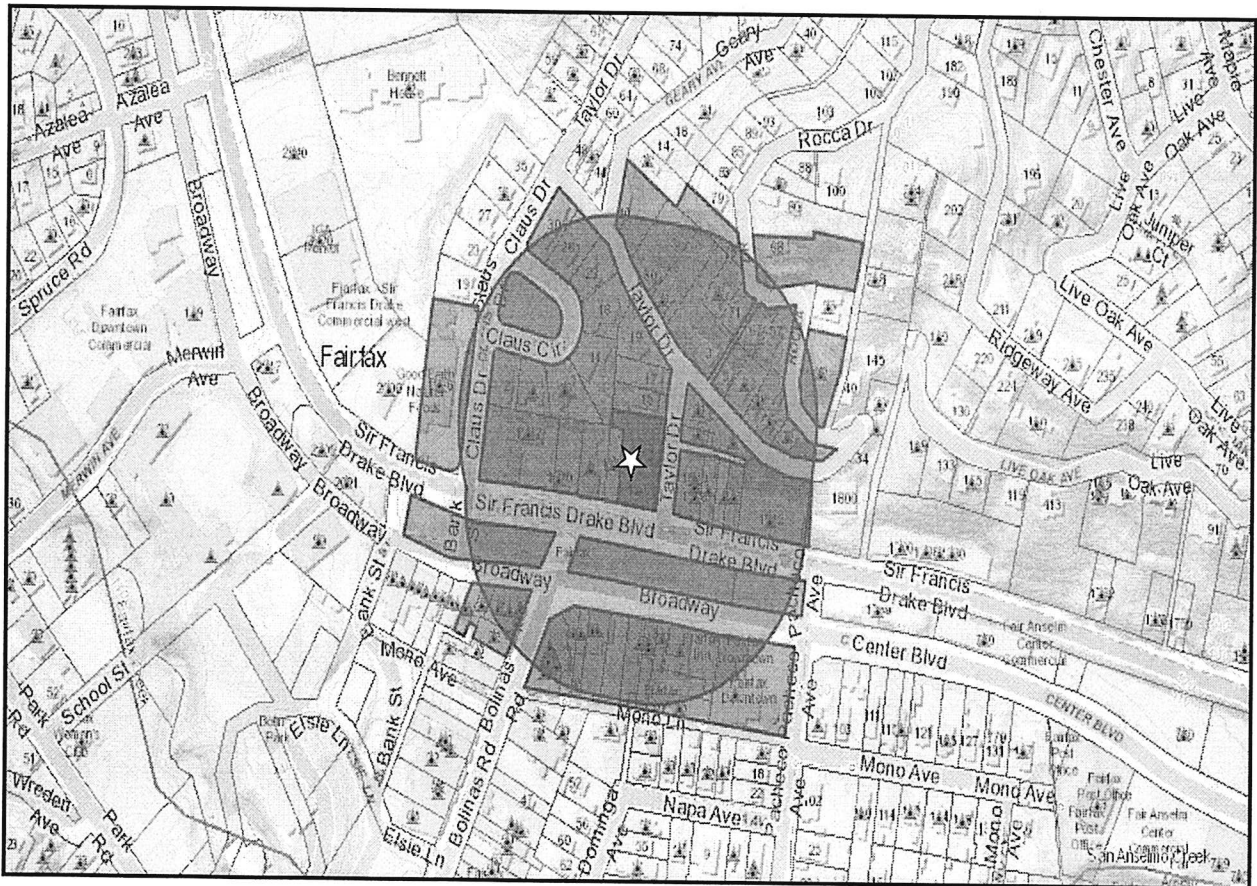


**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** December 17, 2015  
**FROM:** Jim Moore, Director of Planning and Building Services  
Linda Neal, Principal Planner  
**LOCATION:** 1906 Sir Francis Drake Blvd.; Assessor's Parcel No. 001-223-19  
**ZONING:** Central Commercial CC Zone District  
**PROJECT:** Tattoo Studio/Sale of Local Arts and Crafts  
**ACTION:** Design Review Modification; Application # 15-34  
**APPLICANTS:** Adam Roach and Nathan Gonzalez  
**OWNER:** Majid Mahani  
**CEQA STATUS:** Categorically Exempt, §15301(a)



**1906 Sir Francis Drake Boulevard**

## **BACKGROUND**

The Planning Commission approved a Use Permit and Design Review Permit for a tattoo studio in the existing commercial space at 1906 Sir Francis Drake Boulevard on November 18, 2015, by adopting Resolution No. 15-35 (Attachment A).

## **DISCUSSION**

### **Design Review**

On November 18, 2015, the Commission approved the applicants' proposal to paint the exterior of the commercial space a yellow color (Sherwin Williams, Lemon Chiffon, SW 6686) with a dark mustard trim (Sherwin Williams, Auric, SW 6692).

The applicants are now requesting a modification of their approved Design Review Application to paint the exterior of the commercial space a dark grey/blue color (Sherman Williams "Labradorite" - # 7619) with white trim (Sherwin Williams – white) and two bands (stripes) of a copper color (Sherwin Williams "Copper Mountain" - # 6356) above the doors and windows (Attachment B – color samples and color elevation). The applicants have decided they would like to carry their interior color scheme to the outside of the building.

The neighboring commercial spaces and the apartments upstairs are painted a pale yellow with white trim. The proposed exterior color change to blue with white trim and the copper detailing stripes will not have a negative impact on, and will compliment, the neighboring building color schemes while giving the space its own identity.

### **Other Agency/Department Comments/Conditions**

No agencies or departments had any comments or conditions to place on the proposed color changes.

## **RECOMMENDATION**

Move to approve the modification to Application # 15-34 based on the finding that the proposed change in the approved color scheme complies with the Design Review criteria contained in Town Code § 17.020.040 and will protect the interests of adjacent businesses.

## **ATTACHMENTS**

Attachment A – Resolution No. 15-35

Attachment B – New Color Palette and Color Elevation

## RESOLUTION NO. 15-35

### **A Resolution of the Fairfax Planning Commission Approving the Use Permit for a Tattoo Studio with Some Retail Sales at 1906 Sir Francis Drake Boulevard**

**WHEREAS**, the Town of Fairfax has received an application to operate a tattoo studio with some retail sale of arts and crafts by local artists in the 1,014 square foot commercial space at 1906 Sir Francis Drake Boulevard; and

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on November 18<sup>th</sup>, 2015 at which time the Planning Commission approved a Use Permit and Design Review Application for the tattoo studio use; 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:

#### **General Plan Consistency**

##### *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.

#### **Use Permit Findings**

1. The proposed Tattoo studio 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 will operate from 11:00 AM to 7:00 PM, 7 days a week and is not expected to generate any unusual noise or odors or create any unusual impacts. 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 not expected to have any negative impacts on the public or the community.
5. The proposed exterior color palette will relate harmoniously to the adjacent commercial spaces.
6. The proposed exterior changes are of a quality and character appropriate to and serving to protect the value of public and private investments in the area.

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

#### **Planning Commission**

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. Signage must be erected in the window and be kept in place at all times advising potential patrons that no one under 18 is allowed.
3. 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.
4. 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.
5. 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.

6. The use of the site shall remain consistent with the stipulations contained in this resolution for the tattoo studio. Any violations will result in the Use Permit being scheduled for a Commission review hearing for either modification of the Use Permit or revocation.
7. Approval of this use permit does not add "tattoo studios" to list of permitted uses in the Central Commercial CC Zone District contained in Town Code § 17.100.040.

### **Ross Valley Fire Department**

8. The building fire alarm system shall be extended into areas of tenant improvement. Notification devices throughout shall be required for this project. A separate deferred permit shall be required for these modifications. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems

9. Illuminated exit signs shall be provided at each exit from the space.

10. A2A10BC rated fire extinguisher shall be located every 75 feet of travel or for each 3000 square feet of area.

11. Address numbers at least 6" tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required.

### **Marin County Environmental Health Department**

12. The Marin County Environmental Health Department has reviewed the floor plans and given preliminary approval for the layout and location of the handwashing

station and the sterilization room. Their only condition is that they be contacted to do a final inspection before the Town does its final inspection and issues the occupancy permit.

### **Ross Valley Sanitary District**

13. Sanitary District No. 1 will place a hold on said property once the building permit is issued. This hold prevents the remodeled building from being released for occupancy until the District's permit and sewer requirements are fulfilled. It is the owner's responsibility to obtain a sewer connection permit from the District Office and meet all the District's requirements pertaining to the private side sewer/lateral.

### **Marin Municipal Water District**

The project site is currently being served. The purpose and intent of these services are to provide water for commercial use. The proposed remodeling of a portion of the existing structure for use as a tattoo studio will not impair the District's ability to continue service to this property.

14. The business must comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation as a condition of water service. Indoor plumbing must meet specific efficiency requirements. Questions should be directed to the Water Conservation Department at (415) 945-1497.

15. Should backflow protection be required, said protection shall be installed as a condition of water service. Question regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1531.

### **Fairfax Building Department**

16. The remodel will require the application for and issuance of a plumbing permit.

### **Miscellaneous Conditions**

17. All conditions of outside agencies must be complied with unless the conditions are waived in writing to the Town by said agency.

18. All Planning Commission conditions contained in this Resolution must be complied with unless modified or eliminated by the Planning Commission after a public hearing.

**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 18<sup>th</sup> day of November 2015, by the following vote:

AYES: Ackerman, Frogoso, Gonzalez-Parber, Hamilton, Newton, Chair Green

NOES:

ABSENT: Kehrlein



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Chair, Philip Green

Attest:



\_\_\_\_\_  
Jim Moore, Director of Planning and Building Services

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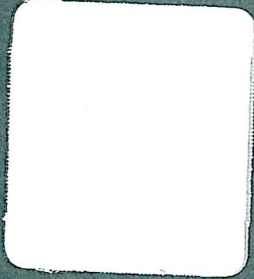
SW 7004  
Snowbound

SW 7005  
Pure White

SW 7006  
Extra White

SW 7007  
Ceiling Bright White

SW 7619  
Labradorite



COPPER MOUNTAIN SW 6356 P

CS 10

ATTACHMENT B



