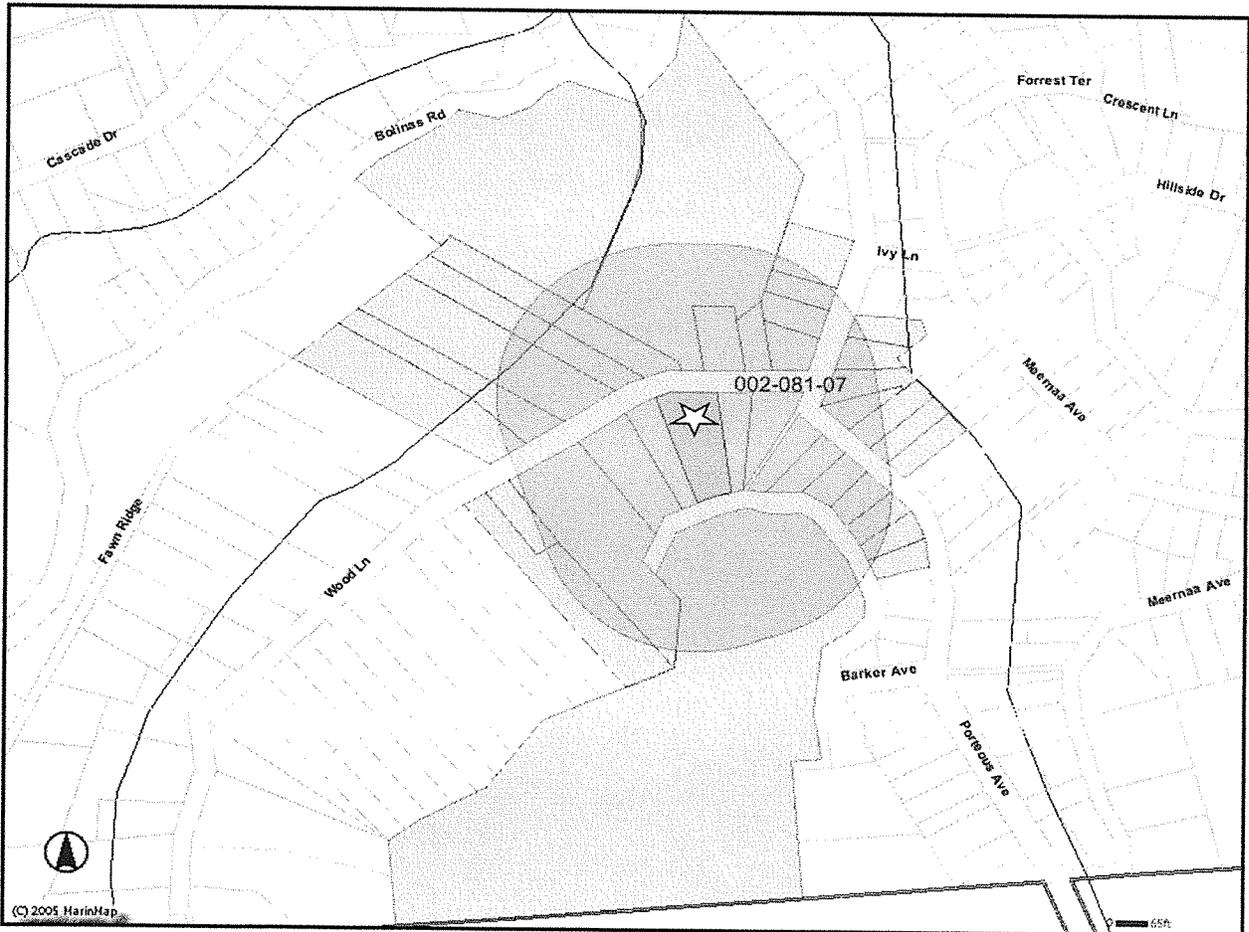


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: January 15, 2015
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
LOCATION: 15 Wood Lane; Assessor's Parcel No. 002-081-07
ZONING: Residential Single-family RS 6 Zone District
PROJECT: Remodel/expansion of a single-family residence
ACTION: Hill Area Residential Development Permit; Application # 15-02
APPLICANTS: John Fraine and Mark Bruce
OWNERS: John and Angela Ginsburg
CEQA STATUS: Categorically exempt, §15301(e)(1)



15 WOOD LANE

BACKGROUND

The 19,868 square foot site slopes up from Wood Lane at an average rate of 23% and it is developed with a 3,173 square foot duplex that was built in 1912. The lower unit has two bedrooms and 1 bathroom and provides 1,278 square feet of living space and the upper unit is a 4 bedroom, 1 ½ bath unit with 1,711 square feet of living space.

The rear of the property has been terraced in a manner that requires the approval of an excavation permit from the Town. The amount of material excavated and/or filled to create the terraces in the rear yard exceeded the amount (2 cubic yards) that requires an excavation permit which the Town has no record of every issuing (Town Code § 12.20.020 in effect since April of 1960).

The existing parking on the site is legal non-conforming, presumably built on the side and front property lines prior to the Town's adoption of any setback regulations which did not occur until 1947.

DISCUSSION

The project encompasses connecting the two living levels with an internal stairway, expanding the lower floor, and remodeling the interior living space. The project will increase the square footage of the structure from 3,170 square feet to 3,422 square feet and will convert the duplex to a 5 bedroom, three bath single-family residence (the media room is counted as a bedroom because it includes closet and could be used that way). The structural changes proposed for the structure are extensive and effect all portions of the building such that the project has been deemed a 50% remodel (Town Code § 17.008.020, Definitions, Fifty Percent Remodel).

The project complies with the regulations set forth in the Residential Single-family RS 6 Zone district where the property is located as follows:

	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	1 ft (garage)	128 ft	129ft	0 ft (garage) and 27 ft	27 ft	.15	.12	23 ft, 2 stories
Proposed	same	same	same	same	same	.16	.12	23 ft, 2 stories

The project requires the approval of the following discretionary permits:

A Hill Area Residential Development (HRD) Permit

Town Code § 17.080.050 requires that either a Use Permit or a Hill Area Residential Development be obtained for any project on a parcel failing to meet the minimum size or width requirements based on its slope. This site, although level at the front, slopes up steeply at the rear and has an average slope of 24%. In order to comply with the size and width regulations a property with a 24% slope has to be 16,000 square feet in size and 92 feet wide to comply. The site exceeds the minimum size requirement at 19,969 square feet but is less than the required 92 feet wide at 50 feet in width. Therefore, the project requires discretionary approval by the Planning Commission.

The project requires a Hill Area Residential development permit because the site is located in an area identified as a landslide hazard zone, the parcel does not meet the minimum width requirement and the project is a 50% remodel [Town Code sections 17.072.020(B)(D) and 17.072.050(A)].

There are no areas of concern identified by staff for the work proposed on the residential structure itself. The expansion is proposed within the existing footprint and meets setback, FAR, height and lot coverage regulations and the site provides 2 on-site parking spaces.

The applicants originally submitted a geotechnical report that focused on an analysis of the immediate area around the house. When the Town Engineer performed his site inspection he discovered that the steep rear hillside had been terraced with graded slopes exceeding the acceptable 2 to 1 grades viewed as being stable without some type of retention method per accepted geotechnical standards (Exhibit B - Slope Legend example of a 2:1, 26 degree, 50% slope). He asked that the geotechnical engineer address the stability of this terraced area.

The applicant's eventually hired a second geotechnical engineering firm to address the stability issues at the rear of the property. In the June 24, 2014 Miller Pacific report, Exhibit C, three alternatives are recommended to stabilize the site and to minimize the potential for the house and its residents to be impacted by future soils instability. The same report also identifies a potential slide area on the property above the site that will extend onto the project site if a slide occurs. The Town Engineer requested some assurance from the project engineer's that the chosen method of securing the site from potential slide activity would adequately address the concerns they raised in the June 24, 2014 report (Exhibit F – Town Engineer's 11/19/14 and 7/22/14 memorandums). After some back and forth discussions about potential design solutions, the applicants engineer's made a final design proposal that included reinforcing the lower rear walls of the structure so they protect the structure from collapse if hit by slide debris and they changed their position taken in the original June 24, 2014 memorandum that off site and on-site drainage is necessary to achieve an acceptable level of safety for the structure and the residents.

The Town Engineer has now reviewed the revised project plans dated 10/16/14, boundary and topographic survey by Stephen J. Flatland dated November 2013 and the following engineering reports and memorandums in addition to performing the site inspection:

Geotechnical Report dated 1/29/14 by Earth Science Consultants

Addendum submittal to the 1/29/14 Earth Science report including; a) a letter from the Town dated 3/21/14, signed and sealed by Jay A. Nelson; b) pages 6, 7 and 8 of the 1/29/14 Earth Science Report each page signed and sealed by Jay A. Nelson; and c) 3/21/14 letter from the Town of Fairfax signed and sealed by Jay A. Nelson

6/24/14 geotechnical report by Miller Pacific Engineering Group

6/26/14, 10/14/14 and 12/15/14 addendum letters from Miller Pacific Engineering Group

The Town Engineer and Town Attorney are comfortable allowing the Commission to process the application as proposed as long as the owners sign and record a hold harmless document holding the Town harmless from any actions taken or lawsuits filed resulting from future landslides on the site.

After reviewing the entire body of submitted information the Town Engineer has advised staff that as designed, the project incorporates enough design features to reasonably protect the structure and its inhabitants from injury, death or damage from future slides; and, by requiring the recording of a hold harmless document, reviewed and approved by the Town Engineer and Town Attorney for content, prior to issuance of the building permit, the Town's liability will be limited.

Design Review

Town Code 17.020.030(A) indicates that projects that are 50% remodels are required to go through the design review process. Therefore, the proposal requires the Commission grant design review approval for the project.

In order to approve a project the Commission must find that the project complies with the design review criteria contained in Town Code §17.020.040.

The only changes to the exterior of the building will be at the rear of the structure which will not be visible from the street. The addition is located within the footprint of the existing house and it maintains large setbacks from the neighboring properties on either site of the site.

The addition and remodel will not significantly alter the original architecture of the building and will not require extensive grading or removal of existing landscaping or

mature trees on the site.

The exterior of the addition will be finished to match the existing building.

Variance

Town Code § 17.052.030(A)(2) requires that each residentially developed home site have a third guest parking space if one is not available along the property frontage. Availability is determined by whether or not cars can park on both sides of the street while still leaving the required 12 foot clearance for the fire trucks to get through. Wood lane would have to be 30 feet wide to accommodate two parking spaces on either side of the street and provide the required 12 feet of street for emergency vehicles.

Therefore, the applicants are proposing to provide the guest space on site at the rear of the existing carport and within the required 5 foot side yard setback. This parking configuration requires an exception (a variance) to the Town Code parking regulation that prohibits the location of parking spaces in the side yard setback [Town Code § 17.052.010(B)].

There are other locations at the front of the property where a third guest parking space could be located but they all would require a variance of some kind or the removal of a mature tree. Providing a second driveway or a wider driveway to place a space somewhere else along the property frontage or immediately adjacent to the carport requires variances to the driveway entrance regulations, Town Code Chapter 12.12, which limits residential properties to having only 1 driveway and that driveway cannot exceed 20 feet in width.

Providing a space in tandem with the carport and parallel to the western side property line will require the removal of a mature cherry tree.

Allowing the space to project diagonally into the side setback to avoid the cherry tree will result in a space that minimizes the impacts to the site and still maintains enough distance from the neighbor's house (37 feet) that it meets the intent of the 5 foot side setback requirement. The space is also sited immediately next to the neighbor's garage so that the parking uses on both sites are similarly located.

OTHER AGENCY/DEPARTMENT COMMENTS/REQUIREMENTS

Ross Valley Sanitary District

The project will require a connection permit from the District. The size of the lateral will depend on the fixture count calculated during the permitting process. A hold will be placed on the property and the Building Department will not be able to perform a final inspection or issue a certificate of occupancy until the Sanitary District conditions are met.

Marin Municipal Water District

1. The project will require a Standard Water Service Application and compliance with District Code Title 13.
2. Backflow prevention requirements must also be complied with if not currently in place and in compliance with current regulations.

Ross Valley Fire Department

1. A fire suppression system is required in compliance with the National Fire Protection Association (NFPA)13-D and local standards.
2. The site is in the Wildland Urban Interface area of the Town so the building materials shall be in compliance with California Building Code Chapter 7A.
3. The smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. They 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 1 detector per story of the occupied portions of the residence.
4. Carbon monoxide alarms shall be provided outside each sleeping area in the vicinity of the bedrooms and one every level of the dwelling.
5. Address numbers at least 4 inches tall must be in place adjacent to the front door and must be internally illuminated and controlled by a photocell and be switched off only by a breaker so it remains illuminated all night.
6. All vegetation within 30 feet of the structure (the 30 foot zone) shall be irrigated.
7. Vegetation shall be maintained to ensure address numbers are visible from both angles of street approach.

Note: Neither the Fairfax Police Department, Building Department or Public Works Department had any comments, concerns or conditions for the project.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Move to adopt Resolution No. 15-03 approving Application # 15-02 for a 50% remodel of 15 Wood Lane.

ATTACHMENTS

Exhibit A – Resolution No. 15-03

Exhibit B – Slope Legend

Exhibit C – Miller Pacific Engineering Group geotechnical report 6/24/14

Exhibit D – Miller Pacific Engineering Group geotechnical addendums dated 12/15/14,
10/14/14 and 6/26/14

Exhibit E – Town Engineer's 1/6/05 memorandum

Exhibit F – Town Engineer's 11/19/14, 7/22/14 and 3/20/14 memorandums

RESOLUTION NO. 15-03

A Resolution of the Fairfax Planning Commission Approving a Hill Area Residential Development permit, Design Review and Variance for a 50% Remodel/Addition at 15 Wood Lane

WHEREAS, the Town of Fairfax has received an application for a remodel/addition to a residential structure increasing it from a from 3,170 square foot duplex to 3,422 square single-family residence; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on January 15, 2015 at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission determined that the proposed residence complies with the Hill Area Residential Development Overlay Ordinance and Design Review Ordinance and could make finding to approve the requested Variance to park in the side setback; and

WHEREAS, based on the plans and other documentary evidence in the record, as well as testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary to approve the project.

WHEREAS, the Commission has made the following findings:

1. The proposed residence conforms to the regulations set forth in the Hill Area Residential Development Ordinance, Town Code Chapter 17.072, the Design Review Ordinance, Chapter 17.020 and findings for a Variance can be made in compliance with Town Code § 17.028.070, Required "Variance" Findings; and
2. The proposed development harmonizes with the surrounding residential development, meets the design review criteria and does not result in the deterioration of significant view corridors.
3. The proposed development is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the area.
4. The residence comply with setback, lot coverage, height, parking and floor area ratio regulations set forth in the Town Zoning Ordinance, Title 17; and
5. The addition to residence has been designed utilizing exterior colors and materials will match the existing building; and
6. The site planning preserves identified natural features.
9. Based on the soils report finding, the site can be developed without geologic, hydrologic or seismic hazards.

10. Vehicular access and parking are adequate.

11. The Town Engineer, after reviewing the body of submitted information, including geotechnical and hydrology report, survey and topographic information and the development plans has determined that, a) the health safety and welfare of the public will not be adversely affected; b) adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work; c) adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work; and d) the amount of the excavation or fill proposed is not more than is required to allow the property owner substantial use of his or her property; and

12. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;

13. Natural landscaping will not be removed by the project more than is necessary;

14. The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes.

15. The requested variance to allow a portion of the guest parking space to encroach to the property line is similar to variances previously granted to other property owners in the vicinity, will not have a significant impact on immediate neighbors, will not impact the general public and is the minimum necessary to allow reasonable development of the site.

WHEREAS, the Commission has approved the project subject to the applicant's compliance with the following conditions:

1. Prior to issuance of the any building permit to start construction the following shall be provided to the Town and shall be reviewed and approved by the Town Attorney and Town Engineer at the property owner's expense:

A hold harmless document which shall be recorded after Town approval setting forth a maintenance easement for the Town along the property frontage.

2. The applicant shall comply with all the recommendations contained in the Miller Pacific geotechnical addendum letters dated 10/14/14 and 12/15/14.

3. The foundation location shall be certified in the field and in a signed stamped letter from the surveyor shall be provided to the Town as being per the approved plans presented to the commission prior to the foundation concrete pour.

4. This approval is limited to the development illustrated on the plans prepared by Building Solutions, revision date 10/16/14 pages A000 to A002, A100 to A102, A104, A106, A201 through A204, A300 through A303, A404, A700, A800 and A801 and A900, topographic survey by Stephan Flatland pages 1 dated 11/2013, engineering reports by Miller Pacific Engineer Group dated 10/14/14 and 12/15/14 and the Landscaping Plan by Building Solutions dated, 2/19/14.

5. Prior to issuance of any of the residence building permits 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 public construction delivery routes (routes must be approved by Public Works Director).

c. Submit a cash deposit, bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible damage to public roadways. 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 cash deposit, 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 Plan Checker.

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 development conformance with their recommendations. The residence shall be provided with sprinkler system that complies with the requirements of the Ross Valley Fire Authority.

g. Submit the record of survey with the building permit plans.

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

a. 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/or retaining forms and piers.

b. 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.

c. All construction related vehicles including equipment delivery, supply 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.

d. 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:

a. 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.

b. The Planning Department shall field check the completed project to verify that all planning commission conditions, including the provision of the guest parking space, have been complied with prior to issuance of the certificate of occupancy.

9. Excavation shall not occur between October 1st and April 1st. The Town Engineer has the authority to waive this condition depending upon the weather.

10. a) The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.

b) Every effort shall be made to minimize the disturbance of dust, sand or other particulate matter during construction.

11. During construction the 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."

12. 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 # 15-02. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 15-02 will result in the job being immediately stopped and red tagged.

13. Any damages to Wood Lane or public roadways used to access the site resulting from construction activities shall be the responsibility of the property owner.

14. 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.

15. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.

16. The applicant shall comply with any and all the conditions of the Marin Municipal Water District, Ross Valley Sanitary District, Ross Valley Fire Department, Fairfax Public Works Department and Fairfax Building Department unless the agency waives their requirement in writing to the Town Planning and Building Services Department.

17. The applicant must comply with all outside agency conditions unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services.

Ross Valley Sanitary District

18. The project will require a connection permit from the District. The size of the lateral will depend on the fixture count calculated during the permitting process. A hold will be placed on the property and the Building Department will not be able to perform a final inspection or issue a certificate of occupancy until the Sanitary District conditions are met.

Marin Municipal Water District

19. The project will require a Standard Water Service Application and compliance with District Code Title 13.

20. Backflow prevention requirements must also be complied with if not currently in place and in compliance with current regulations.

Ross Valley Fire Department

21. A fire suppression system is required in compliance with the National Fire Protection Association (NFPA)13-D and local standards.

22. The site is in the Wildland Urban Interface area of the Town so the building materials shall be in compliance with California Building Code Chapter 7A.

23. The smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. They 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 1 detector per story of the occupied portions of the residence.

24. Carbon monoxide alarms shall be provided outside each sleeping area in the vicinity of the bedrooms and one every level of the dwelling.

25. Address numbers at least 4 inches tall must be in place adjacent to the front door and must be internally illuminated and controlled by a photocell and be switched off only by a breaker so it remains illuminated all night.

26. All vegetation within 30 feet of the structure (the 30 foot zone) shall be irrigated.

27. Vegetation shall be maintained to ensure address numbers are visible from both angles of street approach.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the Hill Area Residential Development permit, Design Review and Variance for the proposed residence is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the residence can occur without causing significant impacts on neighboring residences and the environment.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 15th day of January, 2015, by the following vote:

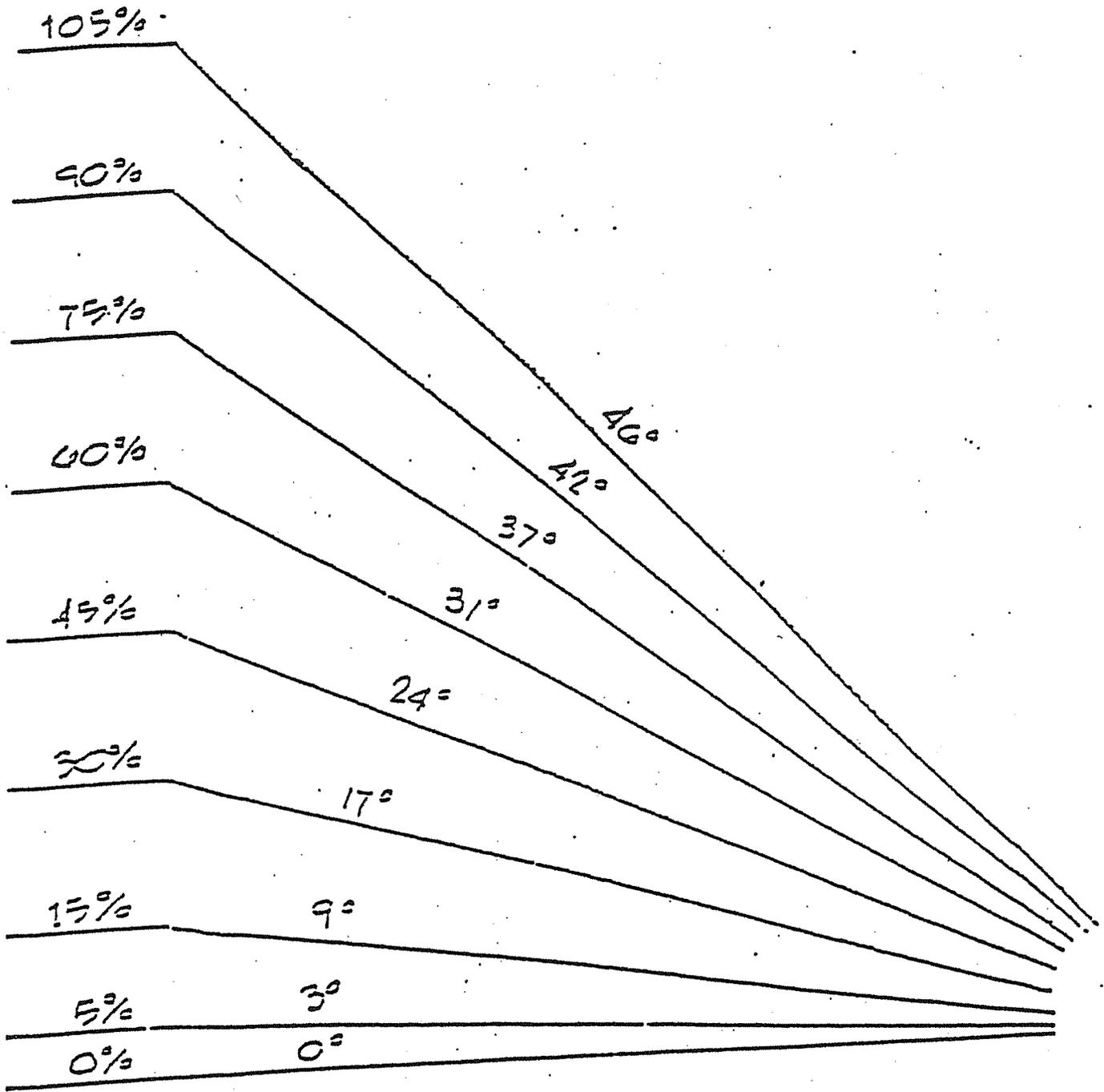
AYES:

NOES:

Chair, Philip Green

Attest:

Jim Moore, Director of Planning and Building Services



SLOPE LEGEND

2:1	=1/2	=50%	=26.6°
1.5:	=1/1.5	=66.6%	=33.7°
1:1	=1/1	=100.%	=45.°
H:V	=V/H	Vertical	Rise
		= over	over
		Horizontal	Run

EXHIBIT # **B**

