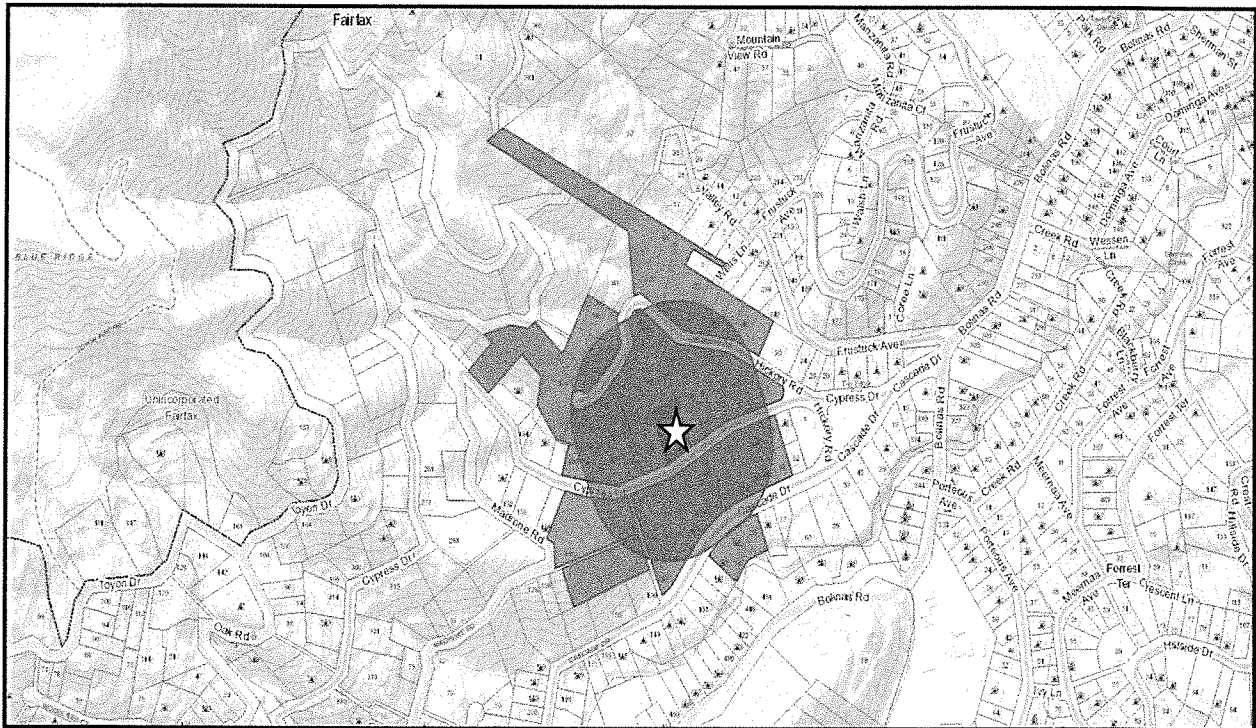


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: August 16, 2018
FROM: Linda Neal, Principal Planner
LOCATION: 64 Cypress Drive; the eastern portion of Assessor's Parcel No. 003-201-25, also designated as lot 56 of the "Map No. 1 of the Cascades" subdivision
ZONING: Residential Single-family RS-6 Zone
PROJECT: Modification of a previously approved project to replace the garage with a carport
ACTION: Use Permit and Design Review Permit; Application # 18-14
APPLICANT: Matthew Simpson
OWNER: Anne Lamott
CEQA STATUS: Categorically exempt, §15303(e)



64 CYPRESS DRIVE

BACKGROUND

The 8,394-square-foot lot 56 is the eastern portion of Assessor's Parcel No. 003-201-25 and it is relatively level with a 7% average slope. The site has been used as yard area for the residence at 68 Cypress Drive since the residence at 68 Cypress Drive was constructed in 1921 prior to the Town's incorporation in 1931. The barn structure at the northeast corner of the lot was built with a building permit in 1976. An unpermitted shed shade structure was added to the barn sometime after 1976 without the required building permit.

A swimming pool was built with a building permit on lot 56 of the property in 1961. There are other accessory structures on the property that did not require permits, including a well, a small greenhouse, and a storage shed.

Lot 56 was never merged with lot 57 (where the residence at 68 Cypress Drive is located) and the lot is considered a separate legal parcel under California subdivision law. On August 17, 2017 the Fairfax Planning Commission approved a Use Permit to allow the expansion and conversion of the barn into a 803 square-foot, 2 bedroom, 1 bathroom, single-family residence with a 240 square foot, accessory, one-car garage.

DISCUSSION

The applicants are now applying to modify the approved project to replace the 240 square-foot garage structure with a 253 square-foot open carport with stucco walls/supports and a tile roof that will match the exterior materials of the residence on the adjacent lot that is under the same ownership as the project site. While the carport design is not similar to the "barn"-style residence under construction at the rear of the site, it will present a complimentary design to the residence under common ownership at 68 Cypress Drive and maintain the street scape of this portion of Cypress Drive. The residential structure is located 131 feet from the front property line at the rear of the site behind the swimming pool, a green house and several trees. Therefore, having the carport be a different architectural style than the barn-style residence on the same parcel will not have a significant impact on the neighbors or on the visual character of the neighborhood.

The interior of the carport measures 11 feet 8 inches by 19 feet, complies with the covered parking space requirements set forth in Town Code §§ 17.052.010(D) and 17.052.040(B)(1) and (2), while also maintaining the other 2 required parking spaces in front of the carport and exceeding the 10 foot front setback requirement for accessory structures [Town Code sections 17.052.030(A)(1)(c) and A(2) and 17.040.020(A)].

Discretionary Permits

Use Permit

The original project approval was by Use Permit on August 17th, 2017, by adoption of the attached Resolution # 17.29 (Exhibit B). Condition 7 requires that any modifications of the originally approved application # 17-31 require approval of a modification of the original Use Permit by the Planning Commission. Therefore, replacing the garage with a carport requires Planning Commission approval.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department, Fairfax Police and Building Departments, Marin Municipal Water District and Ross Valley Sanitary District

None of the agencies/departments with jurisdiction over the project had any conditions or comments on the proposed modification, presumably because the project does not warrant changing their comments on the original 2017 project. Their original comments /conditions have been included in the current resolution approving the new project, Resolution No. 18-013 (Exhibit A – attached).

RECOMMENDATION

1. Conduct the public hearing on the project.
2. Move to approve application # 18-14 by adopting attached Resolution No. 2018-13 setting forth the findings and conditions for the modification of the project.

ATTACHMENTS

Attachment A – Resolution No. 2018-13

Attachment B – Original project approval Resolution No.17-29

Attachment C - Color elevations of original house and garage, and site photographs

RESOLUTION NO. 2018-13

A Resolution of the Fairfax Planning Commission Approving a Modification of the Previously Approved Use Permit for a New Residential Project at 64 Cypress Drive

WHEREAS, the Town of Fairfax has received an application from Ann Lamott for a modification of the previously approved remodel and expansion project at 64 Cypress Drive to replace the 240-square-foot, 1 car, garage with a 253 square-foot, 1 car, carport; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on August 16, 2018, at which time the Planning Commission determined that the proposed modification of the project still complies with the Town 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 modification of the Use Permit; and

WHEREAS, the Commission has made the following findings:

1. The proposed carport has been designed so that the on-site parking still meets the requirements of the Town Parking Ordinance and the Town design criteria and therefore modification still results in the project complying with the following 2010-2030 Fairfax General Plan Policies and Goals, Use Permit Findings and Design Review Criteria:

Policy LU-1.2.3: New and renewed development shall be designed and located so as to minimize the visual mass. The Town will require exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape, allowing for architectural diversity.

Policy LU 7.1.5; New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size and mass.

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

The design of the carport structure has sufficient variety and articulation to avoid monotony in the external appearance.

The size and design of the carport structure is in proportion to its building site and has a balance and unity among its external features so as to present a harmonious appearance.

The on-site parking with the proposed modification is accessible and will have no significant impact on passing vehicular or pedestrian traffic.

The approval of the modification to the approved use permit shall not constitute a grant of special privilege because the modification will not change the compliance if the project with the setback, height, floor area ratio, lot coverage or parking regulations for the RS-6 Zone District where the property is located.

The modification to replace the garage with a carport will not cause excessive or unreasonable hardship to adjoining properties or premises or cause adverse physical or economic effects.

Approval of the modification is not contrary to the objectives, goals or standards pertinent to the project and contained within the Zoning Ordinance.

Approval of the modification will result in an equal development of the premises as the previously approved project design.

WHEREAS, the Commission has approved the modification of the project subject to the applicant's compliance with all conditions, including those contained in the original project approval Resolution No. 17-29, except as amended by this approval, as follows:

1. This approval is limited to the development illustrated on the amended plans prepared by Ingrid Schoenlank, Architect, pages A0.00, A0.11, A1.00, A1.10, A1.30, A2.00 and the site survey by Douglas J. Scranton, Licensed Land Surveyor.

2. Prior to issuance of the building permit for the project 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

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 the architect certified to design such plans in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the project engineer and submitted to the satisfaction of the Town Engineer or Building Permit Plan Checker.

e. The grading and drainage elements shall also be stamped and signed by the project architect.

f. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Authority, Marin Municipal Water District and the Ross Valley Sanitary District noting the development conformance with their recommendations.

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

a. The Building Official shall field check the concrete forms prior to the pour.

b. All construction-related vehicles including 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.

c. Any proposed temporary closures 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. The project architect shall field check the completed project prior to issuance of the occupancy and submit written certification to the Town Staff that the foundation, grading and drainage elements have been installed in conformance with the approved building plans.

5. The parking spaces in the driveway in front of the garage shall be increased from 18-feet to 19-feet in depth and the garage shall be moved an additional 1-foot to the north of the front property lines.

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

7. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 18-14. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 18-14 will result in the job being immediately stopped and red tagged.

8. Any damages to the public portions of Cypress Drive or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.

9. 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, 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.

10. 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.

11. The applicant must comply with all conditions imposed by an outside agency unless that agency waives its conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.

~~12. The applicants make every effort to match the garage siding to the board and batten siding on the new residence and must provide a letter to staff from Summerwood~~

~~Products that they are unable to provide board and batten siding if the garage is to be sided with standard horizontal cedar siding. The paint color of the garage carport shall match that of the residence.~~

13. All exterior lighting shall be of “dark sky” fixtures and direct the light downward. The fixture cut sheets shall be included in the building permit submittal and be subject to Planning Staff approval prior to issuance of the building permit.

Ross Valley Fire Department

14. The property is located within the Wildland Urban Interface Area for Fairfax and the new construction must comply with Chapter 7A of the California Building Code or equivalent.

15. The owner must maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth in compliance with Ross Valley Fire Department Fire Protection Standard 220, Vegetation/Fuels Management.

16. 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 each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of 1 detector on each story of the occupied portion of the residence.

17. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.

18. 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 must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.

19. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

20. A fire sprinkler 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 with plans and specifications for the system submitted to the Ross Valley Fire Department by an individual or firm licensed to design-build sprinkler systems.

21. A Vegetative Management Plan designed in accordance with the Ross Valley Fire Standard @220 is required to be approved prior to issuance of the building permit for the project.

22. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.

Marin Municipal Water District (MMWD)

23. The plans must comply with all the indoor and outdoor requirements of District Code Title 13, Water Conservation. Landscaping plans must be submitted to the District and be approved.

24. The District's backflow prevention requirements must be met and if installation of a backflow device is required, the device shall be tested/inspected and be approved by a District Inspector prior to the project final inspection and issuance of the occupancy permit.

25. Comply with MMWD Ordinance No. 429, requiring the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

26. Complete a High Pressure Water Service Application prior to issuance of the occupancy permit for the residence.

Ross Valley Sanitary District

27. A Sanitary District sewer connection permit is required to either replace the existing sewer lateral, or demonstrate to a District Inspector that the existing lateral meets current requirements, prior to the project final inspection and issuance of an occupancy permit for the residence.

Fairfax Public Works Department

28. A public sidewalk shall be installed along the entire property frontage when the driveway apron for the project is poured and must comply with the County of Marin Uniform Standards for concrete curb, gutter, sidewalk, driveway and other "Flatwork", Drawing No. 100. A Certified Arborist and member of the International Society of Arborists shall meet with the public works director to determine the best way to install the sidewalk without damaging the street trees prior to issuance of the project building permit.

29. 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 Department prior to issuance of the building permit.

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

The approval of the modification of the Use Permit is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the modified 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 16 day of August, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

Chair Mimi Newton

Attest:

Ben Berto, Director of Planning and Building Services

RESOLUTION NO. 2018-13

A Resolution of the Fairfax Planning Commission Approving a Modification of the Previously Approved Use Permit for a New Residential Project at 64 Cypress Drive

WHEREAS, the Town of Fairfax has received an application from Ann Lamott for a modification of the previously approved remodel and expansion project at 64 Cypress Drive to replace the 240-square-foot, 1 car, garage with a 253 square-foot, 1 car, carport; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on August 16, 2018, at which time the Planning Commission determined that the proposed modification of the project still complies with the Town 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 modification of the Use Permit; and

WHEREAS, the Commission has made the following findings:

1. The proposed carport has been designed so that the on-site parking still meets the requirements of the Town Parking Ordinance and the Town design criteria and therefore modification still results in the project complying with the following 2010-2030 Fairfax General Plan Policies and Goals, Use Permit Findings and Design Review Criteria:

Policy LU-1.2.3: New and renewed development shall be designed and located so as to minimize the visual mass. The Town will require exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape, allowing for architectural diversity.

Policy LU 7.1.5; New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size and mass.

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

The design of the carport structure has sufficient variety and articulation to avoid monotony in the external appearance.

The size and design of the carport structure is in proportion to its building site and has a balance and unity among its external features so as to present a harmonious appearance.

The on-site parking with the proposed modification is accessible and will have no significant impact on passing vehicular or pedestrian traffic.

The approval of the modification to the approved use permit shall not constitute a grant of special privilege because the modification will not change the compliance if the project with the setback, height, floor area ratio, lot coverage or parking regulations for the RS-6 Zone District where the property is located.

The modification to replace the garage with a carport will not cause excessive or unreasonable hardship to adjoining properties or premises or cause adverse physical or economic effects.

Approval of the modification is not contrary to the objectives, goals or standards pertinent to the project and contained within the Zoning Ordinance.

Approval of the modification will result in an equal development of the premises as the previously approved project design.

WHEREAS, the Commission has approved the modification of the project subject to the applicant's compliance with all conditions, including those contained in the original project approval Resolution No. 17-29, except as amended by this approval, as follows:

1. This approval is limited to the development illustrated on the amended plans prepared by Ingrid Schoenlank, Architect, pages A0.00, A0.11, A1.00, A1.10, A1.30, A2.00 and the site survey by Douglas J. Scranton, Licensed Land Surveyor.

2. Prior to issuance of the building permit for the project 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

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 the architect certified to design such plans in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the project engineer and submitted to the satisfaction of the Town Engineer or Building Permit Plan Checker.

e. The grading and drainage elements shall also be stamped and signed by the project architect.

f. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Authority, Marin Municipal Water District and the Ross Valley Sanitary District noting the development conformance with their recommendations.

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

a. The Building Official shall field check the concrete forms prior to the pour.

b. All construction-related vehicles including 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.

c. Any proposed temporary closures 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. The project architect shall field check the completed project prior to issuance of the occupancy and submit written certification to the Town Staff that the foundation, grading and drainage elements have been installed in conformance with the approved building plans.

5. The parking spaces in the driveway in front of the garage shall be increased from 18-feet to 19-feet in depth and the garage shall be moved an additional 1-foot to the north of the front property lines.

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

7. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 18-14. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 18-14 will result in the job being immediately stopped and red tagged.

8. Any damages to the public portions of Cypress Drive or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.

9. 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, 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.

10. 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.

11. The applicant must comply with all conditions imposed by an outside agency unless that agency waives its conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.

12. ~~The applicants make every effort to match the garage siding to the board and batten siding on the new residence and must provide a letter to staff from Summerwood~~

~~Products that they are unable to provide board and batten siding if the garage is to be sided with standard horizontal cedar siding. The paint color of the garage carport shall match that of the residence.~~

13. All exterior lighting shall be of "dark sky" fixtures and direct the light downward. The fixture cut sheets shall be included in the building permit submittal and be subject to Planning Staff approval prior to issuance of the building permit.

Ross Valley Fire Department

14. The property is located within the Wildland Urban Interface Area for Fairfax and the new construction must comply with Chapter 7A of the California Building Code or equivalent.

15. The owner must maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth in compliance with Ross Valley Fire Department Fire Protection Standard 220, Vegetation/Fuels Management.

16. 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 each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of 1 detector on each story of the occupied portion of the residence.

17. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.

18. 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 must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.

19. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

20. A fire sprinkler 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 with plans and specifications for the system submitted to the Ross Valley Fire Department by an individual or firm licensed to design-build sprinkler systems.

21. A Vegetative Management Plan designed in accordance with the Ross Valley Fire Standard @220 is required to be approved prior to issuance of the building permit for the project.

22. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.

Marin Municipal Water District (MMWD)

23. The plans must comply with all the indoor and outdoor requirements of District Code Title 13, Water Conservation. Landscaping plans must be submitted to the District and be approved.

24. The District's backflow prevention requirements must be met and if installation of a backflow device is required, the device shall be tested/inspected and be approved by a District Inspector prior to the project final inspection and issuance of the occupancy permit.

25. Comply with MMWD Ordinance No. 429, requiring the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

26. Complete a High Pressure Water Service Application prior to issuance of the occupancy permit for the residence.

Ross Valley Sanitary District

27. A Sanitary District sewer connection permit is required to either replace the existing sewer lateral, or demonstrate to a District Inspector that the existing lateral meets current requirements, prior to the project final inspection and issuance of an occupancy permit for the residence.

Fairfax Public Works Department

28. A public sidewalk shall be installed along the entire property frontage when the driveway apron for the project is poured and must comply with the County of Marin Uniform Standards for concrete curb, gutter, sidewalk, driveway and other "Flatwork", Drawing No. 100. A Certified Arborist and member of the International Society of Arborists shall meet with the public works director to determine the best way to install the sidewalk without damaging the street trees prior to issuance of the project building permit.

29. 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 Department prior to issuance of the building permit.

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

The approval of the modification of the Use Permit is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the modified 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 16 day of August, 2018 by the following vote:

- AYES:
- NOES:
- ABSTAIN:

Chair Mimi Newton

Attest:

Ben Berto, Director of Planning and Building Services

RESOLUTION NO. 17-29

A Resolution of The Fairfax Planning Commission Approving Application No. 17-31 for a Design Review Permit and Use Permit for 64 Cypress Drive

WHEREAS, the Town of Fairfax has received an application from Ann Lamott to remodel and expand an existing barn structure converting it to a 630-square-foot, "barn"; workshop into a 803-square-foot, 2-bedroom, 1-bathroom residence with a 240-square-foot, 1-car, garage; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on August 17, 2017, at which time the Planning Commission determined that the proposed project complies with the Design Review Criteria in Town Code §17.020.040; 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 Use Permit; and

WHEREAS, the Commission has made the following findings:

1. The proposed remodel/addition has been designed to stay within the footprint of the existing structure, maintain the structures existing 17-foot, height and minimizes additional disturbance to the site, the project has been found to comply with the following 2010-2030 Fairfax General Plan Policies and Goals and Design Review Criteria:

Policy LU-1.2.3: New and renewed development shall be designed and located so as to minimize the visual mass. The Town will require exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape, allowing for architectural diversity.

Policy LU 7.1.5; New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size and mass.

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

The design of the structure has sufficient variety and articulation to avoid monotony in the external appearance.

The size and design of the structure is in proportion to its building site and has a balance and unity among its external features so as to present a harmonious appearance.

Most of the site will be retained in its existing condition so the natural features including trees, shrubs, creeks and rocks, will be maintained.

The on-site parking is accessible and will have no significant impact on passing vehicular or pedestrian traffic.

Conditions of Approval

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 amended plans prepared by Ingrid Schoenlank, Architect, pages A0.00, A0.11, A1.00, A1.10, A1.30, A2.00 and the site survey by Douglas J. Scranton, Licensed Land Surveyor.
2. Prior to issuance of the building permit for the project 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
 - 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 the architect certified to design such plans in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the project engineer and submitted to the satisfaction of the Town Engineer or Building Permit Plan Checker.

e. The grading and drainage elements shall also be stamped and signed by the project architect.

f. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Authority, Marin Municipal Water District and the Ross Valley Sanitary District noting the development conformance with their recommendations.

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

a. The Building Official shall field check the concrete forms prior to the pour.

b. All construction-related vehicles including 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.

c. Any proposed temporary closures 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. The project architect shall field check the completed project prior to issuance of the occupancy and submit written certification to the Town Staff that the foundation, grading and drainage elements have been installed in conformance with the approved building plans.

5. The parking spaces in the driveway in front of the garage shall be increased from 18-feet to 19-feet in depth and the garage shall be moved an additional 1-foot to the north of the front property lines.

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

7. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 17-31. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 17-31 will result in the job being immediately stopped and red tagged.

8. Any damages to the public portions of Cypress Drive or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.

9. 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, 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.

10. 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.

11. The applicant must comply with all conditions imposed by an outside agency unless that agency waives its conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.

12. The applicants make every effort to match the garage siding to the board and batten siding on the new residence and must provide a letter to staff from Summerwood Products that they are unable to provide board and batten siding if the garage is to be sided with standard horizontal cedar siding. The paint color of the garage shall match that of the residence.

13. All exterior lighting shall be "dark sky" fixtures and direct the light downward. The fixture cut sheets shall be included in the building permit submittal and be subject to Planning Staff approval prior to issuance of the building permit.

Ross Valley Fire Department

14. The property is located within the Wildland Urban Interface Area for Fairfax and the new construction must comply with Chapter 7A of the California Building Code or equivalent.
15. The owner must maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth in compliance with Ross Valley Fire Department Fire Protection Standard 220, Vegetation/Fuels Management.
16. 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 each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of 1 detector on each story of the occupied portion of the residence.
17. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.
18. 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 must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
19. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.
20. A fire sprinkler 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 with plans and specifications for the system submitted to the Ross Valley Fire Department by an individual or firm licensed to design-build sprinkler systems.
21. A Vegetative Management Plan designed in accordance with the Ross Valley Fire Standard @220 is required to be approved prior to issuance of the building permit for the project.
22. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.

Marin Municipal Water District (MMWD)

23. The plans must comply with all the indoor and outdoor requirements of District Code Title 13, Water Conservation. Landscaping plans must be submitted to the District and be approved.

24. The District's backflow prevention requirements must be met and if installation of a backflow device is required, the device shall be tested/inspected and be approved by a District Inspector prior to the project final inspection and issuance of the occupancy permit.

25. Comply with MMWD Ordinance No. 429, requiring the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

26. Complete a High Pressure Water Service Application prior to issuance of the occupancy permit for the residence.

Ross Valley Sanitary District

27. A Sanitary District sewer connection permit is required to either replace the existing sewer lateral, or demonstrate to a District Inspector that the existing lateral meets current requirements, prior to the project final inspection and issuance of an occupancy permit for the residence.

Fairfax Public Works Department

28. A public sidewalk shall be installed along the entire property frontage when the driveway apron for the project is poured and must comply with the County of Marin Uniform Standards for concrete curb, gutter, sidewalk, driveway and other "Flatwork", Drawing No. 100. A Certified Arborist and member of the International Society of Arborists shall meet with the public works director to determine the best way to install the sidewalk without damaging the street trees prior to issuance of the project building permit.

30. 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 Department prior to issuance of the building permit.

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 and the Use Permit is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

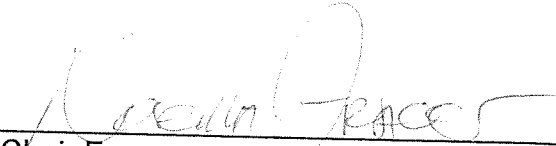
Construction of the project can occur without causing significant impacts on neighboring residences and the environment.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17 day of August 2017 by the following vote:


AYES: Ackerman, Gonzalez-Parber, Green, Newton, Swift, Chair Fragoso

NOES:

ABSTAIN:


Chair Fragoso

Attest:


Ben Berto, Director of Planning and Building Services