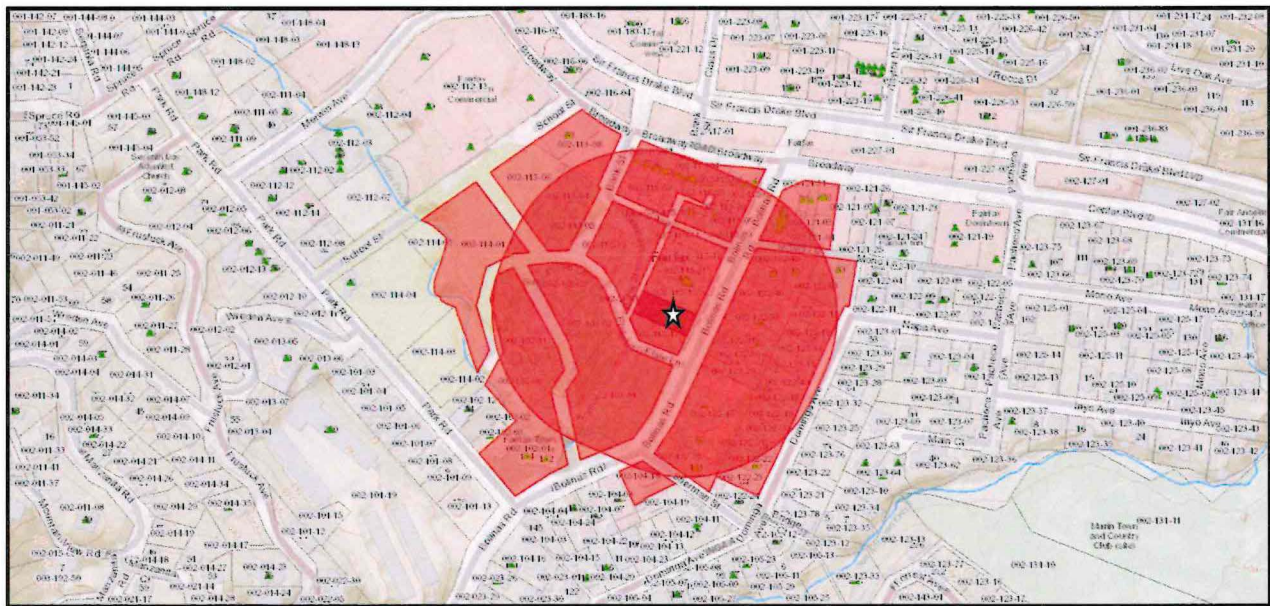


# TOWN OF FAIRFAX STAFF REPORT

## Department of Planning and Building Services

**TO:** Planning Commission  
**DATE:** May 18, 2023  
**FROM:** Linda Neal, Principal Planner  
**LOCATION:** 54 and 56 Bolinas Road; APN # 002-115-16  
**ZONING:** CC Central Commercial Zone  
**PROJECT:** Commercial Building Exterior Color Change  
**ACTION:** Design Review Permit; Application # 23-13  
**APPLICANT:** Holly Brandborg, Emma Sheldon, and Padma Yoga Studio  
**OWNER:** Doug Yee  
**CEQA STATUS:** Painting an existing building does not constitute a "project" under CEQA



### 54 – 56 BOLINAS ROAD.

#### PROJECT DESCRIPTION

The project encompasses repainting the existing façade of the building at 54-56 Bolinas Road white while retaining the existing black trim.

#### BACKGROUND

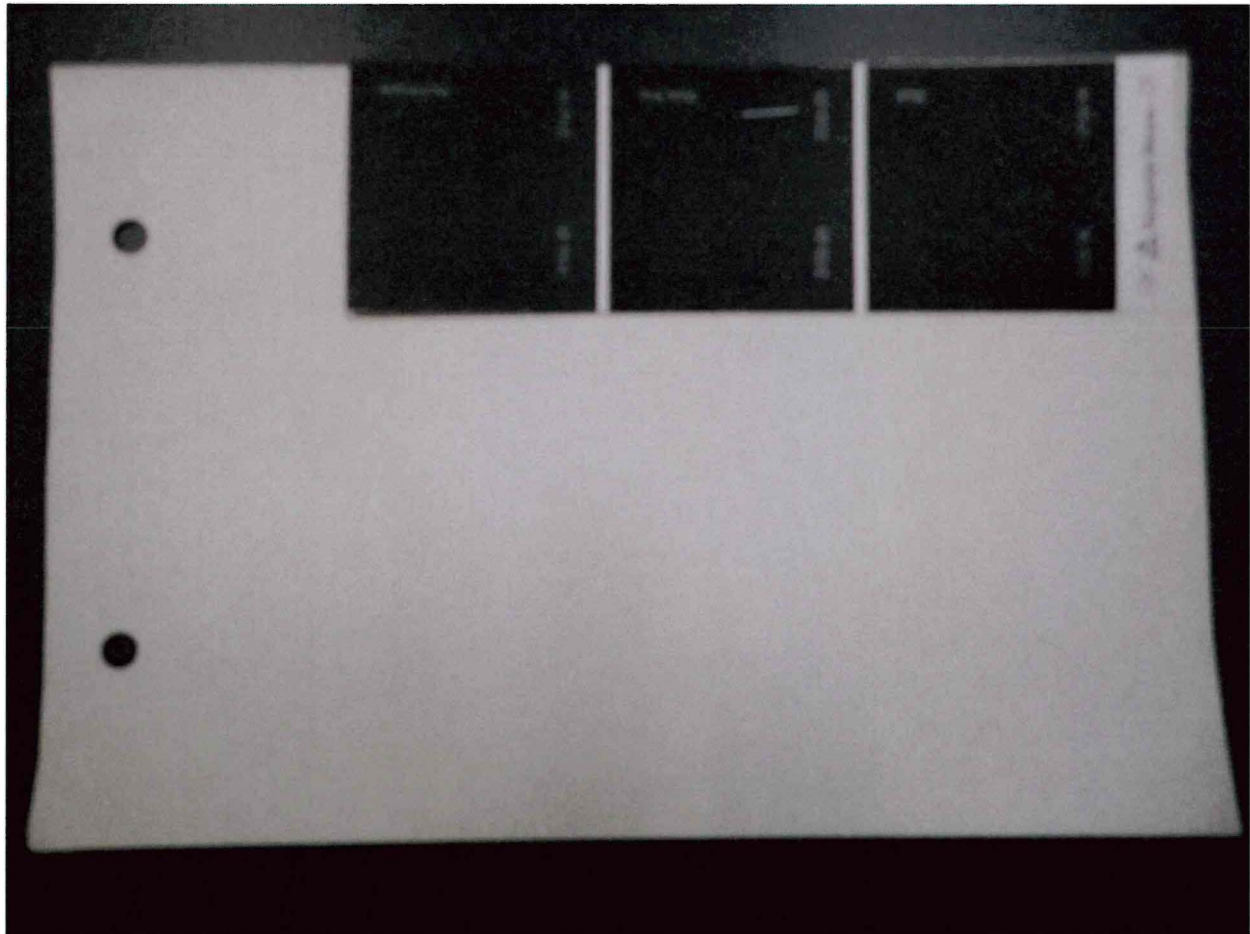
The original building was built some time prior to 1951. On August 28, 2022, the Planning Commission approved a Conditional Use Permit to allow a yoga studio to operate from 56 Bolinas Road. On September 22, 2022, the Planning Commission

approved a Conditional Use Permit to allow two businesses, a hair salon and a retail gift and clothing store to operate from 54 Bolinas Road.

**DISCUSSION**

The business owners of 54 and 56 Bolinas Road have had complaints from clients and customers that their spaces are difficult to locate when driving down Bolinas Road. They believe, and staff agrees, that the building design, with the entry doors to both commercial spaces set back approximately 4-feet feet from the front property line, and the large, overhanging, roof eave, exacerbates this problem. The lack of posted street addresses for either space also exacerbates this problem.

The applicants are requesting a design review permit to paint the building white to improve the visibility of the recessed front building walls. Staff believes this will make the spaces more visible and that posting the street addresses on the building frontages will allow customers to locate the businesses more easily.



Town Code § 17.020.030(C) requires that a Design Review Permit be approved by the Planning Commission prior to any changes being made in the exterior color of a structure located in a commercial zone. 54-56 Bolinas Road is zoned CC Central Commercial. Therefore, the proposed exterior building color changes require the

approval of a Design Review Permit by the Planning Commission.

In reviewing a Design Review Permit application, the Commission must apply the criteria listed in Town Code 17.020.040 to the proposed project. While most of the criteria do not apply to exterior color changes, the Commission can use the following criteria to determine if the proposed color change is appropriate:

- 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.
- Only elements of design which have a 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.
- 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.
- There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance.

The proposed color palette of a white façade with black trim depicted in the color elevation received April 5, 2023, demonstrates that the exterior paint color changes shall create a well composed design harmoniously related to other facilities in the immediate area and to the Bolinas Road commercial setting (Attachment B).

The building west of the project site is painted dark grey while the building to the east has a red brick façade on its lower half and a white with a greenish tint color on its front above the recessed entry doors. The proposed color palette includes sufficient variety and is different enough from the neighboring building color palettes to maintain the individual character of the 54-56 Bolinas Road commercial building.



**RECOMMENDATION**

Conduct the public hearing.

Move to approve application # 23-13 by adopting Resolution No. 2023-11 setting forth the findings and conditions of the project approval.

**ATTACHMENTS**

A – Resolution No. 2023-16

B – Existing and proposed color elevations – existing and proposed for 54-56 Bolinas Road

C - Applicant's supplemental information

**RESOLUTION NO. 2023-10**  
**A RESOLUTION OF THE FAIRFAX PLANNING COMMISSION APPROVING DESIGN**  
**REVIEW PERMIT # 23-13 TO PAINT THE BUILDING THAT CONTAINS THE**  
**COMMERCIAL SPACES DESIGNATED 54 AND 56 BOLINAS ROAD WHITE WITH**  
**BLACK TRIM**

**WHEREAS**, the Town of Fairfax received a design review application for an exterior color change for the building at 54 and 56 Bolinas Road on April 5, 2023; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on May 18, 2023, at which time all interested parties were given a full opportunity to be heard and to present evidence; and

**WHEREAS**, painting the exterior of the building does not constitute a "Project" under the California Environmental Quality Act; and

**WHEREAS**, the applicants have met the burden of proof required to support said application for approval of a Design Review Permit to allow the proposed exterior color change; and

**WHEREAS**, the Planning Commission applied the design review criteria set forth in Town Code § 17.020.040 while reviewing the proposed permit application and determined that:

1. The proposed color palette of a white façade with black trim depicted in the color elevation received April 5, 2023, demonstrates that the exterior paint color changes shall create a well composed design harmoniously related to other facilities in the immediate area and to the Bolinas Road commercial setting.
2. The building west of the project site is grey while the building to the east has a red brick façade on its lower half and is white with a greenish tint on its front above the recessed entry doors. The proposed color palette includes sufficient variety and is different enough from the neighboring building color palettes to maintain the individual character of the 54-56 Bolinas Road commercial building.

**NOW, THEREFORE**, the Planning Commission of the Town of Fairfax does hereby approve Design Review Application # 23-13 subject to the following conditions of approval:

1. Both 54 and 56 Bolinas Road shall affix the street addresses, including the numbers, to the building somewhere on the frontages of their respective commercial spaces in a size that will be readily visible from Bolinas Road.
2. The applicants shall maintain the premises in a neat manner at all times during the painting of the building. There shall be no storage of any supplies for the painting within the Town right-of-way.

3. The applicants and/project contractors shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances that must be complied with include, but are not limited to, the Noise Ordinance, the Garbage and Rubbish Disposal Ordinance, the Stormwater Management and Discharge Control Program Ordinance and the Clean Indoor Air and Health Protection Ordinance.
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, 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.

**NOW, THEREFORE BE IT RESOLVED**, the Planning Commission of the Town of Fairfax approves application # 23-13 on May 18, 2023, by the following roll call vote:

**AYES:**  
**NOES;**  
**ABSTAIN:**  
**ABSENT:**

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Chair, Cindy Swift

ATTEST:

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Linda Neal, Principal Planner



**ATTACHMENT B**



EXISTING PAINT COLORS



PROPOSED PAINT, TRIM COLOR TO REMAIN THE SAME

TOWN OF FAIRFAX  
APR 05 2023  
RECEIVED



We are asking to paint the exterior of 54 Bolinas Rd due to the fact that we are set back into a recessed setting with a large awning making it difficult for customers to see us. In the almost year that we have been there we have received many complaints from customers that we are hard to find. Not to mention that we are at the end of the strip with only one other retail shop by us which affects shoppers from coming down to where we are to shop. We feel strongly that by painting the exterior, this will help us to stand out and create more business for us. As we are located in a retail zoned area.

Service

Thank You,  
Holly & Emma

**ATTACHMENT C**