

**RESOLUTION NO. 12-01
APPLICATION NO. 11-29**

**TOWN OF FAIRFAX PLANNING COMMISSION
STATE OF CALIFORNIA**

62 Valley Road; Assessor's Parcel Numbers 001-063-31, 003-191-01 and 003-191-02

WHEREAS, the Town of Fairfax has received an application for 62 Valley Road to construct a 2,969 square foot single-family residence; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing at which time all interested parties were given a full opportunity to be heard and to present evidence; and

Whereas the project is Categorically Exempt from the Environmental Quality Act (CEQA) pursuant Section 15303(a), One single-family residence in a residential zone, Class 3, of the Public Resources Code (CEQA). This exemption allows for the construction of new small structures in an urbanized area; and

WHEREAS, the applicant has met the burden of proof required to support said application for Planning Commission approval, and the following findings have been determined:

1. The proposed development is consistent with the General Plan, other adopted codes and policies of the Town of Fairfax, and is consistent with the purpose and intent of the Hill Area Residential Development Ordinance as follows:

Goal 4.1.2: All new development shall be required to preserve some of the natural landscape.

The project preserves the most of the trees on the site.

Goal 5.1.0: The basic goal of the Town of Fairfax in adopting the Environmental Safety Element is to prevent loss of life, to reduce injuries and property damage and to minimize economic and social dislocations which may result from earthquakes, other geologic hazards, fires and floods.

The Town Engineer, based on a significant body of engineering information and architectural plans as described above, has determined that plans can be developed for a fire access roadway to the proposed house location and the project can be designed and built in a manner that will prevent loss of life, reduce injuries and minimize property damage and dislocations from earthquakes or other geologic hazards, fires and floods.

Goal 5.7.0: It is the goal of the Town of Fairfax to reduce height levels of risk in fire prone areas.

The project site is located within the Wildland-Urban Interface zone which is prone to wildfires.

The project incorporates the development of a fire truck turn-out and will include fire access improvements, subject to review and approval by the Ross Valley Fire Department and the Town Engineer, that will improve emergency access within the site where it currently is severely substandard.

The project incorporates plans for an improved water supply to the site and installation of a fire suppression system for the residence.

Goal 5.9.0: It is the goal of the Town of Fairfax to minimize flooding in areas prone to inundation.

The project includes the construction of a drainage improvements including catch basins and water dissipater drains storm run-off retention basin to ensure that excessive run-off onto Valley Road or the neighboring properties does not occur.

2. The Town Engineer has reviewed the project plans, topographic and boundary survey information, the hydrology and geologic reports and other miscellaneous engineering information and has determined the following:

- The health safety and welfare of the public will not be adversely affected by the development;
- Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work;
- Adjacent properties are adequately protected by project design from drainage, seismic and erosion problems as a result of the work;
- The 600 cubic yards of excavation and fill necessary to construct the residence, fire turn around and access drive and the required on-site parking on this up-slope lot is the minimum necessary to allow the owners use of their property.

4. Construction of the residence will require the removal of 15 Bay trees and two oak tree but most of the trees on the site which is a little over 3 acres will be retained. Therefore, the natural landscaping will not be removed by the project more than is necessary;

5. Town Code § 17.072.090(C)(4) prohibits grading during the rainy season from October 1st through April 1st. Therefore, the time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes.

6. The project provides two on-site parking spaces and a guest parking space in the level area at the driveway of the fire access roadway as required by Town Code §§ 17.052.(A)(1) and (2). The project also includes a fire-truck turn out to improve emergency vehicle access to the site and the surrounding Valley Road neighborhood. Therefore, vehicular access and parking are adequate.

NOW, THEREFORE, the Planning Commission of the Town of Fairfax does hereby resolve as follows:

Section 1. After careful consideration of the site plan, architectural drawings, plans and other exhibits submitted in connection with this matter, approval of the application by Frances Kibee for a single-family residence and fire access and water supply improvements is hereby granted subject to the following conditions:

Planning Conditions:

1. The driveway improvements and water supply must be completed and approved by the Ross Valley Department and Town Engineer before any combustible materials are delivered to the site (Exhibit A - California Fire Code §501.4, Timing of Installation, and Ross Valley Fire Department Memorandum dated 9/8/11).
2. The driveway plans must be signed and stamped by the project Civil Engineer prior to the issuance of the building permit and must be accompanied by a signed and wet stamped letter indicating that the improvements have been designed to support 40,000 gross vehicle weights (Exhibit A – Ross Valley Fire Department memorandum dated 9/8/11).
3. The driveway plans shall be subject to approval by the Town Engineer prior to issuance of the building permit.
4. Once the driveway improvements are completed the Civil Engineer shall submit a signed a wet stamped letter indicating that the driveway was designed per the approved plans and to their specifications.
5. The improvements shall be subject to a final inspection and approval by the Town Engineer as complying with the approved plans.
6. Submit guard rail details for the safety railing that will be required for areas of the road with drop offs exceeding 30 inches in height as required by the building code for inclusion in the Design Review information packet prior to the Design Review meeting.
7. Prior to issuance of the building permit the applicant shall provide the Town with a recorded copy of the merger notice merging the two parcels that make up the site into one.
8. Prior to issuance of the building permit the owner shall sign and record a deed restriction indicating that the residence shall be used as a single-family residence and shall have only one kitchen.
9. This approval is limited to the development illustrated on the plans prepared by Jeff Kroot dated February 2011, pages 1 through 4 and the Vegetative Management plan, based on the Record of survey by Lawrence Doyle dated January 2011, the engineering drawing by Lawrence Doyle, pages C-1 (dated 8/22/11), and pages C-2, C-3 and C-4 (dated 12/22/11) and discussed in the following project engineering reports and letters by Salem Howes Associates Inc., dated February 4, 2011 and June 16, 2011.
10. 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 tape of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Director).
- 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 Town Engineer. Upon approval of the contract costs, the applicant shall submit a bond or letter of credit equaling 100% of the estimated construction costs.
- d. The foundation and retaining elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation and retaining elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Engineer.
- e. The grading, foundation, retaining, and drainage elements shall also be stamped and signed by the site geotechnical engineer as conforming to the recommendations made by the project engineer.
- f. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.
- g. The applicant shall secure a tree cutting permit from the Town prior to removal of any on-site trees over 24 inches in circumference measured 24 inches from the ground. To further minimize impacts on trees and significant vegetation, the applicant shall submit plans for any utility installation (including sewer, water, drainage) which incorporates the services of a licensed arborist to prune and treat trees having roots 2 inches or more in diameter that are disturbed during the construction, excavation, or trenching operations. In particular, any cross country utility extensions shall minimize impacts on existing trees. Tree root protection measures may include meandering the line, check dams, rip rap, hand trenching, soil evaluation, and diversion dams. Any trimming of trees shall be supervised by a licensed arborist.
- h. Submit three copies of the recorded record of survey with the building permit submittal.
- i. Pruning should be conducted during the winter which trees are dormant for deciduous species and July-August for evergreen species.

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

- a. The geotechnical engineer shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town staff that the grading has been completed as recommended prior to installation of foundation and retaining forms and piers.
- b. Prior to the concrete form inspection by the building official, the geotechnical and structural engineers 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.
- c. The building official shall field check the concrete forms prior to the pour.
- d. 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.
- e. Additionally, 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.

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

- a. The geotechnical 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 Town Engineer shall field check the completed project to verify that the work has been installed as per approved plan.
- c. The Planning Department shall field check the completed project to verify that all design review and planning commission conditions have been complied with including , if applicable, installation of landscaping and irrigation.

13. Excavation shall not occur between October 1st and April 15st. The Town Engineer has the authority to waive this condition depending upon the weather.

14. The roadways shall be kept clean and the site free of dust by watering down the site if necessary. The roadways shall be kept free of dust, gravel and other construction materials by sweeping the roadway, daily, if necessary.

15. During construction developer and all employees, contractor's and subcontractor's must comply with all requirements set forth in Ordinance # 637 (Chapter 8.26 of the Town Code), "Storm Water Management and Discharge Control Program."

16. Notwithstanding section # 17.38.050(A) of the Fairfax Zoning Ordinance, **any** changes, modifications, additions or alterations made to the approved set of plans will require a

modification of Hill Area Residential Development Permit 11-29. **Any** construction based on job plans that have been altered without the benefit of an approved modification of Hill Area Residential Development Permit 11-29 will result in the job being immediately stopped and red tagged.

17. Any damages to Valley Road resulting from construction activities shall be the responsibility of the property owner. The owner or contractor shall videotape or otherwise document as approved by the Public Works Director the existing condition of the roads in the vicinity of the site prior to starting construction of the residence. Road closures, if necessary, shall be coordinated with the Fairfax Police Department and the Ross Valley Fire Department.

18. 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.

Ross Valley Fire Department Conditions:

1. Access improvements and water supply improvements must be constructed and approved prior to delivery of any combustibles to the site for construction.
2. The project must meet the requirements of Chapter 7A of the California Building Code and the 2006 Wildland-Urban Interface Code.
3. The minimum driveway/fire access width shall be no less than 12 feet in the straights and 14 feet through the curves.
4. The minimum turning radius for the access drive shall be 27 feet.
5. The driveway shall be constructed with an all weather surface capable of supporting 40,000 gross vehicle weights and an engineered stamped plan sheet acceptable to the Town Engineer shall be provided prior to issuance of the building permit.
6. Grades up to and including 18% may be of A/C paving. Grades greater than 18% shall be of concrete curb-cut so as to allow for water run-off and traction.
7. The driveway and turn around shall be designated and be posted as a Fire Lane and parking is not allowed within the required clearance widths or turn-around area in accordance with Ross Valley Fire Department Standard # 204.
8. Grading shall extend a minimum of 6 feet beyond the paved portion of the turnaround as shown on the plans.
9. Flammable and combustible vegetation shall be removed within 10 feet of driveways on

easements and the project property only. Vegetation may be removed from neighboring properties only after obtaining permission from the property owner.

10. A fire protection system shall be installed which complies with the requirements of the National Fire Protection Association 13-D and as modified in the approved alternate materials request. A Separate deferred permit is required for this system. A modified 13-D system has been approved by the Fire Chief as an alternate to relocating or addition an additional fire hydrant however the existing hydrant body will need to be upgraded per Section 508.5.1 of the Fire Code.

(For a full text of the Fire Department's conditions see Exhibit D, Revised memorandum from the RVFD dated January 9, 2012).

Marin Municipal Water District Conditions

1. The applicant must comply with the District's Water Conservation Ordinance 414.
2. Should backflow protection be requirement it shall be installed prior to the project final inspection.

Sanitary District (Exhibit F)

A new sewer connection will be required for the new residence. The cost will be based on the number of fixtures. Occupancy will not be approved until District's permit and sewer requirements are fulfilled.

Outstanding Engineering Bills

The applicant shall pay the outstanding engineering bills and administrative processing costs prior to issuance of the building permit. Engineering bills and administrative costs incurred during the building permit review and construction of the project shall be paid in full prior to issuance of the occupancy permit.

PASSED AND ADOPTED by the Town of Fairfax Planning Commission, State of California, this 19th day of January, 2012 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

Chair, Planning Commission

ATTEST:

Jim Moore, Director of Planning and Building Services

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the Applicant, and Property Owner or Authorized Agent. The undersigned hereby acknowledges the approved terms and conditions and agrees to fully conform to and comply with said terms and conditions within the recommended time frames approved by the City Planning Commission.

Frances Kibbe, Property Owner

Date