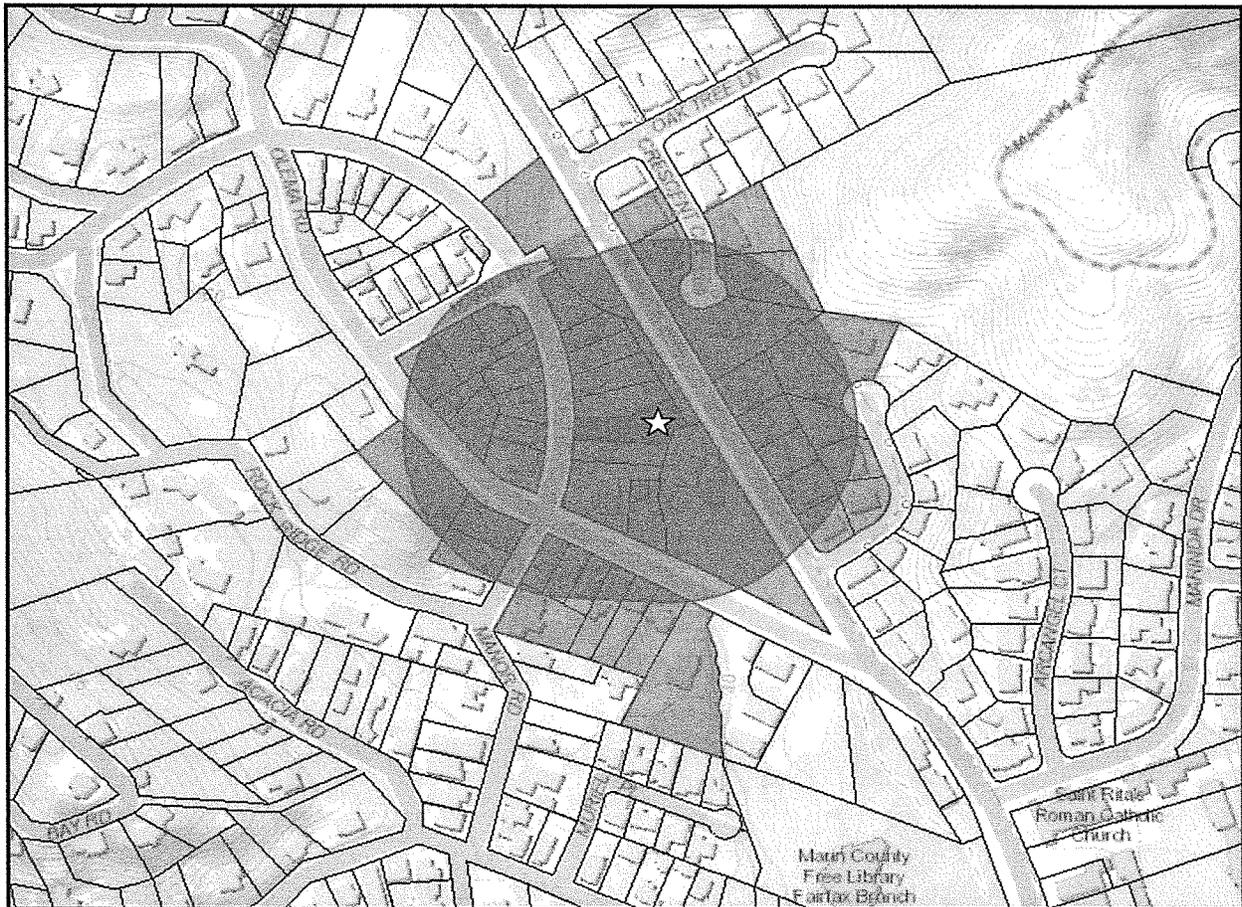


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: May 15, 2014
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 19 Manor Road; Assessor's Parcel No. 001-104-07
PROJECT: Remodel/expansion of a single-family residence
ACTION: Use Permit, Variances; Application # 14-16
APPLICANT: Thomas Lutge
OWNER: Same
CEQA STATUS: Categorically exempt, §15301(1), 15303(e) and 15305(a)



19 MANOR ROAD

BACKGROUND

The 9,600 square foot site has an average slope of 2% and the Fairfax Creek runs alongside the east rear property line over the adjacent property. The site was previously developed with a 1,396 square foot, 4 bedroom, 1 ½ bath residence that was constructed partially on the neighboring property to the east and almost completely within the required 20 foot creek setback area (Town Code § 17.040.040). The structure was built in 1913.

In 2011 staff approved a building permit to do some minor remodeling of the structure and to relocate it out of the creek setback. Prior to issuance of the permit staff required the applicant to submit a structural pest report to show that the structure was in good enough shape to move and do a minor remodel without the project having to be a 50% remodel.

The applicant moved the residence to the approved location but in doing so, raised the structure up to do foundation improvements and significantly increasing its height as well as gutting the structure. Staff determined on April 25, 2013 that the project had become a 50% remodel and the applicant would have to obtain a Use Permit and the revise the plans to include required parking before a building permit can be issued to continue construction.

DISCUSSION

The applicant proposes expanding the 1,379 square foot structure into a 2,358 square foot, 3 bedroom, 2 ½ bath single-family residence and constructing a 330 square foot one car garage and a 7 foot 1 inch fence/trellis structure along the front property line.

The house will include a below grade basement with 6 foot ceiling heights. An area below the first floor with an exterior wall extending no more than 3 feet above grade that is not subdivided and used for living purposes is a basement and does not constitute a story [Town Code 17.008.020, Definitions of Basement and Story].

The site is located in the Residential RD 5.5-7 Zone which allows single-family residences on lots of 5,500 square feet and duplexes on lots of 7,000 square feet. The 9,600 square foot site is large enough to accommodate a duplex but the owner has chosen to improve and expand the single-family residence. The proposed structures comply with all the standards set forth in the RD 5.5-7 Zone as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft	20 ft (required creek setback)	25 ft	5ft & 5ft	15 ft	.40	.35	28.5ft, 2 stories
Existing	90 ft	31 ft	121 ft	9 ft & 35 ft	44 ft	.18	.11	25 ft, 2 stories (original house), 28.5 ft (relocated house)
Proposed	18 ft	30 ft	48 ft	9 ft & 6 ft	15 ft	.31	.29	26 ft 2 in, 2 stories

Note: The existing storage shed and concrete pad in the original house location as well as the septic system tank will be removed.

The project complies with the setback, Floor Area Ratio, Lot Coverage and Height limits required for structures in the RD 5.5-7 Zone. The architect has decreased the pitch of the roof which will lower the structure 2 feet 4 inches in height to 26 feet 2 inches.

The only discretionary permits required for the project are as follows:

A Use Permit; Town Code § 17.084.050 requires that a use permit be obtained prior to any improvement on a parcel not meeting the minimum 60 foot width requirement in the RD 5.5-7 Zone. The site is irregularly shaped and only 36 feet wide at the street and therefore the project requires a Use Permit.

The parcel is one of the largest parcels in the immediate neighborhood with parcels typically ranging from as low as 1,100 square feet to 7,359 square feet in size. Houses range from 784 square feet (1 Marin Rd.) to 2,631 square feet (11 Marin Rd.) in size so the proposed 2,358 square foot home on its 9,600 square foot site will not be out of scale with the project site, or the Manor and Bothin Park subdivisions that surround the site.

Design Review; Town Code § 17.020.030(A) requires that design review approval be obtained for projects constituting 50% remodels. The project is a 50% remodel and it requires design review.

The design of the residence and garage incorporate craftsman style detailing with an wrap around covered porch on the southwest corner and board and batten siding. The window shapes and sizes vary and the use of both horizontal and perpendicular siding

and the exterior provides articulation so as to avoid monotony in the external appearance of the building. The garage will also combine board and batten and horizontal siding along with redwood fascia trim which emulates the design features of the house. Similar architecture is found throughout the neighborhood.

The proposed color palette and materials will include the following and comply with the design review criteria set forth in Town Code § 17.020.040:

The siding will be of a textured hardi-board painted (S1) and the battens on the lower level of the house and lower half of the garage will be a smooth hardi-board painted Kelly Moore, # KM 3991-3", the horizontal siding used for the upper floor of the house and the upper portion of the garage walls will be Kelly Moore # KM3998-3, "Sheer Exposure". The trim will be Kelly Moore # HL4271-3, "Grant Drab" and the roof will be "Weathered Wood" class A composition shingles. The window cladding will be a dark brown color (bronz), the belly band proposed around the middle of the house to decrease the apparent height will be painted Benjamin Moore, # 1148, "Cognac Snifter", and the porch and upper deck railing will be stained with Armstrong Clark semi transparent wood stain, "Sierra Redwood".

The exterior lighting in the porch area will be recessed and the canister style lights that will be used on the garage direct the light downward. There is one canister light proposed of the first floor side door for the safety of those existing and entering that door at night. Therefore, the exterior lighting has been minimized and the types of fixtures have been chosen in order to minimize the impacts on the neighbors.

The applicant will rebuild the 6 foot fence located on the north side of the property and proposes planting 8 pear trees along the rear property line, 10 Photinias along a portion of the north property line and 18 Photinias and 7 flowering Quinces along a portion of the south side property line to help screen the home from the neighbors and from traffic traveling along Sir Francis Drake Boulevard. The landscaping plan will have to be reviewed and approved by Marin Municipal Water District.

A Variance to park in a side yard setback; one of the uncovered parking spaces extend 4 feet into the required 15 foot combined side yard setback. The garage can be relocated 1 foot to the east and the uncovered second parking space can be provided parallel to the garage but offset to the north of the garage door so it is not in tandem with the main unit covered parking space. Then the two spaces for the main house will not be in tandem, the guest space will only be in tandem with one of the spaces for the house and the parking will be out of the setback and in compliance with the parking ordinance [Town Code 17.052.010(B), (D), 17.052.030(A)(c), 17.052.030(A)(2), 17.052.040(B) and 17.052.040(E)]. The project should be redesigned to comply because staff is unable to recommend findings for approval.

A Fence Height Variance; Town Code § 17.044.080(B)(2) limits fences anywhere behind the 6 foot front setback to being only 6 feet in height. The proposed fence/trellis

reaches 7 feet 1 inch in height. While the design of the fence structure is aesthetically pleasing, there is no physical reason, like excessive site slope, or the site being surrounded by streets and having no outdoor yard area, to allow staff to make the required findings for approval of an exception. Therefore, the fence/arbor shall be redesigned at 6 feet in height.

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.
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 requirement it shall be installed prior to the project final inspection.

Sanitary District

1. If not already installed, the District requires that the sided sewer be equipped with an appropriate backwater prevention device.

2. If the project is approved the applicant shall contact the District to arrange for a District Inspector to approve the existing installation or to approve plans for the proposed installation.

Fairfax Building Department

The sidewalk and driveway apron will need to be replaced prior to issuance of the occupancy permit

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve application # 14-16 based on the following findings and subject to the following conditions:

Recommended Findings

Use Permit

1. The proposed house and garage comply with all the requirements of the Residential RD 5.5-7 Zone District Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The project maintains greater than the required minimum setbacks and the house will be 26.5 feet in height, 2 feet less than the permitted maximum height, when completed. 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 contained in the Zoning Ordinance.
4. Development of the property with a single-family residence rather than a duplex, the maximum density allowed by the Zoning Ordinance, will result in equal or better development of the premises while minimizing the impacts on the neighbors than would otherwise be the case. Therefore, said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

Design Review

1. The proposed development will 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 development and proposed materials are 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, will the relocation of the garage 1 foot further from the front property line, conforms with all requirements, including parking, for properties located in the RD 5.5-7 Zone.
4. Sufficient variety exists in the design of the structures and grounds to avoid monotony in external appearance.
5. The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance.
6. The extent to which the structure conforms to the general character of other structures in vicinity insofar as the character can be ascertained and is found to be architecturally desirable.
7. The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.
8. The extent to which natural features, including trees, shrubs, creeks and rocks, and the natural grade of the site are to be retained.
9. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.
10. The reservation of landscaping areas for the purpose of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites, and separating building areas from paved areas to provide access from buildings to open space areas;

11. In the case of any commercial or industrial structure, the board shall consider its proximity to any residential district and shall consider the effect of the proposed structure upon the character and value of the adjacent residential district area.
12. The design review board may recommend design guidelines to the planning commission and town council for adoption in order to further the objectives of this section and to illustrate design criteria.

Recommended Conditions

1. The garage will need to be constructed in conjunction with the construction of the house. Failure to construct the garage while constructing the house may result in the Building Official stopping the job until the garage construction begins and reaches an acceptable condition similar to the house.
2. The fence may not exceed the permitted 6 feet.
3. The garage shall be relocated 1 foot further back on the site to accommodate the second parking space for the house out of the side setback.
4. This approval is limited to the development illustrated on the plans prepared by Michael Pettit.
5. The septic system shall be removed to the satisfaction of the Marin County Environmental Health Department prior to issuance of the building permit.
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:
 - Construction delivery routes approved by the Department of Public Works.
 - Construction schedule (deliveries, worker hours, etc.)
 - Notification to area residents
 - Emergency access routes
 - Parking plan to minimize the impacts of contractor/employee vehicles and construction equipment on neighborhood parking
 - 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).
 - c. 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.

- d. 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.
- e. 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.
- f. 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.
- g. Submit three copies of the recorded record of survey with the building permit submittal.

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

- a. The project 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 any concrete form inspection by the building official, the structural engineer shall field check the forms of the foundations 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.

8. Prior to issuance of an occupancy permit the following shall be completed:
9. The project engineer shall field check the completed project and submit written certification to the Town Staff that the foundation elements have been installed in conformance with the approved building plans.
10. The Planning Department shall field check the completed project to verify that the construction reflects the design approved by the Planning Commission and to verify that all design review and planning commission conditions have been complied with including , if applicable, installation of landscaping and irrigation.
11. 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.
12. 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."
13. 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 # 14-16. **Any** construction based on job plans that have been altered without the benefit of an approved modification Use Permit 14-16 will result in the job being immediately stopped and red tagged.
14. Any damages to Manor 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.
15. 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. 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. 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

Exhibit A – applicant's supplemental information

Exhibit B – Minutes and staff report from the 7/24/13 Town Council meeting

Exhibit C – Other agency/department comments/conditions

MAR 17 2014

19 Manor Road, Fairfax, CA 94930

RECEIVED

General Project Description

The proposed project is a remodel and addition to an existing uninhabited two structure with partial basement. Exterior modifications include new windows, siding and doors, new roof and covered porch. A detached garage near the front of the site is also proposed. Additional landscaping at the adjacent property lines and in the rear of the property facing Sir Francis Drake Boulevard is to be added for privacy screening. The Owner has agreed to rebuild the fence between his property and the adjacent property at 15 Manor. Overall height of the existing structure will be reduced by approximately 1'-6" due to revising the proposed roof pitch to 3:12.

The design motif is Craftsman style which is in keeping with the character of many houses in the older neighborhoods of Fairfax.

Use Permit Information

The proposed project is a single family residence with detached garage. The only uses envisioned for this property would be commensurate with the normal types of uses and activities associated with a residential use. No special or unusual uses are proposed for this property.

The proposed project is located in a zone that is specifically designated for residential use. Approval of this project would not constitute a grant of special privilege to this property. It is in a residential zone, conforms to all setbacks, height requirements, allowable lot coverage and floor area ratios. It's exterior materials, colors and architectural style all are in keeping with residential projects that have been accepted previously.

The approval of this project would not create a public nuisance as it conforms to all requirements associated with the town of Fairfax Master Plan, the RD 5.5-7 Residential zone and all regulations and standards that have been adopted by the town for a project of this size and scope.

EXHIBIT #

A



TOWN OF FAIRFAX
STAFF REPORT
July 24, 2013

TO: Mayor and Town Council

FROM: Jim Moore, Director of Planning and Building Services
Mark Lockaby, Building Official
Linda Neal, Senior Planner

SUBJECT: Background and status of rehabilitation/reconstruction of property at 19 Manor Road

RECOMMENDATION

Direct staff to continue to work to obtain planning and building entitlement applications from the property owner to bring the property into compliance with the Zoning Ordinance and the California Building Code.

DISCUSSION

In April of 2010 the Town performed a Residential Resale Inspection of the property (Exhibit A). The house appeared to be in poor condition and the resale report advised buyers that prior to restoration a detailed structural pest report would have to be provided to the Town. The report had to include an estimate for the required work and a signed and wet stamped report from a structural engineer certifying that 50% of the structural members of the dwelling were sound.

The applicant submitted a building permit application in November of 2010 to rehab the house in its current location within the required creek setback. After reviewing the plans staff made the preliminary determination that the project constituted a 50% remodel. The owner disagreed with the staff's determination and was advised he could present his arguments before the Commission by applying for a Variance (Exhibit B – letter dated 12/2/10).

The applicant then scaled the project back and submitted a building permit application that proposed relocation of the structure out of the required creek setback and included only the mandatory work required in the April 2010 Resale along with a voluntary foundation seismic upgrade and energy upgrade with new windows and insulation. The project was valued at \$65,000 and the permit was issued on February 14, 2011.

From issuance of the permit after payment of the \$3864.42 permit fee until early April of 2013, the Building Official performed several building permit inspections and responded to numerous complaints from neighbors about the site being used as a corporation yard for the contractor and/or as storage for materials meant for other project sites. Each

time the Building Official responded to a complaint, the owner could demonstrate that the equipment and/or materials in question were for the restoration of the house.

In early April, 2013, staff inspected the height of the house after receiving a complaint and determined that the entire house had been gutted and the foundation height exceeded that shown on the plans. Staff told the contractor to stop work and advised the owner in an April 25, 2013 letter that the project now constituted a 50% remodel and would require the review and approval of a Use Permit and Design Review by the Planning Commission.

Staff was contacted by the owner's contractor on July 16, 2013, and advised that a local architect has been contacted by the owner to assist them in drawing up plans and going through the planning process. As the owner appears to be voluntarily pursuing required approvals for his house, staff recommends allowing the owner to work through the entitlement process. Staff will inform the Planning Commission (PC) of the issues surrounding the property and will recommend options for the PC to consider in addressing these issues in their decision-making process. The neighbors will also be informed of the Planning Commission meeting to consider the applications for 19 Manor. At that time, the neighbors can voice their concerns and the PC can also take those into consideration during their decision-making process.

FISCAL IMPACT

Staff estimates that an additional \$2,782 in total staff costs has been incurred beyond those costs covered by permit fees. These costs include the time to respond to complaints /inspections, telephone conversations, written communications, and reports.

7/24/13 COUNCIL MEETING MINUTES

with the understanding that the recommendation to install signs warning drivers about the potential presence of pedestrians or cyclist would be handled at the Building Permit stage.

AYES: All

Proposed changes to Town Code Chapter 8.20, Noise Control, related to the hours and use of power tools.

Planning Director Moore presented a staff report.

Councilmember Weinsoff noted the original concern also included the health impacts from particulate matter. Planning Director Moore stated staff received a report from the State indicating the impacts were not conclusive. Councilmember Coler stated they could add some commonsense mitigation measures including the distribution of flyers at Town Hall. She stated item #3 in Resolution 13-3 could include the following language: "Operating power tools in a manner which minimizes debris or other materials migrating or moving to adjacent properties....."

Councilmember Bragman asked staff to look into including something in the Noise Ordinance about the Marin Telecommunications Agency utility boxes that give off a high-pitched "hum".

Mayor Reed opened the Public Hearing.

Ms. Sara Shockley, Willow Avenue, stated people were more apt to be home in the early mornings on the weekends.

Mr. Morgan Hall, Walsh Lane, stated the health issues were more of a concern to the operator. The Planning Commission was trying to make the ordinance enforceable. More "teeth" should be included in the ordinance regarding weekend hours.

Mayor Reed closed the Public Hearing.

Councilmember Weinsoff noted there were a lot of home occupations in Fairfax.

Planning Director Moore stated staff would return to the Council with revisions to the ordinance and resolution that are performance, and not prescriptive, oriented. Staff would also prepare a flyer for distribution at Town Hall that includes Best Practices.

The Council took a 10-minute break at 8:50 p.m.

Regular Agenda

Discuss/consider background and status of rehabilitation/reconstruction of property at 19 Manor Road- Planning Director

Planning Director Moore presented a staff report.

Councilmember Weinsoff asked about the Nuisance Abatement process. Building Official Lockaby stated the Building Code allows a project to continue as long as construction occurs. Planning Director Moore stated staff would be revisiting the Building Code in January.

Mayor Reed had questions about the Administrative Citation process.

Mr. Robert Beifus, Manor Road, distributed photographs of the property. He stated the house looms over his backyard and there are huge piles of dirt sitting against his fence.

Ms. Shirley Carson, Manor Road, stated she appreciated the Council looking into this situation. It has gone on for over three years. The property needs to be cleaned up and the construction needs to be completed.

Mr. Richard Carson, Manor Road, stated there was a shed in the back yard that was on his property line. There should be a time limit on property improvements.

Ms. Cathleen Furston, Manor Road, stated the property is being used as a dumping ground for other projects. The neighborhood has deteriorated.

Mr. Sean Aguilar, Manor Road, stated this was a health and safety issue. The building exceeds the height limit. The property owner must operate within the Town codes and guidelines.

Mr. Seth Goddard supported the Council moving forward to clean up the property.

Councilmember Bragman stated the Town should give the property owner until August 7th (the next Council meeting) to clean up the property or the Town would issue an Administrative Citation. The Council agreed.

Discuss/consider response to Grand jury Report "Marin's Retirement Healthcare benefits: The Money Isn't There"- Town Manager

Town Manager Toy presented the staff report.

Councilmember Weinsoff referred to page 21 of the report, F5, and suggested alternate language.

M/S, Bragman/Coler, Motion to accept the response to the Grand Jury Report with Councilmember Weinsoff's amendment to F5.

AYES: All

Discuss/consider Town Council board/committee assignments- Deputy Town Clerk

Town Clerk Gardner presented the staff report.

Councilmember Coler stated she was the Marin Energy Authority alternate.

Councilmember Bragman stated he was the Tree Committee alternate.

Mayor Reed stated he was the alternate for the Safe Routes to School Task Force.

Discuss/consider process for filing vacancies on boards and commissions- Deputy Town Clerk

Town Manager Toy presented the staff report.

Councilmember Coler stated the process for the Planning Commission should be different than the process for the other Boards and Commissions. The Council agreed.

Councilmember Goddard stated she would like the Council to interview three candidates, if possible, for each Board or Commission. She would like to encourage participation.



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

FIRE DEPARTMENT PLAN REVIEW

PROJECT: 19 Manor Rd
 ADDRESS: 19 Manor Rd
 Fairfax CA,

Page: 1 of 3
 Date: 04/04/2014
 Reviewed by: Rob Bastianon
 (415) 258-4673

TYPE OF REVIEW: Planning E-mail: Rbastianon@rossvalleyfire.org
 Bldg. Dept. 3/26/14 Fire Dept. # 14-0112 Review No. 1
 Fire Department Standards can be found at: www.rossvalleyfire.org

Applicant*: Fairfax Planning
 Address:

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

Occupancy Class: R-3	Fire Flow Req: 1000 GPM	Sprinklers Required: YES
Type of Construction: V-B	On-site Hyd. Req: NO	Fire Alarm Required: NO
Bldg Area: 2358sf:	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)
- () APPROVED 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: 4-4-14

Inspections required:

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

EXHIBIT # C



Ross Valley Fire
Department

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

FIRE DEPARTMENT PLAN REVIEW

PROJECT: 19 Manor Rd
ADDRESS: 19 Manor Rd
Fairfax CA,

Page: 2 of 3
Date: 04/04/2014
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning

E-mail: Rbastianon@rossvalleyfire.org

Bldg. Dept. 3/26/14

Fire Dept. # 14-0112

Review No. 1

Fire Department Standards can be found at: 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. SHALL BE NOTED ON PLANS	
		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. Residential numbers must be internally illuminated (backlit), placed to a light or be reflective numbers. If your project is a new house or substantial	



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

FIRE DEPARTMENT PLAN REVIEW

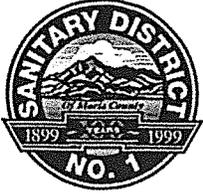
PROJECT: 19 Manor Rd
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TYPE OF REVIEW: Planning E-mail: Rbastianon@rossvalleyfire.org
Bldg. Dept. 3/26/14 Fire Dept. # 14-0112 Review No. 1
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ITEM #	SHEET	COMMENTS	Corr. Made
		remodel, they may only 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		Applicant may propose alternate materials or method in accordance with Section 103.3. All approved alternates requests and supporting documentation shall be included in the plans set submitted for final approval.	
		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.*



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

Mar 21, 2014

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

RECEIVED
MAR 27 2014
TOWN OF FAIRFAX

**Re: Design Review for New Single Family Dwelling: 19 Manor Road, Fairfax: and
Sanitary District No. 1 Requirements for Private Side Sewers/Laterals
APN: 001-104-07**

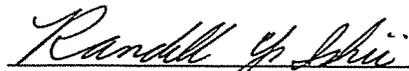
Dear Ms. Neal:

We are in receipt of your transmittal letter received Mar 19, 2014 concerning the above-referenced project. Sanitary District No. 1 has no further requirements at this time.

The owner has already taken responsibility to obtain a sewer connection permit from this office and is meeting all District requirements regarding the conversion from septic to a private side sewer/lateral.

If you have any questions, please contact this office.

Sincerely,



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



**MARIN MUNICIPAL
WATER DISTRICT**

TOWN OF FAIRFAX

MAR 28 2014

RECEIVED

220 Nellen Avenue Corte Madera CA 94925-1169
www.marinwater.org

March 26, 2014
Service No. 16067

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

RE: WATER AVAILABILITY - Single Family Dwelling
Assessor's Parcel No.: 001-104-07
Location: 19 Manor Rd, Fairfax

Dear Ms. Neal:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a single family dwelling. The proposed remodeling of the existing structure will not impair the District's ability to continue service to this property.

Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 – Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at www.marinwater.org.

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559.

If you have any questions regarding this matter, please contact me at (415) 945-1532.

Sincerely,

A handwritten signature in black ink, appearing to read "JW-Eischens", written over a white background.

Joseph Eischens
Senior Engineering Technician

JE:mp

cc: Town of Fairfax Buidling Dept

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 18, 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: 19 Manor Road; Assessor's Parcel No. 001-104-07

Project Description: Construction of a 2,358 square foot single-family residence with a detached 411 square foot garage.

These plans are being transmitted for review either: a) prior to public hearings on discretionary permits before the Fairfax Design Review Board and Planning Commission; or, for review prior to issuance of a building permit. Please provide your comments on the completeness and adequacy of the submittal for your agencies reviewing purposes within 10 days.

1	3/10/14	Preliminary development plans

REMARKS SIDEWALK AND DRIVEWAY WILL NEED TO BE REPLACED

Please respond by April 1, 2014. Thanks

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

