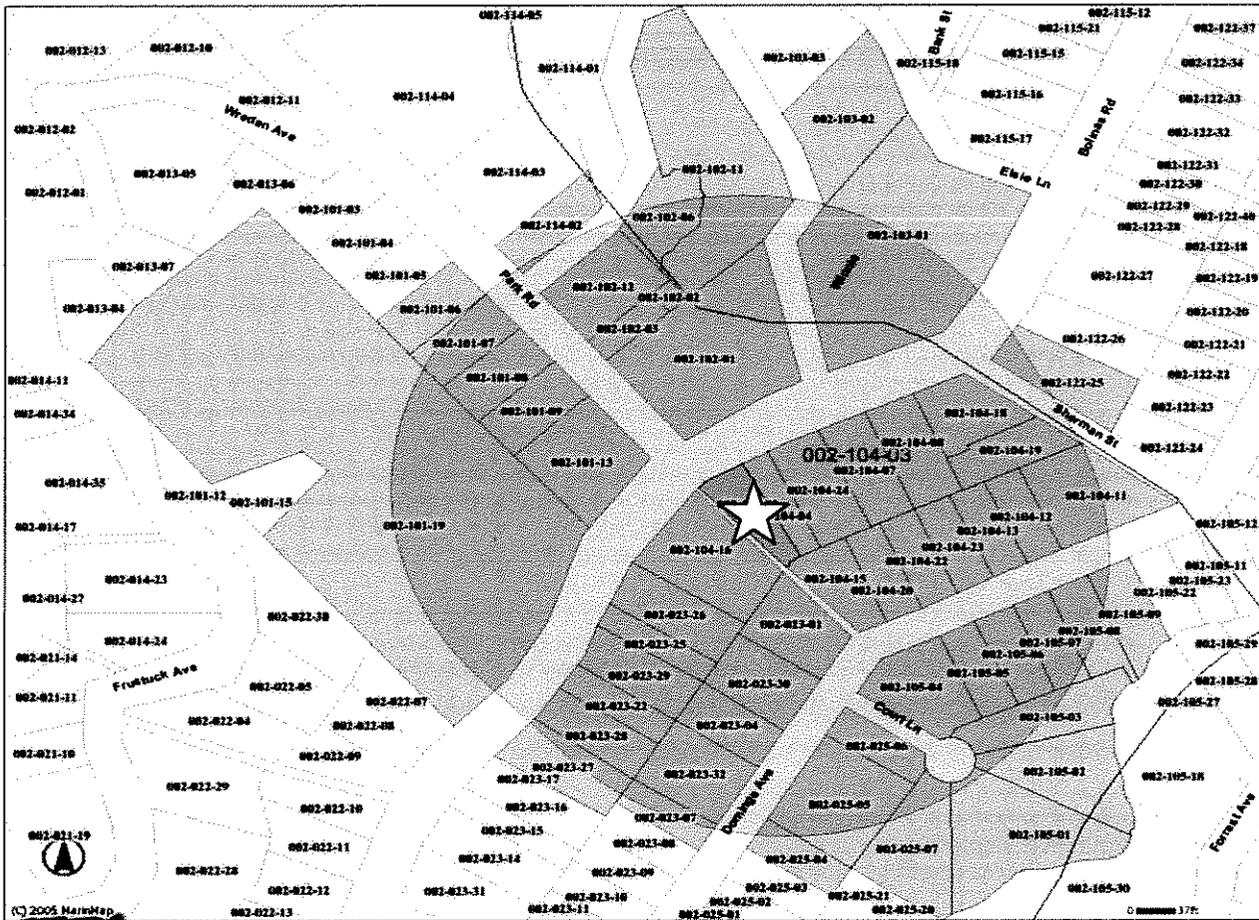


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: July 19, 2012
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Senior Planner
LOCATION: 145 Bolinas Road; Assessor's Parcel No. 002-104-03
PROJECT: Conversion of a commercially zoned structure to a residential use
ACTION: Use Permit; Application # 12-16
APPLICANT: Bruce Ackerman and Diane Holzer
OWNER: Same
CEQA STATUS: Categorically exempt section 15303



145 Bolinas Road

BACKGROUND

The one story 660 square foot structure on a 3,790 square foot, level site was constructed as a single-family residence in 1920 prior to the Town's incorporation in 1931. The residential structure has two bedrooms and one bathroom. There are two tandem parking spaces along the eastern side of the building in the driveway.

The owner/applicant was granted a use permit and parking variance to convert the residence to commercial use as a midwifery office in September of 2002. On November of 2006 a use permit was granted to change the commercial tenant to a pediatric office. The pediatrics office recently closed.

The owner/applicant would now like to convert the structure back to its original use as a residence with a home office. The home office would not include any coming or going of commercial visitors.

DISCUSSION

During the last ten years that this space has been used for commercial uses, it has remained residential in appearance. The building is located at the southwestern edge of the Central Commercial (CC) zone, adjacent to residential zones – in a location that was originally a residential zone converted to a commercial zone in 1973.

The CC zone by definition allows mixed residential and commercial uses in that it allows residential uses on the second floor. However, the CC zone has no provisions for residential use on the ground floor. Therefore, a use permit is required for this one story structure.

The new Town of Fairfax 2010-30 General Plan adopted on April 4, 2012 encourages both residential and commercial uses in the Town Center area - which all of the CC is within (Policy LU-7.1.3). Likewise, the General Plan encourages home offices in residential units (Policy LU-7.2.4).

The parking for this structure as a residence is “legal non-conforming” because there are two tandem spaces on-site with a guest parking space provided curbside. Therefore, the use of this structure as a residence does not require a variance.

RECOMMENDATION

Move to approve application # 12-16 based on the following findings and subject to the following conditions:

Recommended Findings:

1. 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.

2. 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.
3. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in the General Plan, any Master Plan, or other plan or policy, officially adopted by the City.
4. 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. The home office permit does not allow business or commercial visitors to the site. If in the future the owner/applicant desires to receive business or commercial visitors to the site a new commercial use permit application will be required.
2. If in the future the owner/applicant were to be granted a commercial use permit and any other related permits or variances for commercial use, then the building will need to be upgraded to meet ADA requirements in the Building Code.

Outside Agency Conditions:

Ross Valley Fire Department:

1. A fire sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards.
2. Address numbers at least 4" tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed to a light or be reflective numbers. If your project is a new house or substantial remodel, they may only be internally illuminated or illuminated an adjacent light controlled by a photocell and switched only by a breaker so it will remain illuminated all night. If not currently as described, they must be installed as part of this project.
3. Smoke detectors and carbon monoxide detectors shall be installed in accordance with the Building Code.

Marin Municipal Water District

1. Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of service.
2. Should backflow protection be required, said protection shall be installed as a condition of water service.

Ross Valley Sanitary District

1. If not already installed, the District requires that the side sewer be equipped with an appropriate backwater prevention device (e.g., Contra Costa valve as warranted by the individual site conditions).
2. After the project is approved, the owner or contractor should contact the District to arrange for a District inspector to approve the existing installation (or approve the plans for the proposed installation) of the backwater prevention device and any work done on the side sewer lateral in order to make a record for the District's files.

ATTACHMENTS

Exhibit A – Site and Floor Plan



Ross Valley Fire Department
777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence
ADDRESS: 145 Bolinas
Fairfax, CA 94930

Page: 1 of 3
Date: 06/25/2012
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning
Bldg. Dept. 06/06/12 Fire Dept. # 12-0166
E-mail: Rbastianon@rossvalleyfire.org
Review No. 1
Fire Department Standards can be found at: www.rossvalleyfire.org

Applicant*: Planning
Address: Fairfax CA

***Applicant is responsible for distributing these Plan Review comments to the Design Team.**

Occupancy Class: R-3	Fire Flow Req: 1000 GPM	Sprinklers Required: YES
Type of Construction: V-B	On-site Hyd. Req: NO	Fire Alarm Required: NO
Bldg Area: sf.	Fire Lane Req: NO	Permits Required: Sprinkler
Stories: 1	Fire Flow Test Required: NO	
Height: +ft.	Wildland Urban Interface: NO	

The project listed above has been reviewed and determined to be:

- APPROVED** (no modifications required)
- APPROVED AS NOTED** (minor modifications required - review attached comments)
- NEEDS REVISION** (revise per attached comments and resubmit)
- INCOMPLETE** (provide additional information per attached comments and resubmit)

NOTE: Please review the comments and make corrections and/or add notes as required. Changes and/or additions shall be clouded and referenced by date on a legend. Approval of this plan does not approve any omission or deviation from the applicable regulations. Final approval is subject to field inspection. Approved plans shall be on site and available for review at all times.

**ROSS VALLEY FIRE DEPT.
REVIEWED**

DATE: 6/25/12

Inspections required:

- Access/Water Supply prior to delivery of combustibles
- Defensible Space/Vegetation Management Plan
- Sprinkler Hydro/Final
- Final



Ross Valley Fire
Department

777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence
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Page: 2 of 3
Date: 06/25/2012
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TYPE OF REVIEW: Planning E-mail: Rbastianon@rossvalleyfire.org
Bldg. Dept. 06/06/12 Fire Dept. # 12-0166 Review No. 1
Fire Department Standards can be found at: www.rossvalleyfire.org

ITEM #	SHEET	COMMENTS	Corr. Made
1		No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group of occupancy or in a different group of occupancies unless the structure is made to comply with the Fire and Building Codes.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
2		CFC Section 903.2 requires a sprinkler system be installed when a change of use of a structure results in a higher fire or life safety exposure. A fire sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and /or design-build sprinkler systems.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
3		All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
4		Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition exceeds one thousand dollars. CO alarms shall be located outside of each dwelling unit sleeping are in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit including basements.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
5		Address numbers at least 4" tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed to a light or be reflective numbers. If your project is a new house or substantial remodel, they may only be internally illuminated or illuminated an adjacent light controlled by a photocell and switched only by a breaker so it will remain illuminated all night. If not currently as described, they must be installed as part of this project.	



Ross Valley Fire
Department
777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence
ADDRESS: 145 Bolinas
Fairfax, CA 94930

Page: 3 of 3
Date: 06/25/2012
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning E-mail: Rbastianon@rossvalleyfire.org
Bldg. Dept. 06/06/12 Fire Dept. # 12-0166 Review No. 1
Fire Department Standards can be found at: www.rossvalleyfire.org

ITEM #	SHEET	COMMENTS	Corr. Made
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	

*All conditions listed above shall be included in revised drawings.
Fire and life safety systems may require a separate permit. Fire permits may be noted as deferred.*



MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169

www.marinwater.org

June 26, 2012
Service No. 05942

Linda Neal
Town of Fairfax Planning Dept
142 Bolinas Rd
Fairfax CA 94930

RECEIVED

JUN 28 2012

TOWN OF FAIRFAX

RE: **WATER AVAILABILITY** - Single Family Dwelling
Assessor's Parcel No.: 002-104-03
Location: 145 Bolinas Rd., Fairfax

Dear Ms. Neal:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a single family dwelling. The proposed reversion of the existing structure from a pediatric office to a single family residence will not impair the District's ability to continue service to this property.

Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 – Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at www.marinwater.org.

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559.

If you have any questions regarding this matter, please contact me at (415) 945-1531.

Very truly yours,

A handwritten signature in black ink that reads "Joseph Eischens".

Joseph Eischens
Engineering Technician

JE:mp

cc: Town of Fairfax Building Dept



ROSS VALLEY SANITARY DISTRICT
2960 Kerner Blvd
San Rafael, CA 94901
(415) 259-2949 ~ rvsd.org

June 15, 2012

Linda Neal, Senior Planner
Department of Planning and Building Services
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

RECEIVED
JUN 20 2012
TOWN OF FAIRFAX

SUBJECT: 145 BOLINAS ROAD, FAIRFAX, CA; APN 002-104-03

Dear Linda:

We are in receipt of your transmittal letter dated June 12, 2012 concerning the above- referenced project. The District has no objection in general, but has the following comments and requirements if the project is approved:

1. If not already installed, the District requires that the side sewer be equipped with an appropriate backwater prevention device (e.g., Contra Costa valve as warranted by the individual site conditions).
2. After the project is approved, the owner or contractor should contact the District to arrange for a District inspector to approve the existing installation (or approve the plans for the proposed installation) of the backwater prevention device and any work done on the side sewer lateral in order to make a record for the District's files.

If you need further information regarding this matter, please contact the office.

Sincerely,

A handwritten signature in cursive script that reads "Randall Y. Ishii".

Randell Y. Ishii, M.S., P.E.
District Engineer

ATTN: SERGEANT STUART BAKER

TOWN OF FAIRFAX
DEPARTMENT OF PLANNING AND BUILDING SERVICES

142 Bolinas Road, Fairfax, California 94930
Phone (415) 453-1584 FAX (415) 453-1618

LETTER OF TRANSMITTAL

From: Fairfax Planning and Building Services Department

Date: June 12, 2012

To: Town Engineer Fairfax Police Dept. Marin County Open Space Dist.
 Town Attorney Sanitary Dist. 1 Other – Building Official
 MMWD Public Works Dept.
 Ross Valley Fire Marin County Health Dept.

Address and Parcel No: 145 Bolinas Road; Assessor's Parcel No. 002-104-03

Project Description: Reversion of an 850 square foot, pediatric doctor's office being operated from a structure originally constructed as a two bedroom, 1 bath, single-family residence back into a single-family residence.

These plans are being transmitted for review either: a) prior to public hearings on discretionary permits before the Fairfax Design Review Board and Planning Commission; or, for review prior to issuance of a building permit. Please provide your comments on the completeness and adequacy of the submittal for your agencies reviewing purposes within 10 days.

1	3/6/12	Existing floor plan, site plan and photographs

REMARKS SB - No PD CONCERNS.

Please respond by June 28, 2012. Thanks

If you have any questions please contact: Linda Neal, Senior Planner

Use Permit Applications - Additional information required.

- A written description of the proposed use, major activities, hours of operation, number of employees on the premises during the busiest shift and when the busiest shift is expected and other information pertinent to the application.
- Floor plans must include location of any special equipment.
- Designate customer, employee and living areas.
- If different uses are included in this activity, for example storage, retail, living space, etc. Indicate square footage of each proposed use.

In order to approve your project, the Planning Commission must make findings of fact which state that the project will not have a negative impact on the general public welfare, conforms with the policies of the Town, does not create excessive physical or economic impacts on adjacent property and provides for equal treatment with similar properties in Town.

In the space below, please provide any information which you feel is relevant to these issues and which further explains your project.

Property is zoned CC and is one story. We would like to be able to use it as residential or mixed use, in addition to the already permitted commercial use.

The final disposition of each use permit shall be in accordance with the facts of the particular case, and such facts must support the following determinations and findings before a use permit may be approved. Indicate how the findings below can be made:

- 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.

Will be rented without special privilege, at a modest rate.

- The development and use of property, as approved under the use permit, shall not create a public nuisance, 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, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

Residential or mixed use is not expected to create a nuisance. Immediately across the alley and adjoining is already residential.

- Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any master plan, development plan or other plan or policy, officially adopted by the town.

Mixed use and/or creation of moderate cost housing is a goal of the General Plan

PROJECT DESCRIPTION: Application for use permit to allow residential use, or mixed use (residential plus office)

Note: this building was originally residential and has not been changed since that time.

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	3789 sqft	
Size of structure(s) or commercial space (square feet)	850 sqft ^{sheds are} 61 + 68 sqft	
Height and No. of stories	1 story 15 ft height	
Lot coverage	26%	
No. of dwellings units	1	
Parking ¹ No. of spaces	4 (2 tandem)	(normally we use 1 + 1 tandem and informally there is other with 141 Bolinas)
Size of spaces		

Amount of proposed excavation and fill	Excavation = n/a	Fill = n/a
----------------------------------------	---------------------	---------------

Estimated cost of construction \$ n/a

Lot Coverage is defined as the land area covered by all buildings and improvements with a finished height above grade and all impervious surfaces except driveways.

¹Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? None

[Signature]

Signature of Property Owner

5/31/2012

Date

[Signature]

Signature of Applicant

5/31/2012

Date

Planning Department staff is available by appointment between 8:30 a.m. and 12:00 noon and 1:00 p.m. and 5:00 p.m. Monday through Thursday at 142 Bolinas Road, Fairfax, CA. (415) 453-1584