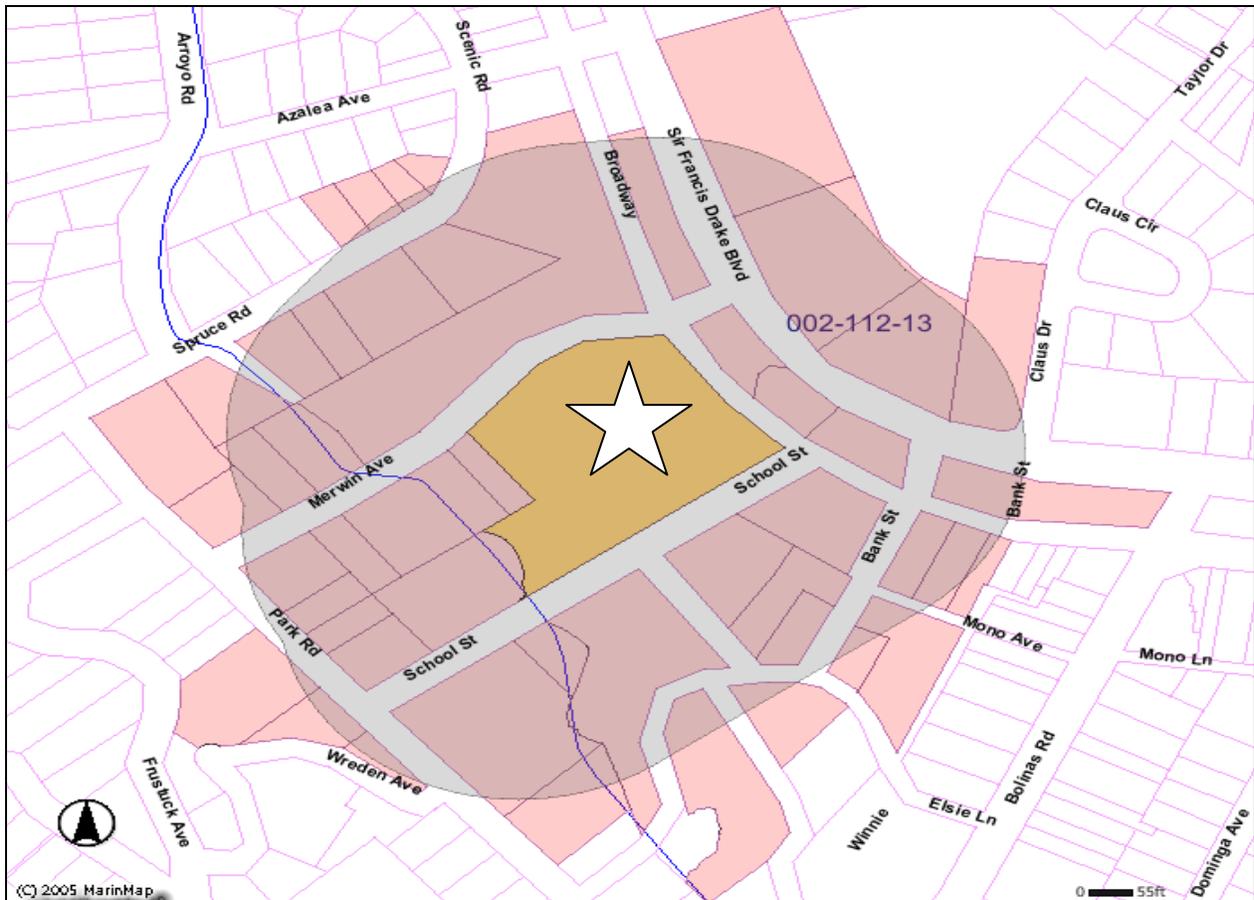


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: October 20, 2011
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 6 School Street Plaza, Suite 12-C-2; Assessor's Parcel No. 002-112-13
PROJECT: Artist studio/retail/art classes mixed use
ACTION: Use Permit; Application # 11-22
APPLICANT: Michele Schwartz
OWNER: Farshid Ezazi
CEQA STATUS: Categorically exempt, § 15301(a)



6 SCHOOL STREET PLAZA

BACKGROUND

The 1.8 acre property was originally the location of the Fairfax Grade School. There are four (4) structures on the site providing a total of 19,974 square feet of commercial space. Suites 8, 10 and 12 were originally school classrooms constructed in 1954 while the two-story building on the corner of School Street and Broadway was constructed at a later date sometime in the late 70's early 80's. The site is currently being utilized by a number of different commercial enterprises including but not limited to a spa, chiropractic office, yoga studio, architects office, contractor's office and a medicinal marijuana dispensary.

Suite 12 is 4,636 square feet in size and has been divided into seven (7) separate commercial spaces and one (1) on-site manager's apartment. A use permit was approved for a manager's apartment in the western most space on October 21, 2005.

DISCUSSION

The applicant is proposing to operate a 465 square foot, mixed commercial use from the space which would combine an artist studio with retail sales and crafting classes. The primary use will be as an artist studio for the two business owners but the business will open for retail sales of their craft/art work on Tuesdays and Thursdays between 10:00 am and 2:00 pm, will have one open studio the second weekend of each month from 10:00 am through 4:00 pm and will be holding one crafting class per month for up to eight (8) participants in the evening from 5:00 pm to 8:00 pm. They specialize in salvaging and reusing items to create artwork and crafts.

The purpose of the CL Limited Commercial Zone District is to provide a location for uses which may be incompatible with the high density characteristics of the Central Commercial CC Zone or which may have difficulty in finding a proper location in the Highway Commercial CH Zone [Town Code § 17.092.010(A)]. This section goes further indicates that uses in the CL Limited Commercial Zone are oriented to services rather than to the retail sales of commodities.

The proposed art/craft studio is listed as permitted in the CL Chapter of the Code and will be the main use of the commercial space [Town Code § 17.092.030(A)(5)].

Town Code § 17.092.050(E) gives the Planning Commission the authority to grant a Use Permit for other uses equivalent to listed uses in the conditional use permit section of the CL Zone. Private schools are listed as conditional uses and the proposed art classes are similar to this type of use.

The retail use will only operate two days a week for limited hours and will not have a significant impact on the neighboring uses.

PARKING

The site accommodates parking for 62 vehicles. The total square footage of the buildings on the site is 19,974 square feet and based on the square footage the Parking Ordinance requires that there be 41 on site parking spaces so the proposed use does not require the approval of a parking variance [Town Code § 17.052.030(F)].

The evening classes, which will bring the most vehicles to the site, will occur in the evenings when other businesses in the center are closed such as the office uses (chiropractor's office, contractor's office, architect's office, etc.).

OTHER AGENCY/DEPARTMENT COMMENTS

None of the following agencies/departments had any special conditions they wanted placed upon the proposed business:

Fairfax Police Department, Building Department, Public Works Department, Ross Valley Fire Department, Marin Municipal Water District, Ross Valley Sanitary District (Exhibit B).

RECOMMENDATION

Move to approve application # 11-22 based on the following findings and subject to the following conditions of approval:

Recommended Findings

1. The retail use being proposed is; a) incidental to the main art studio and art class uses; and b) will have limited days and hours of operation on Tuesdays and Thursdays from 10:00 am to 2:00 pm. The development and use of 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.
2. 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 because there are other businesses in the center that include incidental retail sales (Marin Alliance).
3. The Fairfax General Plan, approved in concept by the Commission and the Town Council and currently going through the environmental review process, has this property identified for rezoning to Planned Development (PDD) District which would allow a mix of uses including service, retail and residential. Therefore, approval of the use permit is not contrary to the objectives, goals or standards identified as pertinent to the Town of Fairfax and its citizens.
4. The proposed art/craft studio that also will provide classes to instruct people how to recycle objects to create sustainable arts and crafts while also selling their artwork as retail is in keeping with the Town's goal to achieve sustainability. Therefore, the approval of the use permit 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.

Recommended Conditions

1. Prior to erecting any signs on the business frontage the applicant shall obtain a sign permit from the Department of Planning and Building Services.
2. Any signs proposed anywhere else on the property will require the approval of a Sign Permit from the Design Review Board.

3. The outdoor areas in front of the business shall be kept clean and clear of all debris and litter at all times.
4. Modification of the business to include uses other than those described in this application shall require the approval of a modification to approved Use Permit No. 11-22.
5. The applicant shall comply with all the regulations set forth in the Fairfax Town Code including but not limited to the Garbage and Rubbish Disposal Ordinance (Chapter 8.08), the Polystyrene, Foam, Degradable and Recyclable Food Packaging Ordinance (Chapter 8.16), the Noise Ordinance (Chapter 8.20), the Clean Indoor Air and Health Protection Ordinance (Chapter 8.44) and the Business License Ordinance (Chapter 5.08).
6. The applicant or owner 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 Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

ATTACHMENTS

- Exhibit A - Applicant's supplemental information
- Exhibit B – Other Agency/Department comments

RECOMMENDATION

DISCUSSION

ATTACHMENTS