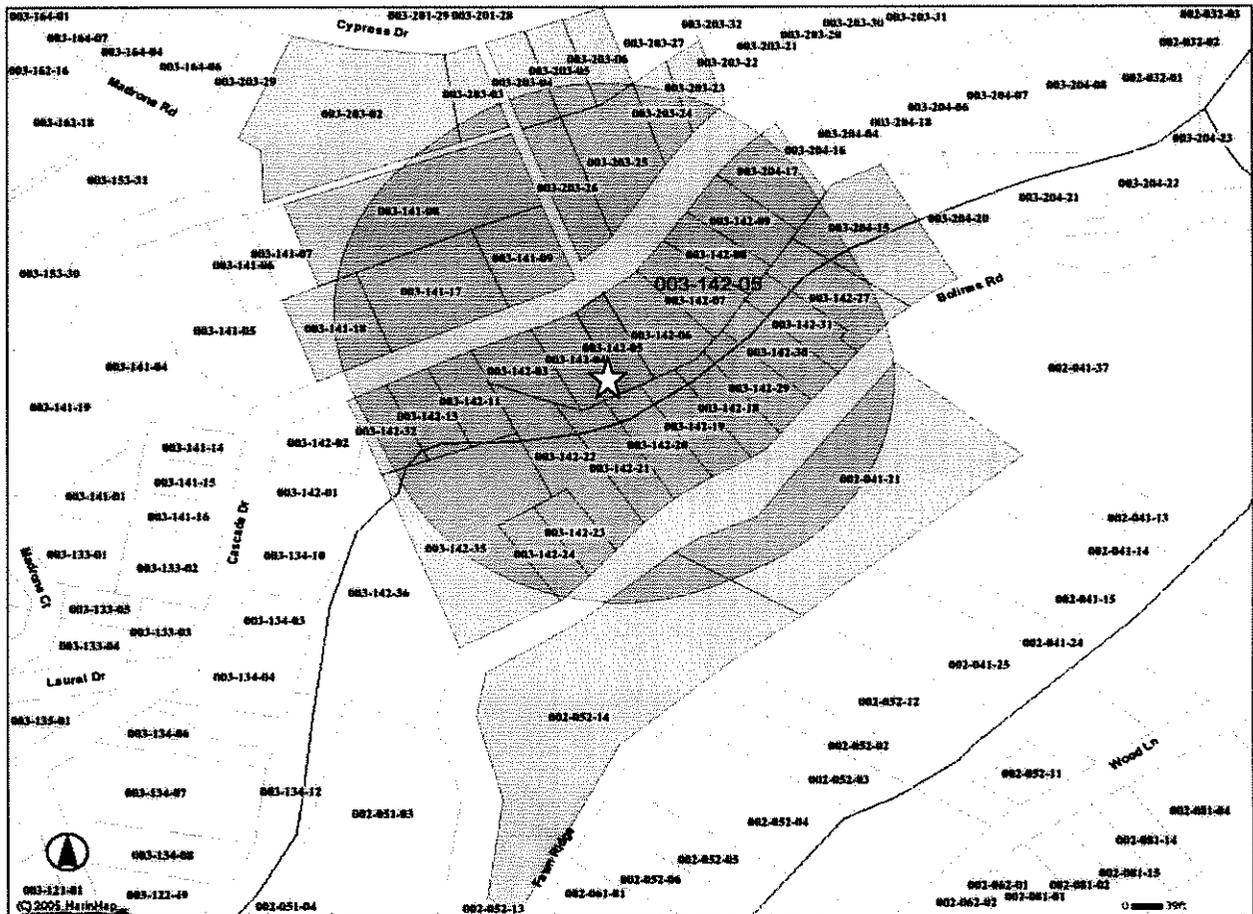


**TOWN OF FAIRFAX  
STAFF REPORT**  
Department of Planning and Building Services

**TO:** Fairfax Planning Commission  
**DATE:** April 19, 2012  
**FROM:** Jim Moore, Director of Planning and Building Services  
 Linda Neal, Senior Planner  
**LOCATION:** 145 Cascade Drive; Assessor's Parcel No. 003-142-05  
**PROJECT:** Single-family Residence  
**ACTION:** Use Permit, Variances and Design Review; Application # 12-07  
**APPLICANTS:** Bob and Peggy Klock  
**OWNERS:** Same  
**CEQA STATUS:** Categorically exempt sections 15301(e)(1) and 15305(a)



**145 CASCADE DRIVE**

**BACKGROUND**

The 6,477 square foot, 51.25 foot wide site is mostly level although the rear, roughly ¼ of the site slopes down and is a portion of the Cascade Creek watercourse bank. The 1,038 square foot, 2 bedroom, 1 bath house was constructed in 1922. There is also a one car garage on the property and a storage shed, the eaves of which project 2 feet over the property line onto the property at 135 Cascade Drive.

**DISCUSSION**

The applicant proposes removing a small portion of bedroom 1 of the residence that is located within the required minimum 5 foot side setback to remodel; and expand the residence to enlarge bedroom 1 and the only bathroom in the residence as well as provide a laundry closet and a dining area adjacent to the kitchen. The addition/remodel will increase the size of the residence by 137 square feet from 1,038 square feet to 1,175 square feet.

The property complies with the regulations set forth in the Residential Single-Family RS 6 Zone District as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
<b>Required/ Permitted</b>	6 ft	20 ft (creek setback)	25 ft	5 ft & 5 ft	15 ft	.40	.35	28.5ft, 2 stories
<b>Existing</b>	10 ft	25 ft	35 ft	6 ft & 4 ft	10 ft	.19	.23	1 story, 13 ft
<b>Proposed</b>	10 ft	25 ft	31 ft	6 ft & 5 ft	11 ft	.22	.25	1 story, 14ft

The project requires the approval of the following discretionary permits:

**A Use Permit** because the site does not meet the minimum 60 foot width requirement [Town Code § 17.080.050(A)].

**A Combined Side Setback Variance** because together, the existing garage and proposed addition will only maintain a Combined Side Setback of 11 feet.

**A Parking Variance** because the three on-site parking spaces are tandem and the code prohibits tandem parking except for allowing the guest parking stall to be in tandem with one of the main parking spaces for the house [Town Code sections 17.052.030(A)(1)(c), 17.052.030(A)(2), 17.052.040(E) , 17.016.040(B)(1) and 17.016.040(C)(2)(a)].

**Design Review** because the project constitutes a 50% remodel [Town Code § 17.020.030(A)].

**Use Permit and Variances**

The project will bring the property more into compliance with current regulations by removing the portion of bedroom number 1 that encroaches to within 4 feet of the eastern side property line.

The new construction will maintain the required minimum 5 foot side setback. The residence will comply with the required 15 foot Combined Side Yard Setback and the only reason the property does not comply is because the garage structure was built alongside the house 6 feet from the western side property line.

The project will not change the use of the property or the structure from its existing development as a single-family dwelling.

The project will not increase the number of bedrooms in the structure beyond the 2 that exist now and therefore will not require additional parking. The site accommodates the required three parking spaces for a single-family residence and the only reason it is non-conforming is because the spaces are in tandem with each other.

### **Design Review**

The addition has been designed at the rear of the structure and will not affect the architecture of the front of the building. The windows and doors will be off white "Anderson" with brown trim which matches/compliments the existing doors and windows. The addition will only increase the height of the rear of the building by 1 foot to a total of 14 feet. The addition will be articulated through the installation of windows and a set of French doors off bedroom number 1. The windows on the east side of the addition, which is the portion located closest to the adjacent property at 135 Cascade Drive, have been minimized and are proposed to be clerestory.

### **Construction Noise**

We received one letter regarding the project which related to construction noise. The neighbor across the creek at 422 Bolinas Road works from home at times and is concerned that the construction may occur as is permitted by Town Code § 8.20.070(D) which allows the operation of construction equipment between 8 AM and 8 PM Monday through Friday and between 9 AM and 8 PM on weekends and holidays. She has requested that the construction time be limited to between 9 AM and 5 PM during the week and be prohibited on weekends and holidays (Exhibit C). The applicant has indicated that he does not intend to be working on the addition outside these hours (Exhibit D – letter dated 4/12/12).

### **Sunlight**

The neighbor next door to the project site at 135 Cascade Drive contacted staff and expressed concern that the addition would block what little sunlight she gets to her kitchen window on the west side of her house. She suggested that this situation might be improved by trimming either the large fir tree at the front of the property or the acacia trees at the rear of the site. The owner of the project site has indicated that he will trim the acacias significantly after the project is completed but feels that leaving them as they are now will help buffer the construction noise for the neighbor at 422 Bolinas Road (Exhibit D – 4/12/12 e-mail).

Note: the plans incorrectly indicate that the storage building is being enlarged but there are no plans to enlarge this building.

### **RECOMMENDATION**

Move to approve application # 12-07 based on the following findings and subject to the following conditions:

## **Recommended Findings**

### **Use Permit 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.
2. 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.
3. 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 result in equal or better development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

### **Setback Variance Findings**

1. The property was created in its current configuration with only a 51.25 width in August of 1914 and is therefore legal non-conforming. That is the special circumstance applicable to the property that results in the strict application of the current larger required combined setback depriving the applicant of the ability to expand and remodel the residence which is a privilege enjoyed by other property owners in the vicinity with larger lots.
2. The variance or adjustment will not constitute a grant of special privilege because the residence will comply with the required combined 15 foot Side Setback regulation and it is only the existing garage that results in the nonconformity.
3. The strict application of this title would prohibit the owners from improving and/or maintaining their property which would result in excessive or unreasonable hardship.
4. The addition will maintain a greater setback than the existing structure. 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.

### **Parking Variance Findings**

1. Neither present nor anticipated future traffic volumes generated by the two bedroom, one bath, single-family residential use of the site requires strict or literal interpretation and enforcement of the parking ordinance.
2. The site accommodates the three parking spaces required by the Town Code. Therefore, granting the parking variance in order to continue to allow the spaces to be in tandem will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.

3. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of Off Street Parking and Loading regulations, Town Code Chapter 17.052.

### **Design Review Findings**

1. The proposed addition/remodel will create a well composed design, harmoniously related to other residences in the immediate neighborhood.
2. The proposed addition, which will utilize high quality Anderson windows and will be stuccoed and painted to match the existing finish will be of a quality and character appropriate to, and serving to protect the value of, private investments in the immediate area.
3. The proposed development will retain the existing three on-site parking spaces and will not result in the addition of any additional bedrooms. Therefore, the project will not impact parking in the neighborhood.
4. The project design will result in sufficient variety to avoid monotony in external appearance.
5. The 1,175 square foot size of the finished residence is similar in size to other structures in the neighborhood on similar sized sites. Therefore, the structure is in proportion to its building site.

### **Recommended Conditions**

#### **Other Agency/Department Requirements (Exhibit C)**

#### **Ross Valley Fire Department:**

1. The project is a substantial remodel and will require the installation of a fire suppression system throughout the structure to comply with the Fire Code. The system must be installed and approved by the Fire Department prior to the project final inspection by the Building Official.
2. Maintain an effective firebreak around the structure by removing all flammable vegetation or other combustible growth in compliance with Ross Valley Fire Department Fire Protection Standard 220.
3. Smoke detectors and carbon monoxide detectors shall be installed in compliance with the Fire Code.
4. Address numbers at least 4 inches tall must be in place adjacent to the front door and must be internally illuminated or illuminated by an adjacent light controlled by a photocell and switched only by a breaker so it will remain illuminated all night.

### Marin Municipal Water District

1. Any landscaping on the site must comply with MMWD's Water Conservation Ordinance, District Code 13.
2. Should backflow protection be required, said protection shall be installed as a condition of water service.

### Ross Valley Sanitary District

1. If not already installed, the District requires that the side sewer be equipped with an appropriate back water prevention device. Once installed the applicant shall contact the District to arrange for a District inspector to approve the installation of the device a make a record for the District's files.

### Planning Conditions

1. This approval is limited to the development illustrated on the plans prepared by Jochum Architects, pages A1 and A2 dated 3/25/12.

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. The applicant shall 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. The applicant shall secure written approval from the Ross Valley Fire Authority noting the development's conformance with their recommendations prior to issuance of the building permit.
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. Prior to issuance of an occupancy permit, 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 # 11-12. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 11-12 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 Building Code and Fire Code requirements, and requirements of the Ross Valley Sanitary District and the Marin Municipal Water District.

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.

## **ATTACHMENTS**

Exhibit A – Applicant's supplemental information

Exhibit B – Other Department/Agency comments

Exhibit C – Letter from neighbor at 422 Bolinas Road relating to construction noise

Exhibit D – Response to neighbors letter by property owner

145 CASCADE DR.

SUPPLEMENTAL QUESTIONNAIRE

TOWN OF FAIRFAX

VARIANCE

VARIANCE (S) REQUESTED:

\_\_\_\_\_ foot front yard variance to construct a \_\_\_\_\_ within

\_\_\_\_\_ feet of the front property line.

\_\_\_\_\_ foot rear yard variance to construct a \_\_\_\_\_ within

\_\_\_\_\_ feet of the rear property line.

\_\_\_\_\_ foot side yard variance to construct a \_\_\_\_\_ within

\_\_\_\_\_ feet of the side property line.

\_\_\_\_\_ foot creek setback variance to construct a \_\_\_\_\_ within \_\_\_\_\_ feet of the top of the creek bank.

Other (fence height, building height, parking number or size, etc.) TO ALLOW EXISTING TANDUM OFF STREET PARKING.

FINDINGS:

- 1. List below special circumstances applicable to the property, including size, shape, topography, location, or surroundings, to show why the variance should be granted; and why the granting of the variance will not be a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone (you may attach a statement).

DUE TO THE NARROW WIDTH OF THE EXISTING PROPERTY AND BUILDING LOCATIONS, IT IS NOT POSSIBLE TO COMPLY WITH CURRENT TOWN CODES. WE ARE NOT ADDING ANY ADDITIONAL BEDROOMS SO THE PARKING SITUATION WILL REMAIN AS IS.

- 2. List below your reasons why the variance will not materially adversely affect the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood (you may attach a statement).

THE PARKING HAS BEEN LIKE IT IS FOR 90 YEARS. WE WILL NOT ADD ANY BEDROOMS NOR SHALL THE FOOTPRINT OF THE HOUSE CHANGE AT ALL ON THE PARKING SIDE OF THE HOUSE.

- 3. Explain why complying with the Town Ordinance requirements will be a hardship for the owner.

THERE IS NO WAY TO COMPLY WITHOUT MOVING THE EXISTING HOUSE. THERE SIMPLY IS NOT ROOM. PLUS WE HAVE ONE COVERED AND 2 TANDUM SPACES, 3 TOTAL. OFF STREET

## Variance - Additional information required.

- Include a cross section through the proposed project depicting the project and the relationship of the proposal to existing features and improvements on adjacent properties.
- Lot coverage calculation including all structures and raised wooden decks.

In order to approve your project, the Planning Commission must make findings of fact which state that 1) there is a special feature of the site (such as size, shape or slope) which justifies an exception; 2) that the variance is consistent with the treatment of other property in the neighborhood; 3) that strict enforcement of the ordinance would cause a hardship; and 4) that the project is in the general public interest.

In the space below, please provide any information which you feel is relevant to these issues and which further explains your project.

THERE IS ROOM IN THE DRIVEWAY FOR FOUR  
VEHICLES, TWO SIDE BY SIDE AT THE GARAGE DR.,  
BUT ONE IS IN THE SETBACK, ONE OTHER IS  
SUBSTANDARD IN WIDTH BECAUSE THE OLD FIR TREE  
HAS GOTTEN SO BIG. THE GARAGE CAN BE DRIVEN  
THROUGH SO WE CAN CREATE ONE ON THE CREEK  
SIDE OF THE GARAGE IF NEEDED.

145 CASCADE DR.

TOWN OF FAIRFAX

## SUPPLEMENTAL QUESTIONNAIRE &amp; DRB APPLICABILITY

## DESIGN REVIEW

For Commercial, Planned Developments, Hillside Residential and Multiple Family Design Review: (Include brand and number for all finish and/or paint colors.)

1. Exterior finish: STUCCO
2. Proposed exterior wall color(s): OFF WHITE - SAME AS EXISTING
3. Proposed exterior trim color: BROWN - SAME AS EXISTING
4. Proposed exterior window color: WHITE " "
5. Proposed roof material and color: TAR + GRAVEL " "
6. Special features: NONE
7. Lot Coverage: 26%
8. Number of existing parking spaces and their sizes: 3 @ 9' x 19'
9. Number of proposed parking spaces and their sizes: NO CHANGE

## DESIGN REVIEW APPLICABILITY

## 1. Hillside Design Review (in a ridge line)

All new dwellings located on hillside properties and all additions on properties located in a ridgeline scenic corridor (which include deck and stairway structures) shall require design review.

Additions and accessory structures may be exempt from design review where the applicant demonstrates, through the use of story poles, plans and photo montages, that an accessory structure or addition will have no impact on significant view corridors due to the proposed location of the structure in relation to existing improvements. Project exemption shall be determined by the Fairfax Planning Director.

## 2. Multiple family Design Review

Multiple family residential units of three (3) or more and additions to structures located in the Multiple Family RM Zone.

## 3. 50% remodels of additions to residential properties



Ross Valley Fire Department  
 777 San Anselmo Ave  
 San Anselmo, Ca 94960  
 Ph. 415-258-4686

### FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence  
 ADDRESS: 145 Cascade  
 Fairfax CA, 94930

Page: 1 of 4  
 Date: 04/12/2012  
 Reviewed by: Rob Bastianon  
 (415) 258-4673

TYPE OF REVIEW: Planning E-mail: [Rbastianon@rossvalleyfire.org](mailto:Rbastianon@rossvalleyfire.org)  
 Bldg. Dept. 03/15/12 Fire Dept. # 12-0067 Review No. 2  
 Fire Department Standards can be found at: [www.rossvalleyfire.org](http://www.rossvalleyfire.org)

Applicant\*: Planning  
 Address: Fairfax CA

**\*Applicant is responsible for distributing these Plan Review comments to the Design Team.**

Occupancy Class: <b>R-3</b>	Fire Flow Req: <b>1000</b> GPM	Sprinklers Required: <b>YES</b>
Type of Construction: V-B	On-site Hyd. Req: <b>NO</b>	Fire Alarm Required: <b>NO</b>
Bldg Area: 1038 sf	Turn-Around Req: <b>NO</b>	Permits Required:
Stories: 1+	Fire Flow Test Required: <b>NO</b>	<b>Sprinkler and VMP</b>
Height: +ft.	Wildland Urban Interface: <b>YES</b>	

**The project listed above has been reviewed and determined to be:**

- ( ) **APPROVED** (no modifications required)
- ( ) **APPROVED AS NOTED** (minor modifications required - review attached comments)
- ( ) **NEEDS REVISION** (revise per attached comments and resubmit)
- ( ) **INCOMPLETE** (provide additional information per attached comments and resubmit)

**NOTE:** Please review the comments and make corrections and/or add notes as required. Changes and/or additions shall be clouded and referenced by date on a legend. Approval of this plan does not approve any omission or deviation from the applicable regulations. Final approval is subject to field inspection. Approved plans shall be on site and available for review at all times.

**ROSS VALLEY FIRE DEPT.  
 REVIEWED**

DATE: 4/12/12

**Inspections required:**

- ( ) Access/Water Supply prior to delivery of combustibles
- ( X ) Defensible Space/Vegetation Management Plan
- ( X ) Sprinkler Hydro/Final
- ( X ) Final

**EXHIBIT # B**



Ross Valley Fire Department  
 777 San Anselmo Ave  
 San Anselmo, Ca 94960  
 Ph. 415-258-4686

## FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence  
 ADDRESS: 145 Cascade  
 Fairfax CA, 94930

Page: 2 of 4  
 Date: 04/12/2012  
 Reviewed by: Rob Bastianon  
 (415) 258-4673

TYPE OF REVIEW: Planning E-mail: [Rbastianon@rossvalleyfire.org](mailto:Rbastianon@rossvalleyfire.org)  
 Bldg. Dept. 03/15/12 Fire Dept. # 12-0067 Review No. 2  
 Fire Department Standards can be found at: [www.rossvalleyfire.org](http://www.rossvalleyfire.org)

ITEM #	SHEET	COMMENTS	Corr. Made
1		<p>This project as described meets the definition of a substantial remodel. A "Substantial Remodel" is defined as follows: The renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.</p> <p>Submitter's Response:            Correction has been completed. See Sheet _____ of <input type="checkbox"/>Plans <input type="checkbox"/>Calculations.</p>	
2		<p>A fire sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards when projects are considered a substantial remodel.</p> <p>Submitter's Response:            Correction has been completed. See Sheet _____ of <input type="checkbox"/>Plans <input type="checkbox"/>Calculations.</p>	
3		<p>A Vegetation Management Plan (VMP) shall be prepared and submitted. The Content of the VMP consists of two forms: (1) blue line drawings; and (2) a text narrative describing specific and applicable contributing factors in the selection and design of the plan.</p> <p><b>VMP Contents:</b></p> <p>The VMP shall include at the minimum:</p> <ol style="list-style-type: none"> <li>1. The entire "plan content" elements described in narrative form.</li> <li>2. Two (2) complete plan sets to be submitted to the Ross Valley Fire Department for review.</li> <li>3. The Hazard Assessment Matrix</li> <li>4. The list of plants to be used and materials consistent with the approved plant list.</li> <li>5. Two (2) sets of blue prints showing the house, zone, plant type and spacing.</li> </ol>	
Ross Valley Fire Department Fire Protection Standard 220			



Ross Valley Fire Department  
777 San Anselmo Ave  
San Anselmo, Ca 94960  
Ph. 415-258-4686

## FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence  
ADDRESS: 145 Cascade  
Fairfax CA, 94930

Page: 3 of 4  
Date: 04/12/2012  
Reviewed by: Rob Bastianon  
(415) 258-4673

TYPE OF REVIEW: Planning E-mail: [Rbastianon@rossvalleyfire.org](mailto:Rbastianon@rossvalleyfire.org)  
Bldg. Dept. 03/15/12 Fire Dept. # 12-0067 Review No. 2  
*Fire Department Standards can be found at: [www.rossvalleyfire.org](http://www.rossvalleyfire.org)*

ITEM #	SHEET	COMMENTS	Corr. Made
		Vegetation/Fuels Management Plan is available online @ <a href="http://Rossvalleyfire.org">Rossvalleyfire.org</a> to assist the applicant in the development and submittal of the plan.	
4		All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
5		Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition exceeds one thousand dollars. CO alarms shall be located outside of each dwelling unit sleeping are in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit including basements.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
6		Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth. Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan is available online @ <a href="http://Rossvalleyfire.org">Rossvalleyfire.org</a> to assist the applicant in meeting the minimum defensible space requirements.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
7		Address numbers at least 4" tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed to a light or be reflective numbers. If your project is a new house or substantial remodel, they may only be internally illuminated or illuminated an adjacent light controlled by a photocell and switched only by a breaker so it will remain illuminated all night. If not currently as described, they must be installed as part of this project.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	

*If re-submittal is required, all conditions listed above shall be included in revised drawings.*



Ross Valley Fire  
Department

777 San Anselmo Ave  
San Anselmo, Ca 94960  
Ph. 415-258-4686

## FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence  
ADDRESS: 145 Cascade  
Fairfax CA, 94930

Page: 4 of 4  
Date: 04/12/2012

Reviewed by: Rob Bastianon  
(415) 258-4673

TYPE OF REVIEW: Planning

E-mail: [Rbastianon@rossvalleyfire.org](mailto:Rbastianon@rossvalleyfire.org)

Bldg. Dept. 03/15/12 Fire Dept. # 12-0067

Review No. 2

Fire Department Standards can be found at: [www.rossvalleyfire.org](http://www.rossvalleyfire.org)

*Fire and life safety systems may require a separate permit. Fire permits may be noted as deferred.*



# MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169  
www.marinwater.org

March 28, 2012  
Service No. 05807

**RECEIVED**  
**MAR 29 2012**  
**TOWN OF FAIRFAX**

Linda Neal  
Town of Fairfax  
142 Bolinas Rd  
Fairfax CA 94930

**RE: WATER AVAILABILITY - Single Family Dwelling**  
Assessor's Parcel No.: 003-142-05  
Location: 145 Cascade Dr, Fairfax

Dear Ms. Neal:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a single family dwelling. The proposed 169 square foot addition to the existing structure will not impair the District's ability to continue service to this property.

Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 – Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at [www.marinwater.org](http://www.marinwater.org).

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559.

If you have any questions regarding this matter, please contact me at (415) 945-1532.

Very truly yours,

Jose Sotelo  
Engineering Technician Supervisor-  
Development Services

JS:mp

cc: Town of Fairfax Building Dept



**ROSS VALLEY SANITARY DISTRICT**  
2960 Kerner Blvd  
San Rafael, CA 94901  
(415) 259-2949 ~ [rvsd.org](http://rvsd.org)

**RECEIVED**

**MAR 21 2012**

---

**TOWN OF FAIRFAX**

March 16, 2012

Linda Neal, Senior Planner  
Dept of Planning and Building Services  
142 Bolinas Road  
Fairfax, CA 94930

**SUBJECT: 145 CASCADE DRIVE, FAIRFAX, CA; APN: 003-142-05**

Dear Ms. Neal,

We are in receipt of your transmittal letter dated March 14, 2012 concerning the above- referenced project. The District has no objection in general, but has the following comments and requirements if the project is approved:

1. If already not installed, the District requires that the side sewer be equipped with an appropriate backwater prevention device (e.g., Contra Costa valve as warranted by the individual site conditions).
2. After the project is approved, the owner or contractor should 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 any work done on the side sewer lateral in order to make a record for the District's files.

If you need further information regarding this matter, please contact the office.

Sincerely,

Randell Y. Ishii, M.S., P.E.  
District Engineer



**ROSS VALLEY SANITARY DISTRICT**  
2960 Kerner Blvd  
San Rafael, CA 94901  
(415) 259-2949 ~ [rvsd.org](http://rvsd.org)

---

**Article IV, Section 414, BACKWATER PREVENTION DEVICES,  
of the District's Sanitary Code provides:**

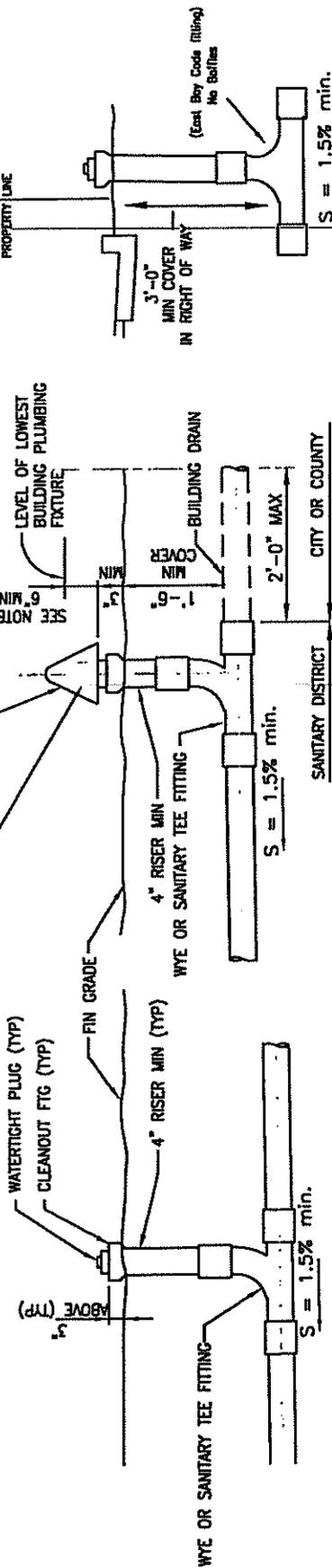
All Side Sewers for new construction shall be equipped with a District-approved backwater prevention device, a check valve or both as deemed appropriate by the District. Any existing Side Sewer that experiences a backup or flood out which occurs by reason of a blockage in the Public Sewer shall be similarly equipped with an approved backwater prevention device, check valve, or both as deemed appropriate by the District.

Furthermore, should the District make a determination, based upon, without limitation, observable property conditions, that installation of a backwater prevention device, check valve, or other device is warranted, such device shall be installed, pursuant to the provisions set forth below. In the event that the property owner, after written notice from the District, fails to install the appropriate device(s) within ninety (90) days of such notice, the District shall have the right to install the appropriate backwater prevention device(s) and bill the property owner for the cost thereof. If full payment is not made within sixty (60) days of the date of billing, the property owner shall be in violation of this ordinance, and the District shall have the right to place a lien upon the property or to disconnect the sewer facilities pursuant to Section 805.

If the property owner fails to install such devices after notice from the District and the District does not exercise its right to install the appropriate backwater prevention device(s), the District shall not be responsible for any injury or damage which results from a future backup or flood out.

CLEANOUTS LOCATED UNDER PAVED DRIVEWAYS, WALKWAYS, ETC. SHALL BE RAISED TO GRADE AND INSTALLED IN PRECAST CONC METER BOXES FLUSH FITTED TO PAVING W/ GALVANIZED STEEL CHECKERED PLATE TRAFFIC LIDS MARKED "SEWER", CHRISTY 89 W/ 61015 UD, OR EQUAL, AS DIRECTED BY THE DISTRICT.

TYPE A BACKWATER PREVENTION DEVICE SHALL BE AS MANUFACTURED BY REAM MACHINE SHOP, LAFAYETTE, CA, OR APPROVED EQUAL BALL TO ELIMINATE EMISSION OF ODORS AND ACCESS OF RODENTS



STANDARD CLEANOUT

TYPE A BACKWATER PREVENTION DEVICE

TWO-WAY CLEANOUT

**NOTES:**

1. A STANDARD 4" AND TWO-WAY CLEANOUTS IS THE MINIMUM DISTRICT REQUIREMENT.
2. A BACKWATER PREVENTION DEVICE IS REQUIRED AND SHALL BE INSTALLED ON ALL SIDE SEWERS.
3. A TYPE "A" BACKWATER PREVENTION DEVICE SHALL BE INSTALLED IN A LOCATION WHERE SEWAGE CAN OVERFLOW ON THE SURROUNDING AREA WITHOUT DAMAGE TO PROPERTY.
4. IF THE DIFFERENCE IN ELEVATION OF THE LOWEST FIXTURE AND THE TYPE "A" BACKWATER PREVENTION DEVICE IS LESS THAN SIX (6) INCHES, A BACKWATER CHECK VALVE SHALL BE INSTALLED AS SHOWN IN STANDARD DETAIL SD 7.

SANITARY DISTRICT No. 1 OF MARIN COUNTY	
STANDARD CLEANOUT AND BACKWATER PREVENTION DEVICE	
2009	SD 6

**TOWN OF FAIRFAX  
DEPARTMENT OF PLANNING AND BUILDING SERVICES**

142 Bolinas Road, Fairfax, California 94930  
Phone (415) 453-1584 FAX (415) 453-1618

**LETTER OF TRANSMITTAL**

**From: Fairfax Planning and Building Services Department**

**Date: March 14, 2012**

To:  Town Engineer       Fairfax Police Dept.       Marin County Open Space Dist.  
 Town Attorney       Sanitary Dist. 1       Other - Building Official  
 MMWD       Public Works Dept.  
 Ross Valley Fire       Marin County Health Dept.

Address and Parcel No: 145 Cascade Drive; Assessor's Parcel No. 003-142-05

Project Description: Construction of a 169 square foot addition to a 1,038 square foot single-family residence. The addition/remodel will result in a 2 bedroom, 1 bath house.

These plans are being transmitted for review either: a) prior to public hearings on discretionary permits before the Fairfax Design Review Board and Planning Commission; or, for review prior to issuance of a building permit. Please provide your comments on the completeness and adequacy of the submittal for your agencies reviewing purposes within 10 days.

1	3/6/12	Preliminary development plans

**REMARKS** ADDITION SETBACK IS NOT PROVIDED. IF SETBACK IS LESS THAN FIVE FEET THEN FIREWALLS AND PROTECTED OPENINGS WILL BE REQUIRED. A FIRE SPRINKLER SYSTEM WILL REDUCE THE REQUIRED SETBACK TO THREE FEET.

If you have any questions please contact: Linda Neal, Senior Planner

Attn: Stuart

**TOWN OF FAIRFAX**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
142 Bolinas Road, Fairfax, California 94930  
Phone (415) 453-1584 FAX (415) 453-1618

**LETTER OF TRANSMITTAL**

**From: Fairfax Planning and Building Services Department**

**Date: March 14, 2012**

- To:  Town Engineer       ~~Fairfax Police Dept.~~       Marin County Open Space Dist.  
 Town Attorney       Sanitary Dist. 1       Other – Building Official  
 MMWD       Public Works Dept.  
 Ross Valley Fire       Marin County Health Dept.

Address and Parcel No: 145 Cascade Drive; Assessor's Parcel No. 003-142-05

**Project Description:** Construction of a 169 square foot addition to a 1,038 square foot single-family residence. The addition/remodel will result in a 2 bedroom, 1 bath house.

These plans are being transmitted for review either: a) prior to public hearings on discretionary permits before the Fairfax Design Review Board and Planning Commission; or, for review prior to issuance of a building permit. Please provide your comments on the completeness and adequacy of the submittal for your agencies reviewing purposes within 10 days.

1	3/6/12	Preliminary development plans

**REMARKS** NO CONCERNS. SB

Please respond by March 29, 2012. Thanks

If you have any questions please contact: Linda Neal, Senior Planner



# Janet E. Lukács

Letter to Fairfax Planning Commissioners  
From Janet Lukacs  
Page 2

*Noise from construction activities, and particularly activities associated with the construction of new residences, remodeling or demolition and reconstruction of residential properties, has an adverse effect on the peace and quiet in the Town of Fairfax.*

*Noise Element GPAC Final 5-27-2010*

The following is the primary representation of my request as part of the list of standard controls:

- a) *Limit construction to the hours of 8:00 AM to 5:00 PM on weekdays, and 9:00 AM to 5:00PM on Saturdays, with no noise-generating construction on Sundays or holidays.*

Again, what is planned or requested by the owners of 145 Cascade Drive for construction is:

- Monday – Friday: 8:00am – 8:00pm
- Saturday – Sunday: 9:00am – 8:00pm
- Holidays: 9:00am – 8:00pm

This means a total of constant noise of drilling, hammering of concrete and wood, not to mention machinery, human communication for 82 hours per week, which is 95% of our daylight hours and almost 50% of total time!

2. Since I work from home during the week and my occupation is in Technology Sales, my livelihood could very well be jeopardized, as I need to conduct Conference calls and talk with CEO's, CIO's and other Executives of major corporations. At a minimum I ask that you please consider they starting work at 9:00am and end 5:00pm.
3. The effects of constant construction work 7 days per week is excessive and believe it is not fair to me or the community for them to conduct work not only for eleven (11) hours on Saturday, Sunday and Holidays, but the time extended each work day to 8:00pm!

My recommendation is, at a minimum follow the standards outlined in the Town of Fairfax General Plan – Noise Element proposed in 2010, or the following option:

- ❖ Monday – Friday 9:00am – 5:00pm (standard / normal business hours)
- ❖ Eliminate Saturday, Sunday and Holidays

Janet E. Lukács

Letter to Fairfax Planning Commissioners  
From Janet Lukacs  
Page 3

There is no begin or end date outlined which could impact all our lives for months if not over a year. Can you please provide an estimated time of construction, when it will begin and end?

I would hope the Town of Fairfax would consider my request and make modifications to the Noise Ordinance for 145 Cascade Drive at the next Town Meeting to approve the permit.

Lastly, when under consideration, I would please ask all of you on the Planning Commission a question to consider when making your ruling:

**Would each of you like to live next to or be near an ongoing housing construction project seven (7) days per week, for eleven (11) to twelve (12) hours during the daylight hours and listen to constant pounding of demolition machinery, cement trucks and construction trucks coming and going, work being done on concrete and wood noise to disrupt your peace and tranquility of our beautiful community?**

Thank you for your consideration and time. I would like to request a formal response to my letter.

Sincerely yours



Janet E. Lukacs  
442 Bolinas Road  
Fairfax, CA 94930

415.256.1926 (Home)  
510.449.8281 (Mobile)  
[jlukas@milestonepowered.com](mailto:jlukas@milestonepowered.com)

Linda Neal, Senior Planner

April 12, 2012

Town of Fairfax, 142 Bolinas Rd, Fairfax, CA 94930

Dear Linda,

This is in response to a letter you received dated April 11, 2012 from my neighbor, Janet E. Lukacs regarding the project being proposed at 145 Cascade Dr, Fairfax, CA.

With regards to her concerns about noise and working hours this summer I would like to state that I agree to the hours and days proposed by Ms. Lukacs. The working hours shall be from 9am to 5pm on weekdays only. No work will proceed on weekends or holidays.

It is my desire to cause the least impact on all of the neighbors. I have been a building contractor since 1984 and fully understand and respect the need to keep noise to a minimum. Most of the outside work should take about 2 months.

Respectfully,

Bob Klock, Owner, 145 Cascade Dr, Fairfax, CA (415)457-8065

**EXHIBIT #**     D

## Linda Neal

---

**From:** bobkat62@comcast.net  
**Sent:** Thursday, April 12, 2012 1:43 PM  
**To:** Linda Neal  
**Cc:** Peggy Klock; Bob Klock  
**Subject:** 135 Cascade

Hi Linda, April 12, 2012

This letter is in response to the concern over 'blocking of sunlight' regarding the proposed project at 145 Cascade Dr. Thank you for bringing this to my attention. I do not see how the proposed addition could cause light blockage to the west side of 135 Cascade Drive. Nevertheless I want to do everything I can to mitigate any issues our neighbors may have. I believe more sunlight could be brought into the area in question most effectively by pruning the acacia trees at the back of our property near the creek. These trees are on our schedule of maintenance and I would like to take them down by at least 50% in height. This should help a lot with adding more sunlight. I would like to do the trimming after construction is complete because the trees may add a sound buffer to our neighbors on Bolinas road during the construction process.

Also, I have to say something here...a little history lesson. My wife's great-grandfather built the house at 145 in 1923. My wife was raised there and my daughter and her husband now live there. No work has been done there in over 50 years. When my wife was a child, the house at 135 was a one story bungalow about the same size as 145. In the 70s or 80s the house was enlarged by more than 100% and is now 2 1/2 stories high. Also, the bay trees at the back of the property at 135 have been allowed to grow so much so that the original view of the hills (and morning sunlight) has been totally obliterated. Our family members have never said a peep about these encroaching issues.

Also, I might add, the houses on Bolinas road were added when my wife was was a child and those places blocked historic views of the hills as well as sunlight from the southern exposure.

Having said all this, we bear no ill will towards our neighbors and want to enjoy the neighborhood as do they. Please contact me if I can do anything to help allay concerns.

One other thing. Because the project constitutes an over 50% remodel, we are adding a fire suppression system and new wiring, thus making the house and in turn, the neighboring structures, safer.

Respectfully, Bob Klock, Owner of 145 Cascade Drive.