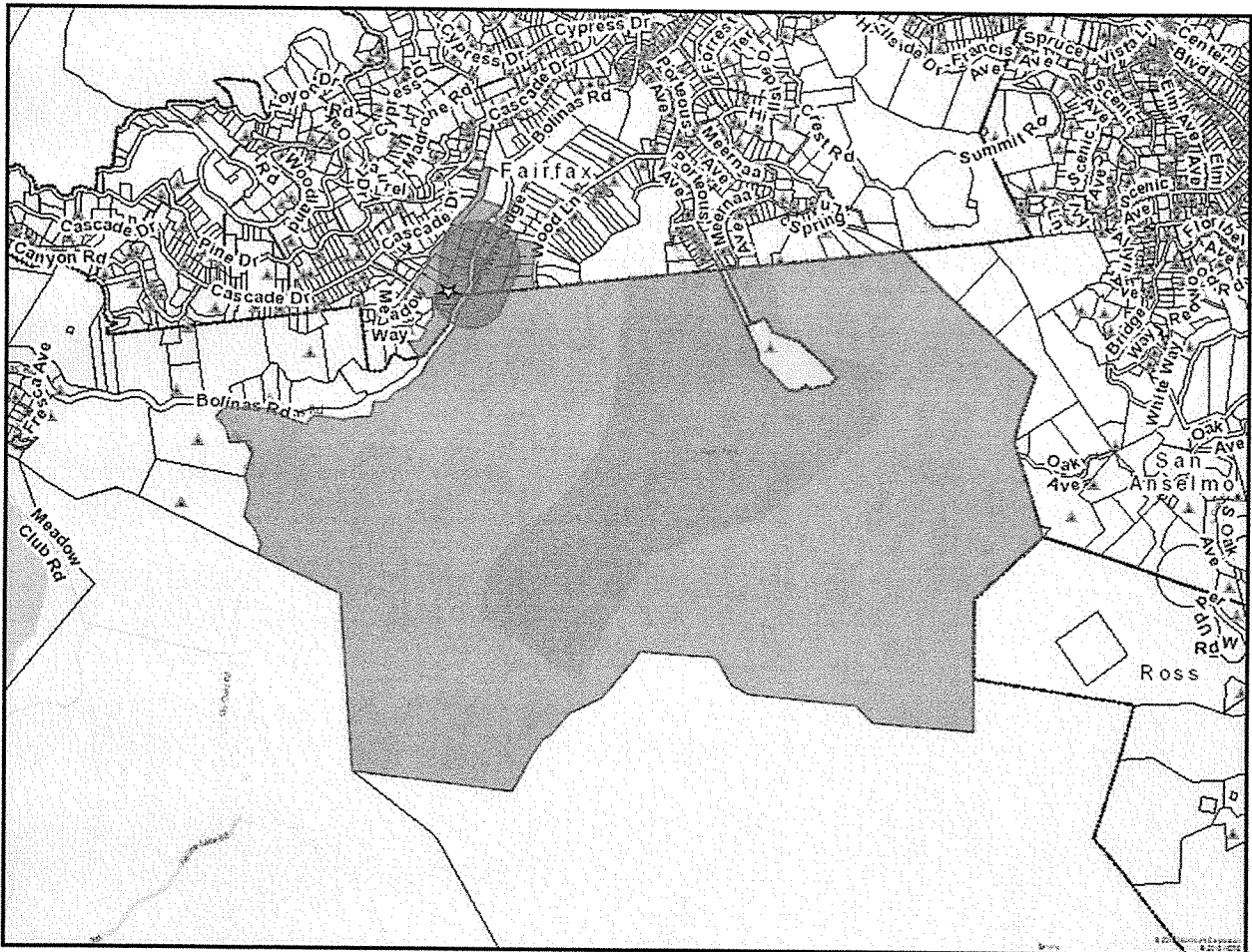


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: August 20, 2015
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
LOCATION: 2 Fawn Ridge Road; Assessor's Parcel No. 003-123-01
ZONING: Residential Single-family RS 6 Zone District
PROJECT: Addition/remodel and fence relocation
ACTION: Variance and Design Review; Application # 22-23
APPLICANT: Rich Rushton, Rushton Chartock Architects
OWNER: Keiran and Liz Brennan
CEQA STATUS: Categorically exempt, § 15301(e)(2)(A) and (B)



2 FAWN RIGE ROAD

BACKGROUND

This 22,217 square foot site is located at the corner of Fawn Ridge Road and Bolinas Road and slopes down from Fawn Ridge at an average slope of 15.5%. It is developed with a 2,267 square foot three bedroom, 2 ½ bath residence with an attached one car garage that was constructed in 1946.

The entire property is located within the Ridgeline Scenic Corridor and is subject to the Ridgeline Scenic Corridor regulations contained in Town Code Chapter 17.060.

DISCUSSION

The parcel exceeds the minimum required 8,000 square foot parcel size and 68 foot width for a parcel with a 15.5% slope and will only require the excavation/fill of 23.5 cubic yards of material. Therefore, the project is not subject to the Hill Area Residential Development or Use Permit process [Town Code § 17.080.050(C)].

The project will affect almost 100% of the existing structure and will include a 960 square foot master bedroom/bath/closet, two car carport and living room expansion increasing the house to 3,227 square feet in size. The stairs from the rear, upper floor deck to grade will be relocated from the south side to the north side. The project retains the existing garage and the space will continue to be used for parking and be accessed through the 2 new covered spaces in the carport.

The project will comply with the Residential Single-family RS 6 Zone regulations as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft	12 ft	35 ft	5 ft & 5 ft	20 ft	.40	.35	28.5 ft, 2 stories
Existing	28 ft	22 ft	50 ft	41 ft & 215 ft	256 ft	.10	.15	2 stories, 20 ft
Proposed	21 ft	22 ft	43 ft	193 ft & 35 ft	228 ft	.16	.18	2 stories 21.5 ft

The project requires the approval of the following discretionary permits:

Design Review

The project requires design review approval because the work constitutes a 50% remodel per the Town Code definition (Town Code § 17.008.020, definition of Fifty Percent Remodel).

Town Code § 17.020.030 requires that alterations or additions that constitute 50% remodels be reviewed and approval by the Planning Commission as complying with the design review criteria set forth in Town Code §17.020.040.

The additions have been designed to complement the architecture of the existing house and to create a smooth, undetectable transition from the existing portions to the new portions.

The new siding will be cedar Craftsman shingle panels stained in a natural color, the roof will be steel roof tiles to match the existing roof and the window trim will be Milgard vinyl trim windows with bronze trim. The trim, fascia boards, carport columns and the front door will be painted bronze to match the window frames.

The proposed additions create a well composed design, harmoniously related to the existing structure and to other homes in the immediate area.

Sufficient variety exists in the design of the additions to avoid monotony in the external appearance of the home.

The proposed 3,227 square foot structure is in proportion to the 22,217 square foot site size and it does not exceed the maximum 5,000 square foot home size limit for large parcels set forth in Town Code 17.136.010(B)(1). Homes along Fawn Ridge Road range from a 1,276 square foot residence on a 12,309 square foot site (9 Fawn Ridge Road) to a 4,804 square foot home on a 27,957 square foot site (1 Fawn Ridge Road). Therefore, the 3,227 square foot house on this 22,217 square foot site is in character with the surrounding development.

The proposed structure conforms to the general character of other structures in vicinity.

The additions are proposed in areas that have already been disturbed either by paving or landscaping and therefore, most of the existing natural vegetation has been retained.

The proposed carport will be readily accessible from Fawn Ridge Road and the site will continue to provide in excess of the required three on-site parking spaces for a single-family residence [Town Code sections 17.052.030(A)(1) and (2)].

Ridgeline Scenic Corridor permit

Town Code §17.060.030(A)(1) and (2) requires that any project for an addition to a house located in the Ridgeline Scenic Corridor requires Planning Commission approval. In order to approve a project in the Ridgeline Scenic Corrido the Commission must be able to make the following findings (Town Code § 17.060.070 and 080):

1. Other suitable locations for the addition are not available on the site.

2. The visual impacts of the project on significant view corridors has been minimized and the project substantially conforms to the Ridgeline Scenic Corridor criteria contained in Town Code § 17.060.050.
3. The exception is the minimum necessary for the use and enjoyment of the property.
4. The exception is necessary due to a particular topographical feature or location of the property; and
5. Granting the exception results in a project which meets the intent of 17.060.070.

The property slopes down from Fawn Ridge Road to Bolinas Road and the property survey has revealed that the paved portion of Bolinas Road actually crosses onto the private property of 2 Fawn Ridge. The existing house is already located within the Ridgeline Corridor. The slope and location of the Bolinas Road roadbed significantly limit the locations on the site where an addition can be constructed restricting construction to the top portion of the property adjacent to Fawn Ridge Road. In order to comply with design review and ridgeline development criteria, the addition has been designed in the existing driveway area and in the front yard and will extend above the height of the existing residence by only 1.5 feet but will comply with Town Code § 17.060.050(9)(c) with the roof not extending more than 15 feet above the lowest elevation of the ridgeline (see page A7.2, elevations 3 and 4).

The new exterior lighting proposed on the west side of the home will be exterior wall mount lights that meet dark sky criteria for exterior lighting (see page 2 of the supplemental information attached to the front of the project plans). This type of lighting has been included as a condition of project approval because the exterior light shown at the northwest corner of the lower floor is called out as a dual head flood light and it must be replaced with a downfacing exterior light to minimize the impact of the exterior lighting on the ridgeline site when viewed from across the valley as required by Town Code § 17.060.050(7).

Included as a condition of approval is the requirement that all power lines shall be undergrounded from the nearest power pole to comply with Town Code § 17.060.050(8).

Fence Height Variance

Town Code § 17.044.080(B) limits fences along the front property line and within the front setback to 4 feet in height. The fence along the front property line at 2 Fawn Ridge Road is 6 feet height and was deemed to be legal nonconforming by the planning staff in 1981 after they determined the fence probably pre-dated the adoption of the 1979 fence height limitation regulations.

The project will require the approval of a fence height variance to relocate portions of the front fence in order to accommodate the fire engine staging area required by the Ross Valley Fire Department shown on page A2.1 of the plans, inside the fence line. The 6 foot fence is located over 100 feet away from the intersection of Bolinas Road and Fawn Ridge Road and will not obstruct vehicular or pedestrian visibility on either Fawn Ridge or Bolinas Road.

Second Unit Potential

The location of the laundry area in the garage on the first floor in addition to multiple living rooms and a full bathroom renders the first floor of the structure easily convertible into a separate living unit (laundry facilities have the same hookups required for a kitchenette). Therefore, staff has included as a condition of approval that the owners sign, notarize and record at the Marin County Recorder's Office a deed restriction document indicating that the residence have only one kitchen and be used as a single-family dwelling.

The deed restriction does not prohibit the owner or future owners from going through the required planning and building permit processes to legally install a second living unit in the future.

Other Agency/Department Conditions

Ross Valley Sanitary District

1. The project will require a connection permit from the District. The size of the lateral will depend on the fixture count calculated during the permitting process. A hold will be placed on the property and the Building Department will not be able to perform a final inspection or issue a certificate of occupancy until the Sanitary District conditions are met.

Marin Municipal Water District

1. The project will require a Standard Water Service Application and compliance with District Code Title 13.
2. Backflow prevention requirements must also be complied with if not currently in place and in compliance with current regulations.

Ross Valley Fire Department

1. A fire suppression system is required in compliance with the National Fire Protection Association (NFPA)13-D and local standards.
2. The site is in the Wildland Urban Interface area of the Town so the building materials shall be in compliance with California Building Code Chapter 7A.

3. The smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. They shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of 1 detector per story of the occupied portions of the residence.
4. Carbon monoxide alarms shall be provided outside each sleeping area in the vicinity of the bedrooms and one every level of the dwelling.
5. Address numbers at least 4 inches tall must be in place adjacent to the front door and must be internally illuminated and controlled by a photocell and be switched off only by a breaker so it remains illuminated all night.
6. Applicant may propose alternate material or methods in accordance with Section 103.3 of the International Urban Wildland Interface Fire Code. All approved alternate requests and supporting documentation shall be included in the plan sets submitted for final approval.

Note: Neither the Fairfax Police Department, Building Department or Public Works Department had any comments, concerns or conditions for the project.

RECOMMENDATION

Move to approve application # 22-23 by adoption Resolution # 15-25 setting forth the findings and conditions for project approval.

ATTACHMENTS

Attachment A – Resolution No. 15-25

Attachment B - Marin Map topographic elevation of the site

Attachment C - Letter of support from neighbors at 5 Fawn Ridge Road, next door

ESOLUTION NO. 15-25

A Resolution of the Fairfax Planning Commission Approving Ridgelines Scenic Corridor and Design Review Permits for the Fifty Percent Remodel/Addition of the Existing Residence at 2 Fawn Ridge Road Located Within a Ridgeline Scenic Corridor

WHEREAS, the Town of Fairfax has received an application to construct 960 square feet of new living space onto an existing 2,267 square foot single-family residence including a 498 square foot carport on the first parcel west of the entrance to a private road known as Fawn Ridge Road; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on August 20, 2015 at which time the Planning Commission determined that the proposed project and resulting residence complies with the Ridgeline Scenic Corridor Ordinance and the Design Review Ordinance and relocation of the 6 foot front fence was in keeping with the purpose of the Variance Ordinance; and

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

WHEREAS, the Commission has made the following findings:

1. The proposed residence conforms to the regulations set forth in the Ridgeline Scenic Corridor Ordinance, Town Code Chapter 17.060 and the Design Review Ordinance, Chapter 17.020; and
2. The proposed development harmonizes with the surrounding residential development, meets the design review criteria and does not result in the deterioration of significant view corridors.
3. The proposed development is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the area.
4. The exterior appearance of the residence will maintain a low roofline in compliance with the "15 foot above the lowest level of the ridgeline" limit set forth in Town Code §17.060.050(9)(c).
5. The residence has been designed utilizing exterior colors and materials that are similar to the surrounding hillsides and/or compatible with the color palettes of the neighboring homes; and
6. The proposed development is consistent with the General Plan, other adopted codes and policies of the Town of Fairfax, and is consistent with the purpose and intent of the Zoning Ordinance.

7. The site planning preserves identified natural features.
8. Vehicular access and parking are adequate.
11. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;
14. The requested variance to relocate a portion of the legal non-conforming 6 foot front fence to accommodate the required Ross Valley Fire Department truck staging area will not have a significant impact on immediate neighbors, will not impact the general public and is the minimum necessary to allow reasonable development, security and privacy for the site.
15. The Commission has found that there is no way to expand the residence outside the ridgeline corridor because the entire site is located in the corridor as identified on Visual Resources Map, OS-1, contained in the 2010 to 2030 Fairfax General Plan.
16. The design of the structure, not extending significantly above the height of the existing house and not exceeding 15 feet above the ridgeline, meets the intent of the Ridgeline Scenic Corridor Ordinance and minimizes the impact of the project on significant view corridors.

Because of special circumstances applicable to the property, including it being bordered on three sides by roadway and having a steep slope at the rear, the strict application of the 4 foot front fence height will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification

The variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in Town that are surrounded by roadway or located at the intersection of two streets and therefore have limited private yard area.

The strict application of this title would result in an unreasonable hardship requiring the owner to open up the usable front yard area to view when it has been private since prior to 1979 when the 4 foot fence height limit was codified.

The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated because the 6 foot front fence is set back from the intersection of Bolinas Road and Fawn Ridge Road and is located so that it will not create visibility problems at the intersection or along the Fawn Ridge Road private right-of-way.

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

5. This approval is limited to the development illustrated on the plans prepared by Rich

Rushton, Rushton Chartock Architects, dated 6/6/15, pages A1.1, A1.5, A2.1, A2.3, A4.1, A4.2, A6.1, A7.1, A7.2, A7.5, A9.1, C1.0 through C3.0.

6. Prior to issuance of any of the residence building permits 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
- Parking plan to minimize the impacts of contractor/employee vehicles and construction equipment on neighborhood parking

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 and retaining elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation and retaining elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Plan Checker.

e. The grading, foundation, retaining, and drainage elements shall also be stamped and signed by the site geotechnical engineer as conforming to the recommendations made by the project engineer.

f. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the development conformance with their recommendations. The residence shall be provided with sprinkler system that complies with the requirements of the Ross Valley Fire Authority.

g. Submit the record of survey with the building permit plans.

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

a. The geotechnical engineer shall be on-site during the grading process (if there is any grading remaining to be done) and shall submit written certification to the Town Staff that the grading has been completed as recommended prior to installation of foundation and/or retaining forms and piers.

b. Prior to the concrete form inspection by the building official, the geotechnical and structural engineers shall field check the forms of the foundations and retaining elements and provide written certification to the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans. The Building Official shall field check the concrete forms prior to the pour.

c. All construction related vehicles including equipment delivery, supply delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public and private right(s)-of-way at all times. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.

d. Any proposed temporary closure of a public or private 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.

8. Prior to issuance of an occupancy permit the following shall be completed:

a. The geotechnical engineer shall field check the completed project and submit written certification to the Town Staff that the foundation, retaining, grading and drainage elements have been installed in conformance with the approved building plans and the recommendations of the soils report.

b. The Planning Department shall field check the completed project to verify that all planning commission conditions have been complied with prior to issuance of the certificate of occupancy.

9. Excavation shall not occur between October 1st and April 1st. The Town Engineer has the authority to waive this condition depending upon the weather.

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

b) Every effort shall be made to minimize the disturbance of dust, sand or other particulate matter during construction.

11. During construction the developer and all employees, contractor's and subcontractor's must comply with all requirements set forth in Ordinance # 637 (Chapter 8.26 of the Town Code), "Storm Water Management and Discharge Control Program."

12. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 15-23. Any construction based on job

plans that have been altered without the benefit of an approved modification of Application 15-23 will result in the job being immediately stopped and red tagged.

13. Any damages to Bolinas Road or public roadways used to access the site resulting from construction activities shall be the responsibility of the property owner.

14. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

15. 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.

16. The applicant shall comply with any and all the conditions of the Marin Municipal Water District, Ross Valley Sanitary District, Ross Valley Fire Department, Fairfax Public Works Department and Fairfax Building Department.

17. 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.

18. Direct and reflected glare and excess site brightness from the structure shall be minimized.

19. Light trespass beyond the property lines shall be minimized especially from the trellis.

20. Any lighting mounted on the building shall be recessed or shielded so the light source is not directly visible from the property line and the light is directed downward.

21. The PG & E lines shall be undergrounded from the pole to the house prior to issuance of the certificate of occupancy.

22. The owners shall sign, notarize and record a deed restriction indicating that no portion of the residence may include a second kitchen or be used as a separate living unit (this condition can be lifted if this owner or future owners obtain the required permits necessary to create a legal second unit).

Ross Valley Sanitary District

1. The project will require a connection permit from the District. The size of the lateral will depend on the fixture count calculated during the permitting process. A hold will be placed on the property and the Building Department will not be able to perform a final inspection or issue a certificate of occupancy until the Sanitary District conditions are met.

Marin Municipal Water District

1. The project will require a Standard Water Service Application and compliance with District Code Title 13.
2. Backflow prevention requirements must also be complied with if not currently in place and in compliance with current regulations.

Ross Valley Fire Department

1. A fire suppression system is required in compliance with the National Fire Protection Association (NFPA)13-D and local standards.
2. The site is in the Wildland Urban Interface area of the Town so the building materials shall be in compliance with California Building Code Chapter 7A.
3. The smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. They shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of 1 detector per story of the occupied portions of the residence.
4. Carbon monoxide alarms shall be provided outside each sleeping area in the vicinity of the bedrooms and one every level of the dwelling.

5. Address numbers at least 4 inches tall must be in place adjacent to the front door and must be internally illuminated and controlled by a photocell and be switched off only by a breaker so it remains illuminated all night.
6. The fire truck staging area will need to be painted as a no parking zone prior and be inspected by the Fire Department prior to the final inspection and issuance of the occupancy permit.
7. Applicant may propose alternate material or methods in accordance with Section 103.3 of the International Urban Wildland Interface Fire Code. All approved alternate requests and supporting documentation shall be included in the plan sets submitted for final approval.

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

The approval of the Ridgeline Scenic Corridor Permit and Design Review Permit for the proposed residence at 2 Fawn Ridge Road is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the residence expansion and remodel 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 20th day of August, 2015 by the following vote:

AYES:

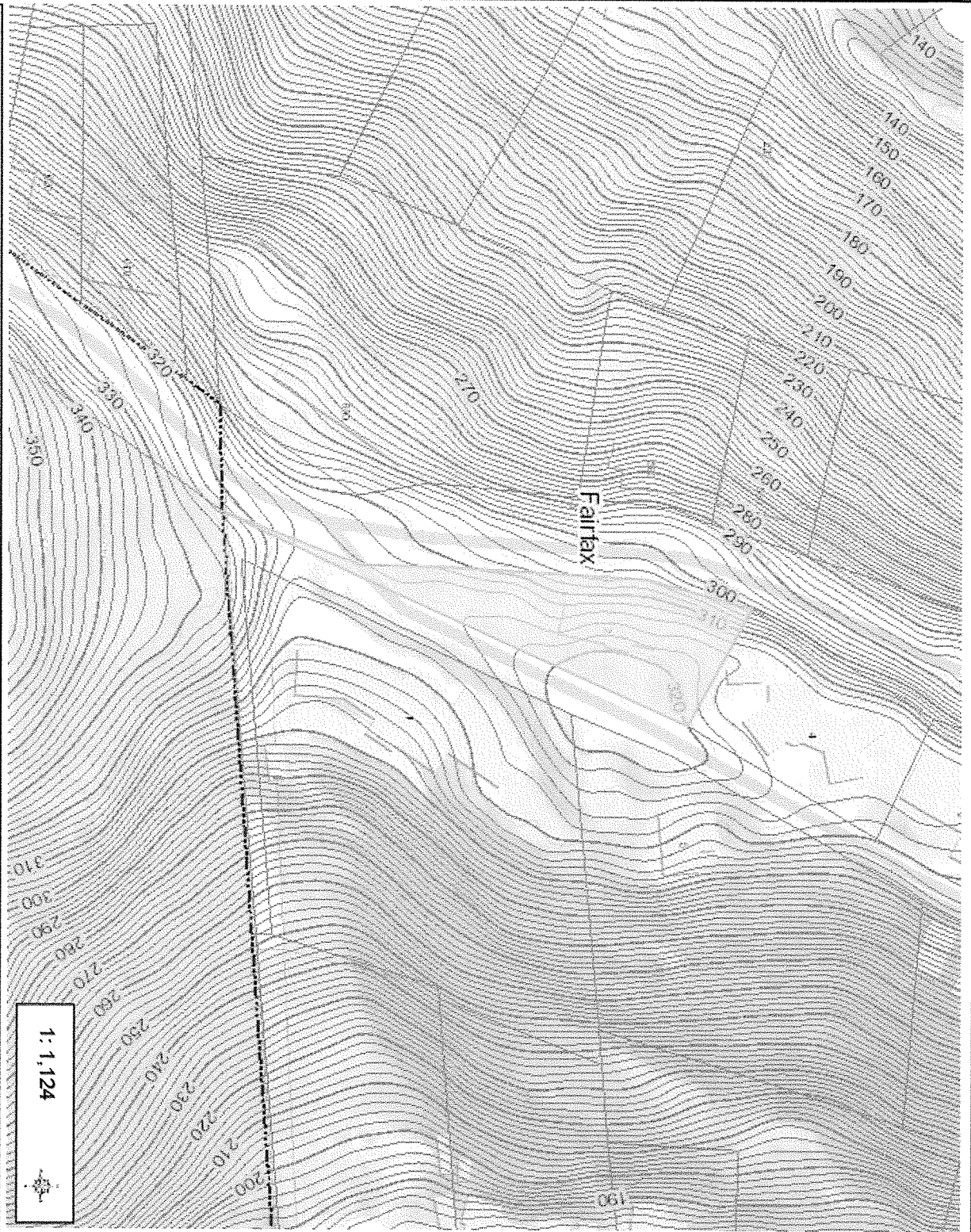
NOES:

ABSENT:

Chair, Philip Green

Attest:

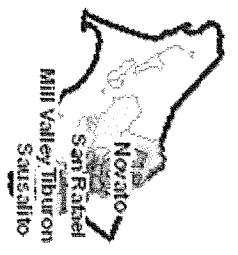
Jim Moore, Director of Planning and Building Services



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- Legend**
- Address
 - Parcel
 - Condominium Common Area
 - Mobile Home Pad
 - City
 - Community
 - Marin County Legal Boundary
 - Other Bay Area County
 - Ocean and Bay
 - Elevation_2011_NAVD88_2ft
 - Interior
 - Index

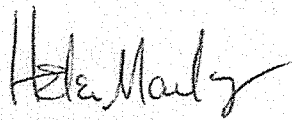
Notes

18 July 2015

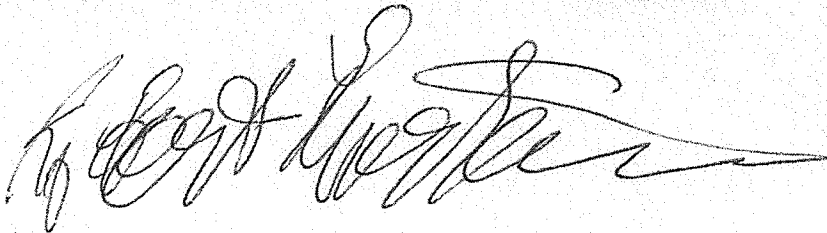
To Whom It May Concern.

With regard to property, 2 Fawn Ridge, Fairfax

We have seen the plans for the revision of the existing residence and support the Brennan's in their effort to improve upon their property. We hope this support will be considered in arriving at a favorable decision regarding this matter.



Helen Marley
5 Fawn Ridge



Robert Mortensen