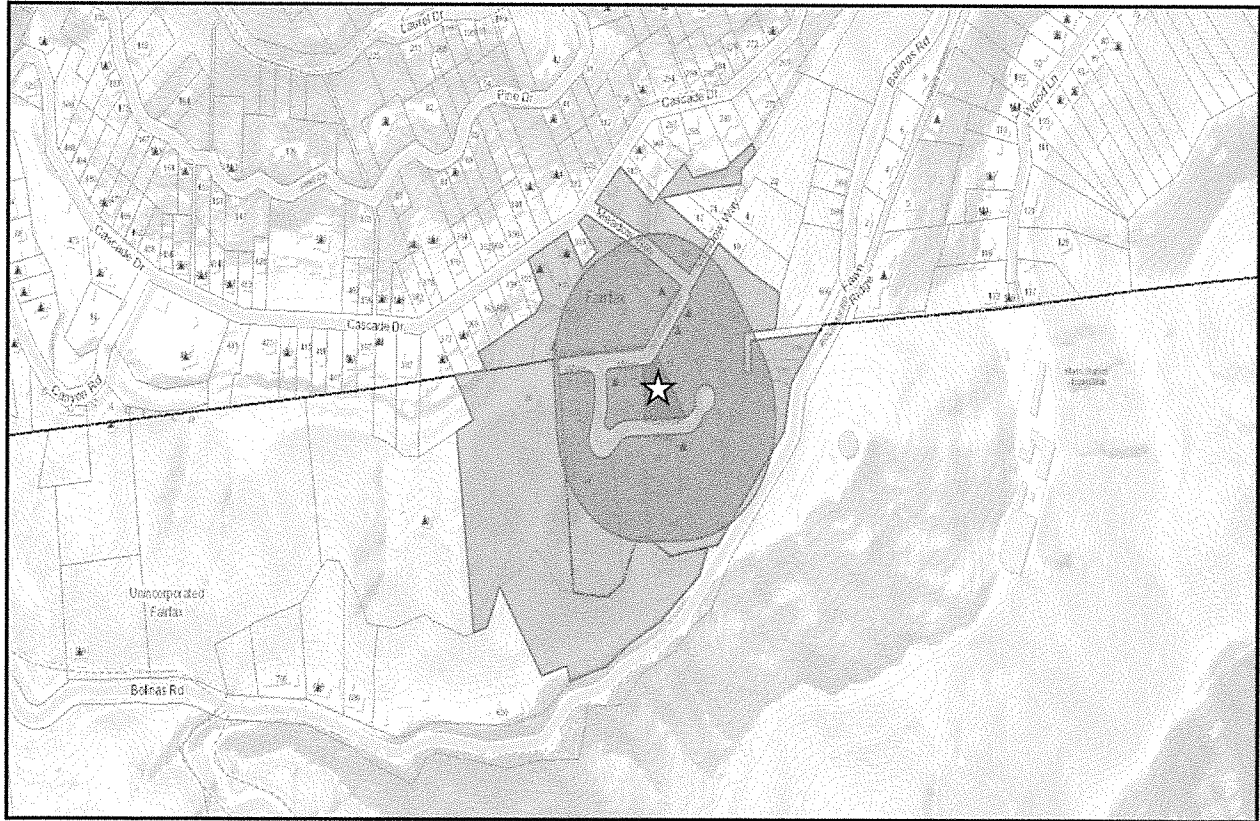


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: February 16, 2017
FROM: Linda Neal, Principal Planner
LOCATION: 20 Meadow Way; Assessor's Parcel No. 003-111-05
ZONING: Residential Single-family RS-6 Zone
PROJECT: Addition/remodel of a single-family residence
ACTION: Use Permit; Application # 17-04
APPLICANT: Matt Owens
OWNER: Jason and Jennifer Brooks
CEQA STATUS: Categorically exempt, § 15301(e)(1)



20 MEADOW WAY

BACKGROUND

The 11,700 square foot site slopes up from Meadow Way at an average rate of 37%. The site is developed with a 2,334-square-foot, two-story, 3-bedroom, 2-bathroom, single-family residence that was constructed in 1948 and then expanded in 1989.

DISCUSSION

The applicants are proposing to expand and remodel the residence relocating the laundry room on the lower level to convert the area to an office, adding a third bathroom on the lower level and constructing a new laundry room addition. The project includes raising the roof over the second story living room. The remodel/addition will increase the square footage of the residence by 157-square-feet to 2,491--square-feet. The proposed expansion will occur underneath a portion of the existing second floor, within the footprint of the existing residence.

The property is zoned Residential Single-family RS-6 Zone District. The proposed project complies with the requirements of this district 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	25 ft.	53 ft.	78 ft.	6 ft. & 10 ft.	16 ft.	.20	.17	23 ft., 2 stories
Proposed	No change	No change	No change	No change	No change	.21	No change	No change

The plans show a redwood arbor running up the western side of the property within the required 5-foot, side-yard, setback. The applicants have decided to eliminate the arbor from the proposal after staff advised them that it would be difficult to make the required findings for approval of such a structure because it is not necessary to allow them a substantial use of their property (Attachment B – e-mail from applicants dated 12/12/16).

Conditional Use Permit

The project requires a Conditional Use Permit. Town Code § 17.080.050 requires that a Use Permit be obtained prior to any use, occupancy or physical improvement of or on a building site failing to meet the minimum lot size requirements. Town Code § 17.080.050(C) requires that a parcel having a 37% slope be 29,000-square-feet in size and 131-feet wide to meet the minimum parcel size requirements. The subject property

is only 11,700-square-feet in size and therefore, the proposed addition/remodel requires the approval of a Conditional Use Permit by the Planning Commission.

The lower floor would include a laundry room, full bathroom, a room that could be used as a bedroom and a separate entrance. Areas with all of these improvements are easily turned into residential second units or junior second units. Changes to State of California law as of January 1, 2017 allow for the authorization of this type of unit through a building or other ministerial permit. Staff has included as a condition of approval that the owner if the new space in the unit is converted to a second unit, the property owner shall apply for the required ministerial permit. ¹

Findings Required for the Planning Commission to Approve a Conditional Use Permit

In order to approve a Use Permit for the project, the Commission must make the following findings (Town Code Section 17.032.060): (1) granting of the approval would not constitute a “special privilege” nor contravene the doctrines of equity and equal treatment; (2) the project would not create a public nuisance, cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects or create undue or excessive burdens in the use or enjoyment of the property; (3) implementation of the project would not result in the property or the structure being out of scale with the site, or out of character with the neighboring properties; (4) approval of the project is in keeping with the objectives, goals or standards set forth in the Town of Fairfax General Plan; and (5) approval of the project would result in equal or better development of the premises than would otherwise be the case and the approval is in the public interest and for the protection and enhancement of the community.

Compliance with Necessary Findings

The expansion and remodel will take place within the existing envelope of the house, would not encroach into any required setbacks and would comply with the Floor Area Ratio and Lot Coverage Limitations and the height regulations. Therefore, the granting of the Conditional Use Permit; a) will not constitute a grant of special privilege nor contravene the doctrines of equity and equal treatment and, 2) will not create a public nuisance, cause excessive or unreasonable detriment to adjoining properties or cause adverse effects in the use and enjoyment of the property.

Residences in the neighborhood range from a 1,136-square-foot, 2-bedroom, 1-bathroom residence on a 10,625-square-foot parcel to a 3,000-square-foot, 3-bedroom, 3-bathroom residence on a 9,900-square-foot parcel. Therefore, the proposed 2,491-square-foot, 3-bedroom, 3-bathroom house on this 11,700-square-foot site would not result a house that is out of scale with the site or out of character with other homes in

¹ Staff anticipates returning to the Planning Commission by April 2017 with recommended modifications to the Town Code Chapter 17.048 (Residential Second Units and Junior Second Units) to conform the code to the new state law.

the neighborhood and will result in an equal or better development of premises than would be the case if the addition were proposed for an undisturbed portion of the site.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
7. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

Marin Municipal Water District (MMWD)

1. 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.

2. 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.
3. 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

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 department did not provide conditions of approval or comments on the project.

RECOMMENDATION

1. Conduct the public hearing.
3. Move to approve application # 17-04 by adopting Resolution No. 17-05 setting forth the findings and conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 17-05

Attachment B – E-mail from owners dated 12/12/16 removing the arbor structure from the project

RESOLUTION NO. 17-05

A Resolution of The Fairfax Planning Commission Approving Application No. 17-04 for a Conditional Use Permit for the Remodel/Addition at 20 Meadow Way

WHEREAS, the Town of Fairfax has received an application from Jason and Jennifer Brooks to remodel and expand an existing single family residence from a 2,334-square foot, two-story, 3-bedroom, 2 –bathroom residence to a 2,491-square-foot, 3-bedroom, 3-bathroom residence; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on February 16, 2017, at which time the Planning Commission determined that the proposed project complies with the Conditional Use Permit Ordinance findings and the Residential Single-family RS-6 Zoning 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 Hill Area Residential Development, Design Review, Excavation and Covered Parking Variance[cw1]; and

WHEREAS, the Commission has made the following findings:

Conditional Use Permit

1. The proposed development is consistent with the General Plan and the Residential Single-family RS 6 Zone regulations.
2. The site planning preserves identified natural features.
3. Vehicular access and parking are adequate.
4. The approval of the Conditional Use Permit to allow the remodel and expansion of the structure shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
5. The development and use of property as approved 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 conditional use permit.
6. Approval of the proposed Conditional Use Permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in the 2010-2030 Fairfax General Plan or Town Code Title 17, the Zoning Ordinance.

7. Approval of the Conditional Use Permit to allow the remodel/addition within the footprint of the existing structure 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 amended plans prepared by Matt Owens, dated 11/15/16, A-0.0, A-1.0, A-2.0, and A-3.0, not including the arbor structure drawn along the west side of the building and shown on pages A—0.0, A-2.0, and A-3.0.

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 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 and retaining elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation and retaining elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Structural Engineer[cw2].

- e. The grading, foundation, retaining, and drainage elements shall also be stamped and signed by the site geotechnical engineer as conforming to the recommendations made by the project Geotechnical Engineer.

- 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 geotechnical engineer 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 geotechnical and structural engineers shall field check the forms of the foundations and retaining elements and provide written certification to the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans. The Building Official shall field check the concrete forms prior to the pour.

c. All construction-related vehicles including equipment delivery, 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 geotechnical engineer shall field check the completed project prior to issuance of the occupancy 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.

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

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 # 17-04. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 17-04 will result in the job being immediately stopped and red tagged.

8. Any damages to the public portions of Meadow Way 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, 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.

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. Conditions placed upon the project by outside agencies, the Town Engineer or other Fairfax Department may be eliminated or amended with that agency's, the Town Engineer's or other Department's written notification to the Planning and Building Services Department prior to issuance of the building permit.

Ross Valley Fire Department

1. 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.
2. 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.

3. 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 one detector on each story of the occupied portion of the residence.
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Ross Valley Sanitary District

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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 16 day of February 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

Chair Fragoso

Attest:

Linda Neal, Principal Planner

Linda Neal

From: matthew owens <owensdb@sbcglobal.net>
Sent: Monday, December 12, 2016 4:36 PM
To: Linda Neal
Cc: Jason Brooks
Subject: 20 Meadow Way- Planning Application Addendum

Re: Removal of side yard arbor from submitted planning application drawings and documents

Project: Alteration to living room, entry roof and renovation of garage/storage area to existing residence
Owners: Jason & Jennifer Brooks
Applicant: Matt Owens

Dear Linda,

Thank you for your time and attention to this project. We would like to use this communication to formally request that **the proposed attached arbor on the western side of the property be removed from the scope of work.**

The intention of the arbor was strictly for aesthetic concerns and does not affect the use or viability of the lot. We do not want to pursue the avenue of obtaining variances for that or any other portion of the project.

Matt Owens
415-847-6730