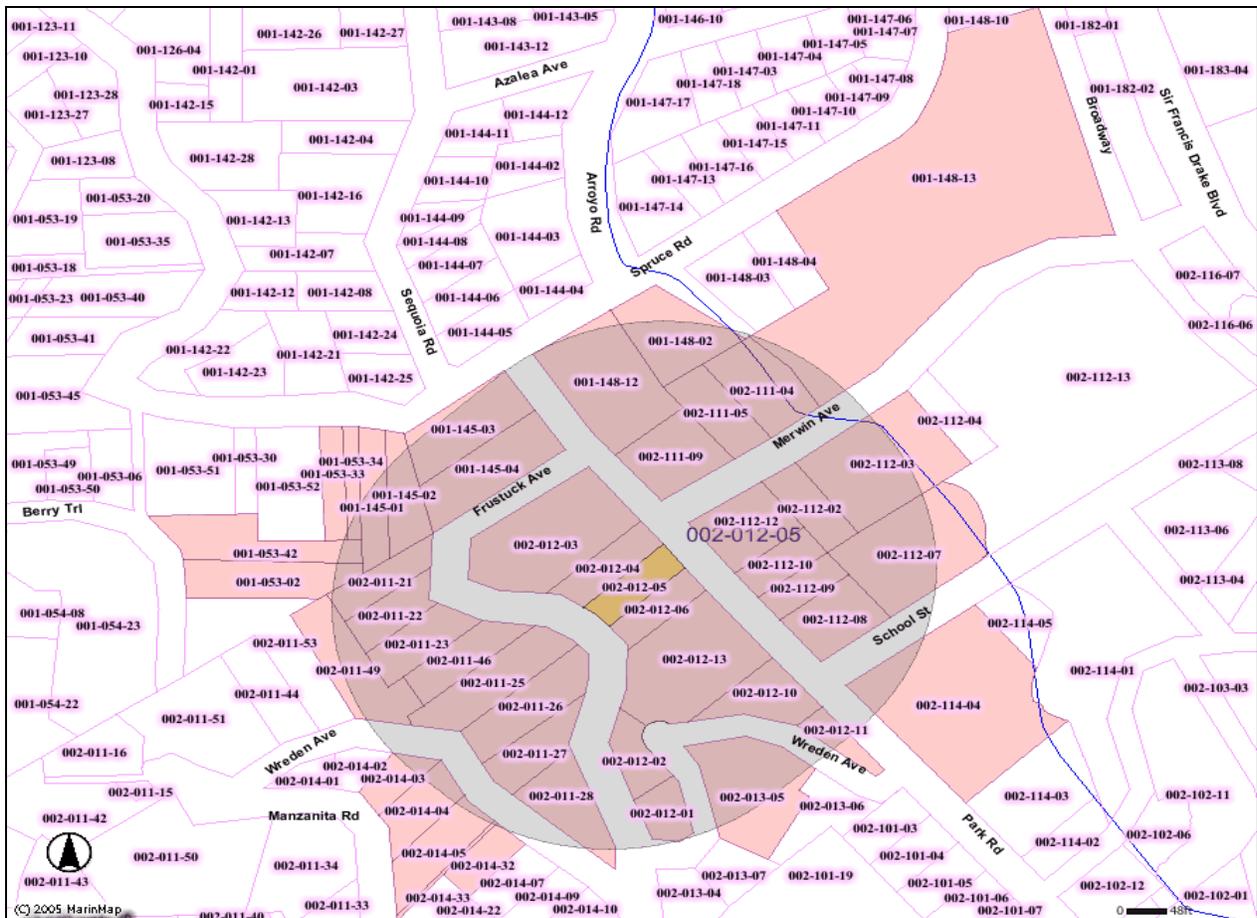


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: September 20, 2012
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Senior Planner
LOCATION: 67 Park Road; Assessor's Parcel No. 002-012-05
PROJECT: Conversion of portion of garage to living space
ACTION: Use Permit; Application # 12-26
ZONING: Multiple Family RM Zone
APPLICANT: Onju Updegrave, Architect
OWNER: Alex and Julie Witz
CEQA STATUS: Categorically exempt section 15301(e)(1)



67 PARK ROAD

BACKGROUND

The 5,000 square foot site slopes up from Park Road to Frustuck Avenue and is developed with a 1,200 square foot residence built in 1960 and has a 600 square foot, attached garage. The residence has three bedrooms and one bathroom. The parcel was created in its currently substandard size and width by the recordation of the subdivision map, "Fairfax Manor" filed at the Marin County Recorder's office in 1911.

DISCUSSION

The applicants are proposing to convert 169 square feet of the rear of an existing two (2) car garage into an indoor laundry area and second full bathroom.

The existing structure complies with the RM Zone regulations as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6ft	12ft	35ft	5ft & 5ft	20ft	.40	.35	28.5ft, 2 stories
Existing	11 ft	74 ft	85 ft	3 ft & 3 ft	6 ft	.26	.34	22 ft, 2 stories
Proposed	same	same	same	same	same	.29	.34	22 ft, 2 stories

The project requires the approval of the following discretionary permit:

A Use Permit –

Town Code § 17.088.050 indicates that a Use Permit is required prior to any physical improvement or expansion on a property failing to meet the minimum size and width requirements. Town Code § 17.080.050(A) requires that properties in the RM Zone be a minimum of 7,500 square feet in size and be 60 feet wide if they are level and the size and width required for a sloped lot such as this one increases exponentially with each degree increase in slope. The project site is only 5,000 square feet in size and 50 feet wide. Therefore, the proposed remodel requires the approval of a Use Permit.

The project does not constitute a 50% remodel and therefore, does not require Design Review (Town Code § 17.020.030).

The project will result in a Floor Area Ratio (FAR) for the property of .29 which is well below the permitted .40. The expansion of the living space into the garage also will not change the lot coverage which is currently at .34.

The conversion of 169 square feet of the rear of the garage also will not decrease the depth of the garage parking spaces below the 19 feet required by Town Code § 17.052.040(B)(2) and will not change the legal non-conforming 17 foot width (The current Town Code requires that new parking spaces are 9 feet wide so a two car garage must be 18 feet wide to comply).

The applicant submitted a survey of neighboring properties which was verified by staff which documents that the increased living space will not increase the residence square foot beyond that found throughout the neighborhood (Exhibit B).

The above changes are minor, they will not affect the exterior of the building, will not change the single family character of the neighborhood and will not have a significant impact on the adjacent properties.

OTHER AGENCY/DEPARTMENT REQUIREMENTS

Ross Valley Fire Department Conditions

1. Vegetative management on the site must comply with Ross Valley Fire Department Fire Protection Standard 220.
2. Address numbers that are at least 4 inches in height must be in place adjacent to the front door and if not clearly visible from the street additional numbers are required where they are clearly visible from the street. The numerals must be illuminated so they are visible at night.
3. All smoke detectors shall be provided with AC power and be interconnected for simultaneous alarm and be located as required by the Building Code.
4. Carbon monoxide detectors must be installed in compliance with the Building Code.

Marin Municipal Water District Conditions

1. All landscaping and irrigation plans must be designed in accordance with the District's indoor and outdoor requirements set forth in District Code Title 13, Water Conservation.
2. Backflow protection shall be provided as a condition of water service if required and not already provided.

Ross Valley Sanitary District Conditions

1. If not already installed the side sewer be equipped with a backwater prevention device.

3. After the project is approved, the owner or contractor should contact the District to arrange for a District Inspector to approve the existing installation and to make a record of the backwater prevention device for the District's files.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve application # 12-26 based on the following findings and subject to the following conditions:

Recommended Findings

4. The proposed remodel and expansion will not add any additional bedrooms to the residence which could be expected to increase the number of persons living in the residence and will not result in a decrease the existing number of parking spaces. Therefore, 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.
5. The increased living space will not change the exterior of the residence in any way. 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.
6. Approval of the project will not change the single-family residential character of the neighborhood and will not result in a square footage out of proportion with the size of the parcel. 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.
7. Approval of the use permit will allow the owners to do a minor expansion of the living space without impacting the neighbors. Therefore, 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.

Recommended Conditions

1. This approval is limited to the development illustrated on the plans prepared by Onju Updegrave, Architect, dated 8/17/12, page A1.

2. Prior to issuance of a building permit the applicant shall secure written approval from the Ross Valley Fire Authority noting the development's conformance with their recommendations and shall include a copy with the building permit submittal.
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 Building Official shall verify that the completed project complies with the Building Code and the project plans.
5. 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 # 12-26. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 12-26 will result in the job being immediately stopped and red tagged.
6. 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.
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. Construction hours are limited to between 8 AM and 5 PM, Monday through Friday, 9 AM to 5 PM on Saturdays and that there be no noise generating construction on Sundays.
9. Noise from construction worker's radios shall be controlled so that they are not audible at residences adjacent to the project site.

10. All internal combustion engine-driven equipment shall be equipped with mufflers which are in good condition and appropriate for the equipment.
11. Quiet models of air compressors and other stationary noise sources shall be utilized where technology exists.
12. Noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
13. Unnecessary idling of internal combustion engines shall be prohibited.
14. Applicant shall notify adjacent residents to the project site of the construction schedule in writing.
15. Conditions place upon the project by outside agencies may be eliminated or amended with that agencies written verification of the eliminated or modified condition(s) to the Planning Department prior to issuance of the building permit.

Ross Valley Fire Department Conditions

1. 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.
2. All smoke detectors shall be provided with AC power and be interconnected for simultaneous alarm and be located as required by the Building Code.
3. Carbon monoxide detectors must be installed in compliance with the Building Code.
4. The site shall comply with Ross Valley Fire protection Standard 220 Vegetative and Fuels Management Plan.

Marin Municipal Water District Conditions

1. All landscaping and irrigation plans must be designed in accordance with the District's Ordinance #385 for water conservation and landscaping.
2. Backflow prevention shall be installed and inspected by the Water District as a condition of water service if required.

Ross Valley Sanitary District Conditions

1. If not already installed the side sewer be equipped with a backwater prevention device.
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 and to make a record of the backwater prevention device for the District's files.

ATTACHMENTS

Exhibit A – applicant's supplemental information

Exhibit B – survey of surrounding house sizes

Exhibit C - Other Agency/Department comments/conditions