

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

TO: Fairfax Planning Commission
DATE: May 18, 2017
FROM: Michelle Levenson, Zoning Technician
LOCATION: 287 Bolinas Road.; Assessor's Parcel No. 002-024-21
ZONING: Residential RD-5.5-7 Zone
PROJECT: Construction of Carport and Decks
ACTION: Conditional Use Permit; Application # 17-18
APPLICANT: Meredith Mill, Millworks Design/Construction
OWNER: Lindy Fleming and Philip Andrews
CEQA STATUS: Categorically exempt, § 15301(I)(4).



287 BOLINAS ROAD

BACKGROUND

The project site is 7,084 square feet in area and is relatively flat with a slope of 6-percent. The site is located within the Residential Development RD 5.5-7 Zone. The site is developed with a 1,624-square-foot, two-story, single-family residence constructed in 1962 that contains 3 bedrooms and 2 bathrooms, a 378-square-foot attached garage and 104 square feet of decks.

During a Residential Resale Inspection in October 2011, Planning and Building staff discovered that a 119-square-foot portion of the two-car garage was converted to a workshop reducing the length of one of the vehicle spaces such that a second vehicle could no longer be parked in the garage.

REQUIRED DISCRETIONARY APPROVALS

The proposed project would involve reconstructing and reducing the size of the existing 462-square-foot garage to a 315-square-foot carport and removing the garage door such that the southern side of the structure would remain open. The existing first-story deck would be expanded by 142 square feet into the area occupied by the garage workshop for a total first-story deck area of 246 square feet. The expanded deck would be located five feet from the side property line, in compliance with the side setback requirements. An existing 52-square-foot second-story deck would be reduced by 31 square feet to create a 21 square-foot utility balcony that would be used for ventilation and maintenance purposes. The second parking space that would be provided in the garage in the absence of the workshop would be relocated to an uncovered spot along the western side of the property.

The following discretionary approvals from the Planning Commission are required:

Conditional Use Permit. Town Code Section 17.084.050 requires that a Conditional Use Permit be obtained prior to any expansion/modification of a property or residence on a parcel that does not meet the minimum size and width requirements based on the slope of the site. The project site has a slope of 6-percent, therefore the Town Code requires a minimum area of 5,500 square feet and a minimum width of 60 feet. While the site meets the minimum area requirement (the site is 7,084 square feet), the minimum site width is 45 feet therefore the project requires the approval of a Use Permit by the Planning Commission.

DISCUSSION

The following requirements apply to the RD 5.5-7 Zone:

	Front Setback (ft)	Rear Setback (ft)	Combined Front/rear Setback (ft)	Side Setbacks (ft)	Combined Side Setbacks (ft)	FAR	Lot Coverage	Height
Required/ Permitted	6	6	25	5/5	15	.40	.35	28.5 ft; 2 stories
Existing	54.5	0	54.5	2/12	14	.23	.31	25 ft; 2 stories
Proposed	No change	No change	No change	5/12	No change	No change	.308	No change

CONDITIONAL USE PERMIT

In order to approve a Use Permit for the project, the Commission must make the following findings (Town Code Section 17.032.060): (1) granting of the approval would not constitute a “special privilege” nor contravene the doctrines of equity and equal treatment; (2) the project would not create a public nuisance, cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects or create undue or excessive burdens in the use or enjoyment of the property; (3) approval of the project is in keeping with the objectives, goals or standards set forth in the Town of Fairfax General Plan; and (4) approval of the project would result in equal or better development of the premises than would otherwise be the case and the approval is in the public interest and for the protection and enhancement of the community.

Several properties in the immediate vicinity of the subject property contain garages/covered parking structures including properties at 288, 296 and 308 Bolinas Road. At 315 square feet, the size of the proposed carport would be in keeping with covered parking structures in the neighborhood. In addition, a second parking space would be provided on site, reducing on-street parking demand in the neighborhood. Several properties in Town contain exterior decks, enhancing use of the sites by their residents. The proposed deck expansion would be in keeping with the size of other decks on similar properties and would be located further from the side property line than current site conditions. By reconstructing the garage into a carport and expanding the lower level deck, development of the site would be enhanced and on-site parking would be maintained. Therefore, the project would be consistent with the findings required by Town Code Section 17.032.060, above.

Other Agency/Department Conditions/Comments

Ross Valley Fire Department (RVFD)

1. Project is a new carport in the wildland urban interface area of Fairfax. New construction in the wildland area requires the use of ignition resistant materials as required by CBC Chapter 7A.
2. WUI Code Section 603 requires new construction regardless of occupancy classification to have a fire sprinkler system installed through the entire building which complies with the requirements of the National Fire Protection Association 13-D and local standards. A separate deferred permit shall be required for this system,
3. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.
4. Carbon monoxide alarms shall be provided in existing dwelling when a permit is required for alterations, repairs, etc., that exceed \$1,000. CO alarms shall be located outside of all sleeping areas and on every level of the dwelling including the basement.
5. Address numbers at least 4" tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed next to a light or be reflective numbers. If the project is a new house or a substantial remodel, they may only be internally illuminated or illuminated by an adjacent light controlled by a photocell and switched on only by a breaker so it will remain illuminated all night. If not currently as described, the numbers must be installed as described as part of this project.
6. Applicant may propose alternate materials or methods in accordance with Section 103.3. All approved alternates requests and supported documentation shall be included in the plans set submitted for final approval.

The Marin Municipal Water District (MMWD) Ross Valley Sanitary District and the Fairfax Police, Public Works and Building Departments

The MMWD, Ross Valley Sanitary District, , and the Fairfax Police, Public Works and Building Department(s) did not provide conditions of approval or comments on the project.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.

3. Move to approve Application No. 17-18 by adopting Resolution No. 17-18, setting forth the findings and conditions for project approval.

ATTACHMENTS

Attachment A – Resolution No. 17-18

RESOLUTION NO. 17-18

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit Reconstruction of a Garage to Carport and Deck Expansion at 287 Bolinas Road

WHEREAS, the Town of Fairfax has received an application to reconstruct and reduce the size of the existing 462-square-foot garage to a 315-square-foot carport, expand the first-story deck area to 246 square feet, reduce the size of a second story deck to create a 21 square-foot utility balcony and relocate a second parking space to the western side of the property.

WHEREAS, the Planning Commission held a duly noticed meeting on May 18, 2017, at which time the Planning Commission determined that the proposed project, as long as the conditions of approval contained within this resolution are met, conforms with the Fairfax General Plan and Zoning Ordinance regulations; and

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

WHEREAS, the Commission has made the following findings:

1. The improvements conform to the regulations set forth in the Residential Single-family RD 5.5-7 Zone District.
2. The development is in keeping with other garages/covered parking structures and associated residences in the neighborhood. Several other properties in the vicinity contain similarly size parking structures including 288, 296 and 308 Bolinas Road. At 315 square feet, the size of the carport is in keeping with covered parking structures in the neighborhood. The deck expansion is in keeping with the size of other decks on similar properties and will be located further from the side property line than current site conditions. By reconstructing the garage into a carport and expanding the lower level deck, development of the site will be enhanced. Therefore, the approval of the project shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment, and will not result in excessive hardship for the owner.
3. The proposed development is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the area.
4. The development and use of property as approved herein 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 project approvals.

5. The approval as conditioned herein will not be contrary to those objectives, goals or standards pertinent to the particular case and contained in the 2010 – 2030 Fairfax General Plan or set forth in the Town Code.
6. Approval of the project will result in equal or better development of the premises than would otherwise be the case and is in compliance with the Fairfax General Plan, Zoning Ordinance, accepted engineering techniques and the Uniform Building Code.

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

1. This approval is limited to the development illustrated on the plans prepared by Millworks Design/Construction, entitled, "Deck and Garage Remodel for Lindy Flemming and Philip Andrews", signed and dated April 12, 2017.
2. Prior to the issuance of the building permit for the project, the applicant shall record an "Easement Modification Agreement" with the Marin County Recorder's Office. The agreement shall include a plan showing the relocated parking space in relation to the access easement with 291-293 Bolinas Road and demonstrate that the relocated parking space does not intrude into or impede access to 291-293 Bolinas Road.
2. Secure written approval from the Ross Valley Fire Department, Marin Municipal Water District and the Ross Valley Sanitary District noting that the development conforms with all of their recommendations and conditions.
3. All construction-related vehicles including equipment delivery, supply delivery and cement trucks, as well as all construction material 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.
4. Any proposed temporary closure 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.
5. The following Best Management Practices shall be employed:
 - a. The roadways shall be kept free of dust, gravel and other construction materials by sweeping these areas, daily, if necessary.
 - b. Every effort shall be made to minimize the disturbance of dust, sand or other particulate matter during construction.

6. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application No. 17-03. Any construction based on job plans that have been altered without the benefit of an approved modification of Application No. 17-03 will result in the job being immediately stopped and red tagged.

7. Any damages to Scenic Road or other public roadways used to access the site resulting from construction activities shall be the responsibility of the property owner.

8. 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, Design Review Board 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 notifying the applicant of any said claim, action, or proceeding.

9. 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 following: Noise Control, 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.

10. The applicant shall comply with any and all the conditions of the Marin Municipal Water District, Ross Valley Sanitary District, Ross Valley Fire Department, Fairfax Public Works Department and Fairfax Building Department. Other agency conditions can be waived by those agencies in writing to the Town Building Department.

11. Other agency/department conditions can be waived by that agency/department in writing to the Fairfax Planning and Building Services Department.

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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 is in conformance with the 2010 – 2030 Fairfax General Plan 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 18th day of May, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

Chair, Norma Fragoso

Attest:

Linda Neal, Principle Planner