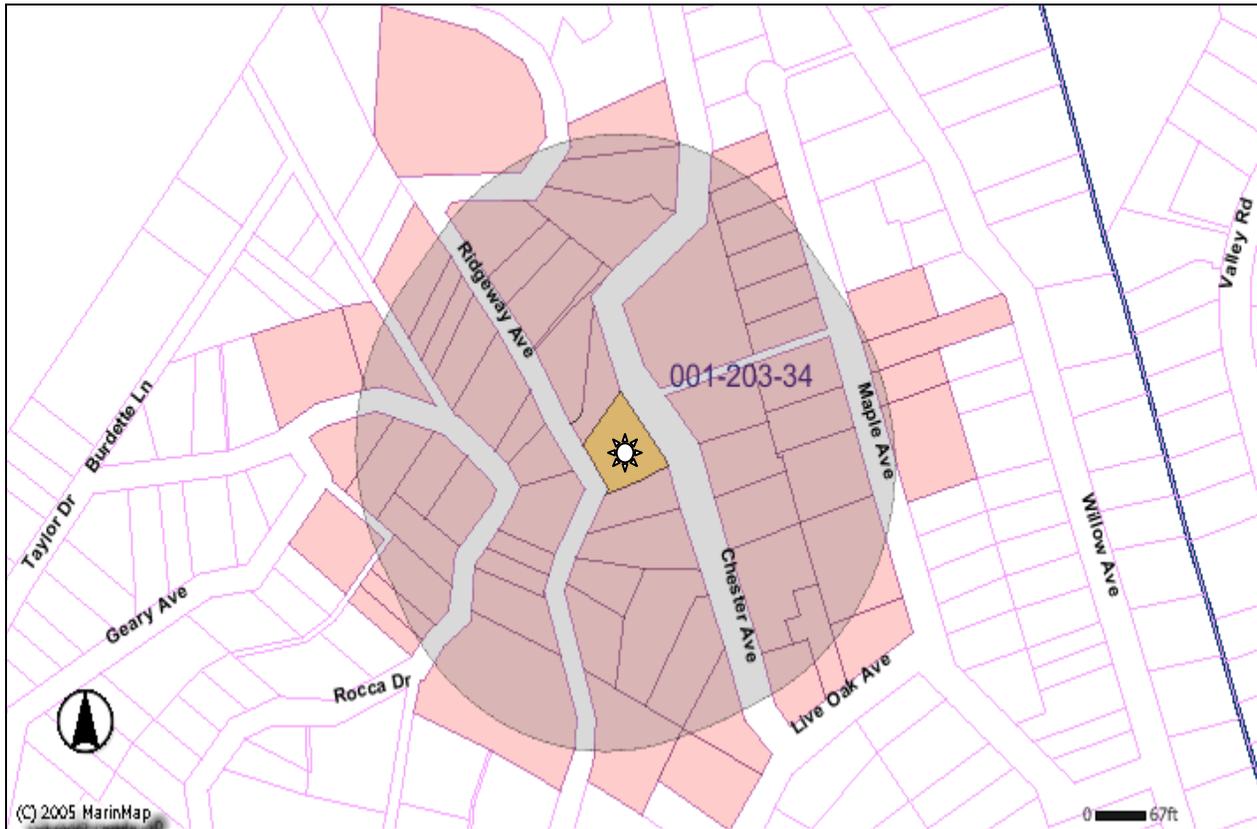


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: August 18, 2011
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 167 Ridgeway Avenue; Assessor's Parcel No. 001-203-34
PROJECT: Modification of a previously approved Residential Second Unit
ACTION: Parking Variance; Application # 11-16
APPLICANT: Lucy Burlingham
OWNER: Charles V, Burlingham Trust
CEQA STATUS: Categorically exempt, § 15301



167 RIDGEWAY AVENUE

BACKGROUND

In mid 2007, a Councilmember spearheaded the naming and acquisition of an unnamed street that crosses from Ridgeway Avenue to Chester Avenue. During an investigation of the matter, the legality of the adjacent undeveloped site was questioned. The issue of whether or not the road was a public road was also raised. It was determined that the parcel was legally created and that there was no public easement for the roadway across the site.

On May 2, 2007, the Town Council voted to name the unnamed roadway Vanni Lane after the owner agreed to grant a public easement for the roadway. In return the owner of the site requested a certificate of compliance for the site indicating that the site was legally created and could be built upon (see Exhibit A).

The Town granted a Conditional Certificate of Compliance also on May 2, 2007. By granting the Conditional Certificate of Compliance the intent of the Town Council to allow development of the site in return for the granting of the public easement was clear. The Planning Commission approved development of the site with a single-family residence on March 18, 2010 subject to certain conditions including that the owner offer a dedicated roadway easement to the Town. The residence is currently under construction.

DISCUSSION

On March 4, 1984 the Planning Commission approved a Residential Second Living Unit at 167 Ridgeway Avenue. The driveway to access the parking led from what is now known as Vanni Lane to a level parking area alongside the structure at 167 Ridgeway Avenue across the then vacant 161 Ridgeway site (Exhibit B – second unit site plan and photo of second unit parking). Neither staff nor the property owners of 167 Ridgeway Avenue were aware that the driveway to access the parking crossed the privately owned Pierce property. Now that the house at 161 Ridgeway Avenue is under construction, the parking for the second unit is inaccessible.

Town Code § 17.052.030(A)(1) and (2) requires that single-family residences have three parking spaces. Town Code § 17.052.040(B) requires that spaces be 9 feet by 19 feet in size. Code § 17.052.040(E) goes on to prohibit tandem parking except that the third guest parking space for a principal residence can be in tandem with one of the principal residence parking spaces.

The Residential Second Unit Ordinance requires that one parking space be provided for for a second unit and the space cannot be in tandem with the principal residence parking (Town Code § 17.048.040(D)]. The theory behind banning tandem parking for second units is that the second unit space should be accessible at all times so that a tenant does not get blocked in.

The existing parking deck will accommodate four 8 foot by 16 foot compact stalls, but the guest parking compact stall and the second unit parking stall are both in tandem with the two compact stalls for the principal residence (Exhibit C). Therefore, the project now requires a Parking Variance to have four compact parking spaces in tandem. Town Code § 17.028.090 allows the Commission to grant parking variances based on the following findings:

Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specified regulation.

Granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.

Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

This situation was created by the Town wanting to acquire Vanni Lane which is a crucial second way to exit the Willow Avenue neighborhood if there is ever an emergency such as a wildfire or earthquake. Therefore, acquiring Vanni Lane and granting this requested Parking Variance is in the best interests of the neighborhood.

The unit is located within walking distance, less than half a mile, from the bus stops at the bottom of Willow Avenue. The unit is also within walking distance of downtown Fairfax. Therefore, the units proximity to the downtown shopping area and public transportation does not require access to a private vehicle.

An on-site inspection of the parking deck by the Building Official revealed that the parking deck should be inspected by an engineer for recommendations on how to strengthen the deck so it will support 4 vehicles. This has been made a condition of approval.

RECOMMENDATION

Open the public hearing and take testimony.

Close the public hearing.

Move to approve application # 11-16 based on the following findings for a Parking Variance, Town Code § 17.028.070(B), and the following conditions:

Recommended Findings

1. The principal residence has two bedrooms and the residential second unit is a studio unit. The number of bedrooms and/or living space is not being increased for either of the units. Therefore, neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specified regulation.
2. The parking deck provides parking for four compact vehicles without the cars projecting beyond the private driveway apron into the Ridgeway Avenue travel path. Therefore, granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.
3. Granting of the variance is the final step necessary to facilitate the acquisition of the Vanni Lane right-of-way for the public. The road provides a second exit route for the Ridgeway neighborhood in the case of a natural disaster and improves the safety for the general public. Therefore, the granting of the Parking Variance is in the best interests of the public.

Recommended Conditions

1. The owners shall have the parking deck inspected by an engineer for recommendations on

how to strengthen the structure so that it can support the weight of four vehicles.

2. The recommendations shall be implemented through issuance of a building permit.

ATTACHMENTS

Exhibit A – Conditional Certificate of Compliance and grant of Vanni Lane easement

Exhibit B - Plans for 1984 second unit and photograph of second unit parking

Exhibit C – Plan showing four compact parking stalls set back 1 foot from edge of the Ridgeway Avenue travel path