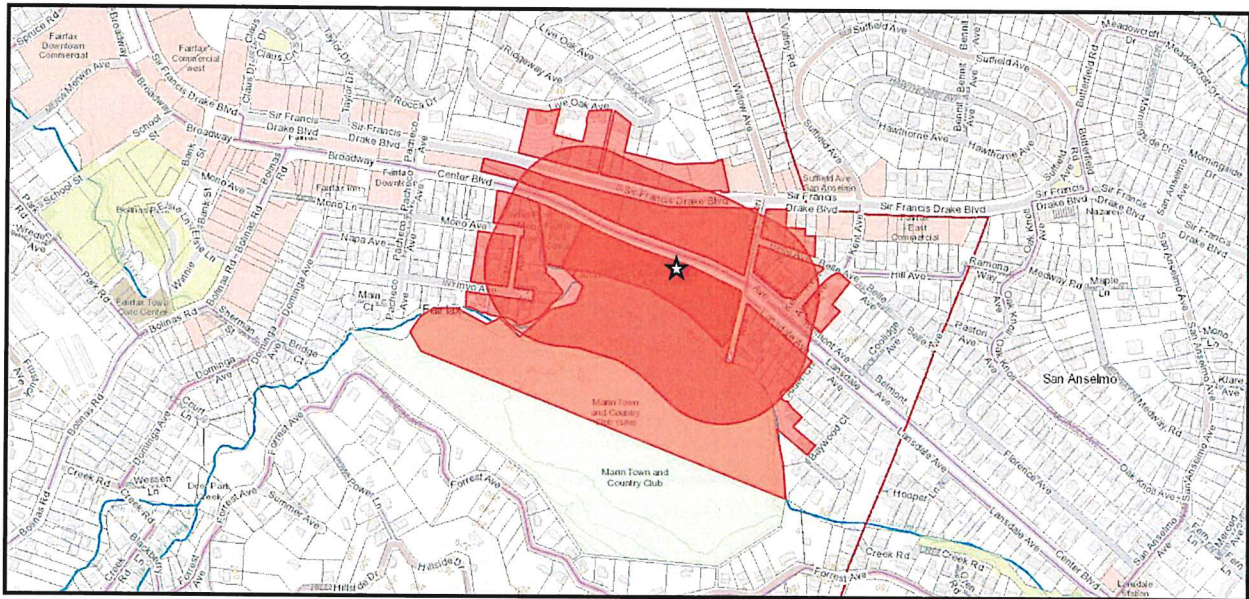


# TOWN OF FAIRFAX STAFF REPORT

## 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:** To operate a brewery and restaurant in an existing commercial space  
**ACTION:** Formula Business Conditional Use Permit; Application # 22-01  
**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/brewpub that has been in operation since 1998 keeping the same floor plan but refreshing the space to represent the new business identity.

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

# AGENDA # 3

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 (see attached 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**

During agenda item 2 of this meeting the Commission determined that the brewery and pub operating at 765 "A" Center Boulevard and recently purchased by Henhouse Brewing Company has become a formula business due to the business transfer to Henhouse.

The two breweries currently operated by Henhouse in Petaluma and Santa Rosa do not sell food prepared on site in an on-site commercial kitchen to customers. The businesses brew and sell beer. Therefore, the beer brewing aspect of the business is the only shared use with the other two Henhouse locations, which will also occur at 765 "A" Center Boulevard but at a much smaller, microbrewery scale. The on-site brewing and sale of beer is what constitutes a formula business. The owners have indicated in their supplemental information attached to the staff report for Agenda Item 2, that while they may offer for sale with meals, beer brewed at their other two locations, the beers brewed on site at 765 "A" Center Boulevard will be unique to their Fairfax location using new ingredients and processes.

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 Town Code does not prohibit formula businesses/restaurant from operating but requires that they be granted a Formula Business Conditional Use Permit prior to doing so.

In order to approve a Formula Business Conditional Use Permit the Planning Commission must be able to make the following findings:

- (A) The proposed formula business or restaurant will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations.
- (B) The proposed formula business or restaurant, together with its design and improvements, will be consistent with the unique and historic village like character of the Town, and preserve the unique visual appearance and shopping and dining experience of the Town for residents and visitors.
- (C) The proposed formula business or restaurant will provide services or products which compliment existing businesses in the zoning district in which it is proposed to operate, considering the existence of and proximity to the same or similar businesses within that zone, and will not have significant adverse financial impact to same or similar businesses within that zone.
- (D) If located within the Town Center Planning Area, the proposed formula business or restaurant will be consistent with the pedestrian orientation of the Town Center Planning Area.
- (E) The proposed formula business or restaurant will help residents avoid the need to drive out of Town for their shopping needs.
- (F) The proposed formula business or restaurant will be consistent with all applicable general plan goals, objectives, policies, and programs.

The Commission should discuss the findings taking into consideration the following:

1. The applicants are planning to take over an existing, successful, brewpub "restaurant" and microbrewery that has had two prior owners. The location has been an anchor element for the Fair Anselm Shopping center, serving foods using local products and producing unique beers brewed onsite for 23 years. The new owners plan to continue to serve foods and beers created on-site using local products and produce. The business has operated without negatively impacting surrounding businesses providing a welcoming venue for Fairfax residents and visitors to town and providing a place for them to gather together, eat, and celebrate.
2. The space is not being expanded or remodeled. Any exterior changes will be minor and will not change the existing architecture of the structure.
3. The business is the only microbrewery in Fairfax.

4. The outdoor eating space is welcoming and pedestrian friendly for neighboring residents as well as visitors to town. The area is not close enough to the neighboring residential zones to create noise issues, odor or parking issues.

After conducting the public hearing, the Commission should continue discussing the project, make findings for the action the majority of the Commissioners are considering taking, and adjourn for a short break while staff finalizes a Resolution supporting the Commission's chosen action.

#### **ATTACHMENTS**

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

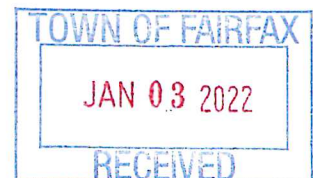
## Description of Proposed Use

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 senseabilities.

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.

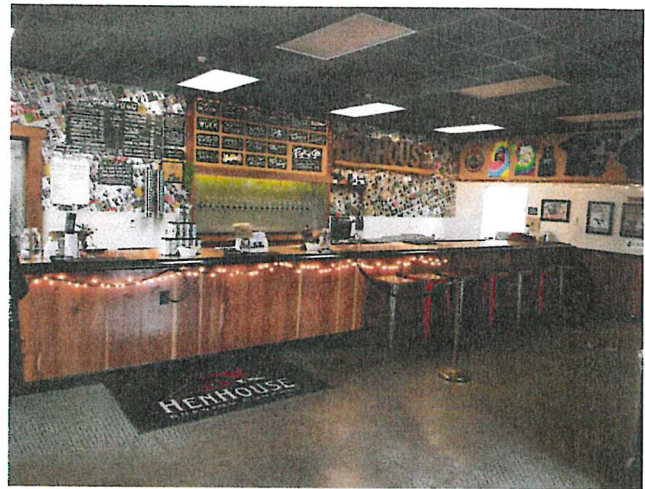


**ATTACHMENT A**

## Existing HenHouse Facilities

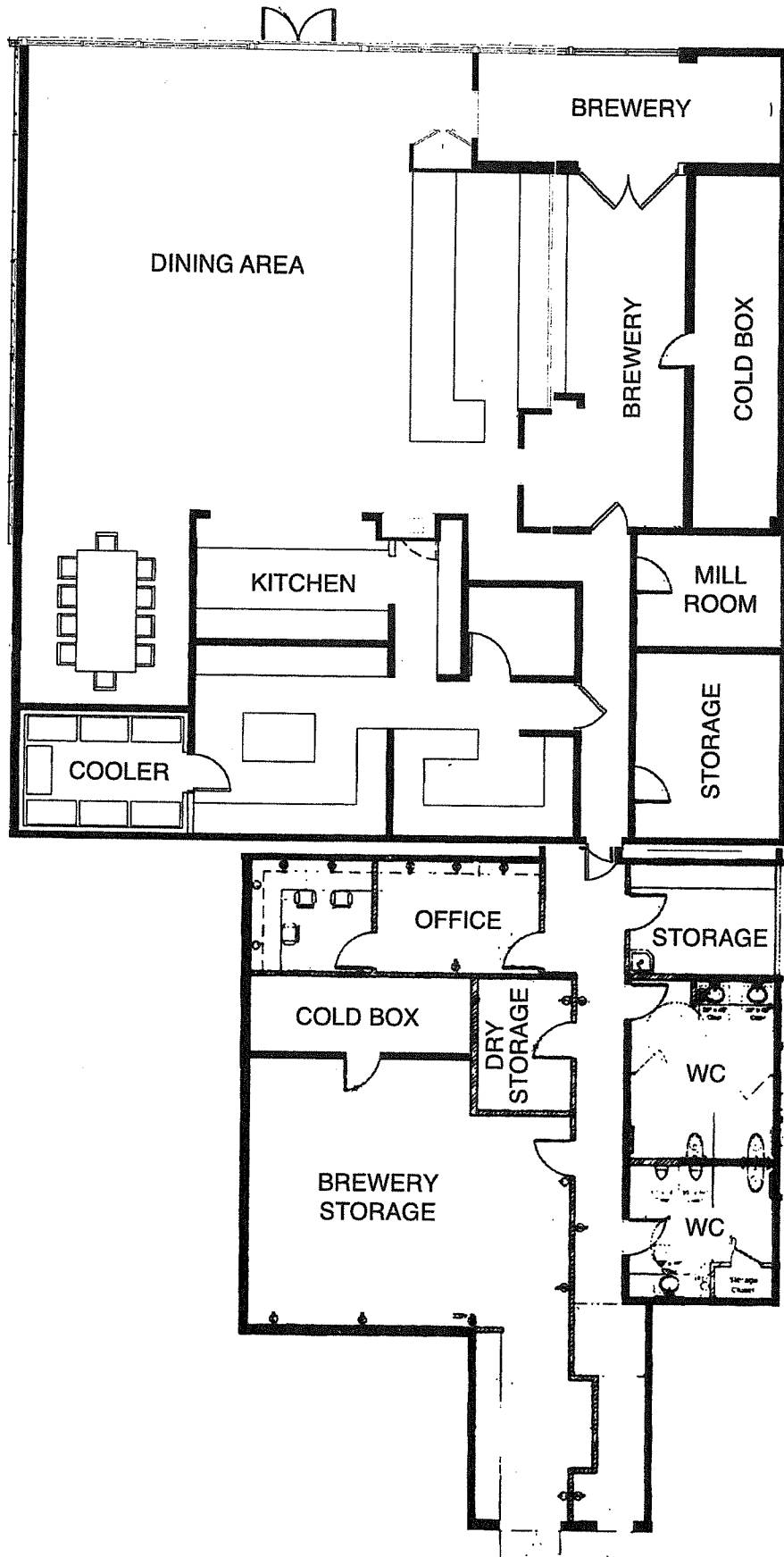
HenHouse operates two tasting rooms currently, one at the Santa Rosa Brewery and another in Petaluma. Neither of these facilities is a restaurant or prepares any food items. Both locations are family friendly and close at 9pm (we don't run bars). Both locations work with food trucks some days of the 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;

---

## HenHouse Brewing is Not a Formula Business

14 messages

---

**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)

---

**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

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 chancer to email Collin about getting signage information and making sure that it is unique?

[Quoted text hidden]

---

**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]

---

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

Thu, Nov 4, 2021 at 4:11 PM

HENHOUSE  
BREWING COMPANY

*West  
County  
Pub*

FAIRFAX, CA.  
BEER & KITCHEN

HENHOUSE  
BREWING COMPANY

*West  
County  
Pub*

FAIRFAX, CA.  
BREWERY & KITCHEN

