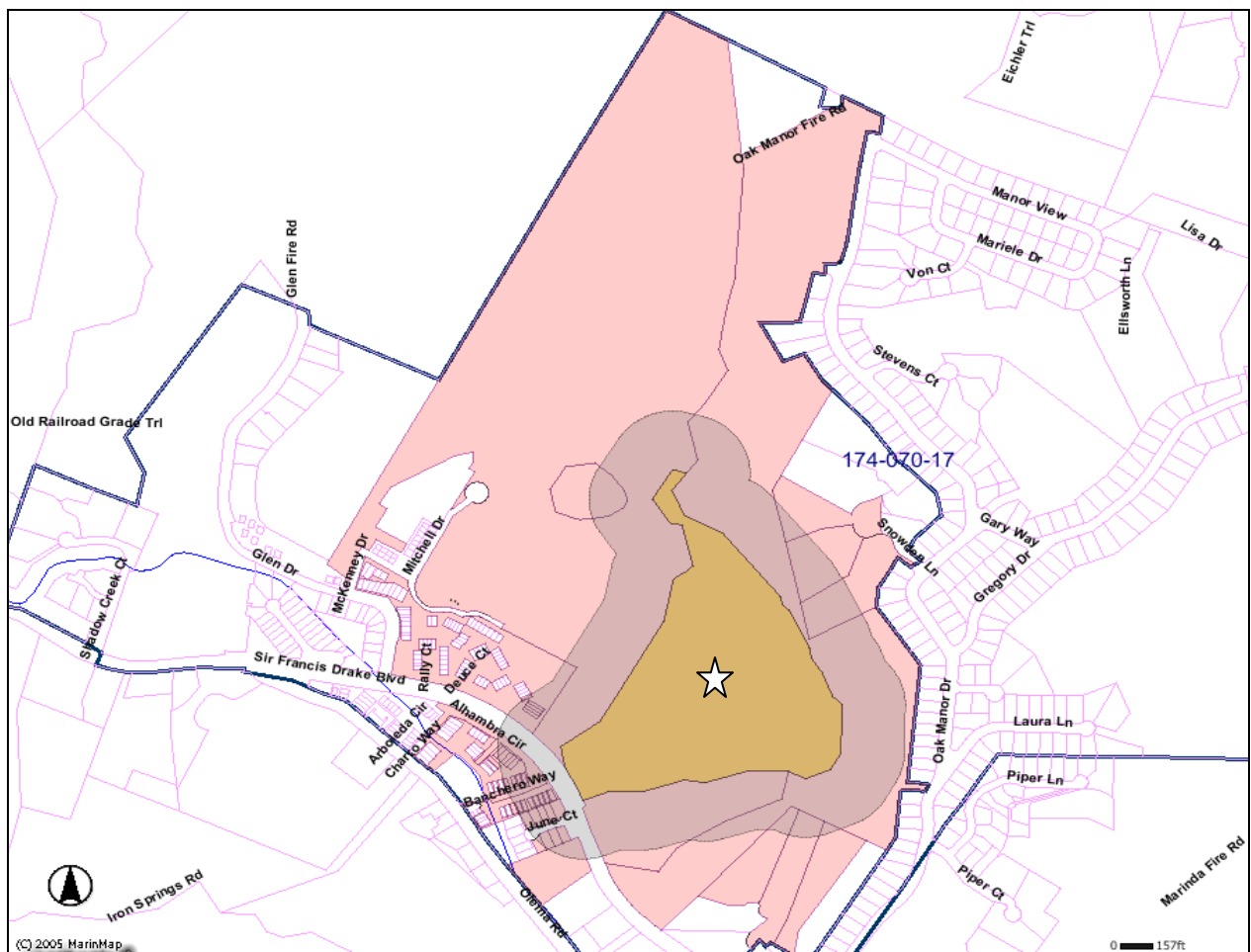


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: June 20, 2013
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 2626 Sir Francis Drake Boulevard; Assessor's Parcel No. 174-070-17
PROJECT: School Science Building
ACTION: Use Permit and Design Review; Application # 13-12
APPLICANT: Cascade Canyon School
OWNER: Chris the Victor Lutheran Church
CEQA STATUS: Categorically exempt, § 15303(c)



2626 SIR FRANCIS DRAKE BOULEVARD

BACKGROUND

The subject site is 22 acres in size with the church, parking lot and main school building located at the front of the property adjacent to Sir Francis Drake Boulevard.

Christ the Victor Lutheran Church has been in existence on the site since 1961. The church began development of the site with a worship and educational center on the south-west side in 1978. The record of past planning permits issued for the property is sketchy, it appears that the Town granted a Use Permit for a school in May of 1970. A portion of the church, and a structure that was moved onto the site in 1974, currently house the Cascade Canyon School operations.

Cascade Canyon School is a small alternative school that began operating from the site in 1981. Their enrollment has increased to the point where they need additional classroom space.

DISCUSSION

Use Permit Modification

The school is applying to modify their school Use Permit to relocate a storage shed at the southwest corner of the site to the southwest corner and to construct a 960 square foot classroom in the location of the shed immediately adjacent to the main school building. The building will be a "healthy" building, the first of its kind in Marin.

The property is located in a Planned Development District PDD Zone and has no set development standards for coverage, yards, parking and site planning, Town Code § 17.112.030(A)(4) indicates the site shall be regulated by the standards of the residential, commercial or industrial zoning district most similar in nature and function to the proposed PDD uses. The Town does not have a residential, commercial or industrial zone district that is similar in nature and function to the combined school/church site and therefore, staff directed them to locate the building so that it meets the minimum 6 foot front and 5 foot side setbacks required in the Residential RS 6 Zone District which allows schools and churches with the approval of a Use Permit by the Commission.

The Town Code does not have a parking requirement for school structures and requires one (1) parking space for every six (6) seats for churches and other places of general assembly. The lack of a parking requirement for schools makes it difficult for staff to justify requiring any set number of parking spaces for the combined use of the site.

The parking lot provides parking for 32 vehicles and because the church uses the site on Sundays when school is not in session and the two uses have been co-existing on the site for many years without having any parking conflicts, staff asked that they submit a letter indicating that the existing parking is adequate for both the church and the schools current needs. That information is provided in Exhibit B attached.

Other Agency/Department Comments (Exhibit C)

Building Department

- The concerns of the Building Official and the Fire Inspector for providing adequate egress from the school in case of an emergency was met by creating a 20 foot wide path of egress across the driveway to a large level lawn area along the property frontage. (Exhibit C – Building Official’s memorandum dated 6/12/13).

Ross Valley Fire Department

- A fire suppression system shall be installed in accordance with 903.2 of the California Fire Code.

Marin Municipal Water District

- A new meter will be required for the building and water service will be available subject to the following conditions:
- Complete a High Pressure Water Service Application along with a copy of the project building permit and comply with all indoor and outdoor requirements of District Code Title 13, Water Conservation.

Ross Valley Sanitary District

The Sanitary District was concerned about how the school will dispose of any harmful chemicals that might be used in the science lab. Rebecca Houseman, of Cascade Canyon School has indicated that they only teach middle school science and do not use any harmful chemicals, only household items not needs any special disposal care (See e-mail dated June 13, 2013 in Exhibit B).

The proposed modification to the site will have no impact on the surrounding uses which include Canon Village Condominiums and the Jehovah’s Witness Kingdom Hall.

Design Review

Town Code § 17.020.030(B) requires that new construction in a Planned Development District PDD, obtain design review approval from the Planning Commission.

The proposed structure will have a corrugated metal roof painted a dark grey, exterior siding fiber cement siding with a wood grain finish painted alternately a dark green (DEC79, Woodlawn Green) and light green (DE5507, Sour Apple), exterior facial and soffit of fiber cement board of dark grey (DE6384, Iron Fixture) with dark red doors (DEA147, Garnet Evening) with Milgard Aluminum slide windows and casement windows in a dark brown (DE6391, Black Russian).

The siding will be board and batten and the resulting structure, with the board and batten articulation, will appear functional and suited for its use as a classroom while complimenting the existing buildings on the site.

There are two Coast Redwood trees located between the proposed access walkway and emergency egress path that might be affected by the construction. The applicants have submitted an arborist report dated May 1, 2013 indicating that the trees can be maintained on the site as long as root pruning is done and appropriate tree protection zones are established with barriers around the trees during construction (Exhibit D). The arborist pointed out that the trees are 20 to 30 years old and a less expensive way to go forward would be to remove the trees and replant in another location.

Staff recommends that if the school wants to remove and replant the trees, they obtain a tree removal permit from the Tree Committee prior to issuance of the building permit for the project.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve application # 13-12 based on the following findings and subject to the following conditions:

Recommended Findings

1. The approval of the use permit modification shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The proposed structure will maintain adequate setbacks from the private road adjacent to the site and from the CanonVillage condominium structures to the west and the Jehovah's Witness Kingdom Hall to the east. Therefore, the development and use of property as approved under the use permit modification 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 modification is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in the Fairfax General Plan and Zoning Ordinance.
4. Approval of the use permit modification, allowing the school to construct a new accessory building class room to accommodate their enrollment, will result in equal or better development of the premises than would otherwise be the case, and that said

approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

5. The proposed design of the classroom building meets the design review criteria set forth in Town Code § 17.020.040.

Recommended Conditions

1. 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.
2. Any changes made to the exterior of the building, including but not limited to new lighting, new signs, planters, etc, must comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Fairfax Design Review Board (when required).
3. 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.
4. The applicants shall obtain a building permit prior to the start of construction.
5. The applicants shall comply with all the requirements of the Fairfax Building Official, Ross Valley Fire Department, Marin Municipal Water District and Ross Valley Sanitary District 1 prior to the project final inspection and certificate of occupancy.
6. Conditions requires by other agencies may be waived by those agencies by providing a written waiver to the Town.
7. A tree removal permit shall be obtained from the Tree Committee prior to issuance of the building permit if the school decides to remove the two redwood trees located adjacent to the new building site.

ATTACHMENTS

Exhibit A – applicant's supplemental information and floor plans of the existing school and church buildings

Exhibit B – e-mail’s from Rebecca Houseman addressing parking and chemical use in the classroom

Exhibit C – other agency/department comments

Exhibit D – Arborist’s report dated May 1, 2013