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

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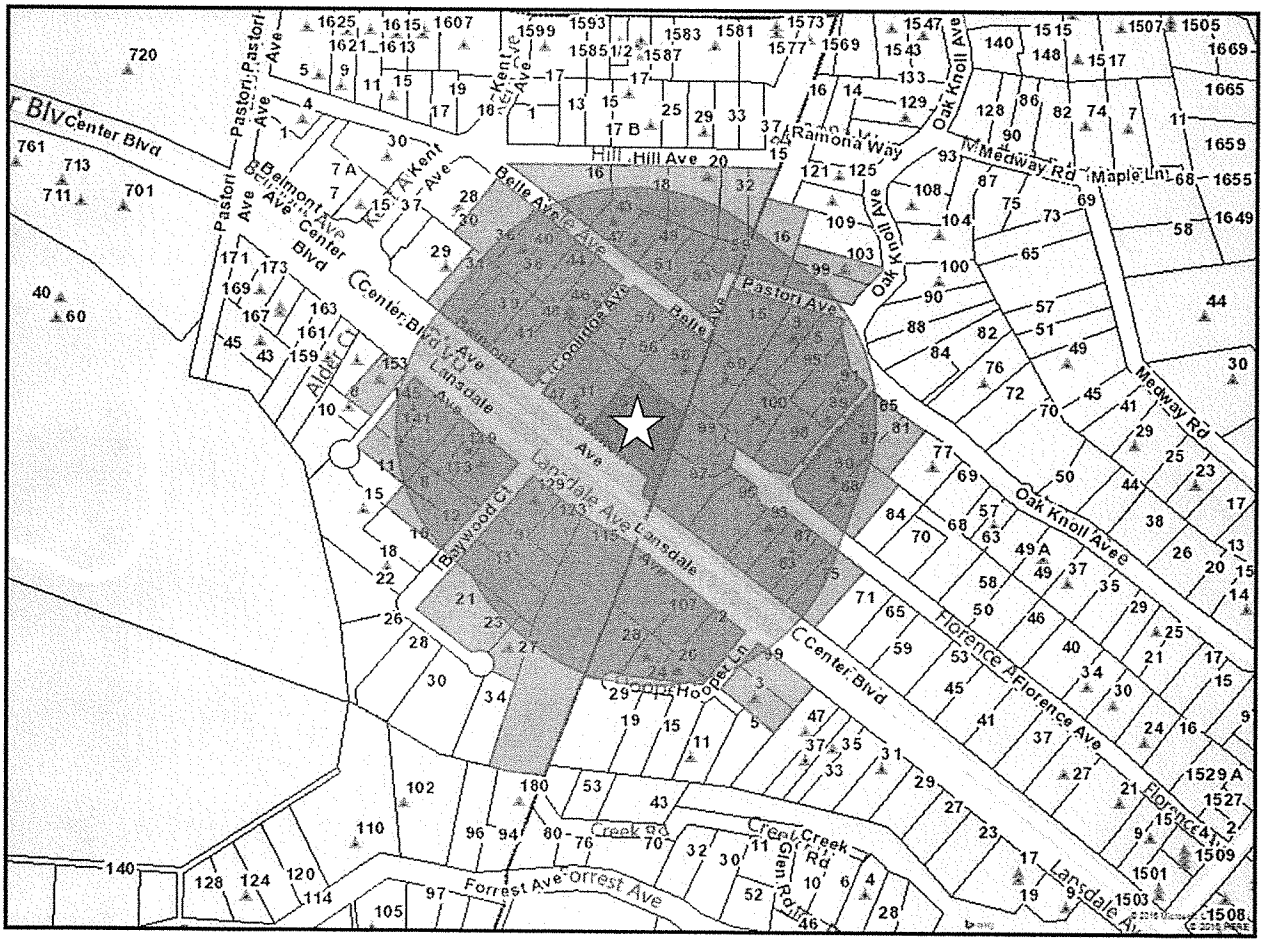
| **TO:** | Fairfax Planning Commission |
| **DATE:** | September 17, 2015 |
| **FROM:** | Jim Moore, Director of Planning and Building Services<br>Linda Neal, Principal Planner |
| **LOCATION:** | 53 Belmont Avenue; Assessor's Parcel No. 002-215-13 |
| **ZONING:** | Residential RD 5.5-7 Zone |
| **PROJECT:** | Construction of new residential unit |
| **ACTION:** | Design Review; Application # 15-26 |
| **APPLICANT:** | Andrew Sikorski |
| **OWNER:** | William and Sandra Edinger |
| **CEQA STATUS:** | Categorically exempt, § 15303(a) and 15303(e) |




# 53 BELMONT AVENUE



*2015STAFFREP/53 belmont.pcstaffrep.9_17_15/ln*

AGENDA ITEM # 2

## BACKGROUND

This item was continued from the August 20th, 2015 meeting where the Commission directed the applicant to:

1. Provide a landscaping and irrigation plan that includes buffering between the existing house and the proposed house.

2. Revise the plans to include windows that complement the window style of the adjacent residence.

3. Consider relocating and/or redesigning the carport (mainly the roof).

The staff also advised the applicants to review the video of the meeting on-line for a complete review of the Commission's comments.

## DISCUSSION

The applicant have submitted revised plans dated 9/8/15.

The applicant explored relocating the carport but determined that due to the Town's combined setback requirements and the location of the existing house, relocation was not possible.

The carport roof was redesigned to match the angle of the house roof which brought the height of this structure from 16 feet to 13 feet.

The applicants, with staff's concurrence, have not changed the windows. A survey of the neighborhood indicates that the area is similar to most of the areas of Town with a wide range of house styles/architecture, sizes and use of materials. While the design of this home is more modern than others in the immediate neighborhood it does follow the current trend Fairfax is experiencing by having architecture similar to other new home designs submitted for permits recently. The architecture and window style are not different enough to determine that design would have a negative impact on the property values of any neighboring homes or that it would have any kind of environmental/negative visual impact on anyone.

The applicants have submitted a simple landscaping plan identifying that most of the site landscaping will remain as it is now but a screening hedge of California laurel will be planted along the western side of the structure to screen the new dining room and kitchen from the existing residence. A separation fence will also be planted between the two homes and the rear lawn area will be reseeded.

For a further discussion of this project please see the attached previous staff report and attachments from the August 20, 2015 meeting (Exhibit B).

## RECOMMENDATION

1. Open the public hearing and take testimony.

2. Close the public hearing.

3. Move to approve application # 15-26 by adopting Resolution No. 15-27 setting forth findings and conditions for approval.

Note that the revisions to the previously prepared Resolution No. 15-27 are shown with "track changes".

## ATTACHMENTS

Attachment A – Revised Resolution No. 15-27
Attachment B – August 20, 2015 staff report and attachments

## RESOLUTION NO. 15-27

### A Resolution of the Fairfax Planning Commission Approving a Design Review Permit for a New Residence at 53 Belmont Avenue

**WHEREAS**, the Town of Fairfax has received an application to construct a 1,635 square foot single-family residence including a 231 square foot carport on Assessor's Parcel No. 002-215-13; and

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on August 20, 2015 which was continued to the September 17th, 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 Design Review Ordinance, Town Code Chapter 17.020; 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 design of the proposed residence conforms to the design review criteria set forth in Town Code §17.020.040; and

2. The proposed development harmonizes with the surrounding residential development.

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 has been designed utilizing exterior colors and materials that are compatible with the color palettes of the neighboring homes; and

5. The proposed development is consistent with the General Plan, other adopted codes and policies of the Town of Fairfax, and is consistent with the purpose and intent of this ordinance.

6. Vehicular access and parking are adequate and the required number of parking spaces are provided in permitted locations on the site and 1 of the spaces is covered in compliance with Town Parking Ordinance, Town Code Chapter 17.052.

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

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

**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 Andrew Sikorski, of Blu Homes, dated 7/23/15, pages A010-1, ~~A011-1~~, A101-1, A110-1, ~~A210-1~~, ~~A211-1~~ and A312-1 with pages A011-1, A210-1, A211 revised 9/8/15~~.~~

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 shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Plan Checker.

e. The grading 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 remaining 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.

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 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 structural 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 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 # 15-26. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 15-26 will result in the job being immediately stopped and red tagged.

13. Any damages to Belmont Avenue 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.

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.

18. The applicant shall submit a landscaping and irrigation plan with the building permit application for the area around the new house. The plan shall comply with Marin Municipal Water District Code Title 13- Water Conservation and shall be reviewed and approved by the Planning Department prior to issuance of the building permit.

19. Prior to issuance of the permit(s)/start of construction the applicants shall provide a bond/letter of credit or other form of surety in an amount to cover the cost of the landscaping and irrigation materials and installation. This amount will be held for 18 months to ensure that the new landscaping becomes established and is maintained.

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

The approval of the Design Review Permit or 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 ~~20th day of August~~17th day of September, 2015, by the following vote:

AYES:
NOES:

Chair, Phil Green

Attest:

Jim Moore, Director of Planning and Building Services

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

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| **DATE:** | August 20, 2015 |
| **FROM:** | Jim Moore, Director of Planning and Building Services<br>Linda Neal, Principal Planner |
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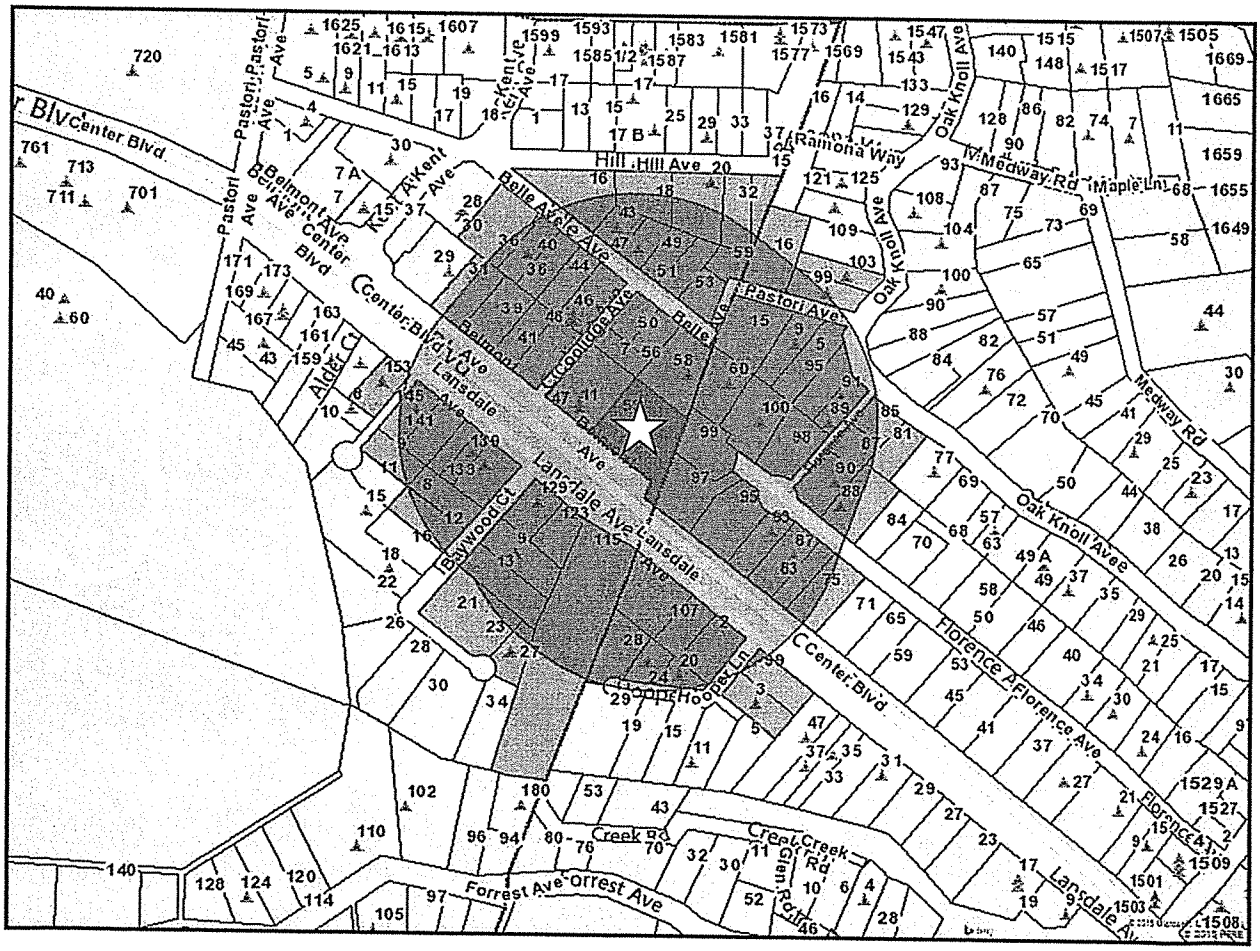


# 53 BELMONT AVENUE



ATTACHMENT B

## BACKGROUND

The 14,169 square foot site is relatively level and is currently developed with three houses of differing ages. The 1 bedroom, 1 bath studio unit was built in 1910, the two story residence was built in 1925 and the largest, 1 story residence was constructed in 1951. The 2 smaller houses are in varying states of disrepair.

## DISCUSSION

The site is located in the Residential RD 5.5-7 Zone District which allows single-family residences on sites of 5,500 square feet or more and duplexes on lots of 7,000 square feet or more. This site is 14,169 square feet and is currently developed with a legal non-conforming use because it is developed with 3 living units. The owners are applying for a design review permit to demolish the 2 dilapidated structures to build 1 residence, which will be in keeping with the zoning which allows 2 living units on the site.

The owners are proposing construction of a 1,635 square foot, 3 bedroom, 2 bath, residence. The proposed structure along with the existing larger of the 3 existing residences that will be retained on the site will comply with the RD 5.5-7 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** | **25f t** | **5 ft & 5ft** | **15 ft** | **.40** | **.35** | **28.5 ft, 2 stories** |
| **Existing** | **0 ft** | **0 ft** | **0 ft** | **5 ft & .5 ft** | **5.5 ft** | **.23** | **.33** | **11 ft, 1 story (existing residence to remain)** |
| **Proposed** | **12 ft** | **23 ft** | **35 ft** | **5 ft & 10 ft** | **15 ft** | **.24** | **.35** | **21 ft, 3 inches (new residence)** |

Note: The project originally exceeded the lot coverage limitation of 35% (Town Code § 17.040.010, Lot Coverage, and Town Code 17.008.020, Lot Coverage, Definition). After staff's recommendation, the applicants redesigned the project replacing the patio at the rear of the existing single-family home and the proposed patio for the new residence with permeable paver patios. This brought the lot coverage calculation to 35% in keeping with the Code.

Also based on staff's recommendation, the applicants re-designed the carport for the

new structure, which originally had a 6 foot front setback, with a 10 foot front setback in compliance with Town Code 17.040.030(A) that requires accessory structures to have 10 foot front setbacks.

The project now only requires the approval of a Design Review permit per Town Code § 17.020.030(A) which requires design review approval for all new residences.

In order to grant design review approval for the residence the Planning Commission must be able to find that the project complies with the design review criteria contained in Town Code § 17.020.040.

The prefabricated "blu" home has clean lines, uses varied window sizes and different roof slopes to articulate the exterior of the structure. The shed roof on the carport has been sloped to complement the slope of the roof over the western side of the house where the dining room is located. The horizontal siding helps minimize the apparent visual mass of the building and matches the horizontal siding of the existing house that will remain on the site.

The siding will be horizontal running James Hardie cementitious siding in the color "Monterey Taupe", the roof will be Timberline asphalt shingles in a grey color (Birchwood), the windows will be white trimmed Andersen windows and the gutters and flashing will be charcoal gray. The front deck will be make of Timbertech Composite decking material in a grey color (Silver Maple).

Nine small trees will need to be removed to accommodate the new house but none of them appear to be visually significant "specimen" trees which is defined in the Town Tree Ordinance as follows:

> Specimen Tree. Trees that while not heritage trees (significant, locally native tree species that are critical to urban and wildland forest habitat), nonetheless make a significant aesthetic or environmental contribution to their immediate surroundings

The driveway and 1 car carport provide the three on-site parking spaces, with one of them covered, required by the Town Parking Ordinance [Town Code §§ 17.052.010(B) and (D), 17.052.030(A)(1)(d) and (A)(2) and Town Code § 17.052.040(E)].

Houses in the immediate neighborhood on similar sized parcel range in size from 1,733 square foot house on a 6,600 square foot parcel (29 Belmont Avenue) to a 3,717 square foot house on a 9,900 square foot parcel (47 Belmont Avenue). Therefore, the proposed 1,635 square foot house located on the eastern half of this 14,169 square foot parcel will not be out of character with the neighborhood or too massive for the site.

The applicant indicated that they were going to retain the landscaping on the site in its natural state. Staff site visit revealed that there really is not any formal or managed landscaping on the portion of the site where the new house will be located. We have included a condition of approval that a landscaping plan be submitted with the building permit application that complies with Marin Municipal Water District Code Title 13, Water Conservation. The plan will be subject to review and approval by the Planning Department. A condition has also been included that a landscaping bond/ letter of credit/cash deposit or other surety be submitted prior to issuance of the building permit which will be held/in effect until 18 months after the landscaping and irrigation is installed to ensure all plant material becomes established.

**Other Agency/Department Comments/Conditions**

**Ross Valley Fire Department**

1. A fire protection system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems.

2. 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.

3. 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.

4. Carbon monoxide alarms shall be provided.

5. 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. Comply with the District Code Title 13, Water Conservation, as a condition of water service.

2. Comply with the backflow prevention requirements of the District.

3. The District owns and maintains water facilities in close proximity to the area of demolition. The applicant shall have the facilities located and marked prior to the start of construction to avoid damaging District facilities. ???????

**Sanitary District**

1. A new sewer connection will be required for the residence since it involves extensive demotion and construction of a new dwelling. 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. Occupancy will not be approved until District's permit and sewer requirements are fulfilled.

There were no comments or conditions from the Fairfax Police, Public Works or Building Departments.

## RECOMMENDATION

1. Open the public hearing and take testimony.

2. Close the public hearing.

3. Move to approve application # 15-26 by adopting Resolution No. 15-27 setting forth findings and conditions for approval.

## ATTACHMENTS

Attachment A – Resolution No. 15-27
Attachment B – applicant's supplemental information

# RESOLUTION NO. 15-27

## A Resolution of the Fairfax Planning Commission Approving a Design Review Permit for a New Residence at 53 Belmont Avenue

**WHEREAS**, the Town of Fairfax has received an application to construct a 1,635 square foot single-family residence including a 231 square foot carport on Assessor's Parcel No. 002-215-13; and

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on August 20, 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 Design Review Ordinance, Town Code Chapter 17.020; 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 design of the proposed residence conforms to the design review criteria set forth in Town Code §17.020.040; and

2. The proposed development harmonizes with the surrounding residential development.

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 has been designed utilizing exterior colors and materials that are compatible with the color palettes of the neighboring homes; and

5. The proposed development is consistent with the General Plan, other adopted codes and policies of the Town of Fairfax, and is consistent with the purpose and intent of this ordinance.

6. Vehicular access and parking are adequate and the required number of parking spaces are provided in permitted locations on the site and 1 of the spaces is covered in compliance with Town Parking Ordinance, Town Code Chapter 17.052.

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

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

**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 Andrew Sikorski, of Blu Homes, dated 7/23/15, pages A010-1, A011-1, A101-1, A110-1, A210-1, A211-1 and A312-1.

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
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- 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 shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Plan Checker.

e. ***The grading 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 remaining 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.

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 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.

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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:

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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.

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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 # 15-26. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 15-26 will result in the job being immediately stopped and red tagged.

13. Any damages to Belmont Avenue 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.

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The approval of the Design Review Permit or 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 20th day of August, 2015, by the following vote:

AYES:
NOES:

_____
Chair, Phil Green

Attest:

_____
Jim Moore, Director of Planning and Building Services

blu HOMES

TOWN OF FAIRFAX

MAY 26 2015

RECEIVED

May 26, 2015

53 Belmont Avenue
Fairfax, CA
94930

Applicant: Blu Homes, Inc.
Owner: William and Sandra Edinger
APN: 002-215-13
General Plan/Zoning: RD 5.5-7

**Design Review Statement:**

The subject parcel is 14,169 sf in size and is currently developed with two (2) single-family residences and one (1) detached studio. The project proposes to demolish one of the existing residences and studio (which are both non-conforming) and replacing them with one new single-family residence.

The proposed new residence will be 1-story, 3-bedroom, 2-bathroom and will consist of 1,625 sf. The new residence will also include a detached 301 sf carport.

One (1) existing 1-story, 3-bedroom, 2-bathroom residence consisting of 1,835 sf will remain. This existing residence has an attached 500 sf garage. The project proposes no modifications to this existing residence.

In summary, the existing site is developed with the following:

1. 1,835 sf 1-story, single-family residence with a detached 500 sf garage.
2. 1,146 sf 2-story, single-family residence
3. 295 sf studio

The total conditioned area existing is: 3,276 sf.

The new project will result in the following:

1. 1,625 sf 1-story, single-family residence with detached 301 sf carport - NEW
2. 1,835 sf 1-story, single-family residence with a detached 500 sf garage - EXISTING

The total conditioned area proposed will be: 3,460 sf.

The proposed new residence is contemporary in style with clean lines and simple forms. The two main structural components have been configured to reduce bulk and massing. Specifically – the kitchen, dining and living rooms, which are located in a vaulted single-story space were placed in the center of the parcel and away from the neighboring parcel.

With the exception of the 21'-3" ridge height of the shed roof above the kitchen dining and living rooms, the majority of the residence is designed with flat roofs which are 13' in height. The flat roofs further reduce the overall massing of the structure while the shed roof element provides visual interest, a source of natural light and adds volume to interior of this project.

Our project complies with all of the development standards (setbacks, maximum allowable floor area, height, etc.) for the RD 5.5-7 zoning district.

One of the primary design philosophies of Blu Homes is to provide a strong relationship between indoor and outdoor spaces. In response we have designed a series of pervious decks and patios around the home to take advantage of the temperate environment of Fairfax and to promote outdoor activities. Decking



ATTACHMENT B

and skirting will be Timbertech composite material and patios will be constructed of pervious pavers and/or decomposed granite.

The siding will consist of horizontally oriented James Hardie 5" cement-fiber siding in a taupe. Windows will be Andersen in white. Flashing, gutters, scuppers and down spout will be charcoal grey. The roofing material on the flat portions of the roof will be an EPDM membrane, concealed from street view by parapets.

The project will require the removal of (3) non-specimen/heritage trees and re-location of (1) one olive tree which are all located within the foot print of the proposed residence. The areas proposed for demolition will be seeded with native grasses. No other landscaping is proposed for this project.

**Consistency with Design Review Criteria:**

A. The proposed development shall create a well-composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.

*The project is considered an in-fill project and has been designed and configured to respect development on adjacent parcels. The project will create a more harmonious relationship through the demolition of (2) two non-conforming residences, which are currently located at or near the property lines. Specifically – the project will demolish an existing 2-story structure and studio and replace both with (1) one 1-story residence placed within the required setbacks.*

B. Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances.

*The project has been thoughtfully designed to integrate within the context of the neighborhood. The height, scale and configuration of the proposed residence will provide visual interest and texture without creating impacts to adjacent parcels.*

C. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.

*The project will remove (2) two existing, non-conforming structures to be replaced with (1) new single-family structure. The proposed new residence will be factory-built utilizing state of the art technologies resulting in an aesthetically pleasing and extremely efficient home. This project will result in improvements in value to private and public investments adjacent to and throughout the immediate neighborhood.*

D. The proposed development shall conform with all requirements for landscaping, screening, usable open space and the design of parking and off-street loading areas set forth in this title.

*The project will result in a net reduction in the number of residences on the parcel resulting in improvements in each of these criteria. Further - the proposed new residence has been designed to adhere to the required landscaping, screening and off-street parking requirements for the RD 5.5-7 zoning district.*

E. Where the proposed development is located in an area where a neighborhood plan or precise plan has been adopted by the town, the design of the development shall conform in all significant respects with the plans.

*The project is not located within a specific neighborhood plan or precise plan area. That said the project was carefully designed to adhere to the required development standards of the RD 5.5-7 zoning district.*

F. There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance.

*The proposed new residence consists of lower flat roof elements and taller shed roof elements. Both elements include windows placed to maximize natural light and privacy for occupants and neighbors. The project also proposes outdoor living spaces consisting of pervious patio and deck areas. The result is a design, which provides variety without appearing "busy" or monotonous.*

G. The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance.

*The project site is over 14,000 sf in size and is currently developed with multiple residences. The project proposes to retain (1) one existing residence, demolish (1) one existing residence, demolish (1) one existing studio and to develop (1) one new residence. The proposed residence was carefully designed to meet required development standards and, more importantly, not impose on the existing residence or neighboring residences.*

H. The extent to which the structure conforms to the general character of other structures in the vicinity insofar as the character can be ascertained and is found to be architecturally desirable.

*The project is consistent with the intent of this requirement.*

I. The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.

*The project is consistent with the intent of this requirement.*

J. The extent to which natural features, including trees, shrubs, creeks and rocks and the natural grade of the site are to be retained.

*The project site is an existing parcel developed with multiple residences. There are no existing natural features that will be impacted as a result of this project.*

K. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.

*The project has been designed to accommodate all required off-street parking.*

L. The reservation of landscaping areas for the purpose of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites and separating building areas from paved areas to provide access from buildings to open space areas.

*The project is consistent with the intent of this requirement.*

**Summary:**

We find that, as proposed, the project will result in a well-designed, well-sited and appropriately scaled single-family residence that is consistent with the RD 5.5-7 zoning district development standards and required design review findings. Further, we find that the project will result in the abatement of several

non-conforming structures/uses on the project site. Overall, this project will contribute positively to the neighborhood and town of Fairfax generally.

Sincerely,

Andrew Sikorski
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Mare Island, CA
94592

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