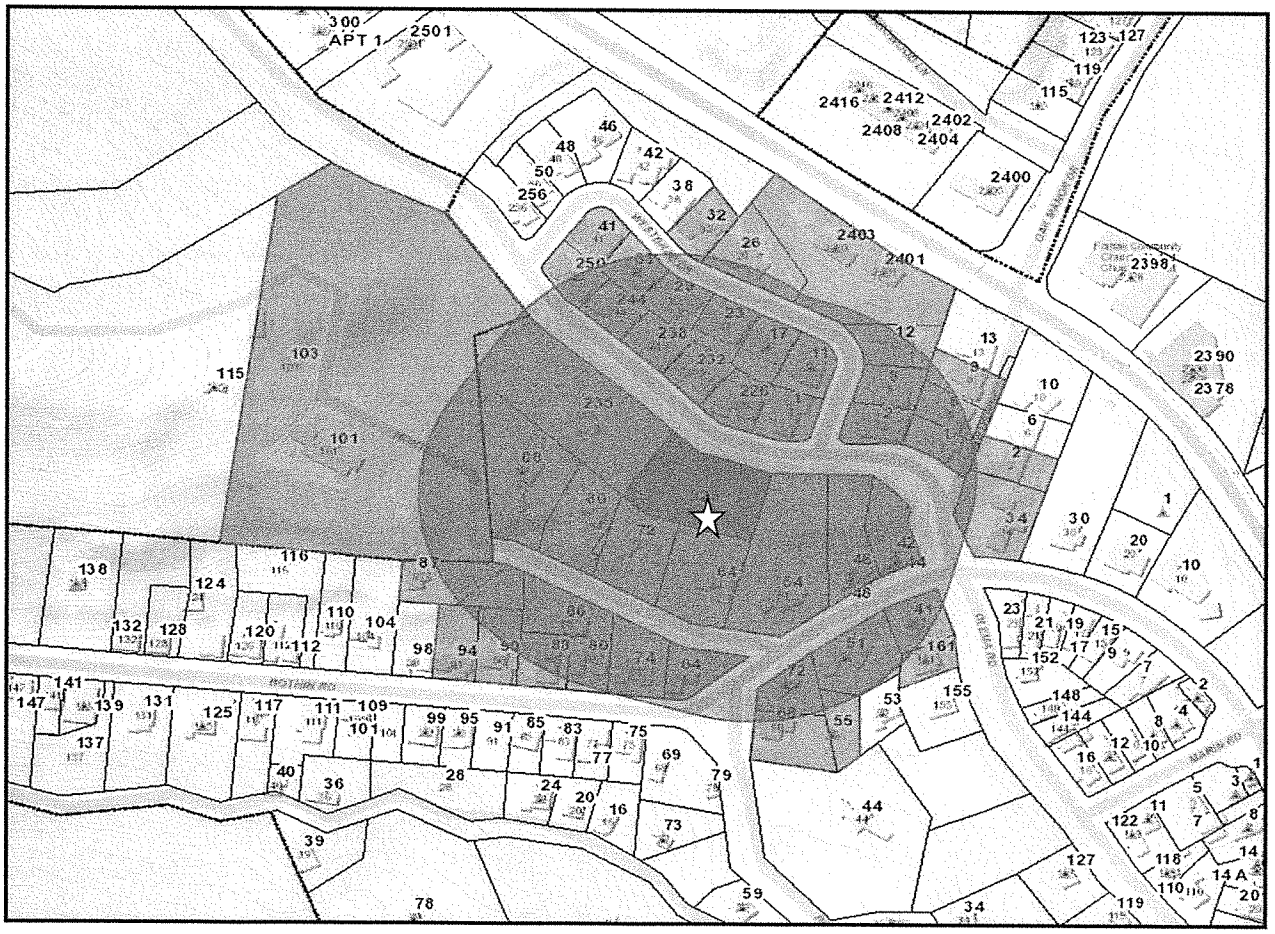
TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services

TO:	Fairfax Planning Commission
DATE:	September 25, 2014
FROM:	Jim Moore, Director of Planning and Building Services Linda Neal, Senior Planner
LOCATION:	225 Olema Road; Assessor's Parcel No. 001-071-19
ZONING:	Residential Single-family RS 6 Zone
PROJECT:	Addition to a single-family residence
ACTION:	Use Permit; 14-28
APPLICANT:	Fred and Vicky Divine
OWNER:	Same
CEQA STATUS:	Categorically exempt, § 15301(e)(1)



225 OLEMA ROAD

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AGENDA ITEM # 2

BACKGROUND

This 24,397 square foot site slopes up from Olema Road at an average slope of 36%. The site shares a driveway with the residence at 235 Olema Road. The original residence was constructed in 1948. The record is not clear how large the structure was when it was originally constructed but it has been expanded many times over the years and is now 3,035 square feet in size and has 6 bedrooms and 4 full bathrooms. One of the bedrooms and bathroom is located over the garage and is connected to the rest of the home by a hallway. A swimming pool was constructed with permits in 1986. There are also two storage sheds on the site that are less than 150 square feet in size and did not require permits.

DISCUSSION

The project encompasses expanding the master bedroom suite by 95 square feet expanding the bathroom and adding an alcove, expanding the bathroom and closet off bedroom # 1 on the second floor by a total of 34 square feet and creating a 27 square foot alcove area and a small 12 square foot deck for the bedroom located over the garage..

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6ft	12ft	35ft	5ft & 5ft	20ft	.40	.35	28.5ft, 2 stories
Existing	19.5 ft	20 ft	39.5 ft	19 ft & 64 ft	83 ft	.13	.14	21 ft 4 in, 2 stories
Proposed	19.5 ft	20 ft	39.5 ft	19 ft & 62 ft	81 ft	.14	.15	21 ft 4 in, 2 stories

Required Discretionary Permits

Town Code § 17.080.050(C) requires that a Use Permit be obtained prior to the expansion of any property that fails to meet the minimum size and width requirements based on its slope. The 24,397 square foot site slopes up from Olema Road at an average rate of 36 %. In order to comply with the code the site would have to be 28,000 square feet in size and it is only 24,387 square feet. Therefore, the project requires a Use Permit.

The total of the proposed additions is 156 square feet and the resulting 3,191 square foot residence is in proportion to its 24,387 square foot site.

Other homes in the neighborhood on similar large sloped properties range in size from a 1,485 square foot, 2 bedroom, 2 bath house on a 35,200 square foot site to a 2,742 square foot, 4 bedroom, 3 bath house on a 24,000 square foot site. This house is already the largest house in the immediate neighborhood but the house is screened from the view of the neighbors by the heavily vegetated site and the modest 156 square foot expansion will still result in a Floor Area Ratio FAR of .14 which is well below the permitted .40 set forth in Town Code § 17.136.030.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department

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. Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth. Obtain approval of a Vegetative Management Plan (VMP) in compliance with Ross Valley Fire Protection Standard 220, Vegetation/Fuels Management.

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

2. The project will require a connection permit from the Sanitary 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 lateral needs to be tested in the presence of a District Inspector and be found to meet the current District requirements.

3. 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.

RECOMMENDATION

Move to approve application # 14-28 based on the following findings and subject to the following conditions:

Recommended Findings:

1. The proposal for the 156 square foot expansion will not result in a residence that is out of scale with the 24,397square foot site, will not encroach into any setbacks and will not negatively impact any neighboring properties. 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 proposed additions will not encroach into the required setbacks and will not exceed Floor Area Ratio .40 limitation for the Residential Single-family RS 6 Zone District. The additions also will comply with the height limits and will not significantly increase the site lot coverage. 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 the Town Zoning Ordinance, Title 17.

4. The additions will not result in the removal of any trees or significantly impact the remaining undeveloped areas of the property.Therefore, approval of the use

permit will result in equal or better development of the premises than would otherwise be the case.

Recommended Conditions

1. This approval is limited to the development illustrated on the plans prepared by Fred Divine, Frederic Divine Associates, pages 1 through 4, dated 1/8/89 (page 1), 6/28/14 (pages 2 and 3) and 8/15/84 (page 4).

2. 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. If required by the Building Department, 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. If required by the Building Department 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.

3. 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.

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

   a. 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.

   b. 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/or 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 Application # 14-28. ***Any*** construction based on job plans that have been altered without the benefit of an approved modification Use Permit 14-28 will result in the job being immediately stopped and red tagged.

8. 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. 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. A Vegetative Management Plan designed in accordance with Ross Valley Fire Standard 220 is required for this project. A separate deferred permit shall be required for this plan. Please submit directly to the Fire Department for review.

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 and 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

Applicant's supplemental information

PROJECT DESCRIPTION: BECAUSE OF SLOPE, LOT IS ABOUT 10% TOO SMALL BY AREA, SO USE PERMIT REQUIRED FOR MINOR ADDITIONS: M. BATH ADD, ALCOVE @ M. BED, BATH ADD, CLOSET ADDN, & POOL HOUSE ALCOVE ADD - TOTAL LIVING SPACE ADDED 156 SF

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	24,397	SAME
Size of structure(s) or commercial space (square feet)	3,000 ±	+156 SF
Height and No. of stories	UNDER 30/2	SAME
Lot coverage	8%	SAME
No. of dwellings units	1	"
Parking[1] No. of spaces	4	"
Size of spaces	9x19	"

Amount of proposed excavation and fill	Excavation = 3-4 YDS	Fill = —

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.

[1]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? DRIVEWAY EASEMENT FOR ACCESS

Signature of Property Owner

SAME
Signature of Applicant

6/28/14
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

EXHIBIT # A

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 of 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.

VERY MINOR RESIDENTIAL ADDITION, ONLY TRIGGERED BY SLOPE ORDINANCE AND ONLY MISSING SIZE BY 1%, ALMOST NO ONE CAN SEE THE HOUSE AND THE PROPOSED ADDITIONS

The final disposition of each use permit shall be in accordance with the facts of the particular case, and such facts must support the following determinations and findings before a use permit may be approved. Indicate how the findings below can be made:

- 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.

PROPERTY VERY CLOSE TO COMPLYING, ACTUAL BUILDING SITE ESSENTIALLY FLAT & LARGE

- The development and use of property, as approved under the use permit, shall not create a public nuisance, 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.

MINOR ADDITIONS NOT EVEN SEEN BY OTHERS

- 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 any master plan, development plan or other plan or policy, officially adopted by the town.

CONSISTENT