



TOWN OF FAIRFAX

STAFF REPORT

October 7, 2020

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Receive report on the Town's Business Recovery Programs and provide direction on the extension of the terms of temporary encroachment permits and temporary outdoor use permits beyond the November 30, 2020 expiration date

RECOMMENDATION

Receive report on the Town's Business Recovery Programs and provide direction on the potential extension of the terms of temporary encroachment permits (TEP's) and temporary outdoor use permits (TUP's) beyond the November 30, 2020 expiration date.

DISCUSSION

In June 2020, the Council took actions to allow for outdoor dining and business uses. Specifically, the Council:

- 1) adopted a resolution allowing staff to issue TEP's to allow outdoor dining and business uses in the public right-of-way such as parks and parking spaces; and
- 2) adopted an urgency ordinance allowing TUP's which permit outdoor dining in private spaces such as parking lots; and
- 3) granted staff authority to close portions of the Mono Parking lot and Mono Alley for outdoor seating.

There is no fee for either the TEP or TUP. Both the TEP's and TUP's are good for an initial 120-day period with the ability of staff to issue a one-time 60-day extension. To date, staff has issued 6 TUP's and 9 TEP's (see below). All permits are active under the initial 120-day period and staff anticipates extending them for another 60 days. However, both TEP's and TUP's cannot be extended past November 30, 2020.

A number of businesses have inquired about the possibility of the Town extending the TEP and TUP deadlines beyond November 30, 2020. The businesses would like to know so they can invest in improvements to better weatherize the outdoor areas (e.g., coverings) for the fall and winter months. Several other Marin communities will also be considering the extension of deadlines for the various uses of outdoor public spaces. Other communities have open-ended deadlines for the use of outdoor public and private spaces.

Given the uncertainty of COVID-19 regarding vaccines, limits on indoor uses, and the possibility of a resurgence, staff is recommending the Town extend the use of TEP's and TUP's through Spring 2021. Should the Council wish to consider such extensions, staff would return with a resolution and an amended urgency ordinance to extend the TEP's and TUP's, respectively, for

consideration at the November 4th Council meeting. The details of the proposed extensions would be presented at the November meeting.

As part of its approval in June, the Council also requested monthly update on the Town's Business Recovery programs. Below is the update.

Temporary Use Permit (TUP)

We have issued six (6) TUP's to the following businesses:

- The Lodge 1573 Sir Francis Drake Boulevard
- Fairfax 31 Bolinas Road
- Mas Masa 31a Bolinas Road
- Mettacine 12e School Street Plaza
- Flying Dutchman Gymnastics 60 Pastori Avenue
- Fairfax Gym 725 Center Blvd.

Temporary Encroachment Permit (TEP)

We have issued nine (9) TEP's to Coffee Roastery, Gestalt Haus, Hummingbird, Amelie Café , Roco Dance, Yoga Mountain, youth Soccer, youth dance, and Fairfax Barbershop. Roco Dance, Yoga Mountain, and youth soccer will be using the ballfield for their classes. A small youth dance class is being held in Bolinas Park. The Fairfax Barbershop was using the Women's Club patio area. We are also working on compliance issues with other applicants.

Public Spaces

In June 2020, the Council granted staff authority to close portions of the Mono Parking lot and Mono Alley for outdoor dining. We have started closing the lower portion of the Mono Parking lot from Thursday through Sunday, as approved by the Council. The Chamber of Commerce volunteers and Gestalt Haus have teamed up to set up the tables, chairs, and umbrellas as well as to clean the tables and chairs between uses. Staff has added a temporary ADA parking space on Bolinas Road and a temporary ADA space at the top of the lot when the lower portion of the lot is closed. Signage has been created and installed to inform people how to access the lot from Bank Street. Volunteers graciously painted the parking lot to make it more festive. It should be noted that Gestalt Haus customers are also using the Mono Parking lot when closed, but Gestalt Haus has indicated it would no longer close the Mono Alley for its use. Staff anticipates continuing the closure of the Mono Lot as long as demand exists during COVID-19.

The Chamber has created and will be making available an on-line survey to name the area when it is closed (e.g., Fairfax Plaza). They will be also be asking if people would be interested in closing the lower portion of the lot for more than 4 days per week. One concept is for the lot to be closed permanently during COVID-19, which would allow for more permanent improvements. Staff will report the results of the Chamber survey at the Council's November 4th meeting.

FISCAL IMPACT

To be determined