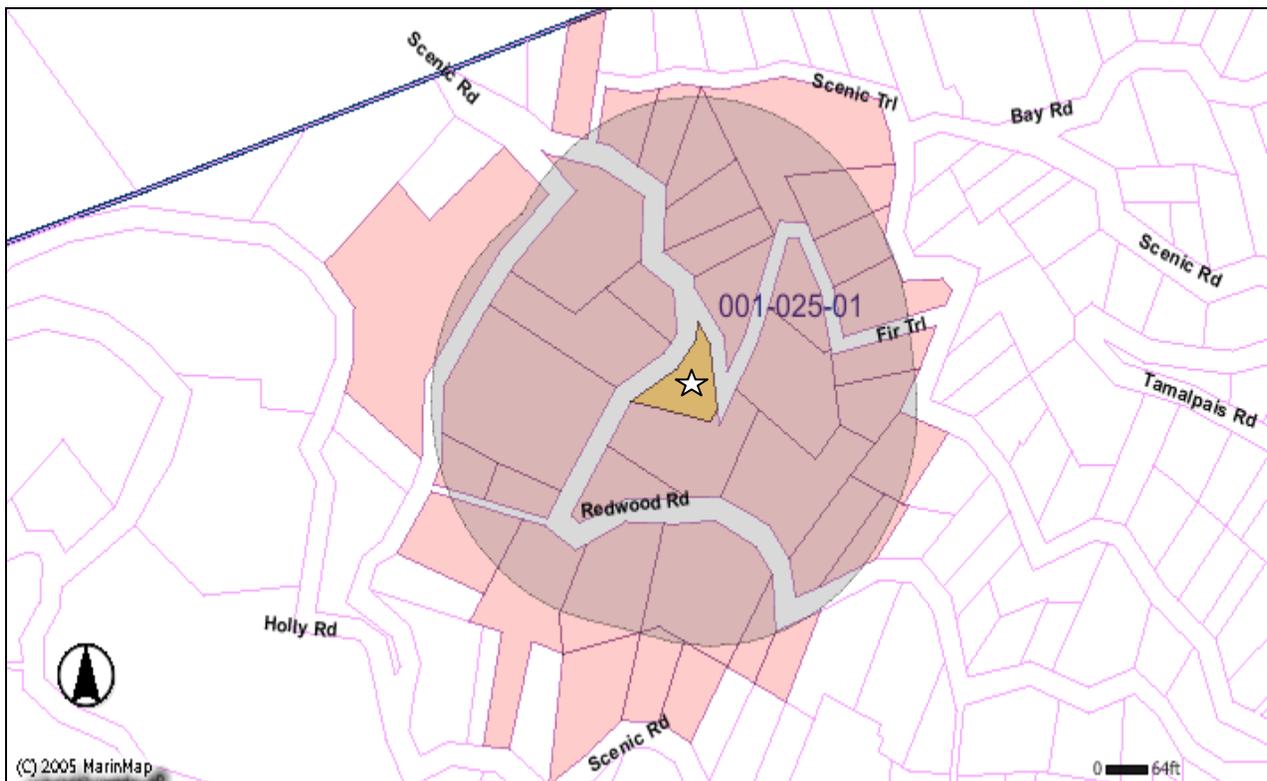


**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Design Review Board  
**DATE:** October 21, 2010  
**FROM:** Jim Moore, Director of Planning and Building Services  
Linda Neal, Senior Planner  
**LOCATION PROJECT:** 124 Redwood Road; Assessor's Parcel No. 001-025-01  
Use Permit and Side Yard Setback Variance for garage/deck addition; Application # 10-26  
**ZONING:** Residential Single-family RS 6 Zone  
**APPLICANT:** Albert Delima, Architect  
**OWNER:** Nick or Chris Cedar  
**CEQA STATUS:** Categorically exempt, § 15301(e)(1) and 15305(a)



**124 REDWOOD ROAD**

## **BACKGROUND**

The 7,379 square foot site slopes down from Redwood Road at an average rate of 22%. Fir Trail, a public pathway, runs along the northern side of the site. The 1,025 square foot residence was constructed in 1969. The existing attached parking deck has suffered from deterioration and needs to be replaced.

The applicants originally submitted an application for a much larger project which included new living space as well as a garage. However, because the project constituted a 50% remodel which would have required significant Fire Department improvements including a fire truck pull out, they have scaled the project back to just a garage/storage addition. The project no longer constitutes a 50% remodel.

The west side of the site is very steep and slopes down to a seasonal tributary of the Fairfax Creek.

## **DISCUSSION**

The project encompasses the demolition of the existing failing parking deck and the construction of a 639 square foot garage/storage addition onto the existing 1,025 square foot residence. The garage will provide parking for two vehicles as well as storage for the owner's motorcycles, bicycles and recycling/garbage cans. Included in the addition is a roof deck, expansion of the existing decks and a spiral staircase that will provide access from the garage to the rear yard.

The property complies with the regulations set forth in the Residential Single-family RS 6 Zone where it is located as follows:

	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Combined Front/rear Setback</b>	<b>Side Setbacks</b>	<b>Combined Side Setbacks</b>	<b>FAR</b>	<b>Lot Coverage</b>	<b>Height</b>
<b>Required/ Permitted</b>	<b>6ft</b>	<b>12ft</b>	<b>35ft</b>	<b>5ft &amp; 5ft</b>	<b>20ft</b>	<b>.40</b>	<b>.35</b>	<b>35ft, 3 stories</b>
<b>Existing</b>	<b>6ft</b>	<b>47ft</b>	<b>53ft</b>	<b>9ft and 42ft</b>	<b>51ft</b>	<b>.13</b>	<b>.12</b>	<b>31ft, 2 stories</b>
<b>Proposed</b>	<b>6ft</b>	<b>43ft</b>	<b>49ft</b>	<b>3in and 40ft</b>	<b>40ft 3in</b>	<b>.15</b>	<b>.16</b>	<b>26ft 6in</b>

The project requires the approval of the following discretionary permits:

### **A Use Permit:**

Town Code §17.080.050 requires that a Use Permit be obtained prior to any improvement or addition to a property not meeting the minimum size and width

requirements based on their slope. The existing property has a 22% slope and would have to be 1,400 square feet in size and 86 feet wide in order to conform to the code. The existing site is very irregularly shaped and is only 7,379 square feet in size. Therefore, the project requires a Use Permit.

The garage is proposed in an area of the site that is already disturbed by the existing parking deck; it will be attached to the existing residence and will maintain a lower roof line than the existing portion of the house. Therefore, it will have a minimal impact on the neighborhood and the street scape.

### **A Side Yard Setback Variance**

Town Code § 17.080.070(B)(2) requires a minimum size yard setback of 5 feet. The 32 square foot northeastern corner of the garage will extend to within 3 inches of the side property line. The proposed roof deck has been pulled back to maintain the required 5ft minimum setback. The 3 inch setback is from the property line immediately adjacent to the unimproved 20 foot wide Fir Trail easement so it is not projecting towards an adjacent private property line. The residence to the north at 130 Redwood Road is located over 40 feet away.

A garage can be designed on the west side of the residence however this location is very steep and would involve disturbing a portion of the site that is currently in a natural state. The seasonal tributary of the Fairfax Creek also runs across this portion of the site and any garage designed there would project to within 3 feet of the channel.

The proposed location is already partially disturbed because the existence of the existing carport and location of the garage on the east side of the site minimizes the impact the construction will have on the seasonal creek channel.

### **Trees**

Construction will require the removal of 1 oak tree. The applicants will have to obtain a tree permit and a building permit prior to removing the tree.

Relocation of the garage to the west side of the site would result in the removal of 3 Bay trees.

### **Other Agency/Department Comments/Conditions**

#### **Ross Valley Fire**

The residence and garage shall be provided with an automatic fire suppression system that complies with the requirements of the Ross Valley Fire Department. The building permit plans shall comply with any and all requirements of the Ross Valley Fire Department .

## **Marin Municipal Water District Conditions**

1. Landscape and irrigation plans must comply with Landscape Ordinance # 414.
2. Should backflow protection be required it shall be installed as a condition of water service.

## **Sanitary District Conditions**

1. If not already provided the side sewer shall be equipped with a backwater prevention device and shall be inspected and approved by the Ross Valley Sanitary District

## **RECOMMENDATION**

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve application # 10-26 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 because the garage addition will not change the single-family character of the structure.
2. The garage complies with all the required setbacks except the required 5 foot setback from the eastern side property line. Only 32 square feet of the addition encroaches into the required setback and the project complies with the height, lot coverage and floor area ratio regulations. 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.
3. The Residential Single-family RS 6 Zone District and the General Plan Designation of the project site allows single-family dwellings. Therefore, 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, or other plan or policy, officially adopted by the City.
4. Approval of the use permit will allow the owners to provide storage for their vehicles in a manner with a minimal impact on the neighboring residences. Therefore, the project will result in equal or better development of the premises

than would otherwise be the case.

5. The site is irregularly shaped and slopes steeply down from Redwood Road and a tributary of the Fairfax Creek runs across the western side of the site. Approval of an exception to the 5 minimum side yard setback requirement to allow location of the garage on the eastern side of the site where the existing carport is located will maintain the natural condition of the western side of the site.
6. The strict application of the 5 foot setback will deprive the owners of the ability to provide a two car garage which is a privilege enjoyed by other property owners throughout the Fairfax Manor neighborhood.
7. The variance or adjustment will not constitute a grant of special privilege because the 3 inch setback is being maintained from the edge of the unimproved Fir Trail easement and not from another property owners property line. The topography of the Fir Trail easement does not allow for the construction of any type of vehicular roadway improvements and it is questionable whether any formal improvement of the trail could occur in compliance with building code and/or ADA regulations. Therefore, construction will not impact the rights of the general public or the immediate neighbor.
8. The strict application of the Zoning Ordinance would result in excessive or unreasonable hardship because the owners would be unable to provide covered parking for their residence in the location of their existing parking.
9. The addition will be lower in height than the existing residence and will not obstruct the visibility of pedestrians or vehicles using Redwood Road. Therefore, the granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

#### Recommended Conditions

#### **Standard Planning Department/Commission Conditions**

1. This approval is limited to the development illustrated on the plans prepared by Albert Delima, AIA, pages A-1.0 through A-3.0, EX1.0 and EX2.0 dated August 9, 2010.
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 delivery routes approved by the Department of Public Works.
    - Construction schedule (deliveries, worker hours, etc.)
    - Notification to area residents
    - Emergency access routes

b. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Director/ the Public Works Director can waive this requirement).

c. Submit a bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official/Public Works Director. Upon approval of the contract costs, the applicant shall submit bond or letter of credit equaling 100% of the estimated construction costs.

d. Prior to issuance of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the development's conformance with their recommendations.

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

a. The structural engineer shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to Town staff that the grading has been completed as recommended prior to installation of foundation and retaining forms and piers.

b. The structural engineer shall field check the forms of the foundations and retaining elements and provide written certification to the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans prior to the concrete form inspection by the building official. The building official shall field check the concrete forms prior to the pour.

c. 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.

d. 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. Prior to issuance of an occupancy permit the following shall be completed:

a. The structural engineer shall field check the completed project and submit written certification to the Town Staff that the foundation, retaining, grading and drainage elements have been installed in conformance with the approved building plans and the recommendations of the soils report.

b. The Planning Department shall field check the completed project to verify that all Planning Commission conditions have been complied with.

5. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.

6. 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".

7. Notwithstanding section #17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 09-25. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 09-25 will result in the job being immediately stopped and red tagged.

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

9. The applicant shall comply with any and all requirements of the Ross Valley Fire Department, the Ross Valley Sanitary District, the Marin Municipal Water District and the Fairfax Building Official.

10. 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.

11. The project must be reviewed and approved by the Design Review Board prior to issuance of the building permit.

### **Ross Valley Fire Department Conditions**

The residence and garage shall be provided with an automatic fire suppression system that complies with the requirements of the Ross Valley Fire Department. The building permit plans shall comply with any and all requirements of the Ross Valley Fire Department .

## **Marin Municipal Water District Conditions**

1. Landscape and irrigation plans must comply with Landscape Ordinance # 385.
2. Should backflow protection be required it shall be installed as a condition of water service.

## **Sanitary District Conditions**

1. If not already provided the side sewer shall be equipped with a backwater prevention device and shall be inspected and approved by the Ross Valley Fire Department.

## **ATTACHMENTS**

Exhibit A – applicant’s supplemental information

Exhibit B – Geotechnical report by Dave Olnes dated 2/28/10