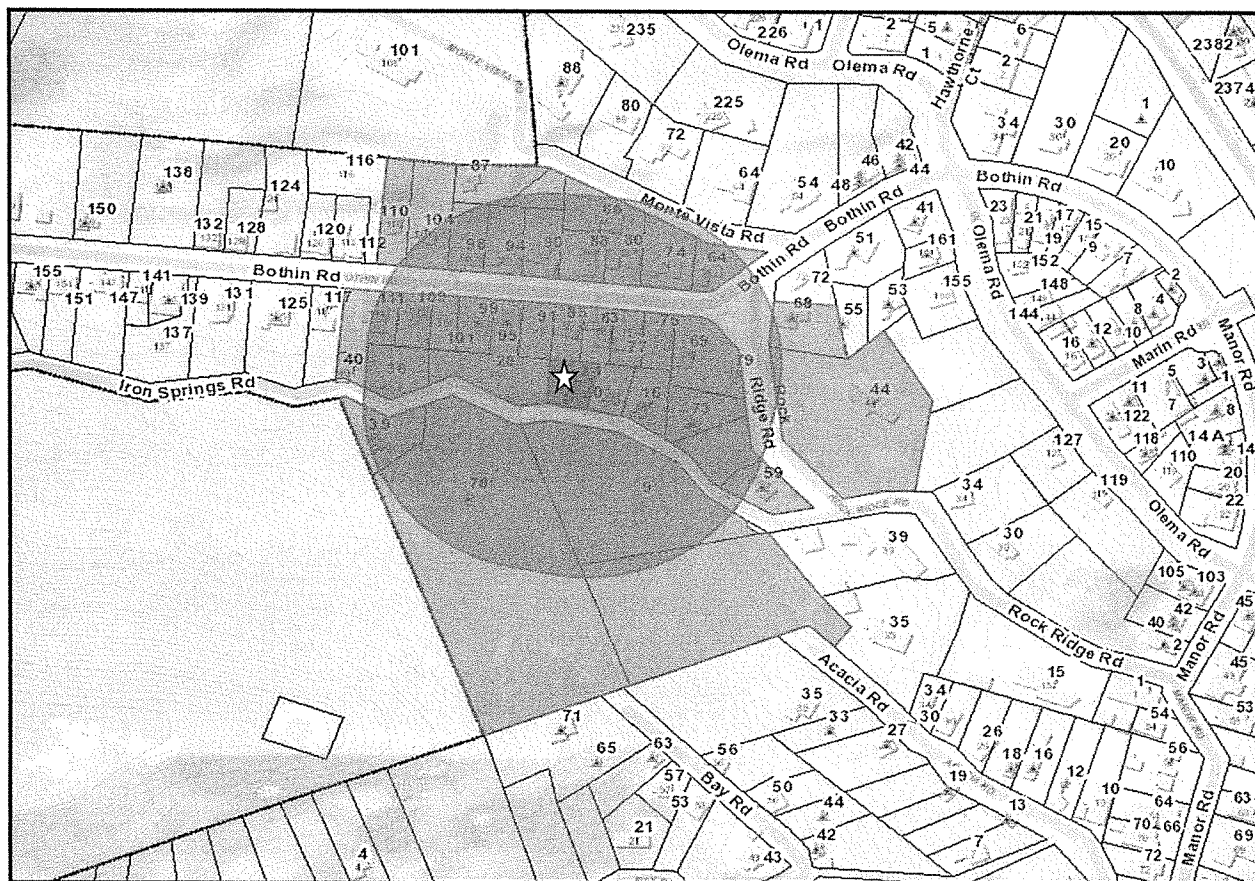


TO: Fairfax Planning Commission
DATE: May 21, 2015
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
LOCATION: 24 Iron Springs Road; Assessor's Parcel No. 001-091-09
ZONING: Residential Single-family RS 6 Zone
PROJECT: Addition/remodel
ACTION: Use Permit; application # 15-08
APPLICANT: John and Lisa Scopazzi
OWNER: Same
CEQA STATUS: Categorically exempt, § 15301(e)



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BACKGROUND

The 6,375 square foot site has an average slope of 40 %. The 1,774 square foot residence was constructed in 1930 prior to the Town's incorporation in 1931.

A 453 square foot, irregularly shaped, car deck was built in 1955. A semi-detached laundry room was constructed in 1956.

In August of 2013 the Commission approved a Use Permit, Encroachment Permit and Variances to allow the dilapidated, irregularly shaped car-deck on the property to be replaced by a 2 car parking deck. The permit was issued for the deck on October 25, 2013 and the parking structure is still under construction.

A fire occurred in the house in April of 2015 and partially damaged the structure. The fire damage will be repaired under a separate permit that will not require review and approval by the Planning Commission (Town Code § 17.016.070, Restoration of a Damaged Structure).

DISCUSSION

The applicants are now proposing to expand the residence by connecting the semi-attached laundry room to the existing main residence in order to expand the existing dining room. The project will increase the square footage of the home from 1,774 square feet to 1,816 square feet. The basement area beneath the proposed expansion will remain the same except that an additional window is being proposed in the new siding for added light. The basement will not be improved.

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6ft	12ft	35ft	5ft & 5ft	20ft	.40	.35	35 ft, 3 stories
Existing	0 ft	13 ft	13 ft	24 ft & 0 ft	24 ft	.27	.52	29.5 ft, 3 stories
Proposed	0 ft	13 ft	13 ft	24 ft & 0 ft	24 ft	.28	.52	29.5 ft, 3 stories

Note: the laundry room is being considered semi-attached because it shares a roofline with the house but not a common wall so you can walk between the residence and the laundry room and be outside in an unenclosed area.

The expansion will not extend beyond the footprint of the existing house and laundry shed. Therefore, the project will not disrupt existing vegetation or require the removal of any trees. The project also complies with the required setbacks, the Floor Area Ratio

limitation and the height limit. The lot coverage exceeds the permitted 35% but the project does not increase the existing legal non-conforming 52% lot coverage

Use Permit

Town Code § 17.080.050(C) requires that a Use Permit be obtained for any modification of a residence located on a non-conforming property. The slope of this site is 40% and a property would have to be 32,000 square feet in size and 140 feet wide to meet the minimum size and width regulations. Therefore, the proposed project requires a Use Permit.

The purpose of the Use Permit process is to allow the proper integration into Fairfax of uses which may be suitable only in certain locations or only if the uses are designed or laid out on a site in particular manner. In considering an application for Use Permit, the Commission can give due regard to the adjacent uses and physical environment of the proposed use.

Houses in the neighborhood on similar sized lots range from a 1,337 square foot, 2 bedroom, 1 bath house on a 2,500 square foot parcel (40 Iron Springs Road) to a 2,657 square foot, 3 bedroom 3.5 bath house on a 8,625 square foot parcel (59 Rock Ridge Road). Therefore, the proposed 1,816 square foot, three bedroom, 2 ½ bath, residence on this 6,375 square foot property is similar in size and character to other homes in the immediate area.

The addition location is in the center of the property where it exceeds required minimum setbacks and will have no negative impact on any of the surrounding homes (20 Iron Springs Rd., 83 and 85 Bothin Rd. and 28 Iron Springs Rd.).

Other Agency/Department Comments/Conditions

Ross Valley Fire Department

1. The fire lane along the front of the parking deck shall be marked in accordance with Ross Valley Fire Department Standard #204 (Both sides of the road shall be marked) prior to issuance of the building permit for the addition.
2. An effective fire break shall be maintained around the building by removing and clearing all flammable vegetation and/or other combustible growth in accordance with Ross Valley Fire Protection Standard 220, Vegetation/fuels Management Plan.
3. 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 are required. Numbers must be internally illuminated (backlit), placed next to a light or be reflective numbers.

4. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detector 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 one detector per story of the occupied portion of the residence.
5. Carbon monoxide alarms shall be provided.

Marin Municipal Water District

1. The applicant must comply with the District Code Title 13, Water Conservation, as a condition of water service.
2. Should backflow protection be requirement it shall be installed prior to the project final inspection as a condition of water service.

Sanitary District

1. Prior to issuance of a building permit the property owner shall apply for a sewer connection permit from the District.
2. If not already installed, the District requires that the side sewer be equipped with an appropriate backwater prevention device.
3. The applicant shall contact the District to arrange for a District Inspector to approve the existing installation or to approve plans for the proposed installation.

RECOMMENDATION

Move to adopt Resolution No. 15-12, approving the project based on findings and subject to conditions contained in the resolution.

ATTACHMENTS

Exhibit A – Resolution No. 15-12

RESOLUTION NO. 15-12

A Resolution of the Fairfax Planning Commission Approving a Use Permit, for Expansion of the Residence at 24 Iron Springs Road, Application #15-08

WHEREAS, the Town of Fairfax has received an application to construct a 42 square foot addition to a single-family residence on a portion of lot 15 of the Bothin Park Subdivision, also designated Assessor's Parcel No. 001-091-09; 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 resulting home will be similar in size and scale to other structures found throughout the neighborhood on similar sized and sloped properties. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The addition complies with all the setback, height and lot coverage regulations for the Residential RS 6 Zone District where the property is located and it will not increase the legal non-conforming 52% lot coverage currently maintained on the site. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
3. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.
4. The area where the addition will occur is already covered by a roof and the addition will not extend beyond the already disturbed residence footprint. Therefore, approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.
5. 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 Town Code.
6. The site planning preserves identified natural features.

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 John Scopazzi, dated 5/19/13 page A1.0, the unnumbered page illustrating the house elevations and floor plans, and the 8 ½ by 11 inch basement floor plans.

2. Prior to issuance of any of the residence building permits the applicant or his assigns shall:

a. 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.

b. 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.

c. 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.

d. 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.

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

a. 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.

b. 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 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 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. 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 (due to the small size of the new addition and its location, the Building Official can waive this requirement if he determines that having a geotechnical project engineer is unnecessary).

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.

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

6. 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.

7. 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."

8. Notwithstanding section # 17.38.050(A) of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 15-08. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 15-08 will result in the job being immediately stopped and red tagged.

9. Any damages to Iron Springs Road or public roadways 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, 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.

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 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.

13. 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.

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

The approval of the Use Permit and construction of the addition to the residence can occur without causing significant impacts on neighboring residences and the environment and is in compliance with the 2010 to 2013 Fairfax General Plan and Fairfax Zoning Ordinance.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 21st day of May, 2015, by the following vote:

AYES:
NOES:
ABSENT:

Chair, Philip Green

Attest:

Jim Moore, Director of Planning and Building Services

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