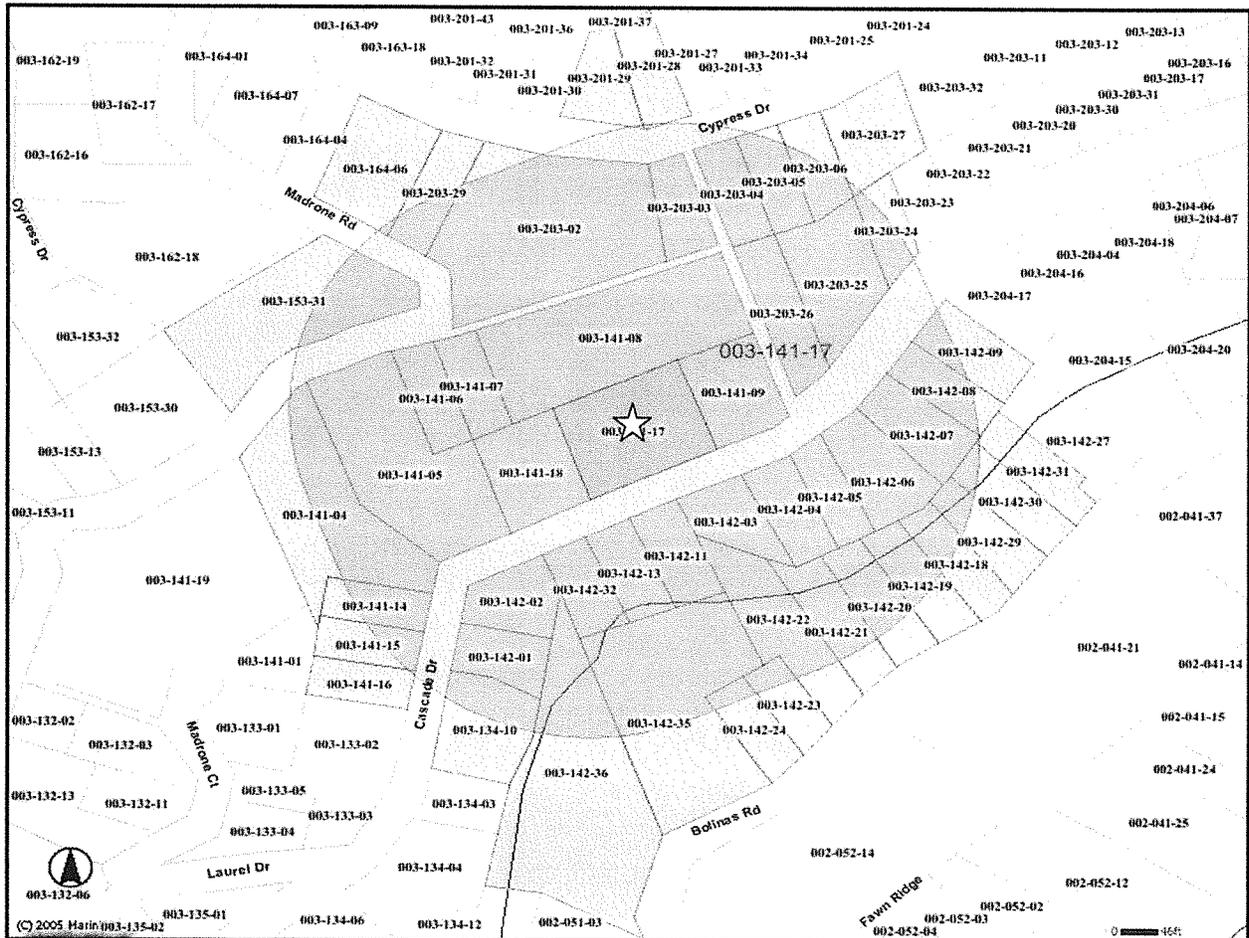


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: July 17, 2014
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Senior Planner
LOCATION: 156 Cascade Drive; Assessor's Parcel No. 003-141-17
PROJECT: Deck addition
ACTION: Use Permit Modification; Application # 13-11
APPLICANT: McCoy Architecture, Inc.
OWNER: Matt and Mireya Quirie
CEQA STATUS: Categorically exempt, § 15303.



156 CASCADE DRIVE

BACKGROUND

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

On May 16, 2013, the Commission approved a Use Permit to allow the construction of a 390 square foot deck onto the west side of the residence subject to the conditions contained in the attached letter of action dated May 17, 2013 (Exhibit B).

DISCUSSION

The applicant is now requesting a modification of the previously approved Use Permit to expand the proposed deck by 53 square feet to connect it with the existing front deck off the off the living room for total new deck square footage of 443 square feet .

The property is located within the Residential Single-family RS 6 Zone District and the structures (residence and carport) comply with the RS 6 Zone regulations as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft	12 ft	35 ft	5 ft & 5 ft	20 ft	.40	.35	28.5 ft, 2 stories
Existing	6 ft (carport)	64 ft	70 ft	66 ft (west side of house) & 15ft (east side of carport)	81 ft	.09	.17	26 ft, 2 stories
Proposed	same	same	same	47 ft (new deck), & 15 feet (east side of carport)	62 ft	same	same	same

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

Use Permit

Town Code § 17.080.050 requires that a Use Permit be obtained in the RS 6 Zone prior to any use, occupancy or physical improvement of or on a building site failing to meet the minimum size and/or width requirements based on the property average slope. The site is 18,683 square feet in size and 151 feet wide and has an average slope of 64%. In order to comply with the minimum size and width requirement set forth in Town Code § 17.080.050(C) a site with a 64% slope would have to be 56,000 square feet in size and 212 feet wide to comply with the code. Therefore, the deck addition required the approval of a Use Permit and now requires a modification of that Use Permit per the original conditions of approval (Exhibit B – original conditions of approval, condition # 11).

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

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

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

Prior to the May 16th 2013 Commission approval of the previous deck, Staff had advised the applicant that the deck was inaccessible from anywhere within the residence and could only be accessed by going outside the rear of the dwelling. The proposed modification allows the deck to be accessed from the living room which is a better design for the deck improvement.

Other Agency/Department Comments and Conditions

None of the agencies or other Departments with jurisdiction over the project had any conditions to place upon the project.

RECOMMENDATION

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

Recommended Findings

1. The modified deck will comply with all the setback, height, floor area ratio and lot coverage regulations in the RS 6 Zone district where the project site is located. Therefore, the approval of the use permit modification shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The setbacks maintained by the modified deck greatly exceed the minimums required by the Town Code and will not result in the owners being able to look into the private yard space of any of the neighbors. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
3. Approval of the use permit modification is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.
4. The modified deck will provide level outdoor living space for this steeply sloping property that does not have any usable outdoor space. Therefore, approval of the use permit modification will result in equal or better development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

Recommended Conditions

1. This approval is limited to the development illustrated on the amended plans prepared by McCoy Architecture, Inc., pages A0, A0.1, 1, A1.0 through A3.0 and S1, revised 5/27/14.
2. The applicant shall submit a bond to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town upon approval of the contract costs, the applicant shall submit a bond or evidence of a letter of credit equaling 100% of the estimated construction costs and pay for the Town Engineer's time to review and confirm the contractor's estimate.
3. The foundation and retaining elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation and retaining elements shall be stamped and signed by the structural

engineer and submitted to the satisfaction of the Town Engineer. The Town Engineer's time will be paid for by the applicant prior to issuance of the building permit.

4. The grading and foundation elements shall also be stamped and signed by the site geotechnical engineer as conforming to the recommendations made by the project engineer.
5. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.
6. The geotechnical engineer shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town staff that the grading has been completed as recommended prior to installation of foundation and retaining forms and piers.
7. Prior to the concrete form inspection by the building official, the geotechnical and structural engineers shall field check the forms of the foundations and retaining elements and provide written certification to the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans. The building official shall field check the concrete forms prior to the pour.
8. 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.
9. 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.
10. Prior to issuance of an occupancy permit the geotechnical engineer shall field check the completed project and submit written certification to the Town Staff that the foundation, retaining, grading and drainage elements have been installed in conformance with the approved building plans and the recommendations of the soils report.
11. Excavation shall not occur between October 1st and April 1st. The Town Engineer has the authority to waive this condition depending upon the weather.

12. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.
13. During construction developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".
14. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 13-11. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 13-11 will result in the job being immediately stopped and red tagged.
15. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.
16. 13. 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.
17. Construction hours are limited to between 8 AM and 5 PM, Monday through Friday, 9 AM to 5 PM on Saturdays and that there be no noise generating construction on Sundays.
18. Noise from construction worker's radios shall be controlled so that they are not audible at residences adjacent to the project site.

19. All internal combustion engine-driven equipment shall be equipped with mufflers which are in good condition and appropriate for the equipment.
20. Quiet models of air compressors and other stationary noise sources shall be utilized where technology exists.
21. Noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
22. Unnecessary idling of internal combustion engines shall be prohibited.
23. Conditions placed upon the project by outside agencies may be eliminated or amended with that agencies written verification of the eliminated or modified condition(s) to the Planning Department prior to issuance of the building permit.

ATTACHMENTS

Exhibit A - Applicant's supplemental information

Exhibit B – May 21, 2013 letter of action

Exhibit C – previously approved project plans and site photographs

PROJECT DESCRIPTION: We are proposing a new 443 square foot deck.

We are revising the previously approved deck of 390 sq. ft.

The proposed revision will add 53 square of deck to the previously approval for a total new deck size of 443 sq. ft.

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	18,685 sq. ft.	18,685 sq. ft.
Size of structure(s) or commercial space (square feet)	(E) House +/- 1,676 sq. ft.	No Change to Existing residence
Height and No. of stories	(E) House +/- 26'	No Change to Existing
Lot coverage	2,076 sq. ft	2,519 sq. ft. (w/ new deck)
No. of dwellings units	1	1
Parking ¹	No. of spaces	2
	Size of spaces	9x19

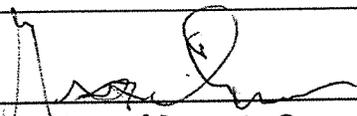
Amount of proposed excavation and fill	Excavation = Drilled piers only	Fill = 0
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Estimated cost of construction \$ 35,000

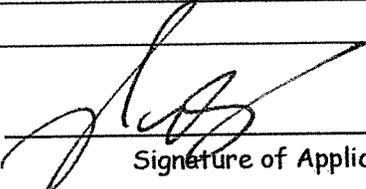
Lot Coverage is defined as the land area covered by all buildings and improvements with a finished height above grade and all impervious surfaces except driveways.

¹Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? No



 Signature of Property Owner



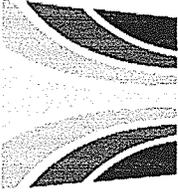
 Signature of Applicant

 Date

6.12.14

 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



TOWN OF FAIRFAX

JUN 23 2014

RECEIVED

June 19th, 2014

Linda Neal
Senior Planner, Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Re: Revision to Approved Deck
156 Cascade Avenue

Dear Ms. Neal,

Attached are the application documents and 14 revised sets of plan drawings for the revision of the approved. We are proposing to add 56 square feet of additional deck area.

Please contact me directly if you have any questions or require additional materials.

Thank you.

Sincerely,

John McCoy, AIA
McCoy Architecture, Inc.
1417 Bridgeway, Suite #1
Sausalito, CA 94965
415-332-9910
john@mccoyarchitecture.com



TOWN OF FAIRFAX

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

TOWN OF FAIRFAX

JUN 23 2014

RECEIVED

McCoy Architecture, Inc.
1417 Bridgeway, Suite #2
Sausalito, CA. 94965

NOTICE OF PLANNING COMMISSION ACTION

Re: 156 Cascade Drive; Application # 13-11

Request for a Use Permit to construct a 390 square foot deck addition to an existing 1,676 square foot single-family residence; Assessor's Parcel No. 005-141-17; Residential Single-family RS 0 Zone District; McCoy Architecture, Inc., applicant; Matt and Mireya Quirie, owners; CEQA categorically exempt, 15303.

Dear Mr. McCoy,

At their May 16, 2013 meeting the Fairfax Planning Commission approved the above referenced application subject to the following conditions of approval:

1. This approval is limited to the development illustrated on the plans prepared by McCoy Architecture, Inc., pages A0, A0.1, 1, and A1.0 through A3.0 dated 4/26/13.
2. The applicant shall submit a bond to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town upon approval of the contract costs, the applicant shall submit a bond or evidence of a letter of credit equaling 100% of the estimated construction costs and pay for the Town Engineer's time to review and confirm the contractor's estimate.
3. The foundation and retaining elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation and retaining elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Engineer. The Town Engineer's time will be paid for by the applicant prior to issuance of the building permit.
4. The grading and foundation elements shall also be stamped and signed by the site geotechnical engineer as conforming to the recommendations made by the project engineer.

5. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.
6. During the construction process the following shall be required:
 - The geotechnical engineer shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town staff that the grading has been completed as recommended prior to installation of foundation and retaining forms and piers.
 - Prior to the concrete form inspection by the building official, the geotechnical and structural engineers shall field check the forms of the foundations and retaining elements and provide written certification to the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans. The building official shall field check the concrete forms prior to the pour.
 - All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the Building Official on a case by case basis with prior notification from the project sponsor.
 - Additionally, any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
7. Prior to issuance of an occupancy permit the geotechnical engineer shall field check the completed project and submit written certification to the Town Staff that the foundation, retaining, grading and drainage elements have been installed in conformance with the approved building plans and the recommendations of the soils report.
8. Excavation shall not occur between October 1st and April 1st. The Town Engineer has the authority to waive this condition depending upon the weather.
9. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.
10. During construction developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".

11. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 13-11. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 13-11 will result in the job being immediately stopped and red tagged.
12. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.
13. The applicant or owner shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.
14. Construction hours are limited to between 8 AM and 5 PM, Monday through Friday, 9 AM to 5 PM on Saturdays and that there be no noise generating construction on Sundays.
15. Noise from construction worker's radios shall be controlled so that they are not audible at residences adjacent to the project site.
16. All internal combustion engine-driven equipment shall be equipped with mufflers which are in good condition and appropriate for the equipment.
17. Quiet models of air compressors and other stationary noise sources shall be utilized where technology exists.
18. Noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
19. Unnecessary idling of internal combustion engines shall be prohibited.
20. Conditions placed upon the project by outside agencies may be eliminated or amended with that agencies written verification of the eliminated or modified condition(s) to the Planning Department prior to issuance of the building permit.

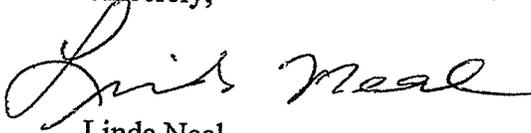
GENERAL INFORMATION

There is a 10 calendar day appeal period during which any concerned citizen can appeal any Planning Commission action. Contact the Planning Department staff at the Fairfax Town Hall for further information on how to appeal a Planning Commission decision.

If plans or other supplemental information were submitted for the Planning Commission hearing and the applicant would like to have them back, they must be picked up after the 10 day appeal period but before 15 days from the date of the meeting.

If you have any questions regarding the Planning Commission action please feel free to contact the Fairfax Planning Department.

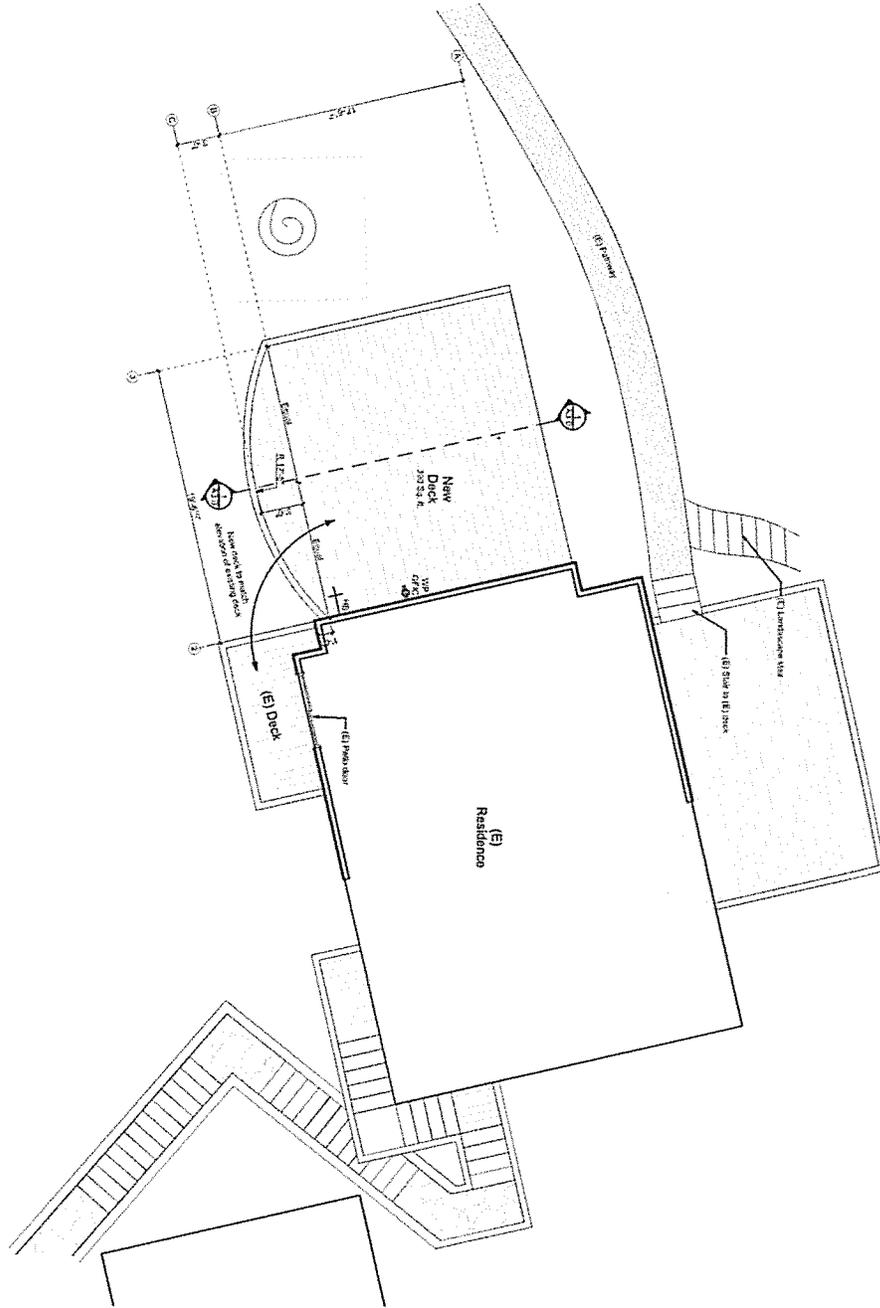
Sincerely,



Linda Neal
Senior Planner

cc. Matt and Mireya Quirie

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



A1.0
03/20/11

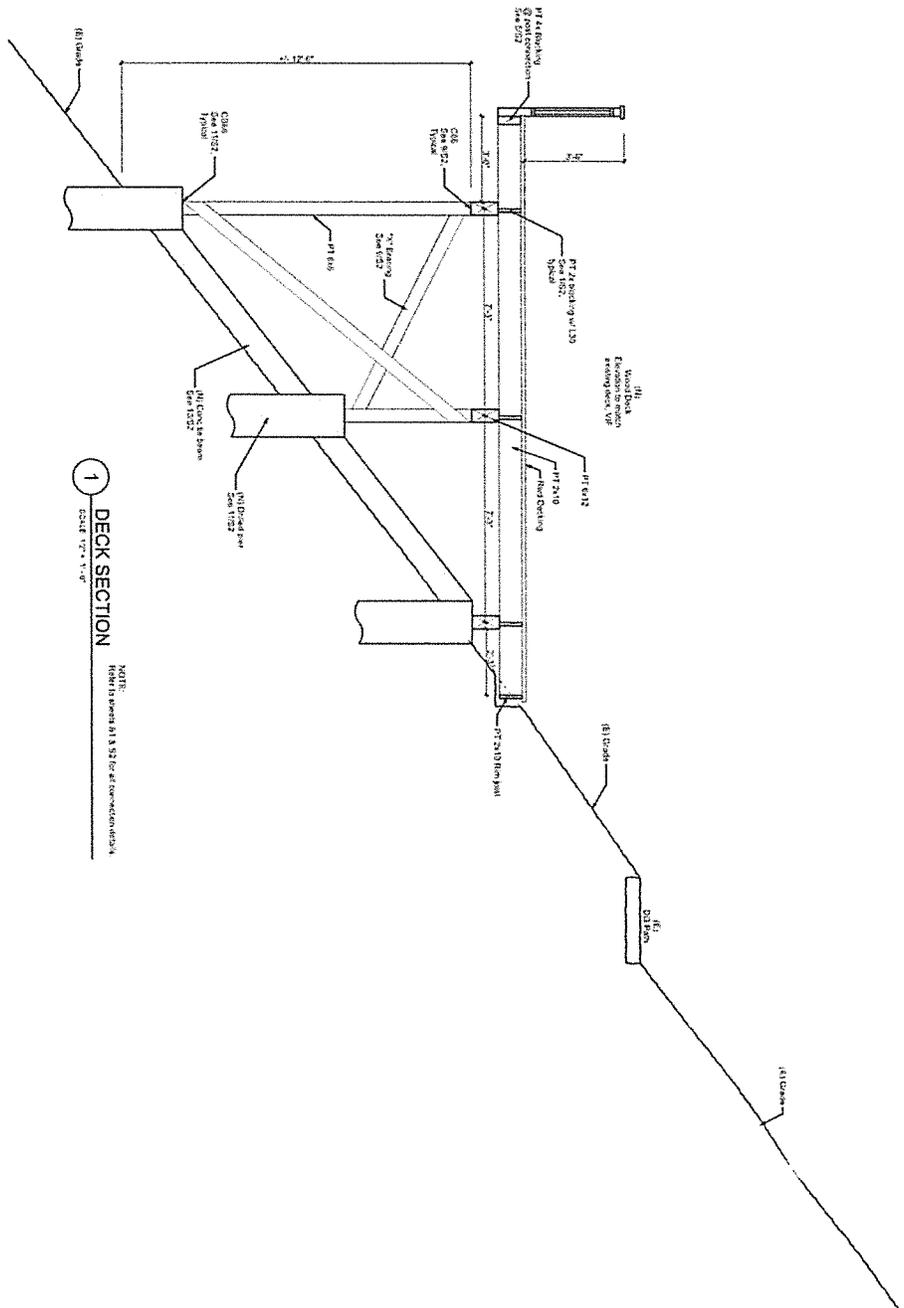
REVISIONS



NEW DECK AT THE
QUIRIE RESIDENCE
 156 CASCADE AVE, FAIRFAX CA 94930
 A.P.N. 003-141-17

McCOY
 ARCHITECTURE
 1417 Bridgeway, Suite 2
 Sausalito CA, 94965
 Phone: 415.332.9910
 pm@mc coyarchitecture.com

EXHIBIT # **C**

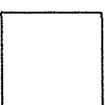


1 DECK SECTION
Scale: 1/2" = 1'-0"

NOTE:
REFER TO PAGES B1 & B2 FOR DETAIL CONNECTIONS.

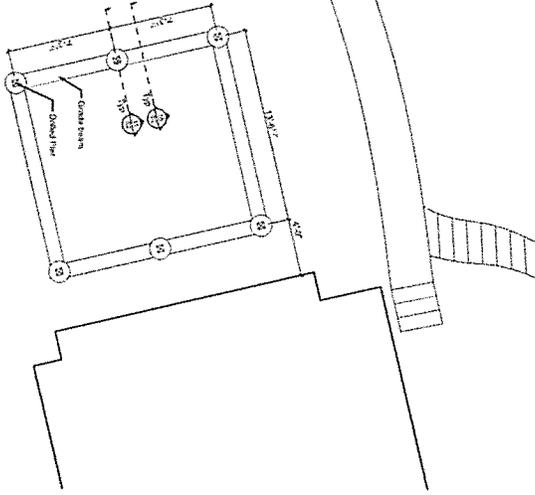
A3.0
01/26/2011

REVISIONS

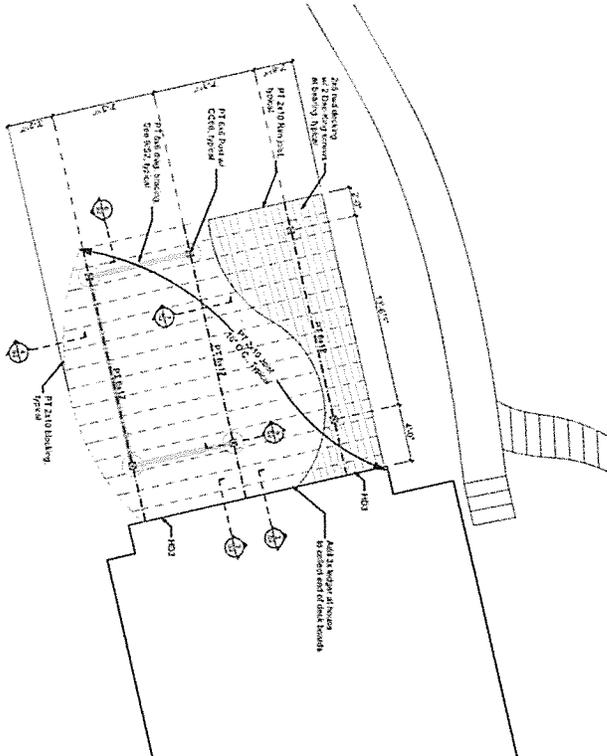


NEW DECK AT THE
QUIRIE RESIDENCE
156 CASCADE AVE, FAIRFAX CA 94930
A.P.N. 003-141-17

6



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



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

S1
S13K2310

REVISIONS

NEW DECK AT THE
QUIRIE RESIDENCE
 156 CASCADE AVE, FAIRFAX CA 94930
 A.P.N. 003-141-17

McCOY
 ARCHITECTURE

1217 Bridgeway, Suite 2
 Sausalito CA, 94965
 Phone: 415.332.9910
 info@mccoysarchitecture.com

156 CASCADE



Side Elevation of Existing Residence
(Location of Proposed Deck)

TOWN OF FAIRFAX

APR 11 2013

RECEIVED

156 CASCADE

153 Cascade Drive, Fairfax, United States
©2011 McCoy Architecture



Street View of Existing Residence



Downhill View of Side Yard
(Location of Proposed Deck)