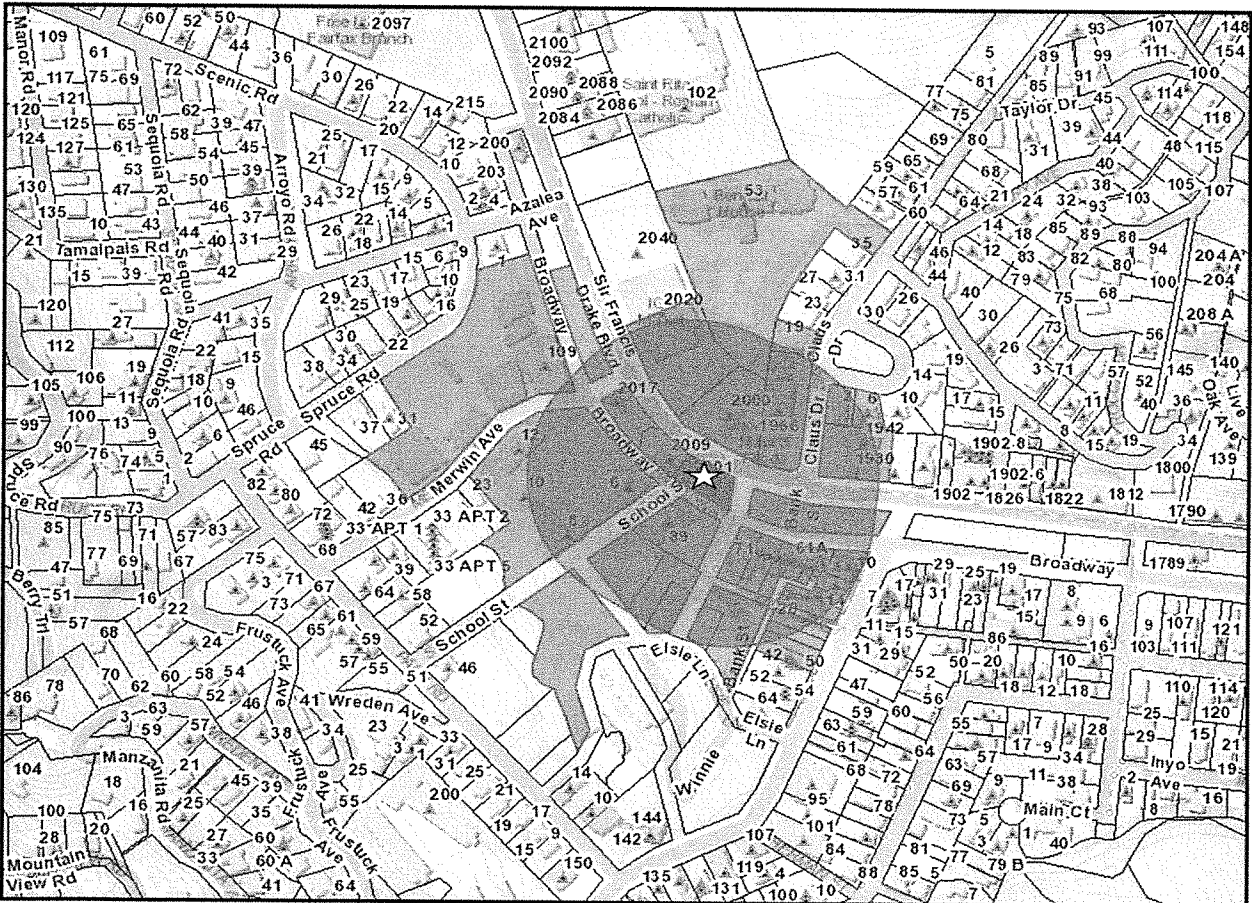


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: June 18, 2015
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
LOCATION: 2001 Sir Francis Drake Blvd.; Assessor's Parcel No. 002-116-04
ZONING: Highway Commercial CH Zone
PROJECT: Exterior changes to existing commercial property
ACTION: Design Review, Parking Variance, Loading Space Variance
APPLICANT: Brian and Elizabeth Back
OWNER: Arash Salkhi
CEQA STATUS: Categorically exempt, § 15301(a) and 15303(c).



2001 SIR FRANCIS DRAKE BLVD.

BACKGROUND

The 8,700 square foot site slopes down at a rate of 7% from the southwest corner to the eastern side property line. There is no record of when the 1,950 square foot structure was built although it was some time prior to 1969. The site was remodeled in the early 70's and was a Chevron Station with an auto repair shop until the mid 90's when it became the independent station, Fairfax Gas. The business last obtained a business license in 2008 and closed either late 2008 or early 2009.

The property owner had previously submitted discretionary applications to reopen the site as a Chevron Station with a Convenience Market which was denied by the Town in 2013.

The owner then submitted plans to convert the site to a food service use in August of 2014. The site plan for that approved project is attached as Exhibit E. That project, approved by the Commission on September 25, 2014, was looked upon favorably by the staff and the Commission because it did two things:

- (1) The design restored the Bank Street public right-of-way, that had been used by the Chevron station for years, to the Town; and
- (2) The project incorporated a redesign of the parking lot so that it conformed to the Town parking regulations and met with the approval of the Town Traffic Engineer.

DISCUSSION

The applicants are now proposing to open a restaurant on the site that will include indoor seating for 53 and outdoor seating for 43 (total seating for 96). The outdoor dining area will include an unstructured space that can be used as a children's area or other outdoor flex space use. Please note: The owners have indicated that their business plan requires that they have a certain minimum number of seats.

The parking area has been modified from what was approved by the Commission in September of 2014, to create the outdoor seating area, eliminating the truck loading area and decreasing on-site parking spaces from 10 to 9.

The September 2014 design review approval was for minor exterior changes to the building involving new paint, filling in the roll up auto service doors, a new monument sign, landscaping, etc. The current submittal includes significant changes to the exterior façade of the building and street scape, new signage, landscaping and installation of a pedestrian pathway that will run through the site and connect the cross walk that runs from the corner of Bank Street to the public parking lot with a public sidewalk on the south side of Sir Francis Drake Boulevard that will be installed by the

applicant at the direction of the Town Traffic Engineer. Further discussion of each aspect of the proposal follows.

Traffic Impact

A traffic impact study was prepared for the gas station/convenience market. That study indicated that a gas station/market at 2001 Sir Francis Drake Boulevard would not significantly impact the existing levels of service of the adjacent intersections and therefore, would not have a negative impact on traffic on the surrounding streets.

The applicant's traffic engineer, W-trans, has provided staff with an analysis indicating the proposed restaurant will generate fewer average daily vehicle trips than the gas station/convenience store (Exhibit C). The Town Traffic Engineer reviewed the vehicle trip generation rates provided by the Institute of Transportation Engineers and determined that a high turnover, sit-down food service use would generate fewer daily and peak period vehicle trips than the convenience market with eight vehicle fueling bays that had previously been proposed. The traffic study prepared for the previously proposed use determined that the traffic generated by the gas station/convenience store would not result in any significant changes to the level of service at any of the nearby intersections. Therefore, the Town Engineer has made the determination that the proposed restaurant use, which will generate much less traffic than the previously analyzed use, does not reach the threshold that would require the review and approval of a Traffic Impact Permit (Exhibit D).

Site Circulation and Parking

Town Code sections 17.052.030(H) and 17.096.120(B)(1)(2) both require 1 parking space for each 200 square feet of building square footage for restaurants and undesignated uses in the Highway Commercial CH Zone.

The parking lot has been redesigned so that it no longer includes any portion of the Town's Bank Street public right-of-way but does require an exception to the parking regulations for the CH Zone to provide only 9 parking spaces instead of the required 10 spaces and no designated truck loading zone. Please note: Having fewer than the required number of parking spaces can increase pass-by trips and traffic congestion as vehicles search for parking off site.

Use of the on-site parking by the proprietors will not be necessary because they live close-by and employees will be encouraged to avoid parking on-site by offering them cost saving benefits for utilizing public transportation and bicycling. A maximum of 10 employees are expected to be on site during the busiest shift.

The applicants have addressed the lack of a delivery vehicle loading area by indicating they will only contract with companies that have small delivery vehicles available and that deliveries will only be allowed when the restaurant is not open (Exhibit F - e-mails from applicant).

The original submittal by the applicants proposed reusing the undeveloped Bank Street right of way previously used by the gas station for the restaurants private parking and provided only 5 parking spaces (sheets L0 through L3 of the project plans show the originally submitted site plan). Staff and the Town Traffic Engineer questioned the use of the Town easement for private parking, the substandard parking, substandard parking lot aisle width and lack of a truck loading area.

Staff then met with the applicant's and advised them that we were unable to support the parking lot as proposed and recommended that they redesign it. Staff indicated that in order make findings to approve an exception to the parking regulations we have to be able to find that the parking and circulation requirements cannot be met. The previously approved plan in September of 2014 shows that the regulations can be complied with (Exhibit E).

There are always many different ways to design a project to meet both the code and the needs of an applicant. Staff believes that further examination of how the parking lot and the indoor and outdoor seating areas relate to each other may be warranted. Further analysis and/or redesign may allow the project to be redesigned to provide the required 10 parking spaces and could free up additional site area for delivery truck maneuvering. A couple of alternative designs that could be considered by the Planning Commission include:

Alternative 1: Eliminating the outdoor flex space and relocating some of the outdoor seating to that area to improve the parking lot circulation. Perhaps the site is too small to accommodate the 96 seats the business plan requires and to have outdoor flex space as well.

Alternative 2: Keeping the kitchen and bathrooms in the location shown on the September 2014 plan. The floor space that was going to be used by the convenience store for the cold case cabinets can provide additional seating. This type of redesign could allow more room to propose a parking a circulation plan more similar to the existing approved plan that complies with the Town Code regulations.

Alternative 3: Perhaps the flex space can be relocated so it is adjacent to the parking lot and can be used as parking and loading area during normal operations but can also be cordoned off for special occasions and used as additional seating area or outdoor performance space. Please note: the Use Permit request includes a request to allow live entertainment - owner plans to have a monthly gospel brunch a couple of Sundays each month from 11:00 AM to 1:00 PM with roughly 3 singers and an amplified keyboard (See Exhibit F- applicant's 6/11/15 e-mail).

However, while staff believes the project can be redesigned to meet the parking requirements we also believe that the loss of one space will not have a significant

impact on traffic or parking due the sites proximity to the public parking lots on Mono Avenue, the ball field lot and the parkade parking lot.

Furthermore, in the Highway Commercial Zone, adjustments to the parking and loading requirements can be made via conditions and findings set forth in the approval of the Conditional Use Permit [Town Code § 17.096.120(C)(2)}. In order to approve an adjustment to the parking code regulations, the Commission should be able to find that conditions incorporated into the project approval, meet the intent of Parking Ordinance and minimize the impacts of the decreased parking and truck loading area on the public.

Findings for approval of the requested adjustments to the parking regulations contained in the Conditional Use Permit application could include the following:

- The applicants have redesigned the project to provide all but 1 of the required on-site parking spaces and they have located all of the parking on the private property and out of the Bank Street easement.
- They have provided a turning ratio analysis for the proposed parking lot verifying that automobiles and small (e.g. 24 foot or less) delivery vehicles can safely enter and exit the lot without significantly impacting adjacent traffic flows.
- Only small delivery vehicles may access the site to deliver goods and supplies and only when the business is not open to the public (Between 10:00 PM and 6:00 AM). Note: See Exhibit F – applicant’s e-mail dated 5/29/15.
- Prior to issuance of the building permit the applicant shall provide a written description of the incentives they will incorporate into their business plan and operations to encourage employees to walk, bike or take public transportation to work.

Encroachment Permit

The applicants are proposing to install a private pedestrian path from Sir Francis Drake Boulevard to the Broadway & Bank Street intersection, portions of which will be located on the public easement. Therefore, if this part of the application is approved, they will have to obtain a Public Works Encroachment permit from the Fairfax Public Works Manager prior to pouring the pathway.

Design Review

The proposed exterior changes include the following:

- The mansard roof will be retained but will be cleaned and repaired and the fascia board will be painted a light grey/white (Valspar, Butterfly Wings VR115D)

- Much of the façade will be resurfaced with blackened wood cladding and the areas that will not be resurfaced will be stained to complement the cladding (Valspar, Sooty Lashes VR115A)
- The rear of the building will be repaired and repainted a tan color as needed (Valspar, Watership Down 22-1C).
- The roll up doors that used to access the car repair area of the building will be replaced with aluminum and glass roll up garage doors.
- The entrance will be redesigned with wood and glass doors and a wood pedestrian door will be added on the west side of the glass roll up doors.
- A fence and trellis are proposed along much of the Sir Francis Drake frontage although the fence will be replaced with a 4 foot tall concrete wall on the west side of the parking lot entry and a 4 foot fence east of the entrance. The fence east of the parking entrance will vary in height from 3 ½ feet in height to 5 feet. The fence will be made of blackened wood in a herringbone pattern and the trellis will be of wood and steel and will contain lighting and heating systems.
- The garbage area will be located inside an enclosure with a blackened wood façade that will match that of the building and fences.
- Outdoor tables, chairs, fire pits and umbrellas will be installed in the outdoor seating area and are of a quality that will enhance the building design changes. The style of the outdoor furniture to be used is clean and modern. The outdoor fire pits will be gas.

All the proposed design changes are of a quality and character that will improve the site, create an interesting and well composed façade and complement the adjacent commercial developments.

Sign Program

The sign ordinance limits businesses to having only 2 signs displaying the business identification name, with one of the signs erected on the building façade and the second being a projecting sign. The total sign square footage may not exceeds 1 square foot of sign for each 1 foot of building linear frontage [Town Code § 17.064.050(A)]. The building frontage measures 80 feet so this site can have 80 square feet of signage and still be in compliance with the Code.

Sign programs that conform to the sign ordinance can be reviewed and approved by staff. However, conforming signage often is unable to meet the advertising and identification needs of some unique sites in the Town and this is one of them.

The applicants are proposing to erect the following 3 signs on the site:

- A double sided monument sign of concrete and wood with metal sign copy that includes a planted wire wall in the design and will be externally lit from below. The sign is 34 square feet and displays the business identification name, "the Station" on both sides and will be illuminated with halo lighting. Town Code § 17.064.050(D)(3) counts the area of double faced signs as only 1 sign, where the faces are parallel such as this proposed monument sign].
- An 11 square foot wood sign over front door with the business identification name, "The Station" in metal with backlighting.
- A 16 square foot children's art wall that will change from time to time on the south side of the building. Staff has included a condition that this sign be relocated on the site. The art wall is proposed for the south side of the building where there is no sidewalk and no safe way to view this display, which constitutes a sign based on the definition of sign found in Town Code § 17.064.020, definition of sign. This sign must be located to an alternative spot on the site where it can be viewed safely.

The sign program that proposes a total of 61 square feet of signage complies with the Town Code square footage limit. However, the monument sign and the number of signs requires that the Commission grant the sign program and exception [Town Code §§ 17.064.050(B) and 17.064.060(G)].

In order to approve an exception to the sign ordinance regulations, which a monument sign requires, the Commission must be able to make one of the following findings:

1. Exceptional or extraordinary circumstances or conditions, not resulting from any act of the owner or applicant, apply to the location under consideration and not generally to other business or properties in the vicinity.
2. The exception is the minimum necessary to serve the sign's intended use.
3. The application submitted is extraordinary and outstanding in design; or
4. The sign is of historical significance.

The substantial setback of the building from Sir Francis Drake Boulevard is the circumstance that warrants approval of a monument sign with another sign over the entry door in this location and similar exceptions have been granted for adjacent First Federal Savings and Loan and M & G Burgers.

New Landscaping

New landscaping beds will be installed and be planted with new plant material. A drip irrigation system will be installed. Both the plants and the irrigation system will be water

conserving and unplanted bed surfaces will be mulched to minimize water evaporation. The final landscaping plan will be subject to review and approval by both Marin Municipal Water and the Planning Department to ensure the plans meet MMWD Title 13 and the area between the parking spaces and the Bank Street public right-of-way is adequately landscaped.

Site Clean-up

According to the Bay Area Regional Water Quality Control Board that has been overseeing the clean-up of the gas station residues from the site soil, the site meets the criteria of the State Water Board's Low Threat Case Closure Policy and the case file deadline to contest the closure expired on May 27, 2015. The wells will be removed or be disabled shortly and then the case file will be closed (Exhibit G).

Other Agency/Department Comments/Conditions

Marin Municipal Water District

1. 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, landscaping and irrigations plans must be reviewed and approved by MMWD prior to installation of the landscaping plan.
2. Should backflow prevention be required it shall be installed and inspected by a District Inspector prior to the project final inspection.

Ross Valley Sanitary District

A connection permit will be required. The size of the sewer lateral will depend on the fixture count which will be calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count the applicant can either install a new lateral or test the old lateral in the presence of a District Inspector to verify the lateral meets current requirements prior to the project final inspection.

Ross Valley Fire Department

1. The building shall be provided with a fire suppression system and sprinkler monitoring system that complies with Fire and Building Code requirements. A separate deferred permit shall be obtained from the Fire Department and plans and specifications for the system shall be submitted by and individual/firm licensed to the design/design build sprinkler systems (required prior to building permit issuance)
2. A fire alarm system shall be installed throughout the building. The system requires a permit from Ross Valley Fire and shall be designed and submitted by

3. a company or individual licensed to design/design and build alarm systems (required prior to building permit issuance).
4. Commercial cooking lineups require the hood and duct work be protected by a pre-engineered fire suppression system. A separate deferred permit shall be required for each system. Plans and specifications for the system shall be submitted by an individual/firm licensed to design/design and build fire suppression systems. A Class K extinguisher shall be provided and shall be noted on the submitted plans (required prior to building permit issuance).
5. A 2A10BC rated fire extinguisher shall be located every 75 feet of travel or 3000 square feet throughout the property.
6. Address numbers sized in accordance with Ross Valley Fire Standard #205 must be placed adjacent to the front door and on the monument sign.
7. The fire pit areas shall remain clear of flammable and combustible vegetation and other material at all times.
8. All decorative materials including upholstered fabrics shall be made of non-combustible materials, be factory flame treated or have flame treatment applied by a California State Fire Marshal approved licensed contractor. Certificates shall remain on site for each product and be readily available upon request.

Marin County Environmental Health Department

The project plans must be submitted and be approved by the Environmental Health Department prior to issuance of the building permit.

Marin Municipal Water District

1. The properties current water entitlement is 0.76 acre feet which will be insufficient for the proposed use. Additional water entitlement will need to be purchased.
2. A High Pressure Water Service application must be filed with a copy of the building permit and the applicant will need to comply with all the District's rules and regulations in effect at the time of the permit application. The application must include verification of indoor fixtures compliance, the landscaping plan, irrigation plan and grading plan.
3. The applicants shall comply with the backflow prevention requirements and provide evidence they have been complied with prior to the project final inspection and issuance of an occupancy permit by the Building Department.

Fairfax Building Department

1. The construction plans submitted to the Building Department must include details showing that the project is compliant with accessibility upgrades required by the Building Code. This includes the proposed pedestrian walkway.
2. Construction plans shall be provided for all pedestrian walkway/sidewalk areas shall be subject to review and approval by the Public Works Manager prior to issuance of the building permit.

Fairfax Public Works Department

Plans shall be submitted for the pathway that will connect with Town improvements for review and approval by the Public Works Director prior to its installation.

Miscellaneous Conditions

Conditions placed upon the project by other agencies or departments can be waived in writing by those agencies or departments. Conditions placed upon the project by the Commission can only be modified or waived by the Commission.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing and discuss the project.
3. Move to approve application # 15-18 by adopting Resolution # 15-20 granting a Use Permit, Design Review approval and a Sign Permit for the proposed modifications to 2001 Sir Francis Drake Boulevard

ATTACHMENTS

Attachment A – Resolution No. 15-20
Attachment B – Applicant's supplemental information
Attachment C – W-trans traffic Analysis
Attachment D – Town Traffic Engineer's memorandums of 4/24/15 and 5/12/15
Attachment E – Previously approved site plan
Attachment F – Applicant's e-mail addressing delivery vehicles
Attachment G – Site clean-up information, report from Pangea and 3/25/15 letter from the San Francisco Bay Regional Water Quality Board

RESOLUTION NO. 15-20

A Resolution of the Fairfax Planning Commission Approving the Use Permit for a Restaurant with Indoor and Outdoor Seating, Design Review, and Sign Permit to Allow the Operation the Station Restaurant at 2001 Sir Francis Drake Boulevard

WHEREAS, the Town of Fairfax has received an application to create the Station Restaurant at 2001 Sir Francis Drake Boulevard; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on June 18, 2015 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 Use Permits, Design Review and Sign Permit; and

WHEREAS, based on the traffic analysis provided, other documentary evidence in the record, as well as testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary permits.

WHEREAS, the Commission has made the following findings:

1. The property is designated for commercial use in the Fairfax General Plan and is located in the Highway Commercial Zone District and it is located along the Town's main traffic corridor Sir Francis Drake Boulevard. Therefore, the approval of the use permit for outdoor seating and limited live music 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 are from 6:00 am to 10:00 pm Monday through Sunday and the site is not located immediately adjacent to any residential sites. Therefore, the approval of the Use Permit and use of property as approved 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 General Plan Land Use Policy No. LU-7.2.3 indicates that, "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. The traffic analysis and parking turning radius information prepared for the proposed project by W-trans and S_SK Studio verifies that the property can be developed as proposed without significantly impacting traffic in the area. The redesign of the onsite parking will minimize impacts on surrounding streets and properties. Therefore, the

Conditional Use Permit is consistent with those objectives, goals and standards pertinent to the particular case and contained or set forth in the General Plan and 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.
5. The proposed exterior changes comply with the Design Review Criteria set forth in Town Code § 17.020.040.
6. The applicants have redesigned the project to provide all but 1 of the required on-site parking spaces and they have located all of the parking on the private property and out of the Bank Street easement.
7. The redesign includes a turning ratio analysis for the proposed parking lot verifying that automobiles and small delivery vehicles can safely enter and exit the lot without significantly impacting adjacent traffic flows.
8. Only small delivery vehicles will access the site to deliver goods and supplies and only when the business is not open to the public. The limited hours will enhance the function of the lot for parking during business hours and also help minimize impacts on traffic passing the site during commute and other busy traffic hours when Sir Francis Drake Boulevard and Broadway can become congested (Between 10:00 PM and 6:00 AM).
9. The business plan will incorporate incentives to encourage employees to walk, bike or take public transportation to work to limit those using the on-site parking to customers.
10. The proposed sign program, is the minimum necessary to alert traffic passing both east and west by "the Station" restaurant.

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

1. This approval is limited to the development illustrated on the plans prepared by Studio Skaggs Kennedy dated June 10, 2015, pages A0.01 and A0.02, A1.00, A100.1, A1.01, A1.02, A2.10, A2.20, A4.10, A4.20, A4.21 and the survey prepared by Ziebatech Land Surveying dated May 31, 2013.
2. Prior to issuance of a building permit the applicant or his assigns shall:
 - a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:

- Construction delivery routes approved by the Department of Public Works.
- Construction schedule (deliveries, worker hours, etc.)
- Notification to area residents
- Emergency access routes

b. Submit a bond, letter of credit or cash deposit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.

c. The applicant shall submit a bond, letter of credit, or cash deposit to the Town in an amount that will cover the cost of landscaping and irrigation materials and installation prior to issuance of a building permit. The amount shall be retained for 18 months after issuance of the Certificate of Occupancy to ensure that all new landscaping becomes established.

d. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.

e. Submit plans for the private walkway for approval by the Public Works Department and Building Official

f. Submit a landscaping and irrigation plans for Planning Department review and approval.

g. Sign, notarize and record the Revocable Encroachment permit at the Marin County Recorder's Office.

h. The final parking lot design and adjacent roadways circulation shall be reviewed by the Town Traffic Engineer to determine if any additional traffic safety signs are required as a result of the new parking lot. If additional signage is required it shall be paid for by the applicant, but be installed by the Town Public Works Crew under the supervision of either the Town Traffic Engineer or the Public Works Manager.

3. During the construction process the following shall be required:

a. Prior to the concrete pour for the public sidewalk the private walkway linking Broadway with Sir Francis Drake and improvements required for any accessibility features, the concrete forms shall be inspected and approved by the building official.

b. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.

c. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

4. Prior to issuance of an occupancy permit the following shall be completed:

a. All the parking lot improvements shall be completed.

b. The landscaping and irrigation shall be completed.

5. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.

6. During construction developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".

7. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of permit # 15-18. Any construction based on job plans that have been altered without the benefit of an approved modification of per 15-18, will result in the job being immediately stopped and red tagged.

8. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

9. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the

Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

10. 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.

11. The applicants 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.

12. 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 Planning Commission (when required).

13. Prior to any improvements to the Bank Street easement, the town traffic engineer shall review and make recommendations for any necessary modifications to the site to ensure continued use of the site does not create traffic hazards. Any proposed changes shall be subject to the approval of a Use Permit modification by the Planning Commission.

14. Direct and reflected glare and excess site brightness from the remodeled structure shall be minimized.

15. Light trespass beyond the property lines shall be minimized especially from the trellis.

16. Any lighting mounted on the building shall be recessed or shielded so the light source is not directly visible from the property line and the light is directed downward.

17. The applicant shall record a revocable encroachment permit for the station improvements that are located with the public easement at the Marin County Recorder's Office prior to issuance of the building permit for the project.

18. The use of the site shall remain consistent with the stipulations required for the site and contained in this resolution.

19. Live music shall be limited to unamplified singing with 1 amplified key board no more than once a week on Sundays between the hours of 11 AM and 1 PM.

Modifications to the use permit will be subject to review and approval of a Use Permit modification from the Planning Commission.

Ross Valley Sanitary District

A connection permit will be required. The size of the sewer lateral will depend on the fixture count which will be calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count the applicant can either install a new lateral or test the old lateral in the presence of a District Inspector to verify the lateral meets current requirements prior to the project final inspection.

Ross Valley Fire Department

1. The building shall be provided with a fire suppression system and sprinkler monitoring system that complies with Fire and Building Code requirements. A separate deferred permit shall be obtained from the Fire Department and plans and specifications for the system shall be submitted by and individual/firm licensed to the design/design build sprinkler systems (required prior to building permit issuance)
2. A fire alarm system shall be installed throughout the building. The system requires a permit from Ross Valley Fire and shall be designed and submitted by a company or individual licensed to design/design and build alarm systems (required prior to building permit issuance).
3. Commercial cooking lineups require the hood and duct work be protected by a pre-engineered fire suppression system. A separate deferred permit shall be required for each system. Plans and specifications for system shall be submitted by an individual/form licensed to design/design and build fire suppression systems. A Class K extinguisher shall be provided (required prior to building permit issuance).
4. A 2A10BC rated fire extinguisher shall be located every 75 feet of travel or 3000 square feet throughout the property.
5. Address numbers sized in accordance with Ross Valley Fire Standard #205 must be placed adjacent to the front door and on the monument sign.
6. The fire pit areas shall remain clear of flammable and combustible vegetation and other material at all times.

7. All decorative materials including upholstered fabrics shall be made of non-combustible materials, be factory flame treated or have flame treatment applied by a California State Fire Marshal approved licensed contractor. Certificates shall remain on site for each product and be readily available upon request.

Marin County Environmental Health Department

The project plans must be submitted and be approved by the Environmental Health Department prior to issuance of the building permit.

Marin Municipal Water District

1. The properties current water entitlement is 0.76 acre feet which will be insufficient for the proposed use. Additional water entitlement will need to be purchased.
2. A High Pressure Water Service application must be filed with a copy of the building permit and the applicant will need to comply with all the District's rules and regulations in effect at the time of the permit application. The application must include verification of indoor fixtures compliance, the landscaping plan, irrigation plan and grading plan.
3. The applicants shall comply with the backflow prevention requirements and provide evidence they have been complied with prior to the project final inspection and issuance of an occupancy permit by the Building Department.

Fairfax Building Department

1. The construction plans submitted to the Building Department must include details showing that the project is compliant with accessibility upgrades required by the Building Code. This includes the proposed pedestrian walkway.
2. Construction plans shall be provided for all pedestrian walkway/sidewalk areas shall be subject to review and approval by the Public Works Manager prior to issuance of the building permit.

Fairfax Public Works Department

Plans shall be submitted for the pathway that will connect with Town improvements for review and approval by the Public Works Director prior to its installation.

Miscellaneous Conditions

Conditions placed upon the project by other agencies or departments can be waived in writing by those agencies or departments. Conditions placed upon the project by the Commission can only be modified or waived by the Commission.

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

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 18th day of June, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Philip Green

Attest:

Jim Moore
Director of Planning and Building Services



TOWN OF FAIRFAX

APR 13 2015

RECEIVED

April 13, 2015

Response to Comments dated April 1, 2015

Dear Ms. Neal,

Thank you very much for the response to our initial submittal. Today we file additional material requested.

- (14) Full scale Site plans 1:40 with Claus intersection and turn lanes and pavement edges (Exhibit A)
 - (14) Full scale site plans
 - (14) full scale sign elevations and plan of all existing and proposed signs w dimensions
 - (14) full scale revised landscape sheets including a lighting plan (4 sheets)
 - (1) Sign permit application with (5) proposed sign application page 3 (Exhibit D)
 - (14) Color samples (Exhibit E)
 - (1) Use permit application (Exhibit F) page 12 and 13
- Exhibit B of Engineering Review Authorization was previously submitted.

DESIGN REVIEW

The Station does plan to have outdoor umbrellas. The fabric color and style has been included in the Color Sample Packet. The Applicant removed it's request for a sign on the BBQ wall.

Live Music

Applicant removes request for any live music at this time. Gospel Brunch once a month on Sundays is planned. This is singing only with no instruments. The singers will be in front of the Children's Play area to the west of the BBQ grill.

Non-Auto Focus

The Project emphasizes bicycling and pedestrian focus rather than an automobile focus. Please see attached "Project Circulation Element" for details.

Bathrooms

Bathrooms are intended for patrons and guests of The Station and will be maintained privately.

Best regards,
The Backs

ATTACHMENT **B**



TOWN OF FAIRFAX

MAR 26 2015

RECEIVED

Project Description

Fairfax may just be the best place on the planet to live and work! In our small Town, residents can enjoy walking and biking to businesses aside beautifully landscaped homes, through bustling parks, and along tree lined streets. Arriving at Town Center, local businesses complement each other's sales offerings and foster feelings of fellowship. Keep walking and, oh no! What is this blighted, dilapidated center of Town? That is the old Chevron gas station. But no more. Fairfax residents Brian and Elizabeth Back are transforming the 1,950 square-foot vacant building into a beautiful garden-restaurant: **The Station!** The business name calls upon the rich Fairfax history as a former train station as well as current transit center adjacent to the Parkade (63 yards away), Marin Transit bus stop (120 yards away), and bicyclists hub.

The Project is located on the west end of Town Center at 2001 Sir Francis Drake Blvd, on the south side of Sir Francis Drake, west of the Town's public parking at Claus at Broadway, north of Broadway and east of First Federal Savings and Loan. The zoning designation is Highway Commercial and the General Plan designation is Central Commercial. The property is adjacent to an existing right of way (ROW) approximately 24 feet wide that may become the future Bank Street through street connecting Bolinas Road to Sir Francis Drake Blvd. There are seven Town owned parking stalls adjacent to the ROW and Project. The Project proposes to improve the connection of the Town parking lot to sidewalk. Two redwood trees will need to be removed for this sidewalk connection. Sadly, these two young redwood trees have been previously topped and are stunted in growth. The Project proposes to mitigate this redwood tree removal by planting six new redwood seedlings in a location at the discretion of the Town.

The family-friendly restaurant proposes to renovate the existing building with a kitchen and approximately 50 indoor seats. After replacing two large operable glass garage doors, the indoor space opens to a beautifully landscaped garden with additional outdoor seating, as well as a safe and securely fenced children's play area creating an additional 50 outdoor seats. The Station plans to offer BBQ and healthy menu items for breakfast, lunch and dinner with business operating hours from 6am to closing at 10pm.

The outdoor BBQ will be comprised of 2 wood burning grills; one dedicated to vegetarian foods only and a physically separated grill dedicated to meats so as to keep separated veggies and meats. The Applicants are conscientious of air quality, smells and emissions from these BBQ grills. Therefore, the Project proposes to install a commercial hood with air quality remediation to the smoke stack that will capture and treat the smoke before released. The hood will need a concrete and steel structure to support its weight. Thus, the Project proposes to create a BBQ Pergola that is approximately 100 square feet in order to make the structure complimentary to the garden character of the outdoor space. An overhead trellis will roof the Pergola and be

★ the ★
STATION
— FAIRFAX, CALIFORNIA —
★

landscaped with a climbing vine and the two walls of the Pergola support vines as well for a green wall effect.

The landscaped trellis continues west to the children's play area to offer diffused sunlight for kids. The kids play area is well protected from street traffic with a wall approximately 7-feet high. Part of the kids area will be sand with digging tools and part of the area will be AstroTurf with space that supports imaginary play and coloring. An interior decorative fence no taller than 30 inches might be installed with a sign that says "No Parents Allowed." It is important to the Applicants that the children's area be safe, clean, well-drained, and that the children remain protected by the structural wall and decorative fencing.

The Project Applicants believe there is a need for bathrooms in the Town for pedestrians and bicyclists. With the requested Parking Variance that reduces parking to five on-site stalls, the Variance allows for the space to create new bathrooms for the community. There are five new bathrooms, two interior and three exterior. The three exterior bathrooms are approximately 108 square feet of accessory structure, physically independent of the existing building. Additionally, the Variance also allows for the space for a landscaped garden. The Station is the primary view for westbound traffic on Sir Francis Drake as well as the entrance to the Town on Claus. The Station proposes to emphasize a natural, green, landscaped aesthetic. If The Station fulfilled its parking requirement, then the entire site would be paved with asphalt making the entrance to Town look like a suburban fast food parking lot or like a highway gas station. Instead of a highway feel, The Station proposes to create a small town character that is pedestrian and bicycle oriented and that continues the human scale of Town Center.

The height of the single-story building will remain unchanged and is estimated at 19 feet high at its maximum grade difference. On the southern wall along Broadway, the Project proposes a children's art space that can rotate periodically (perhaps every month) to display an art project by a child in the community. This art space is located at the terminus of School Street as best seen when walking away from the ball field. No night lighting is proposed on the southern wall. The Applicants seek to maintain the landscaping that straddles the public ROW and on the private property along Broadway. No cypress trees are proposed to be removed, but the Applicant requests to clean up the brush and improve the landscaping.

On the northern and eastern facades, the exterior material pallet has a warm and crafted appearance by using natural materials such as blackened cedar and other reclaimed woods that are durable and weather well.

★ the ★
STATION
— FAIRFAX, CALIFORNIA —

Landscaping has two themes, one for the periphery of the Project and one for the interior. Along the periphery, tall native grasses along Sir Francis Drake give a softened character against the wall. The movement of the grasses (as opposed to fixed bushes) creates waves of motion that activate the sidewalk. Coffeeberry, a native drought tolerant shrub, is proposed near the parking and redwood trees so that an evergreen plant keeps the edges green.

In the interior of the garden, potted plants abound! “Container Gardening” is an opportunity to add funkiness, color and art to the structures of the planting. First, seasonal mixed herbs will be planted such as sage, basil, rosemary and other deer resistant herbs. Additionally, seasonal flowering plants in colorful, even painted pots add color to the garden. Around the trellis, mixed herbs are tended and rotated seasonally. On the trellis, abundant climbing vines will be planted, perhaps hops. Walls between the garage doors and BBQ Pergola walls will receive climbing vines for a green wall effect.

Site lighting is 100% indirect either shielded and/or downwardly oriented. No bulbs will be seen except for the trellis festival lights that are rope like in nature. Lighting of the sidewalk from the parking area is two bollard lights at 30 inches tall designed to light the path for safety. Entering the garden, there are low-level wall lights for safety. Adjacent to the building under the awning in the soffit are down-lights for downward illumination. At the serving counter at the grill, wall lights keep the glow subtle and contained. Sconces on the backside of the restroom serve to light the children’s area.

The monument sign in the parking lot is shielded and illuminated downwardly. Signage on the back of the BBQ Pergola with the words “The Station” as well as the same sign on the mansard rood above the entry doors are designed to be halo lighting. In other words, the letters are illuminated from behind. The monument sign and the sign on the zero waste wall are backlit. In other words, the letters “The Station: are cut into the wood and the wood is backlit. The nature of the lettering is shown in the header of this Project Description, which is the proposed logo and proposed signage.

Geology and Soils

The Station proposed to conduct geotechnical analysis for the two outdoor structure, the accessory bathrooms and the outdoor BBQ pergola. Foundations and footings will be designed by the recommendations of the geotechnical and structural engineer.

Hazards & Hazardous Materials

The Station is a former brownfield. The site has been conducting remediation for several years, and underground storage tanks were removed in January 2015. A Notice of Intent to Issue a No Further Action Letter and Opportunity to Comment was issued on March 25, 2015 by the Regional Water Quality Control Board.



Hydrology and Water Quality

The Project proposes to maximize on-site stormwater retention by installing pervious pavers in any areas that are hardscape, except for sidewalks with ADA requirements.

Noise

During festival events, the Applicant requests to host live music in the outdoor space. The building and walls will shield the noise. All music will cease by 10pm. The nearest residence on the south side of Sir Francis Drake is 500 feet away located at 23 Merwin Avenue. The nearest resident on the north side of Sir Francis Drake is 325 feet away at 2 Claus Circle.

Transportation/ Traffic

Enclosed is a traffic analysis that demonstrates the proposed use, a full service restaurant, will generate less trips than the previously analyzed gas station.

Utilities/ Service Systems

The Project requires all utility systems to be upgraded, installed, or replaced as it was discovered that no existing infrastructure is adequate. This enormous project cost includes a new fire suppression system in the interior of the buildings that requires a new 4" water service lateral from the Project to the water main located in Broadway. A double check backflow preventer will be installed along Broadway within proximity to the closest fire hydrant located on the southwest corner of School Street at Broadway. Additionally, a new sewer lateral will be needed as video investigation discovered problematic integrity. New electrical, mechanical and plumbing systems are required for the interior of the building. New roofing and waterproofing is also needed. The existing building masonry walls will be structurally reinforced. New sidewalks will be constructed creating a contiguous connection from Sir Francis Drake to Broadway. New parking paving and striping will be constructed. New landscaping with irrigation will be installed. The Project must achieve enough outdoor seating to financially support this tremendous infrastructure costs.

The Project promotes its onsite Zero Waste Facility located south of the last parking stall. The Station will offer "waste free" take out by offering a discount to customers who bring in their own dishes to a special "hygienic zone" serving area that transfers meals to dishes but keeps serving tools and serving operations separate from the kitchen with sterilizing after each serving to comply with health department regulations. Napkins will be the only disposable item and will be a compostable material. The Station strives for 100% of its trash to be either recyclable or compostable and will work with vendors and suppliers to meet this goal.



The Station Project Circulation and Town Center Element

"[Fairfax] Community universally values "the small-town feel" of the downtown and wish to preserve it." – General Plan

GOAL C-1: Maintain Sir Francis Drake as a functional regional arterial.

Policy C-1.3: Promote Pedestrian and bicycle circulation to ensure that automobile convenience does not compromise bicycle and pedestrian safety and convenience.

Program C-1.3.2: Pursue implementation of recommendation in the Pedestrian & Bicycle Master Plan to promote safe pedestrian and bicycle circulation. Fairfax Bicycle and Pedestrian Master Plan:

Objective C: Work to build walkways along existing and potential pedestrian rights-of-way

A new sidewalk is proposed by the project along Sir Francis Drake continuing through the property north-south adjacent to the drive aisle connecting to Broadway crosswalk and Town Center in order to create a contiguous pedestrian path from west to east Town Center.

Objective E: Bicycle parking spaces as part of redevelopment projects

At least 30 bicycle racks are proposed in the "bike meadow" of the project.

GOAL C-2: Promote the safe use of collector streets by automobiles, cyclists, and pedestrians.

Policy C-2.2: Maintain the street, sidewalk, and pathway network through a regular maintenance program.

Program C-2.2.2: Promote existing program of Town sharing cost of sidewalk repair/improvements with property owners.

The Station offers to financially build the public sidewalks and to beautify with privately maintained landscaping planters.

Policy C-2.6: Promote safe use of the collector streets for pedestrians and cyclists.

Program C-2.6.1: Provide continuous sidewalks where possible and prioritize these locations where it is most feasible.

The project proposes to construct accessibility from the Town parking lot to the east of the Bank Street Right of Way to the Broadway crosswalk in a public area currently in non-compliance for accessibility.

Goal C-5: Consider pedestrian and bicycle facilities as an integral part of a complete circulation network that provides affordable, healthful and ecological means of transportation.

Program C-5.1.1: Create and improve network per the recommendations set out in the Pedestrian and Bicycle Master Plan as most currently updated.

The Project creates a bicycle node rest stop.



Program C-5.1.2: Create connecting paths for pedestrians and bicycles where deadend streets prevent through circulation in new developments and in existing neighborhoods (e.g. east-west corridors, steps, lanes and paths, and Safe Routes to Schools).

The existing sidewalk on Sir Francis Drake is a dead-end. The project proposes to connect this dead end sidewalk through the project to Broadway in the location where the parking variance is being requested.

Program C-5.1.3: Improve and maintain bicycle and pedestrian infrastructure.

The Project improves and maintains both bicycle and pedestrian infrastructure through new sidewalks, ramps, and bicycle racks.

Policy C-5.2: Improve accessibility and safety of pedestrian links, especially between the Public Library, Town Center (Bolin Road and Broadway), and Fair Anselm.

The project improves the accessibility of the Town parking lot to Broadway.

Policy C-5.8: Bicycle and pedestrian oriented development should be encouraged in the Town Center Planning Area. (Town Center Element Policy TC-3.2.1)

The Project requests a Parking Variance in order to decrease an automobile-centric site plan but rather to create space for a pedestrian path and bicycle parking.

GOAL C-6: Promote less reliance on single-occupant vehicles.

Policy C-6.1: Make land use decisions that encourage walking, bicycling, and public transit use; particularly ensuring existing and future bus service.

Program C-6.1.1: Encourage infill, redevelopment, and reuse of vacant or underutilized parcels employing minimum density requirements that are appropriate to support transit, bicycling, and walking.

The Project proposes a Parking Variance reducing it's required 10 parking stalls to (5) stalls in order to locate 30 bicycle racks and create a 6-foot wide pedestrian path through the project over the location where the extra (5) stall would have gone.

Program C-6.3.9: Develop an employee parking plan for the businesses in the Town.

The Applicants endeavors to park The Station employees on underutilized spaces on neighboring businesses on private property with the permission of those businesses.



GOAL C-8: Improve circulation and safety in the downtown area.

Policy C-8.1: Promote better utilization of the Elsie Lane/Bank Street to connect Bolinas Road to Broadway and Sir Francis Drake Boulevard

Program C-8.1.1: Develop a circulation implementation strategy as part of the Town Center Plan, as called for in the Town Center Element, utilizing the study and recommendations included in the Fairfax Town Center Traffic Concept developed by the GPAC and Crane Consulting
The Project accommodates the future extension of Bank Street east of the Property to connect Bank Street to Sir Francis Drake by maintaining the ability to move all infrastructure 12feet off the temporary encroachment and offers a Revocation License to the Town for Perpetual Revocation of the temporary encroachment permit.

Defining Features along Sir Francis Drake Boulevard

There has been feedback suggesting that Fairfax could look more welcoming, eye-catching, accessible and well-defined to people driving along Sir Francis Drake Boulevard. Possibly a central visual feature (such as a fountain or public art in the Parkade area), or "Welcome-to-Fairfax" archways, or even simply a distinctive pavement treatment could address this, and thus draw more people into the town to support the local businesses.

The monument sign of The Station proposes generous landscaping around the sign to create a garden feel as the terminus vista westbound on Sir Francis Drake.

Goal TC-1: Develop a vision for the Town Center area of Fairfax.

Objective TC-1.1: Work together as a community to develop a vision for the Town Center Area of Fairfax.

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.

Program TC-1.1.1.1: The Planning Commission should define the village character and the pedestrian scale of the downtown area of Fairfax.

At the discretion of The Town, the Applicant respectfully requests a parking variance from (10) stalls to (5) stalls in order to maintain the village characteristic of Town Center. If the property is to develop with (10) stalls, then the character becomes auto-centric, looking like suburban strip center, or an In-and-Out Burger fast food building. If more than half the outdoor space of the property would become paved for parking, then the result would eliminate space for a sidewalk or bicycle parking. The Project would rather provide landscaping, gardens, nature, pedestrian paths, bicycle parking, a community gathering place serviced by an adequate number of restrooms...rather than see (10) parking stalls which would pave over all the green and amenities in the Project.



Goal TC-2: Maintain and enhance the historic character of the Town Center area.

Objective TC-2.1: Work with the community to maintain and enhance the historic character of the Town Center Area.

Policy TC-2.1.1: New and/or renewed development in the Town Center Planning Area should be compatible with the architectural character of the downtown in terms of height, design treatment, colors, textures, and materials. Future buildings constructed in the downtown area shall be within the vertical form of the existing buildings that they might replace.

The existing building is maintained and retrofitted. No new height is added to the project.

Policy TC-2.1.3: New and/or renewed development shall be compatible with the existing scale and character of the Town Center Planning Area. A Significant Buildings and Structures Plan should be created by staff. This plan should inventory and establish policies for preservation of significant structures in the Town Center (see Conservation Element Policy CON-8.1.2 and Policy CON-8.1.4).

The existing building is maintained and retrofitted. No new height is added to the project.

Policy TC-3.2.1: Bicycle- and pedestrian-oriented development should be encouraged in the Town Center Planning Area.

Program TC-3.2.1.1: The Town shall consider bicycle and pedestrian related development a priority when reviewing development applications for the downtown area.

Responsibility: Planning Commission, Planning and Building Services

Policy TC-3.2.9: Provide locations for public art.

The Project offers a Children's Art Wall on the South wall. This is envisioned as a rotating exhibit featuring middle-school and high-school aged children.

Policy TC-3.2.12: Recommendation of native plants and the use of drought-tolerant landscaping.

All landscaping species selected are drought tolerant, low water use, and deer- resistant.

TOWN OF FAIRFAX

MAR 26 2015

RECEIVED



March 26, 2015

Ms. Elizabeth Back
The Station
2001 Sir Francis Drake Boulevard
Fairfax, CA 94930

Whitlock & Weinberger
Transportation, Inc.
490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500
fax 707.542.9590
web www.w-trans.com

Trip Generation Analysis for 2001 Sir Francis Drake Boulevard

Dear Ms. Back;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has reviewed the trip generation potential for a proposed small café project to be located at 2001 Sir Francis Drake Boulevard in the Town of Fairfax, and compared it to the trip generation of a project previously proposed for the same site, which was a gas station with a convenience store. The gas station with a convenience store was evaluated in the *Traffic Analysis for Conversion of Service Bays to a Convenience Market*, W-Trans, August 20, 2013. Based on the trip generation comparison, an assessment was made of the continued validity of the findings and recommendations from the August 2013 traffic analysis.

Project Description

The proposed project would allow conversion of an existing 1,950 square foot vacant building previously used for servicing automobiles into a café with seating for 50 persons indoors. As proposed, an outdoor patio area would also be developed that could accommodate seating for an additional 50 persons.

The anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual*, 9th Edition, 2012. The trip generation potential of the currently proposed project was calculated using the published standard rates for a "High-Turnover (Sit-Down) Restaurant," while trips associated with the previously proposed project were based on the "Convenience Market with Gas Pumps" land use. Trip generation rates are available for a high-turnover restaurant based on both the size of the building (1,950 square feet) as well as the total number of seats, which is 100 when considering both the indoor and outdoor areas. Application of the rates using the number of seats as the independent variable results in a higher estimate of trips daily as well as during both peak periods. Although the outdoor area would typically be used only in good weather, the higher rates associated with seating were conservatively applied for analysis purposes.

As noted in the August 2013 gas station traffic study, some portion of traffic associated with gas stations and convenience markets is drawn from existing traffic on nearby streets. These vehicle trips are not considered "new," but are instead comprised of drivers who are already driving on the adjacent street system and choose to make an interim stop, and are referred to as "pass-by." The percentage of these pass-by trips was developed based on information provided in the *Trip Generation Manual*. Pass-by rates for both the a.m. and p.m. peak periods were applied as a deduction to the overall trips generated by the project to arrive at the number of net-new trips that the project would generate. This number provides the basis of comparison for the proposed project.

As shown in Table I, the trip generation estimates for the proposed café are lower than the net-new trips for the previously studied gas station for all three time periods evaluated, even when applying the more conservative "per-seat" trip rate estimates.

ATTACHMENT A handwritten capital letter 'C' enclosed within a circle, positioned to the right of the word "ATTACHMENT".

Table I
Trip Generation Summary

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Current Project											
High-Turnover (Sit-Down) Restaurant	1.95 ksf	127.15	248	10.81	21	12	9	9.85	19	12	7
	or 100 sts*	4.83	483	0.47	47	24	23	0.41	41	23	18
Prior Project (Aug 2013)											
Conv. Mkt w/Gas Pumps	8 vfp	542.60	4,341	16.57	133	66	67	19.07	153	76	77
Pass-by trips		-64%	2,778	-63%	-84	-42	-42	-66%	-101	-50	-51
Net Primary Trips			1,563		49	24	25		52	26	26
Difference in Primary Trips *			-1,080		-2	0	-2		-11	-3	-8

Notes: ksf = 1,000 square feet; sts = seats; vfp = vehicle fueling positions

* Compared to higher values based on "per-seat" rates


Conclusions

Since the currently proposed café project would result in fewer trips than would have been generated by the previously proposed gas station with convenience market, the conclusions and recommendations reached in the August 2013 traffic study remain valid.

- All study intersections are currently operating acceptably, and are expected to continue operating at the same levels of service with project traffic added. The proposed project is therefore expected to have a less-than-significant impact on traffic operation.
- Access to the site as proposed would be one driveway on the south side of Sir Francis Drake Boulevard, relocated further west than the existing driveway. The driveway has adequate sight distance for vehicles entering and exiting the driveway.
- Pedestrian facilities are incomplete in the project area, including along the site's Sir Francis Drake Boulevard frontage. A sidewalk should therefore be installed along the project site's frontage to provide connectivity to existing pedestrian facilities.
- There are no bike facilities along the project's frontage, so there would be no impact on bike facilities. However, it is recommended that bike racks or other bike parking facilities should be provided on-site.

We hope this information adequately addresses the potential trip generation and impacts of the currently proposed project.

Sincerely,



Dalene J. Whitlock, PE, PTOE
Principal



DJW/az/FAI018.L1

June 11, 2015

Linda Neal, Senior Planner
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Subject: Review of Preliminary Plans for Restaurant at 2001 Sir Francis Drake Boulevard

Dear Ms. Neal:

Pursuant to your request, Parisi Transportation Consulting has conducted a review of the latest preliminary design plans submitted to us on May 28, 2015 for a 1,950 square foot restaurant with seating for 50 persons indoors and 50 persons outdoors (this review is in addition to three reviews previously performed on prior versions of the proposed restaurant project). In addition, we reviewed W-Trans' vehicle trip generation analysis comparing the proposed site with the previously proposed gas station with a convenience store.

The following are our comments:

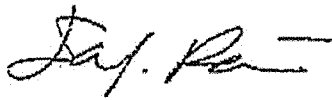
- W-Trans' vehicle trip generation comparison appears to be valid, i.e., based on Institute of Transportation Engineers' trip generation rates a high-turnover restaurant should generate fewer primary vehicle trips than the previously proposed gas station with a convenience store.
- Based on previous input, the applicant has now proposed the provision of a continuous sidewalk along the Sir Francis Drake Boulevard frontage of the site, has provided a sidewalk connecting Broadway Boulevard via Bank Street, has set back parking along the east side of the site with a buffer space separating the Town's Bank Street easement, and has accommodated vehicle turning movements within the site's parking lot (previous versions would have required vehicles to encroach upon Sir Francis Drake Boulevard and/or its sidewalk).
- The site plan indicates the provision of 9 parking spaces exclusive of a separate loading area. Based on Town standards, however, 10 on-site parking spaces would be required, up to 25 percent of which could be compact spaces. It is likely that parking demand for a 100-person restaurant would generate demand for more than 9 vehicle parking spaces, even when considering the proposed bicycle parking plaza. If parking demand cannot be met, some drivers may enter a full parking lot and turn back out of it to seek

alternative parking, and/or added traffic circulation through Town streets and intersections would result in search of parking opportunities.

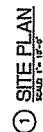
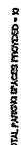
- Town standards also require a 12-foot by 45-foot loading space, separate from parking area, be required. The submitted plan assumes small truck loading within the parking aisleway, with turning maneuvers accommodated within the lot by assuming no vehicles would be parked within the proposed 9 parking spaces. The project applicant claims that all loading would be completed during off-hours when no vehicles, including employee vehicles, are parked within the lot.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Parisi", with a stylized flourish at the end.

David Parisi, PE, TE
Principal



Linda Neal

From: Brian Back <brian@stationmarin.com>
Sent: Friday, May 29, 2015 3:07 PM
To: Linda Neal
Cc: Jim Moore; Sean Kennedy; Maxine Skaggs Kennedy
Subject: Re: delivery vehicles

Hi Linda,

Thanks for the questions/feedback from the Town Traffic Engineer.

The "design vehicle" is a single unit truck w/ minimum turning radius of 42'-0". The radii shown are to assure trucks can fit; delivery trucks of this size can maneuver in tighter radii.

We see our required truck delivery size as an operational mandate. The parking lot is designed for smaller trucks, in the same way certain roads are designed not to accommodate larger trucks. We are focused on sourcing local fresh/perishable food, produce and product that will not be delivered in large semis or "Sysco" type trucks which are more common with gas station/convenient stores with packaged goods sourced from national distributors.

The Station will have an operational plan in place that does not allow larger trucks and keeps the parking lot open during early morning delivery hours. As proprietors who live two blocks away we can receive deliveries and also not take up parking spots. There is no dedicated employee parking, and we will be offering employees cost-saving benefits for utilizing public transportation and bicycling.

Please let us know if there are any further aspects of this we can elaborate on.

Best,
Brian
415-715-7944

On Fri, May 29, 2015 at 8:01 AM, Linda Neal <lneal@townoffairfax.org> wrote:

Hi Brian,

The Town Traffic Engineer would like to know what "design vehicle" you used (i.e., what kind of truck) for the delivery vehicle template and how you will ensure it will always be a small truck? I noted that the maneuvering shown would require a lot of turns and also a clear parking lot (no vehicles parked in the lot). He would like to know where any employees or others would be parked during deliveries.

Linda Neal

Principal Planner

Linda Neal

From: Brian Back <brian@stationmarin.com>
Sent: Thursday, June 11, 2015 3:54 PM
To: Linda Neal
Subject: Re: gospel brunch

Sure. Let's say 11am-1pm range, Sundays. Thanks, Brian

On Thu, Jun 11, 2015 at 3:43 PM, Linda Neal <lneal@townoffairfax.org> wrote:

Can you be more specific about the times this would happen in the morning. Use Permits for live entertainment are usually very specific. The Commission usually wants a specific time range....say from 10 AM to Noon. Noise carries in Fairfax and some people will want assurances that no live music with an amplified keyboard and singing will start to early.

Linda Neal

Principal Planner

From: Brian Back [mailto:brian@stationmarin.com]
Sent: Thursday, June 11, 2015 3:08 PM
To: Linda Neal
Cc: Elizabeth Back
Subject: Fwd: gospel brunch

Hi Linda,

The gospel brunch is something we wanted to try in the beginning to see if it helps bring people in and get to know us and would only continue if popular. So at most it would be once per month or once per week, Sunday mornings, probably two one hour sets and no more than 1-3 singers. There would be no microphones or amplification, just singing, and at most a keyboard and small amplifier for background piano tones. We would like to do this outside from the kids area facing eastward.

Please let me know if there are any further questions about this.

Thanks,

Brian

Hi Elizabeth,

Can you give me more information about the gospel brunch? What time of day will they occur, how long will they last and which days of the week and how often each month will they occur. How large will the gospel singing groups be? Will the singing be amplified. Will the performing be inside or outside or both?

Thanks

Linda Neal

Principal Planner

--

Elizabeth Back

415-235-6225

2001 Sir Francis Drake Blvd.

Fairfax, CA 94930

www.stationmarin.com

Linda Neal

From: Brian Back <brian@stationmarin.com>
Sent: Thursday, June 11, 2015 5:14 PM
To: Linda Neal
Cc: Maxine Skaggs Kennedy; Elizabeth Back; Sean Kennedy
Subject: Fwd: signs
Attachments: halo lit signage.jpg

Hi Linda

For signage what we are showing is simple clean black lettering (painted metal) attached to most likely white alum panel. This panel would then be lit at night (from below lettering on top of roof) which will "halo" light the lettering. Light against the white board could have have amber glow to give it a warm feel. During the day the black lettering will contrast against the white panel. See attached for example of halo lighting.

Re: children's art location, your feedback makes good sense. We are happy to relocate to a more appropriate location. We can strike altogether for now and focus the artwork on the back wall of the kid's area inside the outdoor dining area.

Thanks,
Brian

On Thu, Jun 11, 2015 at 10:05 AM, Linda Neal <lneal@townoffairfax.org> wrote:

Hello Again,

I also need the following clarified:

The awning sign application has the space for logo/accent color filled is as "orange" and the sign background color has been left blank. The elevation appears to show the wood business identification name letter affixed to some kind of background and there is no logo. Will the wood lettering be affixed to a wood board painted to match the greyish white fascia board? That is what the elevation appears to illustrate.

Also, just so you know, I will be recommending that the childrens art wall be relocated. Along the Broadway wall where there is no sidewalk or area for people to stand to view the wall is not a safe location for something that will draw peoples attention.

Linda Neal

Principal Planner

--
Elizabeth Back
415-235-6225

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2001 Sir Francis Drake Blvd.
Fairfax, CA 94930

March 26, 2015

Linda Neal, Senior Planner
Town of Fairfax
Planning Department
142 Bolinas Road
Fairfax, California 94930



TOWN OF FAIRFAX

MAR 30 2015

RECEIVED

Re: **Environmental Review for Planned Development**
2001 Sir Francis Drake Boulevard
Fairfax, California

Dear Planning Department:

On behalf of the prospective property owner Elizabeth Back, Pangea Environmental Services, Inc. (Pangea) prepared this review of environmental conditions with respect to the planned redevelopment as a bicycle café with outdoor dining. On March 25, 2015, the lead regulatory agency issued a letter for notification of their intent to close the case (Appendix A). The lead agency issued this closure intent notification after reviewing the proposed development plan drawing and determining that residual impact does not pose a significant risk to human health given the planned site use. Described below are the site background, a risk evaluation, and conclusions.

BACKGROUND

Current Site Use

The subject site is located along Sir Francis Drake Boulevard within commercial downtown Fairfax. The site is currently occupied by a vacant one-story service station building surrounded by asphalt and concrete pavement. Pangea understands retail gasoline station operations ceased in 2013. On January 15, 2014, the Town of Fairfax denied the property owner's application for a service station at this site. On January 9, 2015, the two 10,000-gallon gasoline underground storage tanks (USTs) and one 5,000-gallon UST were removed with agency oversight, as documented in the *Underground Storage Tank (UST) Removal and Compliance Sampling Report* dated March 2, 2015. Soil and tank pit water analytical results indicated that no significant petroleum hydrocarbon contamination was present near the removed USTs. No holes were observed in the removed tanks and the tanks appeared to be in good condition. The former UST and dispenser locations are shown on Figure 1.

Site Assessment and Cleanup

Petroleum hydrocarbons were discovered at the site in 1998 when the site USTs and the associated piping were removed and/or upgraded. The chemicals of concern at this site have been gasoline and diesel gasoline-related compounds, including TPHd, TPHg, BTEX, MTBE and naphthalene. Since 1998 extensive site assessment and cleanup has been conducted. Site cleanup first involved high-vacuum extraction that removed an estimated 1,611 lbs of petroleum hydrocarbons. In 2013 and 2014, extensive excavation removed a total of 804 tons of shallow soil down to approximately 12 ft depth. The excavation extent is shown on Figure 1.

PANGEA Environmental Services, Inc.

1710 Franklin Street, #200, Oakland, CA 94612 Telephone 510.836.3700 Fax 510.836.3709 www.pangeaenv.com

ATTACHMENT **G**

All accessible soil contamination has been removed from the site to below applicable regulatory criteria for soil, soil gas, and groundwater. Site assessment and cleanup action activities are documented in the *Soil Excavation 2014 Report and Case Closure Request* dated February 28, 2015. The report evaluates site conditions with respect to general and media-specific criteria of the recently adopted State Water Resources Control Board's *Low-Threat Underground Storage Tank Closure Policy* (LTCP).

Regulatory Case Closure Pending

On March 25, 2015, the lead regulatory agency issued a letter for notification of their intent to close the case (Appendix A). The lead agency issued this closure intent notification after reviewing the proposed development plan drawing and determining that residual impact does not pose a significant risk to human health given the planned site use. On March 26, 2015, Pangea mailed the intent-to-close letter to adjacent property owners and occupants, and to the Town of Fairfax Planning Department. Following the 60-day public notification process and addressing any comments, the agency plans to issue final case closure after proper destruction of site monitoring wells. To confirm this regulatory status, feel free to contact Mr. Lambert at (510) 622-2382 or ralph.lambert@waterboards.ca.gov.

Residual Hydrocarbon Impact

Again, all accessible soil contamination has been removed from the site to below applicable regulatory criteria for soil, soil gas, and groundwater. At the completion of extensive excavation, residual soil impact primarily remained adjacent 2001 Sir Francis Drake Boulevard, in deeper soil under the bottom of the former excavation, and at one limited area 5 ft depth at the southeastern boundary of the former excavation. This primary impact of residual hydrocarbons is shown on Figure 1. The residual soil contamination is primarily present from approximately 5 to 11 feet below grade (bgs).

The water table has historically ranged from approximately 2 to 9 ft depth at the site, and residual groundwater impact is primarily immediately downgradient of the former excavation area and between the former dispenser location at well MW-8. The residual soil and groundwater contamination will attenuate (e.g., reduce in concentration) through time due to natural degradation. Recent groundwater monitoring data conducted after final soil excavation confirms that soil excavation have significantly improved groundwater conditions, as documented in the *Groundwater Monitoring Report – First Half 2015* dated February 28, 2015.

Planned Development

The applicant plans to redevelop the site as a bicycle café as shown on Figure A1.00. The development will use the existing structure for a kitchen and indoor dining. The outdoors will be used for outdoor dining, bicycle parking, and vehicle parking.

ENVIRONMENTAL RISK EVALUATION

Releases from USTs can impact human health and the environment through contact with any or all of the following contaminated media: groundwater, surface water, soil, and soil vapor. Although this contact can occur through ingestion, dermal contact, or inhalation of the various media, the most common drivers of health risk are ingestion of groundwater from drinking water wells, inhalation of vapors accumulated in buildings, contact with near surface contaminated soil, and inhalation of vapors in the outdoor environment. The Low Threat Closure Policy (LTCP) adopted by the State Water Resources Control Board evaluated these media, exposure pathways and most common exposure scenarios, and then established the three following media-specific criteria: (1) groundwater, (2) vapor intrusion to indoor air, and (3) direct contact and outdoor air exposure. An evaluation of site-specific media data for this site is presented below in Table A.

Table A – Evaluation of Media-Specific Criteria of LTCP

Satisfy Criteria?	Criteria	Discussion
✓	1. Groundwater	The most recent maximum hydrocarbon concentrations in groundwater were 240 ug/L TPHg, 330 ug/L TPHd, and <0.5 ug/L benzene, and 7 ug/L MTBE. Concentration reduction trends for key wells are included in recent groundwater monitoring report. The RWQCB can use criteria 2 or 5 of the LTCP for groundwater media to justify site case closure.
✓	2. Vapor Intrusion to Indoor Air (Soil Gas)	Direct measurement of soil gas conducted in June 2014 identified only one area (probe SG-1a) that exceeded LTCP criteria of Scenario 4 of Appendix 4 of the LTCP. This soil area was overexcavated in November 2014. Subslab gas sampling within the site building on May 1, 2014 indicated concentrations were well below LTCP criteria as well as applicable environmental screening levels (ESLs) established by the RWQCB for commercial and residential site use. Soil gas data is described in the <i>Soil and Soil Gas Sampling Report</i> dated July 24, 2014.
✓	3. Direct Contact and Outdoor Exposure (Soil)	Soil data indicates that residual soil is below applicable criteria in Table 1 of the LTCP. Residual soil data is also below the RWQCB ESL protective of human health for commercial site use, except adjacent Sir Francis Drake Blvd, at 10 ft depth in one excavation floor sample, and at one sample location (SE-1-5) at 5 ft depth delineated by nearby samples. Sample results are presented in the <i>Soil Excavation Report and Case Closure Request</i> dated March 2, 2015.

With respect to the planned site use, Pangea offers the following information:

- The RWQCB has concluded that the residual impact satisfies criteria of the LTCP and does not pose a significant risk to the environment or human health given the planned site use. The RWQCB issued a notification letter of intent to close the case after review of the planned development, dated March 25, 2015. The letter is presented in Appendix A.
- All soil representing potential vapor intrusion per LTCP criteria has been removed for commercial site use. The extent of soil excavation is shown on Figure 1.
- Residual soil impact is primarily present adjacent 2001 Sir Francis Drake Boulevard, in deeper soil under the bottom of the former excavation, and at one limited area 5 ft depth at the southeastern boundary of the former excavation. This impact shown on Figure 1 is below LTCP criteria and does not merit further action. As shown on the planned development Figure A1.00, the residual impact is located in outdoor areas that will be covered with pavement. As shown on Figure A1.00, the impact is beneath the planned BBQ grill, bicycle rack, and planter.

CONCLUSIONS

Based on the information presented above, Pangea offers the following conclusions:

- Residual petroleum hydrocarbon impact from the former service station operations do not pose a significant risk to the environment or human health given the planned site use. This conclusion is consistent with the lead agency for the closing case, the RWQCB.
- If necessary, a soil and groundwater management plan can be prepared and filed with the Town of Fairfax Building Department to help ensure proper management of any impacted soil or groundwater encountered during future subsurface work at the site.

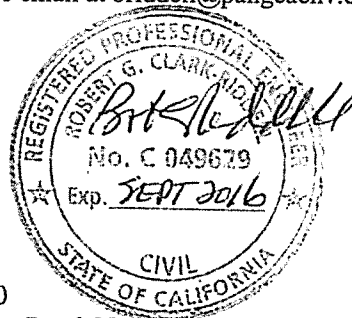
Pangea appreciates the opportunity to work on this project. If you have any questions or comments, I can be reached via phone at (510) 435-8664 or email at briddell@pangeaenv.com.

Sincerely,

Pangea Environmental Services, Inc.



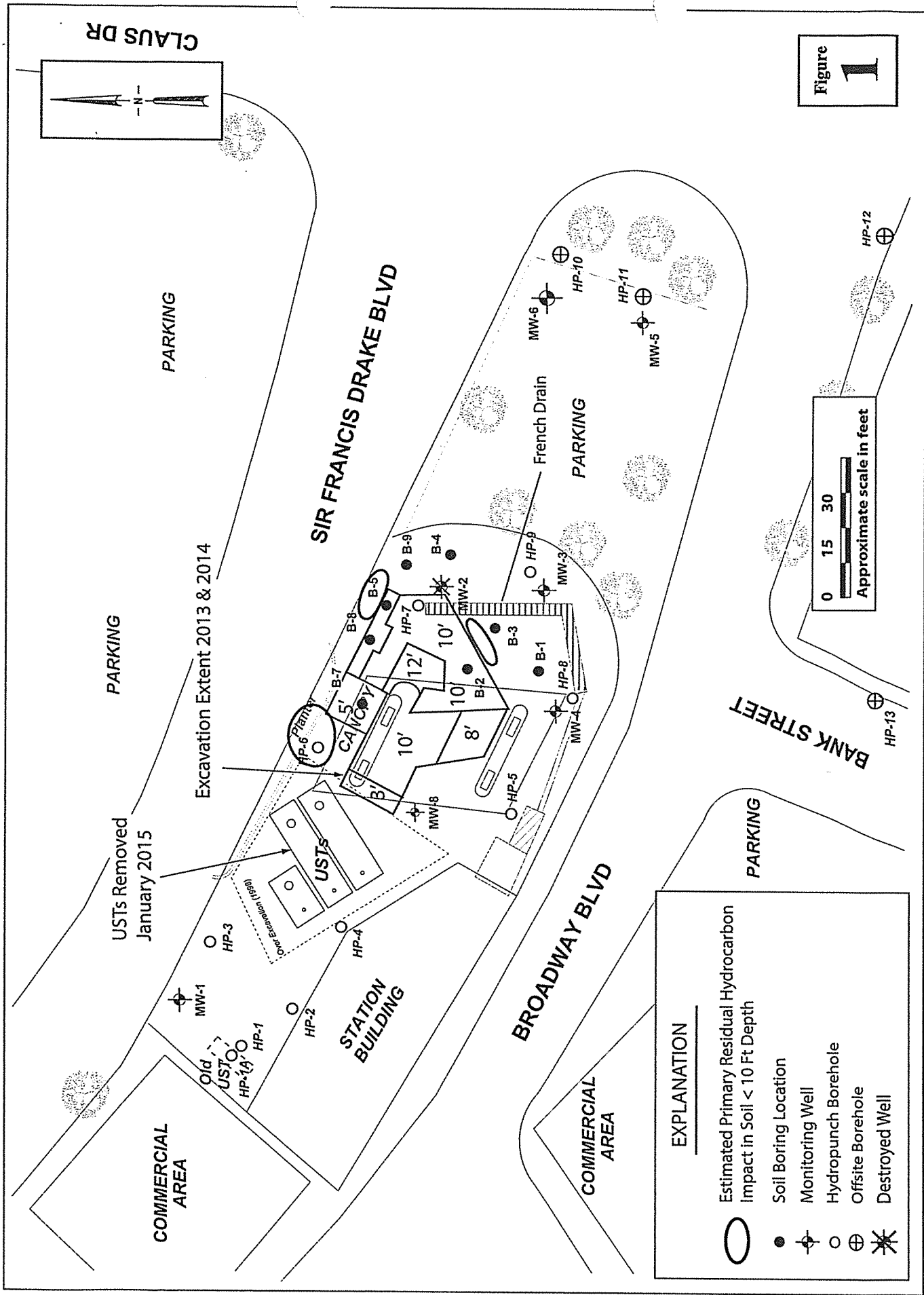
Bob Clark-Riddell, P.E.
Principal Engineer



cc: Elizabeth Back, 38 Geary Avenue, Fairfax, CA 94930
Arash Salkhi & Nooshin Salkhi Family Trust, 9 Alpine Road, Novato, CA 94945

ATTACHMENTS

Figure 1 – Residual Hydrocarbon Impact Areas
Figure A1.00 – Site Plan [For Planned Redevelopment]
Appendix A – Agency Notification of Intent to Close Case, March 25, 2015



APPENDIX A

Agency Notification of Intent to Close Case, March 25, 2015

San Francisco Bay Regional Water Quality Control Board

**Notice of Intent to Issue a No Further Action Letter and
Opportunity to Comment**

**Leaking Underground Storage Tank Site – Former Fairfax Gas
2001 Sir Francis Drake Blvd., Case No. 21-0366**

March 25, 2015

This property is under the regulatory oversight of the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) for the *investigation and cleanup of a gasoline release from an underground storage tank system*.

Based on the site specific information and data available in GeoTracker and the Regional Water Board's case file, we conclude that this case meets the criteria of the State Water Board's Low-Threat Case Closure Policy and that No Further Action (case closure) is appropriate.

This notice is being sent to the current landowner in compliance with Health and Safety Code Section 25295.40. It is also being sent to adjacent property owners and occupants and interested parties for this site.

You are hereby advised to contact the caseworker listed below if you have any valid reasons why the case closure should not move forward. The Regional Water Board will consider all comments received by May 27, 2015, and will respond appropriately to any comments received. Please be aware that comments received after this date will not be considered.

Reports and other information about the case can be found by searching the State Water Board's GeoTracker website: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T060417917. The Regional Water Board also maintains a file of documents for the site, which can be reviewed at 1515 Clay Street, Suite 1400 in Oakland. Appointments are recommended, which can be arranged by calling (510) 622-2430.

Please contact the Regional Water Board caseworker, Ralph Lambert, at (510) 622-2382 or via email at ralambert@waterboards.ca.gov, if you have any comments or questions.