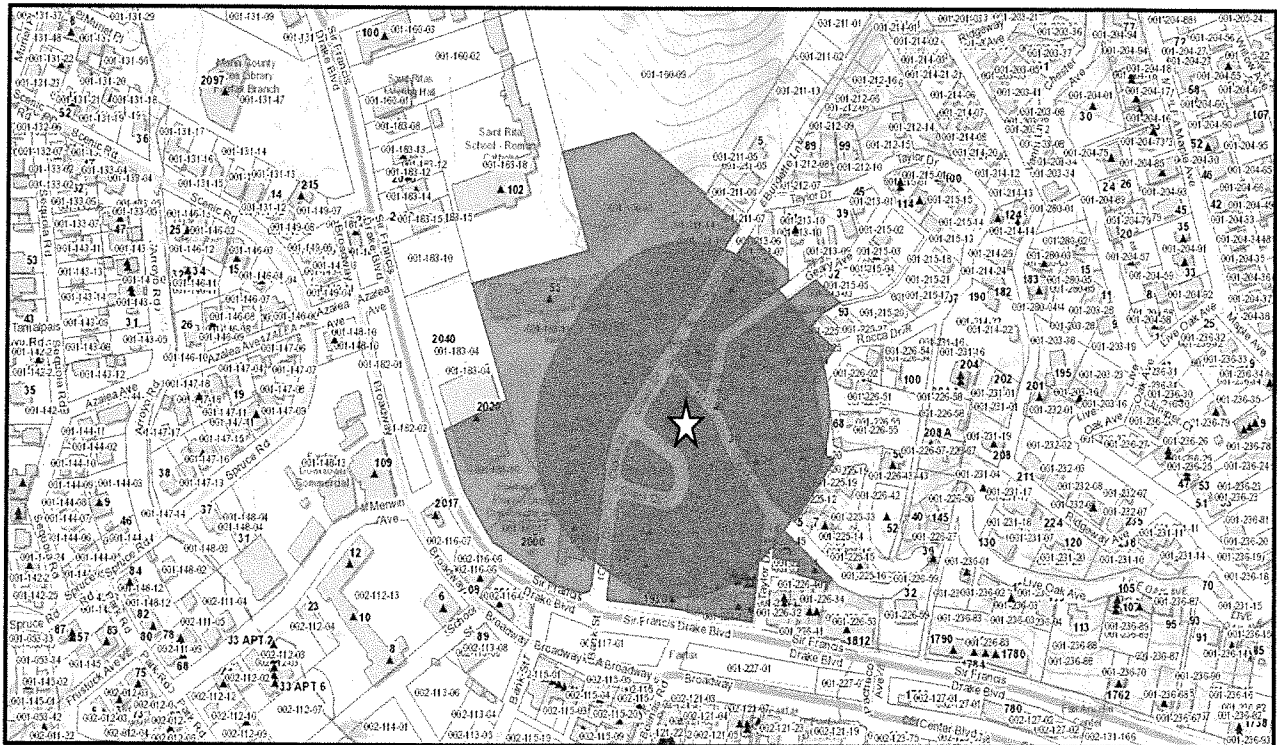


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: April 19, 2018
FROM: Linda Neal, Principal Planner
LOCATION: 26 Claus Circle; Assessor's Parcel No. 002-223-02
ZONING: Residential Single-family RS-6 Zone
PROJECT: Addition/remodel of single-family residence
ACTION: Conditional Use Permit; Application # 18-05
APPLICANT: Peter Brockman, Architect
OWNER: Lisa and John Hunt
CEQA STATUS: Categorically exempt, § 15301(e)(1)



26 CLAUS CIRCLE

BACKGROUND

The 5,415 square-foot, level property was developed in 1945 with a 1,037 square-foot, 2-bedroom, 1-bathroom single-family residence. The site currently has 2 tandem parking spaces, 1 located in the existing, attached 1-car garage and the second in tandem with the garage in the existing driveway. The residence is a 1-story structure that reaches 16 feet, 4 inches in height above grade.

DISCUSSION

The owners are proposing to convert and expand the existing 191 square-foot rear bedroom into a master closet and second bathroom and then add a new 280 square-foot master bedroom to the north side of the residence. The addition will increase the residence from a 1,037 square foot two-bedroom, 1-bath residence into a 1,317 square foot, 2-bedroom, 2-bathroom residence.

Town Code 17.080.050(A) requires that a Conditional Use Permit be obtained prior to any use, occupancy or physical improvement of or on a building site failing to the minimum 6,000 square-foot size and 60-foot width requirements. The project requires the approval of a Conditional Use Permit because the site is only 5.414 square feet in size and 46.57 feet wide.

The project complies with the Residential Single-family RS-6 Zone District regulations where 26 Claus Drive is located 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.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	28.5 ft., 2 stories
Existing	14 ft.	44.5 ft.	58.5 ft.	5 ft. & 9 ft.	14 ft.	.18	.25	15 ft., 7 in., 1 story
Proposed	no change	14.5 ft.	28 ft.	no change	no change	.23	.30	no change

The addition will not encroach into the required setbacks and the resulting lot coverage and floor area ratio will comply with the regulations set forth in the Residential Single-family RS-6 Zone District. The addition will reach 13 feet 4 inches in height which is less than the 15 foot 7 inch height of the rest of the structure and well below the maximum 28.5 foot height allowed in the RS-6 Zone District.

Residences in the Claus Drive neighborhood on similar sized parcels range in size from a 1,254 square-foot, 3 bedroom, 2 bathroom residence on a 5,460 square foot parcel (6 Claus Circle) to a 1,913 square foot, 2 bedroom, 2 bathroom residence on at 5,342

square foot parcel (30 Claus Circle). Therefore, the proposed 1,317 square foot, 2 bedroom, 2 bathroom residence will not be out of scale with the 5,415 square-foot site or out of character with the neighborhood.

OTHER AGENCY/DEPARTMENT COMMENTS/CONDITIONS

Ross Valley Fire Department (RVFD)

RVFD submitted written comments which have been incorporated into the conditions of approval and are summarized as follows: 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, vegetation of construction materials are to be maintained away from the residence during construction and hydrant flow and location are to be identified before construction begins, smoke detectors and carbon monoxide detectors shall be installed throughout the building in compliance with the Building Code, address numbers at least 4 inches tall and permanently or automatically illuminated shall be visible from the street, a vegetative management plan designed in accordance with Ross Valley Fire Standard 220 is required, and, the applicant may propose alternative materials or methods in accordance with Section 103.3 of the Fire Code as an alternative to installing a sprinkler system (subject to RVFD Fire Chief approval).

Marin Municipal Water District (MMWD)

MMWD submitted written comments which have been incorporated into conditions of approval in the attached resolution and are summarized as follows: The plans must comply with all the indoor and outdoor District Code requirements 13, a gray water system may be required, and a High Pressure Water Service Application is required prior to occupancy.

Ross Valley Sanitary District (RVSD)

RVSD submitted written comments which have been incorporated into the conditions of approval and are summarized as follows: 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 Police, Public Works and Building Departments

The police, public works and the building departments did not provide conditions of approval or comments on the project.

RECOMMENDATION

1. Conduct the public hearing.
2. Move to approve application # 18-05 adopting Resolution No. 2018-05 setting forth the findings and the conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 2018-04

RESOLUTION NO. 2018-04

A Resolution of The Fairfax Planning Commission Approving Application No. 18-05 for a Use Permit to Expand/Remodel 26 Claus Circle

WHEREAS, the Town of Fairfax has received an application from Lisa and John Hunt to remodel and expand an existing single family residence from a 1,037 2-bedroom, 1-bath residence into a 1,317 square foot, 2-bedroom, 2-bathroom residence with a 357 square-foot rear yard deck.

WHEREAS, the Planning Commission held a duly noticed Public Hearing on April 19, 2018, at which time the Planning Commission determined that the proposed project complies with the regulations of the Residential Single-family RS06 Zone; 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 Conditional Use Permit to allow the construction of proposed project; and

WHEREAS, the Commission has made the following findings:

Use Permit Findings

The project will comply with all the required setback, floor area ratio, and lot coverage and height regulations of the RS-6 Zone and will result in a residence similar in size, scale and character to the other residences in the Taylor Tract neighborhood where the project site is located. Therefore, approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

The project complies with all the development standards of the RS-6 Zone. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in the Zoning Ordinance or the Fairfax 2010-2010 General Planer.

Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

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 plans dated 3/6/18 prepared by Peter Brockman, Architect, pages A0.1, A1.0 and A2.0.
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 Building Official. 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 to comply with Building Code. 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. 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 licensed contractor shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town Staff

that the grading has been completed as recommended prior to installation of foundation and/or retaining forms and piers.

b. Prior to the concrete form inspection by the Building Official, the contractor 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, 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 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 contractor 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 roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.

6. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 18-05. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 18-05 will result in the job being immediately stopped and red tagged.

7. Any damages to the public portions of Claus Circle or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.

8. 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.

9. 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.

10. 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.

11. 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

12. A fire sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association 13-D and local standards. A separate deferred permit shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems.

13. 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.

14. 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.

15. 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.

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

17. 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.

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

19. All vegetation and construction materials are to be maintained away from the residence during construction and hydrant flow and location are to be identified before construction begins.

Marin Municipal Water District (MMWD)

20. 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.

21. 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.

22. 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.

Ross Valley Sanitary District

23. 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.

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

The approval of the Conditional 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 19 day of April, 2018 by the following vote:

- AYES:
- NOES:
- ABSTAIN:

Chair Newton

Attest: _____
Ben Berto, Director of Planning and Building Services