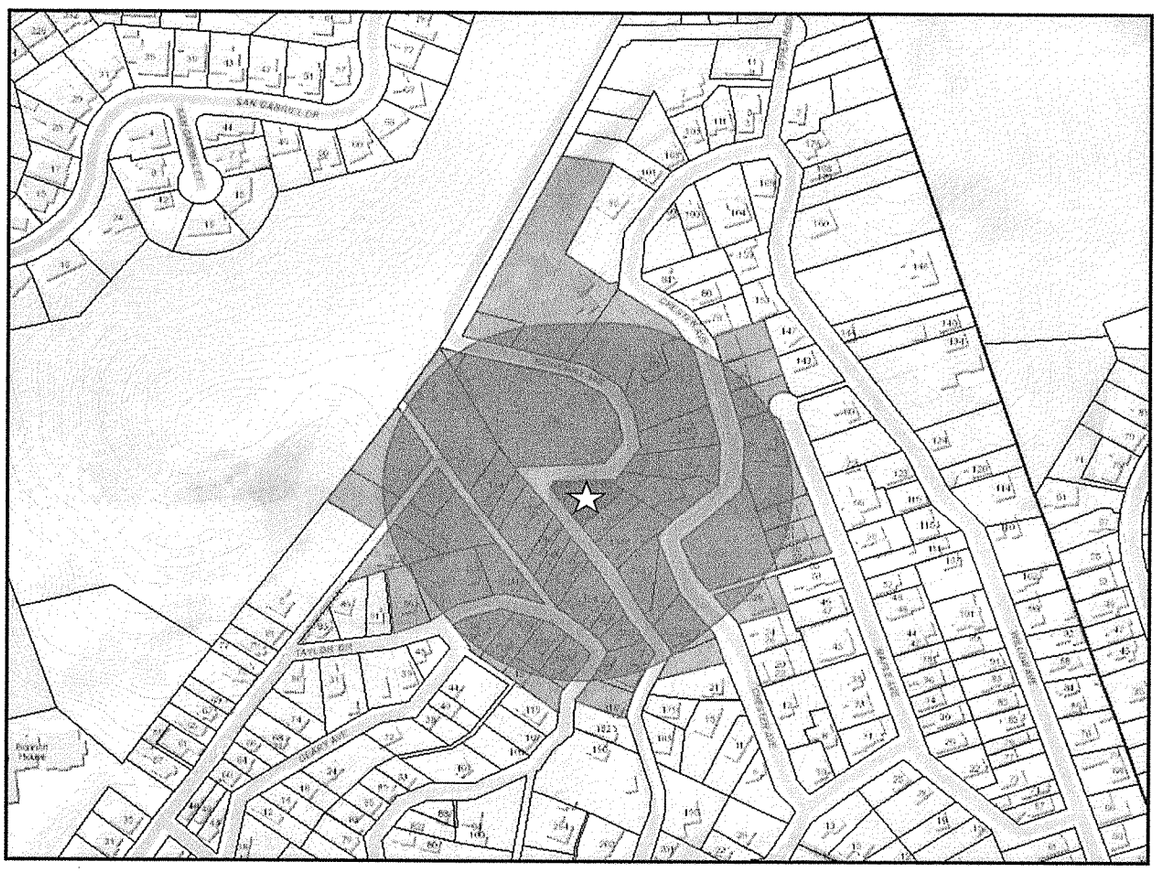
TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services

TO:	Fairfax Planning Commission
DATE:	October 16, 2014
FROM:	Jim Moore, Director of Planning and Building Services Linda Neal, Senior Planner
LOCATION:	145 Ridgeway Avenue; Assessor's Parcel No. 001-203-04
ZONING:	Residential Single-family RS 6 Zone District
PROJECT:	Deck Addition
ACTION:	Use Permit; Application # 14-38
APPLICANT:	Rich Rushton, Rushton Chartock Architects
OWNER:	Brooke and Matt Golden
CEQA STATUS:	CEQA categorically exempt, §15301(a)



145 RIDGEWAY AVENUE

2014STAFFREP/145 ridgeway.pcstaffrep.10_16_14/ln

AGENDA ITEM # 2

BACKGROUND

The 7,571 square foot site is bordered on the west and north side by Ridgeway Avenue with a portion of the improvement public road crossing the northwest corner of the site which has an average slope of 23%. The existing 3 bedroom, 2 bath house was constructed in 1940.

The structure was originally built with a garage but the Commission approved discretionary permit to legalize an unpermitted garage conversion in 1981.

In 1997 the Commission granted an encroachment to allow expansion of the parking pad for the site which is partially located within the Roadway easement.

DISCUSSION

The project encompasses construction of a 522 square foot deck off of the second living level that will extend up to 12.5 feet above grade at its tallest point.

The property and its existing and proposed improvements comply with the Residential RS 6 Zone District 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	26 ft	3 ft	29 ft	40 ft & 16 ft	56 ft	.27	.17	20 ft, 2 stories
Proposed	same	same	same	14 ft & 16 ft	30 ft	same	same	same

A property with a 23% slope like this project site would have to be at least 15,000 square feet in size to meet the code requirements [Town Code § 17.084.050(C)]. The site is only 7,571 square and because of the site's substandard size the project requires the approval of a Use Permit (Town Code § 17.084.050).

The proposed deck complies with setback and height regulations and will not change the single-family residential character of the property. Second floor decks are found throughout Fairfax in the residential neighborhoods and provide property owners with a way to increase their usable outdoor space and enhance the views from their property. The over 500 square foot size of the deck is quite large but the expanded deck maintains setbacks from the property lines that exceed those required by the code.

However, the neighboring property at 149 Ridgeway is very steep and small with the only somewhat level outdoor area located immediately adjacent to the northern fence between the properties and the small second floor rear deck. It is staff's opinion that the proposed deck at 145 Ridgeway Avenue will significantly impact the property at 149 Ridgeway as it is currently proposed and we are unable to make the following required

findings to recommend approval:

1. 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 development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

3. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.

4. Approval of the use permit 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.

Staff has discussed our inability to make the required findings with the project architect. We are unable to find that the deck is necessary to allow the owners a significant use of the property because they still have a use of the rear yard which is terraced without the construction of the proposed deck.

The architect has provided a proposed landscaping plan including the planting of 3 additional fast growing privets along the side property line between the two residences. He also indicated that the owners are willing to construct a privacy screen along the south side of the deck to minimize its impact on the neighbors.

The neighbor at 149 Ridgeway Avenue is out of Town and has requested that the item be continued (Exhibit B).

Other Agency/Department Comments/Conditions

Marin Municipal Water District

The deck addition will not impair the Districts ability to provide water service to this site. Any new landscaping proposed in conjunction with the construction of the deck must comply with District Code Title 13 – Water Conservation. Landscaping plans are subject to review and approval by the District.

Sanitary District

Prior to issuance of the building permit the property owner shall contact the District and apply for a District permit. The District will place a hold on property once the building permit is issued and will not release the project for its final inspection until the District's permit and sewer requirements are met.

Note: the Fairfax Police Department, Building Department and Ross Valley Fire Department had no comments or conditions about this project.

RECOMMENDATION

If the Commission agrees with staff that the deck will significantly impact the neighboring property and they are unable to make the required findings for the project as proposed, staff recommends the following:

The Commission shall ask the applicant(s) if they are willing to agree to agree to a one time, up to 90 day extension of time for the Town to process their application under the Permit Streamlining Act. The Commission should ensure that the applicant's understand that they are not required to agree to this continuance and can request a decision from the Commission at the meeting.

With the applicant's agreement, the Commission shall continue the project to the November Commission meeting and direct the applicants to consider revising the project so that the required findings can be made.

Alternative Recommendation

If the Commission believes they can make the findings required for approval they should do so and take action approving the project subject to the following conditions:

1. The applicants shall obtain a building permit prior to the start of construction.

2. The proposed landscaping plan shall be included as a part of the building permit submittal and the plant material installation is a condition of approval.

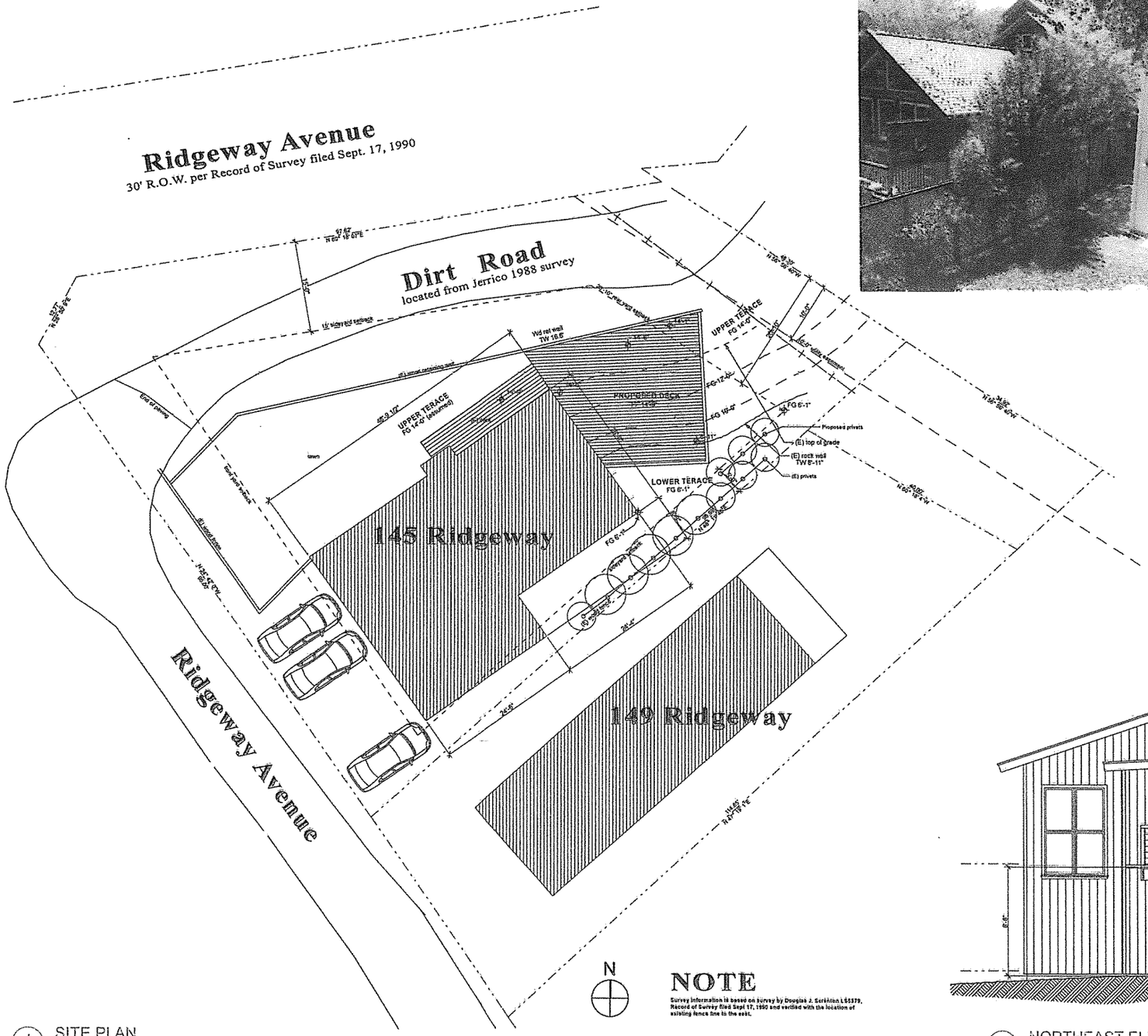
3. The building permit plans shall also include a privacy screen along the southern side of the deck and perhaps along a portion of the eastern side of the deck and shall be approved by the owner of the property at 149 Ridgeway Avenue prior to issuance of the building permit. If agreement cannot be reached on the appropriate extent and/or location of the privacy screen by the two property owners, they shall meet with staff to try a reach a resolution; and, if a resolution cannot be reached with staff mediating the matter shall be scheduled for a hearing before the Commission for the Commission to decide the screen extent

4. The deck addition will not impair the Districts ability to provide water service to this site. Any new landscaping proposed in conjunction with the construction of the deck must comply with District Code Title 13 – Water Conservation. Landscaping plans are subject to review and approval by the District.

5. Prior to issuance of the building permit the property owner shall contact the District and apply for a District permit. The District will place a hold on property once the building permit is issued and will not release the project for its final inspection until the District's permit and sewer requirements are met.

ATTACHMENTS

Exhibit A – proposed landscaping plan received by the Town on October 9, 2014
Exhibit B - e-mail from neighbor at 149 Ridgeway Avenue requesting continuance

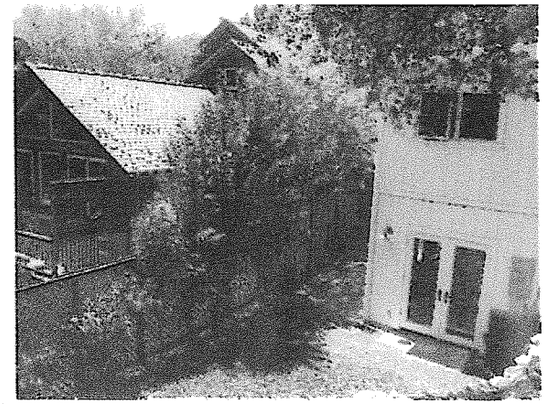


1 SITE PLAN

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

NOTE

Survey information is based on survey by Douglas J. Scrinton LS5379, Record of Survey filed Sept 17, 1990 and verified with the location of existing fence line to the east.



CONTENTS

PROJECT

GOLDEN DECK

145 Ridgeway Avenue, Fairfax

Job No. 14113

SCOPE OF WORK

Deck Addition

DESCRIPTION:

Zone:	RS6
Building Occupancy Group:	R-3/U
Type of Construction:	V
WUI: Located in a designated Wildland-Urban Interface area.	
Stories:	two
Lot Area:	7,571 s.f.
Existing & Proposed Lot Coverage:	1,596 s.f. = 21%

OWNERS

Matt & Brooke Golden

ARCHITECT

RUSHTON-CHARTOCK ARCHITECTS
1620 Sir Francis Drake Blvd.
P.O. Box 173, Fairfax CA 94978-0173
(415) 457-2802 Fax: (415) 457-2873
Email: rushtonchartock@gmail.com
Web site: www.rushton-chartock.com
Project Architect: Richard Rushton, ext. 205

PROJECT ENGINEER:

Mark Woodrow, P.E., LEED AP
Andersson Woodrow
Structural and Architectural engineering
81 Dominga Avenue,Fairfax, CA 94930
415.453.3431
markwoodrow@sbcglobal.net

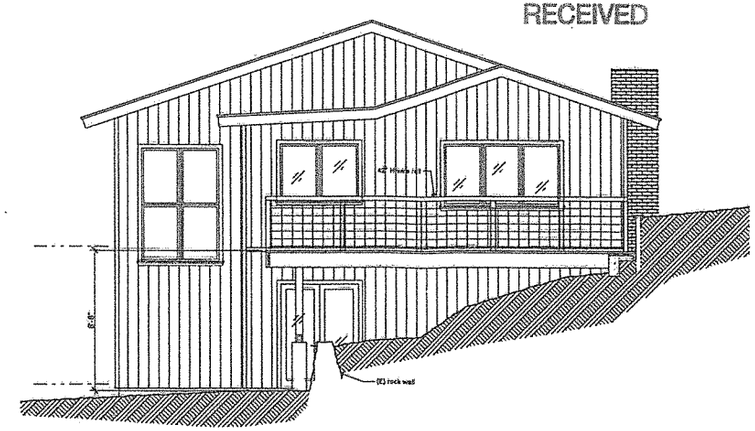
DRAWINGS

sheet	title
	SITEWORK
A1.2	Site Plan
	Contents
A2.1	FLOOR PLAN
	Deck Plan
	Deck Section
	Framing Plan
	Details

TOWN OF FAIRFAX

OCT 09 2014

RECEIVED



2 NORTHEAST ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT # A

Rushton-Chartock Architects
1620 Sir Francis Drake Blvd.
P.O. Box 173 Fairfax CA 94978-0173
(415) 457-2802 Fax: 457-2873
Email: rushtonchartock@comcast.net
Website: www.rushtonchartock.net

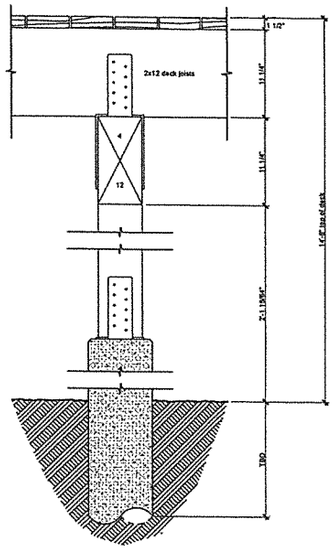
LICENSED ARCHITECT
RICHARD E. RUSHTON
C-5511
STATE OF CALIFORNIA

Project
GOLDEN DECK
Deck Addition for Matt & Brooke Golden
650-454-5423
145 Ridgeway Avenue, Fairfax CA
A.P. No. 001-203-04

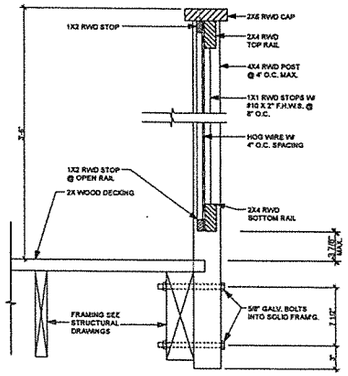
Project No. 14113
Project Architect Richard Rushton
Date 8/12/14
Revisions 8/27/14 pl resubmittal

SITE PLAN

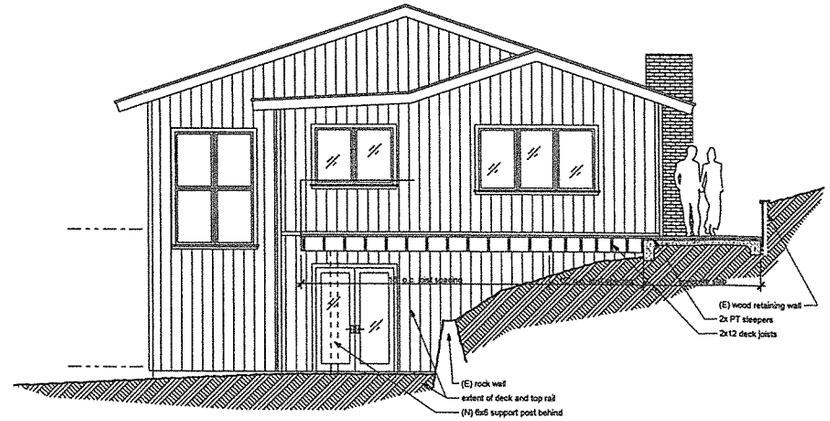
A1.2



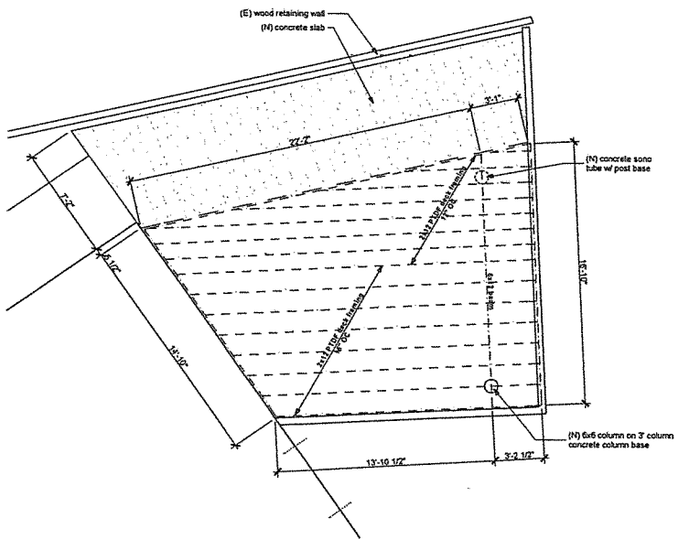
4 COLUMN DETAIL
SCALE: 1 1/2"= 1'-0"



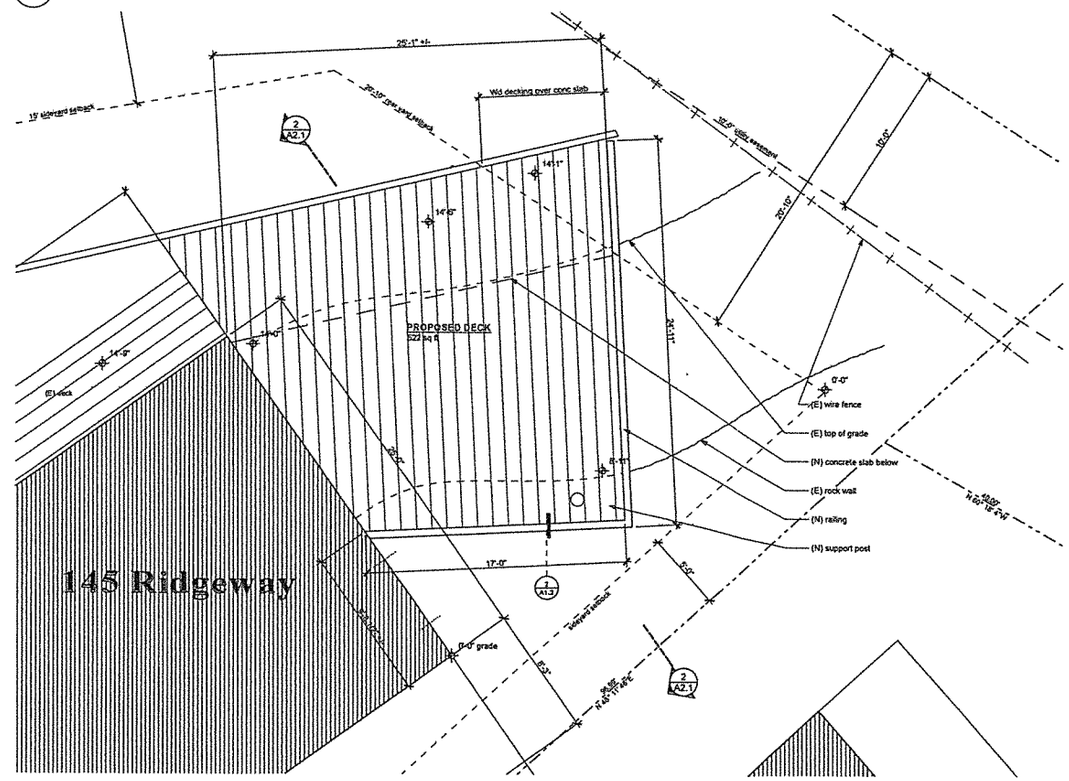
2 TYPICAL RAILING
SCALE: 1 1/2"= 1'-0"



3 DECK SECTION
SCALE: 1/4" = 1'-0"



5 DECK FRAMING PLAN
SCALE: 1/4" = 1'-0"



1 DECK PLAN
SCALE: 1/4" = 1'-0"

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LICENSED ARCHITECT
RICHARD E. RUSHTON
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REGISTRATION EXPIRES
STATE OF CALIFORNIA

Project
GOLDEN DECK
Deck Addition for Matt & Brooke Golden
650-454-5423
145 Ridgeway Avenue, Fairfax CA
A.P. No. 001-203-04

Project No.	14113
Project Architect	Richard Rushton
Date	8/12/14
Revisions	8/27/14 pl resubmittal

DECK PLANS

A2.1

Plotted On: 10/9/2014

U:\Projects\Golden deck 14113\Golden deck DD.pln

Linda Neal

From: Sharon Gottfried <sharon@felinedreams.com>
Sent: Thursday, October 09, 2014 1:54 PM
To: Linda Neal
Subject: Deck project at 145 Ridgeway Avenue

To the Planning Commission:

I am currently out of state, and am unable to attend the hearing next week. The staff was kind enough to forward me copies of the proposed deck at the property next door, and I have significant concerns regarding the scope of this project and its impact on my property at
149 Ridgeway.

Thank you for your attention.
Sharon Gottfried, owner
149 Ridgeway Avenue, Fairfax, CA 94930
(415) 310-3358

EXHIBIT # B