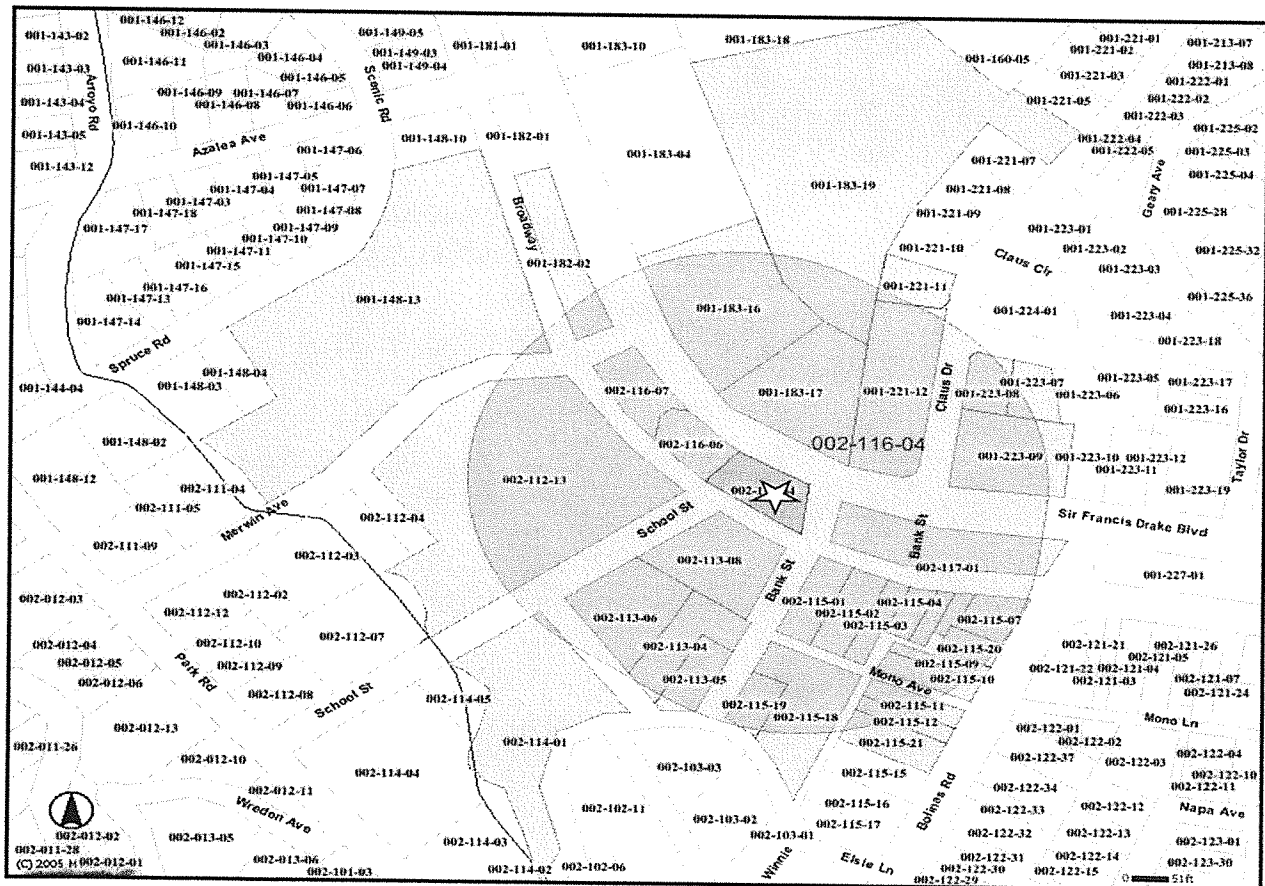


TO: Fairfax Planning Commission
DATE: September 25, 2014
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 2001 Sir Francis Drake Boulevard; Assessor's Parcel No. 002-116-04
ZONING: Highway Commercial CH Zone District
PROJECT: Demolition of existing commercial structure, exterior changes to the remaining structure, modification of the site parking and circulation and a monument sign
ACTION: Design Review and Sign Permit; Application # 14-35
APPLICANT: Ron Jacobs, PM Design Group
OWNER: Arash Salkhi
CEQA STATUS: Categorically exempt, § 15301(a)



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

DISCUSSION

The owner has now had a number of potential buyers and/or renters express interest in use the site for food service businesses. In order to be able to provide a certain level of certainty to prospective buyers and/or renters as to what the site can be used for, the owner is requesting design review approval to remove the pump dispensers and canopy from the site and make exterior changes to the building to eliminate the car repairs bays and render the building suitable for use by a food service business and to install a monument sign.

The property is located in the Highway Commercial CH Zone District which allows a myriad of food service establishments including restaurants, bakeries, butcher shops, candy shops, delicatessens and supermarkets [Town Code § 17.096(62), (8), (17), (19), (27) and (71) – also note that Town Code §17.096.060 allows the planning director to determine that similar food service uses are also permitted even if they are not included in the permitted list]. Use of the property by a food service use does not require discretionary approval by the Town and is permitted by the CH Zoning.

Traffic Impact

The staff discussed the potential for vehicle trips generate by the proposed use with the Town Traffic Engineer. He reviewed the vehicle trip generation rates provided by the Institute of Transportation Engineers and determined that a high turnover, sit-down food service use would generate fewer daily and peak period vehicle trips than the convenience market with eight vehicle fueling bays that had previously been proposed. The traffic study prepared for the previously proposed use determined that the traffic

generated by the gas station/convenience store would not result in any significant changes to the level of service at any of the nearby intersections. Therefore, staff has made the determination that the proposed food service use, which will generate much less traffic than the previously analyzed use, does not reach the threshold that would require the review and approval of a Traffic Impact Permit (Exhibit B – 9/11/14 memorandum by the Town Traffic Engineer).

Site Circulation and Parking

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

The parking lot has been redesigned so that it no longer includes any portion of the Town's Bank Street public right-of-way.

The original submittal by the applicant retained the separate entrance and exit driveways that had been used by the gas station. The Town Traffic Engineer reviewed the proposal and had concerns about parking spaces 1 and 2 having to back out over the sidewalk and into the travel path of Sir Francis Drive Boulevard. He recommended that the site be redesigned with a shared entry/exit which will allow parking spaces 1, 2 and 3 to be oriented parallel to the building resulting in a safer internal circulation pattern for the site. The applicant has redesigned the parking lot as suggested improving the on-site circulations and decreasing the number of driveways interruptions for Sir Francis Drake Boulevard.

Design Review and Sign Permit

The proposed exterior changes include the following:

1. Demolition of the gas station canopy and removal of the fuel pumps and pump islands.
2. Removal of the car repair bay doors and replacement with three large windows and block veneer to match the existing building façade.
3. Installation of cloth awnings over the windows and over the front entrance doors.
4. Installation of two decorative metal trellis structures affixed to the building façade to the east and west of the windows on the north side of the building and planted with an unspecified species of vine.
5. Repair of the roof, painting any new siding a tan color to match the existing, repainting the trim of the roof tan to match the existing siding.
6. New landscaping.

7. A new trash enclosure.
8. Reconstruction/stripping of the parking lot including combining the entrance and exit into one driveway, the provision of a new pedestrian sidewalk and landscaping to the east and west of the driveway (See revised site plan at front of project plan set).
9. Construction of a new trash enclosure with the sides of concrete block painted to match the building and wooden doors, also painted to match the building.
10. Construction of a pedestrian walkway to the site connecting Broadway to the site. Staff has included a condition that this walkway shall connect Broadway and the Town parking lot to the east to the site and shall be subject to review and approval by the Public Works Manager prior to issuance of the building permit.

A new sign program that includes one 18 square foot business identification sign of plexi-glass with green lettering affixed to the north side of the building above one of the trellises and a second 5 foot 1 inch tall monument sign with a base of concrete veneer block to match the building topped with a 5 square foot, white plexi-glass sign with green lettering depicting the future businesses business identification name.

In order to grant design review approval for a project the Commission must be able to find that the proposed changes comply with the design review criteria set forth in Town Code § 17.20.040 including that the proposed design and sign program conform to the general character of other structures in the vicinity.

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

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

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

Other businesses in the vicinity (First Federal Savings and Loan, M & G Burgers, the Bike Museum) have signs designed of natural materials like wood and metal. The proposed sign face is made of plastic and could be replaced with a wood background/frame, painted white, with green lettering which would result in more attractive signs. Also, for such a prominent corner of Town, along Sir Francis Drake Boulevard, designated a scenic highway in the General Plan, it would be nice to see some kind of articulation for the sign lettering, either raised wood letters that have been painted green, or some type of textured lettering, rather than plain green lettering on a plastic sign.

The rest of the proposed exterior changes will generally improve the appearance of the site and the building while also improving the site circulation. The proposed color and architectural changes are in keeping with the proposed commercial use of the buildings on the site and will complement the surrounding commercial spaces.

New Landscaping

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 new landscaping beds on either side of the revised driveway shall be landscaped in a manner similar to the other landscaping beds and a revised landscaping plan shall be submitted for staff review and approval with the building permit application.

Other Agency/Department Comments/Conditions

Marin Municipal Water District

1. All indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements, landscaping and irrigations plans must be reviewed and approved by MMWD prior to installation of the landscaping plan.
2. Should backflow prevention be required it shall be installed prior to the project final inspection.

Ross Valley Sanitary District

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

Ross Valley Fire Department

1. The building shall be provided with a fire suppression system and sprinkler monitoring system that complies with Fire and Building Code requirements.
2. Plans submitted for the building permit and for fire department review shall include an occupant load calculation. If the load exceeds 50 persons a 2nd fire exit shall be
3. Prior to removal of the underground tanks a fire permit and hazardous materials permit shall be secured from each agency having jurisdiction over such removal including but not limited to the State of California.
4. Address numbers at least 6 inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers shall be required.
5. An effective fire break must be maintained around the building at all times per Ross Valley Fire Department Fire Protection Standard 220, Vegetation/Fuels Management.

Marin County Environmental Health Department

The project plans must be submitted and be approved by the Environmental Health Department prior to tenant occupancy.

Fairfax Building Department

1. The construction plans submitted to the Building Department must include details showing that the project is compliant with accessibility upgrades required by the Building Code. This includes the pedestrian walkway proposed on the east side of the site that shall be redesigned to connect with the Town parking lot to the east.
2. A pedestrian walkway shall connect Broadway and the Town parking lot to the east to the site and shall be subject to review and approval by the Public Works Manager prior to issuance of the building permit.

Miscellaneous Conditions

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

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing and discuss the project.
3. Move to approve application # 14-35 granting Design Review approval and a Sign Permit for the proposed exterior changes at 2001 Sir Francis Drake Boulevard based on the following findings and subject to the following conditions:

Suggested Findings

1. The proposed exterior changes comply with the Design Review Criteria set forth in Town Code § 17.020.040.
2. The proposed sign program, with the staff recommended changes contained in the conditions list below, are the minimum necessary to alert traffic passing both east and west by the site of the nature of the business operating there.
3. Approval of the project will result in equal or better development of the premises than would otherwise be the case, and said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.
4. Neither present nor anticipated future traffic volumes generated by the use of the site for a food service business meets the threshold necessary for a Traffic Impact Permit.
5. The proposed design changes are in the public interest because the redesign; a) removes the use of the business from the Bank Street public right-of-way; and b) redesigns the site circulation to minimize the number of the driveways on Sir Francis Drake Boulevard and increase safe internal site circulation for all the on—site parking spaces. Relinquishes use of the public right-of-way.

Suggested Conditions

1. This approval is limited to the development illustrated on the plans prepared by PM Design Group dated 8/6/14 pages SP1, A1, A1.1, A2, A2.1, A and L1 and the survey prepared by Ziebatech Land Surveying.
2. Prior to issuance of a building permit the applicant or his assigns shall:

a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:

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

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

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

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

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

a. Prior to the concrete pour for the sidewalk, any accessibility features and for the new driveway on Broadway, the concrete forms shall be inspected and approved by the building official.

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

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

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

- a. The parking space and entry and exit arrows shall be painted and the "no left turn" signs shall be installed and shall be approved by staff. Signage shall be erected at the expense of the applicant and be installed by the Fairfax Public Works Department.
 - b. The new driveway on Broadway shall be completed.
 - c. The landscaping and irrigation shall be completed.
5. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.
6. During construction developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".
7. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of permit # 14-35. Any construction based on job plans that have been altered without the benefit of an approved modification of per 14-35, will result in the job being immediately stopped and red tagged.
8. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.
9. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard

shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

10. The planters shall be planted with drought tolerant plants and shall be maintained in an acceptable condition.

11. 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.

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, 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.

13. 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 Planning Commission and/or staff (when required).

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

15. Light trespass beyond the property lines shall be minimized especially from the new monument sign.

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

17. Any food service use of the building by a formula business shall be prohibit during the moratorium on the processing of formula business applications and shall be subject approval and issuance of a Formula Business Use Permit by the Planning Commission after adoption of the new Formula Business Ordinance.

Marin Municipal Water District

1. All indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements, landscaping and irrigations plans must be reviewed and approved by MMWD prior to installation of the landscaping plan.

2. Should backflow prevention be required it shall be installed prior to the project final inspection.

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A connection permit will be required. The size of the sewer lateral will depend on the fixture count which will be calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count the applicant can either install a new lateral or test the old lateral in the presence of a District Inspector 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 tenant occupancy.

Fairfax Building Department

1. The construction plans submitted to the Building Department must include details showing that the project is compliant with accessibility upgrades required by the Building Code. This includes the pedestrian walkway proposed on the east side of the site that shall be redesigned to connect with the Town parking lot to the east.
2. A pedestrian walkway shall connect Broadway and the Town parking lot to the east to the site and shall be subject to review and approval by the Public Works Manager prior to issuance of the building permit.

General Conditions

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

ATTACHMENTS

- Exhibit A – applicant supplemental information letter dated 9/3/14
Exhibit B – Town Traffic Engineer's letter dated 9/11/2014



PM Design Group, Inc.
2455 Bennett Valley Road, Ste. C102
Santa Rosa, CA 95404
P. 707.703.5618
F. 707.361.4715

Sept. 3, 2014

Town of Fairfax, Planning Dept.
Attn: Linda Neal
142 Bolinas Road
Fairfax, CA 94930

RE: 2001 Sir Francis Drake Blvd.
Design Review Submittal

Linda,

The Design Review submittal package for the property located at 2001 Sir Francis Drake Blvd. makes references to a "yogurt shop" going into the space. The owner has not secured a tenant for the space yet and would like to change the proposal to a "food related business". Though a yogurt shop is a possibility for the location, Mr. Salkhi needs the option to look at other food related businesses as well.

Please let us know if any further information is required to proceed with the approval to make exterior changes to the site for this food related business?

Sincerely,

Ron Jacobs
rjacobs@pmdginc.com
707-400-6264

Office Locations
Sacramento • Portland • Phoenix • Dallas • San Francisco • Denver • Los Angeles

www.pmdginc.com

EXHIBIT # A

September 11, 2014

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

Subject: Review of Preliminary Plans for Proposed Yogurt Shop at 2001 Sir Francis Drake Boulevard in Fairfax, CA

Dear Ms. Neal:

Pursuant to your request, Parisi Transportation Consulting has reviewed the preliminary design plans for the proposed yogurt shop, received by the Town of Fairfax on August 11, 2014.

The following are our comments:

- Based on vehicle trip generation rates provided by the Institute of Transportation Engineers, a yogurt shop (or high turnover, sit-down restaurant) would generate fewer daily and peak period vehicle trips than a convenience market with eight vehicle fueling stations. Thus, if acceptable to the applicant, the August 2013 traffic study for the previously proposed convenience market with fueling stations could be used to conservatively address potential transportation effects on nearby roadways and intersections.
- Pursuant to previous assessments, vehicular left turns from westbound Sir Francis Drake Boulevard into the site may need to be prohibited in order to enable safe and acceptable operations along westbound Sir Francis Drake Boulevard.
- The location of at least two on-site proposed parking spaces (#1 and #2) would result in potentially unsafe vehicle maneuvering, particularly when vehicles exit the spaces as drivers would have constrained sight lines and would be required to back-up across Sir Francis Drake Boulevard's sidewalk and into Sir Francis Drake Boulevard.
- The applicant is encouraged to consider an alternative access and parking design, e.g., consolidating both existing driveways into a new central two-way driveway and enabling head-in parking opposite the property to the north of the site (where parking spaces #1 and #2 are shown on the current plans).
- The proposed use would likely generate a substantial amount of walking and bicycling trips. The project should provide ample on-site bicycle parking and access for pedestrians and bicyclists directly from Broadway. A separate pathway should be

1750 Bridgeway, Suite B208, Sausalito, CA 94965

www.parisi-associates.com

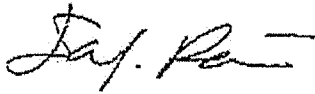
EXHIBIT # **B**

provided on site, directly from Broadway to the face of the building, without conflicting with on-site vehicle parking. A direct bicycle connection, perhaps via the Bank Street right-of-way, should be provided.

We are more than happy to discuss potential multimodal design changes with the applicant. We may have further comments once more information is known about the proposed project's specific use and as further design refinements are undertaken.

Please let me know if you have any questions.

Sincerely,

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

David Parisi, PE, TE
Principal