




# TOWN OF FAIRFAX

## STAFF REPORT

### December 3, 2014

**TO:** Mayor and Town Council

**FROM:** Jim Moore, Planning and Building Services Director   
Linda Neal, Principal Planner

**SUBJECT:** Adoption of a resolution granting an adjustment to allow a second driveway at 50 Bay Road

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### RECOMMENDATION

Adopt a resolution granting an adjustment to allow a second driveway at 50 Bay Road.

### DISCUSSION

The property consists of two merged parcels. In early 2014 the owners constructed a second driveway to access a parking space. Staff advised the owners that discretionary permits were needed to legalize the improvements. Town Code § 12.32.020 requires that the Planning Commission approve an encroachment permit for the improvements in the right-of-way and Town Code § 12.12.090 requires the Town Council to grant an adjustment to allow a second driveway for the residential site.

On November 20, 2014 the Planning Commission granted an encroachment permit to allow the driveway and retaining wall improvements to remain in the public right-of-way subject to the Town Council granting an adjustment for the second driveway.

The Town Council can grant adjustments to allow residential properties to have an additional driveway if certain findings can be made, which are set forth in Town Code § 12.12.090. Staff's recommended findings are: (a) the site is 14,190 square feet in size and has adequate width for a second driveway; (b) the driveway provides the third guest parking space required for the site; and (c) the second driveway will not negatively impact neighboring properties or traffic traveling along Bay Road.

All the other agencies with jurisdiction over the property have reviewed the project and none of them, including Ross Valley Fire Department and the Fairfax Police Department, has any concerns about the driveway or conditions to place upon the driveway project.

### FISCAL IMPACT

None

### ATTACHMENTS

Proposed Resolution

Exhibit A: Site plan

Exhibit B: Commission letter of action including Planning Commission conditions of approval

RESOLUTION 14-\_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX GRANTING  
AN ADJUSTMENT TO ADD A SECOND DRIVEWAY AT 50 BAY ROAD,  
ASSESSOR'S PARCEL NOS. 001-112-04 AND 05, AS SET FORTH IN TOWN CODE  
SECTION 12.12.090**

**WHEREAS**, on November 20, 2014, at a duly noticed public hearing, the Planning Commission approved an encroachment permit for the second driveway and driveway retaining wall improvements to be located within the Bay Road right-of-way; and

**WHEREAS**, on December 3, 2014, the granting of an adjustment to allow a second driveway at 50 Bay Road was included on the Town Council Meeting Consent Calendar; and

**WHEREAS**, at the December 3, 2014 meeting, the Town Council made the following findings:

- (a) The site is 14,190 square feet in size and has adequate width for a second driveway; and
- (b) The driveway provides the third guest parking space required for the site; and
- (c) The second driveway will not negatively impact neighboring properties or traffic traveling along Bay Road;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Fairfax hereby grants an adjustment to allow a second driveway at 50 Bay Road.

The foregoing resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 3rd day of December, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

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MAYOR

Attest:

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Michele Gardner, Town Clerk





# TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930  
(415) 453-1584 / FAX (415) 453-1618

November 24, 2014

Michelle Kahn and David Glazier  
50 Bay Road  
Fairfax, CA. 94930

## NOTICE OF PLANNING COMMISSION ACTION

RE: 50 Bay Road; Application # 14-39

Application for an encroachment permit for a second driveway and associated retaining wall improvements leading to an unpermitted parking space; Assessor's Parcel No. 001-112-04 and 05; Residential Single-family RS 6 Zone District; Michelle Kahn and David Glazier, applicants/owners; CEQA categorically exempt, § 15303(e).

Dear Ms. Kahn and Mr. Glazier,

At its meeting on November 20, 2014, the Fairfax Planning Commission approved the above referenced application subject to the following conditions of approval:

1. The driveway shall be constructed in compliance with Marin County Driveway Approach Standards.
2. The applicants must obtain a building permit, including engineered wall plans, from the Building Department and perform any retroactive work necessary to bring the driveway and parking area into compliance with Building Codes before the improvements will be considered legal.
3. Prior to the Building Permit final inspection the applicant shall provide a copy of the recorded Revocable Encroachment Document to the Town.
4. 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."

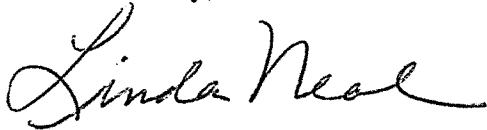
#### RIGHT TO APPEAL

You and/or any interested citizen have the right-of-appeal to the Town Council any decision of the Planning Commission within ten days of the action. Contact the Planning Department staff at the Fairfax Town Hall for further information on how to appeal a Planning Commission decision and/or condition of approval.

*If plans or other supplemental information were submitted for the Planning Commission hearing and the applicant would like to have them back, they must be picked up after the 10 day appeal period but before 15 days from the date of the meeting.*

If you have any questions regarding the Planning Commission action please feel free to contact the Fairfax Planning Department.

Sincerely,

A handwritten signature in black ink that reads "Linda Neal". The signature is written in a cursive, flowing style.

Linda Neal  
Principal Planner