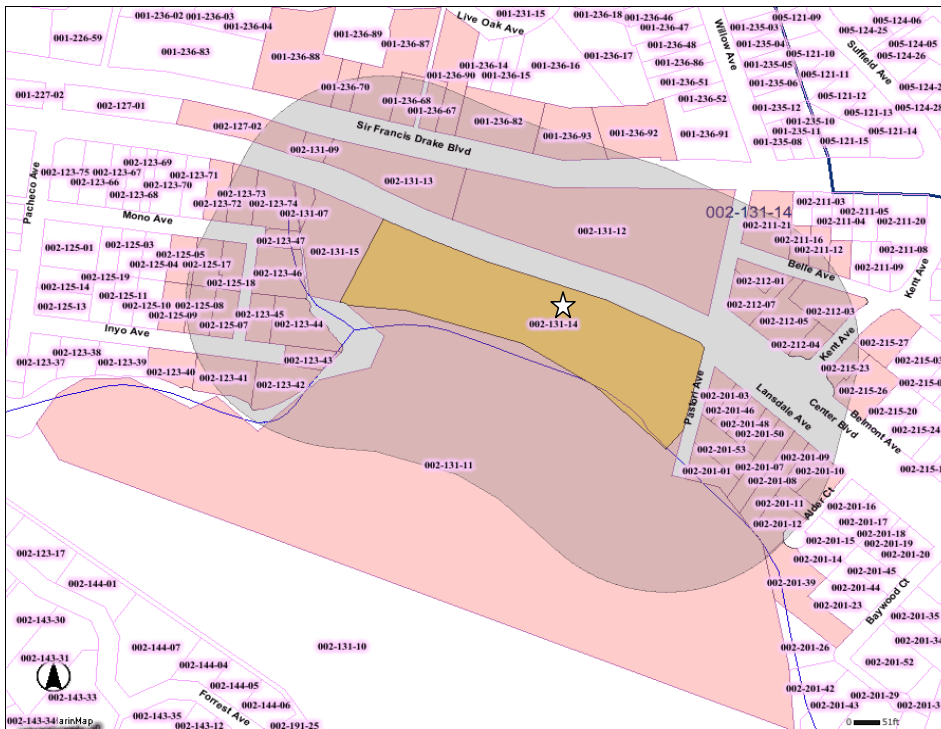


**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** June 20, 2013  
**FROM:** Jim Moore, Director of Planning and Building Services  
 Linda Neal, Senior Planner  
**LOCATION:** 767 Center Boulevard; Assessor's Parcel No. 002-131-14  
**PROJECT:** -Dog wash/pet supply store in existing commercial space  
**ACTION:** Use Permit; Application # 13-17  
**APPLICANT:** Jason Ohara  
**OWNER:** Fairfax Properties LLC  
**CEQA STATUS:** Categorically exempt, § 15301(a)



**767 CENTER BOULEVARD**

## **BACKGROUND**

The 117,176 square foot site has a 12 % slope and San Anselmo Creek runs along the southern side of the site. The property is developed with two commercially zoned buildings totaling 66,168 square feet in size and associated parking lots on both the east and west sides of the building.

The property used to be zoned Highway Commercial but was rezoned Central Commercial CC Zone with the adoption of the new zoning map in the 2010-2030 Fairfax General Plan adopted on April 4, 2012.

## **DISCUSSION**

The Central Commercial Zone District uses an antiquated method for describing permitted uses taking the form of a long list of permitted businesses and indicating that any use not listed or any use that combines types of uses require the approval of Use Permits [See Town Code sections 17.100.040(1) through (66) and 17.100.050(F)]. This section will be updated in the near future but right now, the proposed dog washing service use combined with the pet supply use requires a Use Permit from the Planning Commission.

The applicant proposes remodeling 2,048 square feet of commercial space into grooming facility with bathtubs and drying stations for pets while also providing a boutique type pet supply retail store as well. The facility will provide for self serve and full serve dog washing services along with some other minimal grooming services such as a nail trimming.

Business hours will be from 10:00 am to 8:00 pm Monday through Friday, 9:00 am through 8:00 pm on Saturdays and 9:00 am to 6:00 pm on Sundays with most heavy traffic to the site occurring the evening after typical daytime working hours. Four (4) employees are scheduled to work the peak hours at any time although more staff may be scheduled to work prior to special events or holidays when the business services are in heavy use.

The commercial space is located between Avatar Community Business Center and Iron Springs Pub and Brewery. The proposed use hours and proposed operation plan should not conflict with those of the neighboring businesses as long as the conditions recommended by staff below are complied with.

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

Fairfax Building Official – the business requires a second fire exit per California Building Code 1021.2 and Table 2021.2.

Marin Municipal Water District – The property's current annual combined water entitlement is 9.10 acre feet. Prior to issuance of a building permit for the remodeling the property owner shall provide a detailed breakdown of uses on the property so that the existing water entitlement may be accurately dispersed amongst the water services.

All indoor plumbing fixtures must meet specific efficiency requirements and comply with the requirements of District Code Title 13 – Water Conservation.

Should backflow protection be required, said protection shall be installed prior to the project final building inspection.

Environmental Health Services – If required, the applicant shall obtain a permit from the California Department of Public Health prior to selling any bakery style treats.?????

The Fairfax Police Department, Ross Valley Sanitary District # 1 and the Fairfax Public Work Department have no concerns about the proposal.

### RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve application # 13-17 based on the following findings and subject to the following conditions of approval:

#### Recommended Findings

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1. The proposed use is not expected to generate any traffic beyond traffic that would be generated by similar permitted businesses such as a hair salon which typically also have retail areas where hair and beauty products are sold. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The project conditions include maintaining the exterior of the business in a neat, clean and attractive manner at all times and prohibits unattended pets along the business frontage. Therefore, 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.
3. 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.
4. There are no pet grooming storefront businesses in Fairfax and only one other store dedicated to the sale of pet products. The approval of the Use Permit will provide a

service not currently available in Fairfax. Therefore, approval of the use permit will result in 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.

### **Recommended Conditions of Approval**

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1. The applicant shall obtain a sign permit and a building permit prior to erecting any sign for the business.
2. The business will be located immediately adjacent to a restaurant providing outdoor dining. Therefore, a dispenser providing “pick-up” bags shall be located by the front door and shall be kept full so patrons needing them do not have to find an employee to obtain one.
3. At no time shall any animals visiting the business with their owners be left unattended outside.
4. During the remodeling process all construction related materials shall be situated off the travel lane of the adjacent sidewalk. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.
5. During and after construction all employees, contractors and subcontractors must comply with all requirements set forth in Town Code Chapter 8.08, Garbage and Rubbish Disposal, Town Code Chapter 8.16, Polystyrene Foam, Degradable and Recyclable Food Packaging, Town Code 8.20, Noise Control, Town Code Chapter 8.32, "Urban Runoff Pollution Prevention" and Chapter 8.44, Clean Indoor Air and Health Protection.
6. The Planning Department shall field check the completed project to verify that all design review and planning commission conditions have been complied with prior to the store opening.
7. The applicant shall maintain the premises in a neat, clean and attractive manner at all times and such maintenance shall include, but not be limited to exterior building materials, signage, windows, the ground, and pavement surfaces.
8. Minor adjustments to the business floor plan, such as installation of a corridor and second exit as required by the California Building Code shall be subject to the review and approval by the Department of Planning and Building Services.
9. The applicant or owner 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, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department 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 owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

10. Failure to comply with the conditions of approval will result in the Use Permit being reviewed by the Commission for possible modification of conditions or revocation.
11. All conditions of agencies with jurisdiction over the project must be complied with unless that agency waives one or more of them in writing to the Town.

#### **Building Code Condition**

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1. The business as configured requires a second fire exit per California Building Code 1021.2 and Table 2021.2. The floor plan including the required second exit must be reviewed and approved by the Building Official and the Ross Valley Fire Department prior to the opening of the business. A building permit for the second exit shall be obtained for the construction if required by the Building Code. If the applicants are able to demonstrate to the Building Official and the Ross Valley Fire Department that a second exit is not required by the California Building Code, this condition shall be eliminated.

#### **Marin Municipal Water District Condition**

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2. Prior to issuance of a building permit for the remodeling the property owner shall provide a detailed breakdown of uses on the property so that the existing water entitlement may be accurately dispersed amongst the water services.
3. All indoor plumbing fixtures must meet specific efficiency requirements and comply with the requirements of District Code Title 13 – Water Conservation.
4. Should backflow protection be required, said protection shall be installed prior to the project final building inspection.

#### **ATTACHMENTS**

Exhibit A - Applicant's supplemental information  
Exhibit B – Other agency/department conditions/concerns

