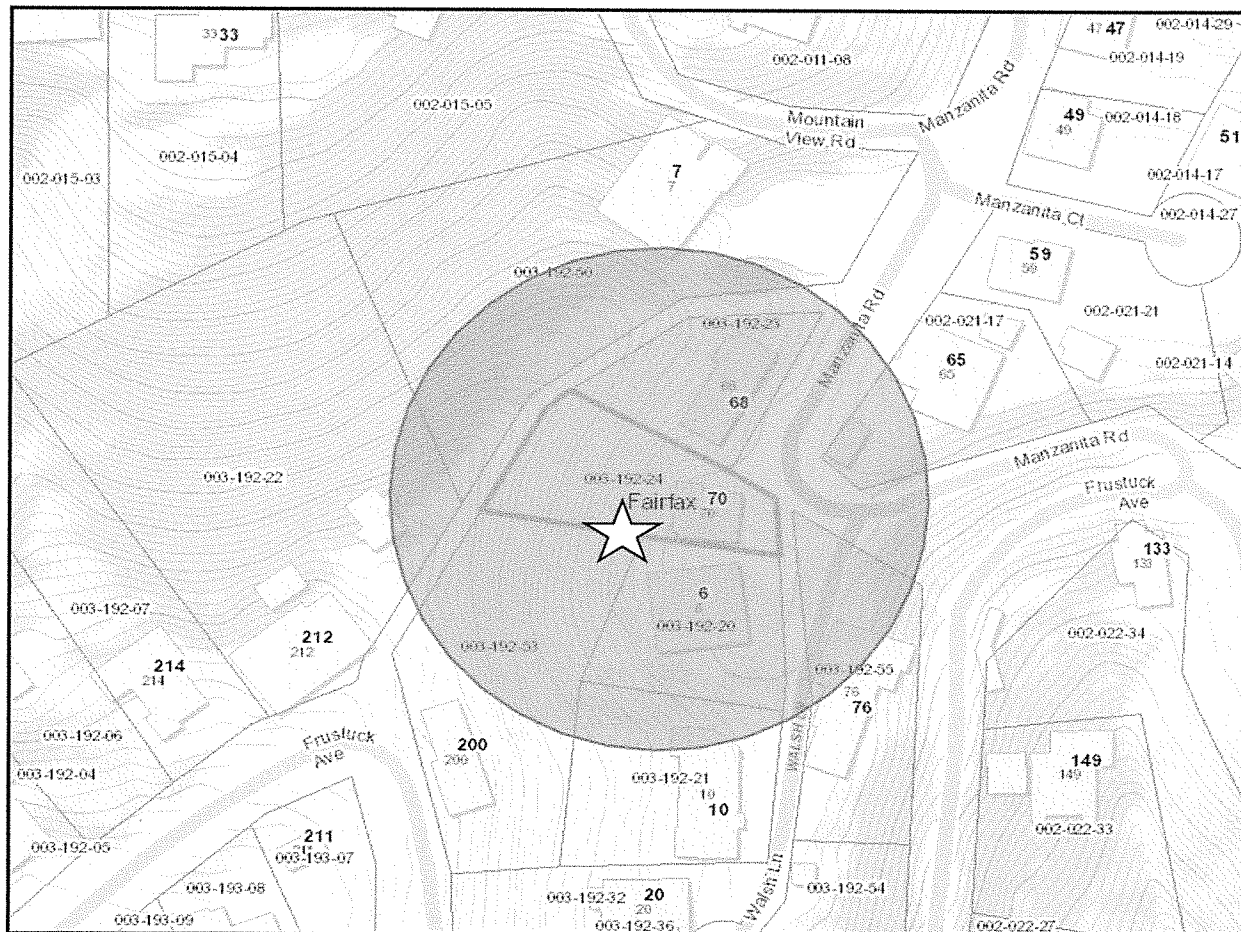


TO:	Fairfax Planning Commission
DATE:	February 16, 2017
FROM:	Michelle Levenson, Zoning Technician
LOCATION:	70 Manzanita Road; Assessor's Parcel No. 003-192-24
ZONING:	Residential Single-family RS 6 Zone District
PROJECT:	Home Office Addition and Bathroom Relocation
ACTION:	Conditional Use Permit; Application No. 17-1
APPLICANT:	Leyla Hilmi
OWNER:	Ann Fry
CEQA STATUS:	Categorically Exempt, §15301(e)



AGENDA ITEM # 2

BACKGROUND

The 6,500-square-foot site is steeply sloped at 48-percent. The site is developed with a 1,028-square-foot, 2-bedroom, 2-bath residence, an attached, 289-square-foot garage and a 420-square-foot exterior deck located at the rear of the residence. The residence was constructed in 1932, is a two-story structure and is 20-feet, 4-inches in height.

DISCUSSION

The proposed project would involve constructing a home office on the first-story floor of the residence by relocating an existing bathroom located adjacent to the garage to the northwest corner of the residence, constructing a hallway in the area that contained the bathroom, enclosing a 150-square-foot portion of an existing deck and adding 50 square feet of new area to provide a 225-square-foot home office. With the project the square footage of the residence would increase to 1,253 square feet.

A 15-foot-tall plum tree exists adjacent to the area of the proposed office addition. The arborist's report dated November 1, 2016, (Attachment B) states that the tree would require heavy pruning to accommodate the addition and that without "significant effort, the root system would be damaged during construction activity..." While the owner hopes to retain the tree, the tree may need to be removed if it is damaged during and following construction.

The project conforms to the Residential Single-family RS 6 Zone District regulations as follows:

	Front setback	Rear setback	Combined front/rear setback	Side setbacks	Combined side setbacks	FAR	Lot coverage	Height
Permitted	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	28.5 ft., 2 stories
Existing	3 ft.	72 ft.	75 ft.	6 ft. & 0 ft.	6 ft.	.16	.20	20 ft., 4 in., 2 stories
Proposed	No change	68 ft.	71 ft.	No change	No change	.19	.23	No change

The additional square footage proposed with the project would be added to the rear of the residence and would not be visible from Manzanita Road. Portions of the existing residence are located within the required front, side and combined side setbacks, thus the site is considered "legal, non-conforming". The proposed addition would be located outside of all required setbacks. The closest neighboring residence at 68 Manzanita is located more than 27 feet from the area of the office addition; existing vegetation would aid in screening the addition from neighboring residences.

The project requires the approval of the following discretionary permit:

Conditional Use Permit:

Town Code § 17.084.050 requires that a Conditional Use Permit be obtained prior to any expansion/modification of a property or residence on a parcel that does not meet the minimum size and width requirements based on the slope of the site. The project site has a slope of 48-percent, therefore the Town Code requires a minimum area of 40,000 square feet and a minimum width of 164 feet. The site does not meet the minimum requirements (the site area is 6,500 square feet and the minimum width is 33 feet), therefore the project requires the approval of a Use Permit by the Planning Commission.

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

Approving a Use Permit for the project would not result in a grant of special privilege as several other properties located on similarly-sized parcels and located within the RS 6 Zone contain residences with square footages similar to that which would result with the project. Properties include the following: 6 Walsh Lane containing a 7,200-square-foot lot, with a 1,464-square foot, 3-bedroom, 2-bathroom residence; 24 Walsh Lane containing a 6,600-square-foot lot with a 1,472-square-foot, 1-bedroom, 1-bathroom residence; 68 Manzanita containing a 8,100-square-foot lot with a 793-square-foot, 1-bedroom, 1-bathroom residence and 76 Manzanita containing a 9,277-square-foot lot with a 1,990-square-foot, 4-bedroom, 2-bathroom residence. Construction of the office and relocation of the bathroom would improve circulation and functionality on the lower-level of the residence and would result in enhanced use of the property, a “privilege” that is enjoyed by many Town residents. The project would not create a public nuisance as the addition would be screened from Manzanita Road and would be located a sufficient distance from the required setbacks. The project would be consistent with the Town General Plan in that it would not change the residential character of the property and would result in better development of the site.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department (RVFD)

1. The project site is located in a "Wildland Urban Interface Zone" and shall comply with CBC Chapter 7A and CRC R327.
2. A Vegetation Management Plan designed in accordance with Ross Valley Fire Standard #220 is required for the project. A separate permit from the RVFD is required.
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 sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.
4. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs or additions that exceed one thousand dollars. CO alarms shall be located outside of each dwelling unit sleeping area, in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit, including a basement.
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 are required. Residential numbers must be internally laminated (backlit), placed to a light or be reflective numbers.
6. The closest fire hydrant supplies approximately 800 gallons per minute and 1,000 gallons per minute is required for the project. 2013 CA Fire Code Section B105.1 allows for a reduction of 50-percent fire flow requirement (50 GPM) when the building is equipped with an approved fire sprinkler system. "Fire sprinklers have been noted on the plans...."

The Ross Valley Sanitary District, the Marin Municipal Water District Fairfax Police, Public Works and Building Departments had no comment on the project.

RECOMMENDATION

1. Conduct public hearing.
2. Adopt Resolution No. 17-1 setting forth the findings and conditions for the project approval.

ATTACHMENTS

Attachment A-Resolution No. 17-2

Attachment B-Arborist Report, prepared by Urban Forestry Associates, Inc., and dated November 1, 2016

RESOLUTION NO. 17-02

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit to Add an Office and Relocate a Bathroom and Hallway at 70 Manzanita Road

WHEREAS, the Town of Fairfax has received an application for a Conditional Use Permit to add a 225-square-foot office and relocate a bathroom and hallway on the first story of a single-family residence at 70 Manzanita Road; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on February 16, 2017, at which time all interested parties were given a full opportunity to be heard and to present evidence; and

WHEREAS, based on the plans and supplemental information provided by the applicant, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary for the project's requested discretionary Use Permit as long as certain conditions, listed below, are met; and

WHEREAS, the Commission has made the following findings:

Conditional Use Permit-

1. The 225-square-foot office addition is similar in size, mass, design and location on the site to other residential structures in the "Fairfax Park" subdivision. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The office addition will increase the area of the residence by 225 square feet and will reach a maximum height of 9 feet. With the addition, the Floor Area Ratio, Lot Coverage and height of the residence will be well below the maximum thresholds for the Residential RS 6 Zone. Therefore, the development and use of the 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.
3. 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 2010 to 2030 Fairfax General Plan and Zoning Ordinance, Title 17 of the Fairfax Town Code.
4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case as the project will improve the circulation and functionality of the residence. Therefore, the project is in the public

interest and will enhance the general health, safety and welfare of the community.

WHEREAS, the Commission has approved the project subject to the applicant's compliance with the following conditions:

1. This approval is limited to the development illustrated on the plans prepared by Leyla Hilmi Design, entitled, "70 Manzanita Rd., Fairfax, CA 94930, APN:003-192-24", Pages A0.0-A0.1, and Pages A1.0, A1.1, A2.0 and A2.1, dated July 26, 2016, and Pages A0.1 through A0.2, dated October 13, 2016.
2. During the construction process, all construction related vehicles including fixture/supply or equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case-by-case basis with prior notification from the project sponsor.
3. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
4. The Building Official shall field check the completed project to verify compliance with the approved plans and building code requirements.
5. The Planning Department shall field check the completed project to verify that the construction reflects the plans approved by the Planning Commission and to verify that all planning commission conditions have been complied with.
6. The roadways shall be kept clean and the site free of dust by watering down the site if necessary. The roadways shall be kept free of dust, gravel and other construction materials by sweeping the roadway, daily, if necessary.
7. During construction, the property owner and all employees, including contractors and subcontractors must comply with all requirements set forth in Chapter 8.32 of the Town Code entitled, "Urban Runoff and Pollution Prevention".
8. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application No. 17-1. **Any** construction based on job plans that have been altered without the benefit of an approved modification of Application No. 17-1 will result in the job being immediately stopped and red tagged.
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.

Ross Valley Fire Department

1. The project site is located in a "Wildland Urban Interface Zone" and shall comply with CBC Chapter 7A and CRC R327.
2. A Vegetation Management Plan designed in accordance with Ross Valley Fire Standard #220 is required for the project. A separate permit from the RVFD is required.
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 sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.
4. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs or additions that exceed one thousand dollars. CO alarms shall be located outside of each dwelling unit sleeping area, in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit, including a basement.
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 are required. Residential numbers must be internally laminated (backlit), placed to a light or be reflective numbers.

6. The closest fire hydrant supplies approximately 800 gallons per minute and 1,000 gallons per minute is required for the project. 2013 CA Fire Code Section B105.1 allows for a reduction of 50-percent fire flow requirement (50 GPM) when the building is equipped with an approved fire sprinkler system. "Fire sprinklers have been noted on the plans...."

Miscellaneous Conditions

1. If it is determined that the plum tree located adjacent to the office addition requires removal, the owner shall obtain a Tree Removal Permit from the Town's Tree Committee and plant a native tree species in the general location of the removed tree.
2. The applicant must comply with any all conditions listed above unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services.
3. Planning Conditions acted upon by the Planning Commission may only be waived by the Commission at a future public hearing. '
4. The applicant shall comply with any and all conditions placed upon the project by the Building Official/Public Works Manager.
5. A construction management plan shall be submitted to the Building Official with the building permit application and shall become a condition of building permit issuance.
6. All exterior lighting, including landscape lighting, shall be LED and shall direct light downward.

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

The approval of the Conditional Use Permit can occur without causing significant impacts on neighboring residences; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 16th day of February, 2017, by the following vote:

AYES:

NOES:


ABSTAIN:

Chair, Fragoso

Attest:

Linda Neal, Principal Planner

Ann Fry
annfrypan@yahoo.com


URBAN FORESTRY ASSOCIATES, INC.
8 Willow Street San Rafael, CA 94901
(415) 454-4212 info@urbanforestryassociates.com

TOWN OF FAIRFAX

NOV 14 2016

RECEIVED

ARBORIST REPORT

For

70 Manzanita Road, Fairfax CA

PURPOSE

Urban Forestry Associates (UFA) was hired to assess a plum tree at 70 Manzanita Road in Fairfax in association with a development application on the property. The inspection occurred on November 1, 2016.

SCOPE OF WORK AND LIMITATIONS

Urban Forestry Associates has no personal or monetary interest in the outcome of this investigation. All observations regarding trees in this report were made by UFA, independently, based on our education and experience. All determinations of health condition, structural condition, or hazard potential of a tree or trees at issue are based on our best professional judgment. The health and hazard assessments in this report are limited by the visual nature of the assessment. Defects may be obscured by soil, brush, vines, aerial foliage, branches, multiple trunks or other trees. Even structurally sound, healthy trees are wind thrown during severe storms. Consequently, a conclusion that a tree does not require corrective surgery or removal is not a guarantee of no risk, hazard, or sound health.

OBSERVATION

Species	<i>Prunus sp.</i> (Plum tree)
Size	5.5", 5.2", 5.0", 4.8", 4.7" & 3.8" DBH ¹ ~15' tall ~30 years old
Location	Off the northwest corner of the deck.
Condition	Fair health and poor to fair structure. There are multiple stems from grade, one of which was previously removed and is decaying.
Conclusion	This is a non-native tree located outside the public view-shed that is easily replaceable. The south portion of the canopy would need to be heavily pruned in order to accommodate the proposed addition to the home and without significant effort, the root system would be damaged during construction activity, likely enough to kill the tree. The clearance pruning alone would necessitate the removal of at least two stems.

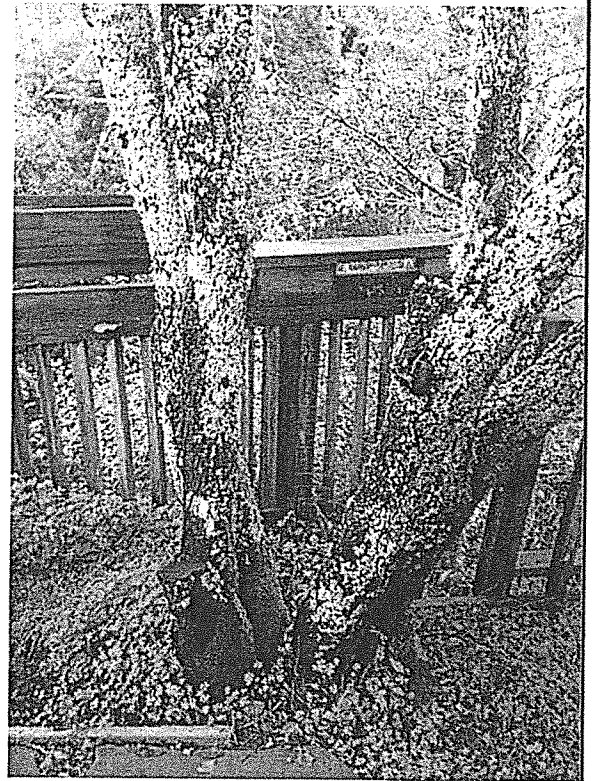


Figure 1. Subject tree base

¹ DBH is Diameter at Breast Height, measured 4.5' above grade on the upslope side of a tree.

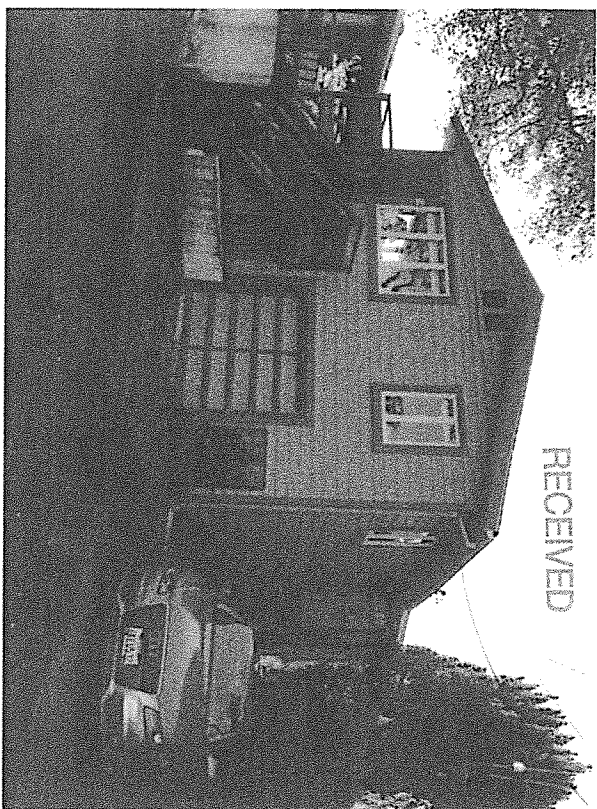
RECOM'D Given the size, condition and species of the tree, it is more than reasonable to simply remove the existing tree and replace it with either a native tree or another fruit tree that can be trained to have better structure in a better location.



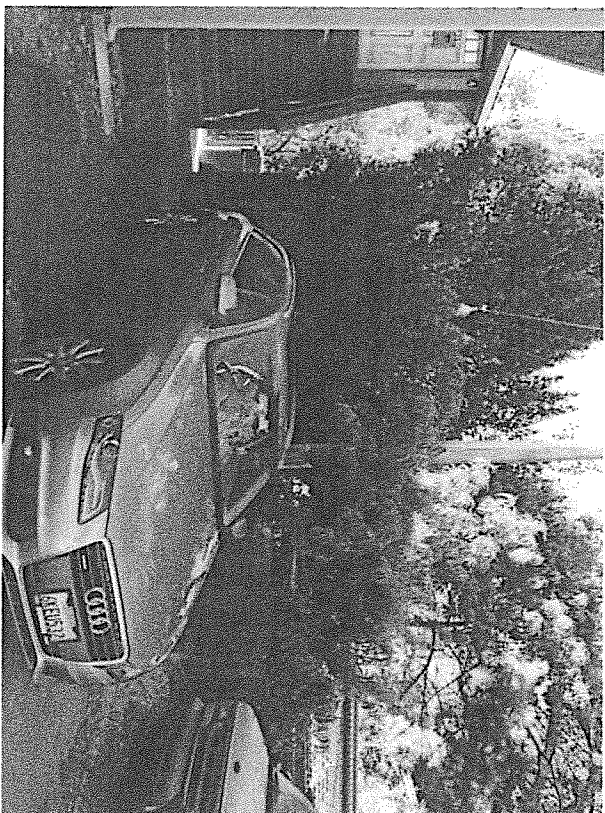
Benjamin Anderson, Urban Forester
ISA Certified Arborist & TRAQ
WE:10160A

OCT 2 3 2016

RECEIVED



FRONT OF HOUSE FROM STREET



VIEW TOWARDS NEIGHBORS ON SOUTH SIDE



FROM LOWER PATIO LOOKING NORTH



VIEW TOWARDS
NEIGHBORS ON SOUTH