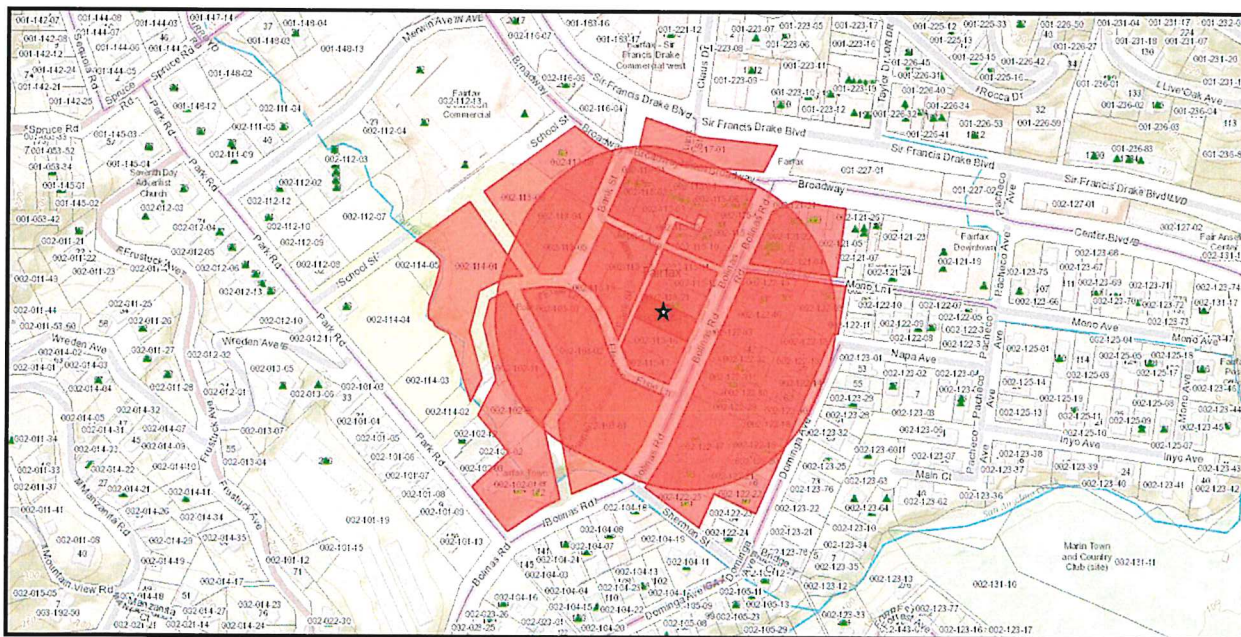


**TOWN OF FAIRFAX  
STAFF REPORT**  
Department of Planning and Building Services

**TO:** Fairfax Planning Commission  
**DATE:** March 18, 2021  
**FROM:** Linda Neal, Director of Planning and Building Services  
**LOCATION:** 48-52 Bolinas Road; Assessor's Parcel No. 002-115-15  
**PROJECT:** Continued consideration of a proposed remodel of the façade of existing commercial building  
**ACTION:** Design Review Permit; Application # 21-01  
**APPLICANT:** Leyla Hilmi, Designer  
**OWNER:** Peter and Norma Lydon  
**CEQA STATUS:** Categorically exempt, § 15301(a)



**48-52 BOLINAS ROAD**

**DESCRIPTION**

Removal of the mansard style, wood shingled awning from the front of the building and replacement of the parapet siding with framed horizontal cement fiber siding.

## BACKGROUND

The site was originally developed in 1924 when it is documented on the 1924 Sandborn Water Facilities and Fire Insurance Map prepared for Fairfax that a structure existed on the site. At the January 21, 2021 meeting the property owner advised the Commission that the existing building was built in the 1940's and the right side of the building is flat concrete, and the left side is plywood and wood framing. Most recently, suites 48 and 50 were in use by the fabric store Rainbow Fabrics while the suite at 52 Bolinas Road is in use by a photography studio, Creative Portraiture.

The architect and owner have provided photographs of the front exterior of the building from the 1960's when it was Harry's Market and from the 1980's when it was utilized by Rainbow Fabrics and the Photography Studio (see attached plans). As can be seen, the two businesses had substantially different facades.

## DISCUSSION

This item was continued from the January 21, 2021 Planning Commission where the Commission directed the applicants to explore the following alternatives to the proposed exterior design and colors for the building:

1. A revised color palette utilizing warmer colors that will complement the neighboring structure color palettes.
2. A revised exterior design that incorporates exterior building features and a color palette similar to the other historic buildings in the Fairfax Town Center Area referring to the Fairfax General Plan Town Center Policy TC-2.1.1: *New and/or renewed development in the Town Center Planning Area should be compatible with the architectural character of the downtown in terms of height, design treatment, colors, textures, and materials.*

The applicants have revised the exterior design to retain the lower portion of the building in its existing condition, retaining the brick and wood siding and all the windows that currently exist. They propose replacing the upper portion of the building, above the doors and windows where the wood-shingled awning has been removed, with framed horizontal fiber cement siding painted a grey/green color (Benjamin Moore, Louisburg Green, #113).

Town Code § 17.020.030(B) requires that any new construction in the Central Commercial Zone District is subject to the Design Review Ordinance regulations and requires the approval of a Design Review permit (Town Code § 17.020.080). In reviewing a design review application, the Commission applies the design review criteria listed in Town code 17.020.040. The project requires design review because the façade beneath the wood shingled projecting awning has now been removed and must be restored.

There are no legally required findings for a Design Review permit, but the Commission must determine that the proposal is in accordance with the Design Review Criteria set forth in Town Code 17.020.040(A) through (N) which can be found in the previous January 21, 2021 staff report (Attachment B).

The proposed material change from a shingled mansard awning running the length of the building to horizontal siding results in the building exterior being brought back into line with the flat façade exterior that existed from the 1940's through the 1960's when it was Harry's Market. The River City façade that some of the Commissioners referred to at the previous meeting existed for less than 2 years (Town Council approved the use permit for the entertainment venue in November of 1975 and by January of 1977 an application had been filed to operate a restaurant/family recreational center from the site and River City was no more). There is no historical consideration with the prior or proposed mansard treatment.

The retention of the lower portion of the façade in its existing condition and replacement of the upper portion with horizontal framed siding will result in the façade avoiding monotony in external appearance, with balance and unity among its external features to present a harmonious appearance and conforming to the general character of other structures in vicinity.

Staff's only concern with the original design was its black/grey color palette was too similar to the black and grey palettes of the 2 buildings south of the site.

Staff supports the revised project design as proposed.

Note: Future tenants will be required to obtain sign permits prior to erecting any sign(s) on the building in accordance with Town Code Chapter 17.064, Signs, §§ 17.064.040 and 17.064.060.

## **RECOMMENDATION**

1. Conduct the public hearing.
2. Move to approve application # 21-01 by adopting attached Resolution No. 2021-01 setting forth the findings and conditions for the project approval.

## **ATTACHMENTS**

Attachment A - Resolution No. 2021-01

Attachment B – 1/21/21 staff report and attachments

## RESOLUTION NO. 2021-01

### **A Resolution of the Fairfax Planning Commission Approving Application # 21-01 a Design Review Permit, to Make Exterior Construction and Color Changes to the Existing Commercial Spaces at 48, 50 and 52 Bolinas Road.**

**WHEREAS**, the Town of Fairfax has received an application for a design review permit to make exterior construction changes to the existing commercial building including removal of an existing, shingled, mansard-style awning and replacement with framed horizontal siding; and

**WHEREAS** the Planning Commission held duly noticed Public Hearings on January 21, 2021 and March 18, 2021 at which time all interested parties were given a full opportunity to be heard and to present evidence, and, at which time the Planning Commission reviewed a Design Review Permit; and

**WHEREAS**, based on the plans and supplemental information provided by the applicant, as well as the testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the Project's requested discretionary Design Review Permit; and

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

#### **The proposal complies Fairfax General Plan Policies and Programs as follows:**

Policy LU-7.1.2: New and/or renewed development in the Town Center area should preserve and enhance the village character of the Town Center Area in the mix of land uses, architectural styles and ornamentation, materials, colors, and textures.

Policy TC-2.1.1: New and/or renewed development in the Town Center Planning Area should be compatible with the architectural character of the downtown in terms of height, design treatment, colors, textures, and materials.

#### **The proposal complies with the Zoning Ordinance as follows:**

As currently redesigned, the project complies will comply with the design review criteria contained in Town Code § 17.020.040; and

**WHEREAS**, the project is exempt from CEQA per CA PRC categorical exemptions §§ 15301(a) and (d), Class 1, for a project that consists of repair or minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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

1. The project is limited to the development depicted in the plan revision dated 2/9/21, page A2.0 by Leyla Hilmi.
2. The applicants shall always maintain the premises in a neat and attractive manner. Such maintenance shall include, but not be limited to, exterior building materials, signage, windows, the planters, the ground, and the pavement surfaces.
3. 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.
4. Any other changes made to the exterior of the building, including but not limited to new lighting, new signs, planters, etc, shall comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Fairfax Planning Commission or Planning Director as required.
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 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.
6. The project final inspection and issuance of the occupancy permit shall not occur until all the building improvements are completed.

7. There shall be no storage of any materials, supplies or products for any future businesses outside the building without the prior approval of the required Use Permit to allow operation outside a commercial building as required by Town Code § 17.100.050(A).
8. Failure to comply with the conditions for Design Review Permit # 21-01 as herein enumerated, may result in revocation or modification of the Design Review permit.
9. Any equipment installed on the roof or exterior of the building must be screened from public view in a manner acceptable to the Planning Director.
10. Any new signs erected on the building require the prior written approval of a sign permit by the Town per Town Code §§ 17.064.040(C) and 17.064.050.

**NOW, THEREFORE BE IT RESOLVED**, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the Design Review permit can occur without impacting neighboring businesses or residences; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on March 18, 2021, by the following vote:

AYES:  
NOES:  
ABSTAIN:

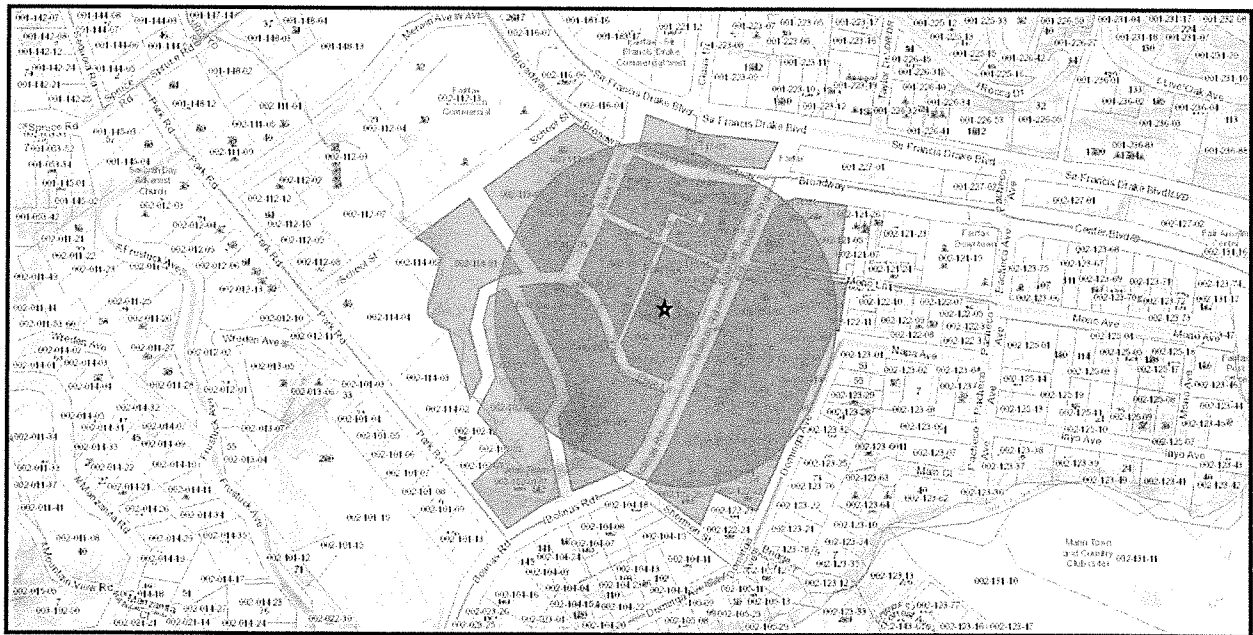
\_\_\_\_\_  
Michele Rodriguez, Chair

Attest:

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

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

**TO:** Fairfax Planning Commission  
**DATE:** March 18, 2021  
**FROM:** Linda Neal, Director of Planning and Building Services  
**LOCATION:** 48-52 Bolinas Road; Assessor's Parcel No. 002-115-15  
**PROJECT:** Continued consideration of a proposed remodel of the façade of existing commercial building  
**ACTION:** Design Review Permit; Application # 21-01  
**APPLICANT:** Leyla Hilmi, Designer  
**OWNER:** Peter and Norma Lydon  
**CEQA STATUS:** Categorically exempt, § 15301(a)



**48-52 BOLINAS ROAD**

**DESCRIPTION**

Removal of the mansard style, wood shingled awning from the front of the building and replacement of the parapet siding with framed horizontal cement fiber siding.

## **BACKGROUND**

The existing structure predates 1924 when it is documented on the 1924 Sandborn Water Facilities and Fire Insurance Map prepared for Fairfax. Most recently suites 48 and 50 were in use by the fabric store Rainbow Fabrics, while the suite at 52 Bolinas Road is in use by a photography studio, Creative Portraiture.

## **DISCUSSION**

The applicants have already removed the dilapidated wood shingled awning with the approval of the Fairfax Building Department because it had become dangerously unstable and was dropping shingles. The shingled awning that ran the entire length of the building facade will be replaced with horizontal cement fiber siding, that will extend upwards to cover restored parapet which screens the existing roof HVAC from view. The front of the building will be painted dark grey (Benjamin Moore 2121-10) along with the brick siding that makes up the remainder of the building façade. Black awnings over the entrances to suites 48 and 50 Bolinas Road will be erected to match the existing awning above the entrance to the 52 Bolinas suite.

Town Code § 17.020.030(B) requires that any new construction in the Central Commercial Zone District is subject to the Design Review Ordinance regulations and requires the approval of a Design Review permit (Town Code § 17.020.080). In reviewing a design review application, the Commission applies the design review criteria listed in Town code 17.020.040 which include but are not limited to the following:

The following criteria shall be applied in considering an application for design review approval:

1. The proposed development shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
2. Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping, and appurtenances.
3. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
4. The proposed development shall conform with all requirements for landscaping, screening, usable open space, and the design of parking and off-street loading areas set forth in this title.
5. Where the proposed development is in an area where a neighborhood plan or



precise plan has been adopted by the town, the design of the development shall conform in all significant respects with such plans.

6. There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance.
7. The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features to present a harmonious appearance.
8. The extent to which the structure conforms to the general character of other structures in vicinity insofar as the character can be ascertained and is found to be architecturally desirable.
9. The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.
10. The extent to which natural features, including trees, shrubs, creeks and rocks, and the natural grade of the site are to be retained.
11. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.
12. The reservation of landscaping areas for the purpose of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites, and separating building areas from paved areas to provide access from buildings to open space areas.
13. In the case of any commercial or industrial structure, the board shall consider its proximity to any residential district and shall consider the effect of the proposed structure upon the character and value of the adjacent residential district area.
14. The design review board may recommend design guidelines to the planning commission and town council for adoption to further the objectives of this section and to illustrate design criteria.

There are no legally required findings for a Design Review permit, but the Commission must determine that the proposal is in accordance with the previous criteria to approve the permit.

The proposed material change, from a shingled mansard-style awning running the length of the building to horizontal siding articulated with 3 awnings and with the retention of the existing brick siding on the lower portion of the façade, will create a

modern building frontage with sufficient variety to avoid monotony in external appearance, with balance and unity among its external features to present a

harmonious appearance and conforming to the general character of other structures in vicinity.

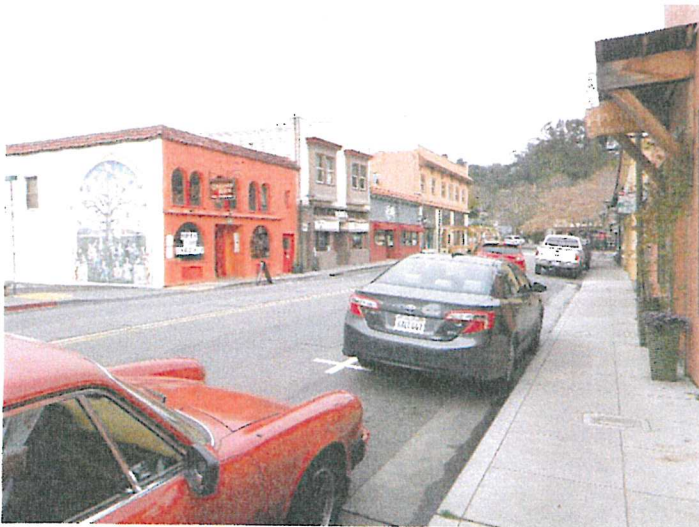
The proposed exterior colors are: The wood trim and brick portions of the façade will be painted dark grey (Benjamin Moore 2121-10, "Grey"), the upper portions of the building façade and parapet will be painted a lighter grey (Benjamin Moore 2121-30, "Pewter") and the awnings will be black matching the existing awning at 52 Bolinas Road. Please view the color elevation

The grey/black color palette is not a favorite of staff who would prefer to see a more varied color palette in use for the different buildings throughout the Town Center. The palette is also very similar the color palette in use for the business next door, "Roco". However, requiring approval of exterior color changes in the Downtown Area by the Design Review Board (now the Planning Commission) was removed from the Town Code in 2002. Unless the Commission determines that the proposed colors significantly impact the compliance of the exterior changes to the design review criteria and requires the palette modification the project will proceed forward with the proposed palette.

Staff has provided a photo below of the 2 spaces south of the project site and of the business facades across the street and north of the site on Bolinas Road for comparison:



Businesses east of the project site.



Businesses north of the project site.

If the Commission determines that modification of the proposed color palette is necessary to bring the project into compliance with the Design Review Criteria, it can do one of the following:

- Direct the applicant on desired modifications to the color palette and include a condition in the Resolution of project approval that the final palette be reviewed and approved by the Planning Department and be applied to the building facade prior to the project final inspection.

- Continue the project to the February 18<sup>th</sup>, 2021 meeting and direct the applicant to provide a revised color palette no later than February 1, 2021, for inclusion in the February meeting packet for Planning Commission review and approval.

## **RECOMMENDATION**

1. Conduct the public hearing.
2. Move to approve application # 21-01 setting forth the findings and conditions for the project approval.

## **ATTACHMENTS**

Resolution No. 2021-01

**RESOLUTION NO. 2021-01**

**A Resolution of the Fairfax Planning Commission Approving Application # 21-01  
a Design Review Permit, to Make Exterior Construction Changes to the Existing  
Commercial Spaces at 48, 50 and 52 Bolinas Road.**

**WHEREAS**, the Town of Fairfax has received an application for a design review permit to make exterior construction changes to the existing commercial building including removal of an existing, shingled, "mansard" awning, replacement with horizontal siding and 3 separate black awnings; and

**WHEREAS** the Planning Commission held duly noticed Public Hearings on January 21, 2021, at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission a Design Review Permit; and

**WHEREAS**, based on the plans and supplemental information provided by the applicant, as well as the testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the Project's requested discretionary Design Review Permit; and

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

**The proposal complies Fairfax General Plan Policies and Programs as follows:**

Policy LU-7.1.2: New and/or renewed development in the Town Center area should preserve and enhance the village character of the Town Center Are in the mix of land uses, architectural styles and ornamentation, materials, colors, and textures.

Policy TC-2.1.1: New and/or renewed development in the Town Center Planning Area should be compatible with the architectural character of the downtown in terms of height, design treatment, colors, textures, and materials.

**The proposal complies with the Zoning Ordinance as follows:**

**Design Review Finding**

- A. As currently redesigned, the project complies will comply with the design review criteria. (Town Code § 17.020.040).

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

1. The project is limited to the development depicted in the plans dated 11/23/20, page A2.0.
2. The final exterior lighting plan submitted with the building permit application shall be approved by the Planning Director prior to issuance of the building permit and shall limit light-spillage beyond the areas necessary to light access pathways and shall avoid direct offsite illumination.
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, exterior building materials, signage, windows, the planters, the ground, and the 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. Any other changes made to the exterior of the building, including but not limited to new lighting, new signs, planters, etc, shall comply with the design review regulations of the Town Code, Chapter 17.020, and be approved by the Fairfax Planning Commission or Planning Director as required.
6. 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.

7. The project final inspection and issuance of the occupancy permit shall not occur until all the building improvements completed.
8. There shall be no storage of any materials, supplies for the business outside the building.
9. Failure to comply with the conditions for Design Review Permit # 21-01 as herein enumerated, may result in revocation or modification of the Design Review permit.
10. Any equipment installed on the either the roof or exterior of the building must be screened from public view.
11. Any new signs erected on the building or awnings require the prior approval of a sign permit by the Town per Town Code §

**NOW, THEREFORE BE IT RESOLVED**, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the Design Review permit can occur without causing significant impacts on neighboring businesses or residences; and

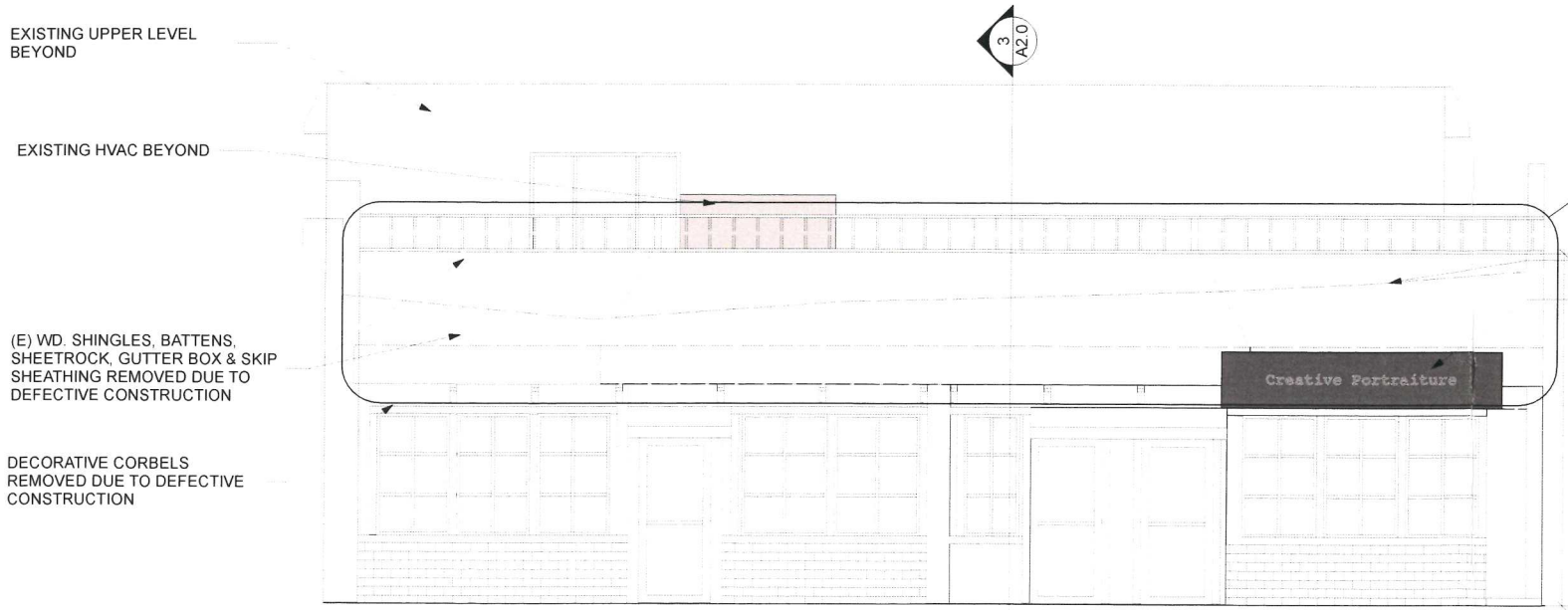
The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on January 21, 2021, by the following vote:

AYES:  
NOES:  
ABSTAIN:

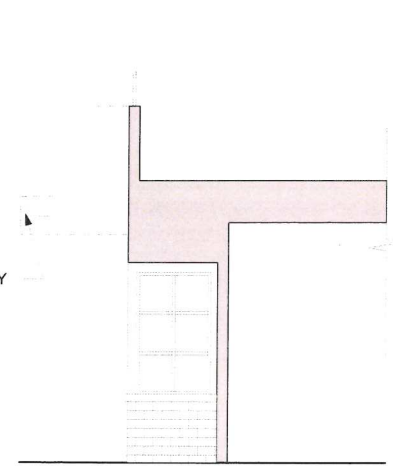
\_\_\_\_\_  
Chair Rodriguez

Attest:

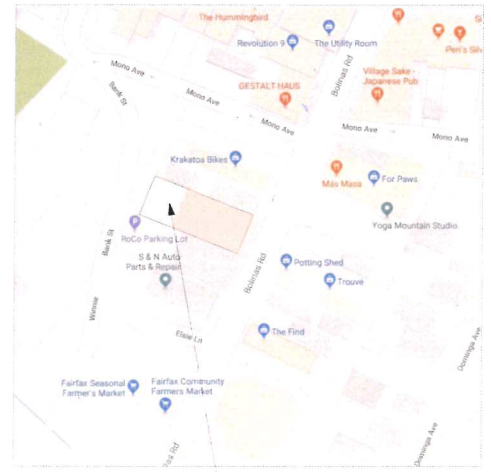
\_\_\_\_\_  
Ben Berto, Director of Planning and Building Services



2 EXISTING ELEVATION  
SCALE: 1/4" = 1'-0"



3 EXISTING SECTION  
SCALE: 1/4" = 1'-0"



VICINITY MAP  
48-52 BOLINAS RD

**BUILDING DATA**  
(for general info. purposes only. No work to interior of building)

4168 SQ. FT.	TOTAL LOWER LEVEL BUILDING AREA
1221 SQ. FT.	TOTAL UPPER LEVEL BUILDING AREA
<b>5389 SQ. FT.</b>	<b>TOTAL INTERIOR BUILDING AREA</b>
228 SQ. FT.	TOTAL UPPER LEVEL COVERED DECK
33 SQ. FT.	TOTAL EXTERIOR STAIRS

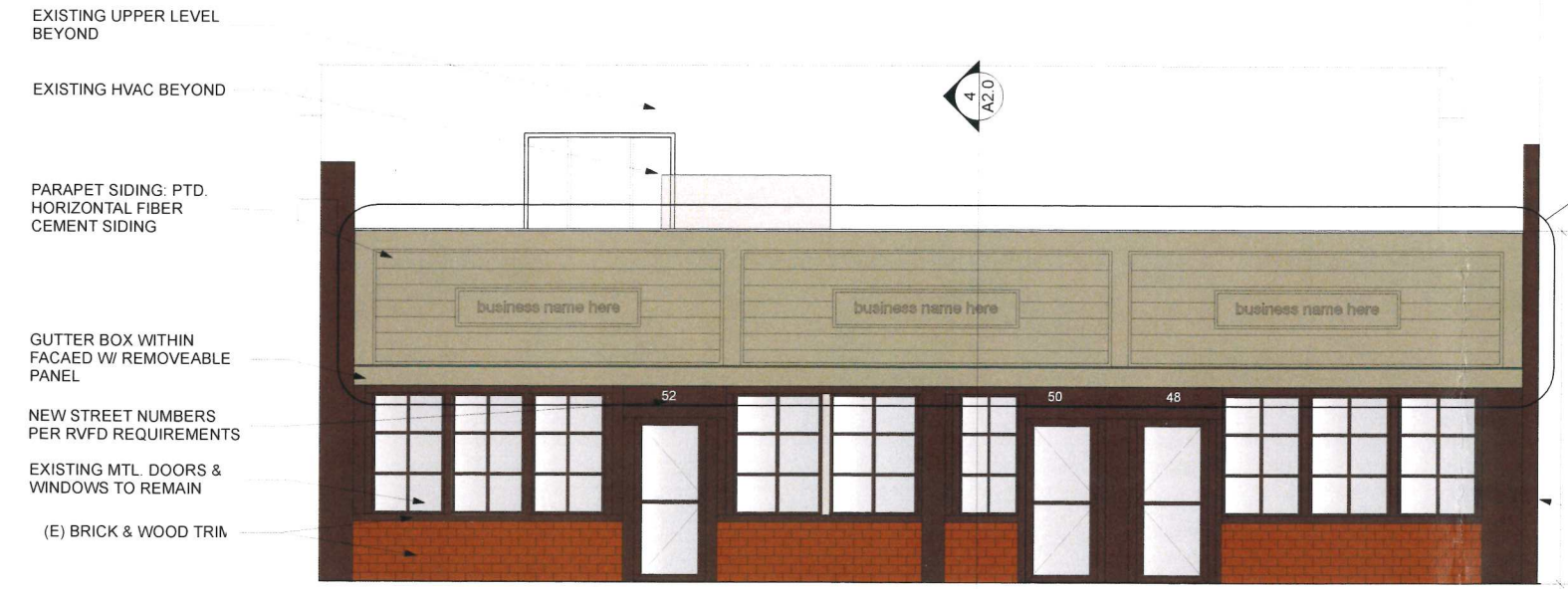
**LEYLA HILMI DESIGN**  
P.O. BOX 684, SAN ANSELMO, CA 94979  
leyla@hilmidesign.com 415-686-1878

**48-52 BOLINAS ROAD**  
FAIRFAX, CA. 94930  
APN: 002-115-15

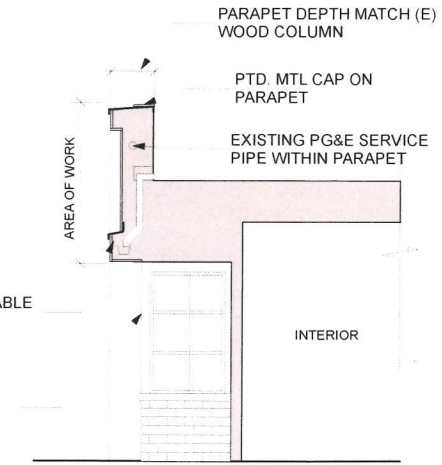
**OWNER:**  
PETER & NORMA LYDON,  
1584 LE ROY AVENUE,  
BERKELEY,  
CA 94708

**CONTRACTOR:**  
MICHAEL KANE  
ARD MHACHA CONSTRUCTION, INC  
415 410 8990

**STRUCTURAL ENGINEER:**  
MARK WOODROW,  
81 DOMINGA AVENUE,  
FAIRFAX,  
CA 94930



1 PROPOSED ELEVATION  
SCALE: 1/4" = 1'-0"

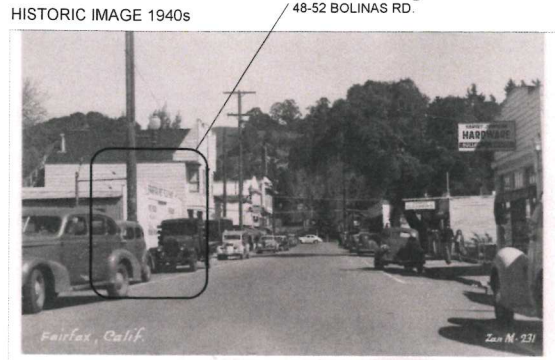


4 PROPOSED SECTION  
SCALE: 1/4" = 1'-0"

**PROPOSED COLOR PALETTE**



PARAPET & GUTTER BOX COLOR:  
BENJAMIN MOORE HISTORICAL  
COLORS 113 LOUISBURG GREEN



SCALE AS NOTED

DATE 11/23/2020  
REV 1 02/09/2021