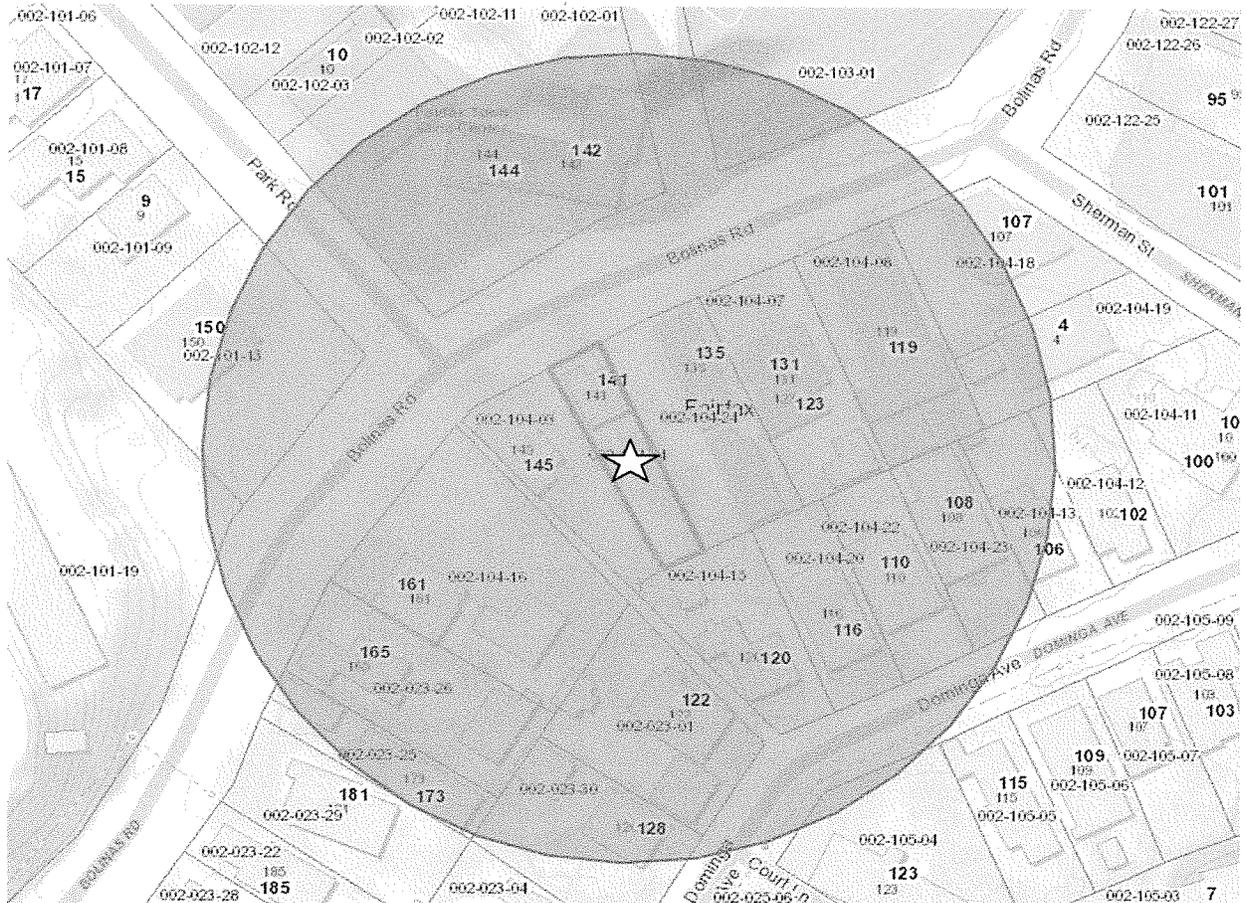


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: July 21, 2016
FROM: Jim Moore, Director of Planning and Building Services
Michelle Levenson, Zoning Technician
LOCATION: 141 Bolinas Road; Assessor' Parcel No. 002-104-04
ZONING: Central Commercial CC Zone
PROJECT: Install a shed
ACTION: Application No. 16-27; Conditional Use Permit and Design Review Permit
APPLICANT: Julie Hochstrasser
OWNERS: Scott and Julie Hochstrasser
CEQA STATUS: Categorically Exempt, §15303(e)



141 Bolinas Road

BACKGROUND

The 3,120-square-foot site is located along Bolinas Road, across from Town Hall. The sight is relatively flat, with a slope of 2-percent. The site contains a 720-square-foot, two-story (25-foot high) structure, set back approximately 14 feet from the front property line. The site is zoned "CC-Central Commercial". On August 17, 2012, the Planning Commission approved Application No. 12-19 which authorized use of the ground-floor of the structure for residential purposes, as well as minor exterior changes to the existing building and a parking variance to allow two, on-site, tandem parking spaces. The structure is currently used as a single-family residence and this use would continue with implementation of the project.

DISCUSSION

The applicants are proposing to install a 96-square-foot, 10-foot-high wooden shed at the rear of the property, approximately 6 feet from the rear property line. The applicants would use the shed for storage of bicycles and garden supplies/equipment.

As indicated above, the property is zoned "Central Commercial-CC", correspondingly yard setbacks are not required in the CC except as described below (please see "*Note"). All existing and proposed setbacks have been included in the table below to provide site context. The project complies with the regulations for the CC zone as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height (Accessory structure)
Required/ Permitted	n/a	*6 ft.	n/a	n/a	n/a	n/a	n/a	15 ft., 1 story
Existing	14 ft.	68 ft.	82 ft.	28 ft. & 27 ft.	55 ft.	.23	.24	n/a
Proposed	same	6 ft.	same	same	same		.27	10 ft., 1 story

*Note: Town Code Regulation Section 17.100.090 states that, "No yards are required, except when a lot line in the CC zone is the boundary of a residential zone, the central commercial zoned lot shall provide yard spaces or spaces along and adjacent to the boundary line and along the street property line, equal to that of the abutting yard spaces or spaces in the residential zone, except as may be otherwise permitted by a use permit..." The parcels on either side of the site are zoned CC and as such side yards are not required under the Town Code. The parcel that abuts the site at the rear is zoned Residential Development RD 5.5-7. As required above, the abutting, required rear yard setback of 6 feet applies to the project.

Conditional Use Permit

With regard to the CC Zone, Town Code Section 17.100.060(B) states that, “No detached accessory structure, whether permanent or temporary, fixed or movable, and regardless of the materials contained therein, are allowed, except by use permit...” Therefore, the Planning Commission must issue a Conditional Use Permit (CUP) for the project.

The purpose of the CUP process is to allow the proper integration of uses which may only be suitable in certain locations or only if the uses are designed in a particular way [Town Code § 17.032.010(A)]. In consideration of a CUP application, the Commission shall give due regard to the nature and condition of all adjacent uses and structures, to the physical environment of the proposed use and to all pertinent aspects of the public health, safety and welfare.

As described above, the Planning Commission authorized residential use of the site in August 2012. It is common for residentially-zoned sites, as well as commercially-zoned sites, to contain storage sheds due to the small-size and limited storage capacity of many Town structures. Adjacent structures include an apartment building 28 feet to the west, a residential structure 27 feet to the east and a residence 100 feet to the south (rear). The shed would be located 6 feet from the rear property line and would be screened from adjacent parcels by existing vegetation. The shed would not be visible from Bolinas or from the public pathway between Bolinas Road and Dominga Avenue. By installing a shed on the site, the applicants would be able to store bicycles and gardening equipment from inclement weather.

Design Review Permit

Town Code Section 17.100.040 states that, “All structures, physical improvements and exterior physical modifications of buildings in the CC zone are subject to design review unless specifically exempted in each instance by the Planning Commission...” Because the project would involve the installation of a new structure on the site, Design Review by the Planning Commission is required.

The shed would be constructed of western cedar and would have a “panelized wall design” with cedar lap siding. The shed would contain 8 functional windows, as well as 6 roof windows. Five flower boxes would be located along the exterior of the shed and a 31-inch-wide split door is proposed. The shed would harmonize with the existing on-site structure as it, like the shed, is constructed of wood siding. The shed would be one-story in height and relatively small in size (e.g., 96 square feet) and would be in proportion to the building site and in balance with the two-story, existing, on-site structure. The shed would not be visible from Bolinas or other public roads. Several other sites in the area zoned either CC or RD 5.5-7 possess similar storage sheds (e.g., 145 Bolinas Road and 116 Dominga Avenue).

Other Agency/Department Conditions/Comments

Marin Municipal Water District (MMWD)

1. The project must comply with all the indoor and outdoor requirements of District Code Title 13, Water Conservation. Plans must be submitted to the District and be approved.
2. The District's backflow prevention requirements must be met and if installation of a backflow device is required, the device shall be tested/inspected and be approved by a District Inspector prior to the project final inspection and issuance of the occupancy permit.
3. Comply with MMWD Ordinance No. 429, requiring the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

Ross Valley Sanitary District, Ross Valley Fire Department and the Fairfax Police, Public Works and Building Departments

The Ross Valley Sanitary District, Ross Valley Fire Department, and the Fairfax Police, Public Works and Building Department(s) did not provide conditions of approval or comments on the project.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve Application No. 16-27 by adopting Resolution No. 16-23, setting forth the findings and conditions for project approval.

ATTACHMENTS

Attachment A – Resolution No. 16-23
Attachment B – Applicants' Information

RESOLUTION NO. 16-23

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit and Design Review for a 96-Square-foot Shed, 141 Bolinas Road (Assessor Parcel No. 002-104-04)

WHEREAS, the Town of Fairfax has received an application for a Conditional Use Permit (CUP) and Design Review from Scott and Julie Hochstrasser to install a 96-square-foot, 10-foot-high storage shed at 141 Bolinas Road; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on July 21, 2016, at which time the Planning Commission approved the Conditional Use Permit and Design Review for the proposal; and

WHEREAS, based on the documentary evidence in the record the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary Conditional Use Permit and Design Review; and

WHEREAS, the Commission has made the following findings:

1. The 96-square-foot, 10-foot-high storage shed is similar in size, mass, design and location on the site as other accessory structures in both residentially- and commercially-zoned sites in the "Pacheco Tract" subdivision. Therefore, 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 storage shed will be 96-square-feet in area and will reach a maximum height of 10 feet. The site is located in the Central Commercial (CC) Zone. While the Town Code does not contain regulations governing the area and height of accessory structures in the CC Zone, Town Code Section 17.084.060 restricts the height of accessory structures in the neighboring residential zone (e.g., RD 5.5-7) to 15 feet. The shed will be well under the 15-foot requirement. The shed will be setback from the rear property line by the required 6 feet and has been situated on the site in a manner that enables the property owners to enjoy their outdoor property. Therefore, the development and use of the 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. Several neighboring properties zoned either Central Commercial or Residential Development RD 5.5-7 contain storage sheds. The on-site residential structure is relatively small in size, with limited storage capacity. 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.

4. The shed will be constructed of wood-paneling that will harmonize with the existing

on-site structure due to the similar use in construction materials. The shed will be 10 feet in height and 1-story, well below the height of the existing 2-story, 25-foot-high residence and in keeping with the proportions of the site .The shed has been situated at the rear of the site, affording the owners full use of their outdoor space, and will be relatively screened from neighboring properties by existing on-site vegetation, including mature trees thereby retaining a harmonious on-site appearance as well as balance and unity among the external site features. For these reasons, the project is consistent with the Design Review Criteria required under Town Code Section 17.020.040.

WHEREAS, the Commission has approved the project subject to the applicants' compliance with the following conditions:

1. The project shall be constructed in accord with the plans entitled, "Live Work Space for Scott Hochstrasser), date stamped "received" on June 14, 2016.
2. The applicants shall maintain the premises in a neat and attractive manner at all times. Such maintenance shall include, but not be limited to, parking lot pavement surfaces.
3. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.
4. The applicant or permit holder 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 Town Council, Planning Commission, Planning Director, Design Review Board or any other department, committee, or agency of the Town concerning a development, variance permit or other land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permit holders duty to so defend, indemnify, and hold harmless shall be subject to the Town promptly notifying the applicant or permit holder.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines the approval of the Conditional Use Permit can occur without causing significant impacts on neighboring businesses or residences.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 21st day of July 2016, by the following vote:

AYES:

NOES:
ABSENT:

Chair, Laura Kehrlein

Attest:

Jim Moore, Director of Planning and Building Services