

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

TO: Fairfax Planning Commission
DATE: August 17, 2017
FROM: Linda Neal, Principal Planner
LOCATION: 64 Cypress Drive; the eastern portion of Assessor's Parcel No. 003-201-25, also designated as lot 56 of the subdivision "Map No. 1 of the Cascades"
ZONING: Residential Single-family RS-6 Zone
PROJECT: Conversion of a barn to a single-family residence
ACTION: Design Review Permit; Application # 17-31
APPLICANT: Ingrid Schoenlank, Architect
OWNER: Anne Lamott
CEQA STATUS: Categorically exempt, §15301(e)(1)



64 CYPRESS DRIVE

BACKGROUND

The 8,394-square-foot lot 26 is the eastern portion of Assessor's Parcel No. 003-201-25 and it is relatively level with a 7% average slope. The site has been used as yard area for the residence at 68 Cypress Drive since the residence at 68 Cypress Drive was constructed in 1921 prior to the Town's incorporation in 1931. The barn structure at the northeast corner of the lot was built with a building permit in 1976. An unpermitted shed shade structure was added to the barn sometime after 1976 without the required building permit.

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

Lot 56 was never merged with lot 57 (where the residence at 68 Cypress Drive is located) and the lot is a separate property under the California Subdivision Map Act. In 1984 the Town merged many parcels that did not comply with the minimum lot size and width requirements, using the California Subdivision Map Act Statutory Merger regulations. Those regulations allowed the Town to merge substandard adjacent properties that were under common ownership as long as one of the lots was under 5,000 square-feet in size and as long as one of the lots was undeveloped with any structure that was built with a building permit. Since both lots 56 and 57 were developed with structures for which the Town had issued building permits, a forced "statutory" merger by the Town was not possible. The regulations for statutory mergers are the same today (Town Code Chapter 16). The only way the lots could be combined into one property is if the owner agreed to a voluntary merger. The significance of lots 56 and 57 being separate properties under the Subdivision Map Act is that they can be sold separately although the owner has no intention of selling the project site at this time.

DISCUSSION

The project encompasses remodeling and expanding the barn into an 803-square-foot, 2-bedroom, 1-bathroom, single-family residence and constructing a 240-square-foot carport and driveway.

The project complies with the Residential Single-family RS-6 Zone District where the property 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.	6 ft.	25 ft.	5 ft. & 5 ft.	15 ft.	.40	.35	28.5 ft., 2 stories
Existing	45 ft.	8 ft.	53 ft.	6 ft. & 16 ft.	22 ft.	.08	.29	17 ft., 2 stories
Proposed	19 ft.	8 ft.	27 ft.	6 ft. & 16 ft.	22 ft.	.10	.32	17 ft., 2 stories

The project complies with all the setback, height, lot coverage and floor area ratio regulations for the RS-6 zone.

Discretionary Permits

The project requires the approval of the following discretionary permits:

Use Permit

Town Code §1717.080.050(A) requires that projects on any property failing to meet the minimum 60-foot lot width requirement require the review and approval of a Use Permit by the Planning Commission. This project site is only 50-feet wide so it requires a Use Permit from the Planning Commission.

In order to approve a Use Permit for a project the Planning Commission must be able to make the following findings [Town Code §17.032.060(A) through (D)]:

- A. 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.
- B. 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.
- C. 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 any Master Plan, or other plan or policy, officially adopted by the City.

- D. 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.

In 1973 the Town of Fairfax adopted a new zoning ordinance, Ordinance 352, increasing the minimum parcel size and widths and increasing the setbacks for all its residentially zoned properties. This resulted in over 75% of the Town's properties becoming legally non-conforming. At that time they also included language in the Code that required any improvements on non-conforming lots be approved via Use Permit or Hill Area Residential Development HRD permit. Since 1973 the Planning Commission has routinely granted Use Permits for projects on non-conforming properties when they would not significantly impact the neighbors. Therefore, granting this use permit to convert and expand the barn structure, which would comply with all the zoning regulations, will not have a significant negative impact on the surrounding properties.

Residences in the neighborhood on similar sized properties range in size from a 975 square-foot, 2-bedroom, 1-bathroom residence on a 4,662-square-foot property (14 Cascade Drive) to a 2,160 square-foot, 2-bedroom, 3-bathroom residence on an 8,006-square-foot property (68 Cypress Drive). The house, while it would be one of the smallest in the neighborhood, would be set back from the roadway behind the garage, greenhouse and swimming pool where its small size would not be discernable. Therefore, the proposed 803 square-foot, 2-bedroom, 1-bathroom, single-family residence and 240 square-foot carport and driveway will not be out of character with the surrounding neighborhood.

Design Review

Town Code 17.020.030(A) requires that new residences and alterations that constitute 50% remodels require the review and approval of a Design Review Permit by the Planning Commission.

In order to approve a Design Review Permit, the Commission must be able to find that a project complies with the design review criteria set forth in Town Code §17.020.040.

The project retains the "barn" like architecture by including only minor exterior changes to the exterior of the structure including the construction of a 209 square-foot, bedroom and bathroom addition with a shed roof onto the west side of the existing barn, replacement of the first floor barn doors and second story hayloft doors with windows, installation of an entry door on the south side of the building and the installation of 2 new windows on the east side of the barn. The existing skylight windows in the roof of the barn would be replaced.

The new residence siding will be board and batten HardiePlank in HardiePlank "Cobblestone" color with Hardieplank window and door trim and doors in Hardieplank "Artic White". The roofing material will be dark grey asphalt shingles.

The garage would be a prefabricated structure by Summerwood Products that would be painted to match the Hardieplank colored siding and trim of the residence but would have horizontal cedar siding. Staff has included a condition in the attached Resolution No. 17-29 that the applicants make every effort to match the garage siding to the board and batten siding on the new residence and must provide a letter to staff from Summerwood Products that they are unable to provide board and batten siding if the garage continues to be sided with standard horizontal cedar siding.

The site is already landscaped as it is currently used as yard area for the residence at 68 Cypress Drive. No substantive changes are proposed to the existing landscaping, therefore the applicants have not submitted a new landscaping plan.

The proposed changes help articulate the exterior of the residence and, along with the proposed board and batten wooden siding, result in the project creating a well composed design that will relate harmoniously with the other structures in the area and with the proposed 1-car garage

The proposed development would be of a quality and character that would serving to protect the value of, private and public investments in the immediate area.

There would be sufficient variety in the design of the residence and garage to avoid monotony in external appearance.

The project would be developed with three parking spaces, one in the garage and two in the driveway in front of the garage. The spaces in the driveway are only 18 feet deep and Town Code § 17.052.040(B)(2) requires standard parking spaces to be 19 feet deep. Staff has included a condition in the attached Resolution No. 17-29, that the driveway spaces be increased to a conforming 19-foot depth on the building permit plans. With this condition, the project will comply with the minimum required number of parking spaces for a two-bedroom, single-family residence as is set forth in Town Code §§ 17.052.030(A)(1)(c) and (A)(2).

Note: the revised driveway plan required to provide the required 19-foot deep parking spaces in the driveway will increase the front setback between the front property line and face of the garage by 1 foot but will not result in the creation of any non-conformities.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department

The new construction must comply with Chapter 7A of the California Building Code regulating development in the Wildland Urban Interface Zones, the owner must comply with Ross Valley Fire Department Fire Protection Standard 220 for Vegetation/Fuels Management, smoke and carbon monoxide detectors and address numbers must be

installed per International Fire Code regulations and a fire sprinkler system shall be installed in compliance with the National Fire Protection Association 13-D and local standards.

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

The project must comply with all the indoor and outdoor requirements of District Code Title 13, Water Conservation, meet the District's backflow prevention requirements, comply with the District Ordinance 429 requiring the installation of gray water recycling systems and complete a High Pressure Water Service Application prior to issuance of the occupancy permit.

Ross Valley Sanitary District

A Sanitary District sewer connection permit is required prior to the project final inspection and issuance of an occupancy permit for the residence.

Fairfax Public Works Department

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

Fairfax Police and Building Departments

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

RECOMMENDATION

1. Conduct the public hearing on the project.
2. Move to approve application # 17-31 by adopting attached Resolution No. 17-29 setting forth the findings and conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 17-29

Attachment B – Applicant's supplemental information

RESOLUTION NO. 17-29

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

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

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

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary to approve the Use Permit; and

WHEREAS, the Commission has made the following findings:

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

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

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

The proposed development will create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.

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

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

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

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

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

Conditions of Approval

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

1. This approval is limited to the development illustrated on the amended plans prepared by Ingrid Schoenlank, Architect, pages A0.00, A0.11, A1.00, A1.10, A1.30, A2.00 and the site survey by Douglas J. Scranton, Licensed Land Surveyor.
2. Prior to issuance of the building permit for the project the applicant or his assigns shall:
 - a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:
 - Construction delivery routes approved by the Department of Public Works.
 - Construction schedule (deliveries, worker hours, etc.)
 - Notification to area residents
 - Emergency access routes
 - b. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction delivery routes (routes must be approved by Public Works Director).
 - c. Submit a cash deposit, bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible damage to public roadways. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.
 - d. The foundation shall be designed by the architect certified to design such plans in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the project engineer and submitted to the satisfaction of the Town Engineer or Building Permit Plan Checker.

- e. The grading and drainage elements shall also be stamped and signed by the project architect.
 - f. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Authority, Marin Municipal Water District and the Ross Valley Sanitary District noting the development conformance with their recommendations.
3. During the construction process the following shall be required:
- a. The Building Official shall field check the concrete forms prior to the pour.
 - b. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.
 - c. Any proposed temporary closures of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
4. The project architect shall field check the completed project prior to issuance of the occupancy and submit written certification to the Town Staff that the foundation, grading and drainage elements have been installed in conformance with the approved building plans.
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 # 17-28. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 17-28 will result in the job being immediately stopped and red tagged.
8. Any damages to the public portions of Willow 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, 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 the written approval of the agency, the Town Engineer or the other Department to the Planning and Building Services Department prior to issuance of the building permit.

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

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

Ross Valley Fire Department

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

15. The owner must maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth in compliance

with Ross Valley Fire Department Fire Protection Standard 220, Vegetation/Fuels Management.

16. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of 1 detector on each story of the occupied portion of the residence.

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

18. Address numbers at least 4 inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.

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

20. A fire sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system with plans and specifications for the system submitted to the Ross Valley Fire Department by an individual or firm licensed to design-build sprinkler systems.

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

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

Marin Municipal Water District (MMWD)

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

24. The District's backflow prevention requirements must be met and if installation of a backflow device is required, the device shall be tested/inspected and be

approved by a District Inspector prior to the project final inspection and issuance of the occupancy permit.

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

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

Ross Valley Sanitary District

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

Fairfax Public Works Department

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

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

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

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

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

AYES:

NOES:

ABSTAIN:

Chair Fragoso

Attest:

Ben Berto, Director of Planning and Building Services

✓
SUPPLEMENTAL QUESTIONNAIRE & DRB APPLICABILITY

DESIGN REVIEW

For Commercial, Planned Developments, Hillside Residential and Multiple Family Design Review: (Include brand and number for all finish and/or paint colors.)

1. Exterior finish: Hardie Board Plank Smooth Color - Cobble
2. Proposed exterior wall color(s): Cobble stone (Hardie plank) Artic white
3. Proposed exterior trim color: Artic white trim
4. Proposed exterior window color: Artic white
5. Proposed roof material and color: Asphalt Shingles - dark gray
6. Special features: _____
7. Lot Coverage: 4%
8. Number of existing parking spaces and their sizes: none
9. Number of proposed parking spaces and their sizes: 3 - ~~2~~ 1 covered
2 - 9'x19' open 11x29

DESIGN REVIEW APPLICABILITY

1. Hillside Design Review (in a ridge line)

All new dwellings located on hillside properties and all additions on properties located in a ridgeline scenic corridor (which include deck and stairway structures) shall require design review.

Additions and accessory structures may be exempt from design review where the applicant demonstrates, through the use of story poles, plans and photo montages, that an accessory structure or addition will have no impact on significant view corridors due to the proposed location of the structure in relation to existing improvements. Project exemption shall be determined by the Fairfax Planning Director.

2. Multiple family Design Review

Multiple family residential units of three (3) or more and additions to structures located in the Multiple Family RM Zone.

3. 50% remodels of additions to residential properties

Use Permit Applications - Additional information required.

- A written description of the proposed use, major activities, hours of operation, number of employees on the premises during the busiest shift and when the busiest shift is expected and other information pertinent to the application.
- Floor plans must include location of any special equipment.
- Designate customer, employee and living areas.
- If different uses are included in this activity, for example storage, retail, living space, etc. Indicate square footage of each proposed use.

In order to approve your project, the Planning Commission must make findings of fact which state that the project will not have a negative impact on the general public welfare, conforms with the policies of the Town, does not create excessive physical or economic impacts on adjacent property and provides for equal treatment with similar properties in Town.

In the space below, please provide any information which you feel is relevant to these issues and which further explains your project.

The owner would like their slightly narrower lot to be separate with its own parking. It will improve the parking on the street.

The final disposition of each use permit shall be in accordance with the facts of the particular case, and such facts must support the following determinations and findings before a use permit may be approved. Indicate how the findings below can be made:

- 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.

The lot exists and the structure that is to be rebuilt does not encroach on anyone or anything.

- The development and use of property, as approved under the use permit, shall not create a public nuisance, 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, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

The ~~is~~ slightly narrow lot will not create a public nuisance. It is short by a couple of feet.

- 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 any master plan, development plan or other plan or policy, officially adopted by the town.

The slightly narrow lot will not affect the master plan.