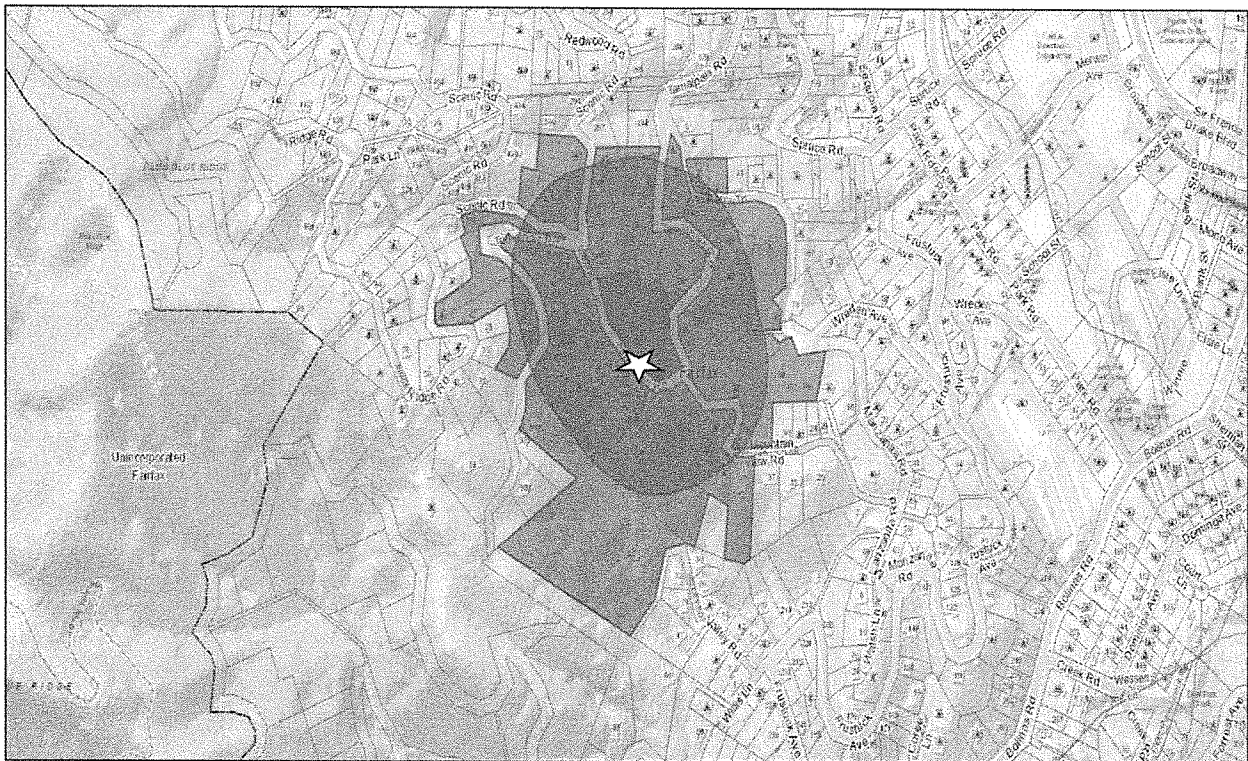


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: April 21, 2016
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
LOCATION: 290 Tamalpais Road; Assessor's Parcel No. 001-064-07
ZONING: Residential Single-family RS 6 Zone
PROJECT: Expansion/Remodel of Single-Family Residence to Provide
Additional Living Space and a Residential Second Living Unit
ACTION: Ridgeline Scenic Corridor Permit; Application # 16-11
APPLICANT: Leo den Ouden, Architect
OWNER: Christopher Morrill
CEQA STATUS: Categorically exempt, § 15301(e)(1)



290 TAMALPAIS ROAD

BACKGROUND

The 50,282-square-foot site is located on a knoll surrounded on 3 sides by Tamalpais Road. The property is located within a Ridgeline Scenic Corridor as identified on the General Plan Open Space Map. The average slope of the site is 35%. The residence was constructed in 1920 prior to the Town's incorporation in 1931.

A major remodel of the residence was completed in 1980 which included the installation of a swimming pool, pool house and a 2-car garage. In 2000, permits were issued to construct a greenhouse and expand the pool house to include a bathroom and sauna.

In 2007 permits were issued to renovate and expand the 2-car garage into an accessory structure with two, 1-car garage spaces, a carport accommodating 2 cars and two, workshop/storage rooms.

DISCUSSION

The owners are now proposing a 654-square-foot expansion and remodel of the existing 2,779-square-foot, 3 bedroom, 2 ½ bath, single-family residence into a 2 bedroom, 3 bath, single-family residence with a studio second unit on the lower living level. The resulting residential structure will be 3,437 square feet in size.

The project will comply with the regulations of the Residential Single-family RS 6 Zone where the property is located 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	13 ft	86 ft	99 ft	36 ft (pool deck), 6 ft. (garage)	42 ft	.09	.12	33 ft, 3 stories
Proposed	same	83 ft	96 ft	same	same	.11	.13	22 ft (new addition), 2 stories

The Use Permit for the second unit will be subject to review and approval by the Planning Director, and is not subject to review and action by the Planning Commission [Town Code § 17.048-040(A) through (O)]. The expansion of the residential structure complies with all the setback, height, lot coverage and floor area ratio limitations for the RS 6 Zone. The site also complies with the minimum size and width regulations for a property with a 35 % slope and meets the requirements to provide 4 parking spaces – 3

for the main residence and 1 for the second unit. Therefore, the Planning Director will be approving the Use Permit and Design Review Permit for the second unit if the Planning Commission approves the Ridgeline Scenic Corridor permit for the project.

Ridgeline Scenic Corridor Permit

Town Code 17.060.030(A)(2) states that modifications of structures, or new structures, located on properties within a Ridgeline Scenic Corridor require approval of a Ridgeline Scenic Corridor Design Review permit from the Planning Commission.

In reviewing an application to build in a Ridgeline Scenic Corridor the Commission shall use the criteria contained in the Ridgeline Scenic Corridor Ordinance and shall determine whether or not the addition will have an impact on significant view corridors.

Significant view corridors can be public gathering places or neighborhood roadways, points within the property or neighboring properties if the Commission finds that the regulation of views from the point is necessary to protect the general public welfare.

Whether or not a significant view corridor is affected by the project shall be determined by the Planning Commission and shall be mitigated by project redesign, screening, use of materials that are color compatible with the surrounding hillside, minimizing reflective surfaces, use of low-level intensity exterior lighting, etc.

The 50,282-square-foot site is relatively large by Fairfax standards and the three story home is centered on the property. The additions are proposed on the first and second stories of the residence, with the third story projecting above these floors and the ridgeline. The house and its location on the ridgetop pre-date the adoption of the Town Ridgeline Scenic Corridor Ordinance in 1973.

The crest of knoll where the house is located sits at a much higher elevation than Tamalpais Road so the proposed additions will not be visible to the general public from the public right-of-way (?). While the site may be visible from some residences at a higher elevation than the site such as the homes on Ridge Road facing east, these residences are a considerable distance from the site therefore any visual impact from the proposed addition will be negligible.

The site is not visible from any identified public gathering places.

The lower portions of the house are screened by vegetation that grows around the perimeter of the property, between the property line and Tamalpais Road.

Staff does not believe that the proposed project will have a significant negative impact on this particular ridgeline.

Other Agency/Department Comments/Conditions

Fairfax Building Department

1. Area separation must be provided between the two units in compliance with the California Building Code.

Ross Valley Fire Department

1. Private driveways serving as access roads shall be a minimum of 16 feet wide and if they exceed 150 feet in length shall be provided with an approved fire apparatus turn around in compliance with Ross Valley Fire Standard 210.
2. A fire sprinkler system shall be installed throughout the entire building which complies with the National Fire Protection Association (NFPA 13-d and local standards. A separate deferred permit is required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
3. A fire hydrant capable of supplying 500 gallon per minute (GPM) is required to be located so that no portion of the residence exceeds 350 feet from the closest hydrant. The closest hydrant is approximately 450 feet from the furthest portion of the residence measured along the path of travel. Installation of a new hydrant to meet the minimum travel distance requirements must be coordinated with the Marin Municipal Water District.
4. An effective firebreak shall be maintained around the structure by removing and clearing all flammable vegetation and/or other combustible growth within the defensible space zone of 30 to 100 feet (see Ross Valley Fire Protection Standard 220 – Vegetation/Fuels Management Plan).
5. 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 sleeping rooms centrally located in the corridor and over the center or all stairways with a minimum of one detector per story of the occupied portion of the residence.
6. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs or additions with a project valuation exceeding \$1,000. The alarms shall be located outside of each dwelling unit sleeping area in the immediate vicinity of the bedrooms and on each building level including basements.
7. Address numbers 4 inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential

numbers must be internally illuminated (backlit), placed next to a light or be reflective numbers. If your project is a new house or a substantial remodel, the numbers may only be internally illuminated or illuminated by an adjacent light controlled by a photocell and switched off only by a breaker so it will remain illuminated at night.

8. The applicant may propose alternative materials or methods for any of the above conditions in accordance with Section 103.3 of the California Fire Code.

Ross Valley Sanitary District

1. The project requires a private sewer lateral permit from the District. The lateral requirements will depend on the fixture count calculated during the building permitting process. If the existing lateral is adequately sized, the applicant has the option of installing a new lateral or testing the existing lateral in the presence of a District Inspector who determines if the line complies with all current District requirements.
2. A hold will be placed on the property once the building permit is issued which will prevent the project from obtaining a final building inspection until the District's requirements are fulfilled.
3. The owner shall also be advised that permanent connection of pools and spas to the sewer system is prohibited. Temporary discharges require a permit and inspection fee of \$250.00 and must be in compliance with the Sanitary Code and the District Standard Specifications and Drawings.

Marin Municipal Water District

1. Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation, is a condition of water service.
2. Should backflow protection be required, said protection shall be installed as a condition of water service.
3. Gray water recycling systems must be installed when practicable for existing structures undergoing a substantial remodel in compliance with MMWD Ordinance 429.

RECOMMENDATION

Move to approve Application # 16-11 by adopting Resolution No. 16-07 setting forth the findings and conditions of approval for the Ridgeline Scenic Corridor Design Review permit for the proposed expansion/remodel and residential second unit.

ATTACHMENTS

Attachment A – Resolution No. 16-07

RESOLUTION NO. 16-07

A Resolution of the Fairfax Planning Commission Approving A Ridgeline Scenic Corridor Design Review Permit For The Expansion Of A Residence And Construction of a Residential Second Unit At 290 Tamalpais Road Located Within A Ridgeline Scenic Corridor

WHEREAS, the Town of Fairfax has received an application to construct 654 square feet of new living space onto an existing 2,267-square-foot, single-family residence including a 484-square-foot, residential, second unit at 290 Tamalpais Road; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing April 21, 2016, at which the Commission determined the proposed structure complies with the Ridgeline Scenic Corridor 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;
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 residence will maintain its existing height with the new living space constructed at the rear of the structure on the first two, lowest, living levels;
5. The additions have been designed utilizing exterior colors and materials that are compatible with the existing structure and the color palettes of the neighboring homes;
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;
9. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;

10. The Commission has found that it is not possible 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; and

11. The design of the additions, not extending above the height of the existing house and not extending above the ridgeline of the lowest elevation of the adjacent Ridgeline, complies with the purpose of the Ridgeline Scenic Corridor Ordinance [Town Code § 17.060.050(9)(c)].

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 Leo den Ouden, dated 2/12/16 pages A-1 through A-7.

2. Prior to issuance of any building permits for the residence, 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; and
- 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 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 improvements to public roadways including but not limited to 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 for the foundation and retaining elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Structural Plan Engineer.

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 Geotechnical Engineer.

f. Prior to submittal of the building permit plans, the applicant shall secure written

approval from the Ross Valley Fire Authority noting that the development conforms with their recommendations. The residence shall be provided with a sprinkler system that complies with the requirements of the Ross Valley Fire Authority.

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

3. 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; and

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;

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; and

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

7. Every effort shall be made to minimize the disturbance of dust, sand or other particulate

matter during construction.

8. 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."

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. Direct and reflected glare and excess site brightness from the structure shall be minimized.
16. Light trespass beyond the property lines shall be minimized especially from the trellis.
17. 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.
18. PG & E lines shall be undergrounded from the pole to the house prior to issuance of the certificate of occupancy.
19. The owner shall sign and record an affidavit of owner occupancy prior to issuance of the building permit certifying that they intend to occupy one of the units on the property.

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3. A fire hydrant capable of supplying 500 gallon per minute (GPM) is required to be located so that no portion of the residence exceeds 350 feet from the closest hydrant. The closest hydrant is approximately 450 feet from the furthest portion of the residence measured along the path of travel. Installation of a new hydrant to meet the minimum travel distance requirements must be coordinated with the Marin Municipal Water District.
4. Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth within the defensible space zone of 30 to 100 feet (see Ross Valley Fire Protection Standard 220 – Vegetation/Fuels Management Plan).
5. 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 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.

6. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs or additions with a project valuation exceeding \$1,000. The alarms shall be located outside of each dwelling unit sleeping area in the immediate vicinity of the bedrooms and on each building level including basements.
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2. Should backflow protection be required, said protection shall be installed as a condition of water service.
3. Gray water recycling systems must be installed, when practicable, for existing structures undergoing a substantial remodel in compliance with MMWD Ordinance 429.

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 for the proposed residential structure at 290

Tamalpais 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 21st day of April 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

Chair, Laura Kehrlein

Attest:

Jim Moore, Director of Planning and Building Services