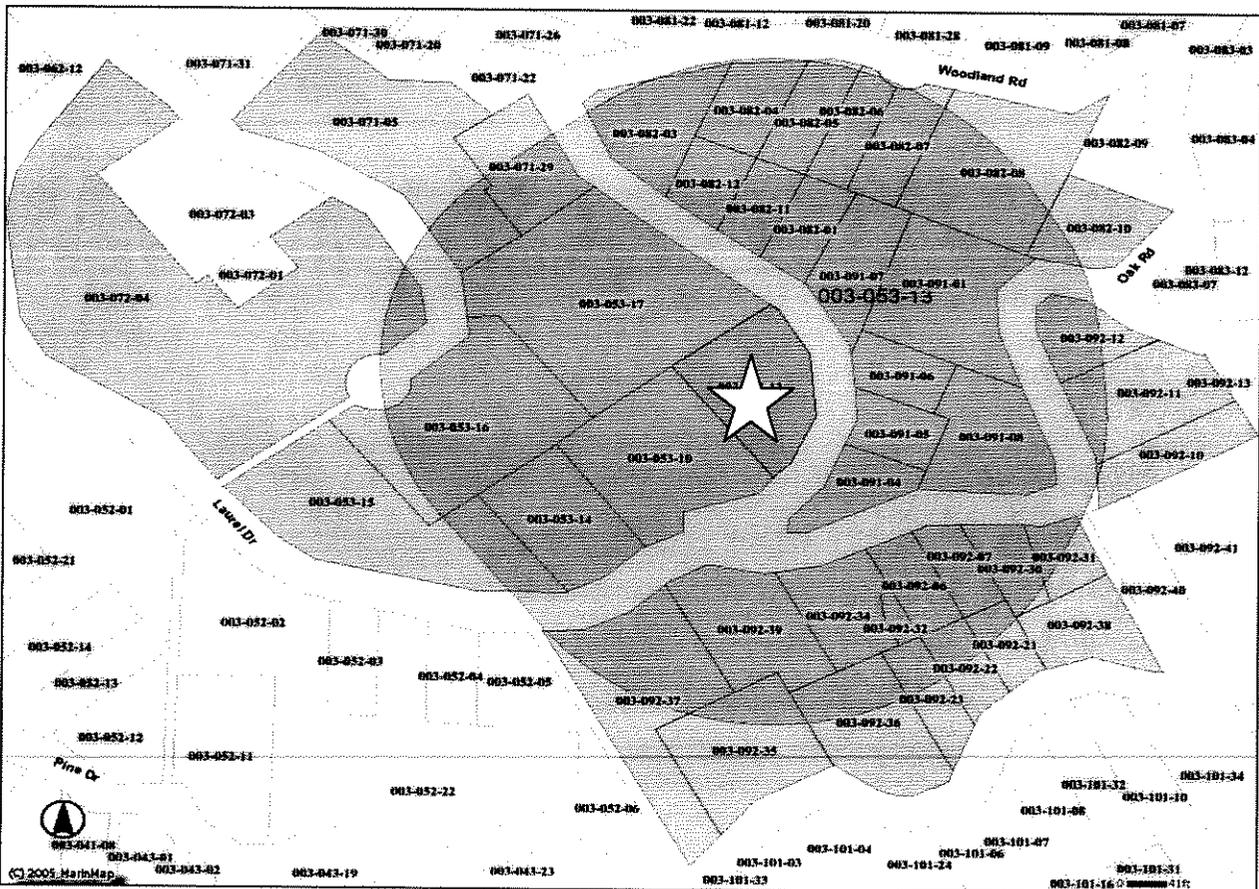


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: May 16, 2013
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Senior Planner
LOCATION: 17 Woodland Road; Assessor's Parcel No. 003-053-13
PROJECT: 50% remodel/addition to a single-family residence
ACTION: Hill Area Residential Development Permit, Design Review, Excavation Permit and Parking Variance: application # 13-01
APPLICANT: Rich Rushton, Rushton Chartock Architects
OWNER: Daniel May and Kim Teevan
CEQA STATUS: Categorically exempt section(s), 15301(e)(1)



17 WOODLAND ROAD

BACKGROUND

This item was continued from the April 4, 2013 meeting where the Commission requested additional information from staff and the applicant. The Commission requested that the applicant provide a design for a proposed carport and that staff contact the Ross Valley Fire Department to have them assess the potential increase in fire hazards if the structure were included in the project. For additional information see the attached April 4, 2013 staff report and minutes labeled Exhibit A.

DISCUSSION

The information provided by the Ross Valley Fire Department has not resulted in the staff altering our original assessment of the project or recommendation.

The Ross Valley Fire Departments assessment of the project with regards to the addition of a carport is included as Exhibit B.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve application # 13-01 subject to the following findings and conditions of approval:

HRD Findings

1. The proposed development is consistent with the General Plan, other adopted codes and policies of the Town of Fairfax, and is consistent with the purpose and intent of this ordinance.
2. The site planning preserves identified natural features as much as possible while complying with the overlapping regulations of the Zoning Ordinance, the Wildland Urban Interface Zone regulations and Building Codes.
3. The Town Engineer has reviewed the following reports, development plans and engineering plans and has determined that the project can be built; a) without creating geologic, hydrologic or seismic hazards; b) negatively impacting the health, safety and welfare of the public; c) that adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work; d) adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work; and, e) the amount of the excavation or fill proposed is not more than is required to allow the property owner substantial use of his or her property (see Exhibit B – Town Engineer’s memorandum dated 3/29/13):

1. The 12/10/12, 12/12/12 and 1/20/13 geotechnical reports by Geoengineering, Inc. (Exhibit C)
2. The property topographic survey by J.L. Engineering dated July 2012
3. The engineered site improvement, grading and drainage plan by J.L. Engineering dated January 2013 (plan sheet C1)
4. The engineered site improvement, grading and drainage plan by J.L. Engineering dated February 2013 (plan sheet C2)
5. The engineered erosion control and stormwater pollution prevention plans by J.L. Engineering dated January 2013 (plan sheet C3)
6. The engineered topography and demolition plan by the J.L. Engineering dated January 2013 (plan sheet C4)
7. The architectural drawings by Rich Rushton , Rushton Chartock Architects, pages A1.1, A2.1, A4.1 and A4.2, A6.1 and A7.1.

4. The project will include bringing the property into compliance with the parking ordinance and therefore, vehicular access and parking are adequate.

5. The proposed residence is similar in size and architecture to other homes in the neighborhood. The site is not located within a Ridgeline Scenic Corridor or in any other area identified previously by the Planning Commission as a significant view corridor. Therefore, the proposed development harmonizes with the surrounding residential development, meets the design review criteria and does not result in the deterioration of significant view corridors.

Excavation Findings

1. The health safety and welfare of the public will not be adversely affected – See HRD finding # 3 above.
2. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work - see HRD findings # 3 above.
3. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work – see HRD finding # 3 above.
4. The only excavation occurring on the site is to install the required drainage improvements, bring the property into compliance with the Town parking regulations and to construct the new foundation. Therefore, the amount of the excavation or fill proposed is not more than is required to allow the property owner substantial use of his or her property.
5. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary because the VPM strives to maintain as many of the existing trees as possible while serving to protect the site for wildfires. 97 trees will remain on the site after the VPM is complied with.

6. Natural landscaping will not be removed by the project more than is necessary. See the finding above.
7. Town Code § 17.072.090(C)(4) prohibits excavation between October 1st and April 1st. Therefore, the time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff or prolonged exposure of unstable excavated slopes.

Design Review Findings

1. The proposed project shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
2. The proposed project is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
3. The proposed development, as conditioned to require a covered parking space, conforms to the design of parking and off-street loading areas set forth in this title.
4. Sufficient variety exists in the design of the structure to avoid monotony in external appearance.
5. The proposed 1,646 square foot residence is not out of proportion to the 17, 163 square foot project site.
6. The architecture of the structure is similar to the architecture of other structure found throughout the neighborhood and therefore conforms to the general character of other structures in the vicinity.
7. Excavation of the site has been minimized and the submitted Vegetative Management Plan (VMP) retains as many of the onsite trees as is possible while still comply with the Wildland Urban Interface Zone regulations. Therefore, the natural features of the site have been retained as much as possible.
8. The parking on the site is accessible and the portion of the driveway located in the public roadway easement will be paved to avoid future damage to the edge of the paved public roadway from vehicles driving into and out of the driveway.

Recommended Conditions of Approval

Planning Conditions:

1. A covered parking space must be incorporated into the project plans.
2. The covered space must be completed during the first phase of construction. Failure to complete the carport during the first phase of construction will result in the project being stopped by the Building Official until the construction on the carport is complete.
3. The two living levels of the residence will not be internally connected. Therefore, a deed restriction must be signed by the owners, their signatures must be notarized and the document must be recorded prior to issuance of the building permit indicating that the residence may only be used as a single-family home and may only have one kitchen.
4. An addendum to the Vegetative Management Plan must be provided addressing the new carport location prior to issuance of the building permit even if it is just to indicate no changes are necessary.
5. This approval is limited to the development illustrated on the plans prepared by Rich Rushton dated 10/5/12, pages A1.1, A2.1, A4.1 and A4.2, A6.1 and A7.1, the Vegetative Management plan dated 2/16/13 by Ray Moritz, based on the Record of survey by J.L. Engineering dated July 2012, and the engineering drawings by J.L. Engineering C-1 through C-4 and discussed in the project engineering reports and letters by Geoengineering Inc. dated 12/10/12, 12/12/12 and 1/20/13.
6. 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:
7. Construction delivery routes approved by the Department of Public Works.
8. Construction schedule (deliveries, worker hours, etc.)
9. Notification to area residents
10. Emergency access routes
 - a. b. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Director).
 - b. Submit a bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the

contract costs, the applicant shall submit a bond or letter of credit equaling 100% of the estimated construction costs.

- c. 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.
- d. The grading, foundation, retaining, and drainage elements shall also be stamped and signed by the site geotechnical engineer as conforming to the recommendations made by the project engineer.
- e. 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.
- f. The applicant shall secure a tree cutting permit from the Town prior to removal of any on-site trees over 24 inches in circumference measured 24 inches from the ground. To further minimize impacts on trees and significant vegetation, the applicant shall submit plans for any utility installation (including sewer, water, drainage) which incorporates the services of a licensed arborist to prune and treat trees having roots 2 inches or more in diameter that are disturbed during the construction, excavation, or trenching operations. In particular, any cross country utility extensions shall minimize impacts on existing trees. Tree root protection measures may include meandering the line, check dams, rip-rap, hand trenching, soil evaluation, and diversion dams. Any trimming of trees shall be supervised by a licensed arborist.
- g. Submit three copies of the recorded record of survey with the building permit submittal.
- h. Pruning should be conducted during the winter which trees are dormant for deciduous species and July-August for evergreen species.

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

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

point has been completed in conformance with their recommendations and the approved building plans.

- c. The building official shall field check the concrete forms prior to the pour.
- d. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.
- e. Additionally, any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

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

- a. The geotechnical engineer shall field check the completed project and submit written certification to the Town Staff that the foundation, retaining, grading and drainage elements have been installed in conformance with the approved building plans and the recommendations of the soils report.
- b. The Town Engineer shall field check the completed project to verify that the work has been installed as per approved plan.
- c. The Planning Department shall field check the completed project to verify that all design review and planning commission conditions have been complied with including , if applicable, installation of landscaping and irrigation.

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

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

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

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

modification of Hill Area Residential Development Permit 13-01. *Any* construction based on job plans that have been altered without the benefit of an approved modification of Hill Area Residential Development Permit 13-01 will result in the job being immediately stopped and red tagged.

17. Any damages to Woodland Road resulting from construction activities shall be the responsibility of the property owner. The owner or contractor shall videotape or otherwise document as approved by the Public Works Director the existing condition of the roads in the vicinity of the site prior to starting construction of the residence. Road closures, if necessary, shall be coordinated with the Fairfax Police Department and the Ross Valley Fire Department.
18. The applicant or owner shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

Town Engineer Conditions

1. Prior to the building permit final inspection a letter must be obtained from the geotechnical engineering stating that the finished grading for the project site satisfies that engineer's requirements for stability and erosion control.
2. All pages of the plans submitted for the building permit must consistently indicate whether the wall below the driveway will be concrete or steel lagging and wood.

Ross Valley Fire Department Conditions:

1. A fire protection 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. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
2. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detector 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.

3. A Vegetative Management Plan designed in accordance with Ross Valley Fire Standard 220 is required for this project. A separate deferred permit shall be required for this plan. Please submit directly to the Fire Department for review.
4. Carbon monoxide alarms shall be provided.
5. Address numbers must be 4 inches tall and if not clearly visible from the street, additional numbers are required. The project is a substantial remodel so the numbers must be internally illuminated or illuminated by an adjacent light controlled by a photocell and switch off only by a breaker so it will remain illuminated all night. The numbers must be internally illuminated, placed next to a light or be reflective numbers.

Marin Municipal Water District

1. The applicant must comply with the District Code Title 13, Water Conservation, as a condition of water service.
2. Should backflow protection be requirement it shall be installed prior to the project final inspection.

Sanitary District

1. A new sewer connection will be required for the residence since it involves extensive demolition and rebuild. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirements of the fixture count, the applicant has the option of installing a new lateral or, the old sewer lateral needs to be tested in the presence of a District Inspector and found to meet all current District requirements. The cost will be based on the number of fixtures.
2. Occupancy will not be approved until District's permit and sewer requirements are fulfilled.

Miscellaneous Conditions

1. The applicant must comply with any all conditions listed above unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services.
2. Planning Conditions acted upon by the Planning Commission may only be waived by the Commission at a future public hearing.

ATTACHMENTS

Development plans including new plans for a carport

Exhibit A – Ross Valley Fire Department memorandum dated 5/8/13

Exhibit B – April 18, 2013 staff report and attachments



Memo

To: Linda Neal, SR Planner

From: Rob Bastianon, Fire Inspector 

Date: 5/8/2013

Re: 17 Woodland Road

Ross Valley Fire Department has reviewed the application for design review for the addition of a new detached carport. The planning commission has requested specific information relating to the installation of fire sprinklers (1), increase of fuel load (2), and the overall fire safety of the property with or without the carport (3).

(1) Fire sprinklers are required. WUI Code section 602 requires all new structure within the WUI zone to have an automatic fire sprinkler system installed.

(2) A sprinkler system is not designed to reduce fuel load. It is designed to hold a fire in check. A normal fire in a sprinkled building is usually controlled by the operation of one or two sprinklers.

(3) As designed the structure is not in compliance with fire resistive material as required by building and residential codes for new structures within the WUI. The overall fire safety of the site can potentially be increased with the addition of a new structure. When correctly designed to withstand fire and by creating an expanded defensible space zone by removing more vegetation from the site the risk of wild fire is reduced.