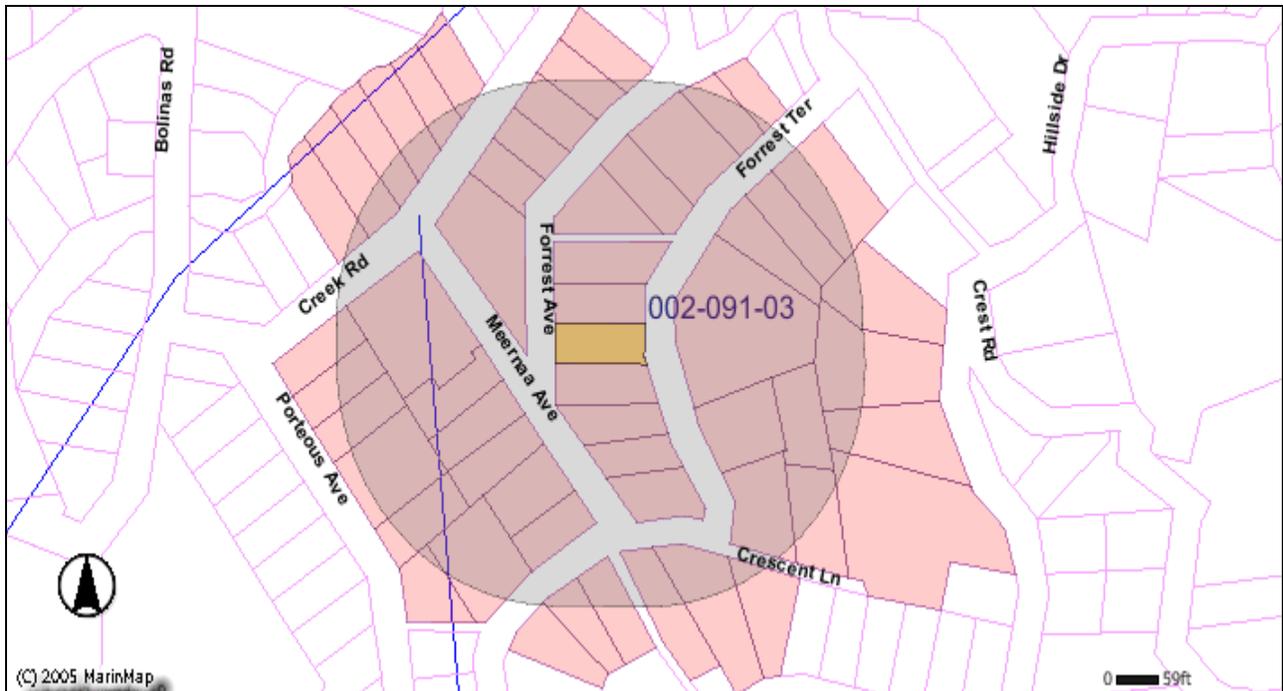


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
DATE: June 17, 2010
SUBJECT: 45 square foot addition to a single-family residence
APPLICATION: Use Permit; application # 10-12
LOCATION: 403 Forrest Avenue; Assessor's Parcel No. 002-091-03
APPLICANT: Nick Ryan
OWNER(S): Herbert Yarmo and Patricia Connolly
CEQA: Categorically exempt, 15301(e)(1)



403 FORREST AVENUE

BACKGROUND

The 5,850 square foot site is a street to street lot that slopes up steeply from Forrest Avenue to Forrest Terrace. It is currently developed with a 1,804 square foot single-family residence that was constructed in 1910.

Also existing on the site are a 228 square foot garage/storage structure, a 40 square foot shed and an 11 foot by 20 foot uncovered parking space.

DISCUSSION

The project encompasses the remodel and 45 square foot expansion of an existing bathroom and laundry area resulting in a 1,849 square foot residence.

The project site is located in the Residential RD 5.5-7 Zone and it complies with the regulations for that zone as follows:

	Required front setback	Required rear setback	Combined front/rear setback	Min. side setbacks	Combined side setback	FAR	Lot coverage	Height
Required/ permitted	6ft	10ft	35ft	5ft & 5ft	20ft	.40	.35	28.5ft, 3 stories
Existing	20ft	55ft	75ft	9ft & 15ft	24ft	.35	.30	2 stories
Proposed	20ft	55ft	75ft	9ft & 15ft	24ft	.36	.30	2 stories

Town Code § 17.084.050 indicates that a Use Permit must be secured from the Planning Commission prior to any physical improvements on a property not meeting the minimum building site size and width based on slope. The site has an average slope of 33% based on information provided by Marin Map, the Marin County Geographic Information System. A property with a 33% slope would have to be 25,000 square feet in size and 119 feet wide in order to conform to the size requirements set forth in Town Code § 17.084.050(C).

The purpose of the Use Permit process is to allow the property integration into Fairfax of uses which may be suitable only in certain locations or only if designed or laid out on the site in a particular manner (Town Code § 17.032.010).

The project will not impact exterior features of the existing residence and the new living space is located within the existing footprint of the residence on the lower floor.

Residences in the immediate area range in size from roughly 1,200 square feet in size to 1,900 square feet in size. Therefore, the addition will not result in structure that is not in keeping with the size of other residences in the neighborhood. Therefore, the project will not alter the character of the neighborhood

OTHER AGENCIES COMMENTS

The Ross Valley Sanitary District is requiring that the side sewer be equipped with a backwater prevention device if it does not already have one. After the project is approved, the owner/contractor shall 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 to make a record for the District files.

The Marin Municipal Water District has indicated that if backflow protection is required, said protection shall be installed as a condition of water service.

RECOMMENDATION

Motion to approve application # 10-12 based on the following findings and subject to the following conditions:

Recommended Findings

1. The project complies with the setback, height, floor area ratio (FAR) and lot coverage regulations for the RD 5.5-7 Zone. Therefore, approval of the use permit is not contrary to those objectives, goals or standards set for in the Zoning Ordinance.
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 the addition will only increase the square footage of the residence by 45 square feet and will result in a residence that has a total of 1,849 square feet of living space.
3. The addition will be located on the lower level of the residence, within the existing footprint of the house, and it will not change the existing setbacks. Therefore, 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.
4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and because the addition is small and will not create a residence that is out of scale with the immediate neighborhood, 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. This approval is limited to the development illustrated on the plans by Nick Ryan, pages 1 through 4.
2. Prior to issuance of a building permit the applicant or his assigns shall:
 - a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:

- Construction schedule (deliveries, worker hours, etc.)
- Notification to area residents

b. The applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations prior to submittal of the building permit plans.

3. During the construction process the following shall be required:

a. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.

b. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

4. During construction the developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".

5. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 10-12. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 10-12 will result in the job being immediately stopped and red tagged.

6. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

7. 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 – Applicants plans

Exhibit B – Other agency comments

