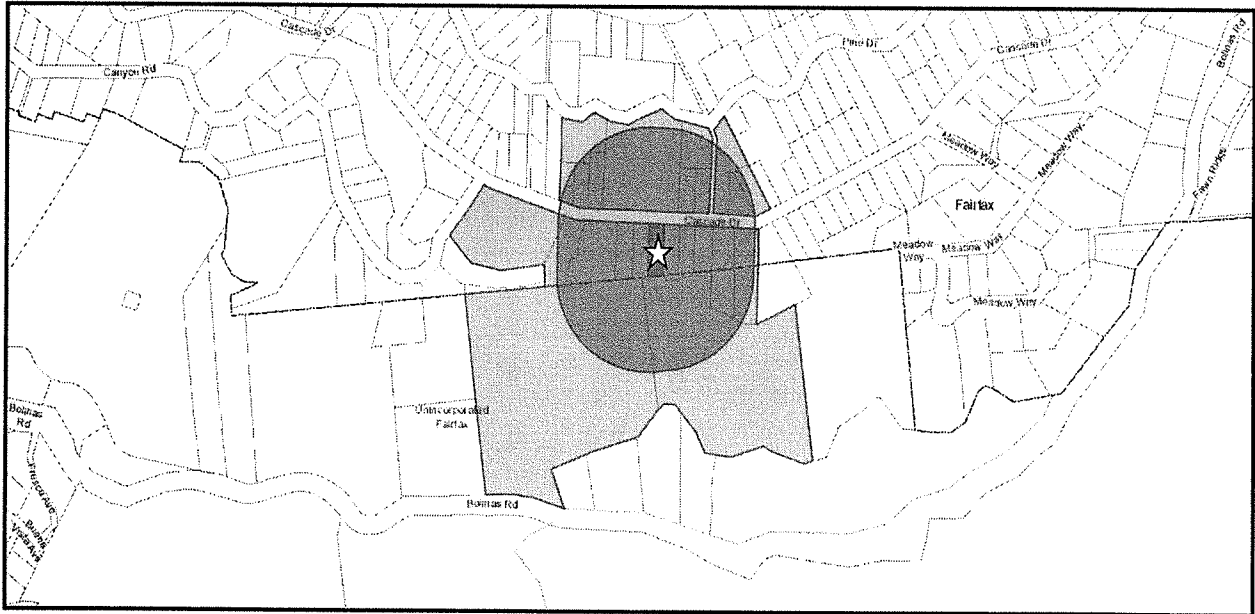


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: January 17, 2019
FROM: Ben Berto, Director of Planning and Building
LOCATION: 407 Cascade Drive; Assessor's Parcel No. 003-044-09
ZONING: Residential Single-family RS-6 Zone
PROJECT: Construction of a new single-family residence
ACTION: Use Permit and Design Review Permit; Application # 18-21
APPLICANTS/ Shawn and Allison Madden
OWNERS: Same
CEQA STATUS: Categorically exempt, §15303



407 CASCADE DRIVE

BACKGROUND

The 6,362 square-foot vacant lot was previously the site of a single family residence. Owing to numerous illegal additions (including development off the rear of the property on the streambank) and the generally dilapidated condition of the prior residence, the new owners demolished the structure and are proposing a new single family residence on the currently undeveloped parcel. The parcel itself is mostly level, gently

downsloping until the rear of the property, located close to San Anselmo Creek.

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.

The application was heard by the Commission on November 15, 2018, and continued to allow redesign of the project. The December 20, 2018 meeting featured a redesign wherein the overall size of the residence and garage was reduced 200 square feet (the residence by 170 square feet, and the garage by 30 square feet), for a net square footage of 2,225 square feet. The height of the building was also reduced by 1 foot, 9 inches, to a maximum height of 25 feet, nine inches. The front of the residence was articulated by creating a lower gable roof section over the front bedroom, the ridge of which was 23 feet, six inches in height.

DISCUSSION

At the December 20 meeting, the general consensus direction of the Planning Commission to the applicants was:

- 1) Reduce the maximum height of the building by an additional foot
- 2) Modify the color scheme to a more earth-tone palette
- 3) Describe the proposed landscaping by common (as well as botanical) names

The applicants have followed the direction of the Planning Commission in these three areas. The residence was reduced in height by an additional foot. Maximum height is now proposed at 24 feet, 9 inches. Also visually important, all of the roof elements (for example, eave height, and ridge height of the front gable over the garage), have been lowered the additional foot in concert. The entire visual mass of the building has been reduced.

Staff allowed the applicants to leave the story poles unchanged from the previous, 1-foot-higher house design seen by the Planning Commission in December. Rather than have the applicants incur the expense of taking down all the poles, shorten, and re-erect them, staff leaves it to your Commission's visual abilities to make the additional foot reduction from the top of the story poles now in place to determine the newly proposed height.

The applicant has also provided three different color palettes (SK-01 to -03) for review. Staff considers any of the three an improvement over previous proposals. The Commission is requested to approve one of the color palettes. If the Commission also considers any of the choices acceptable, staff suggests asking the applicant to make a choice among the three.

The landscaping plans have been changed to list common as well as botanical names. Staff considers the proposed landscaping plan acceptable. The Commission should let the applicants know if they have any questions or desired revisions.

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. The house entry is proposed with india bluestone pavers.

The driveway is proposed to be gravel on the property and cement in the right-of-way. There is a question of whether the driveway might adversely impact the root zone (and therefore the health) of the sycamore trees flanking both sides of the driveway approach. Staff therefore recommends as a Condition of Approval that the applicant have a certified arborist evaluate potential root impacts from the driveway's proximity to the trees, and propose recommended measures to minimize any identified impacts.

The proposed project 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. 32 ft.	Approx. 72 ft.	7.5 ft. & 8.5 ft.	16 ft.	.35	.32	25.75 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.

While the residence continues to be relatively large in the neighborhood, the changes the applicants have made substantially improve the way the house design appearance relates harmoniously with other residences in the area. It helps that one of the next largest residences is immediately next door to the west, and that the height reductions have actually resulted in the eave height being lower than the westerly house.

The cumulative height reductions, additional articulation in the front, with two offset gable roof sections, substantially reduce street-facing mass, and combined with the improved color scheme and other architectural features (rafter tails, etc.) result in a very

attractive design from the street, as can be seen from the color renderings.

One thing the renderings also reveal is the height of the front yard fence could potentially be an issue. Staff has included a Condition of Approval limiting the height of the front yard fence to no more than 4 feet in compliance with Town Code § 17.044.080(B)(1).

Staff does not believe that obstruction light is too much of a problem to the easterly neighbor at this point. The height reductions, increased setback, and property location and aspect result in the sun disappearing behind the ridge to the south (not the proposed residence) by mid-afternoon in the winter, and in summer, the large valley oaks at 411 Cascade providing equivalent late afternoon shading.

The table below provides a summary of lot sizes and slopes, as well as residence sizes, for homes in the immediate area.

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
003-044-10	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
003-044-08	411 Cascade	6650	2,211	3	2.5	504	.33
PROJECT SITE - PROPOSED							
003-043-08	407 Cascade	6362	2225	3	2.5	500	.35

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. As documented by photos of the prior development on (and off) the site, the proposed residence is a major improvement over mostly illegal prior development. The residence will only result in the removal of two small, non-native trees. Overall grading or other site disturbance is modest.

As noted above in the Design Review discussion, the applicants have made improvements to their project consistent with the Planning Commission's general consensus direction.

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.

MMWD has indicated that they will continue to provide water service to the site. No other agencies responded.

RECOMMENDATION

1. Conduct the public hearing on the project.
2. Move to approve application # 18-21 by adopting attached Resolution No. 2019-01 setting forth the findings and conditions of approval for the amended project.

ATTACHMENTS

- Attachment A: Resolution No. 2019-01
Attachment B: Color board and additional background information

RESOLUTION NO. 2019-01

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, 2,225 square foot single family residence with an attached 500 square foot garage at 407 Cascade Drive; and

WHEREAS, the Planning Commission held duly noticed Public Hearings on November 15th and December 20, 2018, and January 17, 2019, 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 design, 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 January 4, 2019.
2. Prior to issuance of the building permit for the project the applicant shall provide a report from a certified arborist evaluating potential impacts from the proposed driveway on the two adjoining Sycamore trees and recommending what measures should be taken to minimize impacts to those trees. All such measures shall be incorporated by reference as conditions of approval.
3. The following color palette is approved for the project: SK-0X
4. 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.

5. During the construction process the following shall be required:

a. The Building Official shall field check the concrete forms prior to the pour.

c. Prior to framing inspection, the applicant shall verify building height compliance with these Conditions, with proper allowance for additional completion elements.

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.

6. 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.

7. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.

8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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

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. 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.
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. 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

22. The project shall comply with all requirements of District Code 13 – Water Conservation.
23. Indoor plumbing fixtures must meet specific efficiency requirements.

24. Backflow protection shall be installed as a condition of water service.

Other outside agency requirements

25. 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 17th day of January, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

Chair Cindy Swift

Attest:

Ben Berto, Director of Planning and Building Services

407 Cascade Drive

Shaun and Allison Madden

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January 7, 2019

Dear Ben Berto,

Thank you for reviewing our most current revisions. Per the December 20th, 2018 planning commission meeting, Commissioner Gonzalez-Parber made a motion to continue our project review to the January 17th, 2019 meeting. This motion was passed 5 to 1. This motion called for our team to address the following 3 items:

1. Reduce the height of the building 1 foot.
2. List the common names of plant material on landscape plan.
3. Change the color palette of the house.

In the most current plan sets submitted on 1/4/19 you may find the above PC outlined revisions as follows:

1. Sheets A1.3, A3.0, A3.1, A4.0. Here you can see the finish floor height of the building is reduced accomplishing the 1 foot reduction in building height, both in ridge height and eave height.
2. Sheet A1.1. Here the common names of plant material are listed in the table alongside the latin names.
3. Please review the bound copies of color street view renderings for a selection of color options. Notice physical paint chips are attached to these renderings for commission to review.

Thank you for your time and consideration of our project.

Sincerely,

Allison and Shaun Madden

Communications with Neighbors 407 Cascade Drive

1. During our due diligence phase prior to purchase we had discussions with Tom Herington, owner of 40 Meadow Way regarding the impacts on his property due to the illegal construction that had taken place at 407 Cascade.
 - a. Circa April 2013, prior to Herington's purchase of 40 Meadow Way on April 10, 2015, the county had posted a physical "notice of violation" on the property of 40 Meadow Way and notified the then executor of the 40 Meadow Way estate
 - b. Herington's ability to move forward with plans for his property were blocked by the noted violation imposed by 407 Cascade's illegal construction.
 - c. We explored potential solutions with Herington, finally, due to a combination of factors (life safety, leaking roof, inadequate footing of foundation, lack of water proofing, property line disputes) we determined the best solution was to demo the home sooner vs later.
 - d. Herington was relieved that we intended to remove the home and asked for a letter stating such, as it would help him move forward with his property
 - e. On April 5, 2017 we sent letter to Herington indicating our plans to demo the home as it was not habitable.
2. End of August 2017 we sent a Hello letter with intent to demo and rebuild to 3 neighbors in all directions. We mailed a total of about 14 letters.
3. Sent text messages and had conversations (411 and 402) with more immediate neighbors about gas line replacement
4. Send text and had personal conversation (411 and 402) with immediate neighbors about updates/gas line delay
5. Send text and had personal conversation (411 and 402) with immediate neighbors updating them on demolition schedule
6. During demolition in mid-November 2017 I finally met neighbor Daniel Thompson at 403. He came out to see demo and say hello. He mentioned that he thought what we were doing (demolition of 407) had to be done. He also stated that he would need to demolish his own home and rebuild at some point. That is the ONLY time I've ever spoken with him. I assured him we would replace the fence onto the correct property line during new construction.
7. Emailed neighbor Brewster at 411 the design plans June 9, 2017. Our first submission to Planning and Building Dept. was July 26, 2017.
8. Talked with David Thompson (son of owner Daniel at 403) in August 2017 about fence that came down. He called me as an eye witness to crash on our property. There was no damage to his property. Only the fence that divides property, our temp fencing, and our water spicket were damaged. I again assured the Thompsons we would replace the fence at no cost to them when we started new construction. David said he was not worried about it at all. We replaced the fence with temporary material in the meantime.
9. Continued conversations with neighbors in passing as we were on site about our process with town and first revision before first public hearing.
10. After meeting on Nov. 15, 2018 we made attempts to talk about our design with the 3 most pertinent neighbors. 403 Thompson, 411 Brewster, and 402 Denisevich.
11. Called Peter Denisevich 11/26/18 and asked to meet with him to discuss our plans to revise our design. He stated via phone that he was comfortable with the staff report recommendations to lower front portion of the roof and he agreed to meet us on 11/28/18. On that day we viewed

our 1st set of story poles from his deck. We considered his view into our lot from his deck looking through his landscape trees as well as the rows of sycamores on the street. We discussed our plans to revise the house lowering the front roof over garage 4.5ft and back of the house 1'9". We emailed him our revised plans showing the roof reduction 11/29/18. In person on 11/28/18 he agreed to sign a letter in support of our project. We left a draft in his mailbox which he signed and sealed and put into our mailbox. This letter was then submitted to Ben Berto prior to Dec. 20th hearing.

12. Met with Beverly and Michael 11/28/18. Walked thru their property and home at 411 Cascade considering their view to the east. Exchanged numerous texts and emails showing them every step of the design revisions and shade studies. Shaun met with Bev 12/8/18 to show her shade studies. Beverly stated in text message on 12/10/18 that "the new story poles make a huge positive difference" and she said that we could state that she is "not opposed to the revised plan w/ current story poles." Beverly sent personal letter of non-opposition to Ben Berto on 12/13/18.
13. Made numerous attempts to contact the Thompsons in regard to our project revisions and to get their input. I first emailed Daniel on 11/26/18 and asked to meet with him to discuss our house plans and get his feedback. No response. I called and left a message 11/29/18 stating same thing. No return call. I called again on 12/1/18 stating I would be in the neighborhood the following week and I would like to meet with him. No return call. I then emailed him 12/3 our most current revised house plans and discussed the changes, lowering the roof, reducing the square footage, removing window to the east, and reducing size and increasing privacy on our back deck. In the email on 12/3 I mentioned again I would be in neighborhood the next day. No response. On 12/4/18 Daniel's car was in the driveway at about 9:30 am. I knocked on door 3x over the period of an hour. The car was in the driveway the whole time but no one came to the door each time. That morning on 12/4/18 I wrapped my revised plans in plastic and stuck them in the handle of the front door with a note to call me. No one called me. On 12/11/18 I went over again to Daniel's house. This time his son David's car was in the driveway as well as a white van. No one answered the door again. That same morning on 12/11/18 I left in their mailbox our shade studies with a long handwritten letter detailing the very minimal impact that our new home would have on shading their yard. There has been no response from our neighbors at 403 Cascade in regard to our 6 significant attempts to contact them and discuss our building plans.
14. On Saturday December 8th, met with Bev Brewster at her home, reviewed revised plan and shade study, she stated she is not opposed to our project. Subsequent to this meeting walked neighborhood. Spoke with Renaldo Batz (415 Cascade) and reviewed plans, he was not opposed to our project. Later this day spoke with Edward Petri (397 Cascade), we looked at story poles from his property and he is not opposed to our project.

December 3rd, 2018

To Ben Berto and the Fairfax Planning Department,

I live at 402 Cascade Drive in Fairfax. I have lived here for over 40 years. I am writing you in support of the proposed building plans of a new 2-story home across the street at 407 Cascade.

I have reviewed the revised plans and am comfortable with the changes to lower the roof of the proposed 2 story structure. Lowering the front of the house by 4'-6" and the back by 1'-9" and also reducing square footage by 200sqft will reduce the overall mass of the house. From my perspective this is a well thought out design that fits the character of the neighborhood and will meet the needs of family with young children.

The Madden family has been respectful and kept me informed of work to their property. Already they have improved the neighborhood by carefully and sensitively demolishing the large old home with many illegal additions. I appreciate this work approach and fully support this project.

Sincerely,

A handwritten signature in cursive script that reads "Peter Denisevich" followed by the date "3 December 2018".

Peter Denisevich
402 Cascade Drive
Fairfax, CA 94941

Rev. Beverly Brewster
411 Cascade Drive
Fairfax, CA 94930
415-446-8267
beverlybrewster@comcast.net

December 13, 2018

Ben Berto
Director of Planning and Building Services
Town of Fairfax. CA 94930

By email to bberto@townoffairfax.org

Re: 407 Cascade

Dear Mr. Berto,

I'm the property owner of 411 Cascade, adjacent to and on the west side of the referenced property. As you know from my statements to the Commissioners at the last Planning Commission meeting, I have had concerns about the impact of the proposed new construction at 407 on my light, view, privacy, and quality of life.

The Maddens have made a commendable effort to address those concerns, and as I understand it, the concerns of the other neighbors, by moving the house eastward and reducing its width, articulating and lowering the front portion, reducing the overall height of the house, and changing the configuration of the back deck, as reflected in the new story poles. With these changes, I do not oppose the project. The Maddens have been exceptionally considerate and courteous as well as professional in all their dealings with me.

Please share my letter with the Commissioners, and express my thanks to them for the dedicated service to the town. Thank you, too!

Sincerely, *Rev. Beverly Brewster*
cc: Allison and Shawn Madden

Application #18-21

Peter Chase
476 Montecito
Corte Madera, CA 94925
pc@vanacker.com

December 20, 2018

Planning Commissioners
Town of Fairfax
Fairfax, CA

RE: Application for Single Family Residence
407 Cascade Drive
Use and Design Review Permit # 18-21

Dear Commissioners and Planning Staff,

I am writing to the Commission in review of this application on the basis of my friendship and long working relationship with Shaun Madden and his wife Allison Madden. Shaun and I have worked for the same company alongside each other for 15 years, and I have known his wife Alison, as someone who worked for a mutual client long before Shaun and Alison became a couple.

These two people are the ideal NEW resident to Fairfax, as:

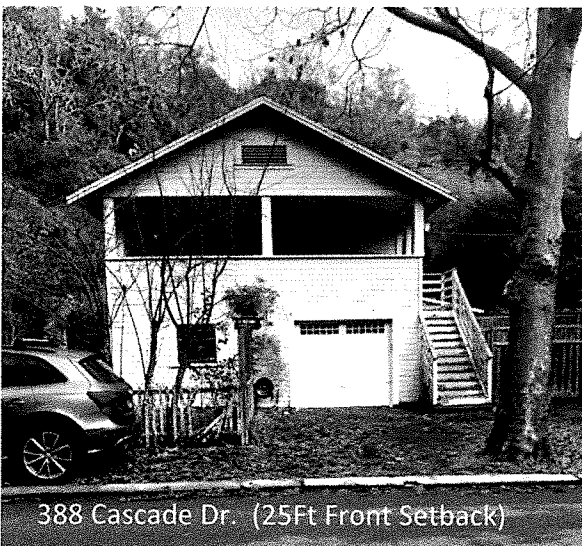
- They are both individuals of high integrity as I have witnessed over the last 15 years. They are NOT ambitious developers taking over a sub-standard size lot and trying to maximize the coverage and height.
- They have a plan to reform a previously highly non-conforming residence and lot at 407 Cascade,
- They have been working to create a needed and significant upgrade to the area.
- Have worked UNDER the guidelines and limitations of FAR, building height in their application.
- Are proposing a thoughtful and WELL considered design by Jason Alden who is an architect that works on projects of much higher profile, but is working for Shaun and Alison because of the great relationship they have from working on our company projects.
- This application will provide for Solar panels, storm water bio-swales, well designed landscape, added trees, WUI building materials, and MORE elements of the General Plan, not present in any other homes in this area.

Application #18-21

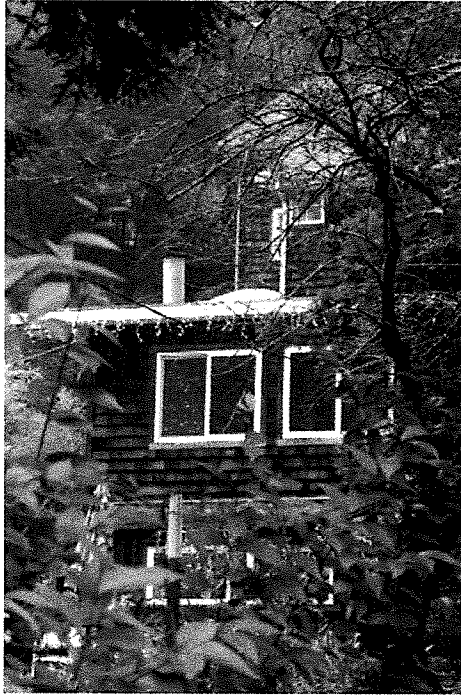
I'd like to address a couple of items below:

- The project was NOT well introduced to the Commission at the hearing, no presentation was allowed, and thusly I believe the application should be given sufficient voice in this hearing to address any misconceptions and address issues raised by the Commission.
- The FAR statements for the property based upon tax records, which are significantly in error, and the Commission should justly be aware of the misstatements. This applicant is REDUCING the amount of lot coverage, AND proposing a CONFORMING structure, BELOW any of the height limitations for this lot.
- Please note Commission statements that this house is "oversize" for the area, as there are several on Cascade that are near this size, and this is a NEW infill project, that would create a LIVABLE household in today's world for a small family. On that basis ALONE, this application should be viewed favorably.

Nearby residences

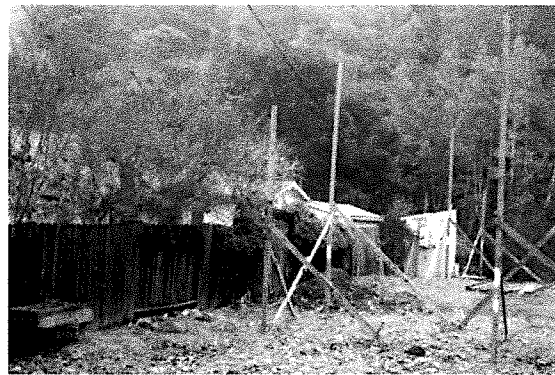
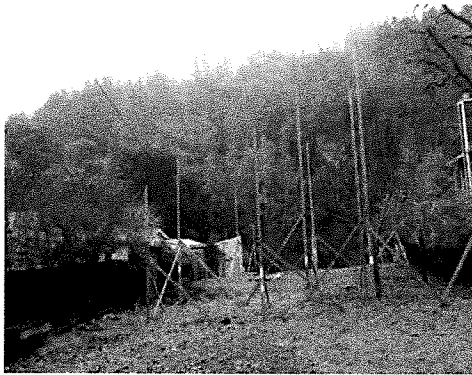


Application #18-21



Very high neighbor house, 3 stories Neighbor house looming over adjacent neighbor

Site with story poles



- In fact, in our Town of Corte Madera, because small families have a hard time building a house large enough to fit on substandard lot sizes, there is a formula for increasing the FAR when the substandard lot size provides so little buildable area, but within all the other standards, that provides for a greater FAR on lots below 7500 sq ft. Even so, this application is BELOW the FAR maximum for this lot. Suggestions that the FAR for this application should be further reduced, is misdirected and should not be a valid reason for delaying approval of this project. The proposed project will create a livable home size for this and future generations.

Application #18-21

- This is NOT a rural area, though it may have that feeling. Many of the homes on this street are barely conforming to a total of a 10' separation. (Many do not) This applicant has eliminated the NON-conforming condition that existed on the lot. Below is a photo of a typical condition on Cascade.

Minimum side yard conditions throughout Cascade. It is not a rural condition.



- Lighting for the site is "Dark Sky Compliant", yet Commissioners thought the rendering make the lights "appear too bright". Below is a nighttime photo of this same fixture

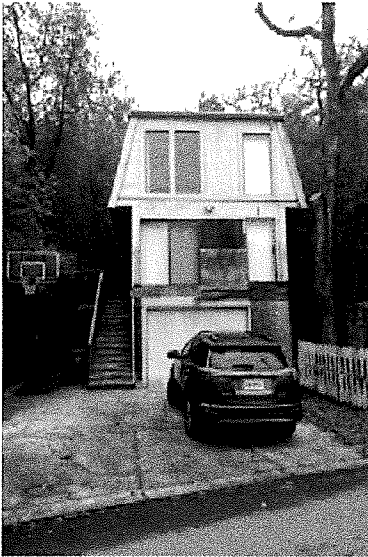
Same fixture as proposed from about 100' at night.

From below the fixture, looking UP at this same fixture
Proposed for this house will NOT have visible light source.



Application #18-21

Status and appearance of other homes on Cascade:



Same typical early century houses similar to Applicants Design.



I suggest that the Commission approve the project as proposed, with no further restrictions. This household should be viewed as the type encouraged and receptively brought into the community.

Regards,

Peter Chase

Ben Berto

From: Allison Madden <gardensmarts@gmail.com>
Sent: Tuesday, January 08, 2019 5:05 PM
To: Ben Berto
Cc: Shaun Madden; Jason Alden
Subject: Re: 407 Cascade resubmittal

Hi Ben,

Here is the color info. Each rendering is labeled A-D.

My daughter prefers option A.

Option A

BM 1651 New Providence Navy
BM OC-39 Timid White LRV 84.43

Option B

BM HC-161 Templeton Gray
BM OC-42 Old Prairie LRV 73.77

Option C

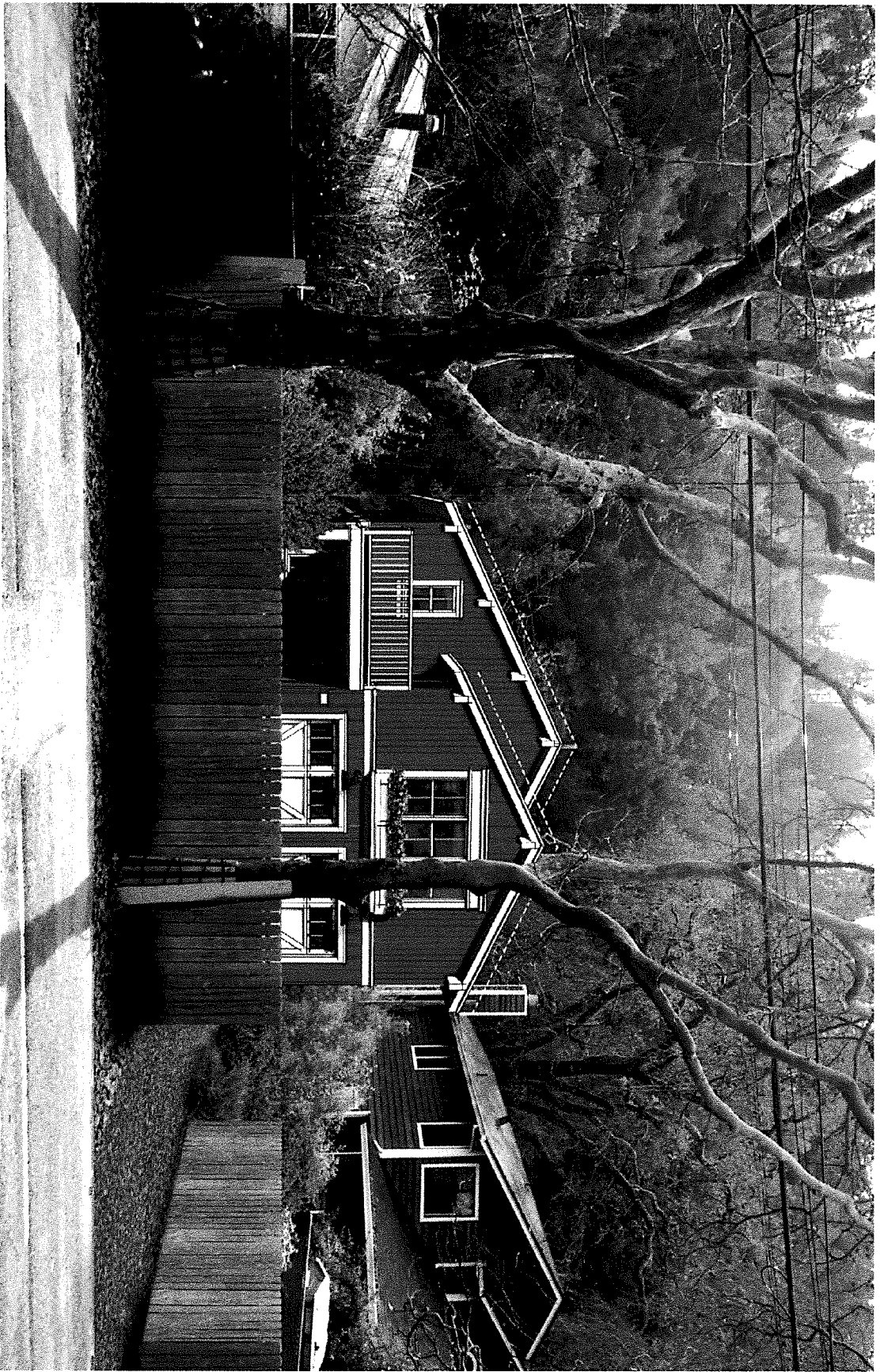
BM HC -165 Boothbay Gray
BM OC-141 China White LRV 77.95

Option D

BM HC-169 Coventry Gray - this is the warmest gray
BM AF-5 Frostine LRV 86

Thanks,
Allison

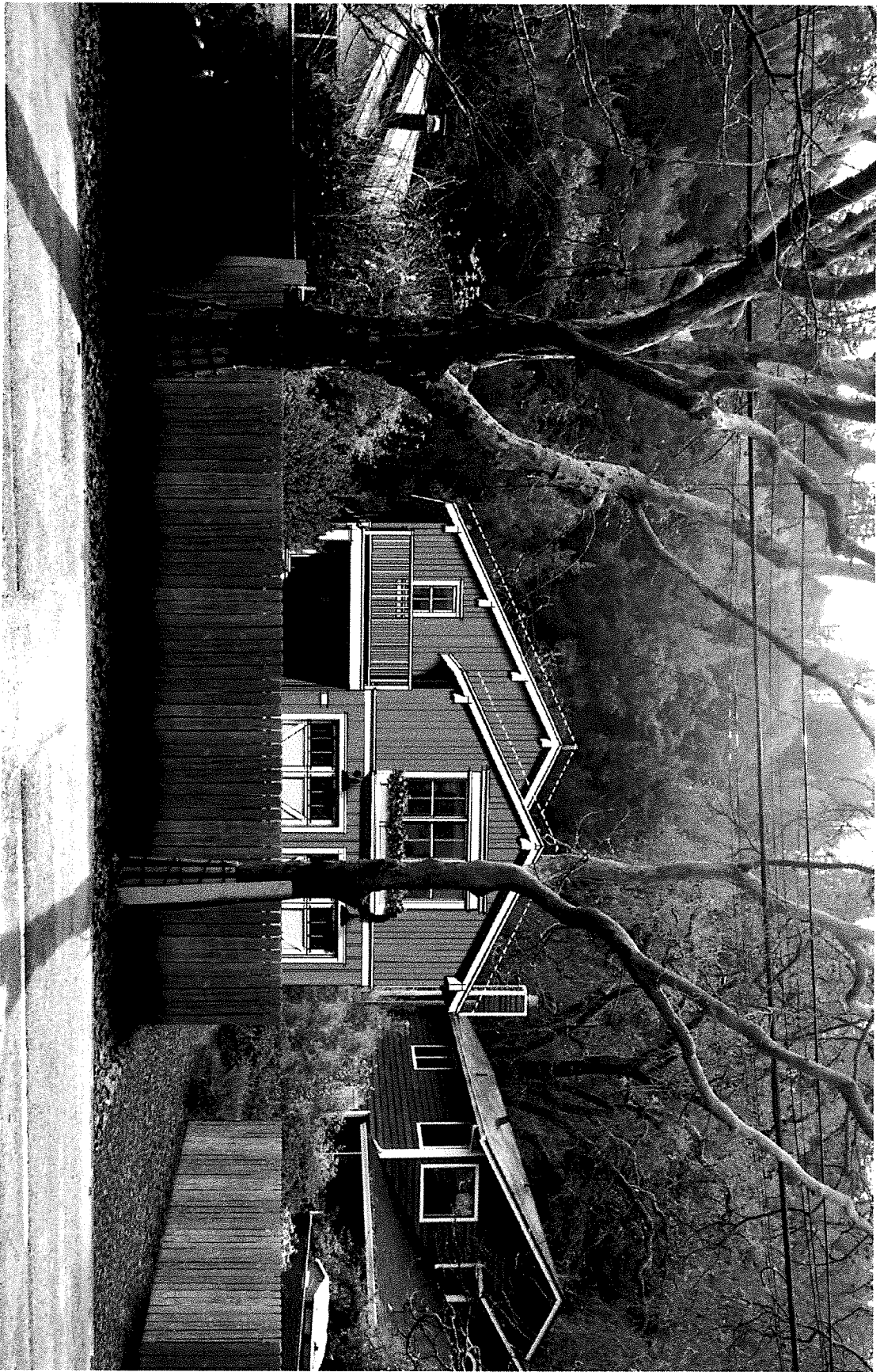
Sent from my iPad



ALDEN
ARCHITECTURE
142 BRITTON AVENUE

407 CASCADE - COLOR SCHEME "A"

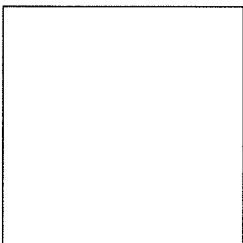
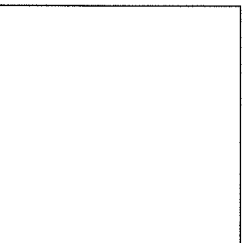
SK-01
DATE: 1.08.2019

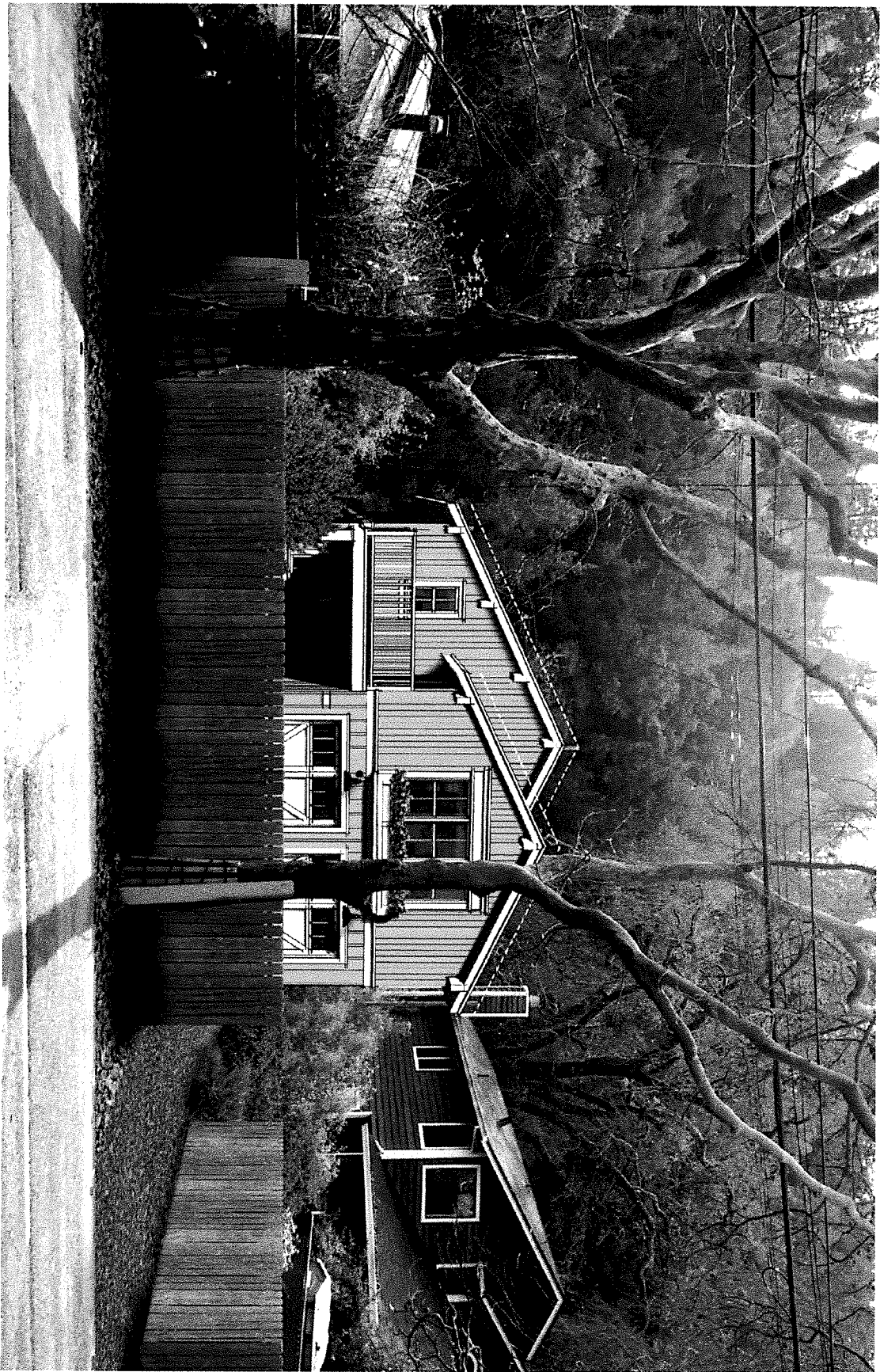


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142 BRITTON AVENUE

407 CASCADE - COLOR SCHEME "B"

SK-02
DATE: 108.2019

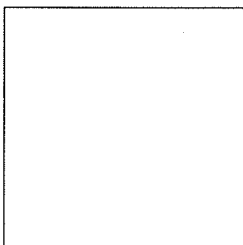
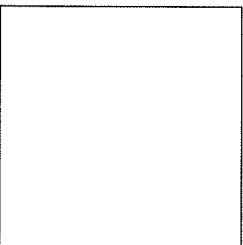




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142 BRITTON AVENUE

407 CASCADE - COLOR SCHEME "C"

SK-03
DATE: 1.08.2019

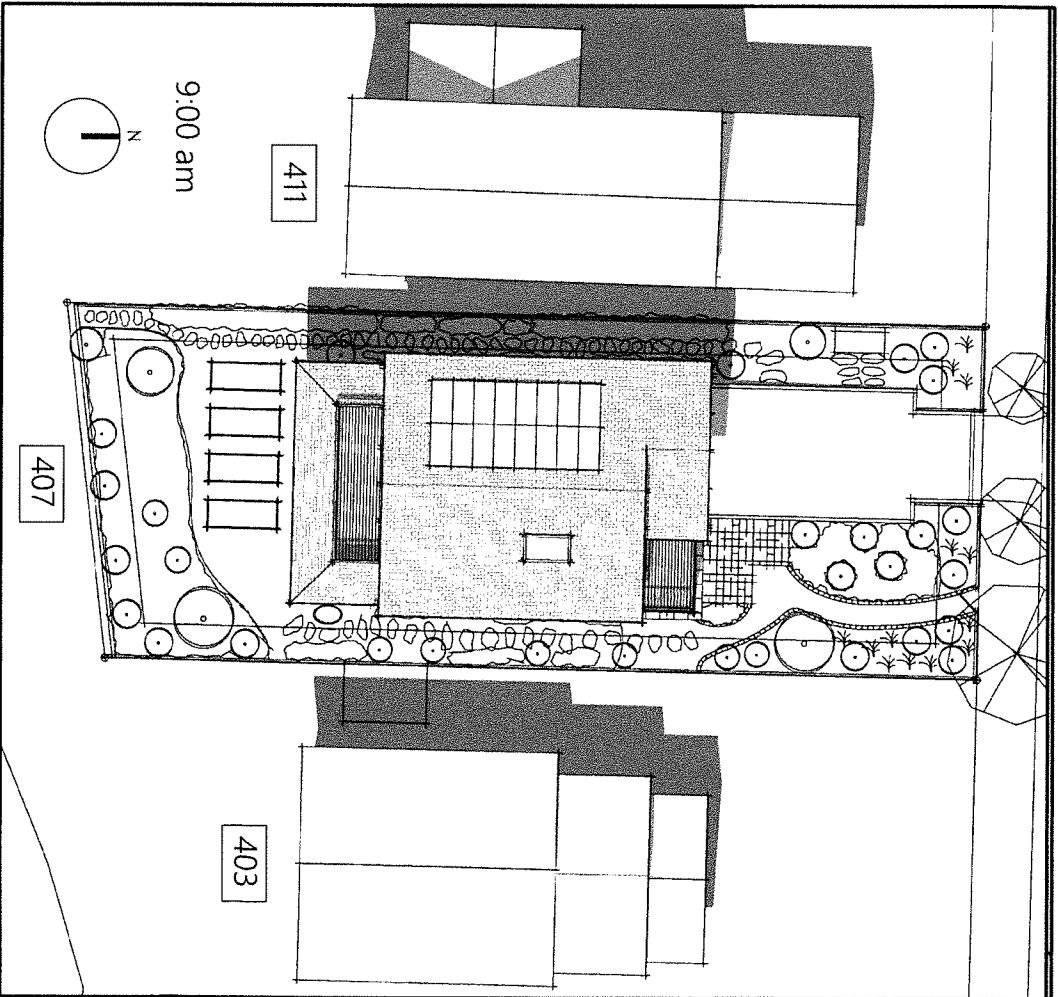
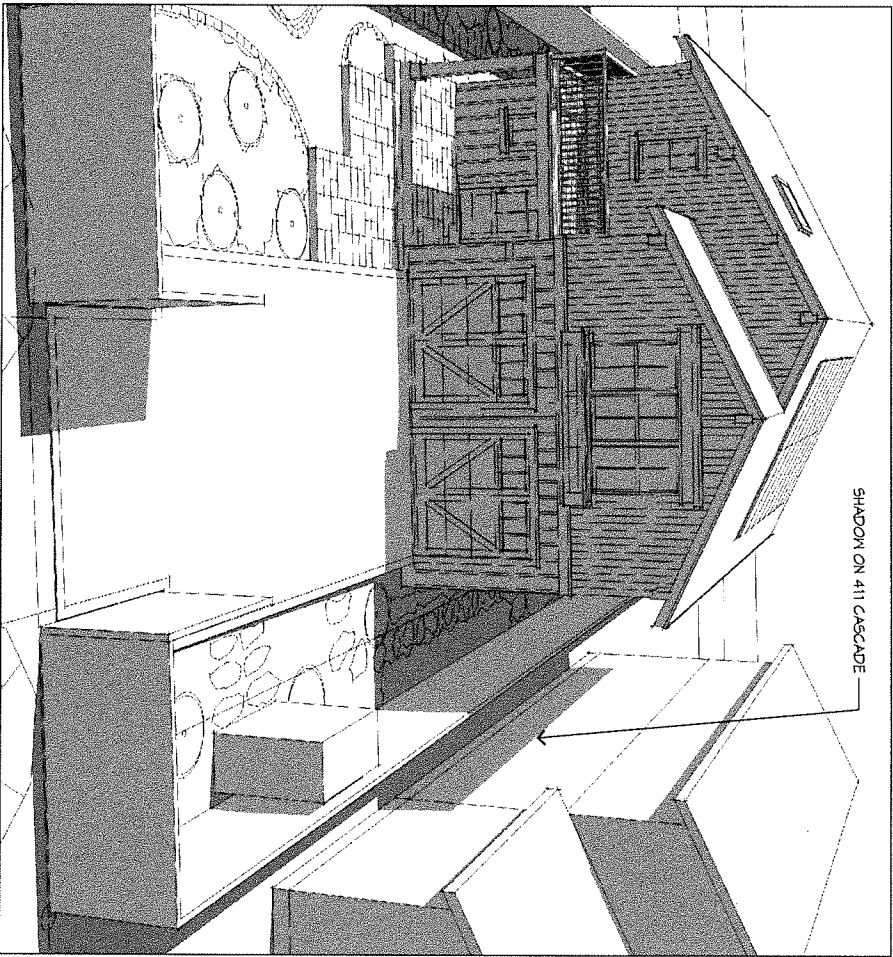




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ARCHITECTURE
142 BARTOCH AVENUE

407 CASCADE - COLOR SCHEME "D"

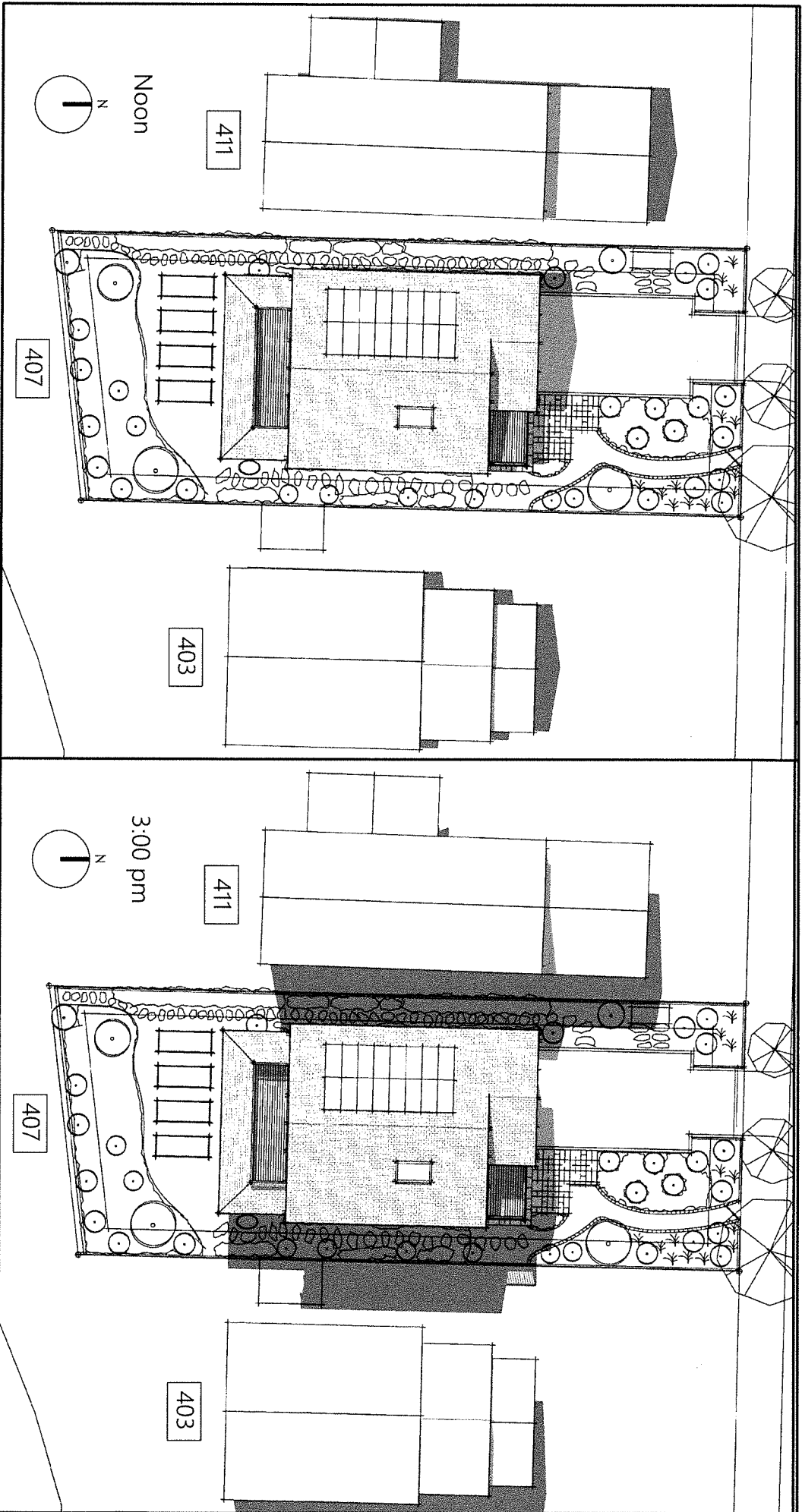
SK-04
DATE: 1.08.2019

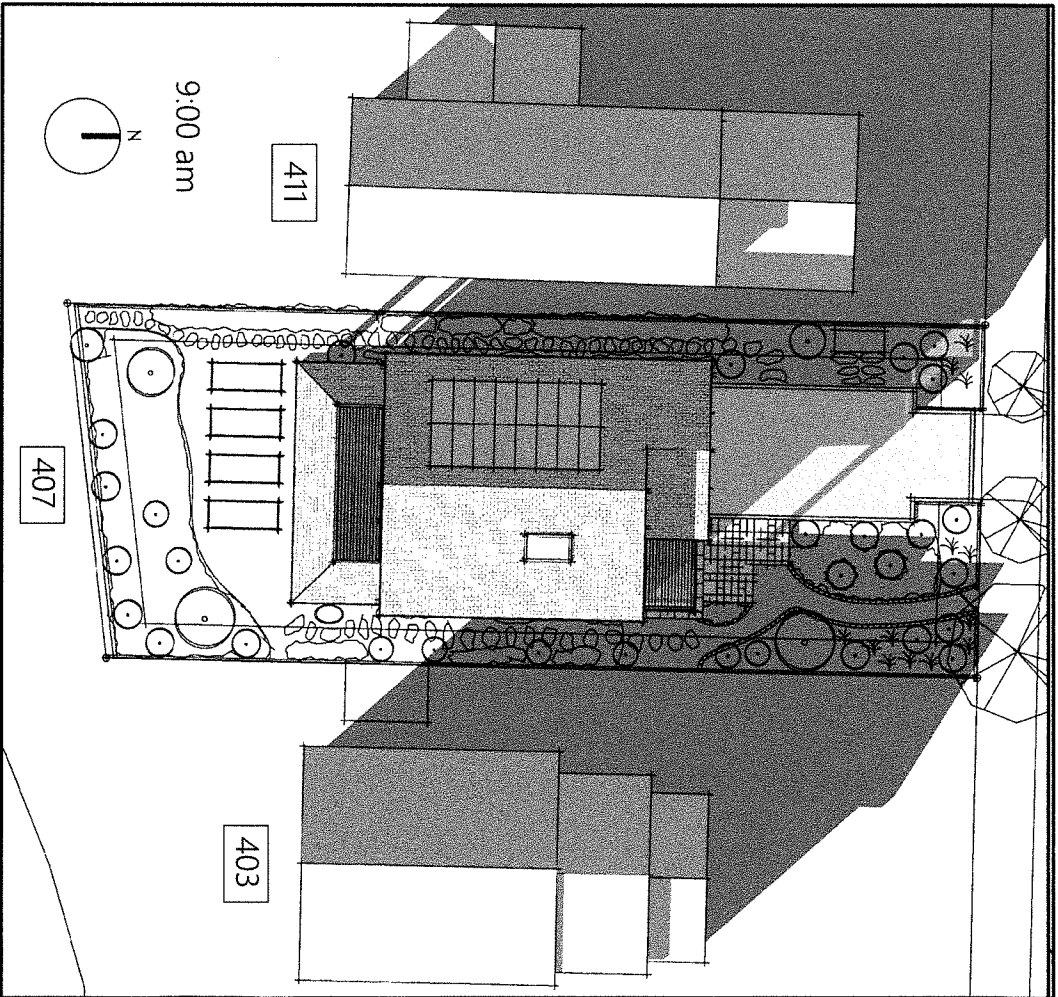
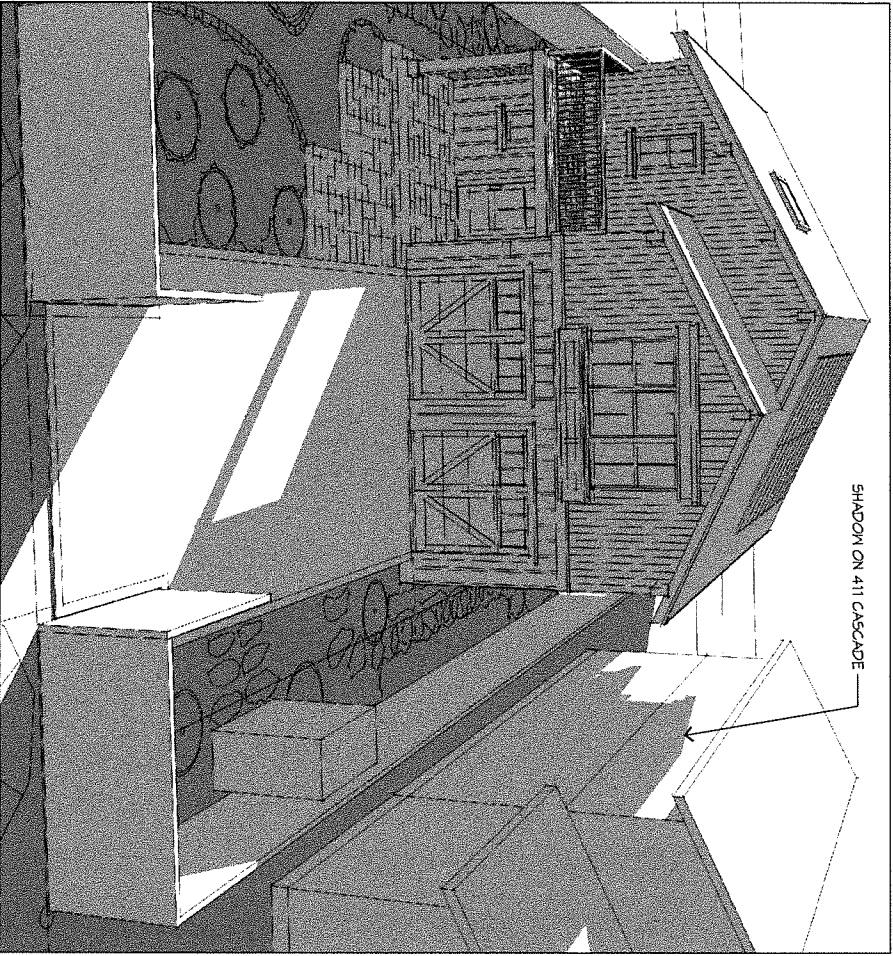


ALDEN
ARCHITECTURE
142 BIRTON AVENUE

SUN SHADOW STUDIES
June 9:00 am

DATE: 12.20.2018



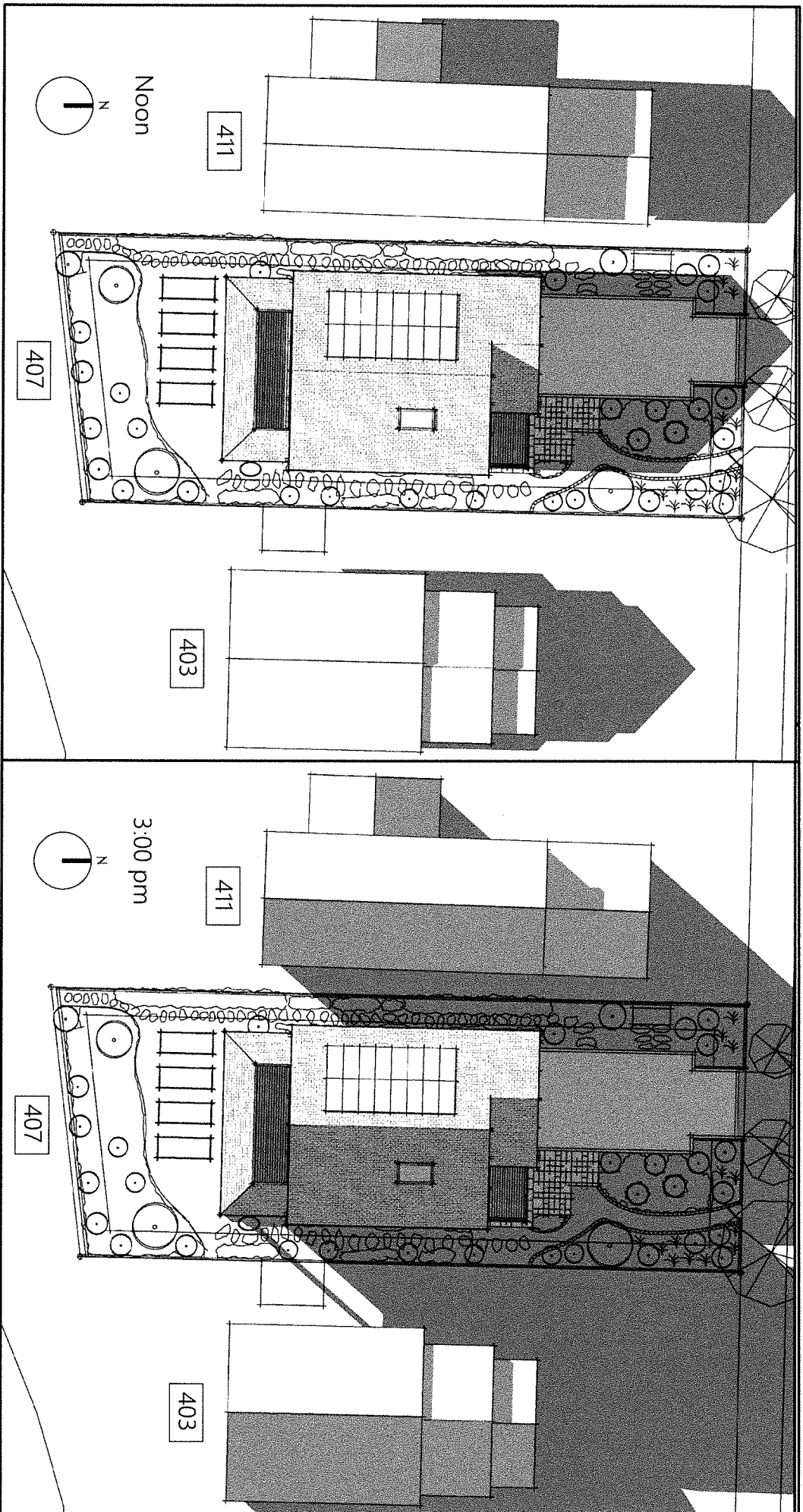


ALDEN
ARCHITECTURE
142 BARTON AVENUE

SUN SHADOW STUDIES
December - 9:00 am

DATE: 12.20.2018

SUN SHADOW STUDIES
December - Noon and 3:00 pm

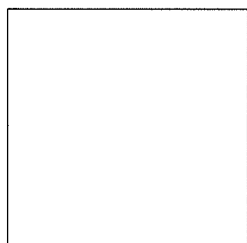
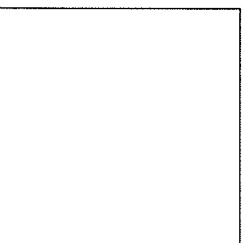




ALDEN
ARCHITECTURE
142 BERTON AVENUE

407 CASCADE - COLOR SCHEME "A"

SK-01
DATE: 1.08.2019

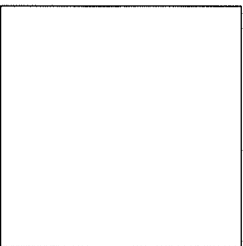
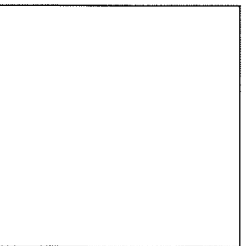




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ARCHITECTURE
442 BIRTON AVENUE

407 CASCADE - COLOR SCHEME "B"

SK-02
DATE: 1.08.2019

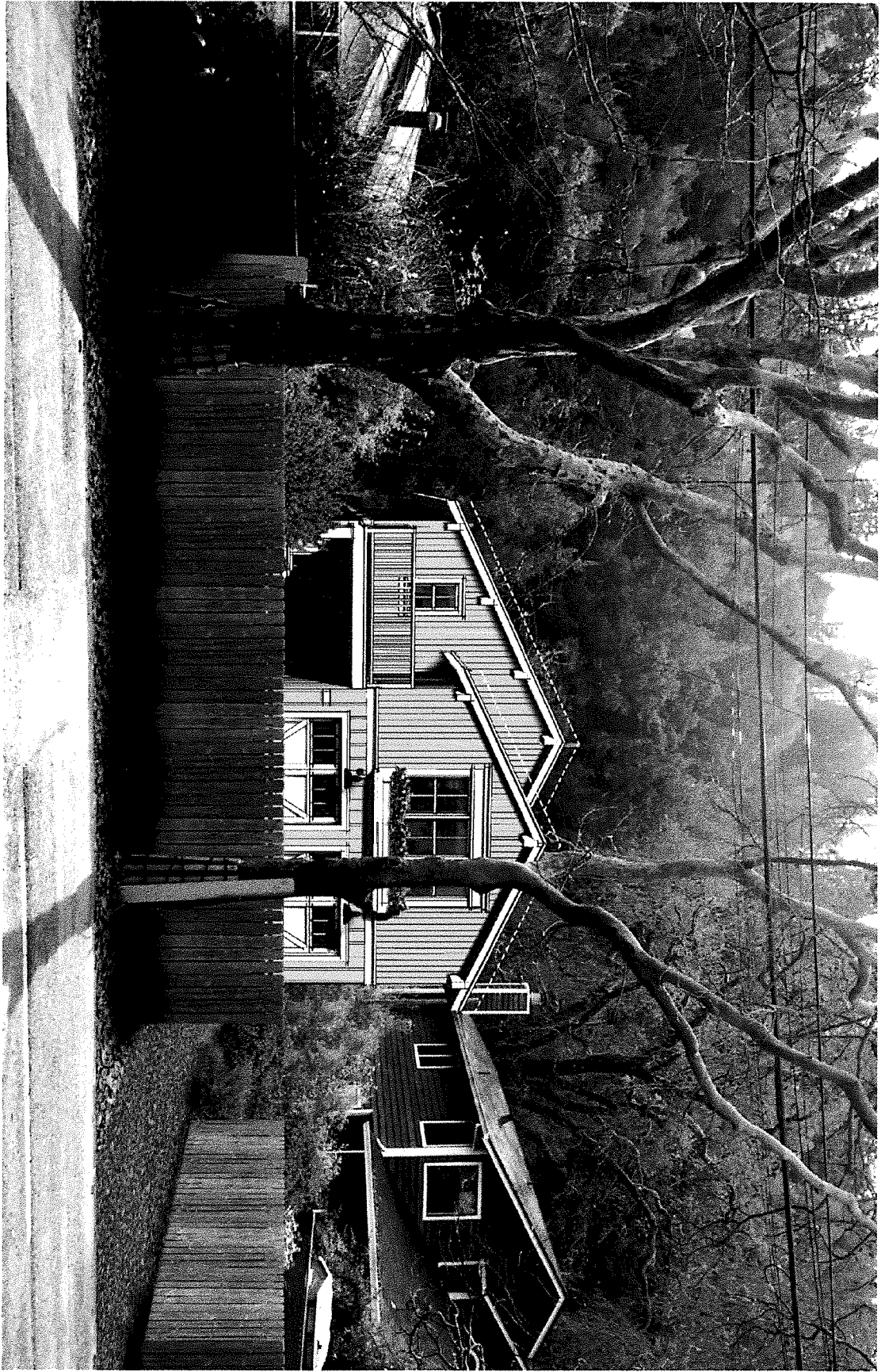




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ARCHITECTURE
142 BIRTON AVENUE

407 CASCADE - COLOR SCHEME "C"

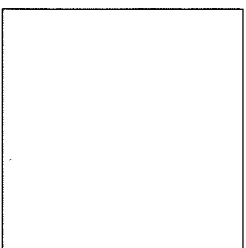
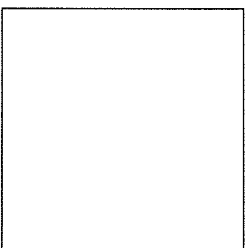
SK-03
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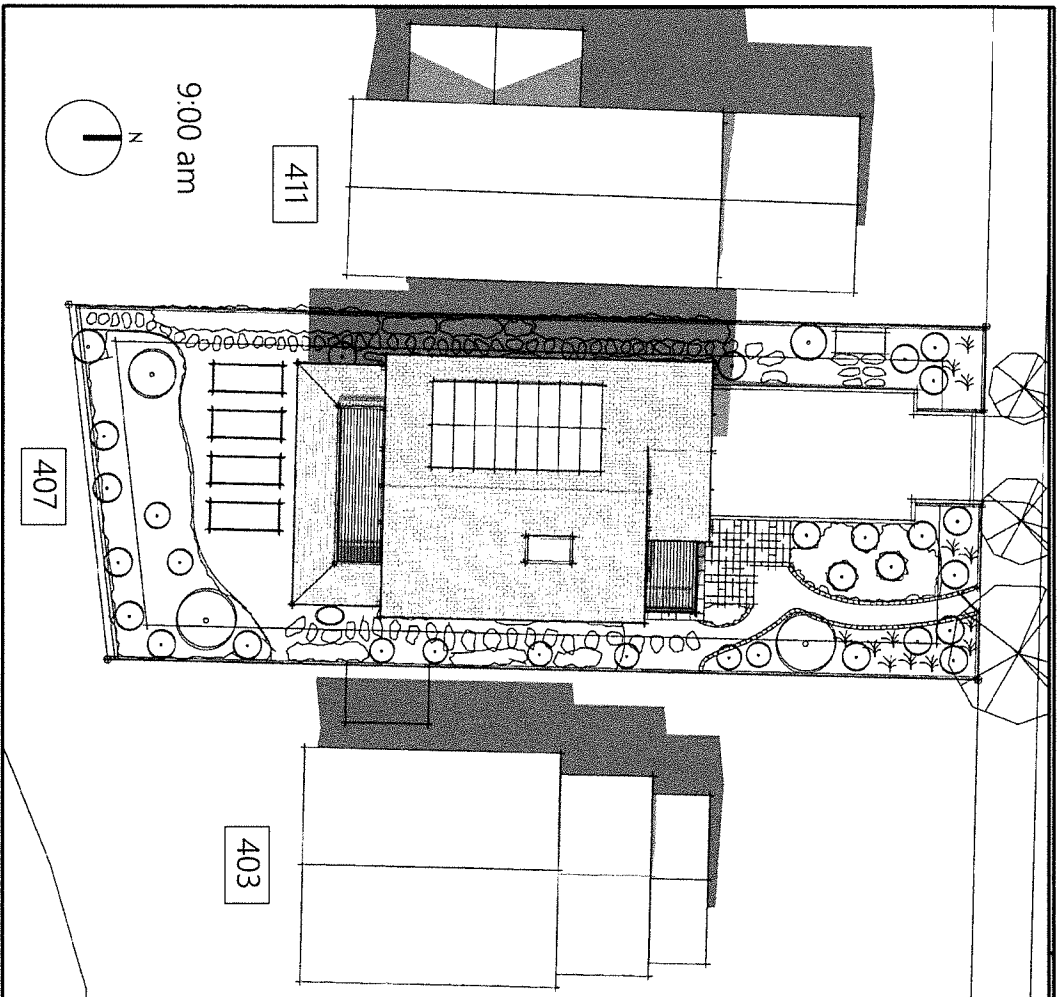
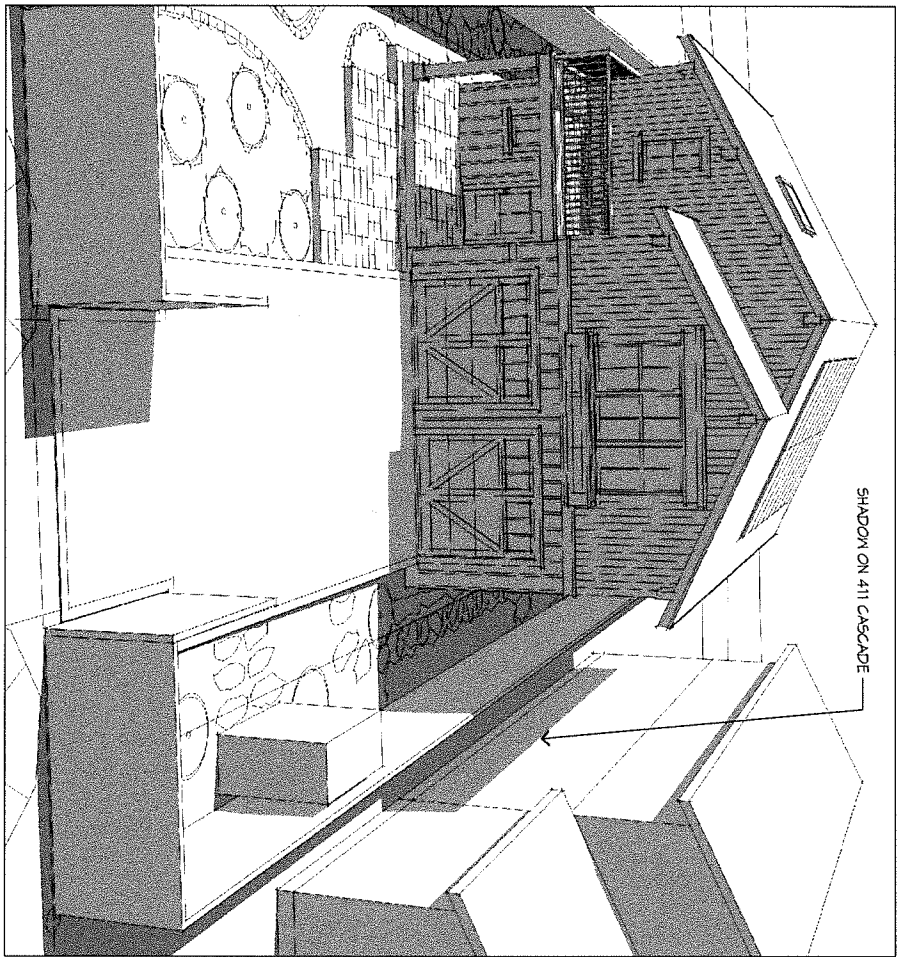


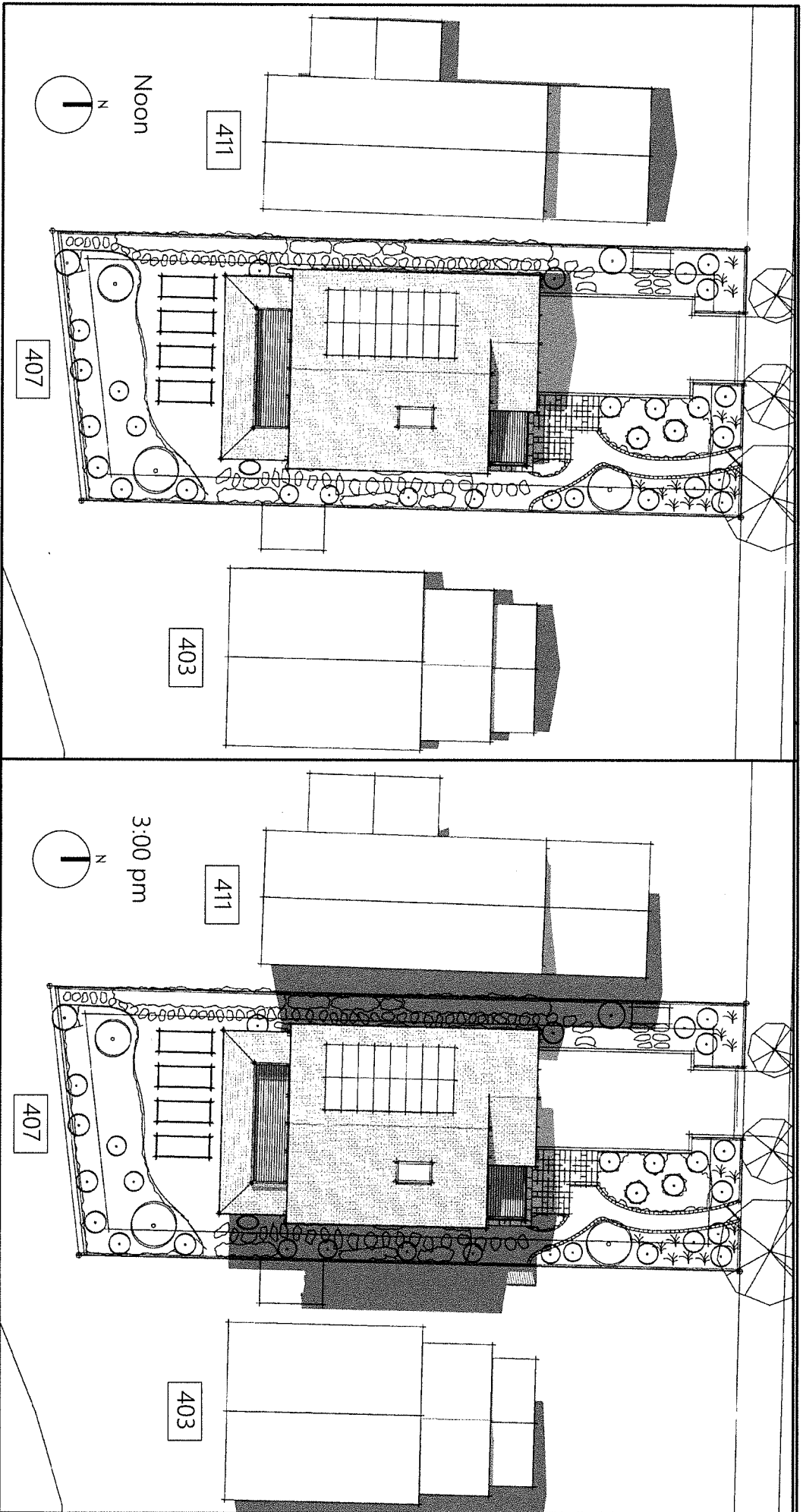
ALDEN
ARCHITECTURE
142 BRITTON AVENUE

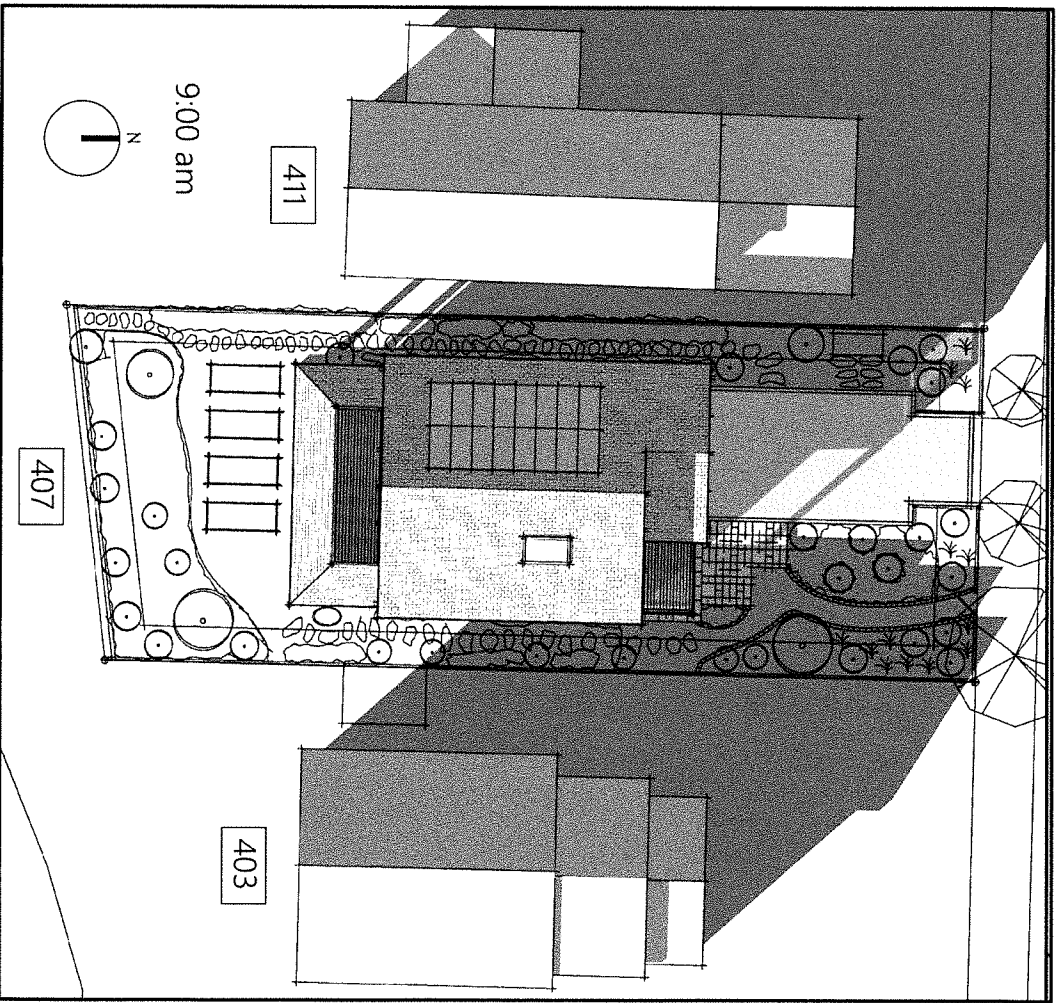
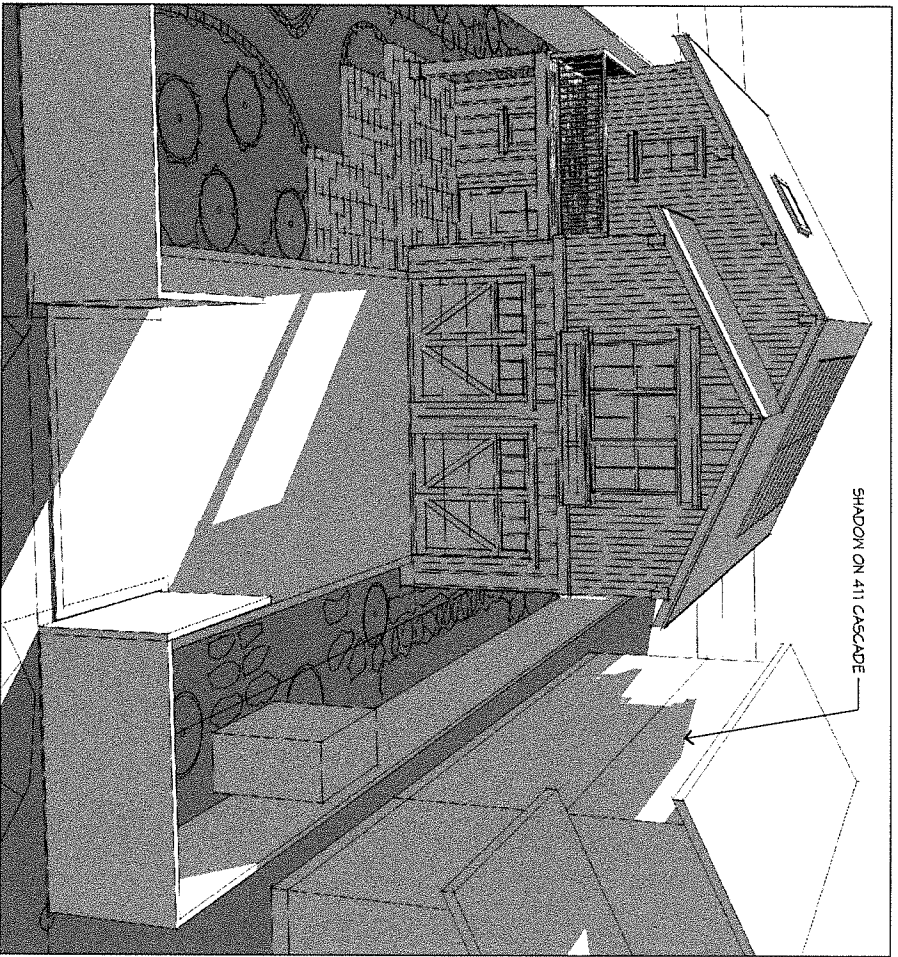
407 CASCADE - COLOR SCHEME "D"

SK-04
DATE: 1.08.2019









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142 BARTON AVENUE

SUN SHADOW STUDIES
December - 9:00 am

DATE: 12.20.2018

SUN SHADOW STUDIES
December - Noon and 3:00 pm

