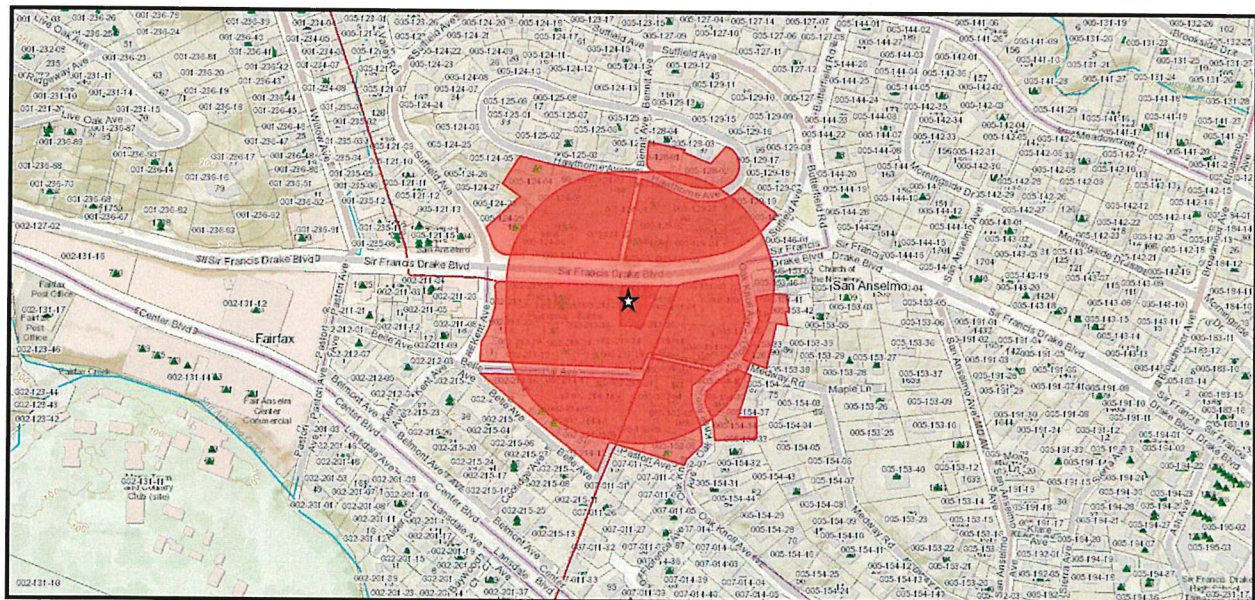


**KTOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** June 18, 2020  
**FROM:** Linda Neal, Principal Planner  
**LOCATION:** 1573 Sir Francis Drake Boulevard; Assessor's Parcel No. 002-213-10  
**ZONING:** Highway Commercial CH Zone  
**PROJECT:** Outdoor seating/service area  
**ACTION:** Conditional Use Permit; Application # 20-5  
**APPLICANT:** Lori and Brian Buckner  
**OWNER:** Same  
**CEQA STATUS:** CEQA categorically exempt, §15301(a).



## 1573 SIR FRANCIS DRAKE BOULEVARD

### BACKGROUND

The project site is 8,620 square-feet in area and relatively flat with a 4 % slope. The site is located within the Highway Commercial (CH) Zone and is developed with a 985 square-foot, 19 foot-tall commercial building that was constructed in 1906. Five large Coast redwood trees considered "heritage" in size (11 inches in diameter at breast

height) are located on the west side of the building and one Coast live oak, also considered "heritage" in size, is located at the rear of the site.

On September 21, 2017, the Planning Commission approved a Design Review Permit and a Sign Permit to allow the remodel and 91 square-foot expansion of the building along with the placement of the new sign copy "The Lodge" on the historic building sign.

A preschool is located to the east of the site, a carwash to the west, Sir Francis Drake Boulevard to the north and the residential neighborhood on Hill Avenue to the south.

The Town of San Anselmo granted an encroachment permit to allow the placement of 3 tables within the Sir Francis Drake Boulevard right-of-way in 2019.

The Town Council at their June 3 meeting agendized allowing commercial use of both private and public outdoor areas to help reduce the devastating impact of the coronavirus on local businesses. The Council passed an urgency ordinance allowing Temporary Use Permits (TUP) and Encroachment Permits for such uses (see Attachment B for TC resolution and ordinance). Staff received a TUP application from 1573 Sir Francis Drake for temporary use of a portion of its onsite outdoor area for seating, and on June 5 2020 approved a TUP allowing outdoor seating on the site that meets social distancing requirements (see Attachment C).

## **DISCUSSION**

This application is for a Conditional Use Permit (UP) for outdoor seating that will remain in effect while the structure is in use as a restaurant but, if approved, would not go into effect until the Temporary "Pandemic" Conditional Use Permit(TUP) restrictions are no longer in effect, or until October 3, 2020, whichever occurs first. If the County Health Department extends social distancing and other coronavirus public health measures beyond October 3, any and all applicable Health Department requirements would apply to the permanent UP.

The project encompasses: a) the creation of a roughly 406 square foot decomposed granite patio area at the rear of the building adjacent to the unpaved parking lot to accommodate 2 picnic tables and 3 smaller patio tables; b, placement of 1 to 2 picnic tables at the rear of the site west of the adjacent neighboring barn at 1963 Sir Francis Drake Boulevard; c) the relocation of the 3 tables previously approved by Town of San Anselmo within the public right-of at the front of the site into the Fairfax Town limits, to be located at the front of the building underneath the overhanging roof; and, d) placement of seating for persons waiting to eat or have a drink amongst the redwood grove on the west side of the building (no tables). The proposed tables would provide seating for approximately 28 persons. Hours of outdoor service would be from 9 AM to 8 PM during the summer months, and 9 AM to 5 PM during the winter. No new lighting is proposed for the patio area at this time.

The CH Zoning allows restaurant uses in Town Code §17.096.040(11),(63)]. Town Code §17.096.050(B)(1) requires that a Conditional Use Permit be obtained from the Planning Commission for combined uses as follows:

“Permitted principal uses with minor and/or accessory fabrication or assembly activities limited to light manufacturing or processing activities, when the entirety of use, both principal and accessory, is contained entirely within a building”.

Therefore, the proposed outdoor seating and food service area requires the approval of a Conditional Use Permit by the Planning Commission.

### **Use Permit**

The purpose of the Conditional Use Permit process is to, “allow the proper integration into Fairfax of uses which may be suitable only in certain locations in the town or in a zone or only if the uses are designed or laid out on the site in a particular manner.

### **Visibility**

The outdoor seating area will not be visible from Sir Francis Drake Boulevard, or the residences on Hill Avenue to the south due to intervening tall hedges, a fence and trees. The barn and existing main structure at 1569 Sir Francis Drake Blvd. (Caterpillar Academy) on the east side of the site block views of the site from the residence in San Anselmo on Romona Drive to the east (Attachment C – aerial photograph and Marin Map of the site and surrounding area). The outdoor seating area will only be visible from the Caterpillar Academy to the east (the carwash is sufficiently below the site that the outdoor areas should not be visible). The owner of the Caterpillar Academy property has indicated that his only concern is that the tables are maintained on the Lodge property because there is no fence between the 2 sites, so the boundary is not clearly marked. He has spoken to the Lodge owners about this and they have placed the existing 1 table approved with the Temporary Use Permit (TUP) accordingly.

### **Traffic**

The addition of a permanent outdoor restaurant seating area will not cause a significant increase in traffic to the site and is not subject to the Traffic Impact Permit process because it does not involve the construction of any new structures or an addition to a structure that would generate more than 100 average daily traffic trips [Town Code § 17.056.050(1)(a)].

Two bike racks that can accommodate the storage of 6 to 8 bicycles would alternate with 7 above ground planters to create a barrier between the outdoor seating and vehicle parking and driveway areas, and provide additional parking for the many bicyclists that are customers of this business.

## **Noise**

The noise created by the limited number of 28 diners in the outdoor eating areas is not likely to exceed the permitted noise decibel levels for the adjacent residential dwellings noise zone which is 50 decibels between the hours of 7 AM and 10 [Town Code § 8.20.050(B), "Exterior Noise Limits" table]. The proposed outdoor seating hours are 9 AM to 5 PM during the winter and 9 AM to 8 PM during the summer.

The addition of the outdoor seating will not increase number of employees beyond the 4 already working on site during the busiest shifts which are experienced on the weekends.

The number of patrons, employees and hours of operation of this business will not substantially change. The additional noise the outdoor seating would generate is not expected to reach the maximum noise level limitations set forth in the Town Noise ordinance and described above. Ambient noise levels from Sir Francis Drake Boulevard traffic and the power washing/vacuuming at the adjacent carwash is very loud and realistically will drown out any noise generated by the use of the outdoor seating.

No new exterior lighting is proposed. Therefore, the outdoor seating will not negatively impact the neighboring commercial properties or the adjacent residential uses in Fairfax along Hill Avenue to the south and in San Anselmo, along Ramona Drive to the east which are over 70 feet away from the outdoor seating area.

## **Parking**

The site currently accommodates 5 parking spaces including 1 van accessible parking space immediately adjacent to the accessible ramp that accesses the rear of the restaurant building.

Town Code 17.052.030(H) requires that 1 parking space be provided for each 200 square-feet of gross floor area for restaurant uses. Therefore, the site complies with the parking requirements.

## **Design Review**

The project involves the placement of only temporary planters, bike racks, tables, chairs and red umbrellas, minor grading to level the patio area and placement of a crushed granite surface that do not constitute new construction of a structure. Therefore, the project is not subject to the Design Review Chapter of the Town Code (Town Code § 17.020.030(B)).

However, the appearance of the exterior furniture, umbrellas, bike racks and planters should be considered with the review of the Conditional Use Permit to ensure that the

exterior unfixed improvements are of a quality that will protect the value of private and public investments in the immediate area.

The chosen exterior furniture, planters, bike racks and umbrellas will not conflict with the character of the adjacent buildings or negatively affect the value of adjacent properties (Attachment C).

The table top tables and chairs will be stored inside the building at night while the umbrellas and picnic tables will remain outside.

## **Signs**

Town Code § 17.064.050 limits businesses to having 2 signs, as long as one is a projecting sign. Therefore, while the staff has the authority to approve one of the hanging signs as a projecting sign, only the Planning Commission can approve the other hanging signs beneath the roof overhang. The applicants have indicated they will file an application to request an exception to the Sign Ordinance from the Planning Commission to keep the signs, although they have not done so at this time.

The only sign permit that has been approved for this building is for the reuse of the historic sign on the roof to display the business identification name approved by the Commission when they granted the Design Review Permit and Sign Permit on September 21, 2017.

## **Recommended Conditions**

In addition to the standard conditions of approval contained in the attached Resolution No. 2020-04 recommending approval of the project staff has included the following additional conditions:

1. Live music is not allowed and no music shall be played outside the building nor shall any music be piped from inside the building to the exterior seating area unless such a modification to the Conditional Use Permit is applied for and approved by the Planning Commission.
2. If additional lighting for the outdoor area, or any other changes to the approved plan, are deemed necessary going forward, they shall either be approved by the Planning Director, or if he deems it necessary, shall be approved by the Planning Commission as a modification of this Conditional Use Permit.
3. Existing lighting fixtures currently lighting outdoor areas of the site shall not result in light spilling beyond the access pathways or beyond the enclosed seating area.
4. The lighting conditions are not meant to restrict low level individual table lights that do not cast light beyond the table surfaces.

5. The plant material used in the planters shall be native, drought tolerant species.
6. The hanging signs that increase the number of signs for the business beyond the permitted 2 shall be submitted for review by the Planning Commission and either legalized or removed.
7. This Conditional Use Permit shall not be in effect until October 3, 2020, or whenever the Governor's "Roadmap to Resilience" reaches the stage that eliminates the social distancing regulations requiring 6 feet of social distancing separation between diners that are not living together, whichever comes first (the proposed plan table locations do not comply with social distancing with the picnic tables located only 5 feet apart from each other and the three tabletops in the rear only 2 feet away from the picnic tables and each other and the tabletops at the front of the restaurant only 3 feet apart). If the Marin County Health Department extends social distancing or other coronavirus-related requirements beyond October 3, the applicant shall comply with all applicable requirements.
8. The applicant shall comply with all requirements of the Department of Alcohol and Beverage Control, and shall obtain any necessary permits from the Marin County Environmental Health Department prior to switching from the Temporary Covid-19 Use Permit (TUP) operations to the Conditional Use Permit (CUP) operations.

#### **Agency/Department Comments/Conditions**

**Ross Valley Fire Department** – The Fire Department has indicated that the proposal meets or exceeds fire code regulations.

None of the following agencies or departments commented on the proposed outdoor dining area: Ross Valley Sanitary District, Marin Municipal Water District, Fairfax Police, Public Works and Building Departments.

#### **RECOMMENDATION**

1. Conduct the public hearing.
2. Move to approve application # 20-5 by adopting Resolution No. 2020-04 setting forth the findings and conditions for approval of the requested Conditional Use Permit. .

#### **ATTACHMENTS**

Attachment A – Resolution No. 2020-04

Attachment B – Town Council Urgency Outdoor Use Ordinance and Resolution

Attachment C - Temporary (Covid-19) Use Permit

Attachment D- Project distance from residential development map/aerial photo

Attachment E- photos of proposed outdoor furniture and its locations



## **RESOLUTION NO. 2020-04**

### **A Resolution of the Fairfax Planning Commission Approving Application # 20-5 to Allow an Outdoor Eating Areas at 1573 Sir Francis Drake Boulevard for the Existing Lodge Restaurant**

**WHEREAS**, the Town of Fairfax has received an application for a Conditional Use Permit to allow outdoor seating for the existing restaurant; and

**WHEREAS**, the Planning Commission held duly noticed Public Hearings on June 18, 2020, 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 Conditional Use Permit for outdoor dining; and

**WHEREAS**, based on the plans and supplemental information provided by the applicant, as well as the 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 Conditional Use Permit; and

**WHEREAS**, the Commission has made the following findings:

#### **The proposal complies Fairfax General Plan Policies and Programs as follows:**

Policy LU-7.2.3: Traffic and parking concerns related to new and renewed development shall be addressed in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity.

Program LU-7.2.3.1: Approve business permits that do not impact neighborhood quality of life, neighborhood character or vehicular circulations and parking.

#### **The proposal complies with the Zoning Ordinance as follows:**

##### **Conditional Use Permit Findings:**

- A. The approval of the Conditional Use Permit will not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
- B. The outdoor eating areas are proposed over 70 feet away from the nearest residential units located to the southeast and south of the site and are separated from the residential development by hedges, trees and in some instances buildings which visually screen the outdoor eating areas and help block any noise generated by the site. Therefore, the development and use of property as approved under the Conditional Use Permit will 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.

- C. Approval of the Conditional 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 Town.
- D. Approval of the Conditional 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.

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

**Conditions of CUP Permit Approval**

- 1. The project is limited to the table and chair placement depicted in the plan dated 5/12/20 and including the 2 picnic tables shown in the ABC site plan marked up by staff "Addendum to 5/12/20 CUP Plans" and to show only seating in and amongst the redwood grove.
- 2. The outdoor seating area shall be closed between the hours of 8 PM and 9 AM during the summer and 5 PM and 9 AM during the winter.
- 3. 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, planters, outdoor furniture, the ground and the pavement surfaces.
- 4. 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.
- 5. Any other changes made to the exterior of the building or site, including but not limited to new lighting, new signs, planters, table and seating relocation, etc, shall comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Fairfax Planning Commission or Planning Director as required.
- 6. 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 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.

7. There shall be no storage of any materials, supplies for the business outside the building other than the outdoor furniture.
8. There shall be no outdoor entertainment, including the piping of prerecorded music to the outdoor eating area without a modification of this Conditional Use Permit by the Fairfax Planning Commission.
9. Failure to comply with the conditions for modified Conditional Use Permit # 20-05 as herein enumerated, may result in revocation or modification of the Conditional Conditional Use Permit by the Planning Commission, in accordance with Chapter 17.024 of the Fairfax Town Code (section 17.024.090, grounds for revocation and 17.024.100, grounds for modification).

#### **Miscellaneous Conditions**

10. The project requires the submission and approval of plans by the Health Department prior to issuance of the building permit for the outdoor eating area.
11. If additional lighting for the outdoor area, or any other changes to the approved plan, are deemed necessary going forward, they shall either be approved by the Planning Director, or if he deems it necessary, shall be approved by the Planning Commission as a modification of this Conditional Use Permit.
12. Existing lighting fixtures currently lighting outdoor areas of the site shall not result in light spilling beyond the access pathways or beyond the enclosed seating area.

13. The above 2 conditions are not meant to restrict low level individual table lights that do not spill light beyond the table surfaces.
14. The plant material used in the planters shall be native, drought tolerant species.
15. The hanging signs that increase the number of signs for the business beyond the permitted 2 shall be legalized through the sign permit process by the Planning Commission.
16. This Conditional Use Permit shall not be in effect until October 3, 2020, or whenever the Governor's "Roadmap to Resilience" reaches the stage that eliminates the social distancing regulations requiring 6 feet of social distancing separation between diners that are not living together, whichever comes first (the proposed plan table locations do not comply with social distancing with the picnic tables located only 5 feet apart from each other and the three tabletops in the rear only 2 feet away from the picnic tables and each other and the tabletops at the front of the restaurant are only 3 feet apart). If the Marin County Health Department extends social distancing or other coronavirus-related requirements beyond October 3, the applicant shall comply with all applicable requirements.
17. The applicant shall comply with all requirements of the Department of Alcohol and Beverage Control, Control, and shall obtain any necessary permits from the Marin County Environmental Health Department prior to switching from the Temporary Covid-19 Use Permit (TUP) operations to the Conditional Use Permit (CUP) operations.

**NOW, THEREFORE BE IT RESOLVED**, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the Conditional Use Permit 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 June 18, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

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Chair Green

Attest:

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Ben Berto, Director of Planning and Building Services

**ORDINANCE NO. 848**

**AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN  
OF FAIRFAX AUTHORIZING THE TOWN MANAGER TO ESTABLISH  
AND ISSUE TEMPORARY OUTDOOR USE PERMITS TO ALLOW  
RESTAURANTS AND OTHER BUSINESSES TO PROVIDE OUTDOOR  
DINING AND CURBSIDE PICKUP AND WAIVING ANY APPLICANT  
FEES IN THE TOWN'S REVIEW PROCESS**

**WHEREAS**, in response to the COVID-19 pandemic and global health crisis, the President of the United States, the Governor of the State of California (the "Governor"), the County of Marin (the "County"), and the Town of Fairfax (the "Town"), have each proclaimed a state of emergency; and

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order N-33-20 (the "Stay-at-Home Order"), ordering all State of California (the "State") residents to shelter at home or at their place of residence, except as needed to ensure continuity of operations in essential critical infrastructure sectors and additional sectors as directed by the State Public Health Officer; and

**WHEREAS**, as the result of the Stay-at-Home Order and the County Health Officer's orders, restaurants, which usually provide onsite food and beverage service were prohibited from offering dine-in service and have only been allowed to operate by utilizing food delivery or takeout service; and

**WHEREAS**, the Governor has announced a "Roadmap to Resilience" plan to reopen the state in four stages and on May 4, 2020, the Governor issued Executive Order N-60-20, announcing that the State would move to a "Stage 2" modification of the Stay-at-Home Order, allowing for businesses identified as having a lower risk of COVID-19 transmission to reopen in accordance with State Public Health guidelines; and

**WHEREAS**, counties throughout the state are in various stages of reopening businesses in Stage 2, and some counties have begun allowing dine-in service at restaurants; and

**WHEREAS**, State guidelines may prompt restaurants and businesses to create temporary outdoor seating and/or curbside pickup areas as quickly as possible; and

**WHEREAS**, despite the ability of business to gradually reopen in accordance with State and local health requirements, businesses are limited in their capacity to provide services in their existing facilities due to existing and anticipated social distancing requirements; and

**WHEREAS**, the Town desires to establish a more streamlined permitting process that would allow businesses to quickly install outdoor dining or curbside pickup areas in a safe manner in compliance with State and County public health directives; and

**WHEREAS**, the Town Council intends to provide assistance to local businesses during this time of public health and economic hardships, by encouraging the patronization of local restaurants and other businesses in a safe manner and therefore desires to establish a temporary use permit to allow restaurants and other businesses to temporarily operate in an expanded outdoor capacity in private outdoor spaces including parking lots and areas adjacent to businesses, subject to the review and approval by the Town Manager; and

**WHEREAS**, Government Code section 8634 authorizes, during a local emergency, the Town Council, or officials designated thereby, to promulgate orders and regulations necessary to provide for the protection of life and property; and

**WHEREAS**, the Town, pursuant to the police powers delegated to it by the State Constitution, has the authority to enact laws that promote the public health, safety, and general welfare of its residents; and

**WHEREAS**, based upon the findings above, the Town Council finds that there is a current and immediate need to allow businesses to use certain outdoor spaces in order to prevent additional harm to small businesses in the Town and to allow the public to patronize Town businesses while complying with social distancing requirements, in order to mitigate the threat to the public health, safety and welfare presented by COVID-19; and

**WHEREAS**, pursuant to California Government Code section 36937, the Town may adopt an urgency ordinance if it is for the immediate preservation of the public peace, health or safety; and

**WHEREAS**, based upon the findings above, the Town Council finds that this urgency ordinance is necessary for the immediate preservation of the public health, safety and welfare. The Town Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and take effect immediately upon adoption. As described above, businesses in the Town are facing unprecedented hardships related to COVID-19 and the shelter-in-place orders. It is anticipated that restaurants will be able to reopen for in-person dining within a few weeks, and this Ordinance needs to take effective immediately in order to allow the Town to permit businesses to expand into adjacent spaces subject to obtaining required permits. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

**NOW, THEREFORE**, the Town Council of the Town of Fairfax does ordain as follows:

**Section 1.** The recitals above are each incorporated by reference and adopted as findings by the Town Council.

## **Section 2. Compliance with Laws.**

Nothing in this ordinance shall require the Town to issue a Temporary Outdoor Use Permit to a Qualifying Business, unless and until that Qualifying Business is authorized to operate under State and County orders. All Qualifying Businesses authorized to reopen must be in compliance with State and County orders regarding reopening protocols.

## **Section 3. Definitions.**

For purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

"County Health Officer" means the public health officer of the County of Marin.

"Town Manager" means the Town Manager, or his or her designee.

"Qualifying Business" means any retail business, restaurant, winery, brewery, or bar, that demonstrates it will operate in compliance with reopening protocols of the State of California and the County of Marin.

"Temporary Outdoor Use Permit" means a permit issued by the Town and obtained by a Qualifying Business to operate within the Town on private property in accordance with the provisions of this Ordinance.

## **Section 4. Indoor Consumption of Food and Beverages.**

All Qualifying Businesses that serve food or beverages onsite shall serve food and beverages according to the State's industry guidance for dine-in restaurants, as it may be amended from time to time. A Qualifying Business is required to prioritize outside seating and curbside pickup, and to reconfigure dining areas to provide for at least six feet of physical distancing. Employees must follow the County Health Officer's guidance relating to face coverings to prevent COVID-19 transmission. Qualifying Businesses that offer sit-down, dine-in meals should still encourage takeout and delivery service wherever possible.

## **Section 5. Temporary Outdoor Use Permit.**

A. A Qualifying Business may temporarily provide or expand seating for outdoor dining on private outdoor property, such as parking lots, in addition to the outdoor dining spaces currently permitted for restaurants under the Fairfax Municipal Code or an applicable conditional use permit, subject to the conditions of a Temporary Outdoor Use Permit. Such a business must obtain a revocable Temporary Outdoor Use Permit prior to operating a temporary outdoor dining area for the purpose of adhering to physical distancing requirements.

B. The Town Council authorizes the Town Manager to create a Temporary Outdoor Use Permit application, to review applications for such a permit, and to issue

such permits with any necessary conditions of approval. Qualifying Businesses or their representative may apply to the Town for a revocable Temporary Outdoor Use Permit.

C. A Temporary Outdoor Use Permit shall authorize the revocable and limited use of outdoor dining seating for restaurants or support the permitted uses of the applicant business in parking lots adjacent to restaurants or other businesses, as specified in the Temporary Outdoor Use Permit, subject to compliance with operational and safety provisions provided by the Town Manager, applicable State and County health orders, applicable regulations of the California Department of Alcoholic Beverage Control, the California Fire Code, and the Americans with Disabilities Act. Provided these conditions are met, the applicant shall not be subject to minimum parking requirements specified in the Fairfax Municipal Code or in a previously granted entitlement, for the duration of the term of the Temporary Outdoor Use Permit, which shall be reasonably related to the requirements of State, County, or local social distancing requirements and the economic impacts of COVID-19. If the applicant intends to use a shared private parking lot for expanded outdoor dining seating or curbside pickup, then the applicant must obtain written consent from other parties with whom the parking lot is shared, and such consent shall be provided upon submission of the permit application. If the applicant is a tenant, the tenant shall obtain the property owner's consent and the property owner must also sign the application for a Temporary Outdoor Use Permit.

#### **Section 6. Application for Temporary Outdoor Use Permit.**

A. A Qualifying Business may apply for a Temporary Outdoor Use Permit by submitting an application to the Town Manager, on a form approved by the Town Manager. The application shall be accompanied by any additional information required by the Town Manager. There shall be no application fee required for this Permit.

B. Any Qualifying Business applying for a Temporary Outdoor Use Permit may, in connection with its application for the Permit, be exempted by the Town Manager from any applicable Land Use requirements, including, but not limited to, parking, architectural design or signage requirements.

C. The Town Manager shall consider any application submitted for a Temporary Outdoor Use Permit.

D. The Town Manager may approve an application for a Temporary Outdoor Use Permit only if the operation of the Qualifying Business will be in compliance with the reopening protocols of the State and County, applicable regulations of the California Department of Alcoholic Beverage Control, current building codes, the California Fire Code, and the Americans with Disabilities Act. The Qualifying Business must demonstrate that the public health and safety of the Town will not be threatened by the issuance of the Temporary Outdoor Use Permit. All proposed additional or temporary seating, spaces for curbside pickup, and locations will be reviewed by the Town to ensure compliance with the requirements above and that outdoor seating and curbside pickup areas are safe and secure. The Town will receive each application to ensure that the seating or curbside pickup area will not negatively impact parking supply, noise, or safety.



D. If the application for a Temporary Outdoor Use Permit is approved:

1. The Town Manager may issue a Temporary Outdoor Use Permit on any terms the Town Manager deems necessary to ensure compliance with the reopening protocol of the State of California and the County of Marin and to protect the public health and safety of the Town. The Temporary Outdoor Use Permit shall be valid for an initial 120 days. Permits may be renewed administratively for up to an additional 60 days. All Temporary Outdoor Use Permits shall expire by November 30, 2020.

2. Any Qualifying Business operating onsite and outdoors pursuant to a Temporary Outdoor Use Permit must comply with all reopening protocols of the State and County, as they may be amended from time to time.

3. The Qualifying Business agrees to name the Town as an additional insured on its insurance, and the Town Manager shall determine the minimum coverage and limits required as a condition for the issuance of either permit. If applicant's request for a permit is approved, the Qualifying Business shall furnish proof of insurance coverage to the Town Manager prior to the issuance of a permit.

E. The Temporary Outdoor Use Permit issued pursuant to this Ordinance is nontransferable. Only the Qualifying Business for which the Temporary Outdoor Use Permit was issued shall be permitted to operate under the prescribed terms of the permit.

F. An applicant for a Temporary Outdoor Use Permit shall not be charged application or renewal fees.

G. Any provisions of the Fairfax Municipal Code that would otherwise prevent issuance of a Temporary Outdoor Use Permit shall be temporarily waived.

H. The Town Manager may revoke a Temporary Outdoor Use Permit issued pursuant to this ordinance at any time and for any reason.

#### **Section 7. Appeal.**

The decision of the Town Manager regarding a Temporary Outdoor Use Permit shall be final unless appealed. Within ten (10) days from the date the Town Manager issues a decision, the applicant requesting the Temporary Outdoor Use Permit may appeal an adverse determination or any conditions or limitations imposed in either permit. Any other interested person not satisfied with the decision may file an appeal within ten (10) days from the date the written decision was rendered. All appeals shall contain a statement of the grounds for the appeal. Appeals shall be made to the Town Council who shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than thirty (30) days after an appeal has been filed. Following the filing of an appeal, the Town Council shall hold a public hearing on the matter. All determinations on an appeal shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

### **Section 8. Enforcement.**

A violation of this Ordinance or the Temporary Outdoor Use Permit constitutes an imminent threat to the public health and is hereby declared to be a public nuisance and shall be subject to the nuisance abatement procedures set forth in Chapter 1.2 of the Fairfax Municipal Code.

### **Section 9. Term.**

This Ordinance remains in full force and effect until this Ordinance is rescinded by the Town Council.

### **Section 10. Urgency Finding and Effective Date.**

The Town hereby finds, determines and declares that this ordinance is necessary to the immediate preservation of the public peace, health or safety, because there is an urgent need to slow COVID-19 transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. Therefore, the Town further finds, determines and declares that this Ordinance shall take effect immediately upon adoption by a four-fifths vote of Town Council pursuant to the authority conferred upon it by California Government Code section 36937.

### **Section 11. Posting.**

The Town Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code.

### **Section 12. Severability.**

If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The Town Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

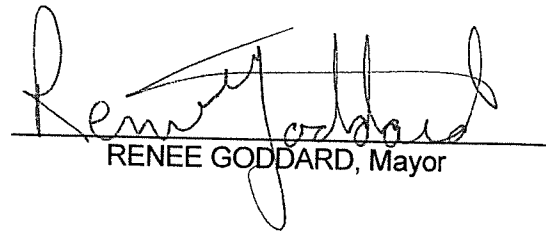
### **Section 13. CEQA.**

This ordinance qualifies for a categorical exemption from the California Environmental Quality Act (CEQA) under Section 15301, Class 1 (Existing Facilities), of the CEQA Guidelines. This exemption applies to a class of projects that are considered not to have a significant effect on the environment. This includes projects that consist of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed project consists of allowing minor site alterations to create temporary ancillary outdoor dining areas or curbside pickup areas


for existing retail businesses and restaurants. The project would not have a significant effect on the environment. The Town Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Marin in accordance with CEQA Guidelines.

**PASSED, APPROVED AND ADOPTED** by the Town Council of Fairfax, California, at a regular meeting of the Town Council held on the 3<sup>rd</sup> day of June, 2020 by the following vote:

AYES: ACKERMAN, COLER, GODDARD, HELLMAN, REED  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
RENEE GODDARD, Mayor

ATTEST:

  
Michele Gardner, Town Clerk

## **RESOLUTION 20-19**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AUTHORIZING THE TOWN MANAGER TO ENTER INTO CERTAIN RIGHT-OF-WAY USE AGREEMENTS FOR TEMPORARY OUTDOOR USE AND TO CLOSE STREETS FOR OUTDOOR EVENTS**

**WHEREAS**, the Town Council has found that the spread of the novel coronavirus (COVID-19), an infectious disease that causes respiratory illness, globally and within the San Francisco Bay Area, could potentially endanger the public health and safety of the residents of the Town of Fairfax and Marin County (the "County"), requiring the Town to take actions to slow the spread of the disease and protect the health of the public; and

**WHEREAS**, the Town Council proclaimed the existence of a local emergency related to COVID-19 on March 17, 2020; and

**WHEREAS**, on March 16, 2020, the public health officers of Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara Counties announced, with the City of Berkeley, a legal order directing their respective residents to shelter at home as of March 17, 2020, and the County has subsequently superseded this order with successive orders, most recently with a Stay-at-Home order issued on May 15, 2020, which remains in effect until superseded; and

**WHEREAS**, the existence of the State and County Stay-at-Home orders have drastically impacted local businesses which have been unable to operate unless designated as an essential business. Restaurants and other facilities that prepare and serve food have only been able to operate delivery or carry out service, and retail businesses have had to cease in-person sales; and

**WHEREAS**, the State Stay-at-Home order is beginning to be relaxed to allow for the gradual reopening of businesses. On April 28, 2020, the Governor announced a four-stage roadmap for relaxing the current Stay-at-Home order to gradually reopen businesses. On May 12, 2020, the Governor issued guidance for the eventual reopening of restaurants in counties certified as meeting state benchmarks for addressing the COVID-19 pandemic. On May 18, 2020, the Governor announced a loosening of rules, giving counties more flexibility in making determinations of how to move through Stage 2, and indicated that Stage 3 could begin as soon as June 2020; and

**WHEREAS**, despite the ability of business to gradually reopen in accordance with State and local health requirements, businesses are limited in their ability to provide services in their existing facilities due to existing and anticipated social distancing requirements; and

**WHEREAS**, the Town Council intends to provide assistance to local businesses during this time of public health and economic hardships, by encouraging the patronization of local restaurants and other businesses in a safe manner and therefore desires to establish

standards that allow restaurants and other businesses to temporarily operate in an expanded outdoor areas in the public right-of-way throughout the Town and to give the Town Manager more flexibility to close streets to allow greater pedestrian access.

**NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Fairfax as follows:**

1. Findings. The Town Council finds that the aforementioned recitals are true and correct and are herein incorporated into this Resolution.

2. Temporary Relief. The uses authorized by Sections 3 and 4 below are intended to provide temporary relief to restaurants and other businesses in the form of allowing businesses to use the public right-of-way and other public spaces to display goods or provide additional outdoor dining seating area necessary to serve patrons and meet social distancing requirements and guidelines, consistent with State and County health orders.

3. Right-of-Way Agreements for Temporary Outdoor Use. Restaurants and other businesses may temporarily provide or expand outdoor dining seating or business activity in portions of the public right-of-way, or into other specified public property, in the areas designated by, and at the sole discretion of, the Town Manager or his or her designee, in addition to the outdoor spaces currently permitted for restaurants or other businesses under the Fairfax Municipal Code or an applicable conditional use permit, upon execution of a Right-of-Way Agreement for Temporary Outdoor Use with the Town. Restaurant or business owners or their representatives may apply to the Town for and enter into Right-of-Way Agreements for Temporary Outdoor Use. The Right-of-Way Agreement for Temporary Outdoor Use shall authorize the revocable and limited use of a portion of the public right-of-way or other public property, as specified in the Agreement, subject to compliance with operational and safety provisions provided by the Town Manager or his or her designee, applicable state and County health orders, applicable regulations of the Department of Alcoholic Beverage Control, applicable building and fire codes, and the Americans with Disabilities Act.

The application for the Right-of-Way Agreement for Temporary Outdoor Use shall be prepared by and subject to the approval of the Town Manager or his or her designee as to substance, and by the Town Attorney as to form and legal requirements.

The term of the Right-of-Way Agreement for Temporary Outdoor Use shall be no longer than 120 days, but may be renewed for up to one 60-day period at the sole discretion of the Town Manager or his or her designee. All Right-of-Way Agreements shall expire by November 30, 2020.

4. Closure of Streets for Outdoor Events. Pursuant to Section 21101(e) of the California Vehicle Code, the Town may adopt rules and regulations for highways under its jurisdiction by resolution regarding the temporarily closure of a portion of any street for local special events, and other purposes when, in the opinion of Town, or a public officer or employee that the Town designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

The Town Council desires that portions of certain streets, including Mono Avenue (i.e., Mono Alley) be used to temporarily allow for open air dining and other business purposes, intended to allow the public to patronize local businesses and dine outdoors. The Town finds and resolves that the closure of such streets is necessary for the protection of persons using such streets for such purposes during designated events. The Town Council authorizes the Town Manager or his or her designee to determine which streets or portions of streets may be temporarily closed, to establish a schedule for outdoor dining/business events, and to order the closure of streets or portions of streets as necessary to allow for such events.


5. CEQA Exemption. The Town Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this resolution, and the prohibitions established hereby, may have a significant effect on the environment, because the resolution only provides for the temporary uses of developed space. It is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations. The Town Council further finds that the uses authorized by this Resolution are minor public alterations in the condition of land which do not involve removal of healthy, mature, scenic trees. Therefore, the resolution is exempt from California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15304(e) of the California Code of Regulations.

6. Severability. If any provision of this Resolution or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Resolution that can be given effect without the invalid provision or application, and to this extent, the provisions of this Resolution are severable. The Town Council declares that it would have adopted this Resolution irrespective of the invalidity of any portion thereof.

7. Effective Period. This Resolution shall take effect immediately upon adoption and shall remain valid until rescinded by the Town Council.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Fairfax on the 3rd day of June 2020, by the following vote:

AYES: ACKERMAN, COLER, GODDARD, HELLMAN, REED  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
\_\_\_\_\_  
RENEE GODDARD, Mayor

ATTEST:   
\_\_\_\_\_  
Michele Gardner, Town Clerk



## **TEMPORARY USE PERMIT NO. 20-1**

### **Approval of expansion of a restaurant at 1573 Sir Francis Drake Boulevard to include outdoor public seating**

**WHEREAS**, the Town of Fairfax has received an application for a Temporary Use Permit (TUP) to create public outdoor seating areas at 1573 Sir Francis Drake Boulevard on June 5, 2020; and

**WHEREAS**, in response to the COVID-19 pandemic and global health crisis, the President of the United States, the Governor of the State of California (the "Governor"), the County of Marin (the "County"), and the Town of Fairfax (the "Town"), have each proclaimed a state of emergency; and

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order N-33-20 (the "Stay-at-Home Order"), ordering all State of California (the "State") residents to shelter at home or at their place of residence, except as needed to ensure continuity of operations in essential critical infrastructure sectors and additional sectors as directed by the State Public Health Officer; and

**WHEREAS**, as the result of the Stay-at-Home Order and the County Health Officer's orders, restaurants, which usually provide onsite food and beverage service were prohibited from offering dine-in service and have only been allowed to operate by utilizing food delivery or takeout service; and

**WHEREAS**, the Governor has announced a "Roadmap to Resilience" plan to reopen the state in four stages and on May 4, 2020, the Governor issued Executive Order N-60-20, announcing that the State would move to a "Stage 2" modification of the Stay-at-Home Order, allowing for businesses identified as having a lower risk of COVID-19 transmission to reopen in accordance with State Public Health guidelines; and

**WHEREAS**, counties throughout the state are in various stages of reopening businesses in Stage 2, and some counties have begun allowing dine-in service at restaurants; and

**WHEREAS**, State guidelines may prompt restaurants and businesses to create temporary outdoor seating and/or curbside pickup areas as quickly as possible; and

**WHEREAS**, despite the ability of business to gradually reopen in accordance with State and local health requirements, businesses are limited in their capacity to provide services in their existing facilities due to existing and anticipated social distancing requirements; and

**WHEREAS**, the Town desires to allow businesses to quickly install outdoor dining or curbside pickup areas in a safe manner in compliance with State and County public health directives; and

**WHEREAS**, during this time of public health and economic hardships, the Town encourages the patronization of local restaurants and other businesses in a safe manner via a temporary use permit to allow restaurants and other businesses to temporarily operate in private outdoor spaces; and

**WHEREAS**, Government Code section 8634 authorizes, during a local emergency, the Town Council, or officials designated thereby, to promulgate orders and regulations necessary to provide for the protection of life and property; and

**WHEREAS**, the Town, pursuant to the police powers delegated to it by the State Constitution, has the authority to enact laws that promote the public health, safety, and general welfare of its residents; and

**WHEREAS**, based upon the findings above, the Town Council has found that there is a current and immediate need to allow businesses to use certain outdoor spaces in order to prevent additional harm to small businesses in the Town and to allow the public to patronize Town businesses while complying with social distancing requirements, in order to mitigate the threat to the public health, safety and welfare presented by COVID-19; and

**WHEREAS**, pursuant to California Government Code section 36937, the Town may adopt an urgency ordinance if it is for the immediate preservation of the public peace, health or safety; and

**WHEREAS**, the Town Council adopted Urgency Ordinance No. 848 on June 3, 2020, which took effect immediately and allowed the Town to permit businesses to expand into adjacent spaces subject to obtaining required permits; and

**WHEREAS**, the Planning Department has reviewed the plans submitted for the Lodge at 1573 Sir Francis Drake Boulevard and determined that, as conditioned, .

**THEREFORE**, the Temporary Use Permit (TUP) is approved subject to the following conditions:

1. The TUP shall be conducted in conformance with the plans entitled "Supplemental Diagram" for 1573 Sir Frances Drake, dated 6-1-2020 and herein attached as "Exhibit A", except as further modified by the following conditions.
2. The applicant shall comply with provisions of the May 15, 2020 ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MARIN DIRECTING ALL INDIVIDUALS IN THE COUNTY TO CONTINUE SHELTERING AT THEIR PLACE OF RESIDENCE EXCEPT FOR IDENTIFIED NEEDS AND ACTIVITIES, IN COMPLIANCE WITH SPECIFIED REQUIREMENTS; CONTINUING TO EXEMPT HOMELESS INDIVIDUALS FROM THE ORDER BUT URGING GOVERNMENT AGENCIES TO PROVIDE THEM SHELTER; REQUIRING ALL BUSINESSES AND RECREATION FACILITIES THAT ARE ALLOWED TO OPERATE TO IMPLEMENT SOCIAL DISTANCING, FACE COVERING, AND

CLEANING PROTOCOLS; AND DIRECTING ALL BUSINESSES, FACILITY OPERATORS, AND GOVERNMENTAL AGENCIES TO CONTINUE THE TEMPORARY CLOSURE OF ALL OTHER OPERATIONS NOT ALLOWED UNDER THIS ORDER ("Shelter in Place Order"), and any subsequent Health Order issued by the Health Officer of the County of Marin ("Subsequent Order").

3. The applicant shall further comply with the following, as applicable:
  - a. the June 1, 2020 INDUSTRY-SPECIFIC GUIDANCE OF THE HEALTH OFFICER OF THE COUNTY OF MARIN REGARDING REQUIRED BEST PRACTICES FOR RESTAURANTS ALLOWING SEATED OUTDOOR DINING issued pursuant to the May 15, 2020 Shelter in Place Order and any subsequent updates or guidelines issued by the Health Officer of the County of Marin; and/or
  - b. Any applicable subsequent updates or guidelines issued by the Health Officer of the County of Marin ("Subsequent Guidelines").
4. The applicant shall incorporate and address all applicable Best Practices included in the applicable Guidelines.
5. The applicant shall operate approved outdoor activities in a manner that provides an accessible path of travel allowed as part of approved activities,
6. Outside lighting shall be the minimum necessary for safe function of outdoor seating and shall be shielded from direct offside illumination.
7. The parking spaces shown on the "Supplemental Diagram" as redesignated for outdoor seating may be so used for the duration of the TUP, and shall not be subject to any requirements involving vehicular or parking outside of those as may be determined to be necessary for public safety.
8. Hours of operation involving use of outside seating areas shall be from 9 am. to 10 pm. on Fridays and Saturdays, and 9 am. to 9 pm. on other nights.
9. The premises shall be maintained in a neat and attractive manner at all times.
10. The Town of Fairfax reserves the right, at any time and in its sole discretion, to revoke or modify the TUP to require removal or modification of any or all uses, improvements, structures, and/or materials used to facilitate approved outdoor activities authorized by this TUP.
11. 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.

12. This TUP shall run and be valid for 120 days, or until October 3, 2020, and thereafter shall be null and void until and unless extended by the Town. A determination on whether or not to extend the TUP shall be at the sole discretion of the Town.
13. Any additional changes proposed to the outdoor seating beyond the scope of this approval shall be applied for in writing prior and be subject to review by the Town. Any changes shall be subject to the approval of the Town in writing prior to being made.
14. 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 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.
15. The applicants shall list on their liability insurance the Town of Fairfax as additionally insured.
16. The applicants must comply with all conditions imposed by an outside agency unless that agency waives its conditions in a written letter to the Department of Planning and Building Services.

---

Ben Berto, Director of Planning and Building Services

---

June 5, 2020  
Date

**SUPPLEMENTAL DIAGRAM****Instructions to Applicant:**

Draw a sketch of the area on which the licensed premises is or will be located. Show adjacent structures and nearest cross streets. If this is an event for a daily license, catering authorization, event authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.

1. APPLICANT NAME (Last, first, middle)

Lori Lynn Bruckner

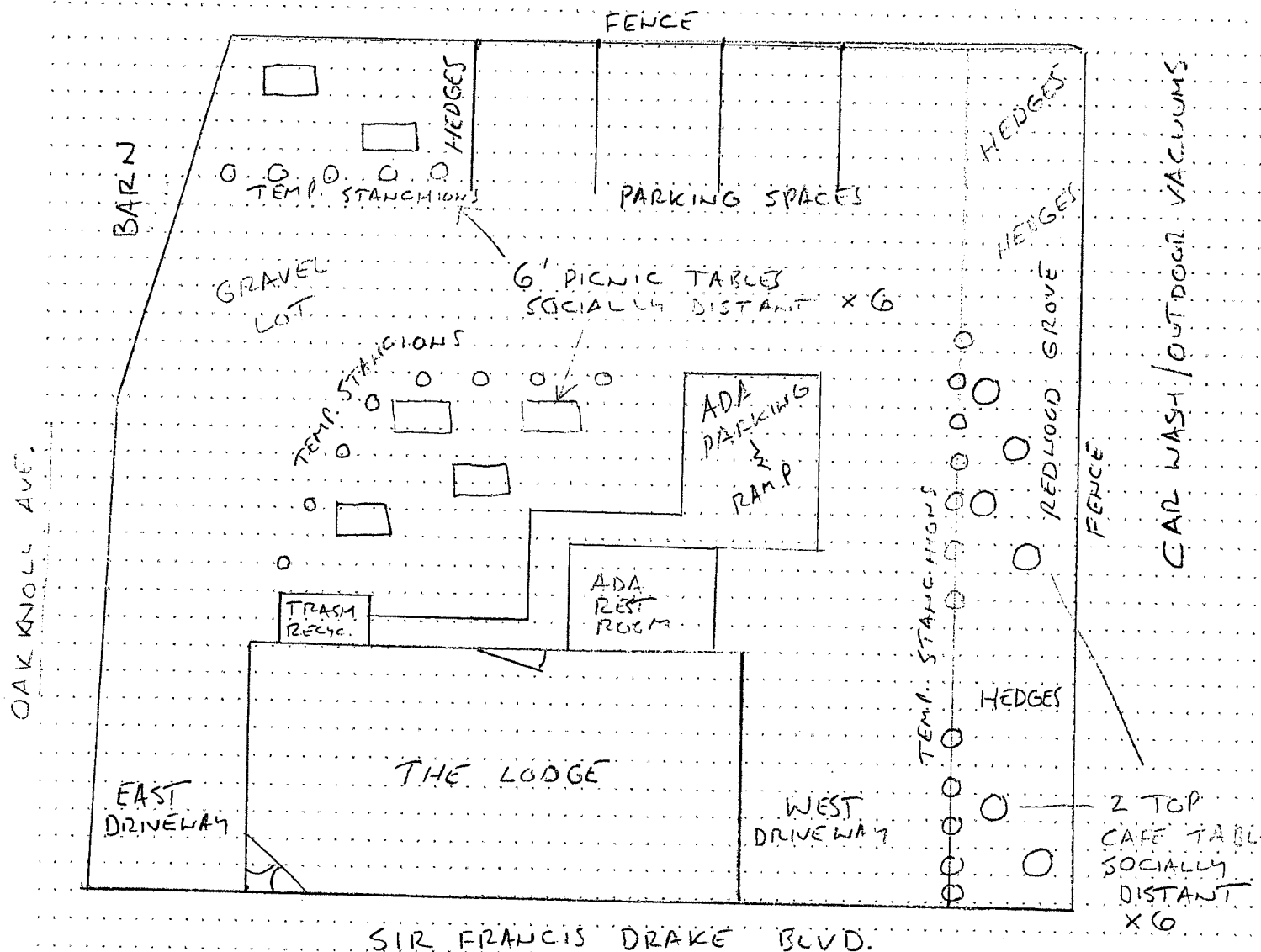
2. LICENSE TYPE

41

3. PREMISES ADDRESS (Street number and name, city, zip code)

1573 Sir Frances Drake Blvd, CA 94930

4. NEAREST CROSS STREET

**DIAGRAM**

I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

APPLICANT SIGNATURE

DATE SIGNED

6-1-2020

**FOR ABC USE ONLY**

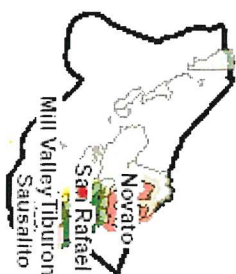
CERTIFIED CORRECT (Signature)

PRINTED NAME

INSPECTION DATE

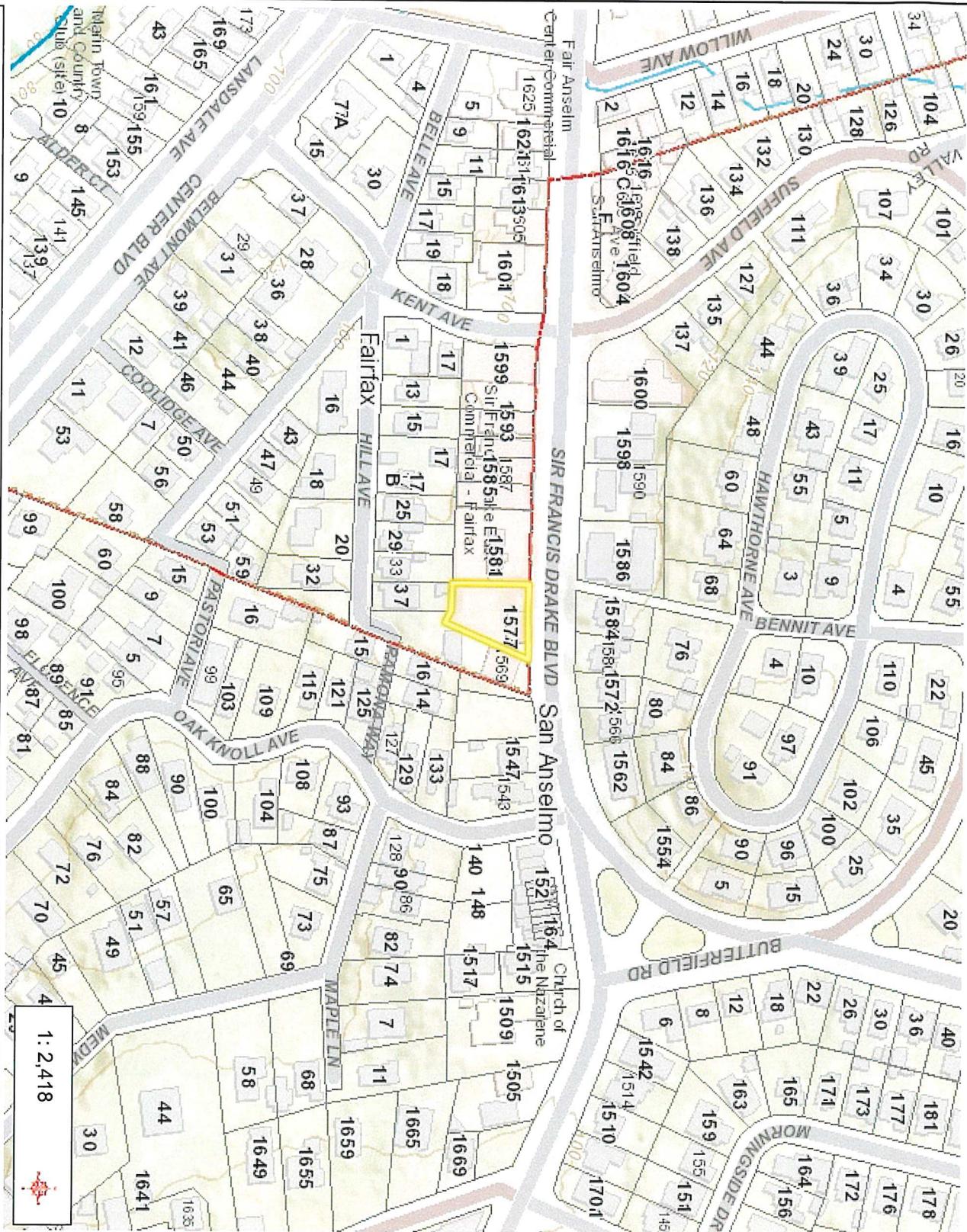


## Map Report



### Legend

- ☐ Parcel Note
  - ☐ easement
  - ☐ centerline
- ☐ Address
- ☐ Parcel
- ☐ Condominium Common Area
- ☐ Mobile Home Pad
- ☐ City
- ☐ Community
- ☐ Marin County Legal Boundary
- ☐ Other Bay Area County
- ☐ Stream - Perennial (NHD)



1:2,418

### Notes

403.0 0 201.49 403.0 Feet

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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THIS MAP IS NOT TO BE USED FOR NAVIGATION





## Legend

- Parcel Note**  
 easement  
 centerline  
**Address**  
 Parcel  
 Condominium Common Area  
 Mobile Home Pad  
 City  
 Community  
 Main County Legal Boundary  
 Other Bay Area County  
 Stream - Perennial (NHD)

## Notes



134.3 0 67.16 134.3 Feet

<sup>1</sup>NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet

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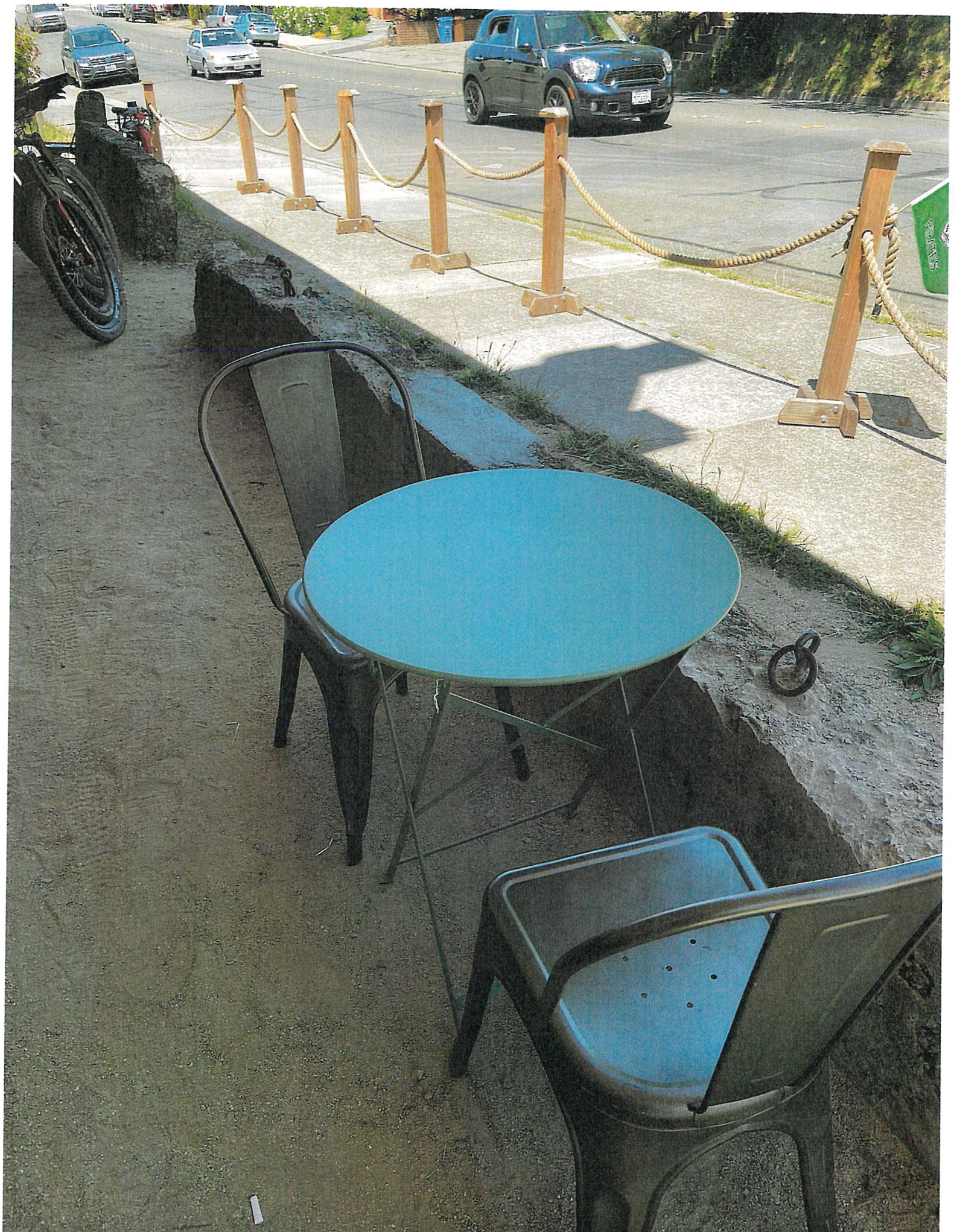














# APPENDUM TO 5/12/20 CUP PLANS.

Department of Alcoholic Beverage Control

## SUPPLEMENTAL DIAGRAM

State of California  
Gavin Newsom, Governor

### Instructions to Applicant:

Draw a sketch of the area on which the licensed premises is or will be located. Show adjacent structures and nearest cross streets. If this is an event for a daily license, catering authorization, event authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.

1. APPLICANT NAME (Last, first, middle)

Lori Lynn Bruckner

2. LICENSE TYPE

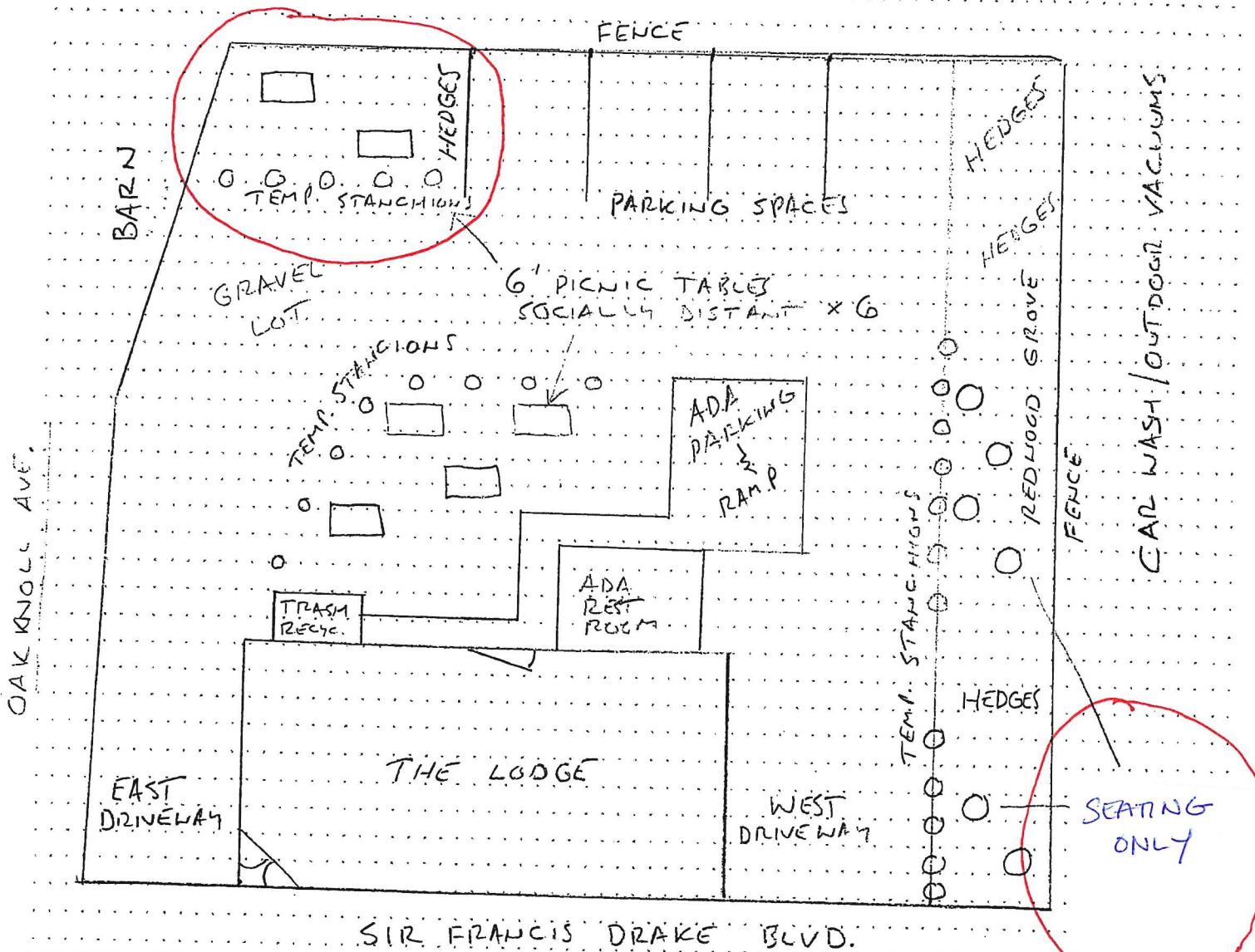
41

3. PREMISES ADDRESS (Street number and name, city, zip code)

1573 Sir Frances Drake Blvd, CA 94930

4. NEAREST CROSS STREET

### DIAGRAM



I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

APPLICANT SIGNATURE

DATE SIGNED

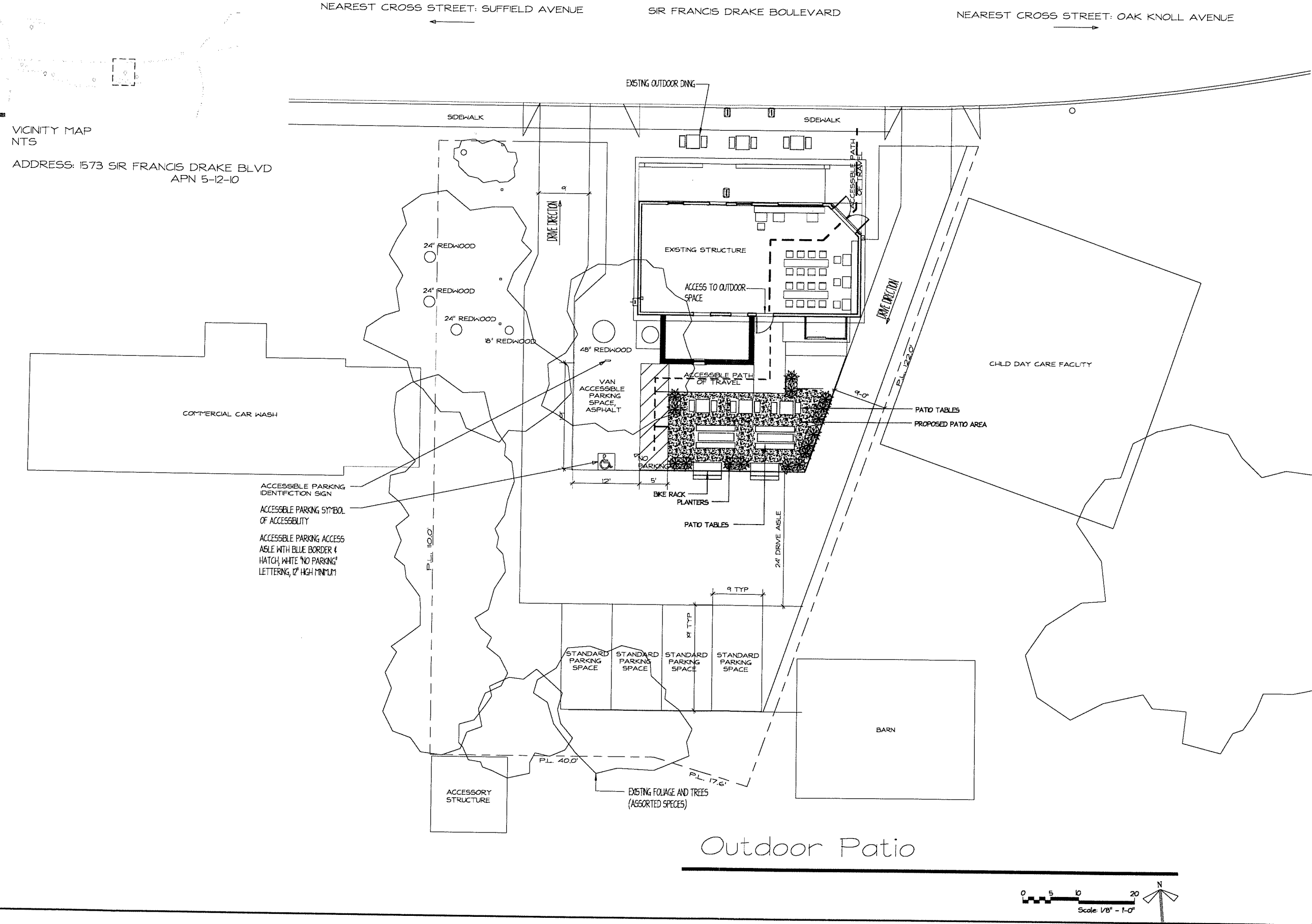
6-1-2020

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)

PRINTED NAME

INSPECTION DATE



DATE: MAY 12, 2020

The Lodge Outdoor Patio Plan  
1573 Sir Francis Drake Blvd, Fairfax CA 94930