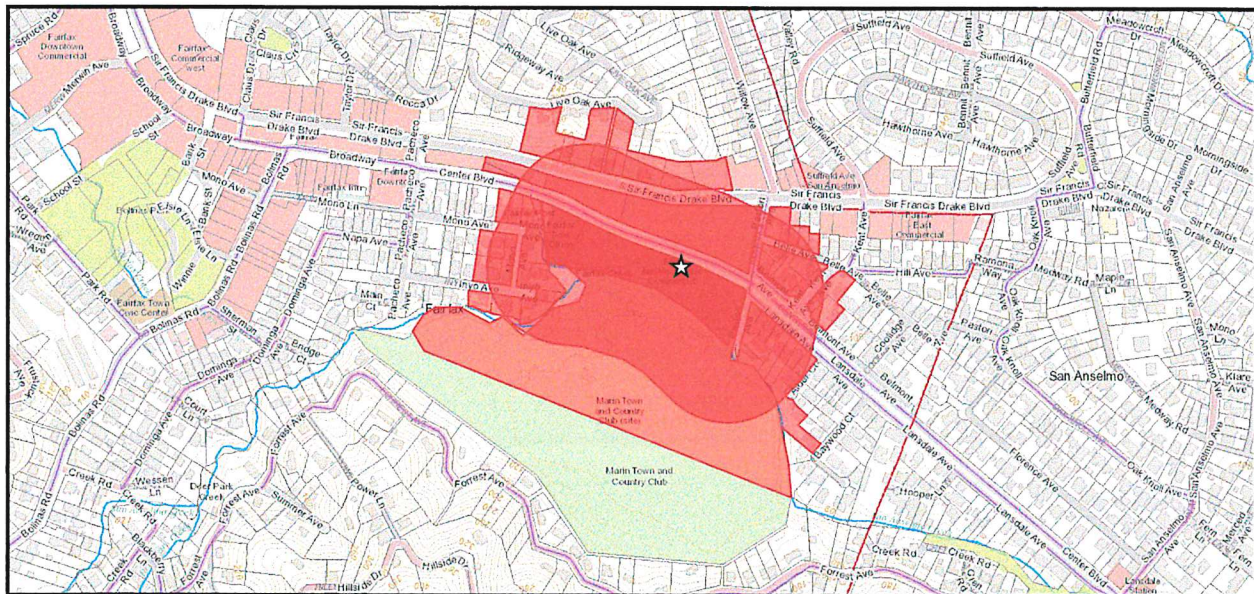


**TOWN OF FAIRFAX  
STAFF REPORT**  
Department of Planning and Building Services

**TO:** Fairfax Planning Commission  
**DATE:** January 20, 2022  
**FROM:** Ben Berto, Director of Planning and Building Services  
Linda Neal, Principal Planner  
**LOCATION:** 765 A Center Blvd.; APN # 002-131-14  
**ZONING:** Highway Commercial CH Zone  
**PROJECT:** Request for determination of whether a proposed restaurant/brew pub under new ownership constitutes a Formula Restaurant/Microbrewery Business  
**ACTION:** Formula Business Determination  
**APPLICANT:** Collin McDowell  
**OWNER:** Rich Hall, Fairfax Center Properties LLC  
**CEQA STATUS:** Categorically exempt, § 15301(a)



**765 A CENTER BOULEVARD**

**PROJECT DESCRIPTION**

Remodel of an existing restaurant/microbrewery that has been in operation since late 1998 into a restaurant/microbrewery to be operated by a new owner, Henhouse Brewery, who also is involved with the operation of two breweries (not restaurants) that only brew beer and have tasting rooms. One brewery is located in Sonoma, and the other is in Santa Rosa and both of them operate under the "Henhouse" name.

**AGENDA # 2**

The remodel of the approximately 4,096 s.f. space will not change the locations of the restaurant service, kitchen, or dining areas, nor will it relocate or expand the areas currently used for brewing purposes. The small bar area is also remaining in the same location and at roughly the same size. Staff has verified these facts by reviewing the building permit plans currently under review by the Fairfax Building Department and the Marin County Environmental Health Department. While they have not submitted the business sign permit application to the Town yet, the name and logo of the business will be "West Country Pub" and the new owners are still exploring options for the logo that will be displayed behind the business name copy (Attachment A - preliminary signs designs one with the Henhouse logo behind the sign copy and another with a hen riding a bike along a mountain behind the sign copy which would be appropriate for Fairfax as the home of the mountain bike).

## **BACKGROUND**

The Planning Commission granted a Conditional Use Permit on April 8, 1998, to allow a combined restaurant/microbrewery to operate at 765 "A" Center Blvd. (Ross Valley Brewing Company). The Conditional Use Permit included outdoor seating to "foster their pedestrian-oriented" plan upon review and approval by the Planning Director of the location of the tables, distance from curb, and ability to maintain the pedestrian travel pathway. The business required a Conditional Use Permit because it combined a permitted restaurant use with a microbrewery business [Town Code § 17.090.050(B)]. The business changed hands and became Iron Springs Brewery in 2004.

The Conditional Use Permit was modified in 2004 to allow live, in-door, music.

## **FORMULA BUSINESS/RESTAURANT**

Town Code §17.040.210 defines a Formula Business as "Any business that is required by a corporate headquarters or franchise or other arrangement to maintain any of the following: Standardized services, décor, uniforms, architecture, signs or other similar features. This shall include but not be limited to any retail sales, service, visitor accommodation, wholesale or industrial operations that was (were) not in business within the Town of Fairfax prior to April 1, 2000".

The same section further defines a Formula Restaurant as "Any restaurant that is required by a corporate headquarters or franchise or other arrangement devoted to the preparation and offering of food and beverage for sale to the public for consumption either on or off premises and which is required by contractual or other arrangements to offer any of the following: standardized menus, ingredients, food preparation, décor, uniforms, architecture or similar standardized features that were not in business within the Town of Fairfax prior to April 1, 2000".

The new owners of the business have provided information about their first proposed combination restaurant/microbrewery as follows (Attachment A):

Henhouse Brewery currently operates two breweries in the Northern California area – one in Petaluma and one in Santa Rosa. These are breweries that do not serve food but do have tasting bars with tables that allow visitors to taste the different beers produced at each establishment. The two locations are served daily by food trucks operated by other commercial entities. Their employees do not prepare or serve food because these two establishments are not restaurants.

They do not require their employees to wear uniforms and do not intend to require employees of the Fairfax restaurant to wear uniforms.

This is the only location where they will brew beer and also have a full-service menu with employees dedicated to food service and not brewing beer. There are no standardized menus, ingredients, or food preparation in common with the existing breweries in Petaluma and Santa Rosa because those establishments do not serve food made by Henhouse Brewery. They may have a beer menu that features some of the beer made at the Petaluma and Santa Rosa locations but any menu will include beers made on site.

The business that will be operated at 765 "A" will be a full-service restaurant serving meals made from local food products. They expect to have 15 employees on site when the restaurant is open and are planning to have the restaurant open from 11 AM to 10 PM seven days a week although the hours may be fewer when they initially open. They are intending to retain the Iron Springs Pub and Brewery employees.

The existing breweries operated by Henhouse Brewery share the name Henhouse, with the Petaluma brewery called Henhouse Brewing Company and the Santa Rosa location simply called Henhouse. The Fairfax location will display a sign with the name "West County Pub".

The Petaluma and Santa Rosa locations are operated in large warehouse structures (see photos in Attachment A) and the commercial suite the pub and brewery will be operated in is located in the Fair Anselm Commercial Center which is retail and service oriented, so the architecture is different from the architecture of the two brewery locations further north.

## **COMMISSION DIRECTION**

The Commission should discuss the applicant's business proposal and determine by taking a vote if the business constitutes a Formula Business per the definitions of Formula Business and Formula Restaurant set forth in Town Code § §17.040.210 citing their reasons for their determination (identifying the features or aspects of the business that make it a Formula Business and Restaurant).

The Commission should discuss the following:

1. Will the business use menus or offer services that are the same as those used or offered at their other two locations?
2. Will the interior design of the restaurant/microbrewery share interior design features with the two breweries (light standards, furniture, wall murals, etc.)?
3. Will the employees of the restaurant/microbrewery be required to wear uniforms or any other standardized clothing that is the same as that worn by the employees of the two breweries already in operation?
4. Will the building the restaurant/microbrewery will be located in share any architectural features with the architecture of the buildings the two breweries are operating in?
5. Will the business identification sign(s) for the restaurant/microbrewery be the same as either of the two different signs used by the two operating breweries?
6. Will the restaurant/microbrewery, by contractual or other arrangements, be required to use specific ingredients in their food or beer offerings or be required to use any specific food preparation methods or techniques to prepare the food they will serve?

If the Commission determines that the proposed brewery/pub is not a Formula Business and Formula Restaurant, no further action is required from the Commission.

## **ACTION**

If the Commission determines that the proposed business is a Formula Business and Restaurant, they should announce they will be considering the duly noticed Formula Business Conditional Use Application submitted with the required \$1,007 Conditional Use Permit Fee as item number three of this meeting's agenda.

If the Commission determines the business does not constitute a formula business they shall document that decision by taking a vote and staff will provide a resolution at that time, A Resolution of the Fairfax Planning Commission Determining that the Proposed Restaurant/Microbrewery to be Operated by Henhouse Brewery at 765 "A" Center Boulevard Is Not a Formula Business/Restaurant.

## **ATTACHMENTS**

Attachment A – Applicant's supplemental information, including proposed business floor plan



## Description of Proposed Use

HenHouse will use the existing Iron Springs Brewery and Pub in the same way Mike and Anne did: to create a family friendly community gathering space around delicious beer and delicious food. As this will be our first restaurant and only brewpub, we're excited to work with our chef and brewer to create food and beer menus that reflect Fairfax and Marin sensibilities.

The goal with the food is to create a menu that reflects the incredible variety and quality of food that comes out of the west county in a family friendly way. This being our first restaurant, we see this as an opportunity to put as much thought, commitment to quality, and locality into our food as we do into our beer. The kitchen currently installed at this location will be ideal for doing so.

The goal with the beer is to create unique beers that we're not able to make at our existing brewery and serve them directly to our customers. The 10 barrel system currently installed at this location is a perfect way for us to experiment with historic styles, new ingredients and processes, and fun concepts and be able to maintain a direct dialogue with the people drinking those beers.

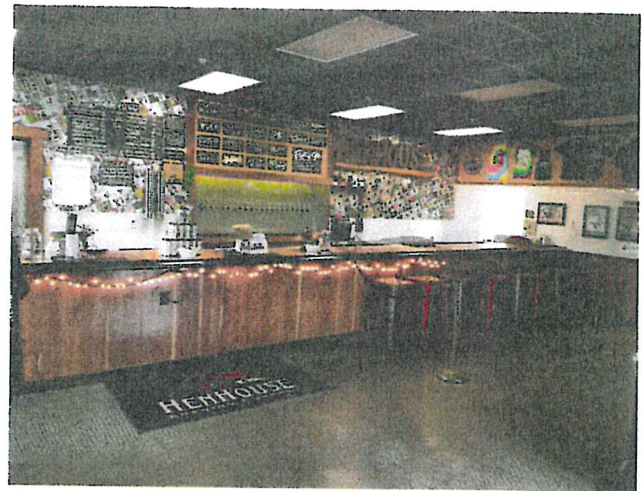
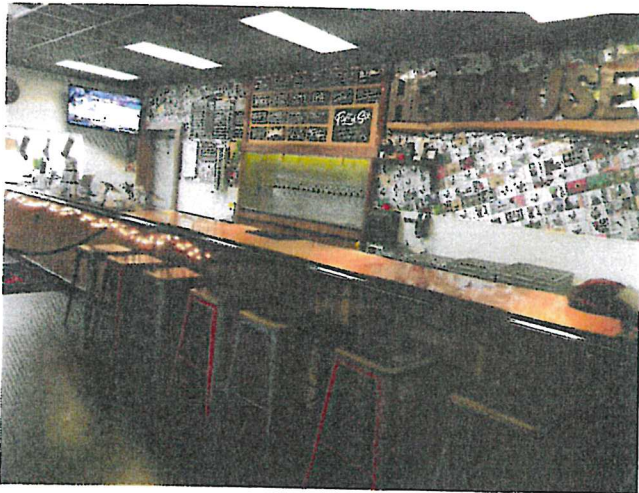
Our proposed hours of operation will be 11am-10pm, seven days a week, though we intend to start with fewer days and shorter hours. During the busiest lunch and dinner services, we anticipate having 15 employees on premise and we anticipate employing 35 people at this location total.



## Existing HenHouse Facilities

HenHouse operates two tasting rooms currently, one at the Santa Rosa Brewery and another in Petaluma. Neither of these facilities is a restaurant or prepares any food items. Both locations are family friendly and close at 9pm (we don't run bars). Both locations work with food trucks some days of the week to provide guests with food options, but HenHouse does not own a food truck or pay for food trucks to be present.

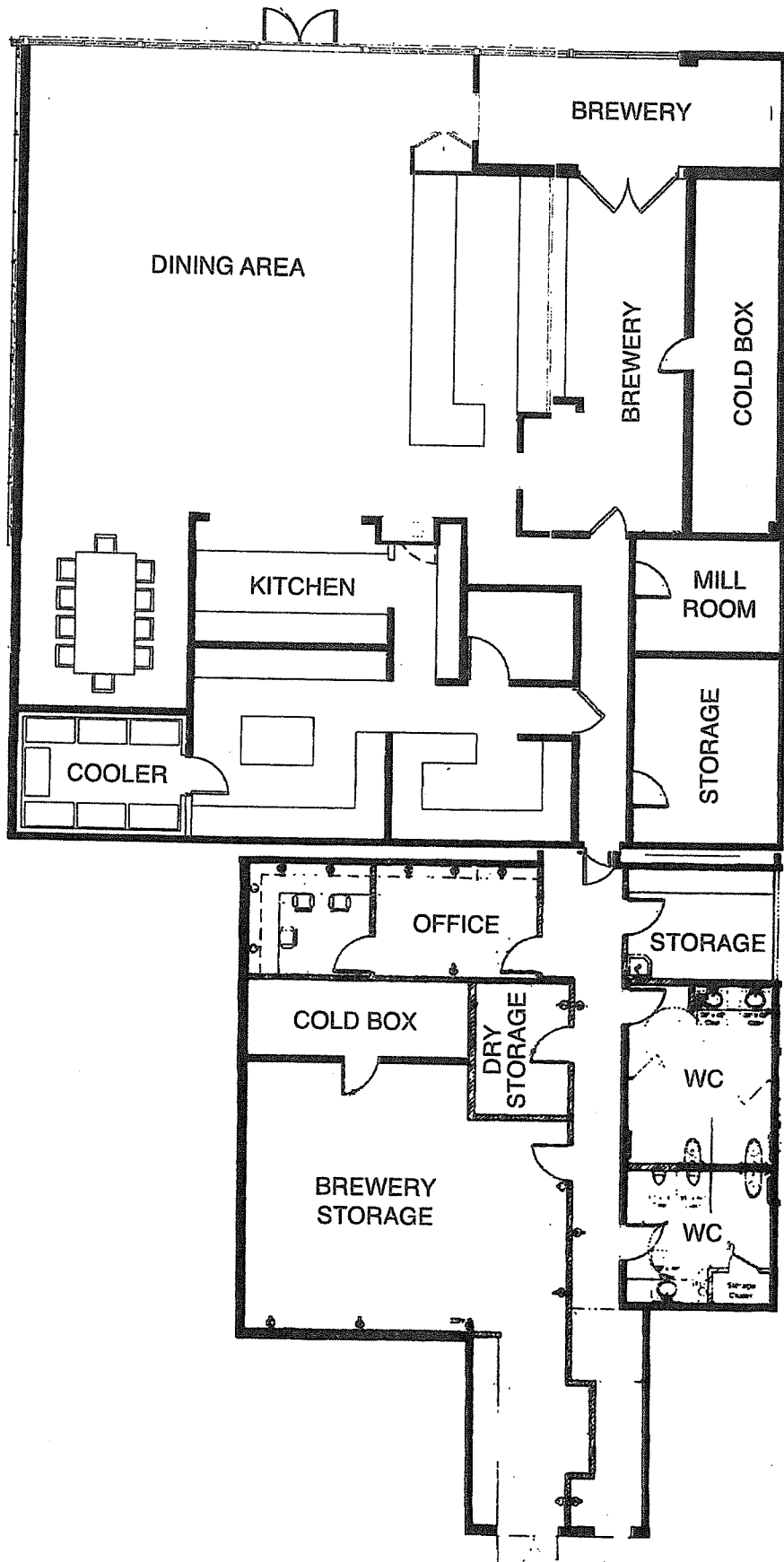
Both locations have distinct vibes that are representative of the teams that work there. Our Santa Rosa tasting room is small and to-go oriented, with a fun outdoor space where we try to partner with other local businesses, like the Next Record Store in Santa Rosa who does a pop up shop to sell records twice a year. The Santa Rosa team of Flight Attendants (the folks behind the bar) are always super gung ho about any reason to wear a costume, so Halloween and Christmas are big deals at that tasting room. In short, this is a community hub that keeps the folks of Santa Rosa stocked up on the freshest beer in the world in four packs of cans.





Our Petaluma tasting room, the Palace of Barrels, is an education oriented tasting room. With more indoor seating, our Flight Attendants are encouraged to spend more time with guests and guide them through the tasting experience (COVID safety allowing). We have a greater focus on barrel aged beers at this location because all our wooden barrels live in the warehouse here. This location is a tasting room for novices who want to learn more about beer and enthusiasts who really want to get into the nitty gritty about beers.









Collin McDonnell &lt;collin@henhousebrewing.com&gt;

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## HenHouse Brewing is Not a Formula Business

14 messages

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**Collin McDonnell** <collin@henhousebrewing.com>

Tue, Oct 19, 2021 at 10:25 AM

To: Linda Neal &lt;lneal@townoffairfax.org&gt;, Ben Berto &lt;bberto@townoffairfax.org&gt;

Hello all,

As you know, we're incredibly excited about coming to Fairfax and being supportive members of the community! Mike and Anne leave large shoes to be filled and we aspire to be as good of neighbors as they've been.

The concern has been identified that HenHouse Brewing may fall under the Town's definition of a Formula Business and I am writing to you to assure you this is not the case.

Working through the definition in the code, I thought it'd be helpful to address each component of a formula business.

- **Standardized Menus, Ingredients, Food Preparation:** As HenHouse does not have any other restaurants, we will certainly not be requiring a standardized food menu. We are excited to retain the staff of Iron Springs and lean on their knowledge of the community's tastes to guide our new food program. On the beer side, we will be brewing beer at this location that will be different from what is available at our other locations. In short, this will be a unique to Fairfax menu and we like it that way.
- **Standardized Decor, Uniform, Architecture:** We pride ourselves on being a business that allows it's team to participate in the creativity of our locations. Our two tasting rooms have very different vibes from each other, which is largely about how the team at each location chooses to express itself. We do not have a uniform nor an architectural blueprint for our locations, rather we're super excited about focusing on the many different opportunities available in our first restaurant location.

Beyond meeting the technical definition of what we are not, I would like to tell you about what we are.

- **Mission driven:** HenHouse Brewing Company's mission is to create meaningful employment that enhances beer quality for the end consumer and creates wealth for our community. We repeat this mission on a daily basis to make sure it's guiding all our choices. For us, the Iron Springs location is an extension of desire to be a business rooted in a place and representative of where we're from.
- **Community involved:** we pride ourselves on using our business to support the vital organizations in our community. Over the last three years, HenHouse has donated over \$150,000 to Bay Area nonprofits, ranging from the Guide Dogs for the Blind to the If Given A Chance Foundation, and we just started a committee of our employees to direct donations going forward. We focus on supporting local artists and regularly feature their art on our cans, we support local musicians with single releases, and we prioritize spending our money with local businesses (our brewhouse was built in Healdsburg).
- **Fun:** we think beer is a reason to get together with your loved ones and we want to create a fun, family friendly environment where you can do that. We have released over 100 different beers so far this year because that kind of dynamic, always changing approach excites our fans and excites our team. New and meaningful ways to connect to people, through beer, through food, and through art are central to how we think about ourselves.

I hope that this makes yall 100% confident that we are an awesome addition to the Fairfax community and not a formula business. I appreciate yall's consideration and look forward to making beer in Fairfax!

Collin McDonnell  
Co-Founder and CEO  
HenHouse Brewing Company  
707-338-0490  
[Collin@HenHouseBrewing.com](mailto:Collin@HenHouseBrewing.com)

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**Ben Berto** <bberto@townoffairfax.org>  
To: Collin McDonnell <collin@henhousebrewing.com>  
Cc: Linda Neal <lneal@townoffairfax.org>

Tue, Oct 19, 2021 at 6:49 PM

12/19/21, 4:45 PM

HenHouse Brewing Mail - HenHouse Brewing is Not a Formula Business

Hi Collin,

The Planning Director would like to know if you can provide us with a drawing of what your signage in Fairfax will look like and he is hoping that it is unique so that there will be no question that the Hen House operation in Fairfax is not a formula business because it is the only Henhouse location that will be operating as a restaurant and a brewery combined (see Mr. Berto's e-mail below).

Thanks,

Linda Neal

Principal Planner

(415) 453-1584

**From:** Ben Berto <[bberto@townoffairfax.org](mailto:bberto@townoffairfax.org)>  
**Sent:** Thursday, October 28, 2021 11:44 AM  
**To:** Linda Neal <[lneal@townoffairfax.org](mailto:lneal@townoffairfax.org)>  
**Subject:** RE: HenHouse Brewing is Not a Formula Business

Linda

Did you have a chance to email Collin about getting signage information and making sure that it is unique?

[Quoted text hidden]

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**Collin McDonnell** <[collin@henhousebrewing.com](mailto:collin@henhousebrewing.com)>  
To: Linda Neal <[lneal@townoffairfax.org](mailto:lneal@townoffairfax.org)>

Thu, Nov 4, 2021 at 9:00 AM

Linda,

Thanks for your patience in a response. I don't have finalized signage yet, as we are trying to develop something totally unique to the space, and I'm happy to send over conceptual images but I want to make sure that doesn't cause any confusion around our submission.

Should I send the work in progress with the knowledge it might change or wait until I have a final design?

Thank you!

Collin McDonnell  
Co-Founder and CEO  
HenHouse Brewing Company  
707-338-0490  
[Collin@HenHouseBrewing.com](mailto:Collin@HenHouseBrewing.com)

[Quoted text hidden]

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**Linda Neal** <[lneal@townoffairfax.org](mailto:lneal@townoffairfax.org)>


Thu, Nov 4, 2021 at 4:11 PM



**West  
County  
Pub**  
HENNHOUSE  
BREWING COMPANY  
FAIRFAX, CA.  
BEER & KITCHEN

**West  
County  
Pub**  
HENNHOUSE  
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