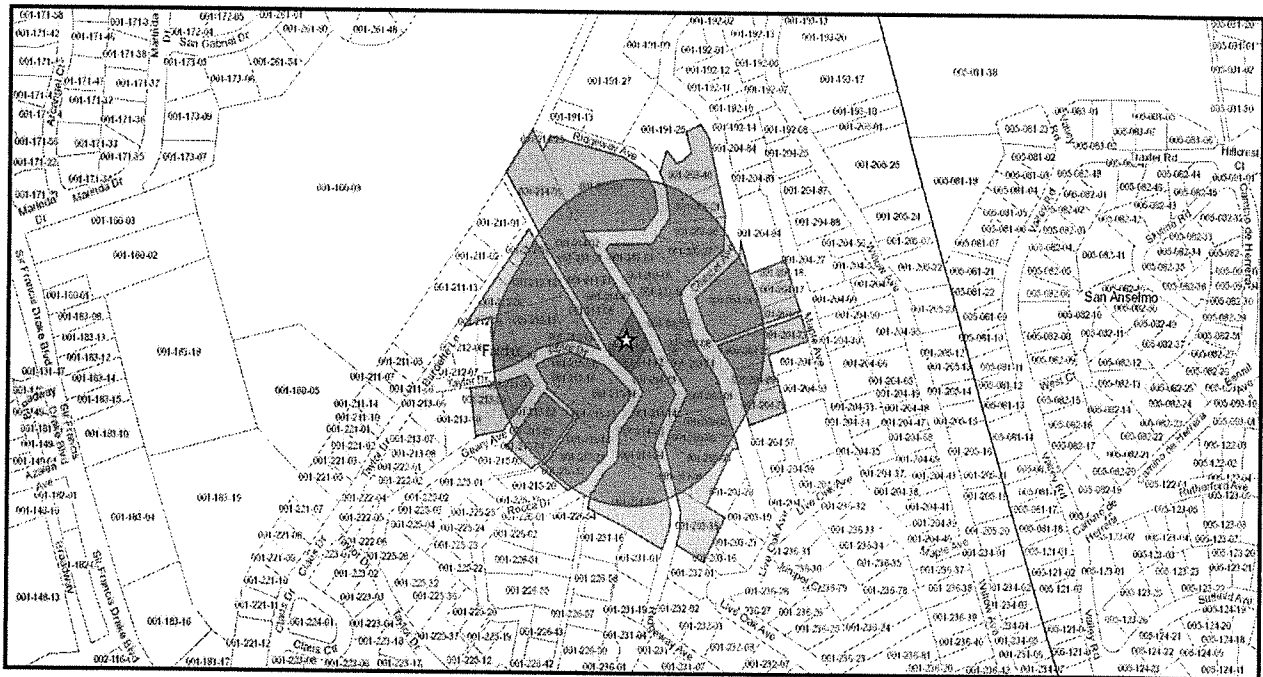


**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** November 15, 2018  
**FROM:** Linda Neal, Principal Planner  
**LOCATION:** 154 Ridgeway Avenue; Assessor's Parcel No. 001-214-20  
**ZONING:** Residential Single-family RS-6 Zone  
**PROJECT:** Art Studio  
**ACTION:** Use Permit; Application # 18-20  
**APPLICANT:** Jessica Green  
**OWNER:** Same  
**CEQA STATUS:** Categorically exempt, § 15303(e)



**154 RIDGEWAY AVENUE**

## BACKGROUND

The 6,650 square-foot site is a street to street property that slopes down from Ridgeway Avenue to Taylor Drive with an average slope of 50%. The site is developed with a 1,668 square-foot, 3 bedroom, 2 bathroom residence that was constructed in 1963.

## DISCUSSION

The project encompasses the construction of 108 square-foot artist studio with a sink and one electric outlet at the rear (south) of the residence. The structure will have windows in the south and west walls, the access door will be on the east side and there will be a skylight in the west portion of the studio roof. The studio will be constructed on a level portion of the property located between 2 retaining walls that were constructed as part of terracing the rear yard.

The project complies with the Residential Single-family RS-6 Zone District as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20ft	.40	.35	15 ft., 1 story (acc. structure)
Existing	20 ft.	42 ft.	62 ft.	23 ft. & 7.5 ft.	30.5 ft.	.25	.17	N.A
Proposed	20 ft.	19.5 ft.	39.5 ft.	12.5 ft. & 7.5 ft.	20 ft.	.27	.19	11.5 ft., 1 story

## Use Permit

The project requires the approval of a Use Permit by the Planning Commission for 2 reasons:

Town Code § 17.080.040(C) requires that a Use Permit be obtained prior to any physical improvement on a parcel with a 50% slope failing to meet the minimum size requirement of 42,000 square-feet and the minimum required width of 270 feet. The project site is only 6,550 square-feet in size and 74 feet wide.

Town Code § 17.080.040(B) limits the use of accessory structures to cabanas, greenhouses, lath houses, tool sheds, garages/carports and pools. The proposed accessory structure will be used as an art studio

The above code sections both require the approval of a Use Permit for the proposed art studio accessory structure.

The Planning Commission has granted similar use permits for accessory structures in the neighborhood. Use permits were granted on July 17, 2015 for a 120 square-foot art studio at 138 Ridgeway Avenue, and on March 17, 2016 for an art studio/storage structure at 9 Chester Avenue.

The art studio will not result in the property having an amount of living space out of character or scale with surrounding properties (see table below).

154 Ridgeway Avenue – COMPARABLE HOUSE NEIGHBORHOOD HOUSE SIZES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
001-203-04	145 Ridgeway	7571	2106	3	2	0	.27
001-203-34	167 Ridgeway	7480	1519	2	2	0	.20
001-203-41	151 Ridgeway	8919	1167	3	1.5	336	.13
001-214-02	134 Ridgeway	5618	2220	2	2.5	0	.39
001-214-08	150 Ridgeway	5618	1504	4	2.5	0	.26
001-214-14	172 Ridgeway	7600	2107	4	2.5	540	.27
001-214-21	138 Ridgeway	8374	1630	3	2	0	.19
001-231-19	208 Ridgeway	7423	1386	4	2	402	.22
001-232-02	211 Ridgeway	9095	1170	2	1	324	.12
001-232-03	219 Ridgeway	8400	1256	3	1	400	.14
PROJECT SITE - PROPOSED							
001-214-20	154 Ridgeway	6650	1668	3	2	0	.25
with studio			1776				.26

Properties in the neighborhood on similar sized parcels have Floor Area Ratios (FAR's) that range from .12 to .39 so the proposed art studio increasing the property FAR from .25 to .26 will not result in the site being out of character with the neighborhood development.

### OTHER DEPARTMENT/AGENCY COMMENTS/CONDITIONS

#### Building Department

The proposed shed will require the issuance of a building permit because included in the proposal is electrical for an outlet and plumbing for sink. The permit must be

obtained prior to the start of construction and the proposed will have to comply with the building and fire code requirements.

The Town received no comments or conditions from other agencies or departments.

### **RECOMMENDATION**

1. Conduct the public hearing.
2. Move to approve application 18-20 by adopting attached Resolution No. 2018-21 setting forth the findings and conditions for the project approval.

### **ATTACHMENTS**

- Attachment A – Resolution No. 2018-21
- Attachment B – photographs of applicant's artwork

## RESOLUTION 2018-21

### A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX APPROVING APPLICATION NO. 18-20 FOR A USE PERMIT TO ALLOW A 108 SQUARE FOOT ACCESSORY STRUCTURE TO BE PLACED AT 154 RIDGEWAY AVENUE AND BE USED AS AN ARTIST STUDIO

**WHEREAS**, on October 11, 2018, Jessica Green submitted an application for a Use Permit to place a 108 square foot accessory art studio with electricity and plumbing on her property at 154 Ridgeway Avenue; and

**WHEREAS**, on November 15, 2018, the Planning Commission conducted a public hearing on the proposal and considered a staff report and its exhibits; and

**WHEREAS**, as set forth in the staff report prepared for the Planning Commission, the proposed improvement will not increase the floor area or the lot coverage, as defined in the Town Zoning Ordinance, of the property beyond the 40% floor area ratio and the 35% lot coverage permitted by the Town Code and the Commission finds as follows:

1. The proposed use is in keeping with the 2010-2030 Fairfax General Plan Policy LU-7.2.1: New and renewed development shall be compatible with the general character, scale and quality of life in Fairfax's residential neighborhoods.
2. The proposed accessory structure with its use restricted to that of an artist studio will not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment. Other similar Use Permits have been granted within the neighborhood.
3. The studio is 11 ½ feet in height and therefore complies with the 15 foot accessory structure height limit and will be constructed in a location that meets or exceeds the required setbacks. Therefore, the structure, as designed will not 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 use permit.
4. The Use Permit for use of the accessory structure as an art studio will allow the owner a substantial use of their property and is similar to the use of other residentially zoned properties with accessory structures used for living space.
5. The use permit is not contrary to the objectives, goals and standards set forth in the Town Zoning Ordinance and the findings required by Town Code §17.032.040 for a conditional use permit.

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

1. This approval is limited to the placement of a 108 square-foot, 11 ½ foot tall accessory structure as depicted in the drawings prepared by the applicant, Jessica Green, and dated received by the Town on October 18<sup>th</sup>, 2018.
2. Prior to issuance of a building permit the owner shall sign, have her signature notarized on a deed restriction to be recorded, indicating the accessory structure is to be used as an artist studio only and shall not contain any plumbing or electrical improvements beyond 1 outlet and 1 sink. This document shall be prepared by the Department of Planning and Building Services.
3. Prior to issuance of an occupancy permit the Building Official shall field check the completed project to verify compliance with the approved plans and building code requirements.
4. **Any** changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 18-20 or the approval of the Planning Director if the proposed changes are in keeping with the approved use permit. **Any** construction based on job plans that have been altered without the benefit of an approved modification of Use Permit 18-20 or the approval of the Planning Director will result in the job being immediately stopped and red tagged.
5. 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.

6. Prior to issuance of the building permit for the project it shall be reviewed and approved, possibly with additional conditions, by all agencies/departments with jurisdiction over the project.

**Miscellaneous Conditions**

7. The applicant must comply with any all conditions listed above unless a specific agency or department waives their conditions in writing to the Department of Planning and Building Services.
8. Studio exterior materials and color shall compliment those used for the main residence.

**NOW, THEREFORE, BE IT HEREBY FOUND AND RESOLVED** by the Planning Commission of the Town of Fairfax that said Commission does approve the Conditional Use Permit Application No. 18-20 and allows the placement of a 108 square-foot accessory art studio building on the property at 154 Ridgeway Avenue.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 15th day of November, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Chair Newton

Attest:

\_\_\_\_\_  
Ben Berto, Director of Planning and Building Services





# Marin Open Studios

ATTACHMENT **B**



Presents:

Artist **Jessica Green** #177  
[JessicaGreenArt.com](http://JessicaGreenArt.com)

May 13<sup>th</sup> and 14<sup>th</sup> 11am to 6pm  
154 Ridgeway Ave., Fairfax 94930  
Off Sir Frances Drake on WILLOW, Left on Maple, Left on  
Oak, Right on Ridgeway in the last block.

