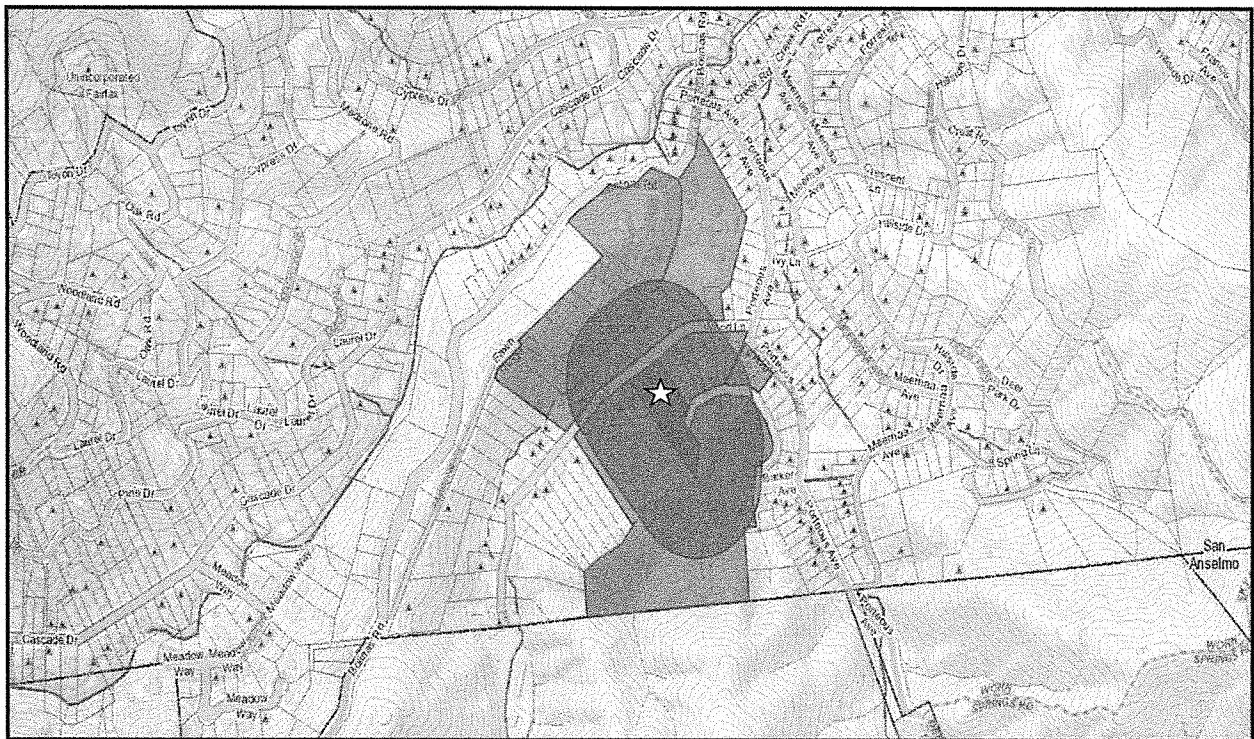


**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** April 26, 2017  
**FROM:** Linda Neal, Principal Planner  
**LOCATION:** 39 Wood Lane; Assessor's Parcel No. 002-081-04  
**ZONING:** Residential Single-family RS 6 Zone  
**PROJECT:** Single-family residence, accessory dwelling unit, carport and storage shed  
**ACTION:** Hill Area Residential Development, Design Review and Excavation Permit and Fence Height Variance; Application # 17-14  
**APPLICANT:** Owen Donnelley  
**OWNER:** Same  
**CEQA STATUS:** Categorically exempt, § 15303(a)



**39 WOOD LANE**

## **BACKGROUND**

The 53,400-square-foot site is level at the front but slopes up at a 35% slope at the rear. There are 2 small groves of redwood trees and 1 lone redwood tree in the northern property corner while the rear, sloped portion of the site is vegetated with oak, bay and madrone trees.

The site was originally developed with a single-family residence some time prior to the Town's incorporation in 1931 but was legally converted to 2-units in 1953. In 2005 a large slide occurred and significantly damaged the structure before continuing across the site to cover Wood Lane. The owner subsequently removed the damaged structure.

In 2013 the owner submitted an application to construct a single-family residence on the level front portion of the site at the base of the slide scarp. His proposal did not include plans to secure the slide area from further movement to protect the house site. The Town Engineer indicated that he would not recommend his support for the project that would result in a structure on the site without the slide being included for repair/stabilization. The owner withdrew the application in 2014.

## **DISCUSSION**

The new owner proposes the construction of a 2,573-square-foot, 4-bedroom, 2-bathroom, single-family residence, a 536-square-foot, 1-bedroom, 1-bathroom accessory dwelling unit, a 200-square-foot carport and a 100-square-foot storage shed. The project would include stabilization and drainage improvements to restore/stabilize the slide scarp.

### **Required Discretionary Permit(s)**

#### **Hill Area Residential Development (HRD) Permit**

Town Code § 17.072.020 requires that new homes in hillside areas obtain a Hill Area Residential Development (HRD) Permit if they have any of a list of characteristics. Specifically, Town Code § 17.072.020(A)(4) requires that an HRD permit be obtained if a property has over a 30% slope and a project proposed for the site will require the excavation and/or fill of 50-cubic yards or more of material. Town Code §17.072.020(B) requires that an HRD permit is required if a property falls within a landslide hazard zone as shown on Exhibit C, Open Space Element of the Fairfax General Plan. 39 Wood Lane has a 35% slope and the project will require the excavation/fill of 870-cubic-yards of material. The site also falls within a landslide hazard zone as shown on Exhibit 3, Open Space Element of the Fairfax General Plan. Therefore, the project requires the approval of an HRD permit.

## Excavation Permit

Town Code § 12.20.080 requires that “no permit to excavate or fill shall be granted where the application shows the excavation or fill to involve the movement of over 100-cubic-yards of material, unless and until approval of the application is given by action of the Planning Commission of the Town”.

The project would result in the movement of 870-cubic-yards of material to construct the house and repair the slide so the project requires the approval of an excavation permit by the Planning Commission.

## Design Review

Town Code § 17.020.030(A) requires that all new residences obtain a Design Review Permit from the Planning Commission. The project includes the construction of a new residence and is subject to the design review process.

The project would comply with the requirements of the Residential Single-family RS-6 Zone it is located in 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., 3 stories
Proposed	13 ft.	332 ft.	345 ft.	7 ft. & 13 ft.	20 ft.	.06	.07	14 ft, 1 story

The project would comply with all the setback, floor area ratio, height and lot coverage regulations in the RS-6 and therefore, would require no variances to code requirements except for the entry trellis proposed along the front property line which would exceed the permitted 4-foot front fence height limitation [Town Code § 17.044.080(B)(1)].

## HRD DISCUSSION

The purpose of the HRD Ordinance, Town Code § 17.072.010(B) is to: 1) Encourage maximum retention of natural topographic features such as drainage ways, streams, slopes, ridgelines, rock outcroppings, vistas, natural plant formations and trees; 2) Minimize grading of hillside areas; 3) Provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas; 4) minimize water runoff and soil erosion problems during and after construction; 5) prevent loss of life, reduce injuries and property damage and minimize economic dislocations from geologic hazards; and 6) Ensure that infill development on hillside lots is of a size and scale appropriate to the property and is consistent with other properties in the vicinity under the same zone classification.

The proposed development is consistent with the General Plan, other adopted codes and policies of the Town of Fairfax, and is consistent with the purpose and intent of the HRD Ordinance.

The site planning preserves identified natural features. The mature redwood trees in the northern corner of the property will be retained with only a small portion of the carport, a parking pad and a storage shed proposed within the drip-line of one of the redwood trees. Typical yard improvements such as mulched walkways and planting areas are proposed around the other redwood trees. Staff recommends that if the project is to be approved the following condition be placed upon the project to ensure the continued good health of the redwood trees:

An arborist report shall be submitted with the building permit application that assesses the health of the all the redwood trees at the front of the site and makes recommendations for mitigation measures to be put in place during and after construction to ensure the continued good health of the trees. The recommendations contained in the report are conditions of approval that must be complied with and the project arborist shall be on-site during any grading within the tree(s) drip lines.

The applicants have provided the following plans, report and survey information to address the HRD Code requirements and the Town Engineer's comments and concerns:

1. Architectural plans by Laura Mans Valles, pages A0.0, A1.0, A1.1, A2.0, A2.1, A4.0, A4.1, A4.2, A9.0, dated 3/2/17, and engineering plans by ILS Associates, Inc., Civil Engineering and Land Surveying, pages 1 through 4 dated 2/23/17, including the grading and drainage plan, slide repair plan, notes and details, best management practices and the partial site topography plan and the recorded survey by L.A. Stevens and Associates, Inc. dated November of 2015.
2. A geotechnical investigation report by Miller Pacific Engineering Group dated 4/22/15
3. A Vegetative Management plan, approved by the Ross Valley Fire Department on 1/7/17.

Plans to restore and stabilize the slide scarp include, laying the 1:1 slopes of the sides of the scarp back to a stable 2:1 slope, construction of a wood lagged soldier pier retaining wall at the head of the slide scarp that would vary in height from 4-feet to 10-feet with piers ranging from 8-feet to 11-feet in depth with associated back drainage, an extensive subdrain system that would start above the retaining wall, run the length of the scarp, continue underneath an earthen berm at the base of the slide scarp where the system would direct subsurface water to either side of the house, carport and garage structures to the street on the north side of the site and to a rock outlet dissipater on the south side of the site. Two reinforced grass lined swales would collect surface water and direct water flows to drop inlets on either side of the property with

one starting at the top of the earthen berm and taking surface flows to the northern side of the site and a second berm starting at the base of the berm and taking surface flows along the southern side of the property to the front of the site.

After reviewing the reports and based on the Town Engineer's extensive knowledge of the site, having inspected it immediately after the slide and several times since the slide including after the removal of the damaged structure, the Town Engineer has found that the site can be developed as proposed in compliance with the development standards of the HRD Ordinance. He has determined that development can occur without exposing neighboring properties and adjacent public roadway improvements to geologic, hydrologic or seismic hazards as long as the construction plans submitted for the building permit are designed for the 100 year flood and to comply with all the recommendations contained in the 4/22/15 Miller Pacific Geotechnical Report and include hydrologic calculations with the plans and calculations subject to review and approval of the Town Engineer prior to issuance of the building permit.

The project would not require the removal of any trees and the original stone wall that runs along the property frontage would be retained. The site above the slide area would remain in its natural state.

Planting the restored slide scarp with trees may result in the tree root systems damaging the sub-drain system beneath the repaired area. Therefore, staff has included a condition of approval limiting plantings within the sub-drain system area to native, drought tolerant bushes and have included a requirement that this condition and additional conditions requiring annual maintenance of the drainage system by the owners be recorded at the Marin County Recorder's Office prior to the start of construction.

### **Excavation Permit Discussion**

The amount of excavation and fill being proposed for the project is the minimum necessary to comply with the requirements of the geotechnical study by Miller Pacific Engineering Group dated 4/22/15. The proposed repair of the slide scarp is necessary to allow the safe development of the property without allowing a condition to continue that would pose geotechnical, hydrologic and seismic hazards to residents of the property, neighboring properties and adjacent public improvements. The cut and fill amounts are estimated to be almost equal so that there will not be much off-hauling of material from the site (see page 1 of 4 of the engineering plans for ILS Associates, Inc.).

### **Parking**

Town Code § 17.052.030(A)(d) and § (A)(2) require that 3 parking spaces be provided for residences with 3 or more bedrooms. Town Code § 17.052.010(D) requires that one of the spaces be a covered space and Town Code § 17.052.010(B) prohibits any

required parking spaces from being located within any side yard setback. Parking spaces are required to be a minimum of 9-feet by 19-feet in size.

The project would include the construction of a driveway, carport and 2 tandem parking spaces on the south side of the carport at the northern corner of the site. The carport and spaces are located out of the 5-foot, side-yard setback. An additional parking space for the accessory dwelling unit is provided parallel to the existing front wall. This space complies with the now obsolete Town Second Unit Ordinance, Town Code § 17.048.010 and will also comply with the accessory dwelling unit ordinance being proposed for adoption by the Town Council at a future date to bring the Town Code into compliance with the new state laws regulating Accessory Dwelling Units within California (see note below). Therefore, the proposed parking plan would comply with the Town Parking Ordinance and the anticipated Town Code ordinance regulating parking for accessory dwelling units.

Note: To address California's shortage of housing the California Legislature approved Assembly Bill 2299, Senate Bill 1069 and Assembly Bill 2406. These statutes limit local authority to regulate second units. Assembly Bill 2299 became effective on January 1, 2017 and rendered all noncompliant local ordinances null and void until and agency adopts an ordinance that compliance with Government Code Section 65852.2.

## **Design Review**

The single-story residence and associated accessory buildings have been designed with flat rooflines similar to the residence to the northeast at 31 Wood Lane, horizontal, blackened shiplap siding with siding accents added out of horizontal cedar siding with a natural stain. The fascia boards, accent arbor support posts and the roof soffit will also be of cedar. All the cedar will be stained a natural color with Penofin Verde, an environmentally friendly wood stain.

The articulation of the structure is further increased by the inclusion of different sized and shapes windows throughout the structure design.

The front entryway decking, side and rear decking and the decking that connects the house to the accessory unit and the deck off the accessory dwelling unit will be of thermally treated and stained ash wood.

The carport would be constructed of cedar posts with blackened wood fascia and a standing seam metal roof to match the house while the storage shed would have stained cedar siding, also to match the house.

As indicated above the parking complies with the Town Code and will not result in vehicles entering or existing the site in a manner that will create a significant hazard for pedestrians or other vehicles utilizing Wood Lane.

The proposed development would comply with the Design Review Criteria set forth in Town Code §17.20.040 as follows:

The landscaping plan would maintain most of the site in a natural wooded state but does include various fruit trees, areas of groundcover, a vegetable garden, 2 lawn areas and pathways throughout the site at the front of the site. The Building Official has indicated that the Uniform Building Code would require any pathway that constitutes emergency egress for the residence or the accessory dwelling unit must be of a slip and trip resistant solid surface. Wood chips do not meet this code requirement. Therefore, staff included a recommended condition addressing this. The landscaping plan would have to be reviewed and approved for compliance with Marin Municipal Water District requirements of District Code Title 13, Water Conservation prior to issuance of the project building permit.

The architecture and proposed exterior materials and finishes along with the use of windows of varied shapes and sizes shall 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 would be a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.

The proposed development would conform to the Town Parking Ordinance and would not create any traffic hazards for the public or for neighboring properties.

Sufficient variety would be incorporated into the design of the structures and grounds to avoid monotony in external appearance.

House sizes in the Wood Lane neighborhood vary in size from a 618-square-foot, 1-bedroom, 1-bathroom residence on a 22,500-square foot parcel (59 Wood Lane) to a 4,793-square-foot, 6 bedroom, 3.5-bathroom, house on a 19,798-square foot parcel (15 Wood Lane). Therefore the size and design of the proposed 2,573-square-foot, 4-bedroom, 2-bathroom structure is in proportion to its 53,400-square-foot building site.

The structure conforms to the general character of other structures in vicinity insofar as the character can be ascertained.

The entire rear of the site, except for the stabilized slide scarp will be retained in its natural state so a significant area of the site natural features, including trees, shrubs, creeks and rocks, and the natural grade are to be retained.

The off-street parking is accessible with respect to traffic on adjacent streets.

## **Fence Height Variance**

Town Code § 17.044.080(B)(1) limits the height of fences to 4-feet in height not to exceed that height at any point. The project would include an entry arbor that reaches 8-feet in height.

Staff understands through research that the original purpose of the front fence height limitation as being designed to avoid the streets and neighborhoods of Fairfax becoming long corridors of 6-foot high fences that would change the small town character of Fairfax's streets and be visually unappealing. Because Fairfax is so beautiful and wooded, there are a lot of deer and residents struggles to keep the deer from eating landscaping plants. Some residents believe the way to deal with this deer behavior is construct 6-foot or taller fences around their entire properties. The Town Council voted to limit the height of front yard fences to 4-feet to avoid this phenomenon when the updated zoning ordinance was adopted in 1973.

The proposed arbor design feature would not block any views of the house or the site nor would it create a visual barrier that would result in an unsafe condition. Similar arbor entryways are found throughout Fairfax and approving a variance to allow this fence would not be a grant of special privilege. Staff supports the requested variance.

## **Other Agency/Department Comments/Conditions**

### **Ross Valley Fire Department**

1. Project requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. The system will require a permit from the Fire Department and the submittal of plans and specifications for a system submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
2. 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.
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.

8. Per the approved vegetative management plan, the bamboo along the western side property line must be removed due to the properties location within the Wildland Urban Interface Zone.

### **Marin Municipal Water District**

1. A high pressure water service permit is required for this project.

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

3. 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.

4. Comply with 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**

1. 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.

### **Building Department**

Any pathways providing an emergency egress route for either the house or the accessory dwelling unit, as required by the Uniform Building Code, must have a slip and trip resistant surface with the material being approved by the Building Official. These routes must be identified on the building permit submittal plans.

### **Public Works Department**

Unused driveway/curb cuts shall be removed and the sidewalk area shall be restored in compliance with the Uniform Building Code. The Public Works Manager shall inspect the sidewalk forms prior to the concrete pour.

### **Fairfax Police Department**

The Police Department nor the Public Works Department had any comments or conditions for the project.

### **RECOMMENDATION**

1. Conduct the public hearing.
2. Move to approve application # 17-14 by adopting Resolution No. 17-17 setting forth the findings and conditions for the project approval.

### **ATTACHMENTS**

Attachment A – Resolution No. 17-17

Attachment B – 4/22/15 Geotechnical Report by Miller Pacific Engineering Group

Attachment C – applicant's supplemental information

## RESOLUTION NO. 17-14

### **A Resolution of the Fairfax Planning Commission Approving Application No. 17-14 for a Hill Area Residential Development, Design Review and an Excavation Permit and Fence Height Variance for a New Single-family Residence, Carport, Accessory Dwelling Unit and Storage Shed and to Repair and Stabilize an Existing Slide at 39 Wood Lane**

**WHEREAS**, the Town of Fairfax has received an application from Owen Donnelley to construct a 2,573-square-foot, 4-bedroom, 2-bathroom residence, carport and storage shed; and

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on April 26, 2017, at which time the Planning Commission determined that the project complies with the Hill Area Residential Development Overlay 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 Hill Area Residential Development, Design Review and Excavation Permits and a Parking Variance; and

**WHEREAS**, the project has been designed to comply with all the setback, floor area ratio, height and lot coverage regulations of the RS-6 Zone District and stabilizes an old slide scarp while minimizing any disturbance to the remaining hillside and has been found to comply with the following 2010-2030 Fairfax General Plan Policies, Goals and Objectives:

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-4.1.3: New and renewed development shall comply with all regulations encompassed in the California and Uniform Building Codes intended to reduce potential damage and threats to the public's health, safety and welfare in the event of an earthquake.

Policy LU4.1.4: New and renewed development shall be designed to minimize run-off in a manner that does not cause undue hardship on neighboring properties.

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.

Policy S-2.1.4: Ensure that new developments or substantial improvements are designed to reduce or eliminate future flood damage.

**WHEREAS**, the Commission has made the following findings:

**Hill Area Residential Development**

1. The proposed development is consistent with the General Plan and the Residential RD-6 Zone regulations.
2. The site planning preserves identified natural features as much as possible while also complying with other agency and department regulations.
3. Vehicular access and parking are adequate.
4. The proposed development harmonizes with surrounding residential development and meets the design review criteria contained in Town Code § 17.020.040.
5. The approval of the Hill Area Residential Development permit for 1 single-family residence on this 53,400-square-foot parcel shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
6. The development and use of the property as approved under the Hill Area Residential Development Permit will not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
7. Approval of the proposed Hill Area Residential Development permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the Town.
8. Approval of the Hill Area Residential Development permit will result in equal or better development of the premises than would otherwise be the case; and

**Excavation Permit**

**WHEREAS**, The Town Engineer has reviewed the following plans and reports and has determined the project can be constructed, with certain conditions of approval, without creating any hazards:

1. Architectural plans by Laura Mans Valles, pages A0.0, A1.0, A1.1, A2.0, A2.1, A4.0, A4.1, A4.2, A9.0, dated 3/2/17, and engineering plans by ILS Associates,

Inc., Civil Engineering and Land Surveying, pages 1 through 4 dated 2/23/17, including the grading and drainage plan, slide repair plan, notes and details, best management practices and the partial site topography plan and the recorded survey by L.A. Stevens and Associates, Inc. dated November of 2015.

2. A geotechnical investigation report by Miller Pacific Engineering Group dated 4/22/15

Based on the Town Engineer's review and recommendation that the project can be safely constructed, the Planning Commission finds that:

1. The health safety and welfare of the public will not be adversely affected;
2. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work;
3. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work;
4. The amount of the excavation or fill proposed is not more than that required to allow the property owner substantial use of his or her property;
5. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;
6. Natural landscaping will not be removed by the project more than is necessary; and
7. Town code § 17.072.090(c)(4) prohibits grading of hillside properties from October 1<sup>st</sup> through April 1<sup>st</sup> of each year. Therefore, the time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes.

**WHEREAS**, the proposed arbor is a design feature that does not create a solid visual barrier or block any significant view corridor, the Commission has approved the fence height variance to allow the 8-foot arbor to be included in the fence design based on the following findings:

1. The large 150-foot length of the property frontage is the special circumstance applicable to this site that warrants an exception to the 4 foot front fence height limitation, allowing the applicant the ability to break up the monotony of the fence frontage with an arbor design feature.
2. Similar arbors over entryways and even driveway have been granted by the Commission in the past and can be found throughout Fairfax within the residential neighborhoods. Therefore, the variance will not constitute a grant of

special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.

3. The strict application of this title would result in excessive or unreasonable hardship by limiting the ability of the owner to break up the monotonous façade of the 150-foot long front fence.
4. The arbor is in a location where it will not obstruct vehicular or pedestrian visibility within the adjacent public roadway and therefore, the granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

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

1. The project approval is limited to the project depicted in the Architectural plans by Laura Mans Valles, pages A0.0, A1.0, A1.1, A2.0, A2.1, A4.0, A4.1, A4.2, A9.0, dated 3/2/17, and engineering plans by ILS Associates, Inc., Civil Engineering and Land Surveying, pages 1 through 4 dated 2/23/17, including the grading and drainage plan, slide repair plan, notes and details, best management practices and the partial site topography plan and the recorded survey by L.A. Stevens and Associates, Inc. dated November of 2015.

2. Prior to issuance of any of the building permits 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 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 or 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 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.
  - 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 Department, Marin Municipal Water District and the Ross Valley Sanitary District noting the development conformance with their recommendations.
  - g. Submit 3 copies of the record of survey with the building permit plans.
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 remaining 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. Prior to issuance of an occupancy permit, the following shall be completed:
- a. The geotechnical engineer shall field check the completed project 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.

b. The Planning Department and Town Engineer shall field check the completed project to verify that all and planning commission conditions and required engineering improvements have been complied including installation of landscaping and irrigation prior to issuance of the certificate of occupancy.

5. Excavation shall not occur between October 1st and April 1<sup>st</sup> 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 # 17-14. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 17-14 will result in the job being immediately stopped and red tagged.

8. Any damages to the public portions of Wood Lane, Porteous Avenue 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 or by the Town Engineer may be eliminated or amended with that agency's or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.

### **Town Engineer**

1. The project engineer shall submit the hydrology calculations based on the 100 year flood used to design the final grading and drainage plans.

2. The final grading and drainage plans shall be subject to review and approval by the Town Engineer.

3. Only drought tolerant native shrubs shall be planted within the slide repair and sub-drain area. A deed restriction documenting this condition and the condition that the owner must perform annual maintenance of the slide and property sub-drain system shall be recorded at the Marin County Recorder's Office prior to the project final inspection. The document shall be subject to review and approval by the Town Engineer prior to recordation.

### **Ross Valley Fire Department**

1. Project requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. The system will require a permit from the Fire Department and the submittal of plans and specifications for a system submitted by an individual or firm licensed to design and/or design-build sprinkler systems.

2. 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.

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.
8. Per the approved vegetative management plan, the bamboo along the western side property line must be removed due to the properties location within the Wildland Urban Interface Zone.

#### **Marin Municipal Water District**

1. A high pressure water service permit is required for this project.
2. The plans must comply with all the indoor and outdoor requirements of District Code Title 13, Water Conservation. Plans must be submitted to the District and be approved.
3. 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.
4. Comply with 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**

1. 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.

## **Building Department**

1. Any pathways providing an emergency egress route for either the house or the accessory dwelling unit, as required by the Uniform Building Code, must have a slip and trip resistant surface with the material being approved by the Building Official. These routes must be identified on the building permit submittal plans.

## **Public Works Department**

1. Unused driveway/curb cuts shall be removed and the sidewalk area shall be restored in compliance with the Uniform Building Code. The Public Works Manager shall inspect the sidewalk forms prior to the concrete pour.

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

The approval of the Hill Area Residential Development, Design Review and Excavation Permits and Parking Variance are 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 26<sup>th</sup> day of April, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

\_\_\_\_\_  
Chair, Fragoso

Attest:

\_\_\_\_\_  
Linda Neal, Principal Planner

## **MEETING HRD OVERLAY ZONE DEVELOPMENT STANDARDS FOR PROPOSED DEVELOPMENT AT 39 WOOD LANE FAIRFAX CA**

The proposed development at 39 Wood Lane complies with the HRD OVERLAY ZONE DEVELOPMENT STANDARDS of the Fairfax Zoning Ordinance. The project includes a main residence with second unit, carport and shed.

Landscaping shall minimally disturb natural areas and shall mostly be compatible with native plant settings. In the level area of the lot, all of the existing mature redwoods will remain. There will be no paved surfaces, paths will be permeable and the 4 parking spots, as required, will be gravel. The forested upslope area that comprises the majority of the lot, will be undeveloped.

In 2005 there was a land slide that left a large scarp on a part of the sloped forested area. Miller Pacific Engineering Group, produced a Geotechnical Report for the site development and scarp repair at 39 Wood Ln. The proposed repair places sub drainage in the area above the scarp along with a soldier pile wood lagging retaining wall at the top of the scarp to stabilize soils that are most prone to a future slide. The sides of the scarp will be gently graded and there will be a catchment berm at the bottom. This repair, along with grading around the structures, will bring the net import/export of fill to nearly zero while providing the required safety and proper drainage for the site. Grading shall be sculpted and contoured to blend with natural terrain.

ILS, the Civil Engineer has also prepared erosion control measures along with the grading and drainage plan to mitigate runoff and soil erosion. No initial grading shall be done during the rainy season from October 1st through April 1st.

## **MEETING THE DESIGN REVIEW CRITERIA OF THE FAIRFAX ZONING ORDINANCE PROPOSED DEVELOPMENT AT 39 WOOD LANE FAIRFAX CA**

The proposed development at 39 Wood Lane meets the design review criteria set forth in section 17.020.040 of the Fairfax Zoning Ordinance.

This is a project for the development of a single story residence for a family of 6 with a second unit located behind the main residence for an elder Parent. The proposed residence has a similar flat roof line as its immediate neighbor to the North West. All roof heights are less than 14ft, well below maximum allowable height of 28.5 ft for RS-6.

The Siding to be used is a blackened wood siding in the Japanese tradition of "shou-sugi-ban" (preserving wood by lightly charring surface) a process which makes it durable and fire and insect resistant. One can see natural character of wood, and the black coloring tends to let green of landscaping become more pronounced. The facade will have a few areas of cedar wood slats, to provide screening and give texture. This screening, along with a trellis, windows, and changes in depth, will give the facade variety and architectural interest.

The existing concrete block wall at the front property line will remain, with a cutout for new driveway. For portion of front property line that has no existing fence a new wood fence will be added at same height as existing concrete wall.

This project uses natural materials with no paved surfaces, and the majority of the lot is left in its natural state. The front and back yard will be landscaped with ground covers, shrubs, and fruit trees. All existing mature redwoods will remain as a defining feature of the property. Exterior landscaping lighting will be directed downward along paths with a few lights highlighting existing mature redwood trees.

An existing scarp exists from a 2005 landslide. The proposed repair is detailed in the Slide Repair Plan prepared by ILS Civil Engineer and based on the Geotechnical Report prepared by Miller Pacific Engineering Group. The proposed repair allows the site to be safely developed and minimizes the need to import large quantities of fill by constructing a retaining wall at the top of the scarp, grading sides, and placing a berm at the bottom. The area above the proposed retaining wall will have sub drains to keep hydrostatic pressure low.

There will be the required 4 parking spaces for this project, including one covered carport.