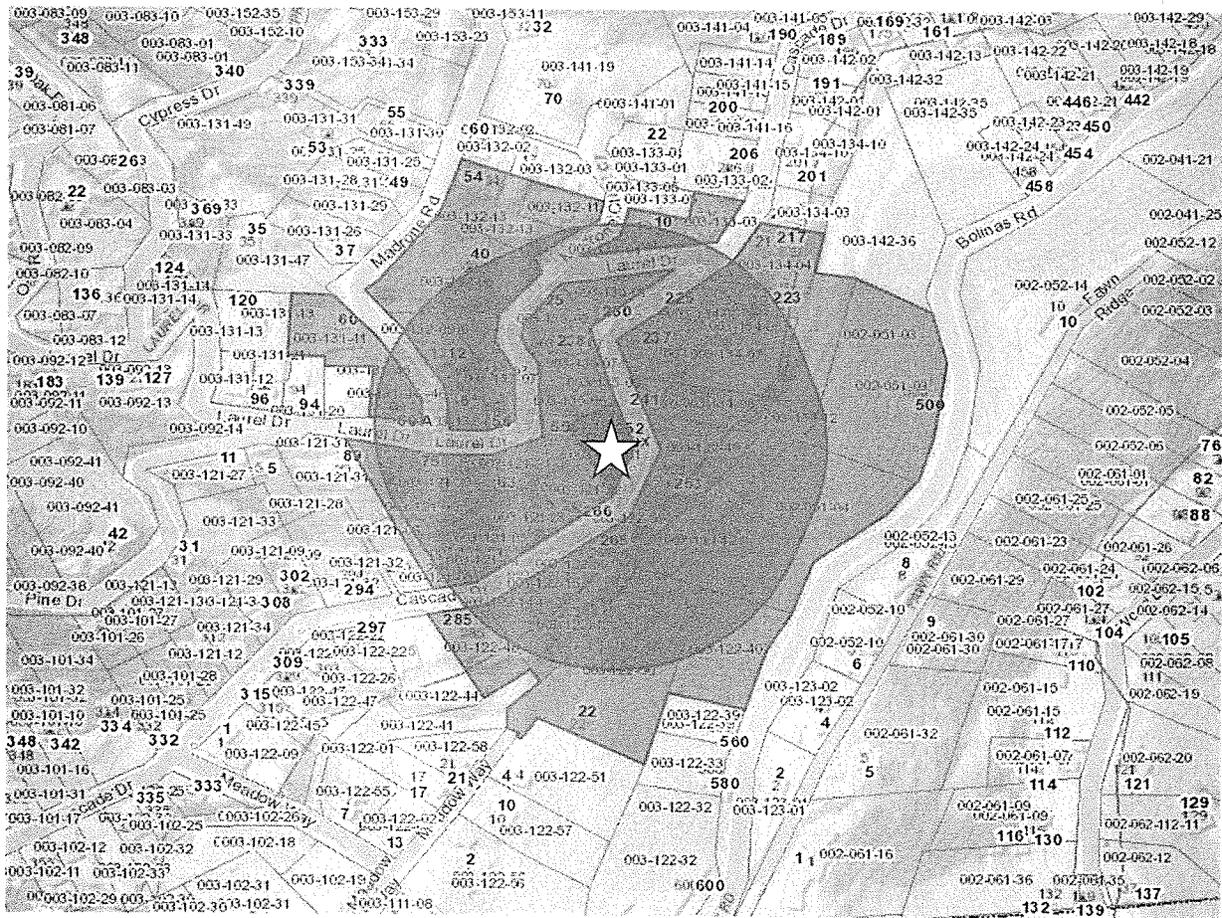


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: June 16, 2016
FROM: Jim Moore, Director of Planning and Building Services
Michelle Levenson, Zoning Technician
LOCATION: 252 Cascade Drive; Assessor's Parcel No. 003-121-01
ZONING: RS 6 Single-Family Residential Zone, High Density
PROJECT: Construct a New Second Story Deck and Use a Portion of the Area under the Deck for Storage
ACTION: Conditional Use Permit, Application # 16-26
APPLICANT: Crome Architecture
OWNER: Jeff Paladini and Theresa Hall
CEQA STATUS: 15303(e)



252 CASCADE DRIVE

BACKGROUND

The project site is 8,270-square feet and slopes up from Cascade Drive at a rate of 30-percent. The site is developed with a 1,838-square-foot single-family, two-story (27 feet high) residence that was constructed in 1963. In addition to the residence, the site contains a detached 400-square-foot deck, a 450-square-foot swimming pool and a 120-square-foot shed.

DISCUSSION

The project involves the replacement of an existing 136-square-foot, second-story deck with a 235-square-foot deck that is accessed through a door off of the kitchen. The proposed deck would be constructed of wood and contain a stairway that would extend down to the backyard. A 110-square-foot portion of the area underneath the deck would be used for storage and would be enclosed on one side (west) with wooden lattice and a door. An existing retaining wall would be extended to the area where the deck and storage area are proposed to hold back soils, necessary to construct the project. The retaining wall would be three feet in height and would be constructed of concrete.

The proposed deck and storage area would comply with the zoning regulations for the RD 6 Zone 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	0ft	29ft	29ft	2ft & 5ft	7ft	.23	.14	27.5ft, 2 stories
Proposed	same	same	same	same	same	same	same	same

The project requires approval of the following discretionary permit:

Conditional Use Permit

Town Code 17.084.050 requires that a Conditional Use Permit be obtained from the Planning Commission prior to any use, occupancy or physical improvements of or on any site failing to meet the minimum size and width requirements based on average slope. The site has an average slope of 30-percent therefore the site would need to be 22,000 square feet in area and 110 feet wide to comply with the Code. The site is 8,270 square feet and has a minimum width of 75 feet (front of the property) therefore construction of the deck requires the approval of a Conditional Use Permit.

Town Code § 17.032.010(A) states that, “The purpose of the conditional use permit is to allow the proper integration into Fairfax of uses which may be suitable only in certain locations in the Town or in a zone, or only if the uses are designed or laid out on the site in a particular manner....”

When considering an application for a conditional use permit, Town Code § 17.032.010(B) requires the Planning Commission to assess the impacts of the proposal on all adjacent uses and structures, to the site itself, as well as the potential project impacts on public health, safety and general welfare.

The property is bordered by legal, non-conforming single-family residences to the west, east and north (266 Cascade Drive, 52 Laurel and 63 Laurel Drive(s), respectively) and by Cascade Drive to the south. The proposed deck would extend approximately 13 feet from the exterior kitchen wall and would be located 19 feet from the side property line (to the northwest). The deck extension would be located just outside of the required 6-foot front yard setback and well outside of the required 5-foot side setback. The existing eastern face of the residence is located within the required side setback, therefore the site does not comply with the combined side yard setback of 20 feet; this condition would continue with construction of the project.

The area where the existing second-story deck is located is visible from Cascade Drive. While extending the deck would result in more of the deck structure being visible from Cascade Drive, there is cluster of trees in front of the area that aids in screening the deck from view from the public roadway. These trees would remain with the project. The height and bulk of the proposed deck extension are in keeping with the other residences in the general vicinity.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department

1. Maintain an effective fire break around the structure by removing and clearing all flammable vegetation and/or other combustible growth. Refer to “Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan” for minimum requirements.
2. Smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.
3. Carbon monoxide alarms shall be installed and located outside of every bedroom located in each dwelling unit, and on every level of a dwelling unit, including the basement.

4. Address numbers at least 4-inches in height must be placed adjacent to the front door of the principle residence. Address numbers must be internally illuminated, placed to a light or constructed of reflective materials.

Marin Municipal Water District (MMWD)

1. All indoor and outdoor requirements of District Code Title 13-Water Conservation is a condition of water service.
2. Should backflow protection be required, it shall be installed as a condition of water service.

Other Agency/Department Comments/Conditions

The Ross Valley Sanitary District, Town of Fairfax Police Department and the Town of Fairfax Building and Public Works Department(s) were provided with project information; these agencies did not submitted comments on the project.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to adopt Resolution #16-20, approving Application # 16-26 and setting forth the findings and conditions of approval for the project.

ATTACHMENTS

Attachment A – Resolution No. 16-20

RESOLUTION NO. 16-20

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit for the Extension of a Deck at 252 Cascade Drive

WHEREAS, the Town of Fairfax has received an application to reconstruct and expand an existing 136-square-foot, second-story deck to 235 square feet, and use a 110-square-foot portion of the space underneath the deck for storage at 252 Cascade Drive; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on June 16, 2016, at which time the Planning Commission determined that the proposed project conforms with the Fairfax Zoning Ordinance regulations; 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:

1. The project results in an expanded structure (deck) that maintains the required setbacks, Floor Area Ratio (FAR) and Lot Coverage limitation. 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.
2. The development and use of the property as approved under the use permit will be located a considerable distance from adjoining properties and will be screened by existing vegetation. Therefore, the project will not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
3. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained in the 2010 – 2030 Fairfax General Plan or set forth in the Town Code, particularly those regulations set forth for properties located in the Residential Single-family RS 6 Zone District.
4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case.

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 Crome Architecture entitled, "Hall Palladini Residence, APN, 003-121-01, 252

Cascade Drive, Fairfax CA 94930", Sheets A0 through A1, and Sheets A3 through A5, and stamped "received" on April 20, 2016,

2. Prior to the building permit final inspection for the 235-square-foot deck extension and 110-square-foot storage area, the building official shall perform an inspection to ensure that the project has been constructed as shown on the above referenced plans.
3. During the construction process, all construction-related vehicles including fixture/supply or equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case-by-case basis with prior notification from the project sponsor.
4. Additionally, any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
5. The Building Official shall field check the completed project to verify compliance with the approved plans and building code requirements.
6. The Planning Department shall field check the completed project to verify that the construction reflects the plans approved by the Planning Commission and to verify that all planning commission conditions have been complied with.
7. The roadways shall be kept clean and the site free of dust by watering down the site if necessary. The roadways shall be kept free of dust, gravel and other construction materials by sweeping the roadway, daily, if necessary.
8. During construction, the developer and all employees, including contractors and subcontractors must comply with all requirements set forth in Chapter 8.26 of the Town Code Chapter 8.32, "Urban Runoff Pollution Prevention".
11. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 16-26. **Any** construction based on job plans that have been altered without the benefit of an approved modification of Application No. 16-26 will result in the job being immediately stopped and red tagged.
12. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or

in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees.

Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

Ross Valley Fire Department

1. The site shall comply with the Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan by maintaining an effective firebreak/defensible space zone of 30 to 100 feet around the site structures.
2. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.
3. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alteration, repairs or additions that exceed \$1,000. Carbon monoxide alarms shall be located outside each dwelling unit sleeping area, in the immediate vicinity of bedroom(s) and on every level of a dwelling unit including basements.
4. Address numbers at least 4 inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated, placed next to a light or be reflective numbers.

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.

2. Should backflow protection be required, it shall be installed as a condition of water service.

Miscellaneous Conditions

1. The applicant must comply with any all conditions listed above unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services.
2. Planning Conditions acted upon by the Planning Commission may only be waived by the Commission at a future public hearing. '
3. The applicant shall comply with any and all conditions placed upon the project by the Building Official/Public Works Manager.
4. A construction management plan shall be submitted to the Building Official with the building permit application and shall become a condition of building permit issuance.
5. All exterior lighting, including landscape lighting, shall be LED and shall direct light downward.

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 can occur without causing significant impacts on neighboring residences; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 16th, day of June, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

Chair, Laura Kehrlein

Attest:

Jim Moore, Director of Planning and Building Services