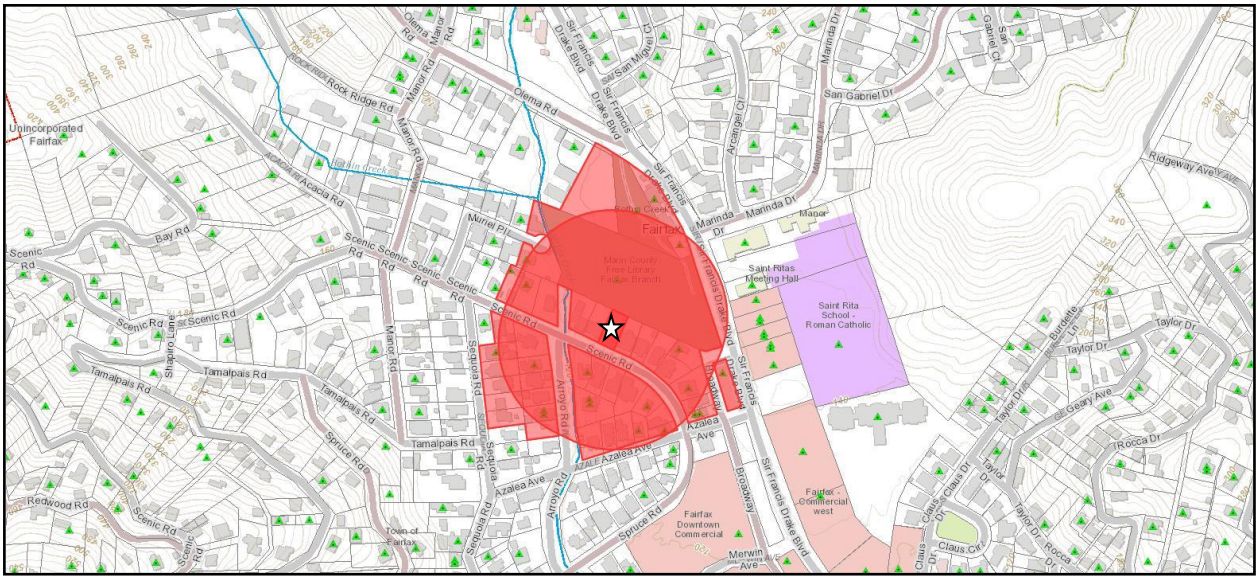
TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services

TO:	Fairfax Planning Commission
DATE:	March 20, 2024
FROM:	Kara Spencer, Associate Planner
LOCATION:	26 Scenic Road; APN: 001-131-15
ZONING:	RD 5.5-7 Residential Zone
PROJECT:	Second driveway entrance and parking area to provide additional parking
ACTION:	Second Driveway Entrance Variance; Application No. 25-04
APPLICANT:	Matthew Anderson
OWNER:	Matthew and Barbara Anderson
CEQA STATUS:	Categorically exempt, § 15301(a)



26 SCENIC ROAD

PROJECT DESCRIPTION

The project proposes a voluntary second driveway entrance and new uncovered parking area to provide additional parking along the property frontage. The new, approximately 12 foot wide concrete curb cut would conform to Marin County Uniform Construction Standards. It would be approximately 16 feet from the existing driveway entrance on the property and approximately nine feet from the driveway entrance for the neighboring property at 30 Scenic Road. The new parking area would be approximately 12 feet wide and approximately 19'-6" long in compliance with the parking space dimensions required by Town Code § 17.052.040(B)(2), which requires minimum parking space dimensions of 9 feet wide by 19 feet long. It would be partially comprised of permeable gravel with paving for the first ten feet to reduce the amount of gravel that could accumulate in the public right of way and cause damage to Scenic Road. The new driveway entrance is proposed along a section of Scenic Road that is not approved for public parking. Creation of the new driveway would not eliminate any public parking spaces.

The property owners also propose to voluntarily reduce the amount of impervious surface area on the property from approximately 2,242 square feet or 44 percent of the lot to approximately 1,613 square feet or 29 percent of the lot. This would bring the property into compliance with the 35 percent lot coverage limit established by Town Code Section 17.040.010. It would also increase the amount of stormwater infiltration on the site and reduce the amount of runoff.

BACKGROUND

The project site is located within the RD 5.5-7 Residential Zone (RD 5.5-7 Zone). It is not within a Wildland Urban Interface (WUI) Zone, nor is it within a quarter mile of a known Northern Spotted Owl (NSO) nesting site.

The property is approximately 5,500 square feet in area with a moderate 13 percent average slope down to the southwest towards Scenic Road and the neighboring property at 30 Scenic Road. However, the property is separated from 30 Scenic Road by an approximately two to four foot tall retaining wall (with a fence on top) and is mostly level. It is developed with an approximately 960 square foot single-family residence that was originally constructed in 1919. There is an approximately 250 square foot detached single-car garage located in the northeastern corner of the backyard that provides one covered parking space. The driveway can also accommodate two 9' by 19' parking spaces. All parking on the project property is in tandem. There are several mature trees on the property and various landscape plants. As noted above, parking is not permitted along the property's entire street frontage.

The existing tandem parking configuration in the side setback does not conform to current parking requirements, which prohibit tandem parking, except for a guest parking space in tandem with a parking space for the occupants of the principal residence (Town Code Section 17.052.040(E). Current parking standards [Town Code Section 17.052.010(B)] also prohibit parking in a side-yard setback. Regardless, the existing parking configuration is legal, non-conforming, as it was created prior to the Town's incorporation in 1931.

Many of the properties in the lower Scenic Road neighborhood have little or no on-site parking or parking configurations that do not comply with current code requirements, as they developed prior to the Town's incorporation in 1931 at a time when there were no parking requirements. Lower Scenic Road, like many roads in Fairfax, is narrow (approximately 24 feet wide curb to curb in front of the project property) with street parking restricted to the side of the road opposite the project property, limiting the amount of available street parking.

The property owners are proposing the second driveway entrance and parking area to accommodate parking for a detached accessory dwelling unit (ADU) they would like to build in their backyard. Because their current parking configuration is all tandem parking, they would like to create a dedicated parking space for the future ADU on the property that is not in tandem with the parking for the primary residence, as this would make parking and access to the property much easier for the future occupants of the ADU and the property owners. The property owners would also like to have a dedicated parking space on their property for the future ADU to help minimize its impact on street parking supply and emergency response. The property owners have indicated that they will not construct an ADU if they cannot provide a dedicated parking space for the unit on their property, which is why they are requesting a second driveway variance prior to constructing the unit. The project property is within a half mile walking distance of public transit; and, the State Government Code and the Town Code do not require a dedicated parking space for a detached ADU that is within one half mile walking distance of public transit. However, the property owners would still like to create the additional parking space for the reasons described above.

DISCUSSION

Required Discretionary Approvals

Town Code Chapter 12.12: Driveway Entrances regulates the width, location, and number of driveway entrances allowed on residential, industrial, and commercial properties in Town. Section 12.12.030 limits residential driveways to 20 feet in width and no greater than 30 feet from any intersecting street. Section 12.12.050 allows a residential property to have no more than one driveway entrance on the same street frontage unless the property is used for multiple housing, which in that case one additional driveway entrance may be constructed as long as it is located a minimum of 40 feet from any other driveway entrance or approach. Section 12.12.090 grants the Planning Commission the authority to grant variances to the requirements of Chapter 12.12 if the following conditions can be met:

(A) There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the same district;

(B) The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and

(C) The granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Second Driveway Entrance Variance (Town Code § 12.12.090)

The addition of the second driveway would result in an aggregate driveway entrance width of approximately 23 feet for the property, which would exceed the 20 foot driveway entrance width established by Town Code Section 12.12.030. Additionally, the proposed location does not conform with Town Code Section 12.12.050, as it would be on the same street as the existing driveway entrance with approximately 16 feet of separation between the two driveways on the property and approximately nine feet of separation between the proposed driveway and the neighbor's driveway at 30 Scenic Road. However, the second driveway entrance, driveway, and parking area all conform to all other applicable requirements of the Town Code. The second driveway entrance, driveway, and parking area comply with the setback requirements of the RD 5.5-7 zone. The second driveway entrance would be more than 100 feet from the Scenic Road/Arroyo Road intersection in compliance with Town Code § 12.12.030. The parking space also conforms with the parking space dimensions required by Town Code § 17.052.040(B).

As mentioned above, Scenic Road is approximately 24 feet wide (curb to curb) in front of the project property. The proposed curb cut and driveway entrance width of 12 feet enables better back up turning radius onto an approximately 24 foot wide road, which is better for public safety. Neither the Ross Valley Fire Department, nor the Fairfax Police Department expressed any concerns about the driveway entrance or placed any conditions on the project. The driveway design and entrance would be consistent with Marin County Uniform standards and safety measures. Moreover, no street parking would be lost; pedestrian access over the sidewalk would not be blocked; and, pedestrian and vehicular visibility on the Scenic Road right-of-way would not be impaired.

Widening the driveway to create a parallel parking space next to the existing driveway parking would be more disruptive to the site because it would result in a parking space in the front yard

that would block the front steps and entryway to the house, making access difficult. It would also block more of the historic structure's façade than the proposed location approximately 16 feet from the existing driveway entrance. Widening the driveway to create a parking space parallel to the road would result in a parking space that is more difficult to back out of and less safe. The proposed location of the driveway entrance would be the least disruptive to the site, as it would ensure easy, safe access to the primary residence is maintained; it would preserve a better view of the historic structure from the public right of way; and, it would be safer than a space that is parallel to the road. A second driveway entrance would also improve the existing tandem parking configuration, which has increased potential for vehicular damage as vehicles are parked closely together; requires coordinating parking maneuvers, which can be inconvenient and time consuming; and, makes it difficult to quickly enter and exit a parking space.

As described previously, street parking in the project neighborhood is limited in supply as it is only allowed on the side of the road opposite the project property. The proposed project would result in the creation of an additional off-street parking space in a high density neighborhood that has limited street parking. Implementation of the project would result in a net benefit to the neighborhood, as it would improve the neighborhood parking stock.

OTHER DEPARTMENT/AGENCY COMMENTS/CONDITIONS OF APPROVAL

No conditions of project approval were received from the Ross Valley Fire Department, the Marin Municipal Water District, the Ross Valley Sanitary District, or the Town of Fairfax Police, Building, or Public Works Departments.

RECOMMENDATION

Conduct the public hearing.

Move to approve application No. 25-04 by adopting the attached Resolution No. 2025-04 setting forth the findings and conditions of project approval.

ATTACHMENT

Attachment A – Resolution No. 2025-04

RESOLUTION NO. 2025-04

A Resolution of the Fairfax Planning Commission Approving Application No. 25-04 Granting a Variance for a Second Driveway Entrance at 26 Scenic Road

WHEREAS, the Town of Fairfax received an application from Matthew Anderson for a second driveway entrance 26 Scenic Road; and

WHEREAS, Fairfax Town Code Section 12.12.030 provides that a single-family residential property shall have no more than one, 20 foot-wide driveway entrance located at least 30 feet from the corner of any intersecting street unless a Variance is granted by the Planning Commission; and

WHEREAS, Fairfax Town Code Section 12.12.050 provides that a residential property shall have no more than one driveway located at least 40 feet away from any other driveway unless a Variance is granted by the Planning Commission; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on March 20, 2025, at which time the Planning Commission determined that the project complies with the Town Code and that findings can be made to grant the requested second driveway entrance; and

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission determined that the applicant met the burden of proof required to support the findings necessary to approve the discretionary Variance; and

WHEREAS, The project is exempt from the California Environmental Quality Act per Categorical Exemption Section 15301(a); and

WHEREAS, The Planning Commission made the following findings:

Driveway Entrance Variance Findings (Town Code § 12.12.090)

(A) The exceptional circumstances that necessitate the need for a second driveway entrance in front of 26 Scenic Road are the siting of the historic house on the property and the tandem parking configuration in the side setback. Due to the location of the house on the property and the location of the existing driveway in the side setback, widening the driveway to create a parallel parking space next to the existing driveway parking space would block the front steps and entryway to the house, making access difficult and blocking more of the historic structure's façade than the proposed location approximately 16 feet from the existing driveway entrance. The existing tandem parking configuration has increased potential for vehicular damage as vehicles are parked closely together; it requires coordinating parking maneuvers, which can be inconvenient and time consuming; and, it makes difficult to quickly enter and exit a parking space.

(B) The second driveway will provide access to one additional, code compliant parking space without removing any on-street parking, enabling the property owners to add an accessory dwelling unit to their property without negatively affecting the street parking supply. It will also bring the property closer to compliance with current parking regulations.

(C) The Ross Valley Fire Department and the Fairfax Police Department did not have any concerns or comments regarding the driveway entrance, driveway, or parking area and did not require any conditions of project approval. The driveway design and entrance would be consistent with Marin County Uniform standards and safety measures. Scenic Road is approximately 24 feet wide (curb to curb) in front of the project property. The proposed curb cut and driveway entrance width of 12 feet enables better back up turning radius onto an approximately 24 foot wide road, which is better for public safety. No street parking would be lost; pedestrian access over the sidewalk would not be blocked; and, pedestrian and vehicular visibility on the Scenic Road right-of-way would not be impaired.

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

1. The project is approved per the plans prepared by Matthew Anderson received by the Town on 3/11/25.

2. During the construction process the following shall be required:

    a. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.

    b. Any proposed temporary closures of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

3. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 25-04. Modifications that do not significantly change the project, the project design or the approved discretionary permits ***may*** be approved by either the Planning Commission or the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 25-04 will result in the job being immediately stopped and red tagged.

4. Any damage to the public portions of Scenic Road or other public roadway used to access the site resulting from construction-related activities shall be the responsibility of the property owner.

5. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town of Fairfax, 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 prompt notification to the applicant of any said claim, action, or proceeding.

6. 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.

7. In accordance with Town Code §8.20.060(C)(1) and (2), the operation of any tools or equipment used in construction or demolition work or in property maintenance work between the hours of 6:00 PM and 8:00 AM Monday through Friday, or on weekends and holidays between 4:00 PM and 9:00 AM is prohibited.

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

The approval of the Second Driveway Variance is in conformance with the 2010 – 2030 Fairfax General Plan, the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the project can occur without causing significant impacts on neighboring residences and the environment.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 20th day of March 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Chair Phillip Feffer

Attest:

_____
Jeffrey Beiswenger, Director of Planning and Building Services

PROJECT INFORMATION

LOCATION:	26 SCENIC ROAD, FAIRFAX, CA
APN:	001-131-15
OWNER:	BARBARA & MATTHEW ANDERSON
LOT AREA:	5500 SF
PERCENTAGE SLOPE:	13.4807
ZONING DISTRICT:	RD 5.5-7 RESIDENTAIL ZONE, HIGH DENSITY
WUI FIRE ZONE:	NO
SPRINKLERS:	NO
NUMBER OF STORIES:	1
NUMBER OF UNITS:	1
BUILT:	1919

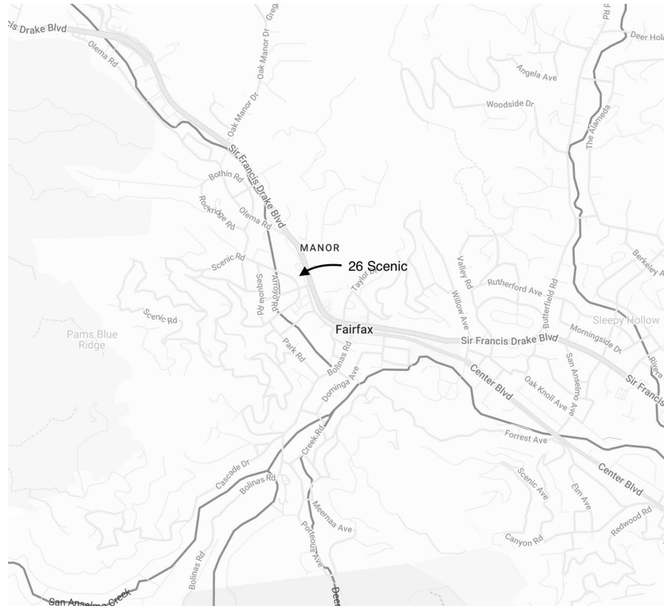
PARKING	EXISTING	PROPOSED
COVERED	1	1
UNCOVERED	2	3
STREET	0	0

AREA ANALYSIS

FLOOR AREA	EXISTING	PROPOSED
MAIN HOUSE	960	NO CHANGE
TOTAL FLOOR AREA	960	NO CHANGE
FLOOR AREA RATIO	17%	max=40%

LOT COVERAGE / IMPERVIOUS

AREA	EXISTING	PROPOSED
MAIN HOUSE	960	NO CHANGE
GARAGE	250	NO CHANGE
CONCRETE PATIO	956	268
CONCRETE PATHS	258	135
TOTAL COVERAGE	2424	1613
LOT	5500	5500
% LOT COVERAGE	44%	29.3%



LOCATION MAP

SCOPE OF WORK

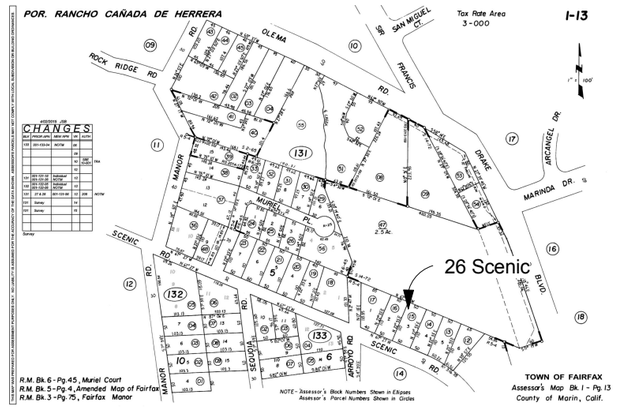
SECOND CURB CUT FOR ADDITIONAL OFFSTREET PARKING (VOLUNTARY)

REMOVE CONCRETE PATH A AND REPLACE WITH PERMEABLE MATERIAL

REMOVE CONCRETE PATIO A AND REPLACE WITH PERMEABLE MATERIAL

NEW UNCOVERED PERMEABLE PARKING AREA

RELOCATE AND REPLANT FRONT GARDEN



ACCESSOR PARCEL MAP

Overview

Project number	SD-001	A100
Date	2/23/2025	
Drawn by	Matthew Anderson	
		Scale @ 11 x 17

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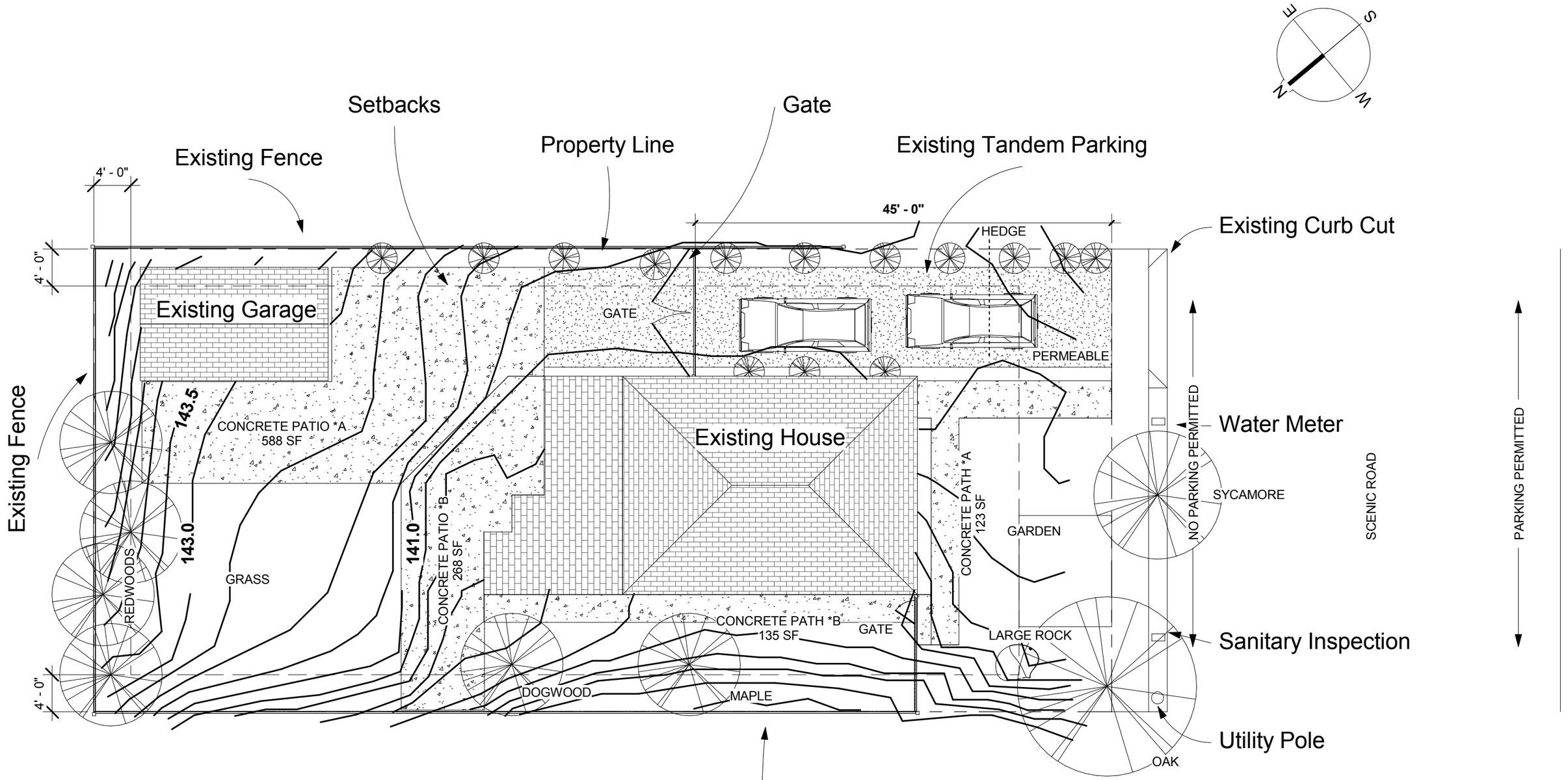

1 Existing Site Plan
3/32" = 1'-0"

THERE ARE NO EASEMENTS ON THE PROPERTY

26 Scenic Road Parking

Existing Site

Project number	SD-001
Date	2/23/2025
Drawn by	Matthew Anderson
	Scale @ 11 x 17

A101

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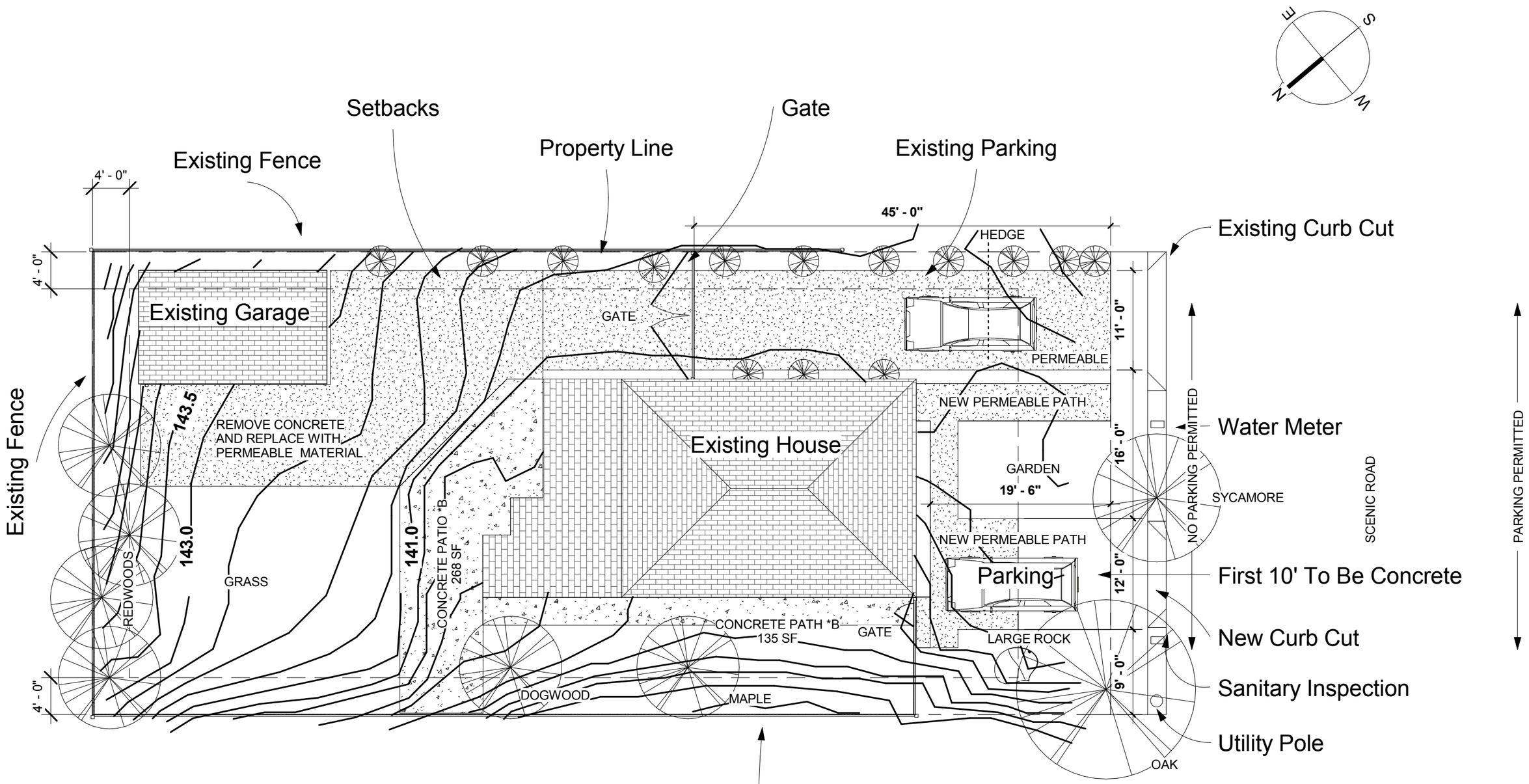

1 Proposed Site Plan
3/32" = 1'-0"

THERE ARE NO EASEMENTS ON THE PROPERTY

26 Scenic Road Parking

Proposed Site

Project number	SD-001
Date	2/23/2025
Drawn by	Matthew Anderson
	Scale @ 11 x 17

A102

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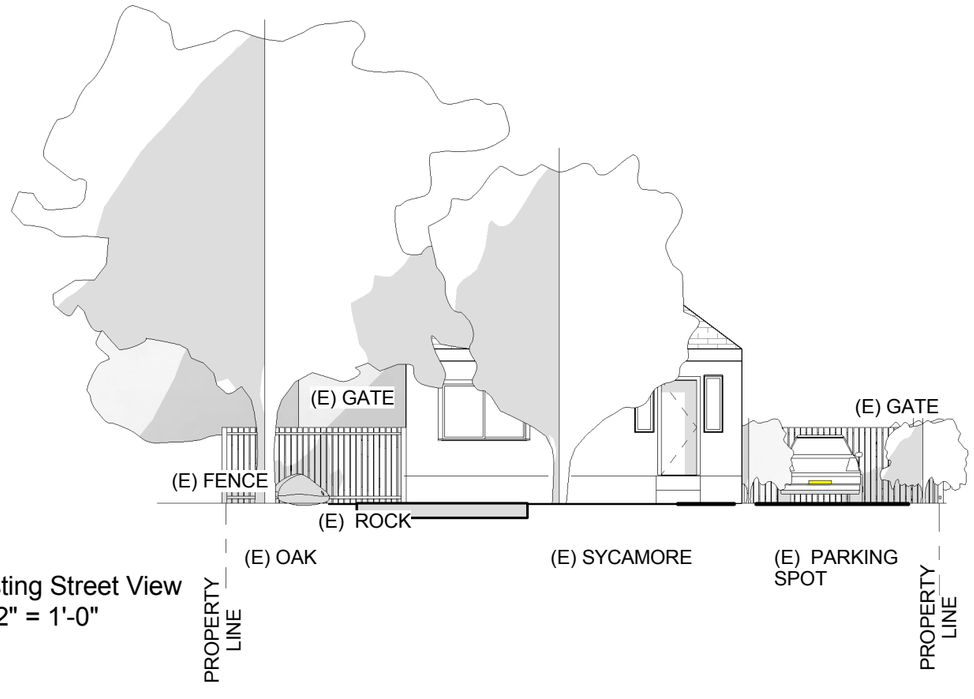
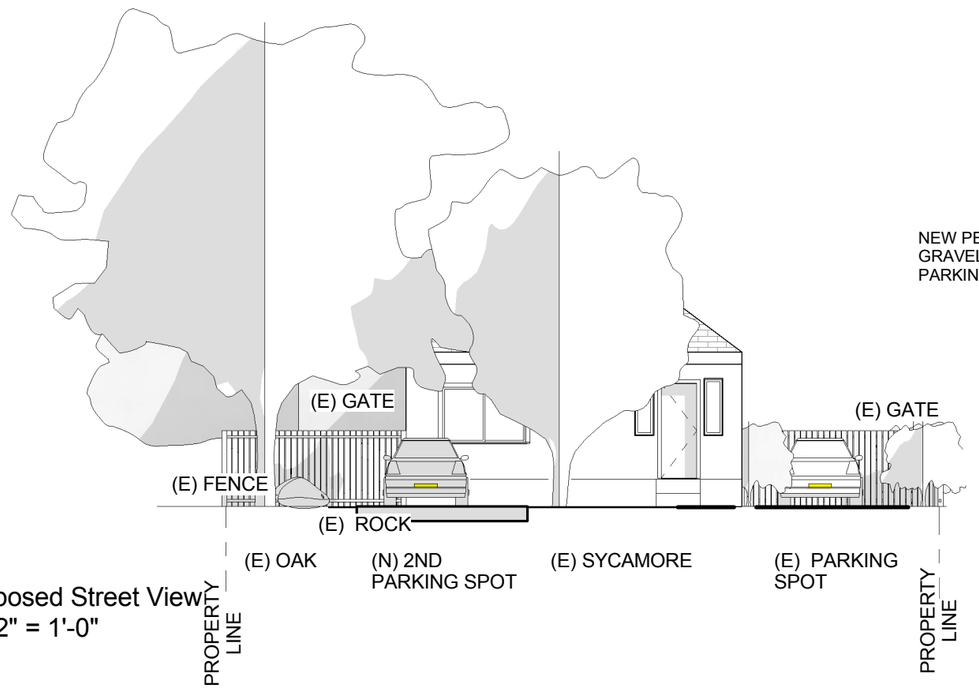


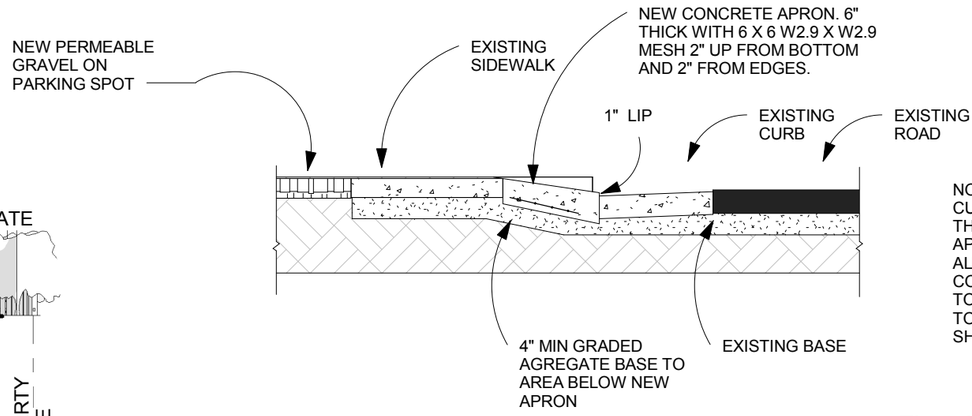
2 Existing Street View
3/32" = 1'-0"



1 Proposed Street View
3/32" = 1'-0"

UNIFORM STANDARDS, ALL CITIES AND COUNTY OF MARIN

1. EXISTING CONCRETE SHALL BE REMOVED AT EXPANSION OR WEAKENED PLANE JOINTS OR AT SAWCUTS AS FIELD MARKED BY AGENCY ENGINEER. SAWCUTS MUST GO ENTIRELY THROUGH CONCRETE.
2. FOR NEW DEVELOPMENT, NO UTILITY BOXES OR POLES WILL BE PERMITTED IN THE SIDEWALK AREA WITHOUT THE PRIOR WRITTEN APPROVAL OF THE AGENCY ENGINEER.
3. WHERE UNDERCUT SUBGRADE OR UNSUITABLE SUBGRADE MATERIAL IS ENCOUNTERED, THE AGENCY ENGINEER MAY REQUIRE REMEDIAL WORK TO BE DONE, INCLUDING OVER EXCAVATION AND BACKFILLING WITH CRUSHED ROCK AND, WHEN DIRECTED BY THE ENGINEER, PLACING GEOTEXTILE FABRIC BENEATH THE NEW CONCRETE SECTION.\
4. SUBGRADE SHALL BE COMPACTED TO AT LEAST 95% RELATIVE COMPACTION IN THE TOP SIX INCHES.
5. NEW WORK SHALL MATCH EXISTING AS CLOSELY AS POSSIBLE IN FINISH, SCORING AND COLOR. FOF NEW INSTALLATIONS PLACED ADJACENT TO EXISTING, 2LB. DAVIS BLACK #8084 (OR EQUIVALENT) PER CU. YD. CONCRETE SHALL BE ADDED TO MIX.
6. EXCEPT WHERE SPECIFIED OTHERWISE HEREIN, NO ADMIXTURES SHALL BE USED WITHOUT THE PERMISSION OF THE AGENCY ENGINEER.
7. FORMS SHALL MEET GRADE AND FORM FACES SHALL NOT VARY FROM THE DIMENSIONS SHOWN BY MORE THAN 1/2 INCH.
8. NO CONCRETE SHALL BE PLACED UNTIL THE AGENCY ENGINEER HAS INSPECTED AND APPROVED FORMS AND SUBGRADE/BASE.
9. SUBGRADE/BASE SHALL BE THOROUGHLY WETTED IMMEDIATELY PRIOR TO PLACING CONCRETE.
10. CONCRETE SHALL BE A MINIMUM CLASS B (5 SACK MIX) WITH 1 INCH MAXIMUM AGGREGATE FROM AN APPROVED MIXING PLANT. NO BAGGED MIX IS PERMITTED.
11. CONCRETE SHALL HAVE A SLUMP OF NOT MORE THAN FOUR INCHES.
12. FOR SIDEWALKS AND DRIVEWAY APPROACHES, 1/4 INCH DEEP SCORE LINES SHALL BE PLACED AT FOUR FEET ON CENTER OR AS DIRECTED BY THE AGENCY ENGINEER.
13. WEAKENED PLANE JOINTS AT LEAST 3/4" DEEP SHALL BE PLACED AT A MINIMUM 16 FEET ON CENTER EXCEPT FOR SIDEWALKS AND DRIVEWAY APPROACHES WHICH SHALL BE A MINIMUM 5 FEET ON CENTER.
14. 3/8 INCH THICK EXPANSION JOINTS SHALL BE PLACED ON BOTH SIDES OF DRIVEWAY APPROACHES AT CURB AND SIDEWALK RETURN POINTS, DRAINAGE STRUCTURES AND OTHER LOCATIONS AS SHOWN ON THE PLANS.
15. ALL EXPOSED EDGES SHALL BE ROUNDED WITH 1/2 INCH RADIUS TOOL.
16. ALL FLAT SURFACES SHALL BE LIGHT BROOM FINISHED UNLESS OTHERWISE SPECIFIED BY AGENCY ENGINEER.
17. CURBS, SIDEWALKS AND DRIVEWAY APPROACHES SHALL HAVE FORMS REMOVED AND BE BACKFILLED WITHIN SEVEN DAYS AFTER POURING.
18. THE DESIGNATED DIMENSIONS AND SLOPES MAYBE MODIFIED TO ACCOMMODATE EXISTING ADJACENT FACILITIES SUBJECT TO THE APPROVAL OF THE AGENCY.



3 Curb Cut Section
1/4" = 1'-0"

NOTES:
CUT AND CHIP OFF EXISTING CURB EDGE ALONG THE LENGTH OF THE NEW APRON.
APRON SHALL BE 6" REINFORCED CONCRETE.
ALL CONCRETE SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 3,500 P.S.I. WITH 5% TO 8% AIR AND 2" - 5" SLUMP. DO NOT ADD WATER TO SURFACE FOR FINISHING. eXPOSED SURFACE SHOULD HAVE A LIGHT BROOMING.

Elevation (STREET)

Project number	SD-001
Date	2/23/2025
Drawn by	Matthew Anderson

A104

Scale @ 11 x 17

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26 Scenic Road Parking