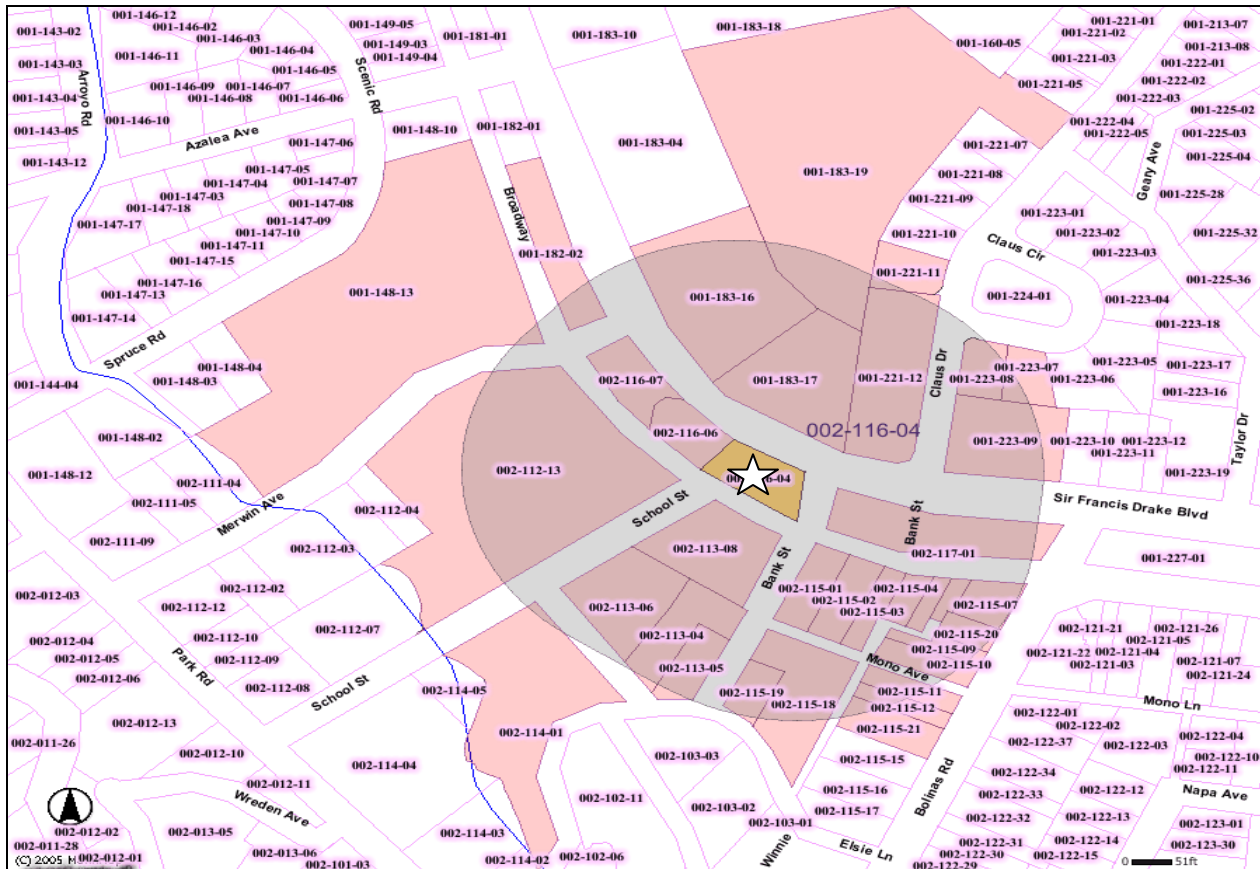


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: September 19, 2013
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
PROJECT: Reuse of an existing gas station/auto repair shop as a gas station/convenience store
ACTION: Conditional Use Permit, Formula Business Use Permit, Design Review, Sign Permit and Traffic Impact Permit; Application # 13-32
APPLICANT: Ron Jacobs, PM Design Group
OWNER: Arash Salkhi
CEQA STATUS: Categorically exempt, § 15301(a).



2001 SIR FRANCIS DRAKE BOULEVARD

BACKGROUND

The 8,700 square foot site slopes down at a rate of 7% from the southwest corner of the site 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 exact construction date is not clear from the record. The site was remodeled in the early 70's and stayed 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.

As indicated above, this site has been utilized as a gasoline service station since at least the 1960's. Service stations were permitted uses until March of 1973 when they became conditional uses resulting in this station becoming a legal non-conforming service station. It operated as a legal non-conforming use until sometime in late 2008-2009 when the gasoline service station portion of the business closed. The automobile repair portion continued for some time after that and then also closed.

The site use to be zoned Highway Commercial CH Zone but was rezoned to Central Commercial CC Zone with the adoption of a new zoning map in the 2010 - 2030 General Plan.

On March 6, 2013 the Town Council approve a methodology for the Traffic Impact Study which included requesting that the applicant's engineer analyze the potential installation of a driveway from Broadway (Exhibit 2 – minutes from the March 5, 2013 Town Council meeting).

At the August 15th, 2013 meeting the Commission approved an excavation permit to allow the removal of an estimated 350 cubic yards of contaminated soil from beneath the station and potentially from a portion of the adjacent public roadway easement if contaminants are located there.

DISCUSSION

The applicant is proposing to refurbish/remodel the station and site to reopen it as a Chevron gas station with the entire building, including the repair bays, converted to a Chevron Gas Station/Extra Mile convenience store. The proposed mixed use will require the approval of the following discretionary permits by the Planning Commission:

1. Use Permit

With the elimination of the Highway Commercial CH Zone category from the Zoning Map, service stations are no longer specifically listed as a permitted or conditional use anywhere in Town. The two remaining service stations are considered legal non-conforming uses.

Town Code § 17.100.050(F) allows the Commission to grant Conditional Use Permits for uses that combine retail and service activities when neither aspect of the business is an accessory or principal use but both are an integral part of the business. The proposed Chevron Gas Station/Extra Mile convenience store is such a combined retail service use.

The purpose of the Conditional Use Permit is to allow the proper integration into Fairfax of uses that may be suitable only in certain locations or only if the uses are designed a certain way. In considering an application for a Conditional Use Permit the Commission should consider the location and operations of adjacent uses and structures, the surrounding physical environment and the public health, safety and welfare.

North of the site, across Sir Francis Drake Boulevard, is a vacant building that used to house a grocery store and that will soon be home to a mountain biking museum, a retail artist cooperative (utilizing what was an old service station) and an independently owned gas station/vehicle repair business east of Claus Drive. First Federal Savings and Loan is located adjacent to the west, a public parking lot is located to the east, and various commercial uses including a laundromat, hair salon, bakery and bank are located to the east and south along Broadway.

With the proposed hours of operation being from 6:00 AM to 9:00 PM the business would presumably not impact the nearby residences above the businesses on Broadway. While the Chevron Station will be competition for the other two gas stations in Town, three stations have coexisted in Fairfax for many years and the proposed station would be providing an alternative to the two independent stations.

The building on the site is 1,950 square feet in size. When the Parking Ordinance, Town code Chapter 17.052, does not specifically list the parking requirements for a use, the general parking requirements listed in the specific zoning category for the property apply. Parking in the Central Commercial Zone requires one (1) parking space for each 200 square feet or fraction thereof of gross floor area for principal uses. Therefore, the proposed use needs ten (10) spaces based on this requirement. However, the proposed site plan accommodates only five (5) spaces with one of the spaces on the eastern side of the site being located in the public right-of-way.

The accessible space and two of the proposed spaces are located on the west side of the site adjacent to the convenience store entrance. These spaces are oriented perpendicular to Sir Francis Drake Boulevard and because the site is so constrained, use of these spaces will result in vehicles backing out and maneuvering across a sidewalk and into traffic on Sir Francis Drake. This is prohibited by Town Code 17.052.040 (A) for commercial properties.

The number of parking spaces near the entrance can be reduced to two (2) and be angled so that vehicles will not be backing into the public road. This will reduce the number of spaces being provided to four (4) which might be further reduced to three (3) in the future if Bank Street is extended. It would also require that these angled spaces be accessed via the site's western driveway with Sir Francis Drake Boulevard.

Town Code § 17.100.110 allows the Commission to grant exceptions to the parking regulations when approving a Conditional Use Permit in accordance with the facts, findings and determination governing the approval of the Use Permit.

It is assumed that most of the customers purchasing items at the convenience store will do so because they have already stopped for gas. Some customers will visit the site solely to purchase something from the store. Staff believes that the store will not generate the need for ten (10) spaces on the site and that the site parking can be configured to provide four (4) spaces which can adequately serve those customers only visiting the store and/or stopping to pump up their tires.

2. Formula Business Use Permit

The purpose of the Formula Business section of the Town Zoning Ordinance is to limit the number of formula businesses and restaurants in the Central Commercial CC Zone District to those that are compatible with the needs of area residents to preserve and encourage the owner-operator character of the Town's business, and to promote the local economy (Town Code § 17.100.150).

A formula business is defined as any business that is required by a corporate headquarters or franchise or other arrangement to maintain any of the following: Standardized services, décor, uniforms, architecture, signs or other similar features. This shall include but not be limited to any retail sales, service, visitor accommodation, wholesale or industrial operations (Town Code § 17.100.150, Definition of Formula Business).

The Chevron/Express Mile business qualifies as a formula business. In considering granting a Use Permit for a formula business the Commission is to consider the following questions (*staff suggested findings follow each question in bold italics*):

1. Is this a pedestrian oriented business, consistent with the CC Zone?

The gas station portion of the business is automobile-oriented. The convenience store will cater to both gasoline customers and passing pedestrians in search of convenience store items such as sodas, coffee, snacks, etc.

2. Is it likely that significant revenues from this business will be derived from residents of the Upper Ross Valley, San Geronimo Valley and Central West Marin areas?

Yes, this is the first name brand gasoline station as you enter the Ross Valley from western Marin.

3. Is it likely the business will provide services and products which satisfy the day-to-day needs of residents of the Upper Ross Valley, San Geronimo Valley and Central West Marin areas?

See number 2 above.

4. Is this a smaller scale business in terms of number of customers commensurate with the character of the CC Zone?

The size of the building, number of gasoline dispensers and limited on-site parking will dictate the number of customers visiting the site and proposed use will not generate visits to the area of numbers of persons out of character with the numbers visiting other similar sized establishments and service stations in the CC Zone.

5. If the business consistent with the unique character of Fairfax?

The fact that the business is a formula business limits the applicant's abilities to include unique characteristics in the development of the site. The applicants have indicated that they will be carrying bicycle oriented items in the convenience store and they have agreed to eliminate the internal illumination for all but one of their signs, for the fuel dispensers and in the canopy fascia. These lighting concessions will be in keeping with restrictions that have been placed on the independent stations in Town over the years and will minimize the glare and light trespass created by the remodeled station.

6. Is it likely this business will provide services or products which complement existing businesses in the CC Zone?

While the business may not compliment existing businesses it also will not conflict with any of the surrounding uses.

7. Is there a need for this type of business in Town, given the existence or the number of same or similar businesses in Fairfax?

The Chevron station will provide name brand gasoline which is currently unavailable in Town.

8. Is the proposed location of this business appropriate, given the type of use and the proximity of the same or similar businesses?

The proposed location of a gasoline station on this site is appropriate because the site has historically been developed and used as a service station with a second complimentary use (previously auto repair) in the existing building. While there is another station directly to the northeast, the Town of Fairfax has supported three (3) gas stations for over forty (40) years.

Is it likely this business will cause one or more existing businesses in Town to fail?

While providing competition for the other stations in Town, the liquor store on Sir Francis Drake and Don's Market, also on Sir Francis Drake, it is unlikely that the combined gas station/market use will draw enough business away from these other uses to cause them to fail.

Will this business keep residents from having to drive out of Town for day-to-day needs?

Yes. Residents will no longer have to leave Town to buy name brand gasoline products.

4. Design Review

The existing building and canopy over the fuel pumps will be refurbished with the auto repair bay doors removed and replaced with new block veneer to match the building siding with windows above. New block veneer siding and windows will also be added to the northeast side, a new standing seam roof will be installed along with a new metal fascia and decorative color band that will run along eastern, northeastern and northern sides of the structure. The building façade will be painted light brown (Café au lait, semi gloss, NCS-101-PPG), the roof will be a darker shade of brown (Nutmeg, semi gloss, NCS-102-PPG) and the color band will be a cranberry color (Chilled wind, semi gloss, 438-7).

The canopy will be refurbished with a new standing seam metal roof and new fascia. The roof will be nutmeg to match the store, the fascia on the east and west sides of the canopy will be blue (retail outdoor blue, PMS 293) and on the north and south sides of the canopy the fascia will be white (CVX white, WH-835-S).

The fuel pumps will also be replaced/updated with the Chevron red, white and blue color palette.

The proposed color and architectural changes are in keeping with the proposed commercial use of the buildings on the site and will compliment the surrounding commercial spaces.

The existing landscaping beds will be maintained and the plant material will be replaced as needed with new five (5) gallon specimens. A drip irrigation system will be installed and the irrigation clock will be located in the building. Both the plants and the irrigation system will be water conserving and unplanted bed surfaces will be mulched to minimize water evaporation. The Landscaping Plan can be found on page L1 of the project plans.

The potential new driveway to Broadway will result in the removal of a portion of the landscaping on the east side of the site. The driveway design and exact location will be subject to the review and approval of both the Town Traffic Engineer and the Fairfax Public Works Department.

5. Signs

Town Code 17.064.020 defines a sign as, "any written, pictorial representation, symbol, insignia, banner, placement of lighting or any other feature of similar character, used to identify, announce, direct attention to or advertise which is erected on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle or in or on any place whatsoever and which is visible from outside a building. The Code further limits the number of sign permitted per business to two (2) as long as one is a projecting sign and limits the square footage of the two signs to one square foot for every one foot of building frontage [Town Code sections 17.064.050(A) and (B)]. Internally illuminated signs require the approval of an exception from the Planning Commission [Town Code § 17.064.060(F)].

The applicants are requesting an exception to the sign ordinance regulations to erect the following signs:

- A 10 ft x 2.5 ft monument sign that will include the Chevron name and logo at the top, the ExtraMile name and logo in the middle, and the current gasoline prices, allowed signage per Town Code 17.064.040(C) and the California Business and Professions Code.
- A 9.8 square foot ExtraMile sign is proposed over the entrance to the store. This is the one sign the applicant are requesting be internally illuminated so that it is visible at night.
- A 2.5 square foot Chevron logo sign is proposed on the north side of the canopy.
- Two 10.5 square foot Chevron signs are proposed, one on the eastern and western sides of the canopy.

The proposed sign program requires the following exceptions to the Sign Ordinance;

- An exception to erect five (5) signs instead of the permitted two [Town Code § 17.064.050(B)].
- An exception to have one (1) of the signs be a monument sign [Town Code § 17.064.060(G)].
- An exception to have ExtraMile sign over the entry door be internally illuminated [Town Code § 17.064.060(F)].

The number and locations of the signs being proposed are similar to the signs programs used on other combined gas stations/convenience store uses and are similar to what is found on the other gas stations in Town.

Attention can be directed to the ExtraMile sign over the entry door without it being internally illuminated. The site is located adjacent to a four (4) way stop on a section of roadway where vehicles are traveling at slow speeds. Therefore, there is no special circumstance applicable to the site that would warrant granting an exception for an internally illuminated sign.

6. Traffic Impact Study (TIS)

The August 20, 2013 traffic study prepared by W-Trans has determined that the six (6) nearby intersections that could be impacted by the proposed business are currently operating acceptably and will continue to do so after the business opens. The Town Traffic Engineer agrees with this assessment as long as left turns from westbound Sir Francis Drake Boulevard are not allowed into the site.

Site Circulation

The site circulation assessment of this property is complicated due to the small size and location of the existing structures and driveways.

The Commission should evaluate the following three options:

1. The site can be striped and signed so that traffic traveling both east and west on Sir Francis Drake Boulevard (Drake) is restricted to entering the site from the western driveway and exiting from the eastern driveway. The traffic study indicates that the site and aisle widths are large enough to allow vehicles to proceed past the convenience store parking and between the occupied fueling pump stations. On-site parking was addressed previously within this Staff Report.
2. The Traffic Study indicates that drivers entering the site via a left turn from Drake will experience a slight delay, up to 45 to 50 seconds and that the western lane of Sir Francis Drake is wide enough to allow through traffic to continue to pass drivers waiting to turn. However, the Town is going to be installing a dedicated bike lane along this portion of Sir Francis Drake Boulevard and it is illegal to use the bike lane for passing on the right. Therefore, turning left into the site travelling west on Drake must be prohibited or vehicle/bicycle conflicts could result, or traffic would back up along westbound Drake through upstream intersections.
3. The Town Council asked the applicant to evaluate installing a driveway along the Broadway side of the site. Prohibiting left turns into the site from Drake while providing access from Broadway will result in drivers entering the site traveling from the Claus Drive/Drake intersection to Broadway. The impacts of this alternative are expected to be minimal and will not significantly change the levels of service of the study intersections.

Since Use Permits are discretionary, the Commission could approve the project and include a condition that the Use Permit be reviewed in six (6) months. That review could include requiring the applicant's traffic engineer to submit an analysis of how the site circulation is actually operating for review by the Fairfax Traffic Safety Committee and the Town Traffic Engineer prior to the Commission hearing. Modifications to the projects conditions of approval and changes to the site circulation and parking plan could be made at that time if deemed necessary.

Sidewalks

A sidewalk is proposed along the Sir Francis Drake Boulevard side of the property between the existing driveways. Please note that installation of a sidewalk was considered along the Broadway side of the site. However, analysis of that area showed that there is not enough room for a sidewalk because of the building location.

Bike Rack

The project plans include the provision of a bike rack on site to provide a place to secure bicycles when visiting the convenience store.

OTHER AGENCY/DEPARTMENT COMMENTS/CONDITIONS

Marin Municipal Water District

All indoor and outdoor requirements of District Code Title 13 – Water Conservation are 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.

Should backflow prevention be required it shall be installed 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 testing the old lateral in the presence of a District Inspector and found to meet current requirements prior to the project final inspection.

Ross Valley Fire Department

The building shall be provided with a fire suppression system that complies with Fire and Building Code requirements.

Marin County Environmental Health Department

The project plans must be submitted and be approved by the Environmental Health Department prior to the start of construction.

Fairfax Building Department

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.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to adopt Resolution No. 13-10 approving application No. 13-32 based on the findings and subject to the conditions contained in the resolution.

ATTACHMENTS

Exhibit A – W-trans Traffic Analysis dated 8/20/13

Exhibit B – Applicant’s supplemental information

Exhibit C – Minutes and Resolution from the March 6, 2013 Town Council meeting

Exhibit D – Other agency/department comments/conditions