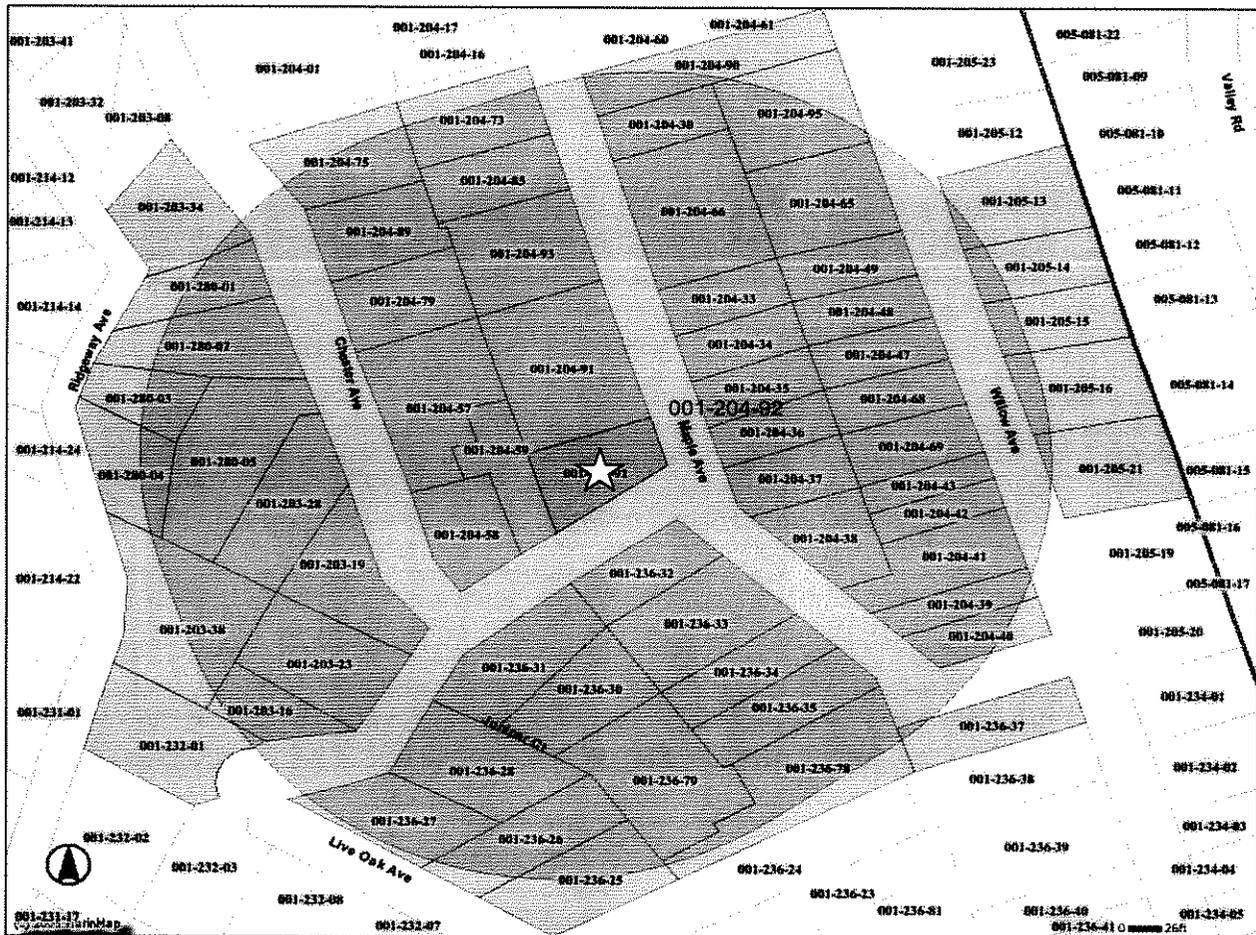


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: October 18, 2012
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Senior Planner
LOCATION: 31 Maple Avenue; Assessor's Parcel No. 001-204-92
PROJECT: Deck/entry/arbor
ACTION: Use Permit; Application # 12-30
APPLICANT: Laura Kehrlein, Architect
OWNER: J.K. and Bridget Monagle
CEQA STATUS: Categorically exempt section(s) 15301(a)



31 MAPLE AVENUE

BACKGROUND

The 6,250 square foot site is located at the corner of Maple and Live Oak Avenues and slopes up from those right-of-ways at an average rate of 18%. The existing 1,714 square foot single-family residence with the existing 441 square foot garage was constructed in 1995 and contains three bedrooms and two bathrooms.

DISCUSSION

The project encompasses the addition and expansion of an existing deck attached to an entry porch. The entry porch and stairs are 55 square feet in size and the existing deck off the porch is 22 square feet in size. The proposed deck will be 114 square feet and a portion of the stairs and landing will be covered with a 40 square foot trellis that is attached to the residence and reaches 11 feet in height above grade.

The residence and proposed deck/entry/trellis addition complies with the regulations set forth in the Residential RD 5.5-7 Zone where it is located as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft	12 ft	35 ft	5 ft & 5 ft	20 ft	.40	.35	28.5 ft, 2 stories
Existing	22 ft	14 ft	36ft	8 ft & 12 ft	20 ft	.27	.35	23.5 ft, 1 story
Proposed	21 ft	14 ft	35 ft	8 ft & 12 ft	20 ft	same	.35	same

Use Permit

The property has an 18% average slope and would have to be 10,000 square feet in size in order to comply with the minimize lot size requirement set forth in Town Code § 17.084.050(C). The lot is only 6,250 square feet in size so any improvements on it require the review and approval of a Use Permit per Town Code § 17.084.050. Therefore, the deck requires a Use Permit.

The purpose of the Conditional Use Permit is to allow the proper integration into Fairfax of uses which may be suitable only in certain locations in the Town or in a Zone or only if such uses are designed or laid out on the site in a particular manner [Town Code § 17.18.010(B)].

In considering an application for a conditional use, the Commission shall give due regard to the nature and conditions of all adjacent uses and structures, the physical environs of the proposed use, and to all pertinent aspects of the public health, safety and general welfare [Town Code § 17.18.010(B)].

Although the parcel is substandard in size, the proposed deck complies with all the setback requirements set forth in the Residential RD 5.5-7 Zone District, Town Code §17.084.070(A)(1) and (2). The elevation and location of the deck/entry/trellis is such that it will not infringe on the private outdoor yard spaces of any of the neighboring residences. Therefore, the deck will not have a significant impact on the neighboring sites or on the residential character of the neighborhood.

OTHER AGENCY/DEPARTMENT COMMENTS/CONDITIONS

Marin Municipal Water District Conditions

1. All landscaping and irrigation plans must be designed in accordance with the District's Code Title 13 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.

The Ross Valley Fire Department, Building Official (Public Works Manager) and the Fairfax Police Department had no comments or conditions for the project.

RECOMMENDATION

Move to approve application # 12-30 based on the following findings and subject to the following conditions:

Recommended Findings

1. The proposed deck/entry/arbor is small in size, only 114 square feet and it complies with all the setback, FAR and lot coverage regulations for the RD 5.5-7 Zone District. 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.
2. The proposed deck/entry/arbor maintains significant setbacks from the neighboring residences and does not provide views into any private outdoor areas. 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.

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 a better development of the premises by allowing the applicants to create a more visually pleasing entry to their residence than would otherwise be the case.

Recommended Conditions

1. This approval is limited to the development illustrated on the plan prepared by Laura Kehrlein, Fredric C. Divine Associates Architects, page A1, dated 9/12/12.
2. 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.
3. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.
4. During construction the developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".
5. 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 # 12-30. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 12-30 will result in the job being immediately stopped and red tagged.
9. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

10. 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.

11. 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.

12. 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.

13. Noise from construction worker's radios shall be controlled so that they are not audible at residences adjacent to the project site.

14. All internal combustion engine-driven equipment shall be equipped with mufflers which are in good condition and appropriate for the equipment.

15. Quiet models of air compressors and other stationary noise sources shall be utilized where technology exists.

16. Noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

17. Unnecessary idling of internal combustion engines shall be prohibited.

18. Applicant shall notify adjacent residents to the project site of the construction schedule in writing.

19. Conditions placed 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.

Marin Municipal Water District Conditions

1. All landscaping and irrigation plans must be designed in accordance with the District's Code Title 13 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 – Other Agency/Department comments/conditions

PLANNING APPLICATION FORM
Town of Fairfax Planning Department

For PLANNING COMMISSION action:	For ADMINISTRATIVE action
<input type="checkbox"/> Annexation <input type="checkbox"/> General Plan Amendment from _____ to _____ <input type="checkbox"/> Design Review (hillside*, commercial*, multi-family*, 5'-8' residential setback additions to existing dwellings) <input type="checkbox"/> Precise Development Plan** <input type="checkbox"/> Second Unit Use Permit * <input type="checkbox"/> Sign Review * <input type="checkbox"/> Parcel Map/ Tentative Map/ Vesting <input type="checkbox"/> Tentative Map, Lot Line Relocation <input checked="" type="checkbox"/> Use Permit * <input type="checkbox"/> Variance <input type="checkbox"/> Zone Change from _____ to _____ <input type="checkbox"/> Encroachment <input type="checkbox"/> Certificate of Compliance <input type="checkbox"/> Hill Area Residential Development <input type="checkbox"/> Other: _____ <input type="checkbox"/> Environmental Review*	<input type="checkbox"/> Admin. Sign Review (commercial)* <input type="checkbox"/> Admin. Design review (hillside)* <input type="checkbox"/> Admin. Lot Line relocation <input type="checkbox"/> Other <hr/> For Office Use Only Application # _____ Receipt # _____

RECEIVED
SEP 26 2012
TOWN OF FAIRFAX

* Please complete the appropriate Supplemental Questionnaire.

** See special submittal requirements.

~~~~~ Please see fee schedule for required application fees. ~~~~~

|                                           |                                           |                          |
|-------------------------------------------|-------------------------------------------|--------------------------|
| Job Site Address:<br><b>31 MAPLE AVE.</b> | Assessor Parcel No.:<br><b>001-204-92</b> | Zone:<br><b>RD 5.5-7</b> |
|-------------------------------------------|-------------------------------------------|--------------------------|

|                                                                |                                                                 |                                    |
|----------------------------------------------------------------|-----------------------------------------------------------------|------------------------------------|
| Property Owner(s) Name:<br><b>JK &amp; BRIDGET<br/>MONAGLE</b> | Phone Numbers:<br>Home:<br>Work:                                | Fax Number:                        |
| Mailing Address:<br><b>31 MAPLE AVE.</b>                       | City:<br><b>FAIRFAX</b>                                         | State/Zip:<br><b>CA 94930</b>      |
| Applicant(s) Name (contact person):<br><b>LAURA KEHRLEIN</b>   | Phone Numbers:<br><del>Home:</del><br>Work: <b>415-457-0220</b> | Fax Number:<br><b>415-454-9581</b> |
| Mailing Address:<br><b>1924 FOURTH ST.</b>                     | City:<br><b>SAN RAFAEL</b>                                      | State/Zip:<br><b>CA 94901</b>      |

PROJECT DESCRIPTION: NEW DECK EXTENSION TO  
EXISTING PORCH WITH NEW TRELLIS.

GENERAL INFORMATION (if applicable):

| Item                                                   | Existing       | Proposed |
|--------------------------------------------------------|----------------|----------|
| Lot size                                               | 6,250 SF       | 6,250 SF |
| Size of structure(s) or commercial space (square feet) | 1,714 SF       | 1,714 SF |
| Height and No. of stories                              |                |          |
| Lot coverage                                           | 35%            | 35%      |
| No. of dwellings units                                 | 1              | 1        |
| Parking <sup>1</sup>                                   | No. of spaces  | 2        |
|                                                        | Size of spaces | 9'x19'   |

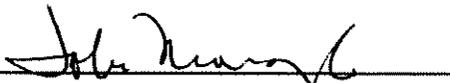
|                                        |              |        |
|----------------------------------------|--------------|--------|
| Amount of proposed excavation and fill | Excavation = | Fill = |
|----------------------------------------|--------------|--------|

Estimated cost of construction \$ \_\_\_\_\_

Lot Coverage is defined as the land area covered by all buildings and improvements with a finished height above grade and all impervious surfaces except driveways.

<sup>1</sup>Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? \_\_\_\_\_

  
 Signature of Property Owner

  
 Signature of Applicant

9.25.12  
 Date

9.25.12  
 Date

Planning Department staff is available by appointment between 8:30 a.m. and 12:00 noon and 1:00 p.m. and 5:00 p.m. Monday through Thursday at 142 Bolinas Road, Fairfax, CA. (415) 453-1584

## FLOOR AREA RATIO (FAR) AND LOT COVERAGE STATISTICS

The following information will be used to verify application FAR and lot coverage amounts.  
Applications will not be considered complete until the following table is complete.

|                                               | Existing     | Proposed |
|-----------------------------------------------|--------------|----------|
| Footprint square footage for all structures   | 2,210 SF     | 2,210 SF |
| Living space square footage                   |              |          |
| First floor                                   | 1,714 SF     | 1,714 SF |
| Second floor                                  | ∅            | ∅        |
| Third floor                                   | ∅            | ∅        |
| Total                                         | 1,714 SF     | 1,714 SF |
| Accessory structure square footages           |              |          |
| Sheds                                         | ∅            | ∅        |
| Pool houses                                   |              |          |
| Studios/offices                               |              |          |
| Second units                                  |              |          |
| Miscellaneous (specify use)                   |              |          |
| Total                                         |              |          |
| Square footage of impervious surfaces         |              |          |
| Walkways                                      | 200 SF       | 200 SF   |
| Patios                                        | 100 SF       | 100 SF   |
| Impervious decks                              | PORTCH 55 SF | 55 SF    |
| Miscellaneous (specify use)                   |              |          |
| Total                                         | 355 SF       | 355 SF   |
| Garage/carport square footages (specify type) | 441 SF       | 441 SF   |

\* All square footage measurements must be the sum of all interior floor area measured from the exterior faces of the exterior walls for structures (Town Code § 17.008.020).

**FLOOR AREA:** Fairfax Town Code § 17.008.020, Definitions, defines "floor area" as the sum of all interior floor area measured from the exterior faces of the exterior walls. The "floor area" of any accessory structures on the same lot shall be included. The "floor area" of any garage in excess of 500sf in size for single-family residences and 800sf in size for duplexes shall also be included.

**LOT COVERAGE:** Fairfax Town Code § 17.008.020, Definitions, defines "lot coverage" as the percentage of the lot area that is occupied by the ground area of a building, any accessory building(s), as well as any impervious surface areas such as patios (other than driveways) adjacent to the building or accessory structure.

## USE PERMIT FINDINGS

JK and Bridget Monagle  
31 Maple Ave.  
Fairfax, CA

The subject property is 6,250 SF and 50' at its shortest width with a 15% slope. The zoning district requires a minimum 7,000 SF lot with 65' width for a property with a 15% slope. The property is developed with a 1,714 SF one story residence with a 441 SF attached two car garage. The owner's would like to expand the front entry deck to make it more usable. No setback variances will be required as part of this application.

**The approval of this use permit shall not constitute a grant of a special privilege.**  
Currently the front entry deck does not allow for adequate usable space. The property owners would like to expand the deck 2'-0" into the front setback, as allowed per code.

**The development and use of the property shall not create a public nuisance, cause excessive or unreasonable detriment to adjoining properties.**

The proposed deck addition is located at the front of the property with a 19'-4" front setback. ~~The deck is an expansion of an existing front covered entry deck.~~ The proposed deck is located within the building footprint to the neighboring residence to the north.

**Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case.**

The proposed deck is an allowed use and does not increase the lot coverage, floor area ratio, and meets the required setbacks for the zoning district in which it is situated.

ATTN: SERGEANT STUART BAKER

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: October 2, 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: 31 Maple Avenue; Assessor's Parcel No. 001-204-92

Project Description: deck expansion onto an existing porch including new trellis.

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 | 9/12/12 | Preliminary development plans for deck/trellis addition |
|   |         |                                                         |
|   |         |                                                         |
|   |         |                                                         |
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|   |         |                                                         |
|   |         |                                                         |

REMARKS NO CONCERNS. SB

Please respond by October 15, 2012. Thanks

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

EXHIBIT # B

**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**

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**Date: October 2, 2012**

To:  Town Engineer       Fairfax Police Dept.       Marin County Open Space Dist.  
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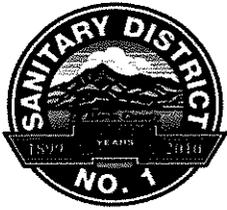
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|   |         |                                                         |
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|   |         |                                                         |
|   |         |                                                         |

**REMARKS** NO COMMENT AT THIS TIME

Please respond by October 15, 2012. Thanks

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



**ROSS VALLEY SANITARY DISTRICT**

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

October 4, 2012

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

RECEIVED  
OCT 11 2012  
TOWN OF FAIRFAX

**SUBJECT: 31 MAPLE AVE. FAIRFAX; APN: 001-204-92.**

Dear Ms. Neal:

We are in receipt of your transmittal letter dated October 3, 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 not already 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



# MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169

[www.marinwater.org](http://www.marinwater.org)

October 8, 2012  
Service No. 59998

Linda Neal  
Town of Fairfax Planning Dept  
142 Bolinas Rd  
Fairfax CA 94930

RECEIVED  
OCT 11 2012  
TOWN OF FAIRFAX

**RE: WATER AVAILABILITY** - Single Family Dwelling  
Assessor's Parcel No.: 001-204-92  
Location: 31 Maple Avenue, 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 deck expansion 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) 945-1531.

Sincerely,

Joseph Eischens  
Engineering Technician

JE:mp

cc: Town of Fairfax Building Dept