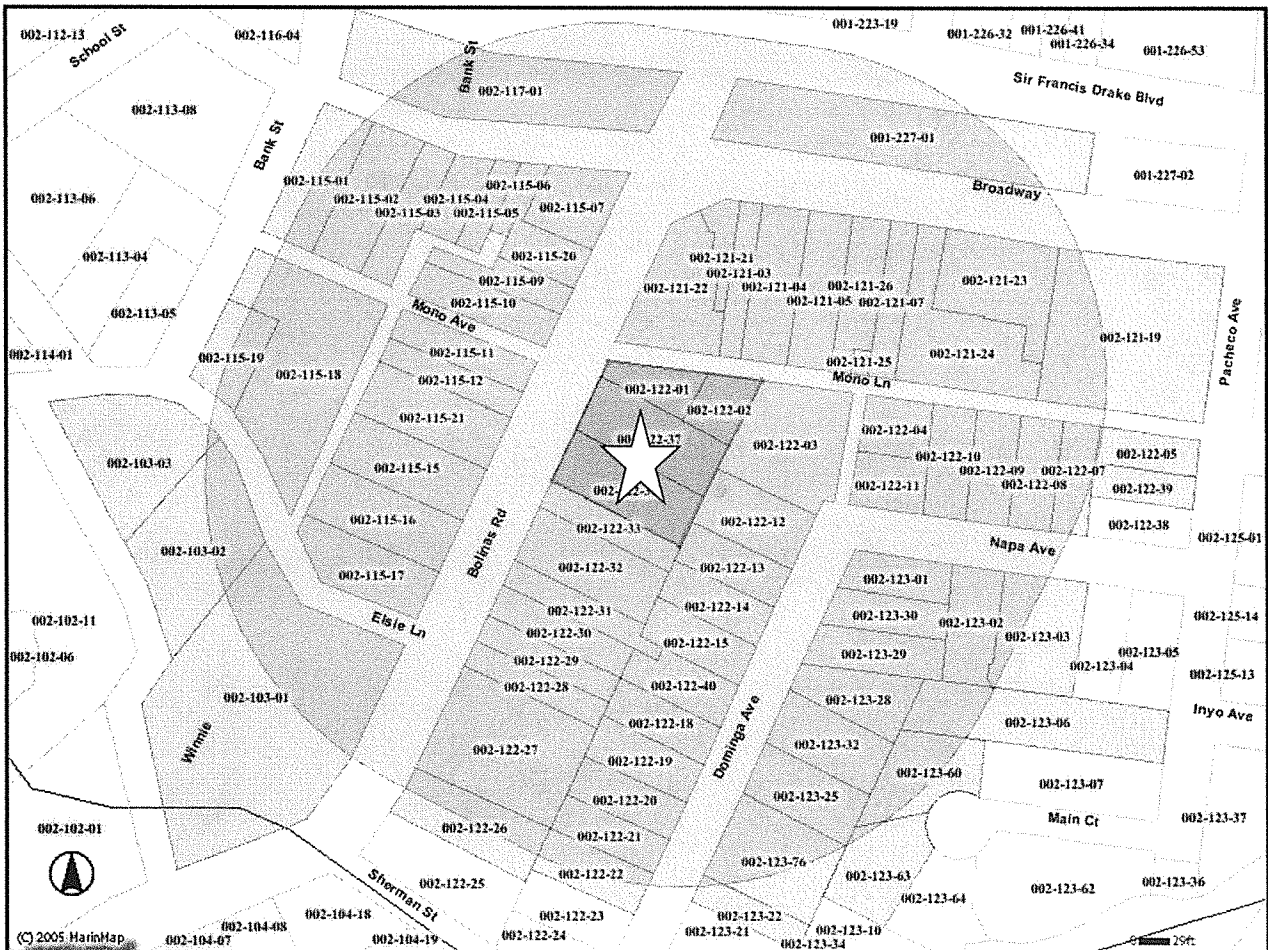


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: May 21, 2015
FROM: Jim Moore, Director of Planning and Building Services
LOCATION: 31 Bolinas Road; Assessor's Parcel #'s 002-122-01, 02, 34 and 37
ZONING: Central Commercial CC Zone District
PROJECT: Expansion/reconstruction of a commercial building
ACTION: Use Permit Modification, Design Review, Parking Variance; Application 02-39
APPLICANT: Fred Divine, Frederic C Divine Associates
OWNER: Brad Schwan
CEQA STATUS: Categorically exempt, § 15301(a), 15301(e)(1), 15303(c).



31 & 29 Bolinas Road

BACKGROUND

The location of this proposed project is in the heart of the Town's Central Commercial (CC) zone, in the short stretch of Bolinas Road between Else Lane and Broadway that could be described as the historic "main street" of Fairfax: the only area within the CC zone that has businesses on both sides of a narrow street (e.g., "double-sided" retail which experts often cite as necessary for successful retail districts).

No other businesses in this area of the CC zone provide significant on-site parking – if any, let alone a parking lot: which is one of the reasons that Bolinas Road in this area remains so pedestrian oriented and charming. Importantly, directly across from the proposed project site is the publically owned and maintained Mono parking lot adjacent to Mono Alley – which more or less connects to the newly refurbished Pavilion Parking lot via Elsie Lane and Bank Street.

There are four separate parcels or "lots" under single ownership by the applicant at this "site". Three of the lots front Bolinas Road and a fourth smaller lot is located behind the northern most one of the three fronting Bolinas Road - and it fronts Mono Lane. Of the three lots that front Bolinas Road, the southern most lot is currently a legal non-conforming parking lot, and the other two lots house the structures at 29 and 31 Bolinas Road.

Please note: The northern lot fronting Bolinas Road (Assessor's Parcel #'s 002-122-01) that houses the structure at 29 Bolinas Road is not adjacent to the on-site "parking lot". It operates autonomously off of its Bolinas Road street frontage as a "healing arts center" and a photography studio, and it is not connected, affected, nor impacted by this application. Therefore 29 Bolinas Road is not a part of this analysis: but the other three lots are included.

The lot known as 31 Bolinas Road, previously housed Lydia's Lovin Foods, a restaurant/wholesale food packaging business that occupied 31 Bolinas Road. Prior to Lydia's Lovin Foods, the site was occupied by Wildwood Natural Foods, a wholesale food and restaurant use which generated many large truck trips to and from the site daily and included operations that continued all night long. Lydia's used the parking lot for patrons, out-door refrigerators and a loading area that were located at the back portion of 31 Bolinas lot behind 29 Bolinas Road. The use(s) at that point in time crossed the parcel lines - which the applicant now intends to merge (due to code requirements that add cost to a project).

31 Bolinas and the associated open canopy at the rear of the site, with various refrigeration units, and a partially walled in area on the lot behind 29 Bolinas Road are currently not rented to any commercial tenants. There are fences and a vegetable garden at the rear of the site presumably originally installed by the previous tenants, Lydia's Loving Foods Restaurant and Wholesale Foods operation.

DISCUSSION

Over the course of the last several years, during and after the tenancy of the last two tenants, there has been continual “mission creep” from what had been approved by the Planning Commission (at different stages) and what has actually been constructed in the middle and rear portion of 31 Bolinas – as well as on the lot behind 29 Bolinas that fronts Mono Lane, where the owner has taken up residence “informally” on the ground floor (in violation of the Town Code).

Fortunately, the applicant is now proposing to bring the property into full compliance with the Town code by removing the walk-in refrigerator units at the northeast corner of the site and the large open roofed canopy structure/storage area at the rear of 31 Bolinas Road and replacing it with 2,307 square feet of enclosed and fully improved commercial space. The new commercial space will be subdivided into an 830 square foot commercial tenant space and a 115 square foot hall space leading to a 1,362 square foot live/work unit with kitchen and bath. To allow some flexibility the live/work space is also being proposed to be rented out at times as a commercial space for a light industrial, retail or personal service business.

The existing ground floor commercial space at the front and middle of 31 Bolinas, is proposed to be subdivided into four spaces totaling 2,897 square feet*:

1. 874 square foot retail personal service space fronting Bolinas on the north side; a
2. 947 square foot restaurant/retail/personal service space on the south side of fronting Bolinas; and a
3. 531 square foot retail/personal service/expanded restaurant space; and an
4. 545 square foot common area containing shared restrooms in the middle area of 31 Bolinas.

* Please note: Staff's measurements of this area totaled approximately 2,593 “net” square feet.

In order to bring the entire facilitate into compliance with the Town Code at this point in time and to provide flexibility of uses in the future, and to assist the owner in finding a new tenant (or tenants) for the vacated area of 31 Bolinas as soon as possible, staff has evaluated the traffic generation and parking requirements of the proposed uses at 31 Bolinas Road separately from the “live-work space” (only) which is primarily on the lot behind 29 Bolinas Road fronting Mono Lane.

This approach of evaluating the traffic generated from the ground floor commercial and upstairs office space at 31 Bolinas separately from the “live-work” space on the lot fronting Mono Lane is important because per Town Code § 17.056.050, a project requires a traffic study when it either (a) creates a structure that will generate more than 100 Average Daily Trips, or (b) has a floor area of 5,000 square feet or more.

Therefore, the total square feet of ground floor commercial space and upstairs office space at 31 Bolinas will equal 4,591 square feet – under the 5,000 square feet threshold that triggers a traffic impact study. The implications of this approach on the “live-work” space, for both the traffic generation and parking analysis are discussed below.

Traffic Impact Permit Requirements

As stated above, Town Code § 17.056.050 sets forth when conditions require that a project be subject to the Traffic Impact Permit (TIP) process and require the submittal of a traffic study. Again, those are that if a project creates a structure that will generate more than 100 Average Daily Trips, or has a floor area of 5,000 square feet or more, then a traffic study is required. Therefore, this project is not subject to the TIP process based on square footage because it proposes a total 4 conditioned commercial spaces (which including the upstairs office) totals 4,591 square feet: not counting the live-work space.

However, should the live-work space be used for any other use than live-work, then staff believes a traffic study would be required. In taking this approach, staff is relying on Town Code section 17.056.050(3) and assessing the projects impacts incrementally in order to aid the owner in getting 31 Bolinas finished and rented as ground floor commercial with upstairs office space. Furthermore, if approved, staff recommends that the project be conditioned so subsequent use of the live-work space for “Light Industrial, Retail or Personal Service” as requested, will require issuance of a Zoning Permit per Town Code § 17.024.010(B) prior to occupancy so that the overall traffic generation of the entire complex can be evaluated and a traffic impact study can be prepared when necessary.

With regards to trip generation for 31 Bolinas: the total vehicle trip’s to the site, including delivery vehicles per day when Lydia’s was utilizing the entire space was 262.

It is an estimate on staff’s part, based on traffic counts provided for other similar projects, that the proposed 947 square foot restaurant, which is half the size of Lydia’s, but has seating for 56 outside, with expansion into the middle 531 square feet space will generate no more than 248 trips daily (another 1,950 square foot, high turnover restaurant was verified as generating 248 average daily trips by the Town Traffic Engineer): e.g., 14 trips per day less than Lydia’s. Furthermore, staff believes that it is doubtful that any retail or personal service use in the other 874 square foot space fronting Bolinas that is replacing what had been a portion of Lydia’s, and the additional 830 square feet of commercial space at the rear of 31 Bolinas will generate the 114 additional trips per day necessary to require a traffic study: and therefore, it is estimated that new trip generation would be below the 100 additional trips per day from the prior use that would trigger a TIP.

Parking

Town Code § 17.100.110 indicates that 1 parking space is required for every 200

square feet of gross floor area for this site and 1 large, 12 foot by 45 foot loading space. The current submittal proposes 19 spaces in the existing parking lot on the south side of 31 Bolinas for the four ground floor commercial spaces and the upstairs office space that totals 3,731 square feet (not counting the hall way or common area or live-work area) requiring 18.66 parking spaces. Therefore, with the exception of the live-work space the project meets the required number of spaces. However, the live-work space will require a parking variance.

Regarding loading space requirements, there is no designated loading zone being proposed. However, in September of 2012 staff recommended and the Planning Commission approved a design review application for outdoor seating in the north western portion of the parking lot (in the same configuration as this application) stating that: "The design of the parking lot complies with the Zoning Ordinance and meets the design review criteria for parking and circulation". Therefore, staff recommends that the parking lot be considered "legal, but non-conforming".

DISCRETIONARY PERMITS REQUIRED

The project requires the approval of the following discretionary permits:

Use Permit Modification

A Use Permit was approved in December of 2002 for the entire property, which allowed a mixed-use development with offices and a retail space at 29 Bolinas and a restaurant/wholesale food packaging and associated offices, refrigerators and storage associated with 31 Bolinas Road. A second Use Permit modification was approved by the Commission in September of 2012: reconfiguring the restaurant space at 31 Bolinas and allowing an outdoor seating area for 49 seats in the front of the parking lot adjacent the sidewalk.

The changes now being proposed require a Use Permit Modification because: (a) Mixed Use properties, under the current code, require a Use Permit, (b) residential uses are not permitted on the ground floor without a Use Permit, and (c) Light Industrial uses are not permitted in the Central Commercial Zone District - and therefore require a Use Permit [See Town Code § 17.100.050(F), (G) and (H)].

Staff believes that the proposed mixed-use of the existing and proposed buildings will not conflict with the surrounding retail and residential uses. Further, that the proposed mix of use types and proposed commercial space sizes are much better suited for this site, which abuts a residential zone, than the previous larger retail/wholesale uses which included many large truck trips to and from the site daily and operations that continued all night long. Dividing the existing structure and created a subdivided addition will result in smaller spaces not suitable for wholesale production or packaging uses and are more likely to attract smaller businesses with regular business hours that do not create elevated noise levels at hours that will conflict with the neighboring

residential zones. Therefore, staff recommends the granting of a use permit modification.

Parking Variance

The findings that need to be made to grant a parking variance for the live-work space on the lot fronting Mono Lane are as follows:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specified regulation.
2. Granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.
3. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.
4. Because of special circumstances applicable to the property, including size, shape, topography, location of surroundings, the strict application of this title will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification.
5. The variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.
6. The strict application of this title would result in excessive or unreasonable hardship.
7. The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

Staff believes that the findings for a live-work space with a parking variance on the lot fronting Mono Lane can be made in keeping with the goals of the General Plan and recommends doing so. However, before doing so the Planning Commission may want to consider that historically there was a access gate from Mono Lane into the site with parking in the yard area, which if reintroduced could accommodate parking for the live-work unit (and probably require the removal of the one shipping container in that area).

Design Review

Town Code § 17.020.030(B) requires design review approval for any new construction in the Central Commercial Zone District. In conducting its review, staff recommends that

the Commission consider the following:

The new addition will match the existing structure with a stucco façade and multiple windows. The salmon colored awning along the building frontage will be re-installed and the outdoor eating area will be enclosed by a framed wire lattice/trellis structure and as indicated above, will have seating for 56. Landscaping will be provided around the outdoor dining area and along the south side of the building at the rear. The landscaping will be irrigated

The exterior stucco will be painted Benjamin Moore, AC-12, Copper Mountain, the trim and doors will be Benjamin Moore, 2106-10, Java and the windows will be Marvin Windows in an off white color (Cashmere) all to match the existing building.

The elevations provided only show the southern portion of the building frontage and show double hung windows instead of the multi-paned windows currently installed. All the windows should either be multi paned or double hung to maintain a cohesive look to the front of the building.

New exterior lighting as shown on page A3 of the plans should be replaced with fixtures that are shielded and directed down due to the proximity of the site to adjacent residential uses to the north, south and east.

The proposed addition has been designed to complement the simple stucco finish and architecture of the front building and its construction will eliminate the hodgepodge of materials used to enclose areas constructed as open sided structures.

Lastly: There are also three shipping container currently on the site: two at the rear of 31 Bolinas Road within the fenced area and one straddling the side yard of 29 Bolinas Road and the lot behind it that fronts Mono Lane. The applicant intends to remove the two containers at the rear of 31 Bolinas but would like to keep the container on the north side-yard of the live-work space. Shipping containers are not prohibited in the Central Commercial (CC) zone but they require design review approval and are considered structures based on the Town Code definition of a structure. Staff has found no record of design review or use permit for any of the shipping containers: and does not have a position as to whether the one shipping container requested to remain should stay (unless the commission decides to pursue requiring parking for the live-work space as articulated above).

Site Disturbance

The expansion is proposed in an area that is already improved with a large canopy structure, open on two sides, or improved with support structures (refrigeration units, storage, etc.) that were used by the previous wholesale food business, Lydia's Loving Foods. Therefore, the proposed project will not result in any new site disturbance.

Setbacks

There are no required setbacks for properties in the CC Zone District except where a property abuts a residentially zoned neighborhood and then a setback shall be maintained that is the same as that for the adjacent residentially zoned property (Town Code § 17.100.090). The site abuts the residentially zoned properties that front on Dominga Avenue, which is located in Residential RD 5.5-7 Zone, which has a rear setback requirement of 6 feet. Therefore, the project site must maintain a rear setback of 6 feet and the proposed rear setback is 21 feet so the project complies with the setback regulations.

Flood Zone and Flood Way

The property is located in Flood zone AE and a large portion of the site is located in the Flood Way. Flood Zone AE is defined as an area of flooding where the base flood elevations have been established and the Flood Way is defined as the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

The applicants have provided the Town with a with a “No Rise Certification” for the project recommending; a) that the proposed outdoor seating enclosure trellis siding must be raised above the flood level elevation; and b) to compensate for the posts that will remain in the “Conveyance Shadow” a 6 foot section of fencing must be removed from the southern side fence (Exhibit B – No Rise Certification by James Reilly, Civil Engineer). The applicants have revised the plans to reflect the recommendations.

RECOMMENDATION

1. Open the public hearing.
2. Approve Resolution No. 15-13 which containing findings and conditions for approval.

ATTACHMENTS

Exhibit A – Resolution No. 15-13
Exhibit B – Applicant’s supplemental information
Exhibit C – No Rise Certification by James Reilly, Civil Engineer
Exhibit D – original Use Permit conditions

RESOLUTION NO. 15-13

A Resolution of the Fairfax Planning Commission Approving a Modification of the Use Permit 02-39 to Allow the Remodel and Addition of the Commercial Complex at 31 Bolinas Road to a Allow: a Combination of Restaurant/Retail/Personal Service in the Two Front and One Middle Space, Light Industrial/Retail/Personal Service in the Rear Space immediately Adjacent the Parking Lot and a Live Work space in the Rear Northern Corner on the lot fronting Mono Lane.

WHEREAS, the Town of Fairfax has received an application to remodel and expand the commercial structure at 31 Bolinas Road; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission approved the Use Permit Modification; and

WHEREAS, based on the plans and supplemental information provided by the applicant, a written statement provided by the other tenant of the building 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 Use Permit Modification and Parking Variance.

WHEREAS, the Commission has made the following findings:

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

Town Center Element:

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

Policy TC-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.

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.

EXHIBIT # A

Housing Element:

Policy H-3.1.1: *Transit-Oriented Development*. The Town Council will appropriately rezone areas to promote a mix of land uses that are transit-supportive and complement the historic nature of the Town – as articulated in the 2010 – 2030 Land Use Element.

Policy H-4.1.1: *Link Housing with Jobs*. The Town Council will revise the Zoning Ordinance to provide new housing opportunities at sites identified in the 2015-2023 Housing Element.

The proposal complies with the Zoning Ordinance as follows:

The proposal complies with Town Code § 17.056.050; where a project requires a traffic study when it either (a) creates a structure that will generate more than 100 Average Daily Trips, or (b) has a floor area of 5,000 square feet or more.

The proposal substantially complies the Town Code § 17.100.110: which indicates that 1 parking space is required for every 200 square feet of gross floor area for this site and 1 large, 12 foot by 45 foot loading space; because (a) a loading space has informally, historically, occurred in the parking lot over time, and (b) a parking variance is being requested for the live-work space to address any parking shortfall.

The proposal seeks a Use Permit Modification per Town Code § 17.100.050(F), (G) and (H) because: (a) Mixed Use properties, under the current code, requires a Use Permit, (b) residential uses are not permitted on the ground floor without a Use Permit, and (c) Light Industrial uses are not permitted in the Central Commercial Zone District - without a Use Permit.

The proposal seeks design review approval for new construction in the Central Commercial Zone District per Town Code § 17.020.030(B).

The proposal complies with the setback requirements for commercial structures that abut residentially zoned neighborhoods per Town Code § 17.100.090

Use Permit Findings:

The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

The development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

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

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

Design Review Findings:

Section 17.020.040 Design Review Criteria

The proposed development shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.

The remodel/expansion is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.

The design of the new portions of the building includes enough articulation to avoid monotony in external appearance.

The size and design of the 1 story addition results in the resulting building being in proportion to its building site there is a balance and unity among its external features so as to present a harmonious appearance.

The structure is similar to the general character of other structures in vicinity insofar as the character can be ascertained and is found to be architecturally desirable.

New landscaping is proposed for the area around the outdoor seating and alongside the building and will result in the removal of some impermeable pavement, improving the appearance of the parking lot.

The off street parking is accessible from Bolinas Road and will not significantly impact traffic traveling past the site.

Parking/Loading/Aisle Width Variance Findings:

Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specified regulation.

Granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.

Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

Because of special circumstances applicable to the property, the fact that it already provides more parking than most of the surrounding businesses, the strict application of this title will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification.

The variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.

The strict application of this title would result in excessive or unreasonable hardship.

The granting of the variance or adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

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

1. The applicants shall maintain the premises in a neat and attractive manner at all times. Such maintenance shall include, but not be limited to, exterior building materials, signage, windows, the planters, the ground and the pavement surfaces.
2. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.
3. Any changes made to the exterior of the building, including but not limited to new lighting, new signs, planters, etc, shall comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Fairfax Design Review Board or staff as required.
4. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any

other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly.

5. The project final inspection and issuance of the occupancy permit shall not occur until all the building improvements and parking improvements and sign off's have been received from all agencies with jurisdiction over the project.
6. The applicant shall continue to comply with the original conditions of approval for the Use Permit - to sign and notarize an affidavit stating that if he intends to use the live-work space on the lot fronting Mono Lane for anything other than live-work and thereby the number of vehicle trips accessing the site every day then reaches an amount that would make the total use of the site subject to the Traffic Impact Ordinance he agrees to the following:
 - a) To allow the Town to contract with a traffic engineering to prepare a Traffic Impact Permit (TIP) study to be paid for by the applicant prior to any other use of the live-work space.
 - b) The Trip study shall provide all the information required in Town Code §17.30.070.
 - c) The methodology for the TIP study shall be subject to approval by both the Planning Commission and the Town Council in accordance with Town Code § 17.30.070(F).
 - d) If questions arise as to whether or not the amount of traffic generated by the multiuse buildings has reached an amount that will require a Traffic Impact Permit, the burden shall be upon the applicant to demonstrate to both the Planning Commission and the Town Council that the traffic impact standards do not apply [Town Code § 17.30.050(C)].
 - e) The applicant agrees to comply with any mitigation measures recommended by a Traffic Impact Study.
7. There shall be no storage of any materials, supplies for the mixed-use development nor long term storage for any vehicles/wheeled trailers not being used actively by one of

the on-site businesses.

8. Should the Town prevail in any court action brought by it to enforce the applicant's obligations in connection with modified Use Permit No. 02-39, the Town shall be entitled to an award of reasonable litigation costs, including but not limited to, attorney's fees.

9. Prior to opening any new businesses in the building the parking lot shall be restriped.

10. Failure to comply with the conditions for modified Use Permit # 02-39 as herein enumerated, may result in revocation or modification of the Use Permit by the Planning Commission, in accordance with Chapter 17.024 of the Fairfax Town Code (section 11.17.024.090, ground for revocation and 17.024.100, ground for modification).

11. All the windows along the building frontage should either be multi paned or double hung to maintain a cohesive appearance.

12. All the landscaping and irrigation shall be installed prior to the project final inspection and issuance of certificate of occupancy. Prior to issuance of the building permit the applicant shall provide evidence of a landscaping bond, letter or credit or cash deposit to cover the cost of the installation. This amount shall be held for 18 months to ensure the landscaping becomes established.

13. New exterior lighting as shown on page A3 of the plans shall be replaced with fixtures that are shielded and directed down.

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 and Parking Variance 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 21st day of May 2015, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Phil Green

Attest:

Jim Moore, Director of Planning and Building Services



TOWN OF FAIRFAX

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

February 18, 2015

RESPONSE BY FREDRIC DIVINE ARCHITECTS
3.12.2015

Fred Divine
1924 Fourth Street
San Rafael, CA. 94901

TOWN OF FAIRFAX

MAR 12 2015

Re: 29 and 31 Bolinas Road; planning application

RECEIVED

Dear Mr. Divine,

The department of Planning and Building Services has reviewed the application materials submitted on February 12, 2015, and unfortunately as is often the case with first submittals, is unable to complete its review. We still need all the items and information required in the Application form – which for your convenience is outlined below in detail. Once provided your application will again be evaluated for completeness. Once your application is deemed complete, we will route it to all relevant agencies. Therefore, the following represents our findings of incompleteness and request the additional information:

Application

1. Provide the Property Title Report (see page 4 of the application form).
ATTACHED.
2. Complete the enclosed, "Authorization for Engineering Review" (page 16 of the application form). This is necessary because the proposed parking lot configuration does not comply with the code and will require an analysis by a project traffic engineer to clarify how it will function. The project engineers analysis must be reviewed and approved by the Town Traffic Engineer and may result in parking circulation modifications before the project proceeds to a Planning Commission hearing.
SIGNED BY PROPERTY OWNER.
3. Please provide more information on the range of types of uses envisioned for the building (i.e. retail, office, manufacturing, personal service, etc. - page 12 of the application form).
COMPLETED
4. Explain in writing how the new structure will comply with the design review criteria set forth in Town Code section (page 7 of the application form).
ATTACHED.

Site Plan

1. Show all property parcel lines for the project site including those for Assessor's Parcel Numbers 002-122-01, 002-122-02 and 002-122-37.
SEE REVISED SITE PLAN DRAWING 1/A1.
2. Show the foundation lines of all neighboring structures as required in the project application form (see enclosed application form, page 4).
SEE REVISED SITE PLAN DRAWING 1/A1.

Floor Plans

Please indicate on the floor plan what range of uses are envisioned for each proposed commercial space (i.e. retail/restaurant/personal service for spaces with frontage along Bolinas Road, office/personal service uses for spaces fronting on the parking lot, etc.).

SEE REVISED FLOOR PLAN DRAWING 1/A2.1.

Design Review

1. Submit 14 copies of the required color rendering and provide 14 color copies of the colors and materials board (page 5 of the planning application).

ATTACHED.

2. Provide an elevation of the proposed trellis including colors and materials

SEE NEW DETAIL 9/A3

3. Provide a landscaping and irrigation plan for new landscaping around outdoor eating area.

SEE NEW PLANTING PLAN DRAWING 3/A1.

4. Clarify where the "Kawaneer, medium bronze" finish displayed on the colors and materials board will be used on the storefront and show it on the color elevation.

THIS MATERIAL HAS BEEN REVISED TO A WOOD FRENCH

Parking Lot and Site Circulation DOOR. ELEVATION SHEET A3 & MATERIAL BOARD HAVE BEEN REVISED.

1. The parking lot entrance and parking lot aisle do not meet the minimum requirements set forth in Town Code Chapter 17.052, Parking, and Appendix A, Width of aisles. Provide a parking lot circulation analysis by traffic engineer demonstrating how the circulation will function in this substandard parking lot. THE EXISTING SITE PLAN IS HISTORICAL & RECENTLY APPROVED UNDER PREVIOUS USE PERMIT APP.

2. Consider providing revised parking lot striping plan to show the maximized number of parking spaces that can be provided utilizing the Town minimum parking stall size of 9 feet by 19 feet and the 25% allowable compact (8 feet by 16 feet) stalls for commercial zones (many of the existing spaces shown now exceed the minimum requirements). REVISING THE STRIPING WILL NOT CREATE ANY ADDITIONAL SPACES, WIDER SPACES ALLOW FOR BETTER MANUEVERING IN PARKING LOT.

Parking Variance Findings

Please provide factual information to support the following required findings for the requested parking variance:

1. Because of special circumstances applicable to the property, including size, shape, topography, location of surroundings, the strict application of this title will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification.

SEE ATTACHED.

2. The variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.

SEE ATTACHED.

3. The strict application of this title would result in excessive or unreasonable hardship.

SEE ATTACHED.

4. The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

SEE ATTACHED.

5. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specified regulation.

SEE ATTACHED.

6. Granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.

SEE ATTACHED.

7. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

SEE ATTACHED.

Miscellaneous

1. Explain why any necessary storage space cannot be incorporated into the proposed building expansion so that all of the storage containers can be removed from the site when the building is expanded. THE REMAINING STORAGE CONTAINER IS ATTACHED TO THE CONCRETE SLAB, AND CAN'T BE REMOVED EASILY.
2. Staff strongly recommend that front access doors should be incorporated into the project for both the commercial spaces that will have frontage on Bolinas Road in encourage pedestrian access, improve the streetscape environment – and allow you tenant flexibility in the future. Please revise the plans to incorporate the two front doors (e.g. one for each space fronting Bolinas Road. APPLICANT PREFERS ONE OF THE 2 SPACES ON BOLINAS RD. TO BE ACCESSED FROM PARKING LOT
3. The garbage area appears to serve both the existing building at 29 Bolinas Road and the proposed expanded building at 31 Bolinas Road. The area has been relocated from where it was approved with the outdoor dining permit issued in 2012. In 2012 the garbage and recycling was approved adjacent to the building and away from neighboring residential uses to alleviate noise and rodent complaints. The current proposal has the garbage area located across the parking lot and so small in size that it will not accommodate the mandatory garbage and recycling containers necessary to adequately service the buildings and uses at both 29 and 31 Bolinas Road. The revised plans need to address this issue. THE ADJACENT RESIDENTIAL NEIGHBORS HAVE REQUESTED TRASH AREA BE MOVED CLOSER TO BOLINAS RD. SO THAT PICK UP BY DISPOSAL COMPANY IS LESS DISRUPTIVE
4. Explain the use of the fenced "tenant yard" area at the rear of the building and show the location of tenant "residential" living space, if any, on the proposed floor plans. THIS AREA IS TO PROVIDE A BUFFER WITH ADJACENT PROPERTY. ONE TENANT RESIDENTIAL SPACE IS A POSSIBLE USE.
5. The site is located in flood zone AO per the FEMA flood maps for Fairfax. New structures that impede the sheet flow flooding experienced in these flood zones are prohibited by federal and local law. Provide a study from a civil engineer showing that the proposed trellis/fence structure around the outdoor eating area will not block flood waters or redesign the outdoor area so it does not include any structures that may impede flood waters.
PROPOSED PATIO IS TO BE ON GRADE & WILL NOT IMPED FLOOD WATERS.

Traffic Impact Permit

While staff made the initial observation that the 1,726 square feet of new enclosed commercial space, although a change in use from unenclosed supporting and accessory warehouse space for the previous

use of 31 Bolinas Road, would in all likelihood not trigger the additional traffic necessary to make the project subject to the Traffic Impact Permit process: The trigger, set forth in Town Code 17.056.050(A)(1) and (2) includes any project or reuse of existing structures that generates more than 100 average daily traffic trips than that generated by the prior use. In other words, the division of the existing buildings into multiple business spaces and the replacement of 1,726 square feet of unenclosed warehouse storage/work space with improved buildings, could eventually trigger the requirement of a Traffic Impact Permit depending on what the future uses are. We look forward to receiving your more detailed explanation of the range of uses you would like to plan for accommodating in the future.

Note: Average Daily Traffic is defined as, "the total volume of traffic crossing a fixed point over a 24 hour period, averaged over some period of time.

Finally, please be advised that since portions of the new structure will be greater in height than the open shed structure, story poles will need to be erected showing the height a minimum of 10 days prior to the public hearing before the Planning Commission.

Once the above information is provided staff can again begin reviewing the project for completeness and route the plans to the other agencies with jurisdiction for their initial 30 day review for completeness. If you have any questions, please do not hesitate to contact the Department of Planning and Building Services.

Sincerely,




Jim Moore,
Planning and Building Services Director

Enclosures: planning applications pages 4, 5, 7, 12 and 16

cc. Brad Schwan

Submittal Requirements Checklist

- 
- ☐ Title report for the project property is required for all submittals. A copy of the current fee title deed must also be submitted for commercial projects, new residences and 50% remodels.

For Administrative actions (Sign permits that comply with the Sign Ordinance, lot line adjustment or certificates of compliance.)

- ☐ Two (2) sets of site plans and floor plans (elevation plans for new construction)
- ☐ Completed Application form(s)
- ☐ Fee (see "Fee Schedule")

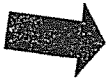
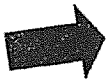
For Planning Commission and Design Review Board actions

- ☐ Fourteen (14) full size sets of site plans, floor plans and elevation plans
- ☐ One set of plans reduced to 8 ½ inches by 11 inches (*larger sets will not be accepted*)
- ☐ Completed Application forms(s)
- ☐ 14 sets of photographs of the project site
- ☐ Fee (see "Fee Schedule")
- ☐ Environmental Initial Study Questionnaire (if applicable)
- ☐ An approved Vegetative Management Permit from the Ross Valley Fire Department for new homes and 50% remodels

- Note: You must include a completed "Applicant Affidavit for Property Owners Mailing List" along with the required materials for Planning Commission or Design Review actions.

ALL PROJECT PLANS MUST INCLUDE


A Site Plan that is fully dimensioned and drawn to scale, collated and folded with other pages of the project, including the following:

- 
- 
1. Property boundaries and easements.
 2. Foundation and roof lines of all existing and proposed structures located on the property; differentiate between proposed and existing structures.
 3. Foundation lines of all neighboring structures.
 4. On-site drives, parking, loading spaces, landscaped areas, patios, etc.
 5. Street right-of-way lines, curb line or pavement edge, sidewalks, and parkways.
 6. The location and species of all trees on site, showing trunk circumferences (measured 4 1/2ft above natural grade) and driplines.
 7. Fences and walls, existing and proposed.
 8. Yards and open space areas.
 9. Storage areas and screening.
 10. Topographic features: streams, drainage channels, ditches, rock outcroppings, etc. If the project is adjacent to a watercourse a cross section of the watercourse channel must also be provided.
 11. Existing visible landmarks (utility poles, street lights, fire hydrants).
 12. Accurate contour lines:
 - Slopes below 5% - contours not required
 - Slopes between 5% and 15% - contour interval must be two feet
 - Slopes exceeding 15% - contour interval must be five feet
 13. Other information deemed necessary to evaluate this application.
 14. Flood Zone and flood elevation certificate if property is located in an A' zone or B' zone.

Floor Plans

1. Provide existing and proposed floor plan for all structures on the site.
2. Provide proposed floor plans separately from existing floor plan.
3. Other information deemed necessary to evaluate this application.

Building Elevations must include:

- 
1. Existing and proposed ground line, wall height, floor height, and ridge height, roof pitch, as well as the appearance of the structure(s).
 2. Cross section drawings of existing and proposed structures.
 3. For Design Review:
 - Color rendering of proposed exterior addition including exterior finish/color, window trim, roof material, siding materials, etc. (14 copies).
 - Color and materials board (11" x 17") to include exterior finish/color, window trim, roof material, siding materials, etc. (one board and 14 copies of the board)
 - Photographs of the existing property and abutting neighbors (14 sets)
 4. Other information deemed necessary to evaluate this application.

Landscape Plans are required for all new residences, 50% remodels and all commercial projects and must include:

1. The type, size, and spacing of plants, and maintenance provisions. (Maintenance information includes; type of irrigation system, location of clocks, sprinkler heads and areas to be drip irrigated.)
2. Retaining walls, lighting, slopes, if applicable.
3. Other information deemed necessary to evaluate this application.

Within 30 days of submittal, Town staff will review this application for completeness of required information and/or fees, and a notice of completeness or non-completeness will be mailed to the applicant. Applications cannot be processed until accepted as complete. Further revisions of completed material may be necessary after the 30 day period.

All plans must be fully dimensioned and drawn to scale, collated, and folded.

OTHER IMPORTANT DEPARTMENT/AGENCIES:	
Ross Valley Fire Service: You must provide a vegetative management plan to the Fire Dept. and receive approval prior to submitting your application to the Planning Department. It is your responsibility to contact the Fire Marshal for Fire Department requirements (e.g., sprinklers, hydrants, turnouts).	Contact Fire Marshal @ 415/258-4686
Building Department: If you are increasing the occupancy (number of people) and/or altering the structural character of a building, you may trigger seismic, Fire and other Building requirements.	Contact Building @ 415/453-2263
Marin Municipal Water District: Your project may generate the need for additional water.	Contact MMWD @ 415/924-4600 ext. 335
Ross Valley Sanitary District: If you are adding on or building new, you may need to upgrade or install a lateral sewer line.	Contact RVSD @ 415/461-1122
Ross Valley School District: If adding on or building a house, school fees will likely be charged. Contact school district for the dollar amount.	Contact School District @ 415/454-2162

4. Commercial Design Review


The Design Review Board must approve any minor modifications to existing buildings, structures or improvements such as awning, canopies, window, doors, color changes, automated teller machines, or other modifications similar to the above for properties located in the Commercial Zones.

5. Signs

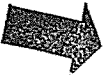
Signs complying with the Sign Ordinance can be approved by staff. Other signs require the approval of the Fairfax Design Review Board.

Design Review Application - Additional information required.

- 14 complete sets of plans are required for design review applications. If your project requires design review you will need to prepare the additional information described below in addition to the information required in pages 3 and 4 of the planning application.
- Exterior elevations from all sides. If multiple buildings are proposed, composite elevations for the entire street frontage are required.
- Cross section through project, showing project and existing adjacent features.
- Lighting plan - detail of exterior fixtures, location and illumination (amount of light).
- Utility entrance location, trash storage location, mechanical equipment location.
- Detail of fascias, trim, railing, trellis.
- Specify irrigation systems to be used on the landscaping plan.
- 14 color elevations.
- 14 sets of color samples (copies of color samples are not accepted).
- Projects in the Downtown Area are required to submit a drawing at 1" = 40'.



We would like you to put in your own words how the project meets the design review criteria set forth in section #17.020.040 of the Fairfax Zoning Ordinance. This will help you and the Planning Commission focus on the ordinance requirements.



NOTE: In order to visualize the dimensions and location of the proposed structure, the Town review process requires story poles for new structures, second story additions and 50% remodels. Story poles must be erected 10 days prior to the first public hearing for a project. Poles shall be erected at all proposed building corners (rising to the proposed height of the building at that corner), and at the highest point of the proposed roof-line. Also the front corners of undeveloped land must be staked and tagged in the field. You, the applicant, will have to maintain the poles and corner flags in good condition until all public hearings on the project are over and appeal periods have lapsed. Avoid unnecessary delays to your project by maintaining the poles through out the review process.

Use Permit Applications - Additional information required.

- A written description of the proposed use, major activities, hours of operation, number of employees on the premises during the busiest shift and when the busiest shift is expected and other information pertinent to the application.
- Floor plans must include location of any special equipment.
- Designate customer, employee and living areas.
- If different uses are included in this activity, for example storage, retail, living space, etc. Indicate square footage of each proposed use.

In order to approve your project, the Planning Commission must make findings of fact which state that the project will not have a negative impact on the general public welfare, conforms with the policies of the Town, does not create excessive physical or economic impacts on adjacent property and provides for equal treatment with similar properties in Town.

In the space below, please provide any information which you feel is relevant to these issues and which further explains your project.

THE PROPERTY OWNED, ENVISIONS A VARIETY
OF USES THAT ARE APPROPRIATE FOR THE
BUILDING SUCH AS;
RETAIL USES, PERSONAL SERVICE, RESTAURANT,
OFFICES, AND LIGHT INDUSTRIAL SUCH AS
FOOD MANUFACTURING WHICH PREVIOUSLY EXISTED
AT THE PROPERTY. ONE LIVE/WORK SPACE
MAY BE PROPOSED.


Application No: _____

Project Location: _____

Authorization for Engineering Review

I, Brad Schwan, as owner / applicant on the above application and property hereby authorize the Town Engineer to review the application plans and subject site and agree to reimburse the Town for any and all charges. I understand this includes the actual cost charged by the Town Engineer, plus 30% to cover the cost of staff review, coordination and general overhead. I am making a deposit of \$ _____ toward such charges. Should the cost of the review exceed this deposit, an additional deposit to cover overages must be made before processing the application continues or prior to the issuance of respective permits and entitlements.

Date: March 2, 2015

Signature: 

Property Owner / Applicant: Brad Schwan

Mailing Address: 31 Bolinas Road

City: Fairfax State: CA. Zip Code: 94930

Telephone: (H) 415 302-9177 (W) _____

Deposit Amount: _____

Receipt No.: _____

Date: _____

VARIANCE QUESTIONNAIRE
31 BOLINAS ROAD

1. Special circumstances applicable to the property.

The existing property is currently developed with a 7,134 SF building and a parking lot for 20 spaces. The present footprint of the building does not allow for expansion of the parking area. The parking as shown has had a history of being functional.

2. The variance will not constitute a grant of special privilege.

Currently this is one of the few properties in town that provides parking for its tenants. This property provides more parking for their tenants than most others in town.

3. The strict application of this title will be a hardship for the owner.

In order to comply with the required number of parking spaces, a portion of the existing building would need to be removed. Per town code 26 parking spaces are required based on retail or office uses. The proposed application will provide for twenty spaces, including one disabled space with a van loading zone. It would be unfair to subject the property owner to a standard that few others are complying with.

4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.

The proposed improvements are consistent with the historical use of the property. Prior use of the property have included a food production facility. The proposed improvements will not intensify the use of the building. Currently this property is one of the few in town that provides parking for its tenants. This property provides more parking for their tenants than most others in town.

5. Neither present nor anticipated future traffic volumes generated by the site require strict interpretation of the specified regulation.

The proposed improvements are consistent with the historical use of the property. Prior use of the property have included a food production facility and restaurant use. The proposed improvements will not intensify the use of the building.

6. Granting of the variance will not result in the parking or loading of vehicles on public streets.

The proposed building improvements will continue to use the existing parking area on the site for the parking and loading of vehicles. The existing parking area will be restripes and accessible parking provided.

7. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

The current parking area will continue to exist as it has in the past.

DESIGN REVIEW CRITERIA
31 Bolinas Road

The owner is proposing to fully upgrade the building in essentially the same configuration as existed when he purchased the property and how it is used now. Some of the spaces were and still are large refrigerated boxes under a permanent roof structure. The owner is proposing to install new windows and walls to code, seismically upgrade the entire building, install fire sprinklers, flood proof the exterior, provide for ADA access and restrooms, provide new electrical and plumbing, and to provide for flexible occupancies consistent with the prior use.

(A) The proposed development shall create a well composed design.

The proposed remodeling are infill walls under the existing roof structure. Currently there are areas of the building with no permanent walls with different wall finishes. The proposed application will create a more homogenous design with the windows and exterior wall finishes matching all sides of the building.

(B) Exterior appearance of structures.

The proposed application will provide for a more cohesive design. The new exterior infill walls are designed to match the existing front of the building. Currently the building has a mix of exterior finishes including plywood siding, and bamboo screening over covered storage area.

(C) Development shall be of a quality and character appropriate to investments in the immediate area.

The application is proposing high quality finishes appropriate for a commercial development. A portion of the parking lot will be improved with an outdoor patio.

(D) The proposed development shall conform with the requirements for landscaping, and off-street parking areas.

The existing parking area will be upgraded with new landscaping adjacent to patio area and where available, adjacent to the building. The new trash enclosure will be located closer to Bolinas Road, and away from the adjacent residential neighbors.

(E) Where the proposed development is located in an area where a neighborhood plans or precise plan has been adopted, the development shall conform in all significant respects.

The property is not located in a neighborhood or precise plan.

(F) There shall exist sufficient variety in the design to avoid monotony in external appearance.

A variety of materials and colors are proposed. The body of the building will be one color and stucco. Clad wood windows in a contrasting color are proposed. The building fascia will also be of a contrasting color. The former canvas awning that was used at the front of the building will be reinstalled.

- (G) The size and design of the structure in proportion to the building site and has balance and unity among its external features.**

The building is mostly one story, with the center portion of the building two stories. The application proposes all exterior surfaces to match, where currently there is a mix of exterior finishes.

- (H) The structure conforms to the general character of other structures in the vicinity.**

The building proposes a stucco exterior which is consistent with the other commercial buildings in the vicinity.

- (I) The extent to which ornamentation is to be used, and the extent to which temporary or second-hand materials are to be used.**

No excessive ornamentation is proposed. A simple building with clean lines that is harmonious between the front and back of the structure is proposed. The existing temporary materials such as the bamboo screening is to be replaced with exterior walls to match the rest of the building.

- (J) The extent to which natural features, including trees, shrubs and natural grade are to be retained.**

Additional landscaping will be installed adjacent to the new patio, and in areas alongside the building. The existing vegetable garden will remain which is located at the rear of the property. No new grading to the site is proposed.

- (K) The accessibility of off-street parking area and relation of parking areas to traffic on adjacent streets.**

The existing parking area will be retained with a driveway connection to Bolinas Road. New handicap parking will be installed as part of the building improvements.

- (L) The reservation of landscaping areas for the purpose of separating or screening service areas from the street and adjoining building sites.**

New landscaping will be installed adjacent to Bolinas Road to screen the existing parking area from view. The new patio will also be installed in this location which will further screen the parking area from view. The existing vegetable garden provides a buffer to the residential property located behind the subject parcel.

- (M) The Planning Commission shall consider the proximity to any residential district.**

The footprint of the building is existing. Currently the existing structure is over 20'-0" from the residence to the rear, and over 67'-0" from the residence to the south.

- (N) The Planning Commission and Town Council may adopt design guidelines.**

There are no design guidelines at this time.

“NO-RISE” CERTIFICATION

31 Bolinas Road, Fairfax, CA

This is to certify that I am a duly qualified registered professional engineer licensed to practice in the State of California.

It is further to certify that the attached technical data supports the fact that proposed (a) new walls and (b) posts to support the elevated railing, at 31 Bolinas Road, Fairfax, CA, will not impact the 100-year flood elevations, floodway elevations, or floodway widths on Fairfax Creek at published sections in the Flood Insurance Study for Marin County (Fairfax; Community Number 060175; Panel 0452E; Map Number 06041C0452E) dated March 17, 2014 and will not impact the 100-year flood elevations, floodway elevations, or floodway widths at unpublished cross-sections in the vicinity of the proposed development.

Attached are the following documents that support my findings:

1. Planting Plan (Sheet A1, Detail 3), 31 Bolinas Road, Fairfax, CA

This planting plan for 31 Bolinas Road, Fairfax, CA, provided by Owner shows proposed posts to support elevated railing, and details for the posts and railing. The Hydraulic Analysis (see below) shows proposed new walls.

2. Hydraulic Analysis at 31 Bolinas Road, Fairfax, CA

This map shows the conveyance shadow at 31 Bolinas Road, Fairfax, CA. The conveyance shadow shown is the area downstream of the existing buildings at 29 Bolinas Road and 31 Bolinas Road, which act as existing obstructions to flood flows. Flood water is already flowing around these larger obstructions, so the addition of new walls at 31 Bolinas Road will not change existing flood flows.

The conveyance shadow was delineated by drawing lines starting at each end of the building obstruction and extending downstream at a 4:1 ratio deviation from perpendicular to the nearest FEMA2014 Effective Model cross section which passes through the middle of the existing building at 31 Bolinas Road.

The elevated railing will be an open, wire mesh fence supported by posts spaced approximately at 6-foot intervals. The lowest horizontal members of the railing will be set at a minimum height of 12-inches above grade but nowhere will any horizontal member be set lower than the base flood elevation, which is 108 ft NAVD88, so horizontal members will not obstruct the base flood flow. A 22-foot long segment of the railing along the eastern property boundary will replace and follow the same alignment as the existing solid wood panel fence. The remainder of the railing that encloses the outside dining area will be new. Only the posts that support the railing will be exposed to the base flood flow. The total area of this exposure by all new posts is 6 square feet. To hydraulically compensate for the 6 square feet of exposure by the new posts to base flood flow, a 6-foot long segment of the existing solid wood fence to the south (upstream) of the fencing that runs along the southern property boundary will be removed. The elevated

EXHIBIT #

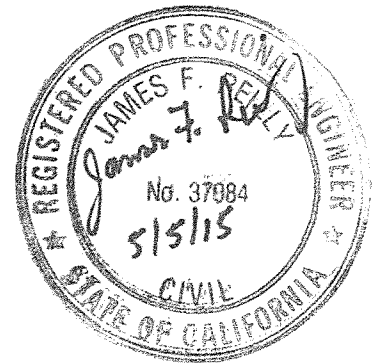
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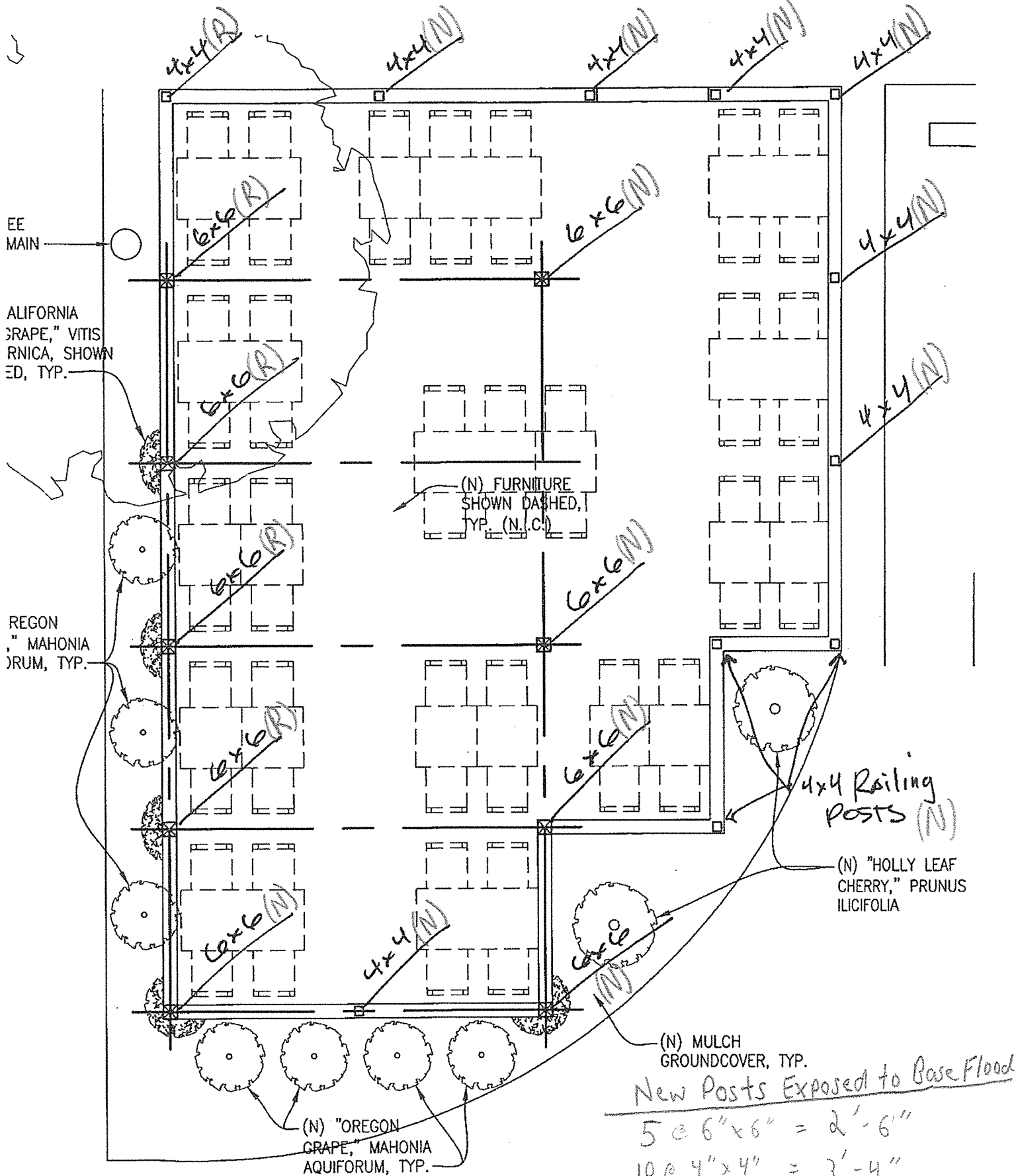
fencing in combination with removal of the 6-foot segment of the existing solid wood fence to the south (upstream) will not change existing flood flows.

The outside dining area enclosed by the elevated fencing will consist of free-standing tables and chairs. As such, the free-standing tables and chairs will not change existing flood flows.

James F. Reilly
James F. Reilly, PE

Date: 5/5/15





3
A1

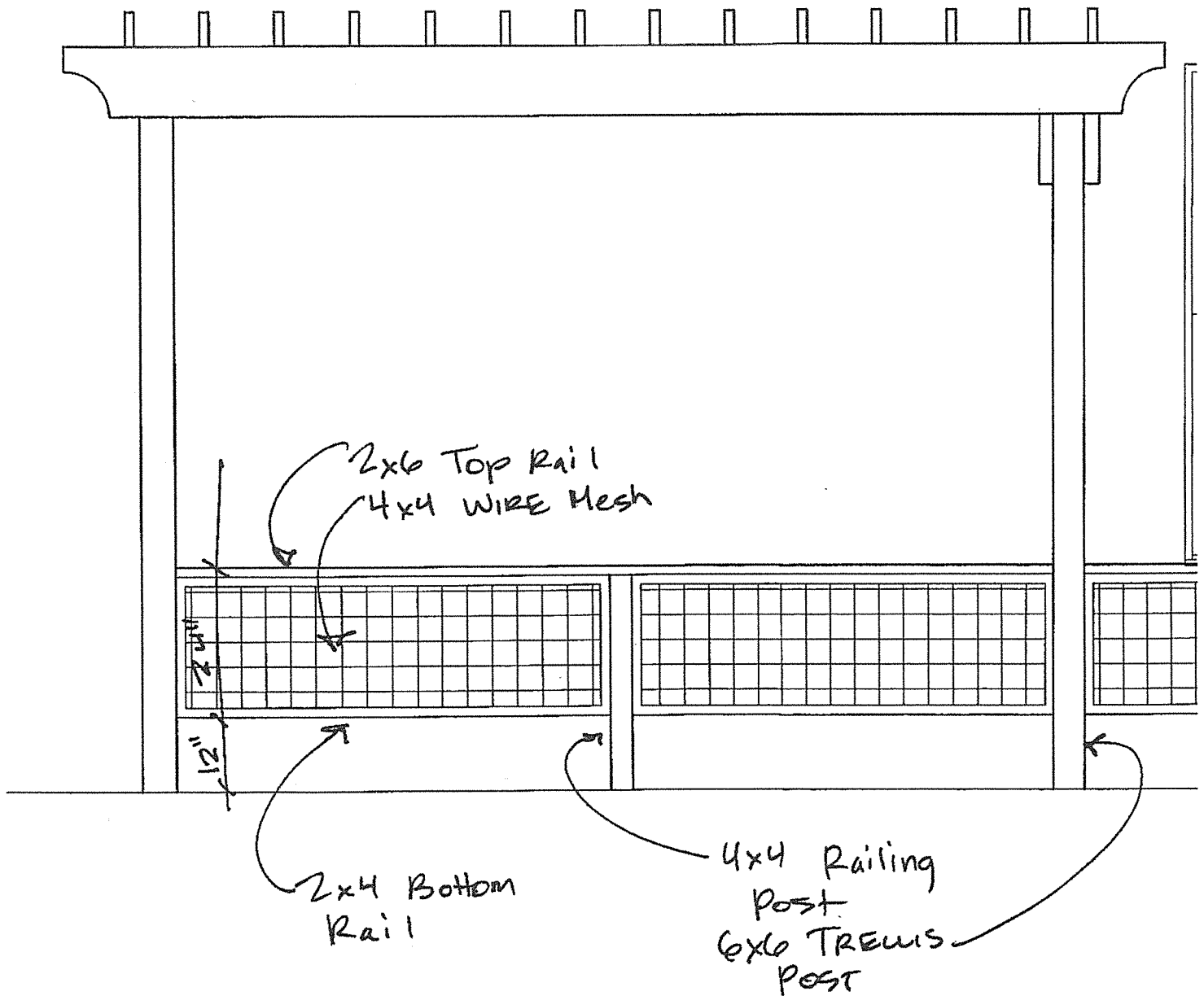
PLANTING PLAN

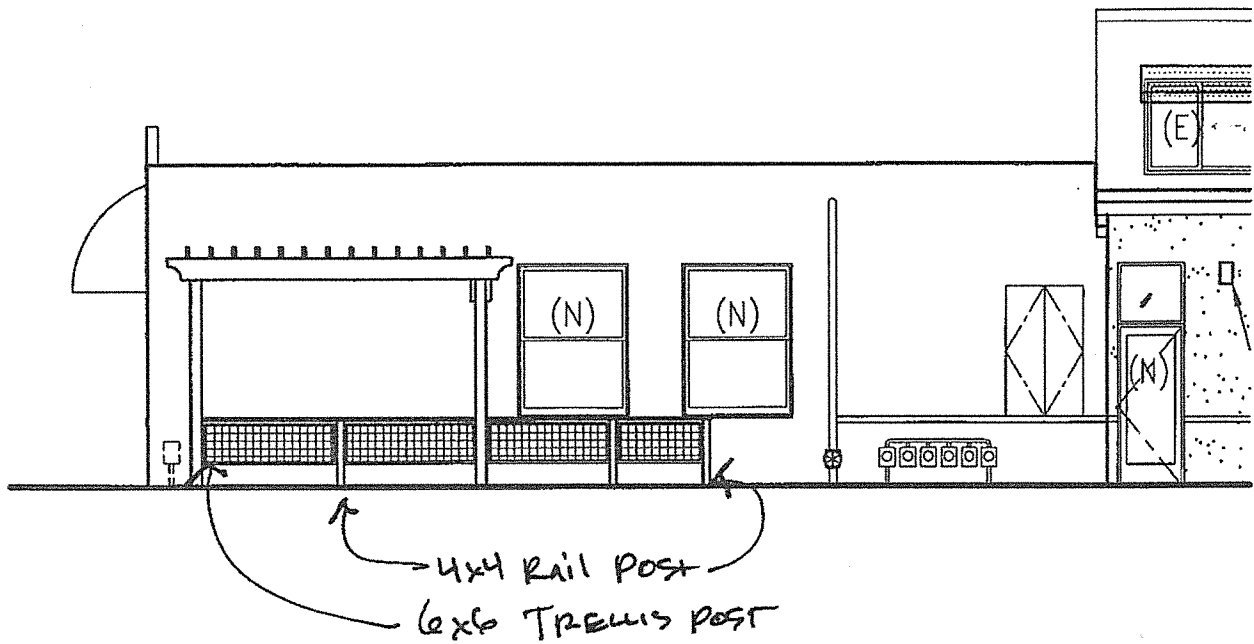
R = Replacement
N = New

SCALE: 1/4" = 1'-0"

RAILING DETAIL

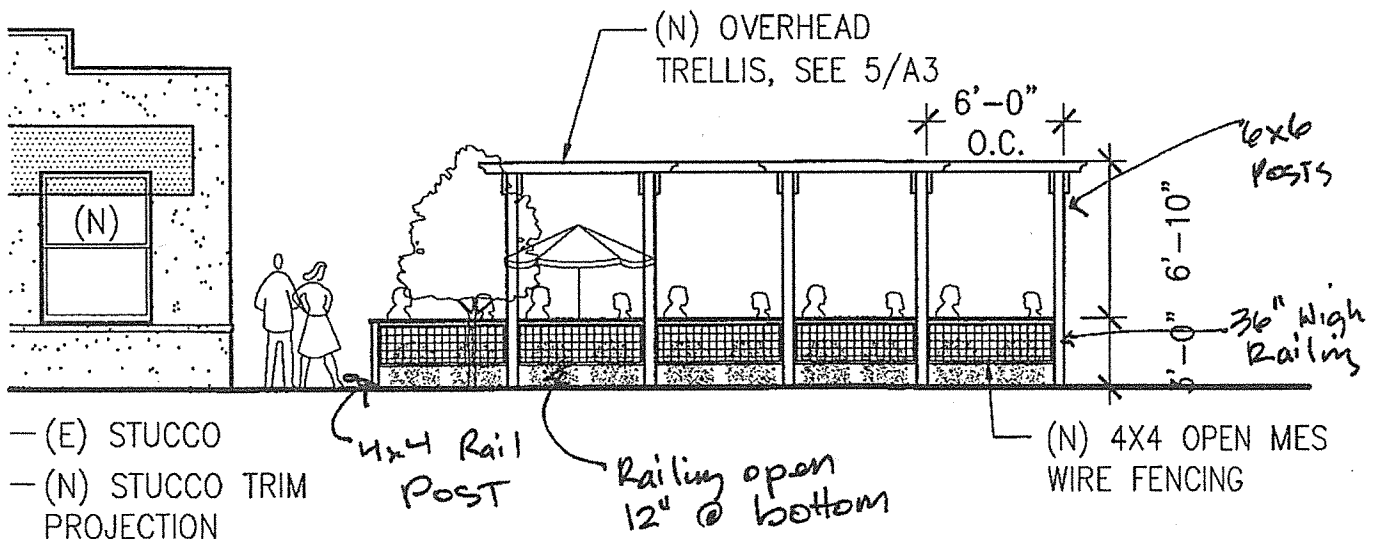
$$10\frac{1}{2}'' = 1'0''$$





SOUTH ELEVATION

LIGHTS



WEST ELEVATION

1/8" = 1'-0"

Legend

Road

- Highway 101, 580
- Other Highway
- Local
- Fire Road
- Driveway
- Footpath
- Railroad

City Limit Line

County Boundary

Elevation_2011_NAVD88_2ft

Interior

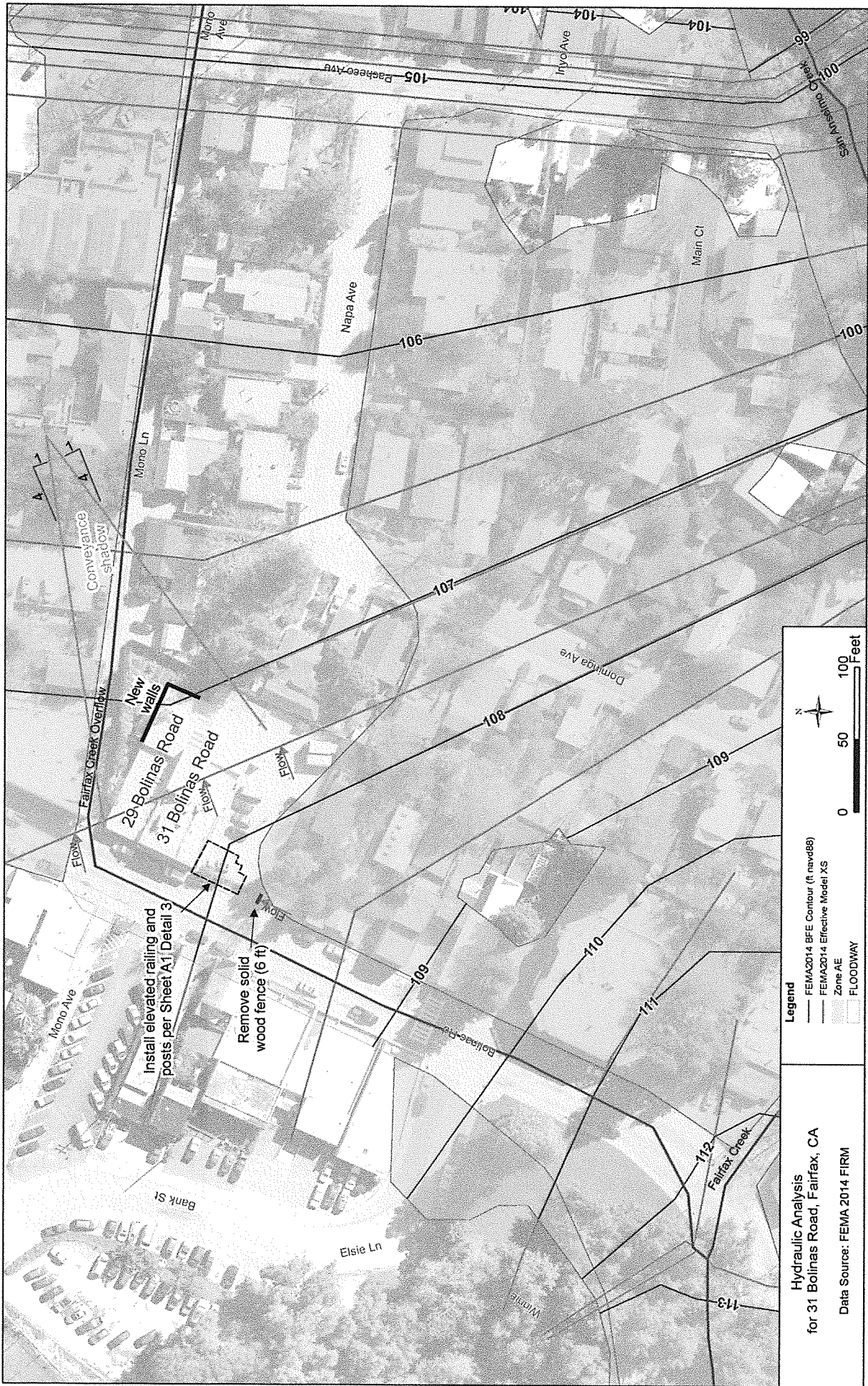
Index

Ocean Bay



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS REPRESENTATIONAL ONLY. DATA ARE NOT SURVEY PRECISE.

1:727



Hydraulic Analysis
for 31 Bolinas Road, Fairfax, CA
Data Source: FEMA 2014 FIRM

- Legend**
- FEMA2014 BFE Contour (ft mvd88)
 - FEMA2014 Effective Model XS
 - Zone AE
 - FLOODWAY

EXHIBIT "A"

Conditions of approval for Use Permit # 02-39

Project Site: 29 and 31 Bolinas Road; Assessor's Parcel Numbers 2-122-01 and 2-122-37
Approved by the Fairfax Planning Commission on December 19, 2002.

1. The Use Permit approval is limited to the following mix of uses :

A restaurant
Wholesale food preparation
Retail
Support offices
Health Center
Storage
Dinner and a movie theater. The theater space is also approved for use by guest as a community center where different guest speakers, performances, presentations and other community events can be offered.
Culinary school

2. If the Town receives a noise complaint regarding the business, the use permit will be brought before the Planning Commission for review. At the hearing the applicant will have the opportunity to demonstrate that the business is not creating any noise disturbance, or to propose mitigation measures to reduce noise impacts.

3. The use permit shall be reviewed in 6 months with respect to the traffic issues and concerns raised at the December 19, 2002, Planning Commission hearing.

4. A complete description of all the proposed uses and all the conditions of approval shall be included in Exhibit A (conditions of approval) and shall be included in the leases of all the businesses leasing space at 29 and 31 Bolinas Road.

5. The applicant shall sign and notarize an affidavit stating that if the number of vehicle trips accessing the site every day reaches an amount that would make this use subject to the Traffic Impact Ordinance he agrees to the following:

a. To allow the Town to contract with a traffic engineer to prepare a Traffic Impact Permit (TIP) study to be paid for by the applicant;

b. The TIP study shall provide all the information required in Town Code § 17.30.070;

c. The methodology for the TIP study shall be subject to approval by the both the Planning Commission and Town Council prior to preparation of the study in accordance with Town Code § 17.30.070(F);

d. If a question arises as to whether the amount of traffic generated by this multi-use business has reached an amount that would require a Traffic Impact Permit, the burden shall be upon the applicant to demonstrate to both the Planning Commission and the Town Council that the Traffic Impact standards do not apply [Town Code § 17.30.050(C)];

EXHIBIT #

D

e. To comply with any mitigation measures recommended by a Traffic Impact Study to mitigate the traffic impacts of the use.

6. No event or classes scheduled for the open-sided, roofed area shall be amplified until planning and building permits are obtained and construction of cobb walls is finished to fully enclose the "free form seating area";
7. Until the open-sided roofed area is enclosed, no event held there shall end later than 9 P.M.;
8. All delivery and pick-up vehicles shall be of a size that can be accommodated on site and which will not disrupt adjacent traffic flows on Broadway, Mono Avenue, Bolinas Road, Elsie Lane, Bank Street or any other adjacent streets;
9. The applicant shall maintain the premises in a neat and attractive manner at all times and such maintenance shall include, but not be limited to the landscaping and irrigation system. Exterior building materials, signage, windows, the ground and pavement surfaces.
10. There shall be no storage of any materials or supplies for the mixed use development, for the use of any employees of the mixed use development, or for the outdoor "dinner and a movie theater" such that it is visible from Bolinas Road, Mono Avenue or from the rear yards of the residences along Dominga Avenue;
11. The applicant shall obtain regular garbage service;
12. 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, the Environmentally Acceptable Packaging Materials Ordinance, the Garbage and Rubbish Disposal Ordinance, the Stormwater Management and Discharge Control Program Ordinance and the clean Indoor Air and Health Protection Ordinance;
13. The "dinner and a movie" outdoor theater presentations will be offered only on the weekends and the presentations shall end no later than ~~10~~⁹ P.M.;
14. Any changes to the exterior of the buildings including but not limited to new awnings, signs, fences, walls, landscaping and exterior color changes shall require the prior approval of the Fairfax Design Review Board;
15. The applicant shall comply with any and all conditions of the Town Engineer, the Ross Valley Fire Department, the Fairfax Department of Public Works and the Fairfax Police Department;
16. Should the Town prevail in any court action brought by it to enforce the applicant's obligations in connection with Conditional Use Permit # 02-39, the Town shall be entitled to an award of reasonable litigation costs, including but not limited to, attorney's fees;
17. Prior to opening the restaurant the parking lot shall be striped;

18. Failure to comply with the conditions of approval for Use Permit # 02-39 as herein enumerated, may result in revocation or modification of the Use Permit by the Planning Commission, in accordance with Chapter 17.14 of the Fairfax Town Code (Exhibit F);

19. The applicant or permittee shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, and employees to attack, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department, committee, or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the Town promptly notifying the applicant or permittee of any said claim, action or proceeding and the Town's full cooperation in the applicant's or permittee's defense of said claims, actions or proceedings.