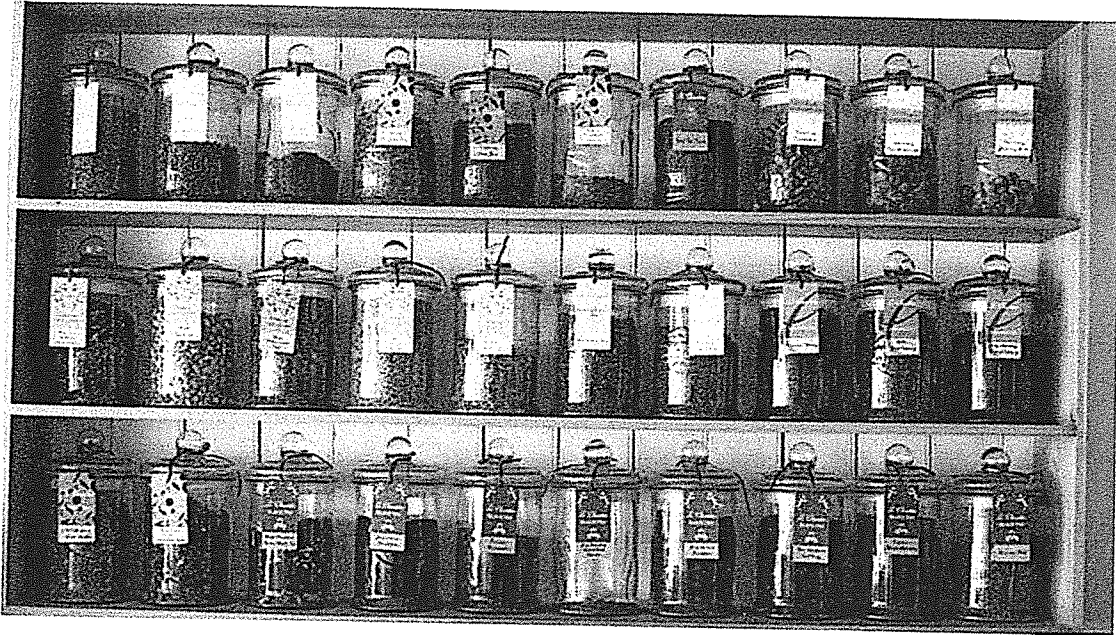
The Food Plan

I am in conversation with several different micro-businesses, who are utilizing commercial kitchens for catering. What I am envisioning is to purchase fresh pre-packaged food from these local micro-businesses. What I have been speaking with the health department about is just emptying the food from the container onto a plate (returning the empty containers to the vendor upon new daily shipment arrivals). I am envisioning no cutting, no measuring, just keeping the food portion really simple.

The more complex piece of this puzzle is that I want a menu that reflects spices and cuisine from the silk roads.

The Tea Menu

(Notice how I integrate the price for the tea to be consumed in the tea house is listed above the price for the same tea to be purchased in the dry leaf format.)



Chinese Black Tea

Your Choice Gaiwan, Tea Pot or Gung Fu Tea Set

Steep 3-5 minutes 203-212°

YUNAN ROYAL GOLD 6

One of the world's great black teas, a rich smooth tea consisting of just golden buds.

LOOSE TEA SAMPLE (1OZ) 12
4OZ OF LOOSE TEA 36

ZHEN QU 6

Stunning black tea from Yunan Province with rich honey-like aroma and taste.

LOOSE TEA SAMPLE (1OZ) 12
4OZ OF LOOSE TEA 36

BLACK PAGODA 6

Unique black tea with a sweet, mellow flavor.
Steep 1-2 minutes.

LOOSE TEA SAMPLE (1OZ) 12
4OZ OF LOOSE TEA 36

YUNNAN IMPERIAL 4.25

Large, golden leaf tips give the full sweet-spicy taste and malty, soft aftertaste to this top quality tea.

Wu Wei Tea Temple

Tracy Brien || tracy@wuweiteatemple.com || 415-516-2578

LOOSE TEA SAMPLE (1OZ) 8
4OZ OF LOOSE TEA 24

KEEMUN 3.5

Soft, finely aromatic & very mild with a bouquet that is spicy & a little sweet.

LOOSE TEA SAMPLE (1OZ) 5
4OZ OF LOOSE TEA 16

GUNPOWDER 3.5

Hand-processed tea with a medium-dark infusion and slightly smoky note.

Steep 4-5 minutes 203-212°
LOOSE TEA SAMPLE (1OZ) 4
4OZ OF LOOSE TEA 12

LAPSANG SOUCHONG 3.5

Bold, crisp, and smoky.

LOOSE TEA SAMPLE (1OZ) 5
4OZ OF LOOSE TEA 16

BARREL AGED LAPSANG SOUCHONG 6

Aging in Willet Rye Barrels creates a unique mixture of smoky & sweet notes.

Steep 4-5 min. 203-212°
LOOSE TEA SAMPLE (1OZ) 16
4OZ OF LOOSE TEA 48

Pu-erh

Your Choice Gaiwan, Tea Pot or Gung Fu Tea Set

YOUNG PU ERH 3.5

Steep 2-10 minutes 203-212°
LOOSE TEA SAMPLE (1OZ) 4
4OZ OF LOOSE TEA 12

AGED PU ERH 4.25

Aged 5 years to create a bold, rich cup with no astringency.

Steep 3-7 min 212°
LOOSE TEA SAMPLE (1OZ) 8
4OZ OF LOOSE TEA 24

1999 VINTAGE MINI TUO CHA 4.25

Smooth, rich & sweet.

LOOSE TEA SAMPLE (1OZ) 8
4OZ OF LOOSE TEA 24

2001 OAK BARREL AGED PU EHR 6
Plucked from centuries old trees, cave aged, then aged in oak barrels 3 years. An incredibly smooth and delicious tea enjoyable for 3 infusions.

LOOSE TEA SAMPLE (1OZ) 16
4OZ OF LOOSE TEA 48

2006 VINTAGE GREEN PU EHR 6
Hand-picked from ancient trees, this tea has a flowery honey flavor & sweet aftertaste.

Steep 10-30 seconds at 185°
LOOSE TEA SAMPLE (1OZ) 12
4OZ OF LOOSE TEA 36

YI WU PURPLE MAO CHA 4.5
Wild tree harvested, surprisingly sweet, natural grassy note at the front end & a lingering, sweet finish.

Steep 1 minute.
LOOSE TEA SAMPLE (1OZ) 6
4OZ OF LOOSE TEA 18

Oolong

Your Choice Gaiwan, Tea Pot or Gung Fu Tea Set

ORIENTAL BEAUTY 6
A superb example of one of the world's great teas.

Steep 2-3 minutes 203-212°
LOOSE TEA SAMPLE (1OZ) 12
4OZ OF LOOSE TEA 36

MOUNTAIN OOLONG 6
This lightly oxidized oolong is buttery with notes of tropical fruit and cane sugar.

Steep 2-3 minutes 203-212°
LOOSE TEA SAMPLE (1OZ) 8
4OZ OF LOOSE TEA 24

FREAK OF NATURE 6
This rare and extraordinary tea is grown where there is a very large daily temperature fluctuation, which creates outrageous buttery shortbread notes. Limited supply available around the world.

LOOSE TEA SAMPLE (1OZ) 20
4OZ OF LOOSE TEA 60

IMPERIAL PEARL OOLONG 6

A rare brandy oolong with dark amber color & sweet flavor with notes of cinnamon, nutmeg, honey, and orange peel.

Steep 2-3 minutes 203-212°
LOOSE TEA SAMPLE (1OZ) 8
4OZ LOOSE TEA 24

GABA OOLONG 6

Very popular in Japan for its reputed health benefits, this tea is oxidized in a nitrogen-rich environment to developed higher concentrations of GABA & anti-oxidants.

Steep 2-3 minutes 212°
LOOSE TEA SAMPLE (1OZ) 8
4OZ OF LOOSE TEA 24

BLACK PEARL OOLONG 6

This beautiful Sumatran tea is grown in the mineral-rich, volcanic soils of Indonesia and produces a naturally sweet tea with the taste of red apples.

Steep 2-3 minutes 212°
LOOSE TEA SAMPLE (1OZ) 8
4OZ OF LOOSE TEA 24

2003 GREEN HEART AGED OOLONG 6

This highly oxidized and high-fired aged oolong has flavor notes that include raisins and crackers lightly flavored with honey and a smooth, milky sweet aftertaste.

Steep 2-3 minutes 212°
LOOSE TEA SAMPLE (1OZ) 8
4OZ OF LOOSE TEA 24

FORMOSA OOLONG 3.5

Smooth, slightly sweet & toasty.

Steep 3-5 minutes 185-190°
LOOSE TEA SAMPLE (1OZ) 4
4OZ OF LOOSE TEA 12

TI KUAN YIN IRON GODDESS OF MERCY 3.5

A light oolong with hints of orchid-like flavor.

Steep 3-5 minutes 185-190°
LOOSE TEA SAMPLE (1OZ) 4
4OZ OF LOOSE TEA 12



Wu Wei Tea Temple

ELEVATION
 $1/4" = 1'-0"$

TOWN OF FAIRFAX

NOV 13 2014

WU WEI TEA TEMPLE

RECEIVED

1820 SIR FRANCIS DRAKE BLVD FAIRFAX, CA AP No. 001-226-34

