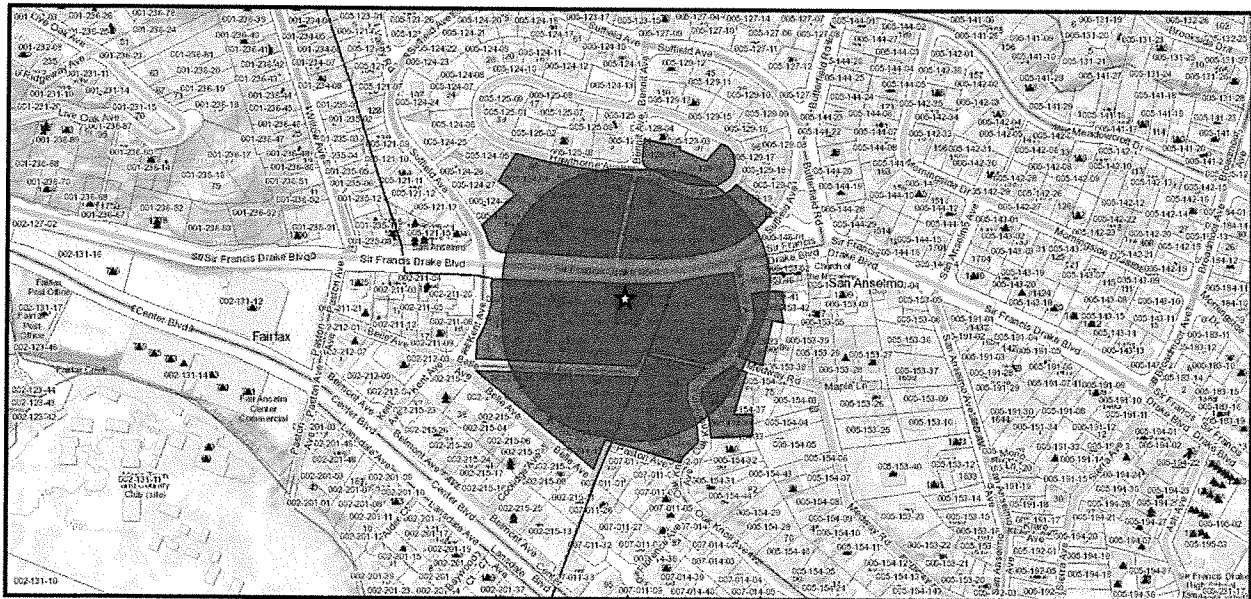


**KTOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** July 16, 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

This item was continued by the Planning Commission at their June 18, 2020 meeting where the Commission gave them the following direction:

## AGENDA ITEM # 3

1. They are not in favor of using beer kegs as barriers to protect outdoor diners from the vehicles driving through and parking on the site. They would prefer to see the proposed galvanized metal planters used to protect all the outdoor seating areas as they do not believe the beer kegs provide adequate protection. They encouraged the applicant to replace the kegs with the planters as soon as possible to protect patrons during the time when the Temporary Use Permit for outdoor dining during the Covid-19 pandemic is in effect.
2. A sign permit application to legalize the blade signs beneath the front roof overhang be submitted as soon as possible (preferably with this use permit) so the two items can be concurrently reviewed. Some Commissioners indicated that they are not in favor of the six current blade signs as they modify the frontage of the historic structure.
3. Provide verification from the Bureau of Alcohol and Beverage Control (ABC) on whether or not it is necessary, with the tables and seating at the front of the building on private property behind the hitching post wall, to still have a rope and wood bollard barrier between the wall and the sidewalk. These narrow the sidewalk (potentially below the ADA required sidewalk width).
4. Clarify the seasonal hours of rear seating use more specifically than just summer and winter. Staff suggests using daylight savings time and specify the hours to be 9 AM to 8 PM between the start of daylight savings each calendar year (the 2<sup>nd</sup> Sunday in March) and the end of daylight savings time each calendar year (the 1<sup>st</sup> Sunday in November), and from 9 AM to 5 PM from the end of daylight savings time each year (the 1<sup>st</sup> Sunday in November) through the start of daylight savings time (the 2<sup>nd</sup> Sunday in March).
5. The vegetation at the rear of the site adjacent to the parking spaces should be cleaned up and new "parking" signs shall be erected on the existing fence or some other visible adjacent location to designate where cars are to park. This shall be indicated on the revised outdoor seating site plan.
6. Some Commissioners seemed open to the idea that additional tables might be placed along the western side property line by the car wash. These new locations should be considered as possible alternative locations to replace the 2 picnic tables currently proposed near the existing barn on the neighboring properties. A few Commissioners questioned whether there is adequate room near the barn to place 2 picnic tables and not encroach into the designated parking and backing area. The site plan must clarify all proposed table and chair locations throughout the site and demonstrate adequate room for the seating proposed.
7. Concerns were raised over the impact of the chair placement and people walking beneath the heritage redwood trees on the west side of the site. One Commissioner indicated that at the very least, 6 to 12 inches of mulch should be

required to be kept in place around and throughout the grove as long as outdoor seating is located there to protect the trees. The applicant shall address this issue in their resubmittal.

8. The Commission prefers the driveway access and egress travel path to be that of a one-way circular driveway. The revised plans should show the placement of signs that would clarify that only one of the access driveways is for vehicle entrance and the other is only to be used for exiting the site.
9. One of the Commissioners expressed that the applicant should be allowed to plant whatever they want in the barrier planters and not be restricted to using native and drought tolerant plants. The site plan should be revised to show the applicants preferred plant materials (perennials, annuals, native grasses, mixed species plantings, etc.).
10. The site plan shall be revised to show a more well-thought-out buffer between the outdoor seating and the outdoor play areas of the Caterpillar academy to the east, and to show increased sound buffering between the outdoor seating and the residential areas to the south and southeast of the site. The applicant shall work with the property owner to the east and the owner of the Caterpillar Academy to put in place measures to ensure that patrons of the Lodge do not have access to the Day Care grounds. A lock on the access gate between the Academy employee parking area and the fenced play area was suggested.
11. The applicant shall also work with the neighbors to the southeast and to the south to address their concerns which include noise, visual buffering, and adequate restroom facilities for patrons.
12. Some Commissioners thought the plan should be revised to maintain a 26 foot-wide driveway/backing width between the proposed outdoor seating and the parking spaces, to allow adequate backing up and maneuvering room, the proposed 24 foot-wide driveway being too narrow.
13. The site plan shall indicate proposed locations for additional signage reminding patrons to be respectful of the neighbors and demarcating the Lodge boundaries to keep patrons on the site and not spilling over (sitting on the ground, playing ball, etc.) onto the Caterpillar Academy site.

For the original staff report and attachments on this item see the packet for the June 18, 2020 Planning Commission meeting which can be found on the Town's website at [www.townoffairfax.org](http://www.townoffairfax.org).

## **DISCUSSION**

The applicants have relocated to the west side of the exit driveway 5 outdoor dining tables that were previously proposed at the rear of the building adjacent to the

accessible ramp, replacing 3 of the smaller tables with picnic tables, and have retained only 1 table adjacent to the accessible ramp and one table at the rear of the property where the existing barn on the neighboring Caterpillar Academy daycare center screens the area from the residential properties to the southeast. Six Adirondack chairs have been retained on the west side of the entry driveway for people to wait for dining seating and 5 smaller tables, seating 2 patrons each, have been located at the front of the building, south of the rock wall and underneath the building roof overhang.

Although not depicted in the revised site plan dated July 1, 2020, the applicants have indicated that the planter and bike rack barricades between the one table at the rear of the building and the entry driveway will be shifted 2 feet north to maintain a driveway width of 26 feet. A Planning Commissioner at the June meeting suggested this as a way to increase the safety of vehicles and diners.

They have replaced the kegs with planters to act as barriers between the table to the rear of the building and the vehicle entry path, and placed sawhorses between the site and the parking area for the Caterpillar Academy parking area. The sawhorses have signs posted explaining the boundary and asking customers to stay on the Lodge side of these barriers. The Caterpillar Academy has agreed to lock their gate to keep patrons who might ignore the sawhorse barricades from entering the fenced yard of the academy, even though no one at the Academy or the Lodge has ever seen any patrons trying to use the fenced area.

They will place signs on each table advising patrons to be respectful of the neighbors and to keep the outdoor noise level down.

They have verified with the ABC that the rope barrier at the front of the site is necessary in order for them to comply with their ABC license for outdoor dining at the front of the property. The barrier will be placed out of the ADA sidewalk travel path. The front space is necessary during their operation under their Temporary Use Permit in order to maintain the required social distancing space between tables. It will be removed once they are operating under the Conditional Use Permit, if approved, when the hitching post wall can act as the required barrier between the table and the public right-of-way.

They have clarified their outdoor dining hours, indicating that during daylight savings time, from March 8<sup>th</sup> through November 1<sup>st</sup> each year, business hours will be Tuesday through Thursday and Sundays from 9 AM to 8 PM, and Friday and Saturday from 9 AM to 9 PM. During non-daylight savings time, from November 2 through March 7 each year, the hours will be Tuesday through Sunday from 9 AM to 5 PM. The restaurant is closed on Mondays. The Resolution recommending approval of the project has been amended accordingly.

They will clean up the vegetation at the rear fence but do not want to remove it entirely because it provide a noise, privacy/visual barrier for the residences to the south of the site.

The applicants have contacted their arborist who has indicated that the placement of the chairs and table in the redwood grove will not negatively impact the health of the trees, but will place 6 to 23 inches of mulch under the trees and in the surrounding area to minimize impacts of people walking and sitting amongst the trees.

They are planning on planting the movable “barricade” planters with plants growing up trellises to add additional screening between the outdoor dining areas at the rear of the building. They have also discussed erecting a sound wall between the neighbor to the rear property and the Lodge site. Both parties have agreed to work together to make the wall a reality (Attachment B – applicant’s supplemental information and addendums).

### **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, and all the tables but 1 have been moved out of the line of sight from this residence to far west side of the property to a location immediately adjacent to the carwash (see project plans, revision date July 1, 2020). 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, and is not considered a proximity-sensitive use). 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 single table approved with the Temporary Use Permit (TUP) accordingly. They have also agreed to erect sawhorse barriers with signage when the Caterpillar Academy is not open, to demarcate the property line and advise patrons not to enter the neighboring property.

### **Traffic**

The addition of permanent outdoor restaurant seating for 38 persons, in addition to the 28 seats inside the restaurant, 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)].

While the majority of the outdoor dining tables have been relocated to the far west side of the site, and there is 5 feet between the vehicle travel path through site and these tables, the staff believes placement of additional planting or some other demarcation between the driveway and the tables would increase the safety of persons dining in this area and has been included this as an additional condition of project approval in the Resolution.

## **Noise**

The noise created by the limited number of 38 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 PM which encompasses the total outdoor dining hours proposed by the business [Town Code § 8.20.050(B), "Exterior Noise Limits" table]. The relocation of all the outdoor dining tables except 2 to the far west side of the site, adjacent to the car wash which generates its own noise with power washers and industrial vacuums, will greatly decrease the amount of noise that is projected towards the neighboring residential properties.

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. This will not change.

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**

The applicants have a sign permit for the historic sign at the front of the building. They have agreed to take down the 6 blade signs and will review their sign needs going forward and will submit the required sign application, if necessary, at a future date.

## **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 immediate table surfaces.
5. The hanging signs shall be removed and any future signage erected shall obtain a sign permit from either the staff or the Planning Commission as required by the Sign Ordinance, Town Code Chapter 17.064.
6. 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. 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.
7. 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.
8. During daylight savings time, from March 8<sup>th</sup> through November 1<sup>st</sup> each year, business hours shall be limited to Tuesday through Thursday and Sundays from 9 AM to 8 PM and Friday and Saturday from 9 AM to 9 PM. During non-daylight savings time, from November 2 through March 7 each year, the hours will be limited to Tuesday through Sunday from 9 AM to 5 PM. The restaurant is closed on Mondays.
9. The applicant shall work with the residential property owner directly to the south of the site to erect a sound barrier or other type of barrier to reduce noise spillage from the site prior to implementation of the Conditional Use Permit unless the two parties provide written notice to the Town that both agree the improvement to be unnecessary.

#### **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 – Applicant's supplemental information



**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, and on July 16, 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 70 to 100 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 use. 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 revised plan dated 7/1/20.
2. During daylight savings time, from March 8<sup>th</sup> through November 1<sup>st</sup> each year, business hours shall be limited to Tuesday through Thursday and Sundays from 9 AM to 8 PM and Friday and Saturday from 9 AM to 9 PM. During non-daylight savings time, from November 2 through March 7 each year, the hours will be limited to Tuesday through Sunday from 9 AM to 5 PM. The restaurant shall remain closed on Mondays.
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 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 two lighting conditions are not meant to restrict low level individual table lights that do not spill light beyond the table surfaces. The hanging signs

that increase the number of signs for the business beyond the permitted two (2) shall be removed and any future signage erected shall obtain a sign permit from either the staff or the Planning Commission as required by the Sign Ordinance, Town Code Chapter 17.064.

14. 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 completely comply with social distancing. The plans show tables and chairs in front of the building and in the outdoor sitting area under the redwood trees are inadequately spaced apart, and will need to be spaced to a 6 foot distance. If the Marin County Health Department extends social distancing or other coronavirus-related requirements beyond October 3, the applicant shall comply with all applicable County Health Department requirements.
15. 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.
16. The applicant shall work with the residential property owner directly to the south of the site to erect a sound barrier or other type of barrier to reduce noise spillage from the site prior to implementation of the Conditional Use Permit unless the 2 parties provide written notice to the Town that both agree to waive this.

**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 July 16, 2020, by the following vote:

AYES:  
NOES:  
ABSTAIN:

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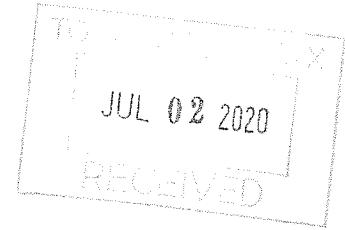
Chair Green

Attest:

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Ben Berto, Director of Planning and Building Services

1573 Sir Frances Drake Blvd, Application #20-5



Planning Commission,

We would like to address all the concerns voiced during the planning review meeting on 6/18.

We have replaced the kegs as barriers with the galvanized planters as discussed in the original plan already. Please see picture included in this packet. Addendum A

Regarding the blade signs, we will take down the 6 blade signs. We would like some time to review our sign needs going forward and will submit a sign permit with a new plan. We have found the signing to be very important in communicating what The Lodge is and provides to the community. Day to day business in this unprecedented time is taking all our energy and focus. We need more time to submit a thoughtful application. However, we will take the blade signs down in the interim at the planning commission request.

The rope barrier is necessary per our current ABC license for the front seating on the sidewalk. The sidewalk is 8' wide allowing full legal ADA access. The rope barrier is table side, and not hindering the ADA clearance. We have an encroachment permit from the Town of Anselmo and are in compliance. This additional sidewalk space is needed to space tables out appropriately during our TUP. When the TUP is no longer necessary, we can remove the rope barrier and use the Hitching post wall along with signage as the delineation boundary. The ABC requires a boundary for the licensed area.

Clarification of hours.

**March 8- Nov 1 Daylight savings (year-round 2021 is pending federal authorization)**

Tues -Thurs & Sunday 9am-8PM

Friday- Saturday 9AM-9PM

**Nov 2-March 7 Non-Daylight savings**

Tues -Sunday – 9AM – 5PM

We are closed on Monday.

Regarding the vegetation at the rear of the property. We will clean this up, however we do not want to remove as it provides a natural sound barrier for a neighbor. Please see plan.

Regarding the table locations by the barn vs the car wash side. Please see plan

Regarding the health of the heritage redwoods with chair placement. We have consulted our site arborists who assured us, this will not have an impact on the redwoods, however, to be sure, we will add 6"-12" of mulch under the redwoods and the surrounding area.

We have added signing indicating one entrance and one exit for the circular driveway. Please see plan.

Regarding planting in the barrier galvanized planters. We are planning to use a trellis with climbing vines to provide some privacy for neighbor on 16 Ramona Dr, Jim Donahue.

We have added temporary barriers to the boundary between the Caterpillar Academy and the driveway. These barriers have signs, explaining the boundary and asking customers to stay on The Lodge property. Please see pictures Addendum B and Plan. We have discussed the concerns of the planning committee regarding a lock on the access gate. They agreed to add. Neither our neighbors at Caterpillar nor any Lodge staff has ever witnessed patrons using the playground of the preschool. However, we have made them aware of the concern and they will take whatever precautions they deem necessary.

We are going to add better looking barriers in the form of wooden sawhorses. The barriers must be movable as Caterpillar academy must be able to access the parking area and the barn on their property.

Regarding the 26' driveway. While the town codes require a 24' driveway we have revised the plan to be 26' driveway at the council's request. Please see plan.

Regarding additional signage asking patrons to be respectful and stay within the boundaries lodge. We have added signs to every table and several other locations in the outside area. We are continually monitoring the entire outside area and reminding customers to be respectful. Please see Addendum C

Regarding our continued communication with neighbors. Please note, we had reached out and discussed our plans with all neighbors that border our property and some beyond. All, including the neighbors directly across from us on Sir Frances Drake Blvd are supportive and most patronize The Lodge on a regular basis. We also met with John Donahue @ 16 Ramona Dr. before the last meeting. Jim's property does not share a border with The Lodge. We have addressed Mr. Donahue's issues as follows:

- Moved almost all tables to the West side of the property near the car wash
- Put up a barrier to any children playing or adults lounging on the adjacent caterpillar property
- Increased signage requesting patrons to respect neighbors, keep noise down and stay on The Lodge property.
- We personally along with all staff consistently and frequently monitor the outside dining area. We ask patrons to be respectful, stay within Lodge boundaries and keep noise down whenever needed.

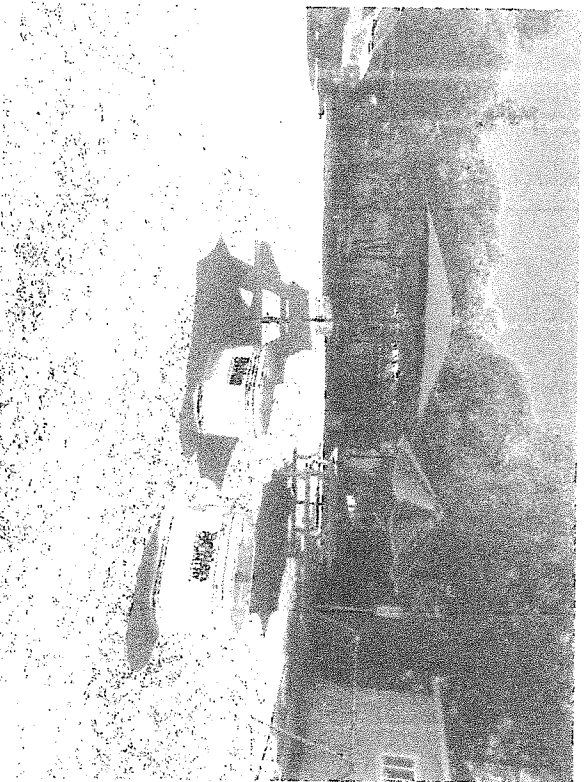
In addition, we have met and discussed the use of the property several times with our neighbor directly behind The Lodge, Bruce Goudie. Bruce has requested that an approved option for a 12' sound wall be part of the plan. Please see his letter to Linda Neal on 6/23 and another letter on 7/1, attached. We have discussed this with Bruce and agree. We will work together to make this happen. In the meantime, we are confident that any issues regarding sound can be worked out but understand his worry about the property being sold in the future. We would therefore like this Approved option as part of this plan. Please see Plan.

Thanks again for your time and consideration,

Brian & Lori Bruckner



Barriers – Addendum A

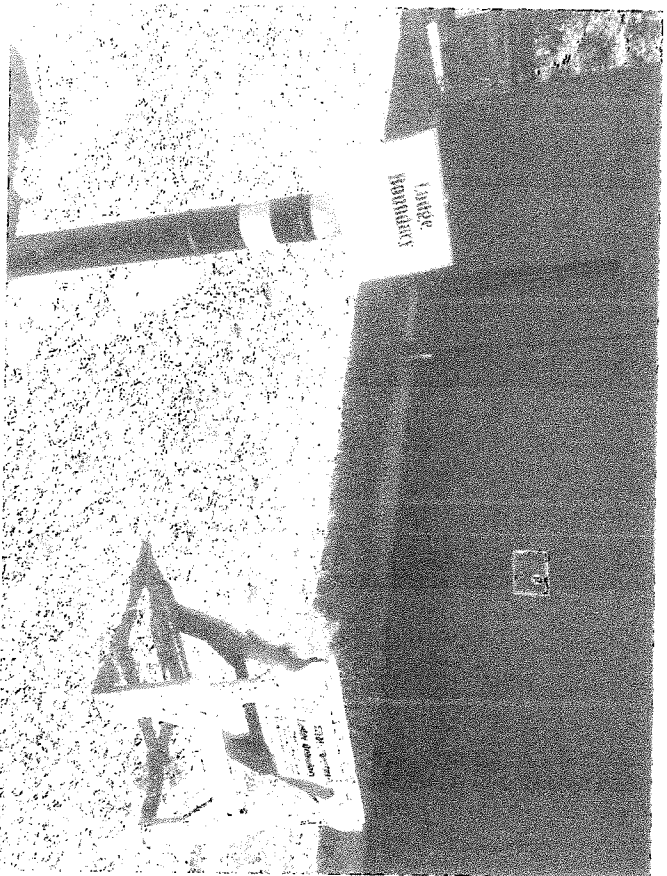


Galvanized Planters as barriers

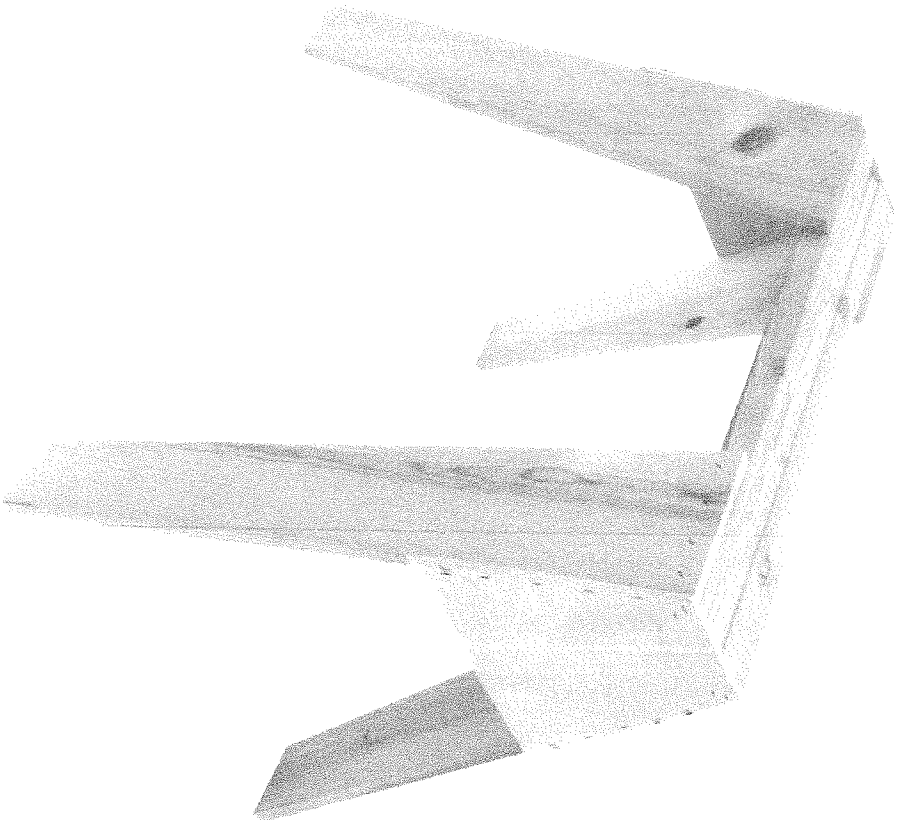


Galvanized Planters as barriers

## Boundaries – Addendum B

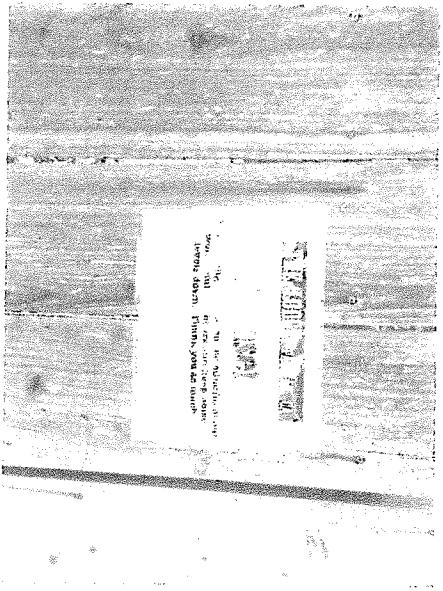


**“Lodge Boundary. Please respect our accommodating neighbors and enjoy The Lodge at the Lodge. Thank you for being mindful”**



New Boundary Sawhorse

Pictures – Addendum C



Back fence by barn



All Tables



Bussing station

“Please enjoy being outside but be mindful of our wonderful neighbors and keep the noise level down.”



Lori Bruckner &lt;thelodgeffx@gmail.com&gt;

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**Fwd: Agenda Item 2 at 7/1 Town Council Meeting - Appeal of TUP #20-1**

2 messages

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**Brian Bruckner** <brian@bigswingincycles.com>

Tue, Jun 23, 2020 at 12:18 PM

To: Lori Bruckner &lt;thelodgeffx@gmail.com&gt;

----- Forwarded message -----

From: **Brian Bruckner** <brian@bigswingincycles.com>

Date: Tue, Jun 23, 2020 at 12:01 PM

Subject: Agenda Item 2 at 7/1 Town Council Meeting - Appeal of TUP #20-1

To: &lt;mgardner@townoffairfax.org&gt;

Cc: Lori Bruckner &lt;lori.bruckner1@gmail.com&gt;

Hello

I'm hoping you can please pass this along to all of the Council members.

It seems that our neighbor, Jim Donahue, is appealing the TUP (TUP #20-1) we were granted under the town's Urgency Ordinance No. 848. This is deeply disappointing. All of our other neighbors, including our closest neighbor directly behind us, are supportive of the TUP, especially given the challenging times of trying to run a restaurant during the Pandemic. The TUP we've been given has truly been a life line and we've already been able to increase our employee's hours substantially now that customers can come back and have a place outside to distance and dine.

We've hosted Mr Donahue, and other neighbors to gather input on what we can do to accommodate their wishes. Based on our meetings, we've made notable changes to our outdoor seating layout in an effort to mitigate any noise. These changes include the following:

- Moved most of our tables and seating to the west side of our property, next to the car wash. The sound of the vacuums, pressure washers, and car radios, as well as the traffic on SFDB drowns out any noise from our guests.
- Only two tables remain in the main area of our back lot.
- Created and posted signs on all tables, as well as on our building and fences asking that guests be quiet and respectful of our neighbors.
- Put up barricades with signs noting The Lodge boundary in order to keep children and others from going near Mr. Donahue's property line (which does not share a border with The Lodge).
- We're continuously monitoring the outdoor area and relocating louder guests to the front or west side of the property.
- Making sure our back door remains closed so any noise from inside the building doesn't bleed outside.
- Closing down early (prior to 9 on weekends, 8 on weeknights and Sunday) when business is slow.
- Provided Mr. Donahue our personal cell phones and encouraged him to call or text us anytime there is an issue. He's had our contact information for over two years and has not once reached out to complain about noise or any other issue.

We feel we've gone above and beyond to accommodate Mr. Donahue. Our business is not boisterous or loud. We do our best to "curate" our customers - it's mostly families and health minded outdoor types looking to enjoy a meal outside. It is not a "Bar" or "Beer Garden". Typically, it's just conversational noise, and most of it is drown out by the car wash and SFDB, and it's well below town noise levels for a commercially zoned property.

I've set up a YouTube channel and will be posting daily videos from our busiest times so the Council can see first hand the noise levels. Here is the link to the page:

[https://www.youtube.com/channel/UC0zB\\_hglRc4RfMmmI3jVEUg?view\\_as=subscriber](https://www.youtube.com/channel/UC0zB_hglRc4RfMmmI3jVEUg?view_as=subscriber)



Lori Bruckner &lt;lori.bruckner1@gmail.com&gt;

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**Fw: TUP #20-5**

2 messages

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**bfarquhar@earthlink.net** <bfarquhar@earthlink.net>  
Reply-To: bfarquhar@earthlink.net  
To: Lori Bruckner <lori.bruckner1@gmail.com>

Wed, Jul 1, 2020 at 9:07 AM

Lori, I just sent this, hope its not too late...Bruce

-----Forwarded Message-----

>From: bfarquhar@earthlink.net  
>Sent: Jul 1, 2020 9:05 AM  
>To: "mgardner@townoffairfax.org" <mgardner@townoffairfax.org>  
>Subject: TUP #20-5  
>

>Here is an addition to my previous email;

> A lot of business in Fairfax are going to need financing to survive. With a 2nd round of Covis 19 and the economic fallout, this could be the only way to survive. I do not know the situation with the Lodge, but I feel , giving them solid ground to stand on is a must.

> As the neighbor closes to the Lodge, who likes to garden and reads way to much,[retired], I think we can work together.

> This is not a game to be played at the expense of others, and it seems unproductive to impede their survival.

> They have established the closing times and the capacity limit. As far as the soundwall goes, ivy, jasmine,[the Lodge's decision] will absorb and deaden any sound. Thank You for putting in the time.

> Bruce Goudie

> 37 Hill Ave.

> Fairfax,

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**Lori Bruckner** <lori.bruckner1@gmail.com>  
To: bfarquhar@earthlink.net

Wed, Jul 1, 2020 at 10:26 AM

Thanks Bruce. Appreciate it. I dont think its too late.

Lori

[Quoted text hidden]



Lori Bruckner &lt;lori.bruckner1@gmail.com&gt;

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**Fw: TUP #20-5**

2 messages

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**bfarquhar@earthlink.net** <bfarquhar@earthlink.net>  
Reply-To: bfarquhar@earthlink.net  
To: Lori Bruckner <lori.bruckner1@gmail.com>

Wed, Jul 1, 2020 at 9:07 AM

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>To: "mgardner@townoffairfax.org" <mgardner@townoffairfax.org>  
>Subject: TUP #20-5  
>

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> Fairfax,

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**Lori Bruckner** <lori.bruckner1@gmail.com>  
To: bfarquhar@earthlink.net

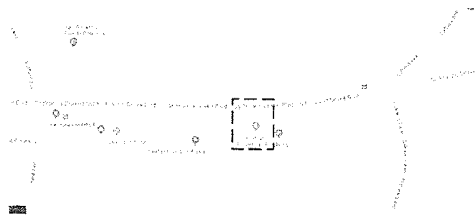
Wed, Jul 1, 2020 at 10:26 AM

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Lori

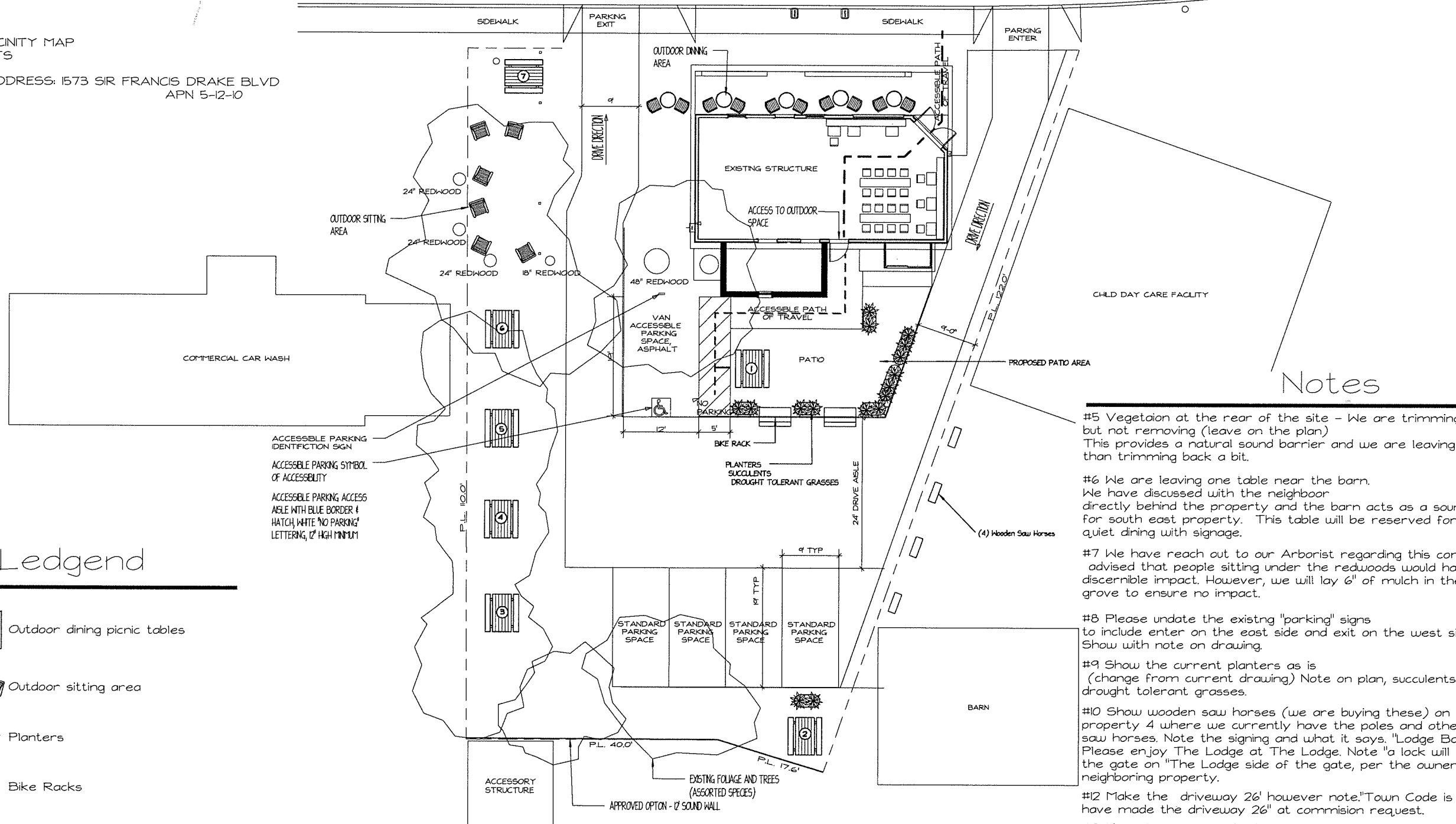
[Quoted text hidden]

NEAREST CROSS STREET: SUFFIELD AVENUE      SIR FRANCIS DRAKE BOULEVARD      NEAREST CROSS STREET: OAK KNOLL AVENUE



VICINITY MAP  
NTS

ADDRESS: 1573 SIR FRANCIS DRAKE BLVD  
APN 5-12-10



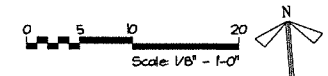
Notes

- #5 Vegetation at the rear of the site - We are trimming this back, but not removing (leave on the plan) This provides a natural sound barrier and we are leaving in place other than trimming back a bit.
- #6 We are leaving one table near the barn. We have discussed with the neighbor directly behind the property and the barn acts as a sound buffer for south east property. This table will be reserved for quiet dining with signage.
- #7 We have reach out to our Arborist regarding this concern. He advised that people sitting under the redwoods would have no discernible impact. However, we will lay 6" of mulch in the grove to ensure no impact.
- #8 Please update the existing "parking" signs to include enter on the east side and exit on the west side. Show with note on drawing.
- #9 Show the current planters as is (change from current drawing) Note on plan, succulents and drought tolerant grasses.
- #10 Show wooden saw horses (we are buying these) on the day care property 4 where we currently have the poles and other saw horses. Note the signing and what it says. "Lodge Boundary" Please enjoy The Lodge at The Lodge. Note "a lock will be placed on the gate on "The Lodge side of the gate, per the owner of neighboring property.
- #12 Make the driveway 26' however note "Town Code is 24", but we have made the driveway 26" at commision request.
- #13 Note ALL signs in the back, remind patrons to be respectful of neighbors. All tables, bussing stations, back fence.

Ledgend

- Outdoor dining picnic tables
- Outdoor sitting area
- Planters
- Bike Racks
- Outdoor dining tables

Outdoor Patio



DATE MAY 12, 2020  
REVISED DATE JUNE 22, 2020  
REVISED DATE JULY 1, 2020

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