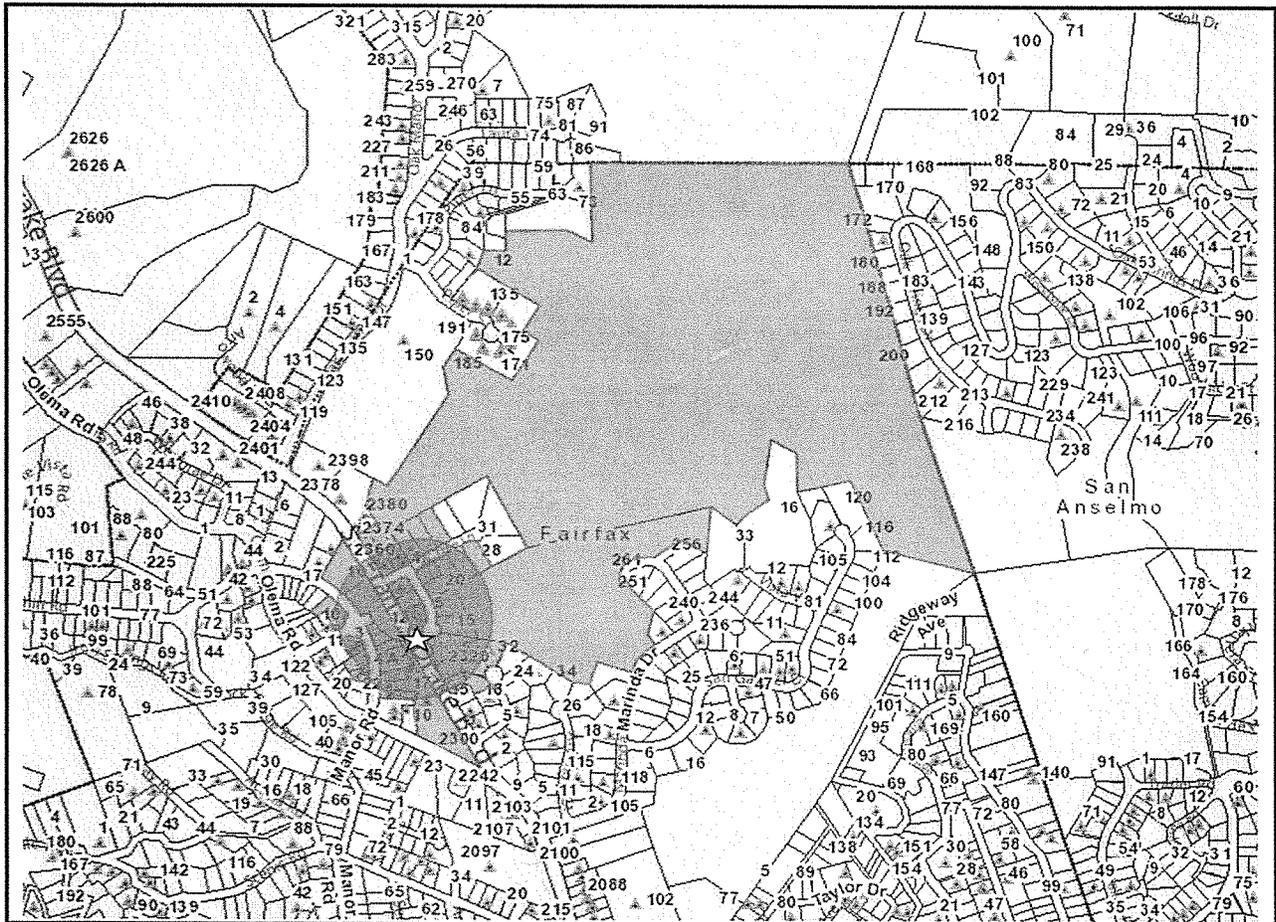


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: September 17, 2015
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
LOCATION: 12 Crescent Circle; Assessor's Parcel No. 001-251-18
ZONING: Residential Single-family RS 7.5 Zone District
PROJECT: Addition
ACTION: Use Permit; Application # 15-24
APPLICANT: Tom Borromeo and Minette Norman
OWNER: Same
CEQA STATUS: Categorically exempt, § 15301(e)(1)



12 CRESCENT CIRCLE

BACKGROUND

The 8,000 square foot site slopes down from Crescent Circle to Sir Francis Drake Boulevard at an average rate of 25%. The 1,594 square foot, three bedroom, 2 bath, single-family residence with an attached 648 square foot, 2 car garage, was constructed in 1956.

DISCUSSION

The owners are requesting a Use Permit in order to construct a 708 square foot, second story, master bedroom and bathroom addition over the garage of the existing residence. The addition will increase the residence to a 2,905 square foot, 4 bedroom, 3 bath structure including the garage (e.g., 2,302 square feet of living space).

The existing house and proposed addition comply with the regulations set forth in the Residential Single-family RS 7.5 Zone District as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft	15 ft	40 ft	10 ft & 10 ft	25 ft	.40	.35	28.5ft, 2 stories
Existing	36 ft	35 ft	71 ft	6 ft & 21 ft	27 ft	.20	.30	13 ft, 1 story
Proposed	same	same	same	same	same	.28	.30	23.5 ft, 2 stories

Town Code § 17.076.050, requires that either a Use Permit or a Hill Area Residential Development Permit be obtained in the RS 7.5 Zone prior to any use, occupancy or physical improvements of or on a building site failing to meet the minimum lot size requirements based on slope. The site has a 25% average slope and would have to be 22,000 square feet in size and 130 feet wide to comply with the minimize lot size requirement [Town Code § 17.076.050(C)]. The parcel is only 8,000 square feet in size and therefore, in accordance with Town Code § 17.076.050, the project requires either a Use Permit or a Hill Area Residential Development Permit.

Because the project does not affect 50% or more of the house and therefore, it is not a 50% remodel. Projects that are less than 50% remodels are not subject to the Hill Area Residential Development process per Town Code § 17.072.050(A) and therefore, the project only requires a Use Permit.

The purpose of the Use Permit process is to ensure that additions do not unnecessarily have an excessive negative impact on neighboring properties while also protecting an owner’s private property rights. In reviewing an application for a Use Permit in in the residential zone the Commission should give due regard to the nature and condition of all adjacent residences and structures, to the physical environment or the proposed

addition and to all pertinent aspects of the public health, safety and general welfare.

Lots in the Oak Tree/Crescent Lane neighborhood range from 6,975 square feet to 22,050 square feet in size and houses range from a 2,150 square foot, 3 bedroom, 2 bath residence at 24 Oak Tree Lane to a 2937 square foot, 4 bedroom, 3 bath house at 32 Oak Tree Lane. The house will be the only 2 story house on Crescent Lane if approved but not the only 2 story house within the two street Oak Tree Lane/Crescent Lane neighborhood. There are several two story houses on Oak Tree Lane as well as a 2 story apartment building. The house at the Southwest corner of Oak Tree Lane and Crescent Lane is a two story house.

Also, Town Code 17.076.060(A)(2) sets the height limit on parcels with over a 10% slope that slope down from the street they front on at 35 feet and 3 stories. The proposed addition will result in the house being 22 feet 1 inch in height and 2 stories, well below the permitted height limit.

A review of the neighborhood house sizes, heights and the regulations for the RS 7.5 Zone indicate the proposed project will not result in a house that is out of scale with the property or out of character with the neighborhood.

Design Review

The project does not constitute a 50% remodel and therefore, it does not require the approval of a Design Review permit [Town Code § 17.020.030(A)].

Site Disturbance

The addition is proposed over the garage utilizing the footprint of the existing house. Therefore, there will be minimal site disturbance from the construction.

Other Agency/Department Comments/Conditions

Ross Valley Sanitary District

1. 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. 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.

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

Ross Valley Fire Department

1. 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.
2. Carbon monoxide alarms shall be provided outside each sleeping area in the vicinity of the bedrooms and one every level of the dwelling.
3. 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.
4. The owner must maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth within the defensible space zone of 30 to 100 feet. Ross Valley Fire Department Standard 220 Vegetation/Fuels Management Plan is available online at Rossvalleyfire.org to assist the applicant in meeting the minimum defensible space requirements.

Note: Neither the Fairfax Police Department, Building Department or Public Works Department had any comments or concerns about the project or any conditions to place upon the proposal.

RECOMMENDATION

Move to approve application # 15-24 by adoption Resolution # 15-30 setting forth the findings and conditions for project approval.

ATTACHMENTS

Attachment A – Resolution No. 15-30

Attachment B - Marin Map topographic elevation of the site and site vicinity map

RESOLUTION NO. 15-30

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit for an Addition to the Existing Residence at 12 Crescent Lane, Assessor's Parcel No. 001-251-18

WHEREAS, the Town of Fairfax has received an application to construct 708 square feet of new second floor living space onto an existing 2,242 square foot single-family residence (including the 648 square foot garage); and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on September 17th, 2015 at which time the Planning Commission determined that the proposed project and resulting residence complies the Fairfax General Plan and Zoning Ordinance; and

WHEREAS, based on the plans and other documentary evidence in the record 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:

There are other 2 story structures of similar size and mass found in the West Oaks Subdivision where the property is located. 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.

The addition complies with all the setbacks, the Floor Area Ratio and Lot Coverage limitations and is well below the maximum allowable height for the RS 7.5 Zone District. 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.

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 the Town General Plan, Town Code or Zoning Ordinance.

Approval of the proposed addition, with its significant 23 foot setback from the street and well over an 80 foot setback from the closest neighboring home at 19 Crescent Circle, will result in equal or better development of the premises than would otherwise be the case, and the project will not negatively impact the health, safety or welfare of the community.

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

1. This approval is limited to the development illustrated on the plans prepared by Dwellingpoint Design, dated 5/11/15 pages A000, C100, A101, A102, A200, A201 and A300.

2. 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. 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.

3. 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 required to ready the foundation for a second story) 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, if a foundation upgrade is required, 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 and private 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.

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

a. The geotechnical engineer, if there is one, 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 have been complied with prior to issuance of the certificate of occupancy.

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

6. 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.

7. 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."

8. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 15-24. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 15-24 will result in the job being immediately stopped and red tagged.

9. Any damages to Crescent Circle or public roadways used to access the site resulting from construction activities shall be the responsibility of the property owner.

10. 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.

11. 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.

12. 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.

13. 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

1. 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. 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.

2. Carbon monoxide alarms shall be provided outside each sleeping area in the vicinity of the bedrooms and one every level of the dwelling.
3. 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.
4. The owner must maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth within the defensible space zone of 30 to 100 feet. Ross Valley Fire Department Standard 220 Vegetation/Fuels Management Plan is available online at Rossvalleyfire.org to assist the applicant in meeting the minimum defensible space requirements.

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

The approval of the Use Permit for the proposed residence at 12 Crescent Circle is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the residence expansion and remodel 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 17th day of September, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

Chair, Philip Green

Attest:

Jim Moore, Director of Planning and Building Services



Map Report



Legend

2-foot Elevation NAVD88

Interior

Index

Address

Parcel

Condominium Common Area

Mobile Home Pad

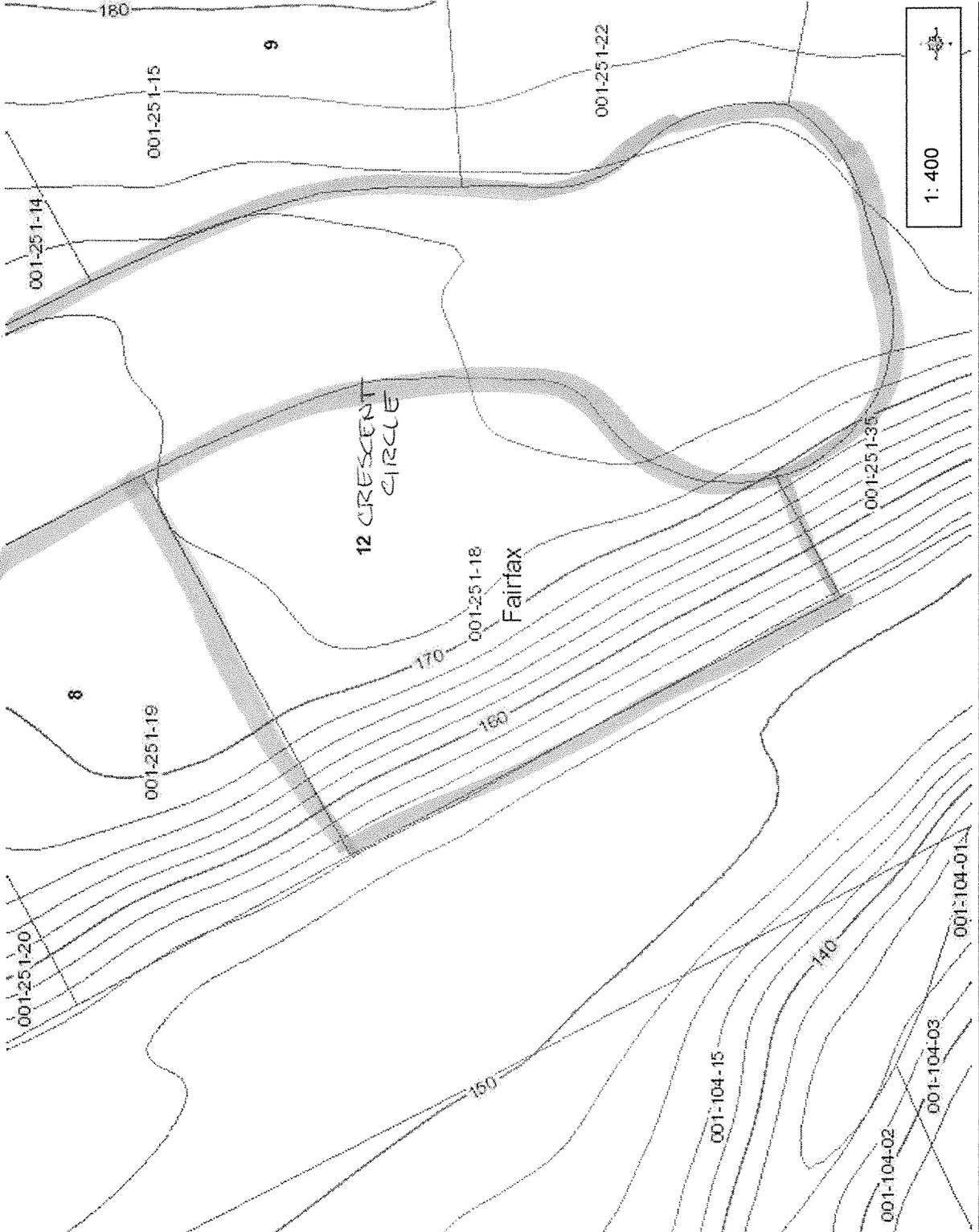
City

Community

Marin County Legal Boundary

Other Bay Area County

Ocean and Bay



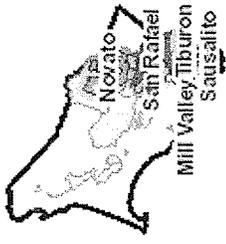
1:400

Notes

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Map Report



Legend

- Address
- Building Footprint
- Parcel
- Condominium Common Area
- Mobile Home Pad
- City
- Community
- Marin County Legal Boundary
- Other Bay Area County
- Ocean and Bay



1: 720



Notes

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

0.0 Miles

0.01

0

0.0



NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
 © Latitude Geographics Group Ltd.