

gently downsloping until the rear of the property, close to San Anselmo Creek beyond the south side of the parcel.

Design Review is required for a new residence, and a Use Permit is required since the 55' lot width falls below the 60' minimum lot width for the RS-6 Zoning District.

DISCUSSION

The applicants are proposing a new, 2-story, 3-bedroom, 2½ bath, 2,395 square-foot residence with an attached 530 square-foot (30 net square feet) garage (2,425 net building square feet) on a level 6,362 square-foot vacant lot. Although the lot doesn't border directly on San Anselmo Creek, the neighbor across the creek who does own the creek frontage is precluded from effective use of the applicants' side of the creek by the limited area and intervening creek.

Independent of the garage area, the residence will contain 985 square feet on the first floor and 1,410 square feet on the second floor. Maximum proposed building height is 28.5 feet, with a 10-foot east side setback, a 5-foot west side setback (15-foot combined sideyard setback), a 40-foot front yard setback, and an approximately 29-foot rear setback to an attached second-story deck.

The new building will be constructed with WUI-compliant materials including Hardie-plank board and batten siding, asphalt composition shingle roofing, Ipe wood decking, and fiberglass-framed windows. Trim and siding are proposed to be offwhite, black window frames, dark grey roofing, a gravel driveway, and india bluestone entry pavers. No protected trees of a protected species are proposed to be removed. A landscape/vegetative management plan has been provided, as has a geotechnical report. With the exception of an inset 8-foot deep by 11-foot 9-inch wide entry porch, no building articulation is proposed.

The proposed complies with the Residential RS-6 Zone District requirements 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
Proposed	40 ft.	Approx. 35 ft.	Approx. 75 ft.	6 ft. & 9 ft.	15 ft.	.38	.33	28.5 ft., 2 stories

Discretionary Permits

Design Review Permit

Town Code § 17.020.030(A) requires Design Review Permit approval from the Planning Commission prior to the physical improvement of any undeveloped site.

The residence, although large relative to the neighborhood, generally would be harmonious with other residences in the area, with two caveats. The first is the building lacks sufficient articulation, and the second is the overall height is somewhat excessive.

In terms of articulation, the design of the building is very efficient in minimizing lot coverage for a given square footage. It achieves this by stacking the second story in line with the first, resulting in a boxy appearance. To address this issue from the primary (street) viewpoint, and also from the closest (westerly) neighbor, staff recommends that the west side of the building at the two upstairs guest bedrooms be jogged in 2 feet. This will articulate the mass of the building from both the front and west neighbor's view. While it will reduce the size of the bedrooms somewhat, the reductions are modest and should not impact the functionality of the rooms.

The height issue is somewhat more involved. The zoning ordinance allows a maximum of 28.5 feet in height, with which this project technically complies. However, new structures are subject to Design Review, which allows review of building aspects beyond zoning maximums.

The story poles show that the structure appears overly tall and looming, somewhat beyond what is necessary for a two story building on a level lot. Staff appreciates that the design is well set back from the street. From prior discussions, the applicant has moved the building an additional foot away from the west property line. However, the proposed height appears at least 3 feet higher both at the ridge and side than what is necessary or desirable either functionally or aesthetically.

The applicants are fortunate that the lot functionally opens to the creek in the rear, therefore the height in that direction is not critical. Staff recommends the approximate front half of the building be reduced in maximum height and eave height by three feet below what is currently proposed.

Staff believes that the height reduction could be relatively easily achieved a variety of ways, including:

- 1) Reduce the floor-to-ceiling height of at least the garage, entry, and porch portions of the house from 9'6" to 8'6" (a one-foot reduction)
- 2) Reduce the floor-to-ceiling heights of the two guest bedrooms, guest bath, stair landing, and front deck by two feet. Cross-section B on plan sheet A4.0 shows that there is ample headroom for these rooms, particularly given that there are two risers up to the master bedroom finished floor level from the front part of the house.

Staff does not consider the proposed 28.5-foot building height in the rear half of the building as problematic, since the closest neighbors' residence (to the west) features blind walls on rear east-(project) facing portion of their house. However the 3-foot reduction in overall height at the front of the house is important to result in a residence that is harmonious with the neighborhood and the height of the two-story westerly neighbor's residence (to say nothing of the single-story east neighbor's house).

In addition to the height reduction at the front of the house, staff has also discussed with the applicant and is recommending in the conditions preserving the existing Pittosporum hedge on the west side property line, since it will provide important screening between the two properties. The Fire Department considers retaining the hedge acceptable as long as it is discontinuous. The applicant has shown with orange spray-painted "X's" on the ground where the hedge is proposed to be removed, in front of the blind wall rear portion of the west neighbor's residence.

The smaller "guest bedroom 02" is proposing windows that directly face into an upper story window on the west neighbor's house. Insofar as the bedroom window with limited height above floor level is necessary for fire egress, staff recommends that the windows feature obscured glass up to a height 6 feet above the finished floor elevation to provide privacy to that neighbor's room.

Another privacy option, if the Commission does not believe that the west side of the residence needs to be articulated 2 feet in the full distance of both bedrooms, would be to only jog the front bedroom ("guest bedroom 01") back 2 feet. Bedroom 2's egress window could then be installed in the newly-created north-facing exterior wall to provide an egress window. The proposed west-facing windows on guest bedroom 2 could then be converted to non-operable or awning- or hopper-style obscured glass windows, or raised to a minimum of 6 feet above the finished floor.

The last change recommended is to include a native tree in the front yard area landscaping. The mature Sycamores(?) along Cascade Drive provide an outstanding overall streetscape ambience. However, the front yard landscaping consists of only low-growing plant that will not buffer what will still be a fairly tall residence even when lowered at the front. Staff therefore recommends a condition directing inclusion of a medium-height, fire-resistive, native species of the applicants' choice in the front yard.

It is noted that in response to staff suggestions, the applicants have modified their exterior lighting to designs that feature full illumination cutoffs when viewed from offsite. These are shown in Sheet T1.1 and exterior elevation sheets A3.0 and A3.1.

The table below provides a summary of lot sizes and slopes, as well as residence sizes, for homes in the immediate area. The house would be the largest of those on comparably-sized lots in the vicinity. However, given the open area to the rear, ample front setbacks, and with recommended changes, the residence will be harmonious with other residences in the neighborhood.

407 Cascade Drive – COMPARABLE HOUSE NEIGHBORHOOD HOUSE SIZES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
003-043-12	430 Cascade	6650	1968	2	2	280	.30
003-043-13	432 Cascade	6100	840	2	1	216	.14
003-043-14	434 Cascade	6500	1128	2	2	0	.17
003-043-15	444 Cascade	8100	1214	3	1.5	670	.17
003-043-16	402 Cascade	6800	1242	2	1	945	.24
003-043-17	396 Cascade	6800	1093	3	1	400	.16
003-044-09	407 Cascade	6350	730	2	1	0	.11
003-044-10	403 Cascade	6000	1214	4	1	0	.20
003-044-17	415 Cascade	7000	1028	3	2	240	.15
003-044-21	419 Cascade	7975	1719	3	2	389	.22
003-101-19	370 Cascade	6000	1354	2	1	548	.23
003-101-20	378 Cascade	5890	1290	2	1	364	.22
003-101-22	388 Cascade	6800	912	3	2	600	.15
003-102-01	397 Cascade	6720	1066	2	1	400	.16
PROJECT SITE - PROPOSED							
003-043-08	407 Cascade	6362	2395	3	2.5	530	.38

Note that for some of the properties FAR calculations include garage area in excess of 500 square-feet as required in Town Code § 17.008.020, Definition of Floor Area.

Use Permit

Town Code § 17.084.050 requires that a Use Permit be obtained from the Planning Commission prior to physical improvement of any site or structure failing to meet the minimum size or width requirements based on the site average slope. The project site is 50 feet wide with an average slope of less than 10 feet, while Town Code § 17.080.050 requires that such a property have a 60 foot minimum width.

The purpose of the Use Permit process is to ensure the integration into the Town and a neighborhood of uses in this case which are designed in a particular manner. In reviewing a use permit application, the Commission should analyze the surrounding sites and neighborhood and give due regard to the project's design and orientation to ensure that the public health, safety and welfare are protected.

The proposed residential use is consistent with underlying zoning standards such as setback, size, and height. The residence is also consistent with prior land use on the site and development in the neighborhood. The residence will only result in the removal of one non-native tree, and overall grading or other site disturbance is modest.

There are some concerns that the project needs to be amended to reduce its visual and privacy impacts.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department, Fairfax Police and Building Departments, Marin Municipal Water District and Ross Valley Sanitary District

Ross Valley Fire Department is requiring a separate Vegetation Management Plan for the project. Discussions with the Fire Inspector indicate that preservation of the Pittosporum hedge on the project site's west side property line is acceptable, provided that the hedge is discontinuous. The plans have been modified to reflect that change. resolution approving the project - Resolution No. 2018-022 (Exhibit A – attached).

MMWD has indicated that they will continue to provide water service to the site. No other agencies responded which is not surprising since the site has been previously developed.

RECOMMENDATION

1. Conduct the public hearing on the project.
2. Move to approve application # 18-21 by adopting attached Resolution No. 2018-22 setting forth the findings and conditions of approval for the amended project.

ATTACHMENTS

Attachment A – Resolution No. 2018-22

RESOLUTION NO. 2018-22

A Resolution of the Fairfax Planning Commission Approving an Amended Design Review Permit and Use Permit for a New Residence at 407 Cascade Drive

WHEREAS, the Town of Fairfax has received an application from Shawn and Allison Madden for a new, 2,395 square foot single family residence with an attached 530 square foot garage at 407 Cascade Drive; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on November 15th, 2018, at which time the Planning Commission determined that the proposed project as amended complies with the Town Zoning Ordinance; and

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission has determined that the project as amended meets the burden of proof required to support the findings necessary to approve the Design Review Permit and the Use Permit; and

WHEREAS, the Commission has made the following findings:

1. The proposed residence as amended meets the Town design criteria and therefore complies with the following 2010-2030 Fairfax General Plan Policies and Goals, Use Permit Findings 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 project as amended meets all applicable zoning standards.

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 project as amended will create a well composed design, harmoniously related to other residences in the immediate area and to the total setting.

The project as amended 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 project as amended has sufficient variety and articulation to avoid monotony in the external appearance.

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

The on-site parking is accessible and will have no significant impact on passing

vehicular or pedestrian traffic.

The approval of the amended project shall not constitute a grant of special privilege because the amendments will not change the compliance of the project with the setback, height, floor area ratio, lot coverage or parking regulations for the RS-6 Zone District where the property is located.

The project as amended will not cause excessive or unreasonable hardship to adjoining properties or premises or cause adverse physical or economic effects.

Approval of the project as amended not contrary to the objectives, goals or standards pertinent to the project and contained within the Zoning Ordinance.

WHEREAS, the Commission has approved the project subject to the applicant's compliance with all conditions set forth in this approval, as follows:

1. Except as amended by these conditions, this approval is limited to the plans prepared by Alden Architecture, consisting of 16 pages and dated received November 1, 2018.
2. Prior to issuance of the building permit for the project the plans shall be amended as follows:
 - a. The maximum height and eave height above existing grade of the front half of the building shall be reduced by 3 feet
 - b. The westerly side of the second floor of the building at the two guest bedroom shall be jogged in 2 feet relative to the first floor.
 - c. The windows on guest bedroom 2 shall feature obscured glass to a height of 6 feet above the finished floor elevation.
 - d. The existing Pittosporum hedge on the west property line shall be preserved except for the areas identified on the site to be removed to comply with Fire requirements. The hedge shall be allowed to grow to its natural height.
3. 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.

4. 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.

5. 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 # 18-21 or the approval of the Planning Director of minor changes that do not modify the intent of this approval. Any construction based on job plans that have been altered without the benefit of an approved modification by the Planning Commission or the Planning Director of Application 18-21 will result in the job being immediately stopped and red tagged.
8. Any damages to the public portions of Cascade Drive 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. The applicant must comply with all conditions imposed by an outside agency unless that agency waives its conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.

12. All exterior lighting shall be of "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

13. 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.

14. A Vegetation Management Plan designed in accordance with the Ross Valley Fire Standard @220 is required, and has to receive Fire approval prior the issuance of a Building Permit.

15. 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.

16. 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.

17. 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.

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

19. 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.

20. 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

- 21. The project shall comply with all requirements of District Code 13 – Water Conservation.
- 22. Indoor plumbing fixtures must meet specific efficiency requirements.
- 23. Backflow protection shall be installed as a condition of water service.

Other outside agency requirements

- 24. The applicant must comply with all outside agency conditions unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.

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

The approval of Design Review Permit and 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 with the required modifications 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 15th day of November, 2018 by the following vote:

- AYES:
- NOES:
- ABSTAIN:

Chair Mimi Newton

Attest:

Ben Berto, Director of Planning and Building Services