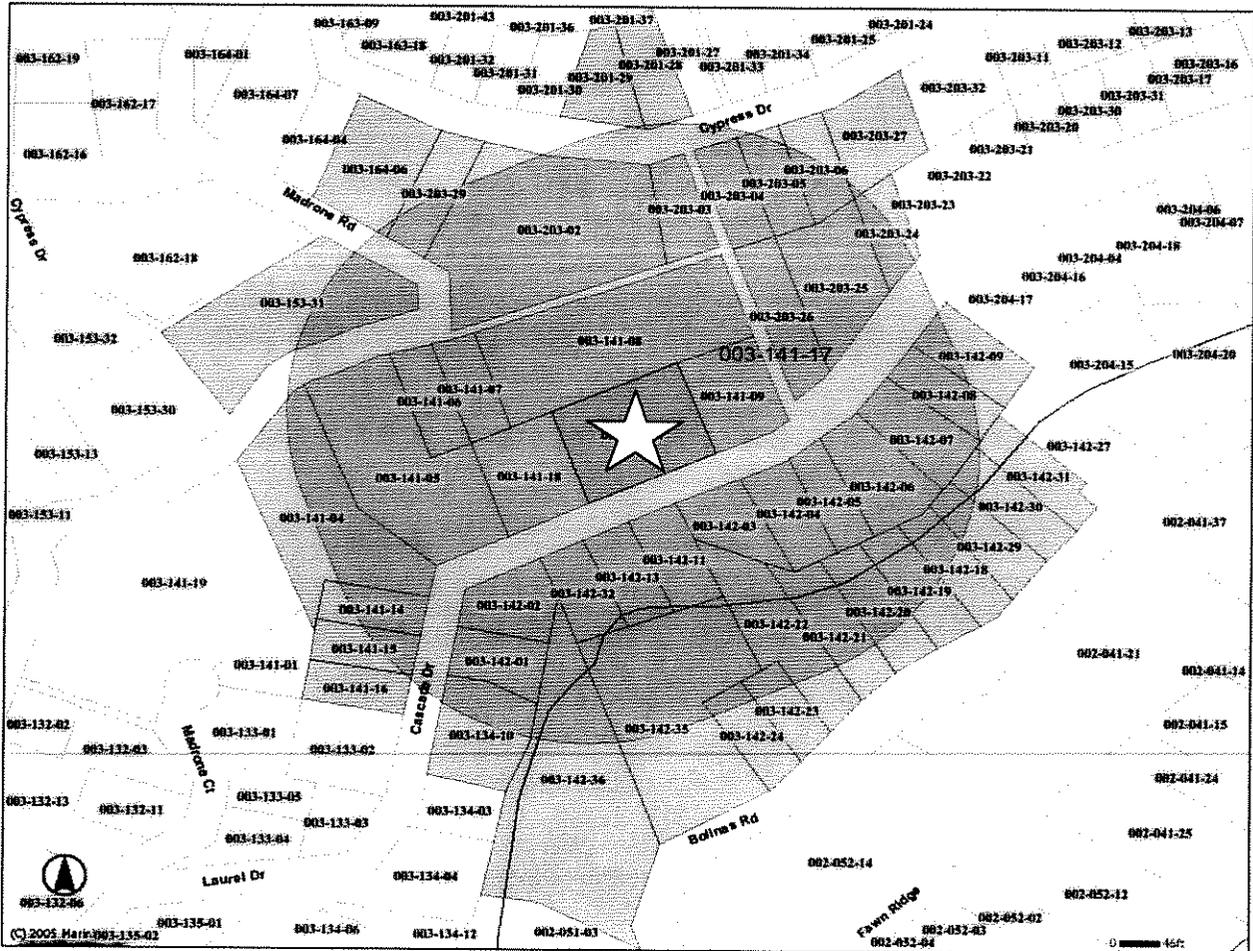


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: May 16, 2013
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Senior Planner
LOCATION: 156 Cascade Drive; Assessor's Parcel No. 003-141-17
PROJECT: Deck addition
ACTION: Use Permit; Application # 13-11
APPLICANT: McCoy Architecture, Inc.
OWNER: Matt and Mireya Quirie
CEQA STATUS: Categorically exempt section(s) 15303



156 CASCADE DRIVE

AGENDA ITEM # 1

BACKGROUND

The 18, 683 square foot site slopes up from Cascade Drive at an average rate of 64%. The 1,676 square foot single-family residence was constructed in 1975 and has three bedrooms and 2 bathrooms and a two car carport.

DISCUSSION

The project encompasses the construction of a 390 square foot deck addition onto the west side of an existing 1,676 square foot, single-family residence.

The property is located within the Residential Single-family RS 6 Zone District and the structures (residence and carport) comply with the RS 6 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	6 ft (carport)	64 ft	70 ft	66 ft (west side of house) & 15ft (east side of carport)	81 ft	.09	.17	26 feet, 2 stories
Proposed	same	same	same	47 ft (new deck), & 15 feet (east side of carport)	62 ft	same	same	same

The project does not constitute a 50% remodel and will not require the removal of any trees from the site. Excavation will amount to 8 cubic yards or less to prepare the deck pier holes.

Use Permit

Town Code § 17.080.050 requires that a Use Permit be obtained in the RS 6 Zone prior to any use, occupancy or physical improvement of or on a building site failing to meet the minimum size and/or width requirements based on the property average slope. The site is 18,683 square feet in size and 151 feet wide and has an average slope of 64%. In order to comply with the

minimum size and width requirement set forth in Town Code § 17.080.050(C) a site with a 64% slope would have to be 56,000 square feet in size and 212 feet wide to comply with the code. Therefore, the deck addition requires the approval of a Use Permit.

The deck will comply with the required setback, height, floor area ratio (FAR) and lot coverage limitations set forth in the Residential RS 6 Zone District and will not require the approval of any other discretionary permits.

The deck will extend out to the side of the house and will maintain over 47 feet of setback from the property to the west of the site and will have no impact on the houses to the east or to the south. The house to the east is over 62 feet away from the east side property line. The house to the south is over 60 feet away across Cascade drive and at a much lower elevation than the proposed deck.

The deck design and location is typical of decks found on other houses on sloped properties throughout the Cascade Drive neighborhood and adjacent hillside areas.

Staff brought the fact that the deck cannot be accessed from anywhere within the residence to the applicants attention. They have indicated that the owner is aware and plans to access the deck only from the backyard (Exhibit A – applicant’s supplemental information).

Other Agency/Department Comments and Conditions (see Exhibit B)

Ross Valley Fire Department

The site is located within the Wildland Urban Interface Zone. The owner must maintain the area around the structure in compliance with Public Resources Code Section 4291.

Marin Municipal Water District

Compliance with District Code Title 13, Water Conservation, is a condition of water service so any landscaping plans must be reviewed and approved by the Water District.

Should backflow protection be required it shall be installed as a condition of water service and be inspected and approved by the Water District.

Ross Valley Sanitary District

Ross Valley Sanitary District did not comment on this project.

Fairfax Police, Building and Public Works Departments

The Police, Building and Public Works Departments had no concerns or comments on the project.

RECOMMENDATION

Move to approve application # 13-11 based on the following findings and subject to the following conditions of approval:

Recommended Findings

1. The deck will comply with all the setback, height, floor area ratio and lot coverage regulations in the RS 6 Zone district where the project site is located. 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 setbacks maintained by the deck greatly exceed the minimums required by the Town Code and will not result in the owners being able to look into the private yard space of any of the neighbors. 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. The deck will provide level outdoor living space for this steeply sloping property that does not have any usable outdoor space. 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 McCoy Architecture, Inc., pages A0, A0.1, 1, and A1.0 through A3.0 dated 4/26/13.
2. The applicant shall submit a bond 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 upon approval of the contract costs, the applicant shall submit a bond or evidence of a letter of credit equaling 100% of the estimated construction costs and pay for the Town Engineer's time to review and confirm the contractor's estimate.

3. 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. The Town Engineer's time will be paid for by the applicant prior to issuance of the building permit.
4. The grading and foundation elements shall also be stamped and signed by the site geotechnical engineer as conforming to the recommendations made by the project engineer.
5. 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.
6. During the construction process the following shall be required:
 - 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.
 - 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. The building official shall field check the concrete forms prior to the pour.
 - 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.
 - 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.
7. Prior to issuance of an occupancy permit 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.

8. Excavation shall not occur between October 1st and April 1st. The Town Engineer has the authority to waive this condition depending upon the weather.
9. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.
10. During construction 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".
11. 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 # 13-11. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 13-11 will result in the job being immediately stopped and red tagged.
12. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.
13. 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.
14. 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.
15. Noise from construction worker's radios shall be controlled so that they are not audible at residences adjacent to the project site.
16. All internal combustion engine-driven equipment shall be equipped with mufflers which are in good condition and appropriate for the equipment.
17. Quiet models of air compressors and other stationary noise sources shall be utilized where technology exists.

18. Noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
19. Unnecessary idling of internal combustion engines shall be prohibited.
20. 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.

ATTACHMENTS

- Exhibit A - Applicant's supplemental information
- Exhibit B - Other agency/department comments

TOWN OF FAIRFAX

APR 30 2013

RECEIVED

April 26, 2013

Linda Neal
Senior Planner
Town of Fairfax Planning Department
142 Bolinas Rd., Fairfax CA 94930

Re: 156 Cascade Drive; Planning Application

Dear Ms. Neal,

Attached are 14 revised set per the letter from your office date April 17, 2013.

I have added contour lines to the site plan. We added contours at 2'-0" intervals due the fact the survey had been prepared using 2' intervals.

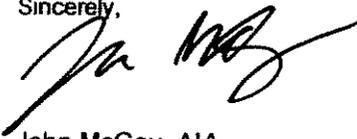
Also, I added some basic information about the main living floor.

We are aware that to access the deck one will have to go out the back door and use the existing pathway to get on the deck. This is intentional.

I hope this addresses all of the concerns for this project application.

Thank you for your assistance with this project.

Sincerely,



John McCoy, AIA

McCoy Architecture, Inc

PROJECT DESCRIPTION: We are proposing a new 390 square foot deck.

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	18,685 sq. ft.	18,685 sq. ft.
Size of structure(s) or commercial space (square feet)	(E) House +/- 1,676 sq. ft.	No Change to Existing residence
Height and No. of stories	(E) House +/- 26'	No Change to Existing
Lot coverage	2,076 sq. ft	2,466 sq. ft. (w/ new deck)
No. of dwellings units	1	1
Parking ¹	No. of spaces	2
	Size of spaces	9x19

Amount of proposed excavation and fill	Excavation = Drilled piers only	Fill =0
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Estimated cost of construction \$ 35,000

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.

¹Minimum 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? No

Signature of Property Owner

Signature of Applicant

Date

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	2,076 sq. ft	2,466 sq. ft
Living space square footage		
First floor	316	No Change
Second floor	960	No Change
Third floor	400	No Change
Total	1,676	
Accessory structure square		
Sheds		
Pool houses		
Studios/offices		
Second units		
Miscellaneous (specify use)	100 sq. ft. Tree House	
Total		
Square footage of impervious		
Walkways	277 sq. ft.	No Change
Patios	865 sq. ft.	No Change
Impervious decks		
Miscellaneous (specify use)		
Total		
Garage/carport square footages (specify type)	Carport 400 sq. ft.	No Change

* 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 Applications - Additional information required.

- A written description of the proposed use, major activities, hours of operation, number of employees on the premises during the busiest shift and when the busiest shift is expected and other information pertinent to the application.
- Floor plans must include location of any special equipment.
- Designate customer, employee and living areas.
- If different uses are included in this activity, for example storage, retail, living space, etc. Indicate square footage of each proposed use.

In order to approve your project, the Planning Commission must make findings of fact which state that the project will not have a negative impact on the general public welfare, conforms with the policies of the Town, does not create excessive physical or economic impacts on adjacent property and provides for equal treatment with similar properties in Town

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

This project is to consist of constructing a new wood deck adjacent to an existing residence. As such, this project will have no negative impacts to the surrounding neighborhood or the Town of Fairfax.

Wood decks of this nature and size (and even larger in some cases) are a common occurrence in the Town of Fairfax and therefore, allowing this deck to be constructed will in no way grant any special privilege or unique circumstance to the property.

Additionally, the proposed deck conforms with all policies of the Town of Fairfax.

The final disposition of each use permit shall be in accordance with the facts of the particular case, and such facts must support the following determinations and findings before a use permit may be approved. Indicate how the findings below can be made:

- 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.

Wood decks of this nature and size (and even larger in some cases) are a common occurrence in the Town of Fairfax and therefore; allowing this deck to be constructed will in no way grant any special privilege or unique circumstance to the property.

- The development and use of property, as approved under the use permit, shall not create a public nuisance, 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, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

Due to the large size of the parcels in this zoning (RS 6), and the moderate to small size of the proposed deck, no adjoining properties will be impacted in anyway. In fact this deck will not be visible to most neighbors and is to be situated 20' back from the nearest property line (the front) and will be greatly obscured by the existing natural vegetation.

- 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, development plan or other plan or policy, officially adopted by the town.

The proposed deck conforms with all policies of the Town of Fairfax



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

FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence
ADDRESS: 156 Cascade
Fairfax, CA

Page: 1 of 2
Date: 04/29/2013

Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Residential E-mail: Rbastianon@rossvalleyfire.org

Bldg. Dept. 04/11/13 Fire Dept. # 13-0110 Review No. 1

Fire Department Standards can be found at: www.rossvalleyfire.org

Applicant*: Fairfax Planning
Address:

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

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

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

- APPROVED (no modifications required)
- COMPLETE WITH CONDITIONS (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: 4/29/13

Inspections required:

- Access/Water Supply prior to delivery of combustibles
- Defensible Space/Vegetation Management Plan
- Sprinkler Hydro/Final
- 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: 156 Cascade
Fairfax, CA

Page: 2 of 2
Date: 04/29/2012
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Residential E-mail: Rbastianon@rossvalleyfire.org
Bldg. Dept. 04/11/13 Fire Dept. # 13-0110 Review No. 1
Fire Department Standards can be found at: www.rossvalleyfire.org

ITEM #	SHEET	COMMENTS	Corr. Made
1		Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth within the defensible space zone of 30-100 feet. Please follow PRC 4291 for how the property is to be maintained.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	

All conditions listed above shall be included in revised drawings.

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

April 22, 2013
Service No. 52528

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

RECEIVED

APR 22 2013

TOWN OF FAIRFAX

RE: WATER AVAILABILITY - Single Family Dwelling
Assessor's Parcel No.: 003-141-17
Location: 156 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 deck 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.

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.

Very truly yours,

Joseph Eischens
Engineering Technician

JE:dh

cc: Town of Fairfax Building Dept

Attn: Sergeant 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: April 16, 2013

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

Address and Parcel No: 156 Cascade Drive; Assessor's Parcel No. 003-141-17

Project Description: addition of a 390 square foot deck to the west side of an existing single-family residence.

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	3/26/13	Preliminary development plans

REMARKS SB - NO POLICE CONCERNS.

Please respond by May 1, 2013. Thanks

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