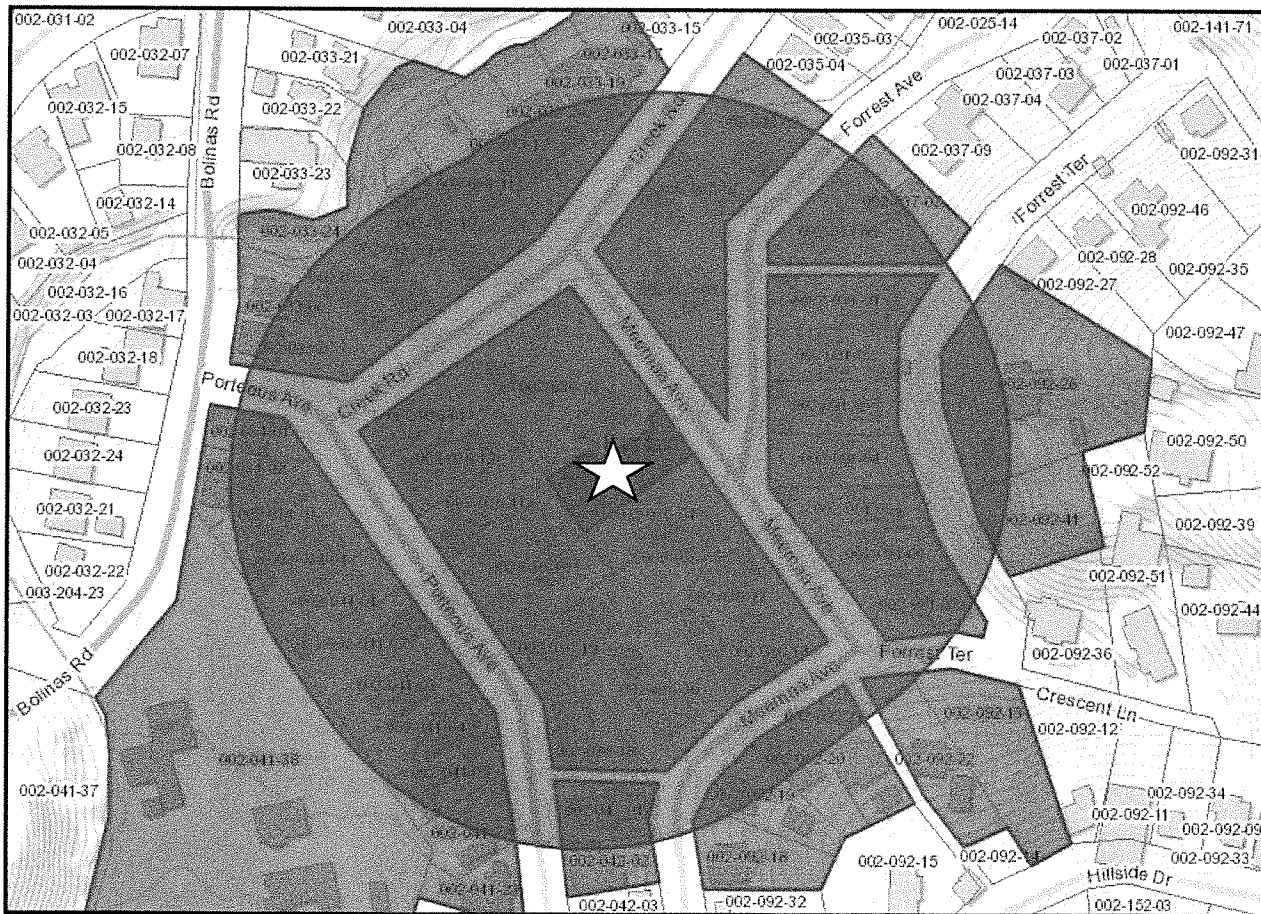


**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** March 21, 2019  
**FROM:** Linda Neal, Principle Planner  
**LOCATION:** 18 Meernaa Avenue; Assessor's Parcel No. 002-036-29  
**ZONING:** Residential Single-family RD 5.5-7 Zone District  
**PROJECT:** Convert carport to a garage  
**ACTION:** Conditional Use Permit; Application No. 19-05  
**APPLICANT:** Christopher Schrader  
**OWNER:** Mariana Caplan  
**CEQA STATUS:** Categorically Exempt, §15303(e)



**18 Meernaa Avenue**

## BACKGROUND

The 6,250 square-foot site is level (approximately 4.8-percent slope) and developed with a 1,872 square-foot, 2-bedroom, 2.5-bath residence, and a 237 square-foot, detached carport. The two-story, 25 foot-high structure was constructed in 1941.

## DISCUSSION

### Project Description

The project proposes the conversion of the existing 237 square-foot, detached one-car carport into a 237 square-foot one-car garage with an automatic garage door. In addition, the project proposes minor alterations to the residence's west-facing first floor façade, including new windows and a door, as well as a new wood landing and stairs extending from the door to the side yard. All exterior building finishes are proposed to match existing materials and colors. The project conforms to the Residential Single-family RD 5.5-7.5 Zone District regulations as follows:

	Front setback	Rear setback	Combined front/rear setback	Side setbacks	Combined side setbacks	FAR	Lot coverage	Height
<b>Permitted</b>	6 ft.	6 ft.	25 ft.	5 ft. & 5 ft.	15 ft.	.40	.35	28.5 ft., 2 stories
<b>Existing</b>	10 ft.	15 ft.	35 ft.	7 ft. & 11 ft.	18 ft.	.19	.25	25 ft., 2 stories
<b>Proposed</b>	No change	No change	No change	7 ft. & 9 ft.	No change	No change	.25	No change

### Required Discretionary Approvals

The project would not change existing, FAR, lot coverage, or building heights. The stairway proposed along the western facade would decrease the existing side setback from 11 feet to nine feet. Regardless, this would not encroach within the five-foot minimum setback requirement. Consequently, the project does not require the approval of any setback or lot coverage variances. However, the project requires the approval of a Conditional Use Permit by the Planning Commission.

### **Conditional Use Permit**

Town Code § 17.084.050 requires that a Conditional Use Permit be obtained from the Planning Commission prior to making any improvement of or on a building site that fails to meet the minimum requirements of either size or width in the Residential Single-family RD 5.5-7.5 Zone. Furthermore, Town Code § 17.084.050(A) specifically requires that properties in the Residential RD 5.5-7.5 Zone developed with (1) a single-family residence, and (2) have a slope of ten percent or less (such as 18 Meernaa Avenue) have a minimum parcel size of 5,500 square feet and a minimum width of 60 feet. The 6,250 square foot project site meets the minimum parcel size requirement. However, it is 50 feet wide, and thus does not meet the minimum lot width requirement.

Two other properties located approximately 100 feet away from 18 Meernaa Avenue (25 Meernaa Avenue and 403 Forrest Avenue) have a garage in front of the primary residence. 40 Forrest Terrace, the rear property line of which abuts Forrest Avenue, is approximately 150 feet away from 18 Meernaa Avenue and has a two-car garage located along Forrest Avenue. The proposed conversion of the single-car carport into a single-car garage would be consistent with other properties in close proximity to the project site.

The residence's new windows and the door/wood landing/stairs extending from the door to the side yard would be consistent with the existing craftsman-style architecture of the residence and would increase the articulation along the western façade. In addition, the project proposes to match all exterior building finishes and colors to existing materials and colors. Furthermore, as stated previously, the project would not change existing setbacks, FAR, lot coverage, or building heights. Therefore, the proposed project would not be out of character with the neighborhood or the existing residence on the project site.

## **OTHER AGENCY/DEPARTMENT COMMENTS/CONDITIONS**

### **Fairfax Public Works/Building Department**

1. If shingles are used as a siding material, they must be hardi-shingle or other cementitious shingle, and part of a one-hour assembly.

### **Other Agencies/Departments**

Marin Municipal Water District, Ross Valley Fire District, Ross Valley Sanitary District, and Fairfax Police Department did not comment on the project.

## **RECOMMENDATION**

1. Conduct public hearing.
2. Adopt Resolution No. 2019-05 setting forth the findings and conditions for the project approval.

## **ATTACHMENT**

Attachment A-Resolution No. 2019-05  
Attachment B – Example Garage Door Designs



**RESOLUTION NO. 2019-05**

**A Resolution of the Fairfax Planning Commission Approving Application No. 19-05: A Conditional Use Permit to Convert an Existing 237 Square-Foot, Detached One-Car Carport into a 237 Square-Foot One-Car Garage at 18 Meernaa Avenue, Assessor's Parcel No. 002-036-29**

**WHEREAS**, the Town of Fairfax has received an application for a Conditional Use Permit to convert an existing 237 square foot, detached one-car carport into a 237 square foot one-car garage with an automatic garage door;

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on March 21, 2019, at which time all interested parties were given a full opportunity to be heard and to present evidence; and

**WHEREAS**, based on the plans and supplemental information provided by the applicant, 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 Conditional Use Permit as long as certain conditions that are listed below, are met; and

**WHEREAS**, the Commission has made the following findings:

1. The single-car garage is similar in size, mass, design and location on the site to other accessory structures in the immediate Deer Park Subdivision neighborhood. Therefore, 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.
2. The residence will continue to maintain the required Floor Area Ratio, Lot Coverage and setback requirements for the RD 5.5-7 Zone with the conversion of the carport into a garage. In addition, the project proposes to match all exterior building finishes and colors to existing materials and colors. 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.
3. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in the 2010 to 2030 Fairfax General Plan and Zoning Ordinance, Title 17 of the Fairfax Town Code.

4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case by enhancing the use of the parking structure by residents of the residential dwelling. Therefore, the project is in the public interest and will enhance the general health, safety, and welfare of the community.

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

1. The approval is limited to the development illustrated on the plans prepared by Schrader Design, entitled, "18 Meernaa Car Port Enclosure & New Windows/Doors," received January 10, 2019 by the Town of Fairfax, pages A0, A2 and A3.
2. Prior to the "final" building permit inspection, the 237 square foot carport shall be converted into a garage as shown on the above referenced plans.
3. During the construction process, all construction-related vehicles including fixture/supply or 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.
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 Building Official shall field check the completed project to verify compliance with the approved plans and building code requirements.
6. The Planning Department shall field check the completed project to verify that the construction reflects the plans approved by the Planning Commission and to verify that all planning commission conditions have been complied with.
7. The roadways shall be kept clean and the site free of dust by watering down the site if necessary. The roadways shall be kept free of dust, gravel and other construction materials by sweeping the roadway, daily, if necessary.
8. During construction, the property owner and all employees, including contractors and subcontractors must comply with all requirements set forth in Chapter 8.32 of the Town Code entitled, "Urban Runoff and Pollution Prevention."
9. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 19-05 or the approval of the Planning Director if the changes are minor and do not conflict with the intent of this

conditional use permit approval. Any construction based on job plans that have been altered without the benefit of an approved modification of Application No. 19-05, or without the approval of the Planning Director, will result in the job being immediately stopped and red tagged.

10. 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 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.

#### **Fairfax Public Works/Building Department**

11. If shingles are used as a siding material, they must be hardi-shingle or other cementitious shingle, and part of a one-hour assembly.

#### **Miscellaneous Conditions**

12. The applicant must comply with any all conditions listed above unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services. Waiver of an agency's conditions in writing by that agency will not require further Planning Commission review.
13. Planning conditions acted upon by the Planning Commission may only be waived by the Commission at a future public hearing.
14. The applicant shall comply with any and all conditions placed upon the project by the Building Official/Public Works Manager.

15. A construction management plan shall be submitted to the Building Official with the building permit application and shall become a condition of building permit issuance.

16. Any new exterior lighting shall be LED and shall be shielded from direct offsite illumination, and shall direct light downward.

**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 can occur without causing significant impacts on neighboring residences; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 21<sup>st</sup>, day of March, 2019, by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Mimi Newton

Attest:

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Ben Berto, Director of Planning and Building Services



TOWN OF FAIRFAX

JAN 1 0 2019

RECEIVED

### REAL CARRIAGE DOORS

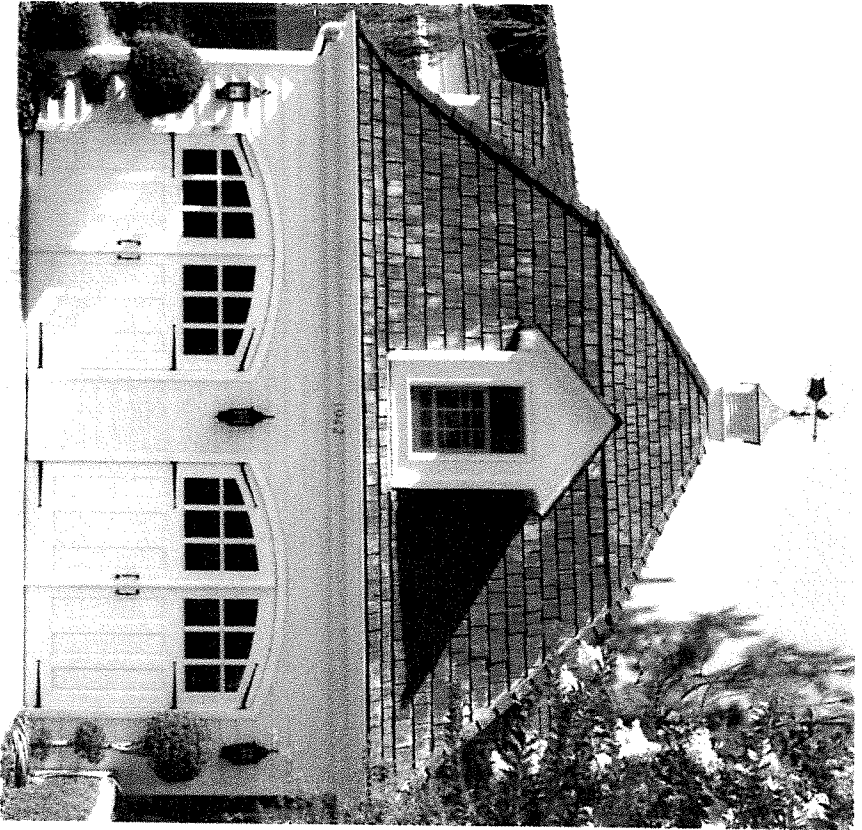
Real Carriage Door & Sliding Hardware is an advocate of true, solid wood construction. We use old world timber frame building techniques, utilizing stile and rail construction with mortise and tenon joinery. Whether carriage, entry, dutch, folding, or sliding, each door we create is built to your dimensions and specifications.

### DOOR DESIGNS

Door styles include the Craftsman Traditional with flat or raised panels; the Classic Line which incorporates tongue & groove, and the Studio line with a predominance of glass. We specialize in designing custom doors to fit personal style and taste. With a wide variety of wood species, design options, and glass selections, each door is uniquely handcrafted to become its own architectural focal point.

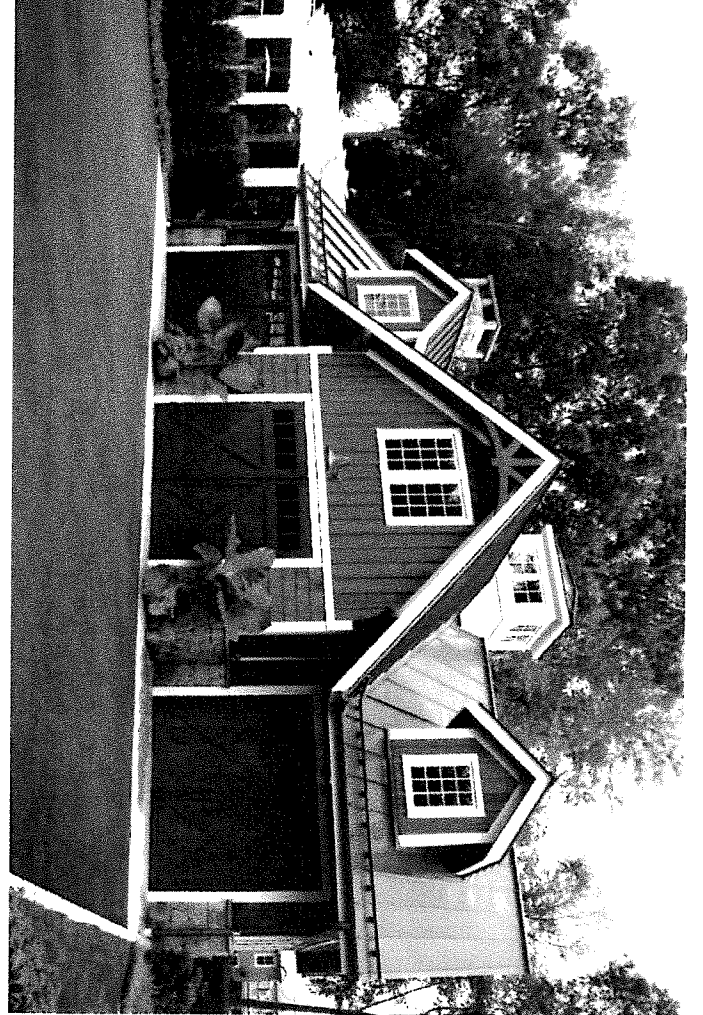
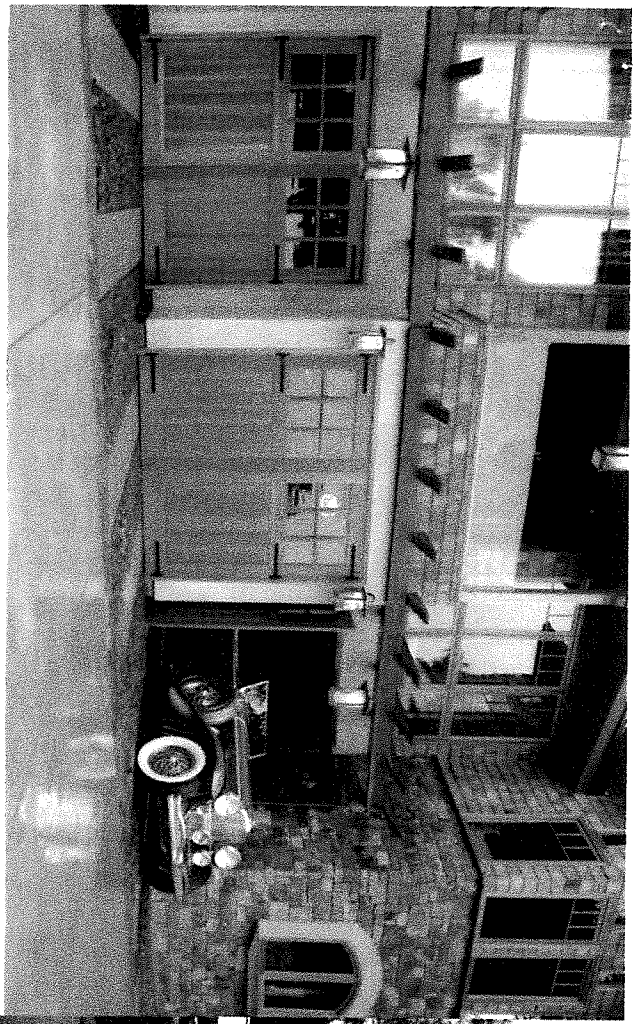
### PRODUCTION

Our staff works closely with architects, builders, project managers and homeowners on new construction, renovation, and historic projects, both residential and commercial. Once doors are complete they are crated and shipped out, ready for light sanding and finishing when you receive them.



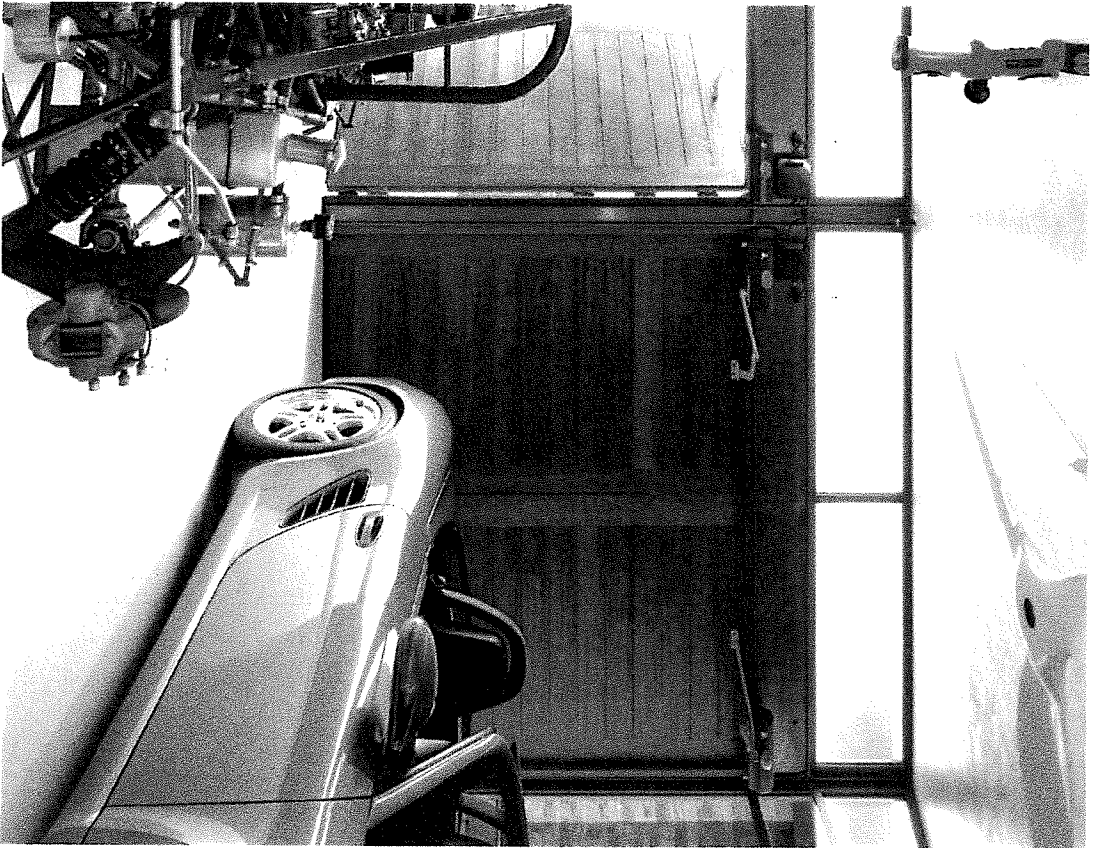
### CARRIAGE & CUSTOM DOORS





### CARRIAGE DOORS

There is nothing more stunningly authentic than wood carriage doors. More than just garage doors, these handmade creations are made of beautiful woods and have the outswinging operation for which we've grown fondly accustomed. It just makes sense to adorn your garage, studio, or barn with a set of carriage doors because they offer a quality of looks and function uncommonly found in our modern era.



## FRANKLIN AUTOSWING

Brilliantly engineered, the Franklin Autoswing Operator offers quiet operation and delivers superior torque. As America's premier builder of carriage doors, we developed the Franklin with its European manufacturer directly, tailoring it to suit carriage doors.

The Franklin is mounted just above the doors, leaving the ceiling clear of any track system overhead, facilitating accent lighting and vertical lifts for a more usable, attractive space. Each low-voltage motor is housed in a sleek enclosure featuring a keyed knob for manual override. Once installed, the Franklin Autoswing is ready to operate with minimal programming. The one step auto-set feature programs the door to operate with the minimum required torque for maximum safety.

The Franklin Autoswing now comes with a full three year manufacturer's warranty. This impressive opener has an impeccable service record and meets or exceeds the 275 Safety Standard. Our customers receive prompt, knowledgeable technical support and customer service.