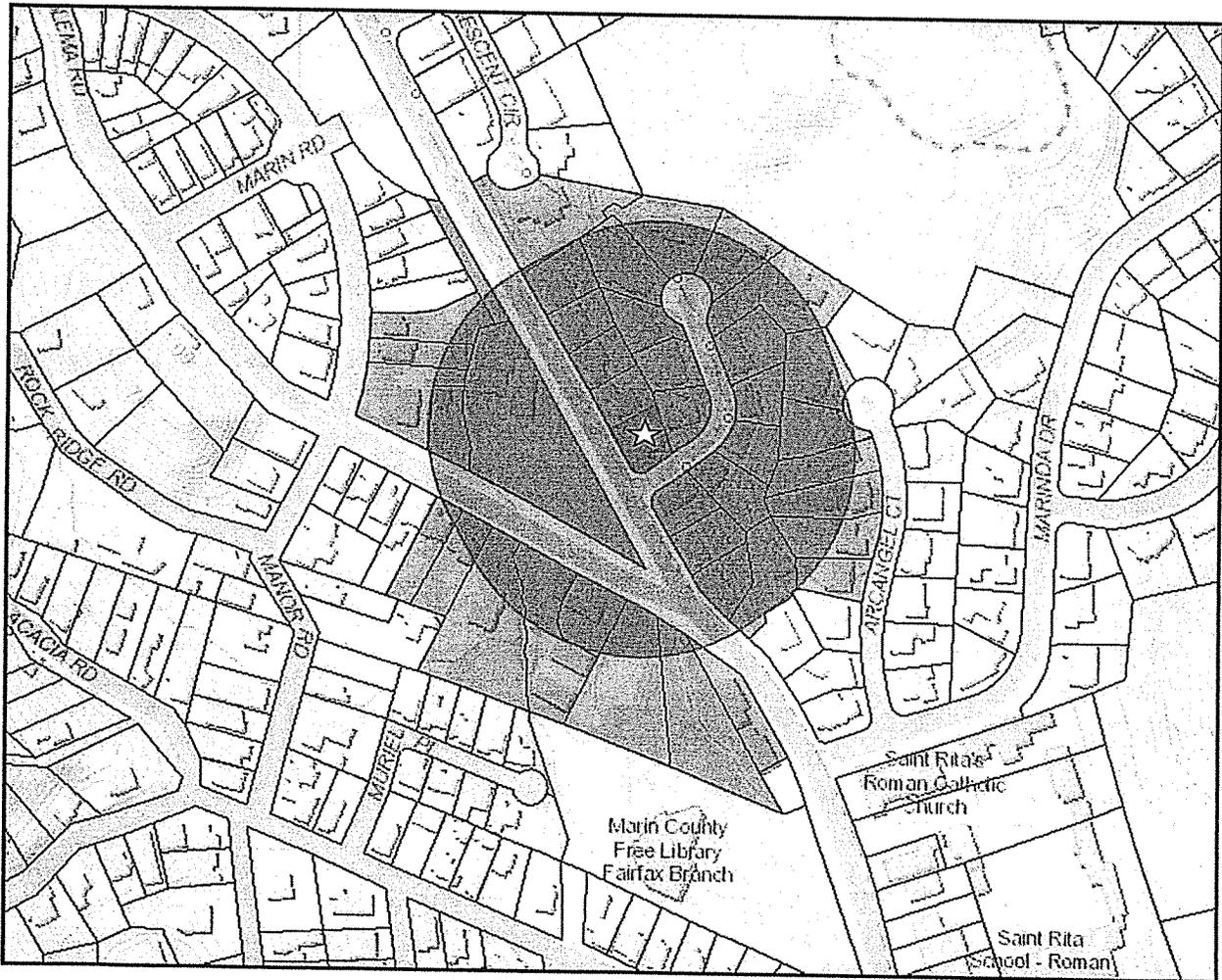


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: April 24, 2014
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 2300 Sir Francis Drake Blvd.; Assessor's Parcel No. 001-171-05
PROJECT: Bathroom addition to a single family residence
ACTION: Use Permit; Application # 14-11
APPLICANT: Steve and Linda Leland
OWNER: Same
CEQA STATUS: Categorically exempt, § 15301(e)(1)



2300 SIR FRANCIS DRAKE BOULEVARD

BACKGROUND

The 5,600 square foot site slopes up from Sir Francis Drake Boulevard at an average rate of 11% and is developed with a 1,200 square foot single-family residence that was constructed in 1953.

DISCUSSION

The existing house complies with the regulations of the RS 7.5 Zone as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft	15 ft	40 ft	10 ft & 10 ft	25ft	.40	.35	28.5ft, 2 stories
Existing	22 ft	14 ft	36 ft	11 ft & 23 ft	34 ft	.22	..31	11.5 ft, 1 story
Proposed	same	same	same	same	same	.24	.33	11.5 ft, 1 story

Town Code § 17.076.050 requires that a conditional use permit be obtained prior to the improvement or modification of any parcel not meeting the minimum size requirements based on the site slope. The parcel is only 5,600 square feet in size and the minimum parcel size for a site with an 11% slope is 7,800 square feet [Town Code § 17.076.050(B)]. Therefore, the project requires a use permit.

The purpose of the conditional use permit process is to allow the proper integration into Fairfax of uses which may be suitable only in certain locations in the Town or in a zone or only if the uses are designed or laid out on the site in a particular manner. In consideration of an application for a conditional use, the Commission shall give due regard to the nature and condition of all adjacent uses and structures, to the physical environment of the proposed use and to all pertinent aspects of the public health, safety and welfare [Town Code §§ 17.032.010(A) and (B)].

The proposed addition complies with all of the required setbacks in the RS 7.5 Zone.

Residences in the immediate neighborhood on similar sized parcels vary in size from 912 square feet to 1,380 square feet on parcels that vary from 5,600 square feet to 8,800 square. The proposed 1,299 square foot home will not be out of character with the neighborhood or out of scale with the 5,600 square foot property.

RECOMMENDATION

Move to approve application # 14-11 based on the following findings and conditions of approval:

Recommended Findings

1. The proposed addition complies with the required minimum and combined setbacks and the Floor Area Ratio for the RS 7.5 Zone District. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The addition will be located in the southeast side yard facing San Miguel Court, over 20 feet away from the nearest adjacent home at 5 San Miguel Court. 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 the Zoning Ordinance or the Fairfax General Plan.
4. Approval of the use permit to install a second bathroom in the side yard of the house will allow the owners to take in an aging family member without their having to relocate and will improve the housing stock. Therefore, the project 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 Steve Leland, received March 31, 2014, 4 pages.
2. Prior to issuance of a building permit the applicant or his assigns shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.
3. During the construction process the following shall be required:
 - a. The building official shall field check the concrete forms prior to the pour.
 - b. 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.

- c. Additionally, any proposed temporary closure of a public right-of-way shall require priory approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

4. Prior to issuance of an occupancy permit the 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.

5. 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.

6. 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."

7. 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 Use Permit 14-11. **Any** construction based on job plans that have been altered without the benefit of an approved modification of Use Permit 14-11 will result in the job being immediately stopped and red tagged.

8. Any damages to Sir Francis Drake Boulevard or San Miguel Court resulting from construction activities shall be the responsibility of the property owner. Road closures, if necessary, shall be coordinated with the Fairfax Police Department and the Ross Valley Fire Department.

9. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission,

Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

Ross Valley Fire Department Conditions:

1. 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.
2. Carbon monoxide alarms shall be provided.
3. 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 required it shall be installed prior to the project final inspection.

Sanitary District

1. If not already installed the side sewer shall be equipped with an appropriate backwater prevention device. Either the existing or the new side sewer shall be inspected and be approved by a District inspector prior to the building permit final inspection.

Miscellaneous Conditions

1. The applicant must comply with any and 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

Exhibit A – applicant’s supplemental information

Exhibit B – other agency/department conditions (note that the requirements from the Ross Valley Fire Department and Marin Municipal Water District were obtained verbally)

PROJECT DESCRIPTION: 99 IN BATHROOM w/ WC, SHOWER, DOUBLE SINK, SITTING AREA

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size		
Size of structure(s) or commercial space (square feet)		
Height and No. of stories		
Lot coverage		
No. of dwellings units		
Parking ¹ No. of spaces		
Size of spaces		

Amount of proposed excavation and fill	Excavation =	Fill =
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Estimated cost of construction \$ 30,000.

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? _____

Stephen Cloud
Signature of Property Owner

Stephen Cloud
Signature of Applicant

3-25-14
Date

3-17-14
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

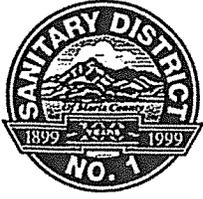
Use Permit Applications - Additional information required.

- 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.

My wife's mother lives here now and we need another bathroom.



ROSS VALLEY SANITARY DISTRICT
2960 Kerner Blvd
San Rafael, CA 94901
(415) 259-2949 ~ rvsd.org

RECEIVED
APR 16 2014
TOWN OF FAIRFAX

Apr 14, 2014

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

SUBJECT: 2300 SIR FRANCIS DRAKE BLVD., FAIRFAX, CA; APN 001-171-05

Dear Ms. Neal:

We are in receipt of your transmittal letter dated March 28, 2014 concerning the above-referenced project. The District has no objection in general, but has the following comments and requirements if the project is approved:

1. If not already installed, the District requires that the side sewer be equipped with an appropriate backwater prevention device (e.g., Contra Costa valve as warranted by the individual site conditions).
2. After the project is approved, the owner or contractor should contact the District to arrange for a District inspector to approve the existing installation (or approve the plans for the proposed installation) of the backwater prevention device and any work done on the side sewer lateral in order to make a record for the District's files.

If you need further information regarding this matter, please contact the office.

Sincerely,


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

EXHIBIT # **B**

TOWN OF FAIRFAX
DEPARTMENT OF PLANNING AND BUILDING SERVICES

142 Bolinas Road, Fairfax, California 94930
 Phone (415) 453-1584 FAX (415) 453-1618

LETTER OF TRANSMITTAL

From: Fairfax Planning and Building Services Department

Date: March 28, 2014

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: 2300 Sir Francis Drake Boulevard; Assessor's Parcel No. 001-171-05

Project Description: 99 square foot, full bathroom addition to an existing 1,200 square foot, three bedroom 1 ½ bath 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	Received 3/31/14	Preliminary development plans for bathroom addition

REMARKS NO COMMENTS AT THIS TIME

Please respond by ASAP. Thanks.

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

Attn: *Cheryl Morin*

**TOWN OF FAIRFAX
DEPARTMENT OF PLANNING AND BUILDING SERVICES**

142 Bolinas Road, Fairfax, California 94930
Phone (415) 453-1584 FAX (415) 453-1618

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REMARKS _____

Please respond by ASAP. Thanks.

P. Morin 3/31/14

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

