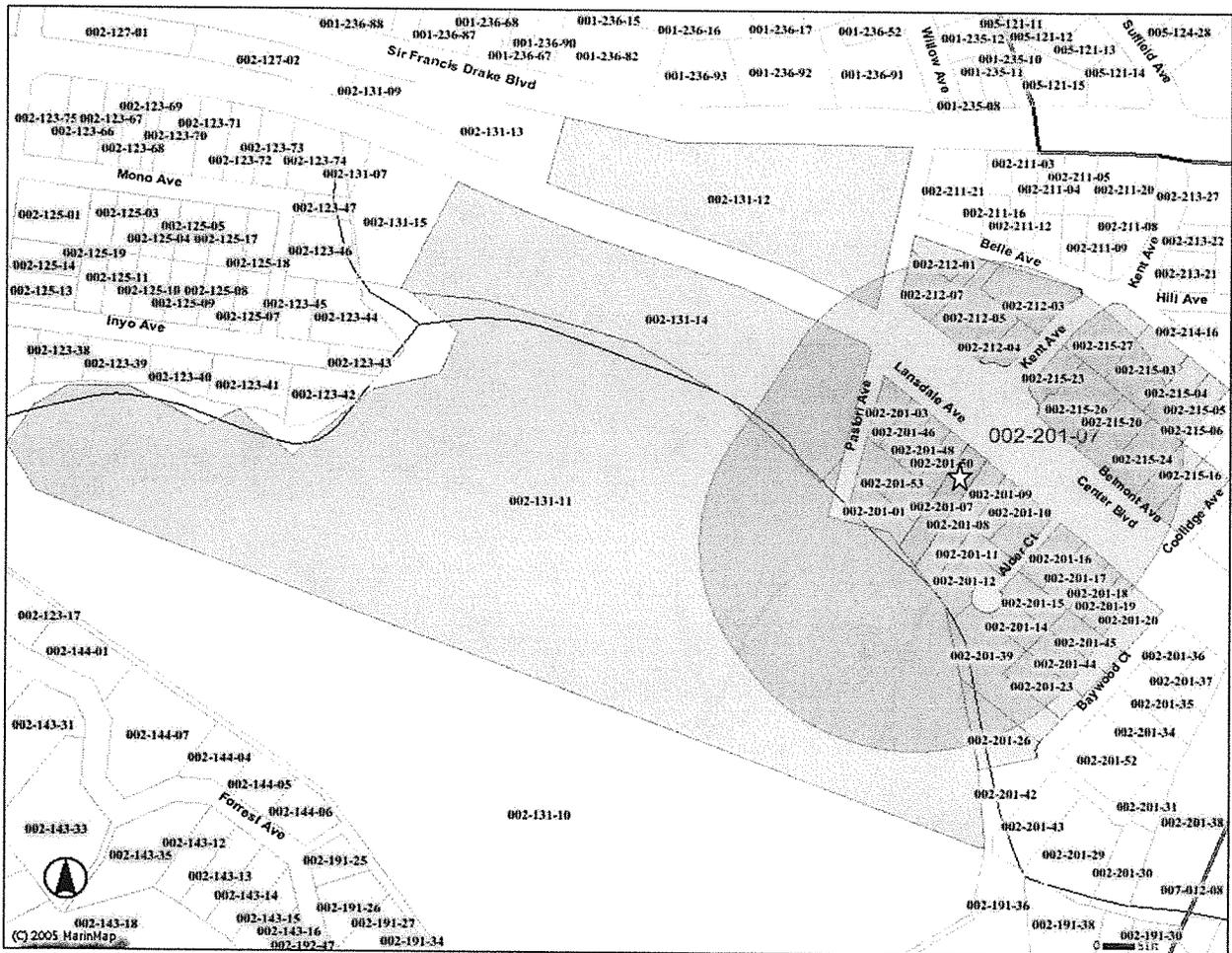


**TOWN OF FAIRFAX  
STAFF REPORT**  
Department of Planning and Building Services

**TO:** Planning Commission  
**DATE:** December 19, 2013  
**FROM:** Jim Moore, Director of Planning and Building Services  
 Linda Neal, Principal Planner  
**PROJECT:** Minor modification of a previously approved 50% remodel/addition to single-family residence  
**ACTION:** Use Permit Modification; Application # 13-34  
**ADDRESS:** 161 Lansdale Avenue; Assessor's Parcel No. 002-201-07  
**ZONING:** Residential Rd 5.5-7 Zone  
**APPLICANT:** Michael and Elizabeth Scherotter  
**OWNER:** Same  
**CEQA STATUS:** Categorically exempt, 15301(e)



**161 LANSDALE AVENUE**

## **BACKGROUND**

The 7,260 square foot site was developed in the 1920's with a single-family residence prior to the Town's incorporation in 1931 at a time when there were no requirements for minimum parcel sizes or widths. The property was rendered non-conforming with respect to width in 1973 when the minimum parcel width was set at 60 feet in the Residential RD 5.5-7 Zone.

A Residential Resale Inspection of the property performed by the Fairfax Building Inspector in 1984 indicated that at that time, the residence had only two bedrooms and had a covered parking space. A subsequent Resale in 2004 indicated that the garage and basement area had been converted into living space without the required Planning discretionary permits and without a building permit.

In 2005 the Commission approved a Use Permit and Parking Variance to legalize the unpermitted garage conversion and basement living space conversion subject to the applicant restoring a covered parking space on the site to comply with the Town Code. The parking variance allowed the expansion of the one bedroom residence into a three bedroom residence with only two (2), tandem, on-site parking spaces located within the required side yard setback. The third, guest parking space is provided along the property frontage in the right-of-way per code [Town Code § 17052.030(A)(2)].

In June of 2005 the applicant obtained a building permit to construct a covered parking space at the front of the residence, legalize the basement living space and replace the spiral stairway connecting the two living level with a traditional stairway. The work was done to replace the internal stairway but the garage was never built and the building permit was never finalized.

On October 17, 2013 the Commission granted a Use Permit and a Parking Variance to allow a remodel and addition to the residence without requiring and reconfiguration or cover to be constructed over the two, existing, tandem parking spaces. The project as previously approved increased the 1,955 square foot house by 698 square feet to 2,653 square feet.

On October 28<sup>th</sup>, 2013 the Town received an appeal of the Commission's action from the owner of the property at 43 Pastori Avenue objecting to the second floor roof deck for privacy reasons. The owners worked with the appellant to address her concerns and have submitted a modified project plan that eliminates the second story roof deck.

## **DISCUSSION**

The previously approved plans have been modified as follows increasing the square footage of the residence 217 square feet:

The enclosed porch off the family room on the first floor has been eliminated.

The two story addition has been expanded 4 feet to the rear of the property which has increased the square footage of the second floor master bedroom, added a second floor office/sunroom and

expanded the first floor family room.

A small covered balcony has been added on the second floor off the master bedroom.

A covered patio area has been added off the family room that includes an outdoor sink.

The wet bar has been removed from the family room.

The revised project/property conforms to the regulations set forth in the Residential Rd 5.5-7 Zone as follows:

	front setback	Rear setback	Combined front/rear setback	Side setbacks	Combined side setbacks	FAR	Lot coverage	height
Permitted	6ft	6ft	25ft	5ft & 5ft	15ft	.40	.35	28.5ft
existing	47ft	88ft	135ft	5 ft 9 ¼ in, 9 ft 2 5/8 in	15 ft	.26	.21	20 ft, 2 stories
proposed	47 ft	73 ft	120 ft	5 ft 9 ¼ in, 9 ft 2 5/8 in	15 ft	.36	.26	20 ft, 2 stories

The project requires a modification of the previously approved Use Permit per the Condition of Use Permit approval (Exhibit C).

**A Use Permit:** Town Code § 17.084.050(A) requires that properties be a minimum of 60 feet in width. The same section goes on to require that a Use Permit be obtained from the Planning Commission prior to any use, occupancy or physical improvement of or on a building site failing to meet the minimum requirements. The site is only 37 feet wide so the project requires a Use Permit.

The proposed modified project complies with the required setbacks, height limit, lot coverage limit and floor area ratio regulation. It will increase the size of the residence beyond the 2,653 square foot size approved in October by 231 square feet to 2,884 square feet.

A review of the Marin County Tax Assessor's Records indicates that structures in the area on similar sized parcels vary in size from 870 square feet to 2,691 square feet on parcels that range from 6,300 square feet to 11,760 square feet with the largest house being 2,691 square feet in size on a 7,695 square foot site. The project site is 7,260 square feet in size and the proposed modified project will result in a residence that is 2,713 square feet so the project will result in a residence that is the largest in the neighborhood. However, the residence still will not be out of scale with the large size of the property and is still less than the maximum permitted Floor Area Ratio of 2,904 square feet.

**Second Unit**

Even though the wet bar has been removed from the floor plan the laundry room is still located on the first floor. Laundry rooms can easily be converted into kitchens. Therefore, staff

recommends that the requirement for the owners to sign a deed restriction limiting the structure for use as a single-family residence be retained as a condition of approval. This restriction can be lifted if in the future, the owner go through the process and obtain approval for a second unit.

**Other Agency/Department Comments/Conditions** – The modification has not changed the other agency comments and conditions as they are listed below.

### **Ross Valley Fire Department**

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. Carbon monoxide alarms shall be provided.
4. 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. The project will require a connection permit from the District. 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.

## RECOMMENDATION

Move to approve the modification of application # 13-34 based on the following findings and subject to the original conditions of approval:

### Recommended Findings

1. The approval of the use permit will not constitute a grant of special privilege because the proposed residence complies with zoning regulations set forth in the Residential RD 5.5-7 Zone District, including the FAR limitation.
2. The residence is 20 ft in height which is less than the permitted 28.5ft height limit, and the project results in a FAR and lot coverage percentage that are less than the permitted maximums. Therefore, the use of property as approved under the use permit will 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, 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 the Zoning Ordinance or the Fairfax General Plan (see numbers 1 and 2 above).
4. Approval of the use permit will allow the owners to improve and expand their home which is a privilege that many other property owners throughout Fairfax have enjoyed even though their properties no longer comply with the minimum size and width requirements of the current code.
5. The property is narrow, only 37 feet wide, and the house it built at the front of the site where there are also two large heritage redwood trees. Anywhere that a covered space could be located will either be in a setback or have the potential to negatively impact the health of one of the redwoods. These are the special circumstances applicable to the property that limit the applicant's ability to comply with the covered parking regulation.
6. The variance or adjustment will not constitute a grant of special privilege because the site will still provide the minimum required two of parking spaces and the third required guest parking space is available along the property frontage.
7. The strict application of the covered parking regulations could result in the decline if the health of the redwood tree would be an unreasonable hardship.
8. The granting of the variance to eliminate the covered parking requirements will not be detrimental to the public welfare or injurious to other property in the vicinity because the required number of parking spaces will still be provided.

## **Recommended Conditions of Approval**

1. The Use Permit will not be valid until: a) the deed restriction is signed, notarized and recorded; and, b) a building permit is obtained.
2. This approval is limited to the development illustrated on the plans as revised by Architect Jessica Fairchild on 10/1/13, pages A0.0, A1.1, A2.0, A2.1, A3.0 and the topographical survey by Stephen Flatland dated May 2013.
3. Prior to issuance of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their requirements.
4. 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.
5. 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.
6. 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.
7. 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."
8. 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 application # 13-34 by the Fairfax Planning Commission. Any construction based on job plans that have been altered without the benefit of an approved modification will result in the job being immediately stopped and red tagged.
9. Any damages to the roadway resulting from construction activities shall be the responsibility of the property owner.
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.

11. The applicant must comply with any and all conditions listed below unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services.

### **Ross Valley Fire Department**

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. Carbon monoxide alarms shall be provided.
4. 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. The project will require a connection permit from the District. 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.

## **ATTACHMENTS**

Exhibit A – neighbor's appeal form

Exhibit B – Letter from neighbor indicating her approval of the modified project plans

Exhibit C - original 10/17/13 staff report

Exhibit D - minutes from the 10/17/13 Commission meeting



# TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930  
(415) 453-1584 / FAX (415) 453-1618

## NOTICE OF APPEAL

### FOR STAFF USE

Date: 10/28/13 Fee: \$500.00  
Appl.# \_\_\_\_\_  
Receipt# \_\_\_\_\_  
Recvd. By: J. W. [Signature]  
Action: \_\_\_\_\_

The purpose of the appeal procedure is to provide recourse in case it is alleged that there is an error in any order, requirement, permit, decision or determination by any administrative official, advisory body or commission in the administration or enforcement of the City Ordinances. Any person aggrieved by the action of any administrative official, advisory board or commission in the administration or enforcement of any ordinance in the Town Code may make verified application to the Town Clerk in the manner prescribed by the Town Council within ten (10) days of action that is appealed.

**FEE:** Fees are set by resolution of the Town Council. See fee schedule for current application fees.

### PLEASE PRINT

Appellant's name Patricia Gallery

Mailing address 1946 Micheltorena St., L.A., CA Zip: 90039 Day phone (415) 465-2186

Property Address: 43 Pastori Avenue

I appeal the decision of: (list board, commission, or department and decision, for example: Planning Commission denial of variance) application # 13-34

### The following are my reasons for appeal:

The proposed second-story portion of the project will degrade my property. Based on the overall proposed footprint of the addition and its sideyard proximity, the new second-story deck will seriously compromise the privacy of my back yard.

hereby declare that I have read the foregoing Notice of Appeal and know the contents thereof. I further declare under penalty of perjury that the information supplied by me is true and correct.

Executed this 24 day of October, 19 2013

SIGNATURE OF APPELLANT: [Signature] (4/94)

asdf

## Linda Neal

---

**From:** Patricia Gallery [patricia.a.gallery@gmail.com]  
**Sent:** Monday, November 18, 2013 12:16 PM  
**To:** Linda Neal  
**Cc:** 'Michael Scherotter'; 'Levin, John'; Liz@charette.com  
**Subject:** Revised Remodel Plan - 161 Landsdale  
**Attachments:** Rear Elevation.pdf; Plan.pdf; Side Elevation.pdf

Linda,

As I said in my voicemail to you this morning, the attached revised plans and modifications as stated by Michael Scherotter below to the 161 Landsdale project meet with our approval. We are therefore removing our appeal to their remodel based on these changes.

Thank you,

Patricia Gallery  
43 Pastori Avenue  
Fairfax, CA 94930  
415-465-2186  
[patricia.a.gallery@gmail.com](mailto:patricia.a.gallery@gmail.com)

**From:** Michael Scherotter [mailto:mischerom@microsoft.com]  
**Sent:** Thursday, November 14, 2013 11:31 AM  
**To:** [patricia.a.gallery@gmail.com](mailto:patricia.a.gallery@gmail.com)  
**Cc:** Liz Scherotter  
**Subject:** Revised Remodel Plan

Pat,  
Here are the revised plan and elevations for the remodel of our house at 161 Lansdale in Fairfax. The primary difference is the modification of the back deck with stairs down to a private balcony farther away from our shared property line. If these changes are acceptable to you we will resubmit them to the town of Fairfax with a letter from you saying that you don't object to the remodel as it has been revised to mitigate your concerns.

Thank you so much for working with us on this as we want to be considerate neighbors. Please call or email if you have any questions.

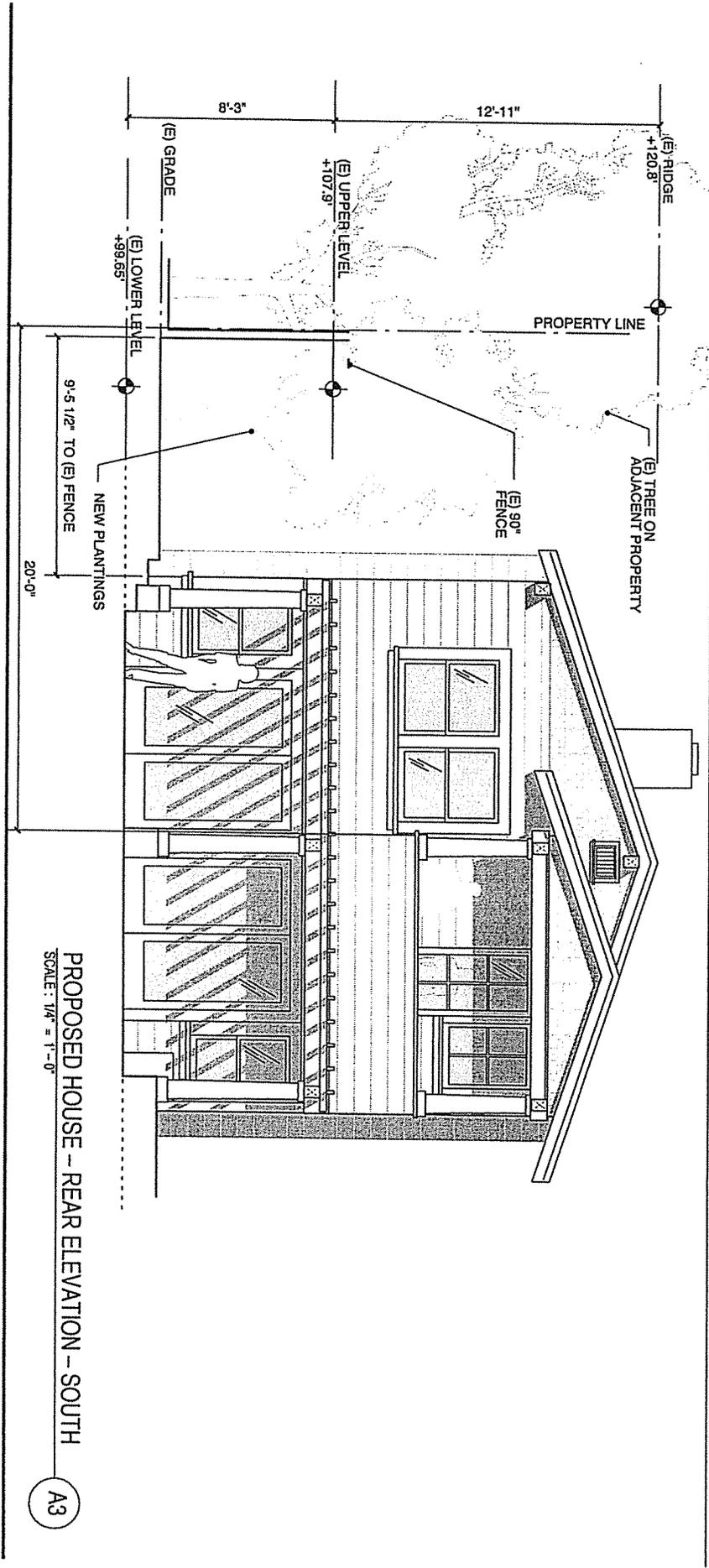
Sincerely,  
Michael

Michael S. Scherotter  
Developer and Platform Evangelism

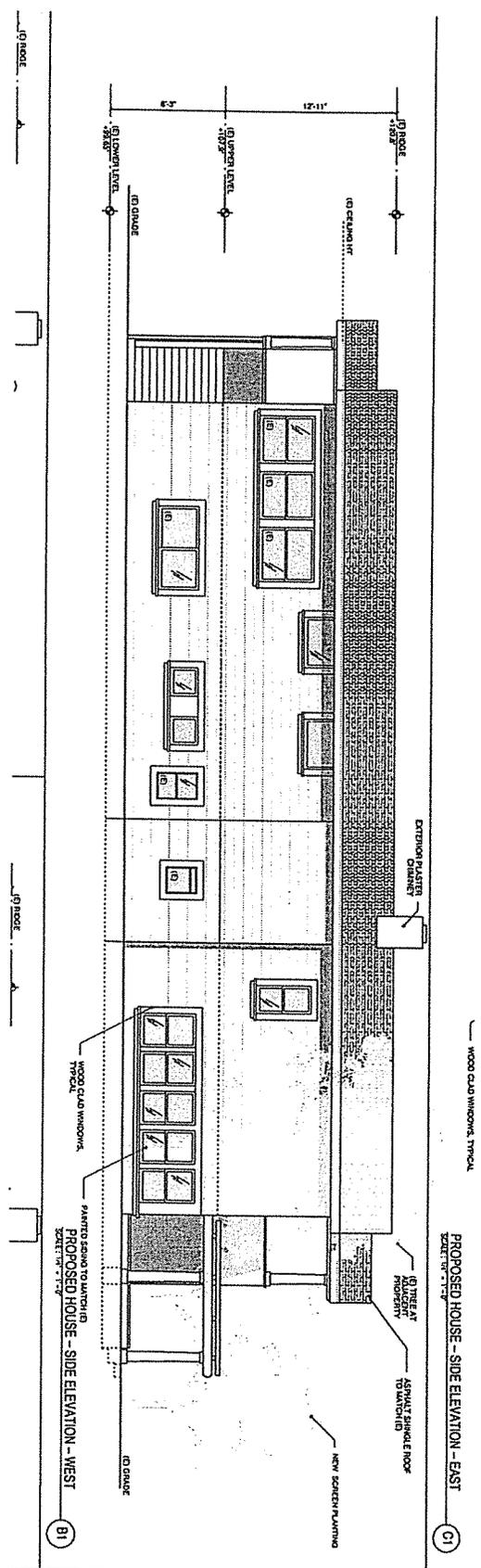
Media Experience Evangelist  
[mischerom@microsoft.com](mailto:mischerom@microsoft.com)  
Phone: +1.415.972.6700 Mobile: 415.250.7551 Skype: michael.scherotter  
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PROPOSED HOUSE - REAR ELEVATION - SOUTH  
 SCALE: 1/4" = 1'-0"



WOOD CLAD WINDOWS, TYPICAL

PROPOSED HOUSE - SIDE ELEVATION - EAST  
SCALE: 1/8" = 1'-0"

01

MICHAEL  
HILLMAN  
ARCHITECT

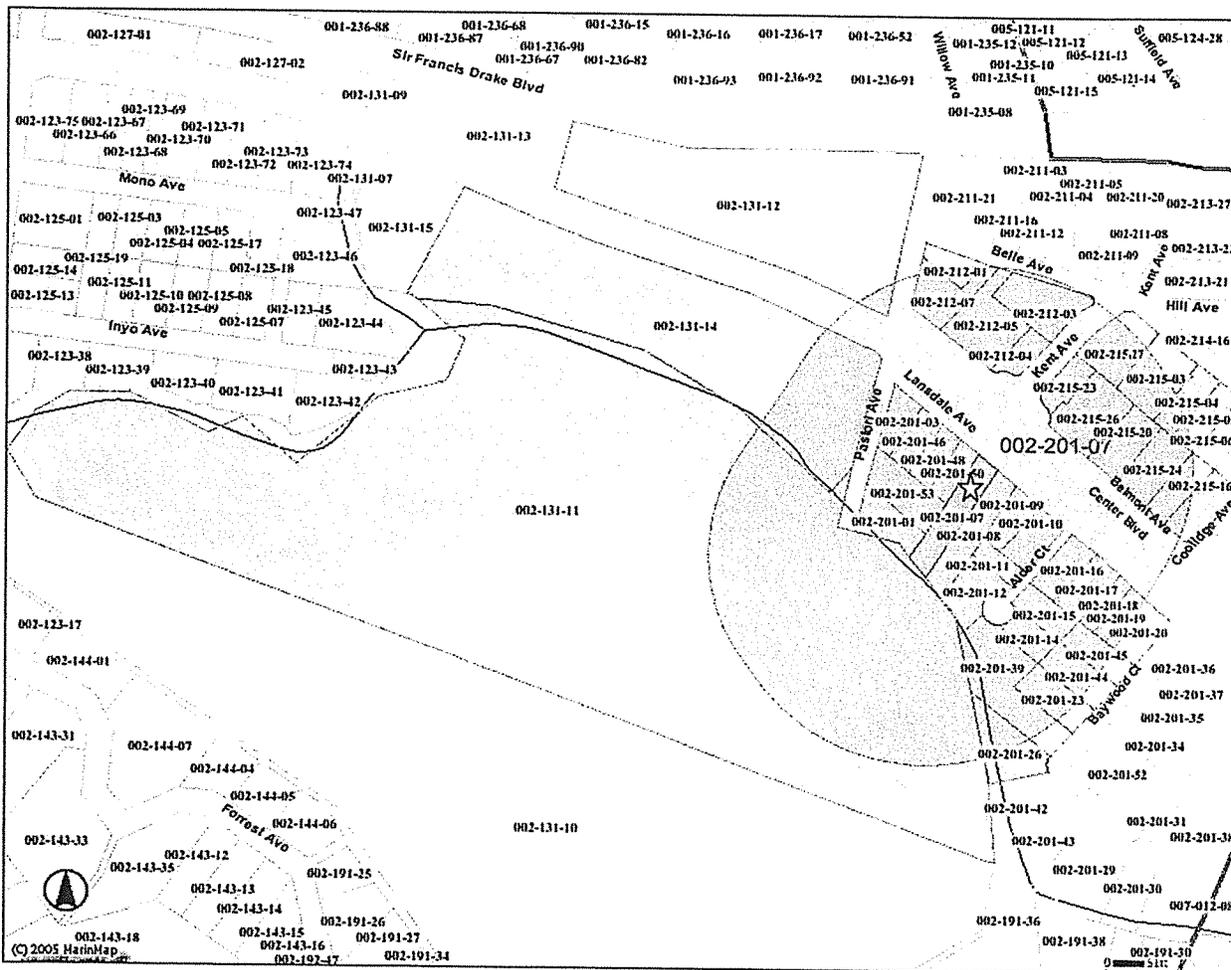
1114 489 B  
1114 489 B  
1114 489 B

PLAN  
SCALE: 1/8" = 1'-0"

1114 489 B  
1114 489 B  
1114 489 B

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

**TO:** Planning Commission  
**DATE:** October 17, 2013  
**FROM:** Jim Moore, Director of Planning and Building Services  
 Linda Neal, Principal Planner  
**PROJECT:** 50% remodel/addition to single-family residence  
**ACTION:** Use Permit and Parking Variance; Application # 13-34  
**ADDRESS:** 161 Lansdale Avenue; Assessor's Parcel No. 002-201-07  
**ZONING:** Residential Rd 5.5-7 Zone  
**APPLICANT:** Michael and Elizabeth Scherotter  
**OWNER:** Same  
**CEQA STATUS:** Categorically exempt, 15301(e)



**161 LANSDALE AVENUE**

## BACKGROUND

The 7,260 square foot site was developed in the 1920's with a single-family residence prior to the Town's incorporation in 1931 at a time when there were no requirements for minimum parcel sizes or widths. The property was rendered non-conforming with respect to width in 1973 when the minimum parcel width was set at 60 feet in the Residential RD 5.5-7 Zone.

A Residential Resale Inspection of the property performed by the Fairfax Building Inspector in 1984 indicated that at that time, the residence had only two bedrooms and had a covered parking space. A subsequent Resale in 2004 indicated that the garage and basement area had been converted into living space without the required Planning discretionary permits and without a building permit.

In 2005 the Commission approved a Use Permit and Parking Variance to legalize the unpermitted garage conversion and basement living space conversion subject to the applicant restoring a covered parking space on the site to comply with the Town Code. The parking variance allowed the expansion of the one bedroom residence into a three bedroom residence with only two (2), tandem, on-site parking spaces located within the required side yard setback. The third, guest parking space is provided along the property frontage in the right-of-way.

In June of 2005 the applicant obtained a building permit to construct a covered parking space at the front of the residence, legalize the basement living space and replace the spiral stairway connecting the two living level with a traditional stairway. The work was done to replace the internal stairway but the garage was never built and the building permit was never finalized.

## DISCUSSION

The project encompasses a remodel and addition to an existing single-family residence with two tandem parking spaces. The project will increase the 1,955 square foot house by 698 square feet to 2,653 square feet. The project will not increase the number of bedrooms beyond the three that exist now but it does include a two story addition to the rear of the house that will house the relocated and expanded master bedroom and bathroom and a family room with a wetbar and large enclosed porch. The project also includes a second story deck at the rear of the structure over an enclosed porch.

The property conforms to the regulations set forth in the Residential Rd 5.5-7 Zone as follows:

	front setback	Rear setback	Combined front/rear setback	Side setbacks	Combined side setbacks	FAR	Lot coverage	height
Permitted	6ft	6ft	25ft	5ft & 5ft	15ft	.40	.35	28.5ft
existing	47ft	88ft	135ft	5 ft 9 ¾ in, 9 ft 2 5/8 in	15 ft	.26	.21	20 ft, 2 stories
proposed	47 ft	73 ft	120 ft	5 ft 9 ¾ in, 9 ft 2 5/8 in	15 ft	.36	.26	20 ft, 2 stories

The project requires the approval of the following discretionary permits:

**A Use Permit:** Town Code § 17.084.050(A) requires that properties be a minimum of 60 feet in width. The same section goes on to require that a Use Permit be obtained from the Planning Commission prior to any use, occupancy or physical improvement of or on a building site failing to meet the minimum requirements. The site is only 37 feet wide so the project requires a Use Permit.

The proposed project complies with the required setbacks, height limit, lot coverage limit and floor area ratio regulation.

A review of the Marin County Tax Assessor's Records indicates that structures in the area on similar sized parcels vary in size from 870 square feet to 2,691 square feet on parcels that range from 6,300 square feet to 11,760 square feet with the largest house being 2,691 square feet in size on a 7,695 square foot site. The project site is 7,260 square feet in size and the proposed residence is 2,653 square feet so the project will not result in a residence that is out of character with the neighborhood or out of scale with the project site.

**A Parking Variance:** Town Code § 17.016.040 indicates that the aggregate amount of construction, alteration, enlargement or reconstruction on any non-conforming building or site shall not affect more than 50% of the floor area or expand the floor area more than 50% unless the parking is brought into compliance with the current regulations or unless the Commission approves a Parking Variance. A variance was already granted in 2005 for the tandem parking in the required side yard setback and the applicant is now only requesting a variance from the covered parking regulation. They have submitted a report dated March 10, 2013 from Robert Morey, a licensed arborist for Marin Tree Service. The report indicates that the redwood trees at the front of the property adjacent to the parking are in good health and that the construction of the garage structure with a slab on grade could negatively impact the trees health.

While the parking structure could be redesigned to possibly minimize impacts on the redwood tree with an open carport design, the roof will still conflict with lower branches and the structure will be close to the trunk. Given time any structure in such close proximity to the redwood could become a problem.

The staff supports the requested variance because it will not result in a decrease in the number of on-site parking spaces below the required two and the 50% remodel does not include additional bedrooms which could increase the need for additional parking spaces.

Note: The definition of a 50% remodel, Ordinance No. 742, is as follows:

The aggregate amount of construction, alteration, enlargement or reconstruction on any nonconforming building or structure, or on any building or structure located on a nonconforming property during the life of the building or structure subsequent to October 2, 2009, shall not (1) affect more than 50% of the floor area of the building or structure or expand that floor area by more than 50%, or (2) result in the addition of a bedroom to such residential building or structure. For the purposes of this paragraph, when any changes are made in the building, such

as walls, columns, beams or girders, floor or ceiling joists, 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 determining affected floor area.

### **Second Unit Potential**

The floor plan of the structure with a wetbar, laundry room and full bathroom on the first floor with a separate entrance, lends itself to conversion into a separate living unit. Included in the recommended conditions of approval is the requirement that prior to issuance of a building permit for the project the owners shall sign notarize and record a deed restriction stating that the structure may only be used as a single-family residence.

The deed restriction can be lifted in the future if the parking requirements change and the applicant's apply for and are granted a second unit use permit.

### **Other Agency/Department Comments/Conditions**

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

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. Carbon monoxide alarms shall be provided.
4. 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. The project will require a connection permit from the District. 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.

## RECOMMENDATION

Move to approve application # 13-34 based on the following findings and subject to the following conditions of approval:

### Recommended Findings

1. The approval of the use permit will not constitute a grant of special privilege because the proposed residence will be smaller in size than other homes in the neighborhood on a larger parcel and the structure complies with zoning regulations set forth in the Residential RD 5.5-7 Zone District and they have been granted a Variance from the covered parking regulations and for the existing parking configuration.
2. The residence is 20 ft in height which is less than the permitted 28.5ft height limit, and the project results in a FAR and lot coverage percentage that are less than the permitted maximums. Therefore, the use of property as approved under the use permit will 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, 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 the Zoning Ordinance or the Fairfax General Plan (see numbers 1 and 2 above).
4. Approval of the use permit will allow the owners to improve and expand their home which is a privilege that many other property owners throughout Fairfax have enjoyed even though their properties no longer comply with the minimum size and width requirements of the current code.
5. The property is narrow, only 37 feet wide, and the house it built at the front of the site where there are also two large heritage redwood trees. Anywhere that a covered space could be located will either be in a setback or have the potential to negatively impact the health of one of the redwoods. These are the special circumstances applicable to the property that limit the applicant's ability to comply with the covered parking regulation.

6. The variance or adjustment will not constitute a grant of special privilege because the site will still provide the minimum required two of parking spaces and the third required guest parking space is available along the property frontage.
7. The strict application of the covered parking regulations could result in the decline if the health of the redwood tree would be an unreasonable hardship.
8. The granting of the variance to eliminate the covered parking requirements will not be detrimental to the public welfare or injurious to other property in the vicinity because the required number of parking spaces will still be provided.

### **Recommended Conditions of Approval**

1. The Use Permit will not be valid until: a) the deed restriction is signed, notarized and recorded; and, b) a building permit is obtained.
2. This approval is limited to the development illustrated on the plans as revised by Architect Jessica Fairchild on 10/1/13, pages A0.0, A1.1, A2.0, A2.1, A3.0 and the topographical survey by Stephen Flatland dated May 2013.
3. Prior to issuance of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their requirements.
4. 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.
5. 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.
6. 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.
7. 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."
8. 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 application # 13-34 by the Fairfax Planning Commission. Any construction based on job plans that have been altered without the benefit of an approved

modification will result in the job being immediately stopped and red tagged.

9. Any damages to the roadway resulting from construction activities shall be the responsibility of the property owner.
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.
11. The applicant must comply with any and all conditions listed below unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services.

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

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. Carbon monoxide alarms shall be provided.
4. 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. The project will require a connection permit from the District. 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.

### **ATTACHMENTS**

Exhibit A - Applicant's supplemental information

Exhibit B – Certified Arborist Report by Marin Tree Service dated March 10, 2013

Exhibit C – Other agency/department conditions

PROJECT DESCRIPTION: Remodel and addition to  
existing single family residence.  
Application for Variance to remove  
covered parking requirement.

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	7260.66	7260.66
Size of structure(s) or commercial space (square feet)	1955.14	2638.5
Height and No. of stories	2	2
Lot coverage	1597.82	1919.89
No. of dwellings units		
Parking <sup>1</sup>	No. of spaces	2 Uncovered
	Size of spaces	9x19

Amount of proposed excavation and fill	Excavation = $\emptyset$	Fill = $\emptyset$
--	--------------------------	--------------------

Estimated cost of construction \$ 200,000

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.

<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]  
 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 structures	1106.24	1487.89
Living space square footage		
First floor	1036.29	1445.5
Second floor	918.85	1193.0
Third floor	0	0
Total	1955.14	2638.5
Accessory structure square footages		
Sheds	38.42	38.42
Pool houses	0	0
Studios/offices	0	0
Second units	0	0
Miscellaneous (specify use)		
Total	38.42	38.42
Square footage of impervious surfaces		
Walkways	323.60	323.6
Pavies	129.54	70.00
Impervious decks		
Miscellaneous (specify use)		
Total	453.14	393.6
Garage/carport square footages (specify type)	0	0

410  
274.

\* 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.

## SUPPLEMENTAL QUESTIONNAIRE & 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: Painted siding
2. Proposed exterior wall color(s): HC-172 - Benjamin Moore
3. Proposed exterior trim color: PM White - Benjamin Moore
4. Proposed exterior window color: White
5. Proposed roof material and color: Asphalt shingles - Certainteed
6. Special features: \_\_\_\_\_ "graphite" to match (E)
7. Lot Coverage: 1919.29 SF / 26.4%
8. Number of existing parking spaces and their sizes: 2 uncovered 9x19
9. Number of proposed parking spaces and their sizes: 2 uncovered 9x19

### 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

## Variance

### Findings

1. This lot is very narrow and the residence is a 1920's bungalow. The only location an enclosed garage could be added to the existing house is directly below the mature Coast Redwood trees. These trees have been inspected by an arborist and have been found to be in good health. The construction of a garage or carport would likely kill the trees. These trees are providing shade, screening and beauty enjoyed by the entire neighborhood. It is common on this street that the original houses, from the early 1900's, do not have covered parking.
2. The trees have been in existence, as has the house, for many years. The requested Variance is not changing the current condition. But the requirement to build covered parking, which would necessitate removing the trees, would be detrimental to the neighborhood. Removing the mature Coast Redwood would affect the beauty and ecological benefit provided by the tree to the neighborhood and Town as a whole.
3. The removal of the trees would expose the property to more street noise from Center Ave and would reduce the value of the property.

### Additional Information

Please see the attached Arborist report.

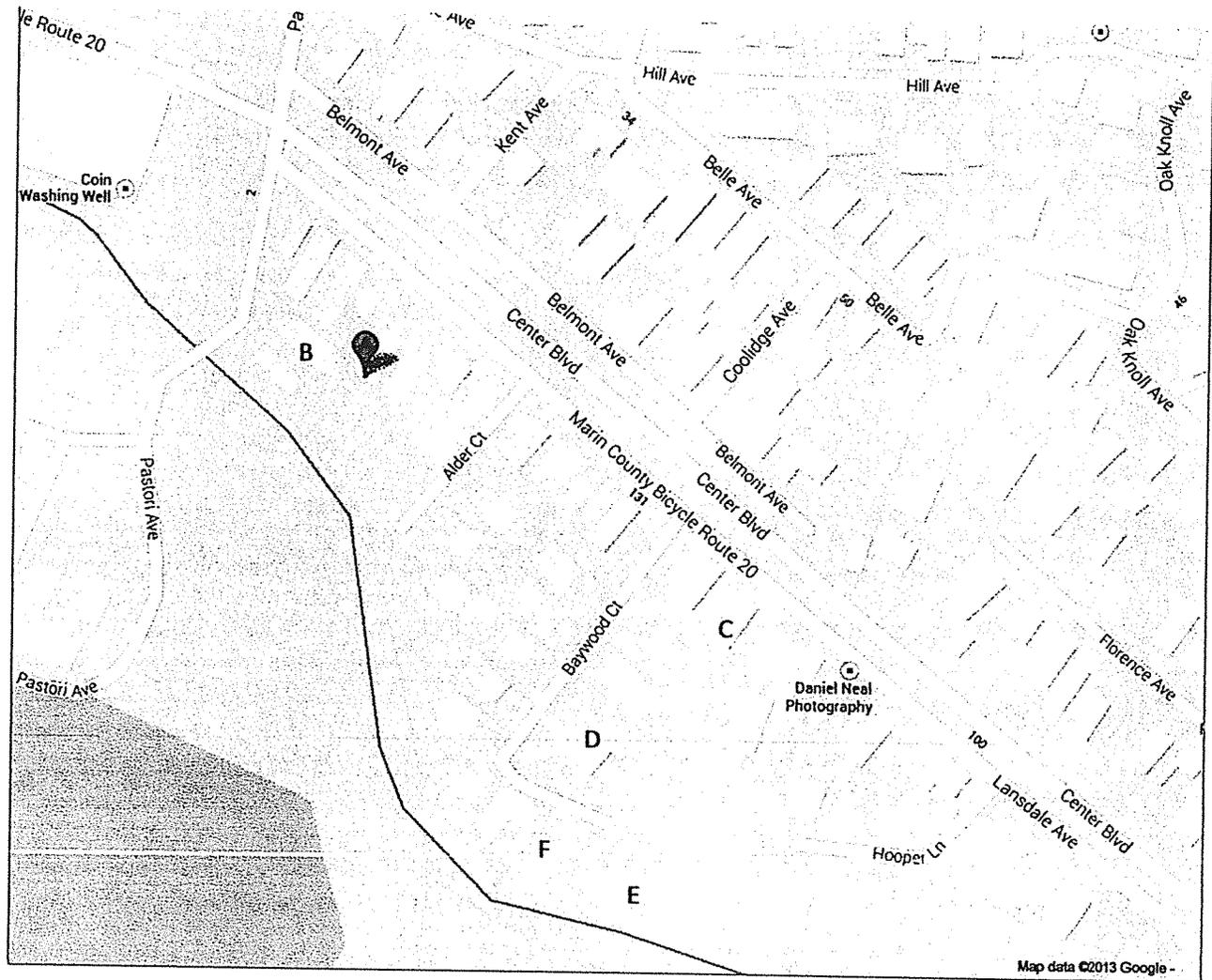
# Use Permit

## Request

The Use Permit is requested for this property to allow for the expansion of an existing building on a non-conforming property. Per Section 17.084.050 a Use Permit is required for any modifications to the building due to the existing lot width of approximately 36'. With the attached Variance for the exemption of the off-street Parking requirements, this project will not create any new non-conformity. The required setbacks, lot coverage, side yards etc. will be maintained.

## Findings

1. Many of the lots in this block are very narrow and although the existing house does not comply with the required setbacks, similarly to many adjacent houses, the proposed construction will remove a portion of the house that is the most grievous in terms of non-compliance (2'-10" from the property line) and all new construction will adhere to the requirements of at total side yard set back of 15'. The project is not increasing the lot coverage or building square footage beyond what is allowable for the total site square footage. The addition allows for a increase in square footage to the house that is in keeping with nearby properties (see attached map). The addition provides the Owners with a functional house that will comfortably, but not excessively, accommodate their family.
2. The proposed addition maintains the existing roof height, provides for screening from the adjacent neighbors with landscaping and is aesthetically compatible with the original 1920's house.
3. The scale and massing of the addition is in keeping with the current house and in line with nearby properties. The addition complies with all Town setbacks, lot coverage and square footage requirements. The retention of the mature Redwood trees in the front of the property (see Variance application) provides for shade and natural beauty that benefits both the Town and the neighborhood.



Neighboring properties with structures of similar or larger square footages  
(per County Assessor records):

- B. 43 Passtori 2170 SF
- C. 129 Lansdale 2593 SF
- D. 21 Baywood 4017 SF
- E. 34 Baywood 2691 SF
- F. 30 Baywood 2612 SF



# MARIN TREE SERVICE, INC.

*Specializing in Tree Preservation*

415-472-7105

March 10, 2013

Mike and Liz Scherotter  
161 Lansdale Avenue  
Fairfax, CA 94939

Subject: Tree protection plan for Redwood during construction

On Friday March 8, 2013 I examined a Coast Redwood (*Sequoia sempervirens*) located in the center of the front yard of the residence at 161 Lansdale Avenue in Fairfax. The tree is 37" DBH (Diameter at breast height), is of good vitality and excellent structural integrity, and is growing vigorously.

The existing 13' wide driveway consists of pavers with open centers that allow water and oxygen to the roots of the tree. The front west corner of the planned garage comes only 4' from the trunk of the tree and has a slab on grade construction. This planned garage encroaches on the required space for the health of a Redwood of this size (10' out from the trunk on all sides) because the foundation will not allow water and oxygen to reach the roots. The construction will result in substantial root damage and loss which will seriously endanger the health of this tree. Any foundation and/or solid roof that encroaches on this space will cut off water and oxygen.

I recommend that the planned construction is either redesigned or abandoned.

If there are any further questions, please do not hesitate to contact me.

Sincerely,

Robert Morey  
Certified #176



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

### FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence  
 ADDRESS: 161 Lansdale Ave  
 Fairfax CA, 94930

Page: 1 of 3  
 Date: 09/25/2013  
 Reviewed by: Rob Bastianon  
 (415) 258-4673

TYPE OF REVIEW: Planning  
 Bldg. Dept. 9/17/13 Fire Dept. # 13-0303

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

Review No. 1

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

Applicant\*: Town of Fairfax  
 Address:

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

Occupancy Class: R-3	Fire Flow Req: 1500 GPM	Sprinklers Required: YES
Type of Construction: V-B	On-site Hyd. Req: NO	Fire Alarm Required: NO
Bldg Area: 2639	Turn-Around Req: NO	Permits Required: Sprinkler
Stories: 2+	Fire Flow Test Required: NO	
Height: +ft.	Wildland Urban Interface: NO	

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

- APPROVED (no modifications required)
- COMPLETE AS NOTED (minor modifications required - review attached comments)
- NOT APPROVED (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: 9-25-13

Inspections required:

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

EXHIBIT # C



Ross Valley Fire Department

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

### FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence  
ADDRESS: 161 Lansdale Ave  
Fairfax CA, 94930

Page: 2 of 3  
Date: 09/25/2013  
Reviewed by: Rob Bastianon  
(415) 258-4673

TYPE OF REVIEW: Planning  
Bldg. Dept. 9/17/13 Fire Dept. # 13-0303  
E-mail: [rbastianon@rossvalleyfire.org](mailto:rbastianon@rossvalleyfire.org)  
Review No. 1  
Fire Department Standards can be found at: [www.rossvalleyfire.org](http://www.rossvalleyfire.org)

ITEM #	SHEET	COMMENTS	Corr. Made
1		Scope of work for this project was found to fall within 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.	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
2		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. 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. <b>SHALL BE NOTED AS DEFERRED SUBMITTAL</b>	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
3		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.	
4		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.	
5		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.	



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

### FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence  
ADDRESS: 161 Lansdale Ave  
Fairfax CA, 94930

Page: 3 of 3  
Date: 09/25/2013  
Reviewed by: Rob Bastianon  
(415) 258-4673

TYPE OF REVIEW: Planning  
E-mail: [rbastianon@rossvalleyfire.org](mailto:rbastianon@rossvalleyfire.org)  
Bldg. Dept. 9/17/13 Fire Dept. # 13-0303

Review No. 1  
Fire Department Standards can be found at: [www.rossvalleyfire.org](http://www.rossvalleyfire.org)

ITEM #	SHEET	COMMENTS	Corr. Made
		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.	
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.	

*If re-submittal is required, 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.*

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: September 17, 2013

- 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: 161 Lansdale Avenue; Assessor's Parcel No. 002-201-07

Project Description: 682 square foot, two story addition to and remodel of an existing 1,955 square foot residence resulting in a 2,639 square foot, three bedroom, 2 1/2 bath residence with a living room, dining room, family room, office, laundry room and kitchen. Includes a laundry room and wetbar in lower level that could be used/converted into a second unit.

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.

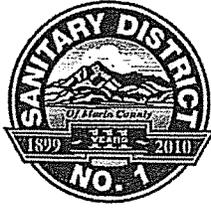
1	9/12/13	Preliminary development plans by FairchildBroms Design, pages A0.0, A1.0, A1.1, A2.0, A2.1, A3.0 and Sheet 1 (survey by Stephen Flatland)

REMARKS \_\_\_\_\_

Please respond by October 1, 2013. Thanks

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

*OK CMorin 9/17/13*



**ROSS VALLEY SANITARY DISTRICT**

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

---

Oct 11, 2013

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

**SUBJECT: DESIGN REVIEW, 161 LANSDALE AVE., FAIRFAX,  
APN: 002-201-07**

Dear Ms. Neal:

We are in receipt of your transmittal letter dated Sep 17, 2013 concerning the above- referenced project. Since this project involves an extensive demolition and rebuild, the project will require a connection permit from the District. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirement 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.

Sanitary District No. 1 will place a hold on said property once the building permit is issued. This hold prevents the new building from being released for occupancy until the District's permit and sewer requirements are fulfilled. It is the owner's responsibility to obtain a sewer connection permit from this office and meet all District requirements pertaining to the private side sewer/lateral.

Sincerely,

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

## Linda Neal

---

**From:** Joseph Eischens [jeischens@marinwater.org]  
**Sent:** Friday, October 11, 2013 11:46 AM  
**To:** Linda Neal  
**Subject:** RE: 161 Lansdale - FX

Hi Linda,

After a quick preliminary review of the project scope I've determined that that project will not impair the District's ability to continue service to the property provided the addition is not considered a second living unit. They'll have to meet our general requirements regarding water conservation and backflow that you can find on any current letter I've sent to you recently. I will draft a hardcopy response but most likely it will not arrive in time for the council meeting.

Joseph Eischens  
Senior Engineering Technician  
Development Services

220 Nellen Av  
Corte Madera CA 94925  
t (415) 945-1532  
f (415) 945-1599  
[jeischens@marinwater.org](mailto:jeischens@marinwater.org)

Follow us on the Web, Twitter, Facebook and our Blog.

-----Original Message-----

**From:** Linda Neal [<mailto:lneal@townoffairfax.org>]  
**Sent:** Friday, October 11, 2013 11:12 AM  
**To:** Joseph Eischens  
**Subject:** 161 Lansdale plans and draft, incomplete staff report

Hi Joseph,

Here are the plans and the incomplete draft staff report. Thanks for looking at it with such short notice.

Linda

-----Original Message-----

**From:** [Copier@townoffairfax.org](mailto:Copier@townoffairfax.org) [<mailto:Copier@townoffairfax.org>]  
**Sent:** Friday, October 11, 2013 12:24 PM  
**To:** Linda Neal  
**Subject:** Fairfax Scanner

Scanned image from scanner

**DRAFT** MINUTES FROM THE OCTOBER 17, 2013 PLANNING COMMISSION MEETING

**CALL TO ORDER**

Chair Hamilton called the meeting to order at 7:03 PM.

**ROLL CALL**

Commissioners Present:      Roxanne Ezzet  
   Esther Gonzalez-Parber  
   Philip Green  
   Laura Kehrlein  
   Brannon Ketcham  
   Chair Shelley Hamilton

Commissioners Absent:      Shelby LaMotte

Staff Members Present:      Jim Moore, Director of Planning and Building Services  
   Linda Neal, Principal Planner  
   Corwin Bell, Planning Intern

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

There were no public comments on non-agenda items.

**APPROVAL OF AGENDA**

M/S, Ketcham-Ezzet, motion to approve the agenda.

**CONSENT ITEMS**

**161 Lansdale Avenue; Application # 13-34  
Request for Design Review and a Parking Variance to construct a 697 square foot, 50% remodel/addition to an existing 1,955 square foot single-family residence; Assessor's Parcel No. 002-201-07; Residential RD 5.5-7 Zone District; Michael and Liz Scherotter, applicants/owners; CEQA categorically exempt, § 15301(e).**

Judy Bersaglieri, 159 Lansdale Road, indicated that she has concerns about the duration of the construction, parking of construction vehicles and delivery vehicles and is concerned about protecting her property during the construction.

M/S, Ketcham-Green, to remove 161 Lansdale from the consent calendar and make it item number 1 under public hearing items.

AYES: all

## **PUBLIC HEARING ITEMS**

### **161 Lansdale Avenue; Application # 13-34**

**Request for Design Review and a Parking Variance to construct a 697 square foot, 50% remodel/addition to an existing 1,955 square foot single-family residence; Assessor's Parcel No. 002-201-07; Residential RD 5.5-7 Zone District; Michael and Liz Scherotter, applicants/owners; CEQA categorically exempt, § 15301(e).**

Principal Planner Neal gave the staff report.

Michael Scherotter, the applicant informed the Board that they moved into the house 9 years ago and their family has outgrown the space. He admitted that they were supposed to construct a covered space as part of the legalization of the basement improvements done by the previous owner but they ran out of money after spending what they needed to making the house safe for their kids including replacing a dangerous spiral staircase. By the time they could afford to build the garage, the redwood had grown to a size where a covered space constructed among the roots will be harmful. So they are request approval to just have uncovered parking.

Jessica Fairchild, the project architect, indicated that she designed the addition in the craftsman style of the original dwelling to keep the project in scale with the site. The project complies with the floor area ratio and lot coverage limitations and required no setback variances and provides the owner the space they need for their expanding family.

Commissioner Gomez-Parber asked if there were going to be any new lights on the rear addition that might impact a neighbor?

Ms. Fairchild asked if there were going to be any new lighting on the rear addition that might impact neighbors.

Ms. Fairchild explained that the new lighting would be minimal, just that needed for safety, such as lighting at the doorway and on the side facing 159 Lansdale the stairway will be lighted with step lights that just light the steps themselves.

Mr. Scherotter informed the Commission that he has not put the project out to bid yet and has no definitive time estimate of how long the project will take to complete.

Elizabeth Scherotter, one of the applicants explained to the Commission that she and her husband will have to move out of the house while the construction is occurring and they have 2 small children. They do not want the project to drag on any longer than it has to because the longer it drags on the more disruptive it is for her family as well as for the neighbors.

Judy Bersaglieri, 159 Lansdale, explained that when she met with the neighbors they thought the construction would take no longer than 9 months and she would like the record to reflect they made that statement. She expressed frustration over the parking shortages in her neighborhood with the new Good Earth attracting customers and having employees and the bicycling groups on the weekend. She informed the Commission that she just wants the neighbors and their

contractors to be aware of this parking shortage and respect the neighbors parking needs with the contractors vehicles and material delivery trucks. She requested that the Commission consider putting a condition in place to protect her, her grandkids that are often visiting and her property from any construction debris or other impacts. She finished by asking that the privets along the side fence not be removed until the construction is over because the screen the property from noise and dust.

Commissioner Ketcham stated that condition 4 addressed the construction vehicle issue and requires all construction related vehicles including delivery and material trucks be parked in compliance with regulations.

Principal Planner Neal reminded the Commission that since the owners are moving out during the construction there will be two parking spaces available for the contractor in the driveway.

Commissioner Green stated that the requirement to keep the roadway and site free of dust by sweeping and watering down the site if necessary will help keep debris out of the neighbor's yard.

M/S, Ketcham-Green, moved to approve application # 13-34 subject to the condition contained in the staff report including the following additional conditions:

1. The project contractor shall use best efforts to minimize possible construction related impacts on neighboring properties.
2. The contractor shall strive to minimize the number of construction related vehicles parking throughout the neighborhood and minimize delivery and contractor vehicle impacts on the neighbors.

AYES: Ezzet, Gonzalez-Parber, Green, Kehrlein, Ketcham, Chair Hamilton

**720 Center Boulevard: Application # 13-33**

**Request for a modification of a previously approved Fence Height Variance and Design Review to extend the 8 foot tall fence along the northern, Sir Francis Drake Boulevard, side of the property; Assessor's Parcel No. 002-131-12; Central Commercial Zone District; Good Earth Organic and Natural Foods, applicant; Rich Hall, Fairfax Center Properties LLC, property owner; CEQA categorically exempt, § 15303(e).**

Planning Intern Bell gave the staff report.

Director Moore advised the Commission that in the commercial zones, fences always require design review approval even if they do not require a height variance and this fence requires both. He advised that the fence proposal is an effort to further mitigate the sound impacts from the delivery vehicles particularly for the Willow Avenue neighborhood.