

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

TO: Fairfax Planning Commission
DATE: December 20, 2018
FROM: Linda Neal, Principal Planner
LOCATION: 6 Fawn Ridge Rd.; Assessor's Parcel No. 002-052-10
ZONING: Residential Single-family RS-6 Zone
PROJECT: Roof deck in Ridgeline Scenic Corridor
ACTION: Design Review and Ridgeline Scenic Corridor permits;
Application # 18-22
APPLICANT: Rich Rushton, Architect
OWNER: Elliott Fisher and Nancy Cochran
CEQA STATUS: Categorically exempt, § 15301(e)



6 FAWN RIDGE ROAD

BACKGROUND

The 14,400 square-foot site is mostly level but has an overall 17% average slope due to the steep grade at the rear down to Bolinas Road, with site being a street to street lot with frontage on both Fawn Ridge Road and Bolinas Road.

The site is developed with a 2,753 square-foot, 5 bedroom, 3 bathroom, residence and a 156 square-foot changing room located at the east end of a swimming pool. The house has an attached 2-car carport.

The residence, pool and changing room structure were built in 1955.

A building permit was issued on October 26, 2018 to allow a remodel of the residence, including conversion of the second floor to a 858 square-foot accessory dwelling unit and remodel of the lower floor to expand the kitchen into the kitchen nook area. The permit included the construction of 2 additional uncovered parking spaces parallel to the front property line adjacent to the Fawn Ridge Road right-of-way.

DISCUSSION

The project encompasses the installation of a sliding, glass door in the east wall of the second floor accessory dwelling unit, to access a new 924 square-foot roof deck. The deck railing will be of a stainless steel tubing with steel cable system. The resulting appearance is very open, which will minimize the visual impact of the deck on neighboring properties and from Oak and Toyon Roads across the valley and west of the site. The project site is visible from in certain locations from some houses and small sections of the public right-of-way.

The steel tube and cable design minimizes the visual impact of the proposed deck railing. There will be 2 outdoor lights, one by the sliding door and one on the chimney, and both fixtures will be dark-sky compatible downlights (Attachment B).

The applicants originally submitted plans for an approximately 1,470 square-foot roof deck that would have covered the entire lower floor. The applicant was advised that the proposed deck could have negative impacts on the neighboring property to the south at 8 Fawn Ridge because the deck would provide a view of that properties side and back yard area. The applicants responded by decreasing the deck size so that it maintains a 12 foot setback from the edge of the first floor roof.

The proposed deck addition will comply with the regulations for the Residential Single-family RS-6 Zone 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	35 ft., 3 stories
Existing	28 ft.	79 ft.	107 ft.	6.5 ft. & 6.5 ft.	13 ft.	.20	.33	18.5 ft., 2 stories
Proposed	no change	76 ft.	104 ft.	no change	no change	no change	no change	no change

The project does not require the approval of a use permit or any variances.

Ridgeline Scenic Corridor

The site is located within a Ridgeline Scenic Corridor with the house sited on top of the ridge. The house location predates the adoption of the Ridgeline Development Ordinance in 1973 (Town Code Chapter 17.060). Town Code §17.060.060 requires the Commission to grant a design review permit and a ridgeline development permit for a project proposed on a ridgeline site or on a building within a ridgeline corridor. Therefore, the deck addition requires both design review and ridgeline development permits.

In order to approve the 2 discretionary permits, the Commission must be able to make the following required findings:

Design Review Permit

1. Other suitable locations are not available on the site; and/or
2. The visual impact of the proposed structure on significant view corridors has been minimized and the project substantially conforms to the criteria in 17.060.040 (Affected Significant View Corridors).

Ridgeline Development

3. The exception is the minimum necessary for use and enjoyment of the property.
4. The exception is necessary due to a particular topographic feature or location of the property; and
5. Granting the exception results in a project which meets the intent of §17.060.070, Approval of Design Review Application; Required Findings, listed above.

The code defines a Ridgeline Scenic Corridor as “Those areas defined as community and/or neighborhood separators and visual resources providing community and/or neighborhood identity, further defined as the area on either side of the ridgeline within 150 feet horizontal distance measured at right angles to the ridgeline or 100 feet vertically of the manor ridge, whichever is a greater area as located on Visual Resources Map No. 9 (Town Code § 17.060.020).

“Significant View Corridor” is defined as areas “Identified by the Planning Commission as places from which the visual impact of a development in a ridgeline scenic corridor could be significant and contrary to the purposes of the Ridgeline Development Ordinance” (Town Code § 17.060.020).

The Town Code does not quantify how much usable outdoor space is reasonable for a living unit. Nor does the State Law or the Town Code require private outdoor space for accessory dwelling units. Therefore, the proposed roof deck is not required by the code. It will be a benefit for the second story Accessory Dwelling Unit (ADU) and afford the ADU a private outdoor yard area they can enjoy without having to interact with the residents of the main house.

The proposed deck railings will not project more than 3 ½ feet above the existing first floor roofline, and as noted above will be a very open design, so the improvement will not substantially increase the overall mass or height of the building. Since the improvement is of open design and within the footprint of the existing structure, the project also is not in conflict with the purpose of the Ridgeline Development Ordinance which is, “to conserve the general public welfare by conserving the existing scenic resources and the sense of community and/or neighborhood identity now afforded by the presence of the un-urbanized open spaces on the ridge tops above the Town by preserving them in an open and scenically attractive manner”.

The project has been designed so that while small portions of the deck may be seen from certain properties across the valley on Toyon and Oak Roads, it will have little visual impact. The neighboring properties are largely screened from the deck, as is most of the Town. There is also a significant amount of tree cover between the deck and the west, rear, property line which will help screen the deck from the areas on Toyon and Oak Roads where small portions of the property, including the roof are visible through the tree cover (see photos on page A1.1 of the plans). The properties across the valley are several hundred yards away, and the open design of the deck minimizes its visibility to those properties.

Staff has included a recommended condition of approval limiting the outdoor furniture to being of colors and materials that complement the surrounding natural environment and trees and to not be garish or excessive in height or project above the roof line of the second story. It remains to be seen whether this condition will be followed or can be effectively enforced if not.

All of the immediately adjacent neighbors have signed a letter of support for the project

(Attachment C – letter and map).

OTHER DEPARTMENT/AGENCY COMMENTS/CONDITIONS

Marin Municipal Water District (MMWD)

MMWD submitted written requirements which have been incorporated into conditions of approval in the attached resolution and are summarized as follows: Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservations and installation of backflow protection are conditions of water service.

The Ross Valley Fire Department, Ross Valley Sanitary District and the Fairfax Police, Public Works and Building Departments had no comments or conditions.

RECOMMENDATION

1. Conduct the public hearing.
2. Move to approve application # 18-22 by adopting Resolution No. 2018-23 setting forth the findings and the conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 2018-23

Attachment B- deck lighting information

Attachment C – letter of support from the neighbors and map showing neighbor's property locations

RESOLUTION NO. 2018-23

A Resolution of the Fairfax Planning Commission Approving Application No. 18-22 for Design Review and Ridgeline Scenic Corridor Permits for a Roof Deck Addition to the Single-family Residence and Accessory Dwelling Unit at 6 Fawn Ridge Road, Assessor's Parcel No. 002-052-10

WHEREAS, the Town of Fairfax has received an application from Elliott Fisher and Nancy Cochran to construct a 924 square-foot roof deck onto an existing residence and accessory dwelling unit at 6 Fawn Ridge Road; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on December 20, 2018, at which the Planning Commission determined that the project complies with the Town Code provision regulating ridgeline development permits and design review permits; 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 Ridgeline Scenic Corridor and Design Review permits for the roof deck; and

WHEREAS, the Commission has made the following findings:

General Plan Compliance

The project is consistent with the following 2010-2030 Fairfax General Plan Policies:

Policy LU-1.2.2: New or renewed development in Visually Significant Areas shall be designed and sites to have the least visual impact as seen from the majority of the Town.

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.

Design Review and Ridgeline Development Findings

1. The project complies with the design review criteria contained in Town Code § 17.040.020 and creates a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from the hills and other key vantage points in the community; the design is of a quality and character appropriate to, and serving to protect the value of, private and public

investments in the immediate area; and the size and design of the deck is in proportion to the building site, maintains a significant setback from the nearest neighboring structure at 8 Fawn Ridge Road, and has balance and unity among its external features.

2. Other suitable locations are not available on the site nor would another alternative location be easily accessible from the accessory dwelling unit; and
3. The visual impact of the proposed structure on significant view corridors has been minimized and the project substantially conforms to the criteria in 17.060.040 (Affected Significant View Corridors).

Ridgeline Development

4. The exception is the minimum necessary for use and enjoyment of the property, specifically the second floor accessory dwelling unit.
5. The exception is necessary due to the steep slope of the remainder of the property and the location of the accessory dwelling unit on the second story of the residential structure; and
6. Granting the exception results in a project which meets the intent of §17.060.070, Approval of Design Review Application; Required Findings, listed above.

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

1. This approval is limited to the development illustrated on the plans prepared by Rich Rushton dated 10/10/18, pages A1.1, A2.1, A4.1, A4.2, A6.1, A7.1 and A7.2 and A-2.0.
2. During the construction process, all construction-related vehicles including fixture/supply or equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case-by-case basis with prior notification from the project sponsor.
3. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
4. The Building Official shall field check the completed project to verify compliance with the approved plans and building code requirements.

5. The Planning Department shall field check the completed project to verify that the construction reflects the plans approved by the Planning Commission and to verify that all planning commission conditions have been complied with.
6. The roadways shall be kept clean and the site free of dust by watering down the site if necessary. The roadways shall be kept free of dust, gravel and other construction materials by sweeping the roadway, daily, if necessary.
7. During construction, the property owner and all employees, including contractors and subcontractors must comply with all requirements set forth in Chapter 8.32 of the Town Code entitled, "Urban Runoff and Pollution Prevention".
8. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 18-22 or the approval of the Planning Director if the changes are minor and do not conflict with the intent of this ridgeline development or design review permit approvals. **Any** construction based on job plans that have been altered without the benefit of an approved modification of Application No.18-22, or without the approval of the Planning Director, will result in the job being immediately stopped and red tagged.
9. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

Marin Municipal Water District

- 10. Compliance is required with all indoor and outdoor requirements of District Code Title 13 – Water Conservation, is a condition of water service.
- 11. Should backflow protection be required, said protection shall be installed as a condition of water service.

Miscellaneous Conditions

- 12. The applicant must comply with any all conditions listed above unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services. Waiver of an agencies conditions in writing by that agency will not require further Planning Commission review.
- 13. The applicant shall comply with any and all conditions placed upon the project by the Building Official/Public Works Manager.
- 14. Any new exterior lighting shall be LED and shall be shielded from direct offsite illumination, and shall direct light downward.
- 15. Furniture, decoration or other items placed on the roof deck shall not be garish and shall compliment the natural colors/materials of the surrounding natural environment.

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

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

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 20th, day of December, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

Chair, Mimi Newton

Attest:

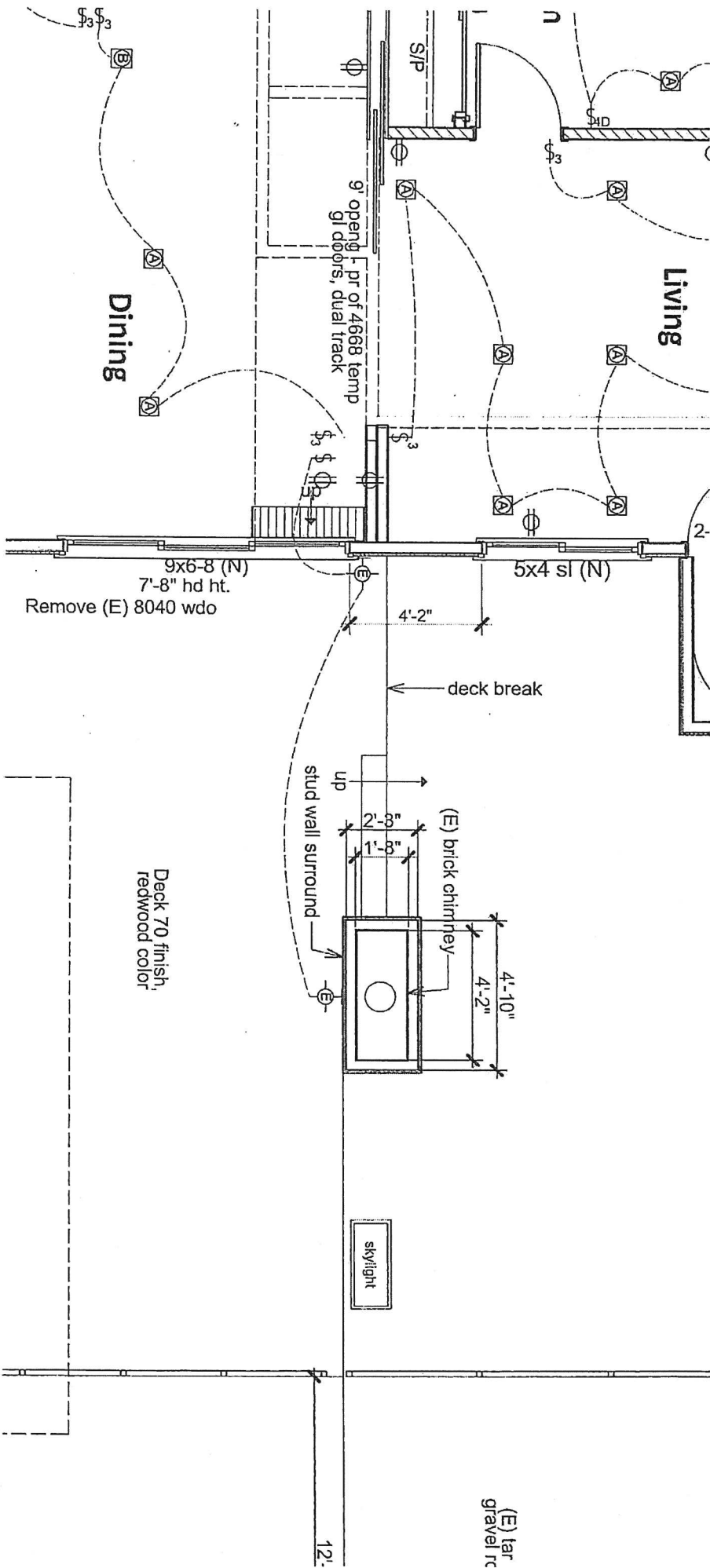
Ben Berto, Director of Planning and Building Services

ATTACHMENT B





Everton #9G371 LED, Dark-Sky compatible downlight, bronze finish, height: 4 ¾"
Available at Lamps Plus.



Upper Deck Plan.
 H. Silver - Cochrane.
 12/19/18

November 16, 2018

TOWN OF FAIRFAX

NOV 26 2018

Planning Commission
Town of Fairfax
142 Bolinas Rd
Fairfax, CA 94930

RECEIVED

Re: Application for Building Permit for Deck, 6 Fawn Ridge

Dear Members of the Planning Commission,

We are writing as neighbors of Nan Cochran and Elliott Fisher, who have bought the house at 6 Fawn Ridge and are seeking permission to place a deck on the roof of the existing house.

We understand that approval has already been granted for a modest renovation to the downstairs and to convert the two existing bedrooms on the second floor into an Accessory Dwelling Unit with a separate entrance. We also understand that the deck will be visible by passersby on Fawn Ridge Lane and most directly by the residents of the house across the street (9 Fawn Ridge, owned by Walt Vernon and Laura Faye) and the house that abuts on the northeast (8 Fawn Ridge, owned by Bill Willis and occupied by him, his daughter Linda Giles, and her family).

We also understand that the design of the deck includes the use of cable railing to make the deck itself less visible and a setback of 12 feet from the pool to reduce the deck's visual impact to residents of other ridges and to the residents of 8 Fawn Ridge. Finally, we understand that the Fisher-Cochran's would be happy to put in a hedge or other plantings on their side of the boundary between 6 and 8 Fawn Ridge to minimize the visibility of the deck to residents of 8 Fawn Ridge.

We have no objection to the proposed deck at 6 Fawn Ridge.

Sincerely,

Bill Willis
8 FAWN RIDGE

Walt Vernon
Walt & Laura Vernon
9 FAWN RIDGE

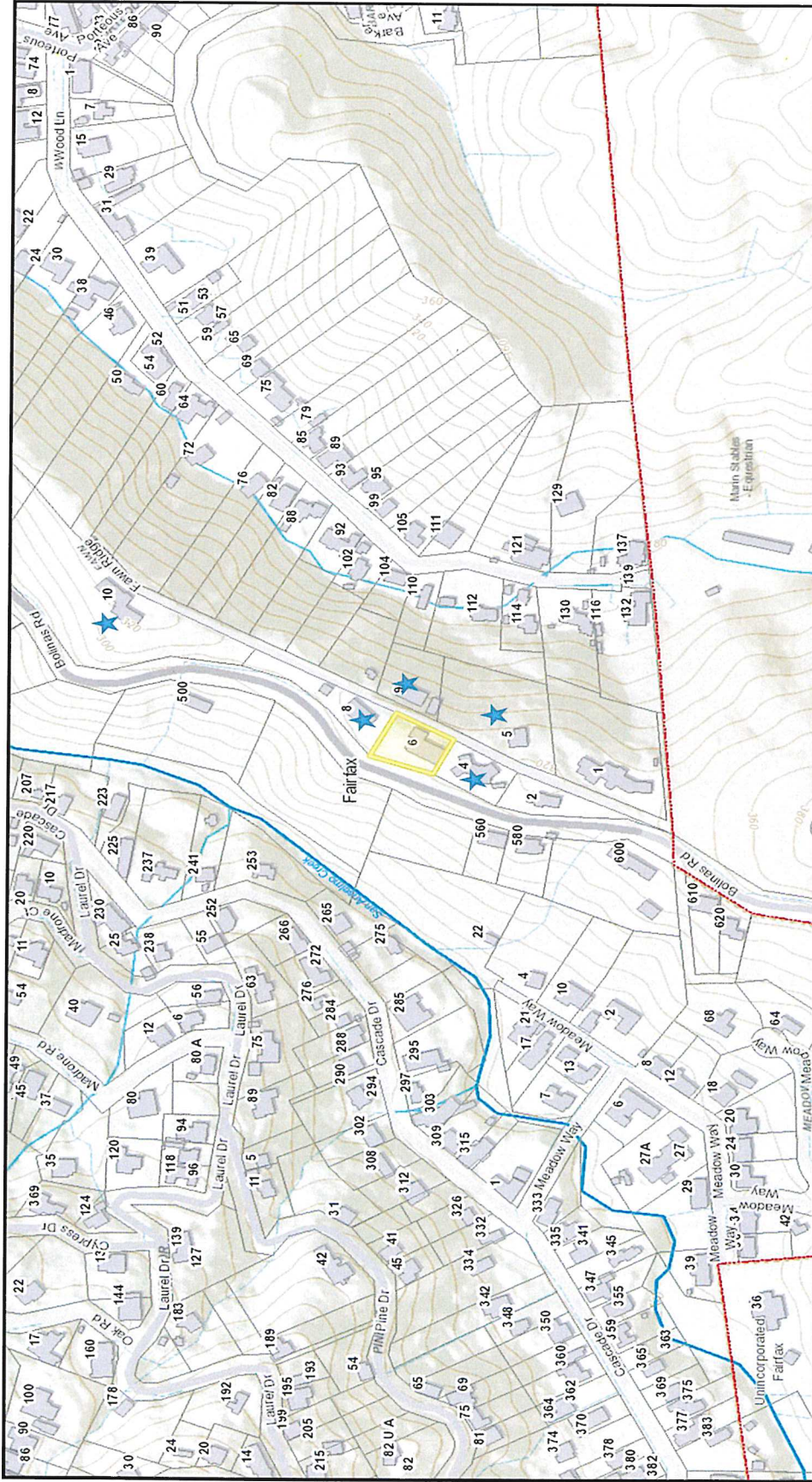
Fred Jones 4 FAWN RIDGE
John Smith

Ken Maly 5 FAWN RIDGE

Eric [unclear]

Deborah Smith-Peard
10 FAWN RIDGE

ATTACHMENT C



★ = Addresses where the property owners have indicated their support for the 6 Fawn Ridge project in the letter dated 11/16/18.