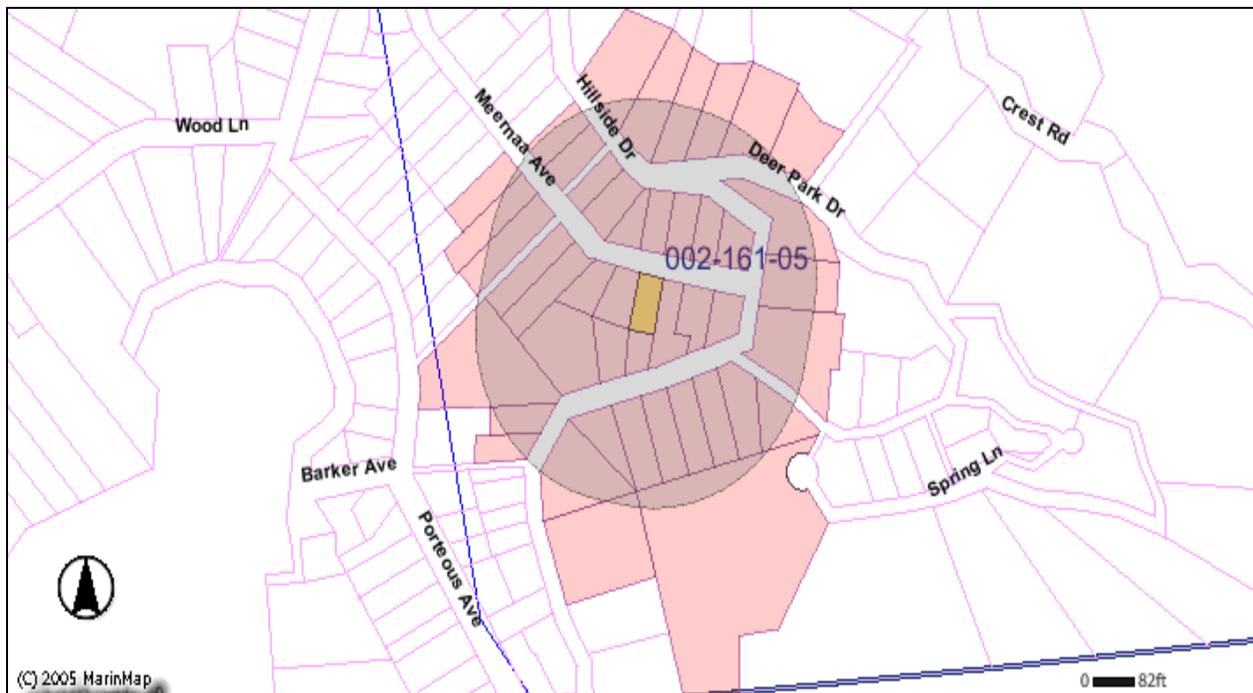


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: July 15, 2010
FROM: Jim Moore, Director of Planning and Building Services
LOCATION: 126 Meernaa Avenue; Assessor's Parcel No. 002-161-05
PROJECT: Addition to an existing single-family residence
ACTION: Use Permit; Application # 10-15
APPLICANT: Charles Little
OWNER: Same
ZONING: Residential RD 5.5-7 Zone
CEQA STATUS: Categorically exempt, §15301(1)



126 MEERNAA AVENUE

BACKGROUND

The level site is 5,000 square feet in size and was created through the recordation of Map Number 1 of Deer Park in 1908. The 880 square foot residence was constructed in 1910. There is also a 240 square foot garage that has been converted for use as an office and a bike storage shed.

DISCUSSION

The project encompasses the demolition of the utility room and bathroom at the rear of the residence to construct a 146 square foot bedroom and enlarged utility room. The addition will result in a 1,026 square foot residence.

Town Code § 17.084.050 requires that a Use Permit be obtained from the Planning Commission prior to any improvement of or on a building site failing to meet the minimum size and/or width requirements. The property is located in the Residential RD 5.5-7 Zone which requires a minimum parcel size of 5,500 square feet and a minimum width of 60 feet. The project site is only 5,000 square feet and 50 feet wide. Therefore, the proposed expansion requires a Use Permit.

The project complies with the RD 5.5-7 Zone regulations as follows:

	Front setback	Rear setback	Combined front rear setback	Side setbacks	Combined side setback	FAR	Lot Coverage	Height
Required/ Permitted	6ft	6ft	25ft	5ft & 5ft	15ft	.40	.35	28.5ft and 2 stories
Existing	22ft	36ft	58ft	7ft & 18ft	25ft	.19	.30	18.5ft and 1 story
proposed	22ft	30ft	52ft	7ft & 18ft	25ft	.22	.33	18.5ft and 1 story

The purpose of the Use Permit process is to allow uses which may be suitable only in certain locations or only if the uses are designed or laid out on the site in a particular fashion. In considering a Use Permit application the Commission needs to take into consideration the nature and condition of all adjacent uses and structures and to pertinent aspects of the public health, safety and general welfare.

Houses in the immediate neighborhood on similar sized lots range in size from 900 square feet (116 Meernaa Avenue) to 1,781 square feet (176 Meernaa Avenue). The 1,026 square foot resident that will result from the proposed project is similar in size to those found in the neighborhood. Therefore, approval of Use Permit would not change

the single-family residential character of the area.

During staff's inspection of the site it was determined that the garage has been converted to an office without the benefit of Use Permit. The owner has agreed to restore the garage to be used for parking prior to starting construction of the addition. Restoration of the garage for parking has been included in the list of approval conditions.

OTHER AGENCY CONDITIONS

Ross Valley Fire Department

1. Address numbers at least 4 inches tall must be in place adjacent to the front door.
2. During construction, combustible debris shall not be accumulated in the building or in piles along the exterior of the building.
3. Construction material shall not block access to the building for firefighting purposes during construction.
4. Contact the Fire Marshal at least 72 hours prior to the final inspection by the Building Official to schedule an inspection with the Fire Department. He can be reached at (415) 258-4673.

Ross Valley Sanitary District

If not already installed, equip the side sewer with a backwater prevention device. Contact the District prior to the project final inspection to arrange an inspection to either approve the existing installation or to approve the newly installed backwater prevention device.

Marin Municipal Water District

1. If not already provided provide backflow protection.
2. Comply with the District's Water Conservation Ordinance 414.

RECOMMENDATION

Move to approve application # 10-15 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 146 square feet and will result in a residence that has a total of 1,026 square feet of living space.
3. The addition will be one story and constructed off the rear of the residence following the footprint lines of the existing structure. 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. The addition is small and will not create a residence that is out of scale with the immediate neighborhood. Therefore, 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 Charles Little, pages 1 through 8 received 9/24/09.
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.

c. Construction may only occur between 8 AM and 8 PM Monday through Friday and between 9 AM and 8 PM on the weekends and holidays.

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 # 10-15. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 10-15 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.

8. Prior to issuance of the building permit for the addition the garage shall be restored for use as parking.

9. Comply with the requirements of Ross Valley Sanitary District and Marin Municipal Water District prior to the project final inspection.

ATTACHMENTS

Exhibit A – applicant's supplemental information and plans

Exhibit B – other agency/department comments and/or conditions

