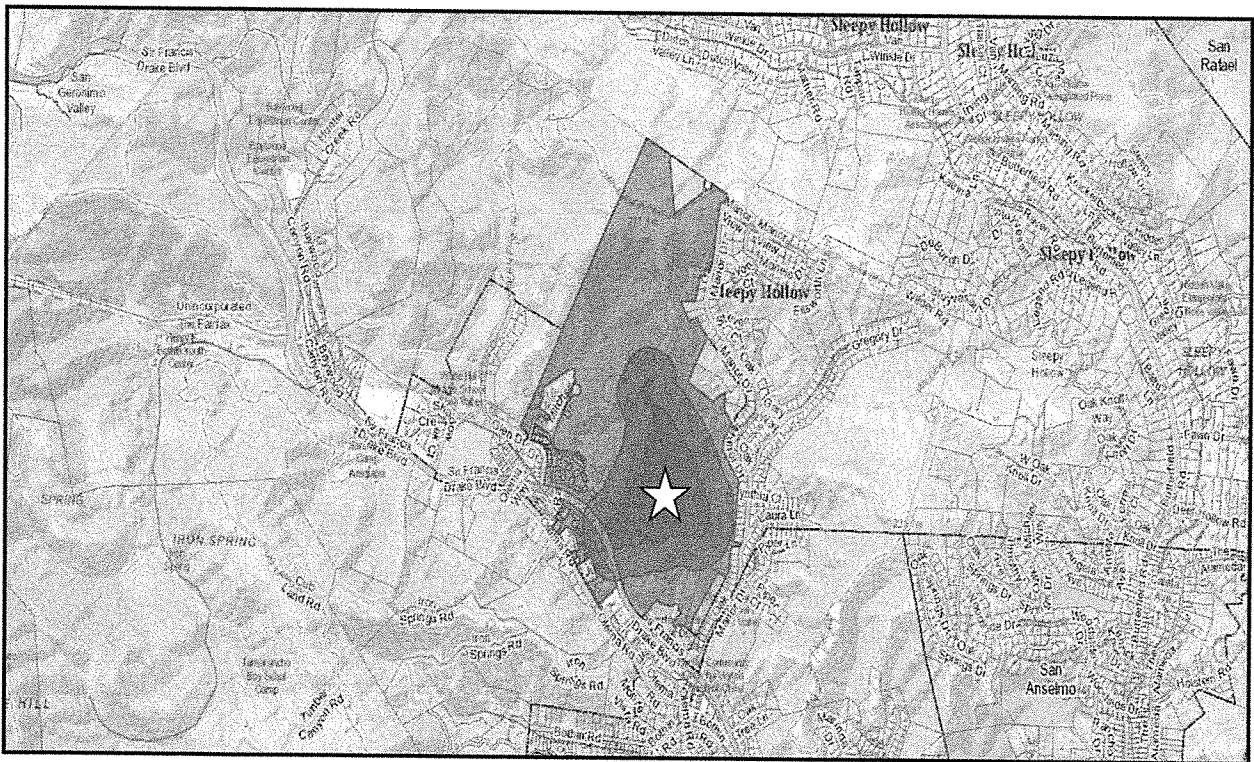


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: May 19, 2016
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
LOCATION: 2626 Sir Francis Drake Blvd.; Assessor's Parcel No.
ZONING: Upland Residential Zone (UR-7)
PROJECT: Temporary storage of school buses
ACTION: Conditional Use Permit; Application # 16-21
APPLICANT: Aubrey Smith, Marin Transportation Authority
OWNER: Christ the Victor Lutheran Church
CEQA STATUS: Categorically Exempt, §15304(e)



2626 SIR FRANCIS DRAKE BOULEVARD

BACKGROUND

The subject site is 20 acres in size with a church, vacated school building and parking lot located at the lower front portion of the property, adjacent to Sir Francis Drake Boulevard.

Christ the Victor Lutheran Church has been located on the site since 1961. Development of the site by the Church began in 1978 with construction of a worship and educational center on the south-west side of the site. The Town's record of past planning permits issued for the property is incomplete. It appears that the Town granted a Use Permit for a school on the site in May of 1970. A portion of the church, and a structure that was moved onto the site in 1974, were used by Cascade Canyon School until the school relocated to the St. Rita's School site in 2015.

DISCUSSION

The entire property is currently located in the Upland Residential Zone "UR-7" (e.g., one residential unit per seven acres). However, the Town's 2015 Housing Element includes the lower two (2) acre portion of the site, where the structures and parking lot already exist, as an Opportunity Site for up to forty (40) "affordable" residential units for seniors (not counting any additional "density bonus" units allowed by State law). Likewise, the 2015 Housing Element calls for the (yet to be subdivided) two (2) acres where the senior housing will be located to be rezoned to Planned Development District (PDD) in order to accommodate the senior housing project. Staff is anticipating an application for both the subdivision of the land, rezoning of the resulting two (2) acre parcel, and entitlements for the senior housing project from a non-profit housing developer chosen by the Church - in the latter part of 2016.

In the meantime, the Marin Transit Authority is requesting a Conditional Use Permit to temporarily park up to 6 yellow school buses, and up to 6 bus driver personal vehicles on the property in the existing parking lot, during the week, while school is in session from mid-August to mid-June on a yearly basis – until construction begins on the senior housing t (Attachment C – site plan photo). The buses would only be used to transport school children within the Ross Valley School District (Attachment D).

The property does not require modification or improvements to facilitate storage of the buses on the site. The buses would leave the site between 7:00 AM and 7:20 AM each morning to take children to school and would return to the site between 8:10 AM and 8:40 AM and remain on-site until the school day ends. The buses would leave the site to pick children up each afternoon between 2:40 PM and 3:25 PM and would return to the site to park for the night between 3:30 PM and 4:10 PM. The bus drivers would park their personal vehicles on the site when the buses are in use.

The buses would be used occasionally for field trips, leaving and returning to the site at random times during the school year.

The purpose of the Conditional Use Permit (CUP) process is to allow the proper integration of uses which may only be suitable in certain locations or only if the uses are designed in a particular way [Town Code § 17.032.010(A)]. In consideration of a CUP application, the Commission shall give due regard to the nature and condition of all adjacent uses and structures, to the physical environment of the proposed use and to all pertinent aspects of the public health, safety and welfare.

Canon Village Condominiums are located 220 feet to the west and, the Jehovah's Witness Kingdom hall is 268 feet to the east of the site. To the south of the site the closest Village West Condominium is located across Sir Francis Drake Boulevard, 175 feet from the site. Due to the large distances maintained by the surrounding developments from the area of the parking lot where the vehicles would be parked, the proposed use would have no significant impact on the neighboring properties (Attachment E).

The proposed use of the site would benefit the community by significantly decreasing the bus travel time thereby improving air quality and decreasing the length of daily bus trips along Sir Francis Drake Boulevard, easing traffic congestion.

Other Agency/Department Comments/Conditions

No agencies or departments had comments or conditions to place on the project.

RECOMMENDATION

Move to approve Application No. 16-21 by adopting Resolution No. 16-15 setting forth the findings and conditions for the Conditional Use Permit approval.

ATTACHMENTS

- Attachment A - Resolution No. 16-15
- Attachment B – Project description
- Attachment C - Site photo depicting parking location
- Attachment D – bus schedule
- Attachment E – Aerial photo showing adjacent improvements

RESOLUTION NO. 16-15

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit for Weekly (Monday thru Friday) Yellow Bus Storage on the Christ the Victor Lutheran Church Property, Assessor's Parcel Number 174-070-17

WHEREAS, the Town of Fairfax has received an application for a Conditional Use Permit (CUP) from the Marin Transit Authority to temporarily store yellow school buses serving local public schools in the Ross Valley School District during the week at 2626 Sir Francis Drake Boulevard: and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on May 19, 2016, at which time the Planning Commission approved the Conditional Use Permit for the proposal; and

WHEREAS, based on the 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 for the Project's requested discretionary Use Permit; and

WHEREAS, the Commission has made the following findings:

1. Approval of the use permit is consistent with those objectives, goals or standards pertinent to the particular case and contained or set forth in the Fairfax General Plan (GP) and Town Zoning Ordinance as follows:

- GP Circulation Element Goal C-1: Maintain Sir Francis Drake as a functional regional arterial.
- GP Circulation Element Goal C-6: Promote less reliance on single-occupant vehicles.
- GP Conservation Element Goal 2.1.1: Support development approaches and use measures near the Town Center to reduce individual motorized transportation requirements.

2. Approval of the Conditional Use Permit will eliminate the need for the yellow buses serving the Ross Valley School District to travel back and forth to Santa Rosa each weekday which is in the public interest and for the enhancement of the general health of the community.

3. The bus service hours are as follows and will not conflict with the use of the Church site by the owners on the weekends:

- Monday through Friday from 7:00 AM to 9:00 AM
- Monday through Friday from 2:00 PM and 5:00 PM

The buses will be used occasionally for field trips, leaving and returning to the site at random times, during the school year.

Therefore, the development and use of the property as approved under the use permit shall 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 use permit.

4. The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

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

1. Any significant change in the bus operation hours shall require the modification of the approved use permit. The determination of whether or not a change in operation hours is significant will be made by the Public Works Director.
2. When the contract between the property owner and the Marin Transit Authority is cancelled or expires, the Conditions Use Permit will lapse and no longer be in effect for the property.
3. The applicants shall maintain the premises in a neat and attractive manner at all times. Such maintenance shall include, but not be limited to, parking lot pavement surfaces.
4. 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.
5. The applicant or permit holder shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Town Council, Planning Commission, Planning Director, Design Review Board or any other department, committee, or agency of the Town concerning a development, variance permit or other land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permit holders duty to so defend, indemnify, and hold harmless shall be subject to the Town promptly notifying the applicant or permit holder.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines the approval of the Conditional Use Permit can occur without causing significant impacts on neighboring businesses or residences.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 19th day of May 2016, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Laura Kehrlein

Attest:

Jim Moore, Director of Planning and Building Services

Marin Transit – Yellow Bus Parking Use Permit Application

Description of Proposed Use:

Marin Transit proposes to use a section of the parking lot located at 2626 Sir Francis Drake Blvd (Christ Lutheran Church) to park up to six full sized yellow school buses during weekdays, including overnight parking during weekdays. There will be no improvements or alterations to the Bus Parking Area. This includes any alterations to landscaping, signage, utility lines, or asphalt pavement. No enlargement or expansion of the uses is contemplated or will be allowed beyond normal bus parking.

Hours of Operation

Yellow buses will operate during two time periods during the weekdays (morning and afternoon). In the morning, drivers will depart between 6:30 am and 6:45 am but these times may vary depending on traffic, school events, etc. The buses will begin school service between 7:00 am and 7:20 am and end between 8:10 am and 8:40 am. Buses will arrive back at the church parking lot around 9:00 am depending on traffic. In the afternoon, buses will depart between 2:15 pm and 2:30 pm. The afternoon buses will begin service between 2:40 pm and 3:25 pm and will end between 3:30 pm and 4:10 pm. Buses will arrive back at the church around 4:30 pm. When buses are not in school operation they will be parked in the Bus Parking Area at the church during the week. To ensure that weekend Church activities are not disrupted, Marin Transit will remove the buses on Friday afternoon, returning on Monday morning. Marin Transit will not park the vehicles when the lot is needed for occasional church activities (e.g. funerals).

Number of Employees on Premises

Up to six drivers will be on the premises during the weekdays. Up to six cars may be in the parking lot when drivers are operating school service.

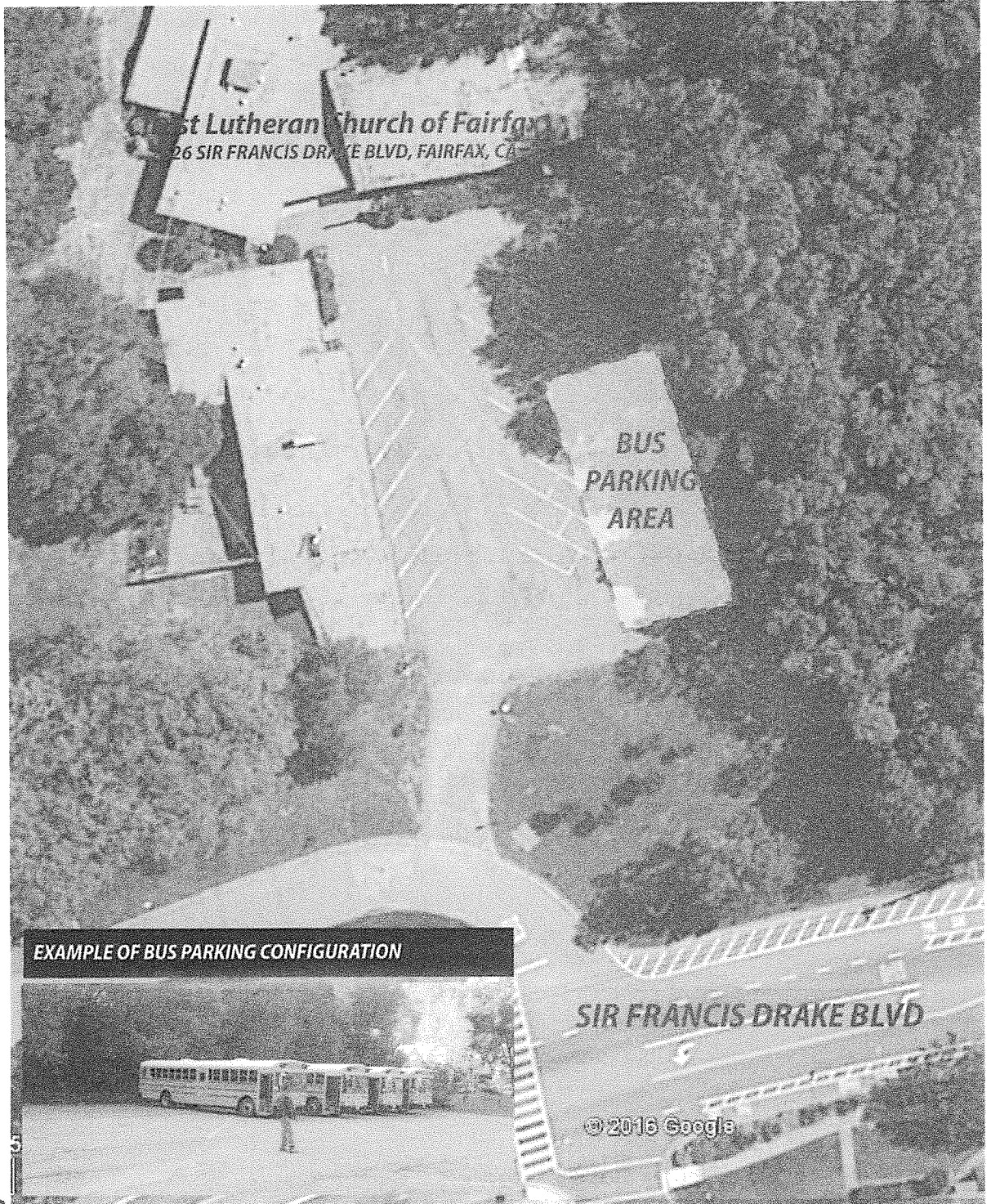
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APR 25 2016

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ATTACHMENT **B**

EXHIBIT A: BUS PARKING MAP



ATTACHMENT 

TOWN OF FAIRFAX

APR 25 2016

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AM

	Bus 1	Bus 2	Bus 3	Bus 4	Bus 5	Bus 6
AM Start	7:10a	7:20a	7:15a	7:20a	7:15a	7:15a
AM End	8:10a	8:40a	8:10a	8:30a	8:40a	8:30a

Route	WH-1	WH-2	WH-3	WH-4	WH-5	WH-6
Trip Start	7:10a Memorial Park	7:20a Center & Bridge	7:15a Sequoia & Red Hill	7:20a SFD & Willow	7:15a Butterfield & Meade	7:15a Butterfield & Catalpa
Trip End	7:35a White Hill School	7:40a White Hill School	7:40a White Hill School	7:40a White Hill School	7:40a White Hill School	7:40a White Hill School

Route	HV-2	WH-7B	HV-1	WH-8	WH-7	WH-8B
Trip Start	7:50a Memorial Park	8:11a Sequoia & Red Hill	7:50a SFD & Claus	8:10a Butterfield & Meade	8:11a Sequoia & Red Hill	8:10a Butterfield & Meade
Trip End	8:10a Hidden Valley	8:40a White Hill School	8:10a Hidden Valley	8:30a White Hill School	8:40a White Hill School	8:30a White Hill School

Trip Start
Trip End

PM

PM Start	2:40p	3:10p	3:10p	3:15p	3:25p	3:15p
PM End	4:00p	3:55p	4:10p	3:30p	4:00p	3:35p

Route	HV-1	WH-1 (Route A)	WH-2 (Route B)	WH-7 (Route D)	WH-3 (Route C)	WH-5 (Route D)
Trip Start	2:40p Hidden Valley	3:10p White Hill School	3:10p White Hill School	3:15p White Hill School	3:25p White Hill School	3:15p White Hill School
Trip End	3:30p Downtown Fairfax	3:30p Downtown Fairfax	3:35p Broadside School	3:30p Red Hill & Sequoia	4:00p Rutherford & Butter	3:35p Red Hill & Sequoia

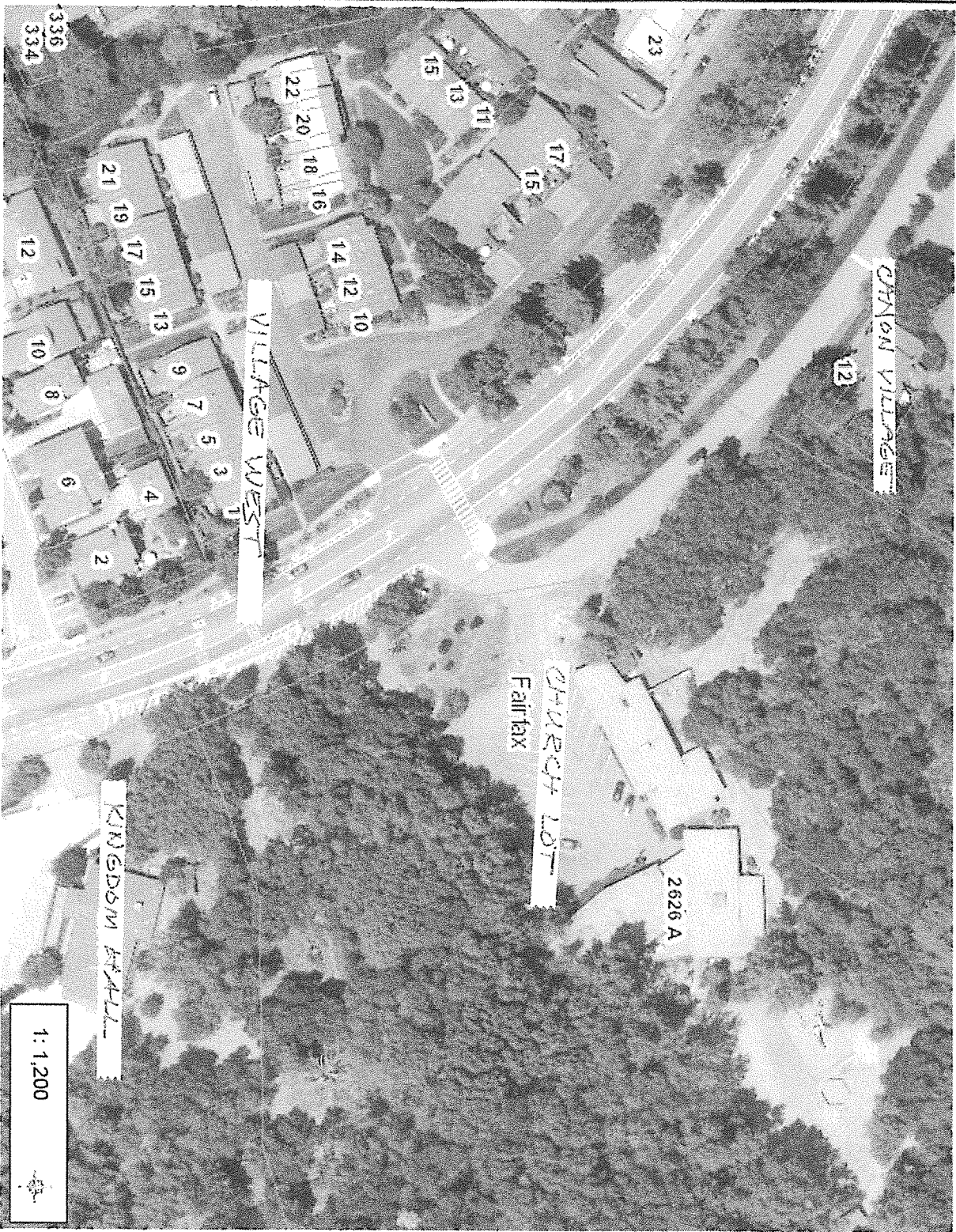
Route	WH-4 (Route C)	WH-6 (Route D)	WH-8 (Route D)			
Trip Start	3:35p White Hill School	3:40p White Hill School	3:45p White Hill School			
Trip End	4:00p Rutherford & Butter	3:55p Red Hill & Sequoia	4:10p Red Hill & Sequoia			

TOWN OF FAIRFAX

APR 25 2016

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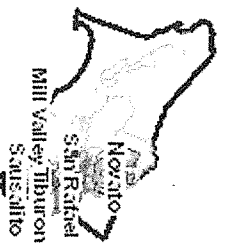
ATTACHMENT D



1:1,200

0.0 0.02 0.0 Miles
 NAD_1983_HARN_StatePlane_California_III_FIPS_4403_Feet
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- Legend**
- Address
 - Parcel
 - Condominium Common Area
 - Mobile Home Pad
 - City
 - Community
 - Marin County Legal Boundary
 - Other Bay Area County

Notes