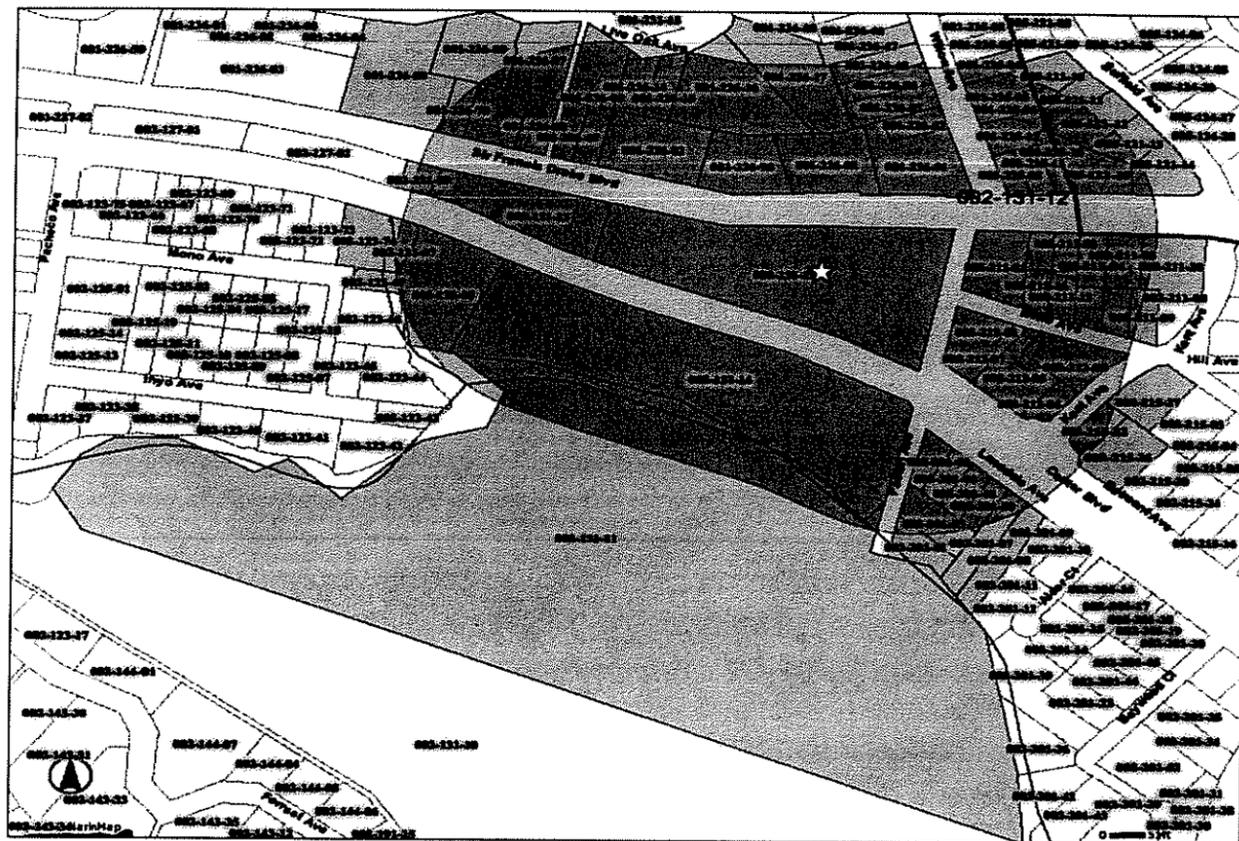


**TOWN OF FAIRFAX  
STAFF REPORT**  
Department of Planning and Building Services

**TO:** Fairfax Planning Commission  
**DATE:** October 17, 2013  
**FROM:** Jim Moore, Director of Planning and Building Services  
Linda Neal, Senior Planner  
Corwin Bell, Planning Intern  
**LOCATION:** 720 Center Boulevard; Assessor's Parcel No. 002-131-12  
**PROJECT:** Extend rear fence to mitigate noise impacts  
**ACTION:** Fence Variance and Design Review Board modifications  
**APPLICANT:** Al Baylacq, Good Earth Natural Foods  
**OWNER:** Rich Hall, Fairfax Center Properties, LLC.  
**CEQA STATUS:** Categorically exempt section 15303 (e)



**720 CENTER BOULEVARD**

## **BACKGROUND**

After various efforts have been made to mitigate noise impacts from delivery trucks unloading between 5am and 7am, the Town is still receiving complaints from surrounding residents (see attachments to Agenda Item # 3). The applicant is pursuing the possibility of extending the existing rear fence that currently screens the loading area in an effort to reduce noise impacts for surrounding residents.

## **DISCUSSION**

### **Fence Height Variance and Design Review for Requested Fence Extension**

The proposed fence extension requires a Fence Height Variance and Design Review approval because it is new construction in the Central Commercial CC Zone District. Town Code section 17.044.080(B)(2) limits fence/wall heights to 6 feet without a variance and section 17.020.030(B) requires Design Review approval for any new construction in the Central Commercial CC Zone District. Please note that only 6 feet of the fence extension's height is visible from Sir Francis Drake Boulevard and the visual impact of the 8 foot tall fence extension from Center Boulevard and Pastori Avenue is minimal because the fence maintains a 94 foot setback from the intersection where it does not obstruct visibility.

A proposed fence extension of 8 feet in height by 31 feet in length was measured and photographed by planning staff to assess the potential for visibility conflicts for automobiles on Sir Francis Drake Boulevard and Pastori Avenue. The profile of the proposed fence is shown in the attached photographs (Exhibit A-D). After inspection from the Fairfax Police Department and the Ross Valley Fire Department, no potential traffic conflicts were reported (Exhibit F and G).

### **Alternative Fencing Materials/Increased Length and Height**

The height of the proposed fence could be increased to 9'- 6", the height of the existing fence, without causing a vehicular visibility problem (Exhibit D), and would provide more surface area for blocking truck loading noise. Likewise, the fence could be extended to 47 feet in length with minimal traffic visibility conflicts. As an added measure, sound insulating material could be installed on the Good Earth side of the fence for maximum noise mitigation.

## **RECOMMENDATION**

Staff recommends that the fence extension 9 feet 6 inches in height and 47 feet in length be approved given that there are no vehicular visibility conflicts. Installation of sound insulating material should also be considered by the applicant at a later date.

## **Recommended Findings**

1. Sir Francis Drake Boulevard is at a higher elevation than the finished elevation of the rear loading dock and therefore the slope up to Sir Francis Drake Boulevard has been retained with a small wall. In order to mitigate noise impacts from the loading dock the 8 foot tall fence extension is required. The 8 foot tall fence also helps to screen the loading dock from view. The strict application of the 6 foot fence limitation would deprive the property owners of the ability to screen and insulate noise from the loading dock, which is a privilege enjoyed by other property owners in the vicinity that are built on level site and under identical zone classification.
2. The fence extension will appear to only be 6 feet in height from the heavily traveled Sir Francis Drake Boulevard and it maintains a 94 foot setback from Pastori Avenue so it does not obstruct vehicular visibility at the corner of Pastori and Sir Francis Drake. Therefore, the variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.
3. The strict application of this title would result in excessive or unreasonable hardship because the applicants would be unable to screen and mitigate noise impacts from the loading dock.
4. The granting of the variance or adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated because the fence extension does not obstruct vehicular or pedestrian visibility in the on-site parking lot or on adjacent public streets.

## **ATTACHMENTS**

Exhibit A – Photograph of 48 foot fence extension from Pastori Avenue facing west along Sir Francis Drake

Exhibit B – Photograph of 31 foot fence extension from the grade change between the Good Earth property and Sir Francis Drake Boulevard facing west towards the Good Earth

Exhibit C – Photograph of 31 foot fence extension from the Good Earth parking lot facing west along Sir Francis Drake Boulevard

Exhibit D – Photograph of proposed fence extensions from the north side of Sir Francis Drake Boulevard facing south towards the Good Earth Parking Lot

Exhibit E – Plan view of proposed fence extension

Exhibit F – Letter of Transmittal to the Fairfax Police Department

Exhibit G – Memo from Ross Valley Fire Department approving of the Good Earth fence extension

View of 48 foot long fence extension from the intersection of Pastorí Avenue and Sir Francis Drake Boulevard. Solid pink shows what would be visible.

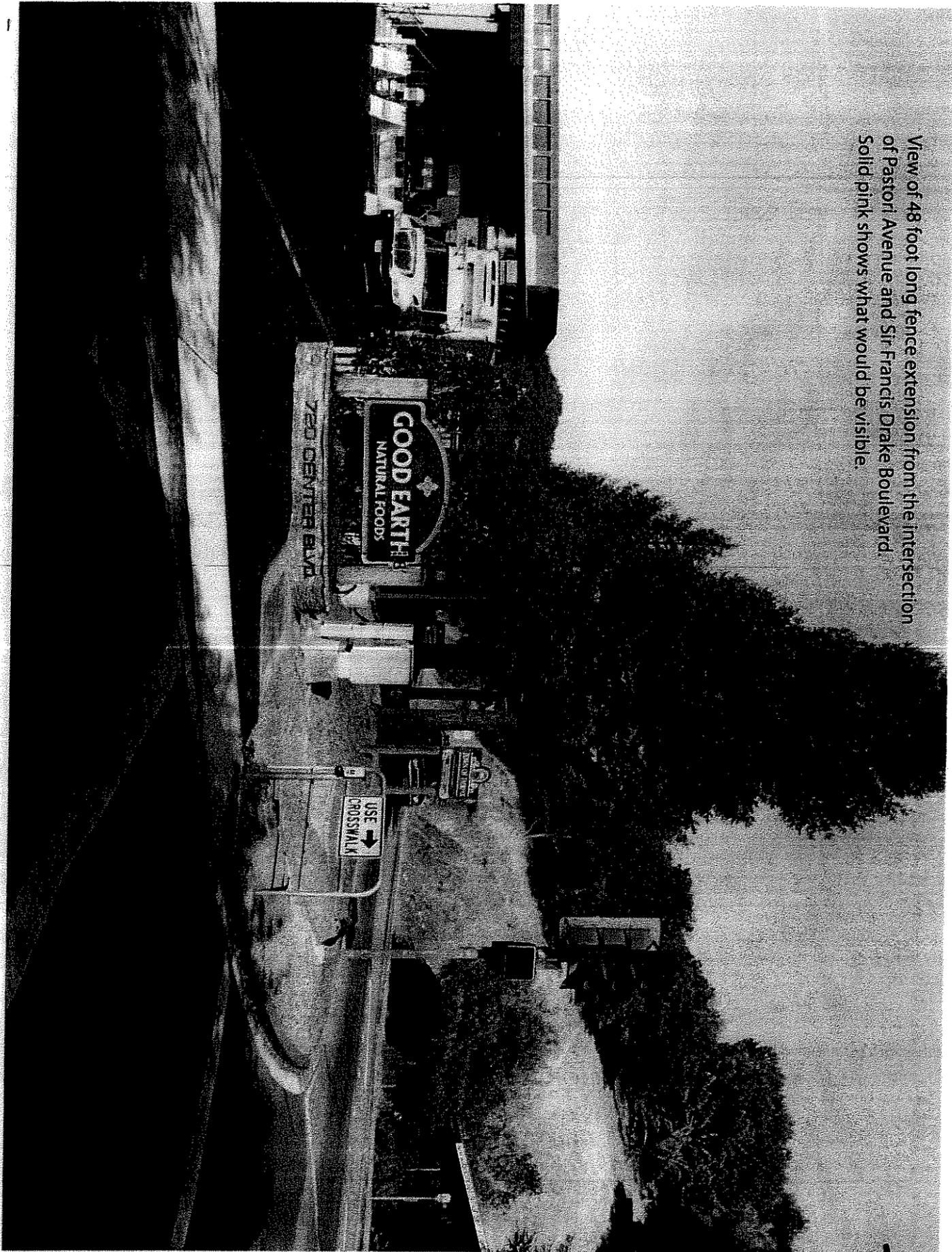


EXHIBIT # A

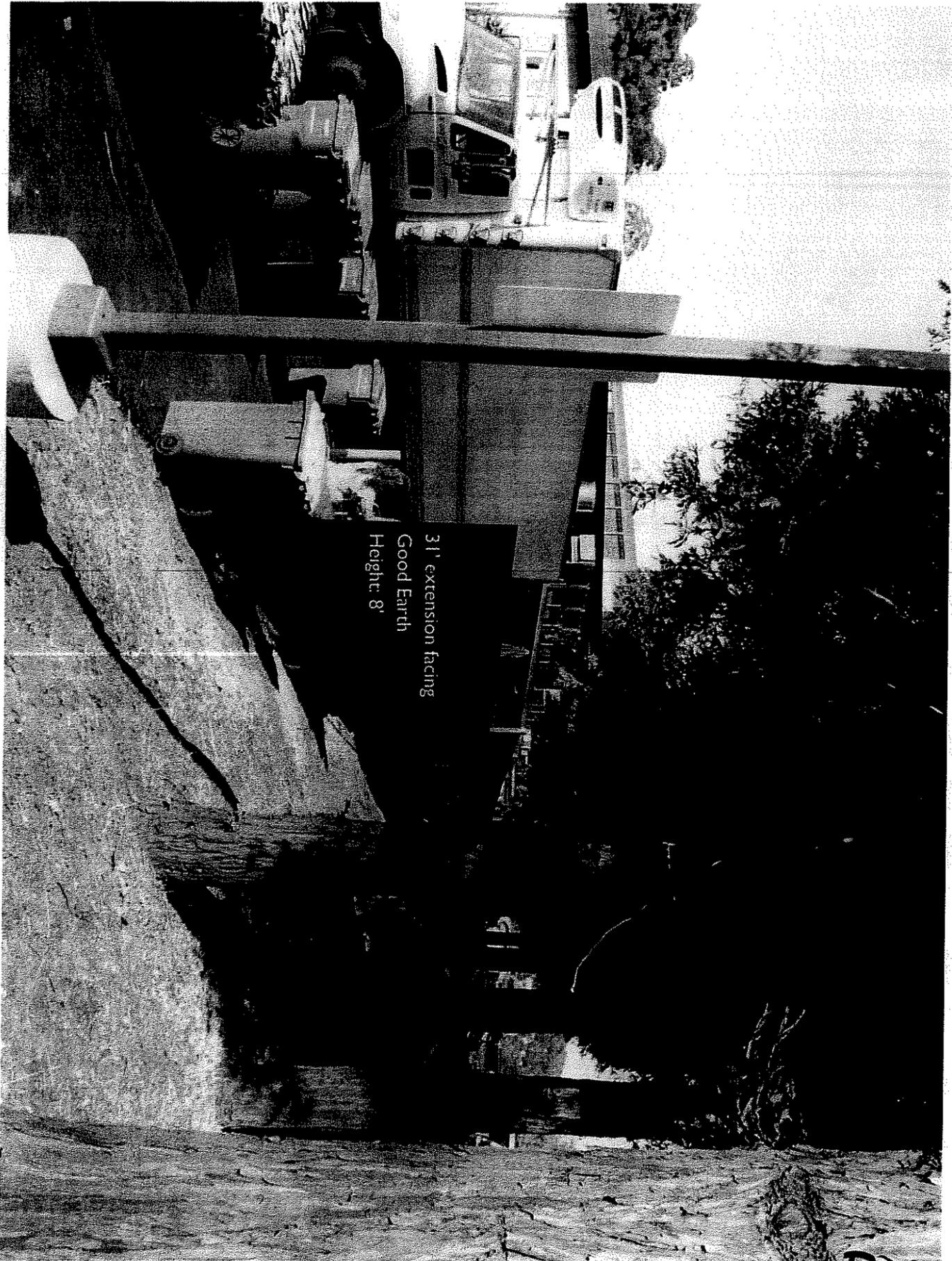


EXHIBIT # B

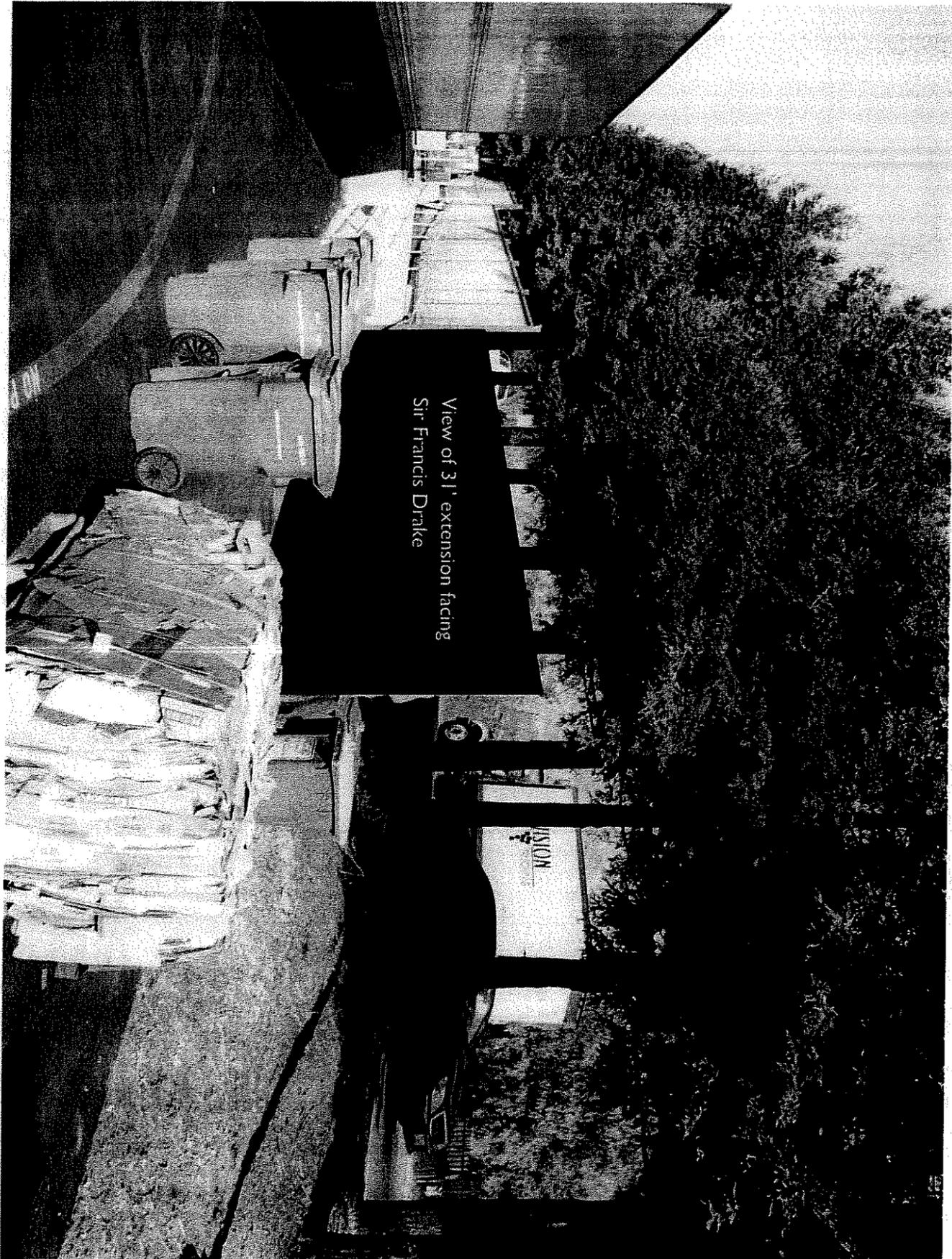


EXHIBIT #     C

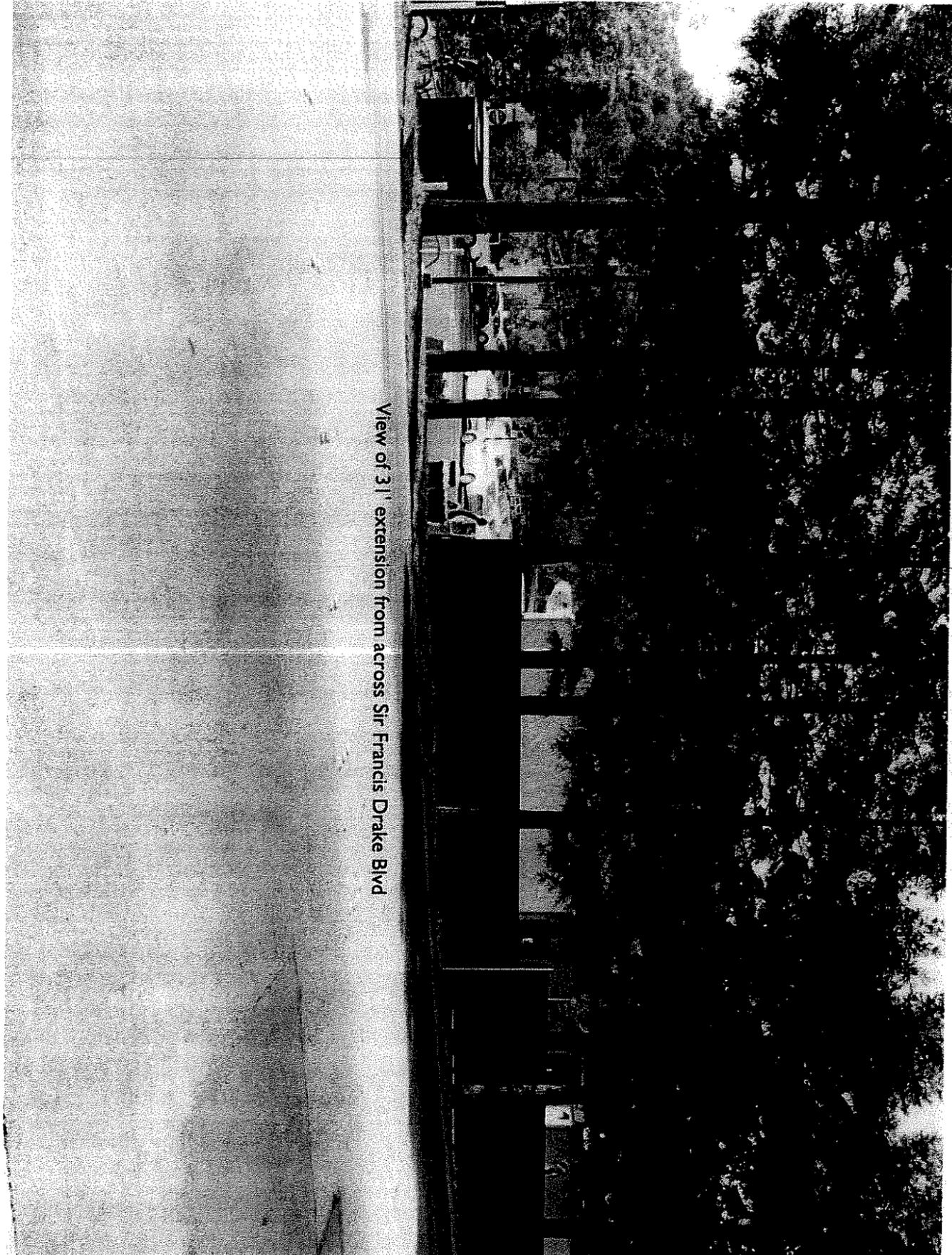


EXHIBIT # D

DETAIL PLAN 1:20

JB  
N

R CAN

SFD BLVD

PROPERTY LINE  
EXISTING FENCE

4 PANELS  
31'

2 PANELS  
46'-6"

LOADING DOCK

FENCE EXTENSION

BUILDING FOOTPRINT

PASTOR I AVE

PLY CON  
30' O.C.

EXHIBIT # **E**

TOP AVENUE

# GOOD EARTH MARKET

Roth LaMotte  
Landscape Architecture

56 manor road  
Fairfax, ca 94930  
gary@rothlamotte.com  
tel: 415.451.8211  
fax 415.482.7609

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:

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: 720 Center Boulevard, Fairfax, CA 94930. 002-131-12

Project Description: 32, possibly 48, foot extension of 8 foot tall fence shielding the loading dock.

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	9/16/13	1 site plan and 4 photographic renderings showing the extent of the fence extension done by Town of Fairfax Intern Corwin Bell.

REMARKS \_\_\_\_\_

Please respond by October 1<sup>st</sup>, 2013

. Thanks

OK CMORIN 9/17/13

If you have any questions please contact: Corwin Bell at [intern@townoffairfax.org](mailto:intern@townoffairfax.org)

EXHIBIT #     F



Ross Valley Fire Department  
777 San Anselmo Avenue, San Anselmo, CA 94960

Roger Meagor  
FIRE CHIEF

# Memo

**To:** Linda Neal

**From:** Robert Bastianoni 

**Date:** 9/25/2013

**Re:** 720 Center Blvd

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Ross Valley Fire Department has reviewed the application to extend the fence at Good Earth. The project as described meets fire code conditions

EXHIBIT # G

Committed to the protection of life, property, and environment.  
SAN ANSELMO • FAIRFAX • SLEEPY HOLLOW