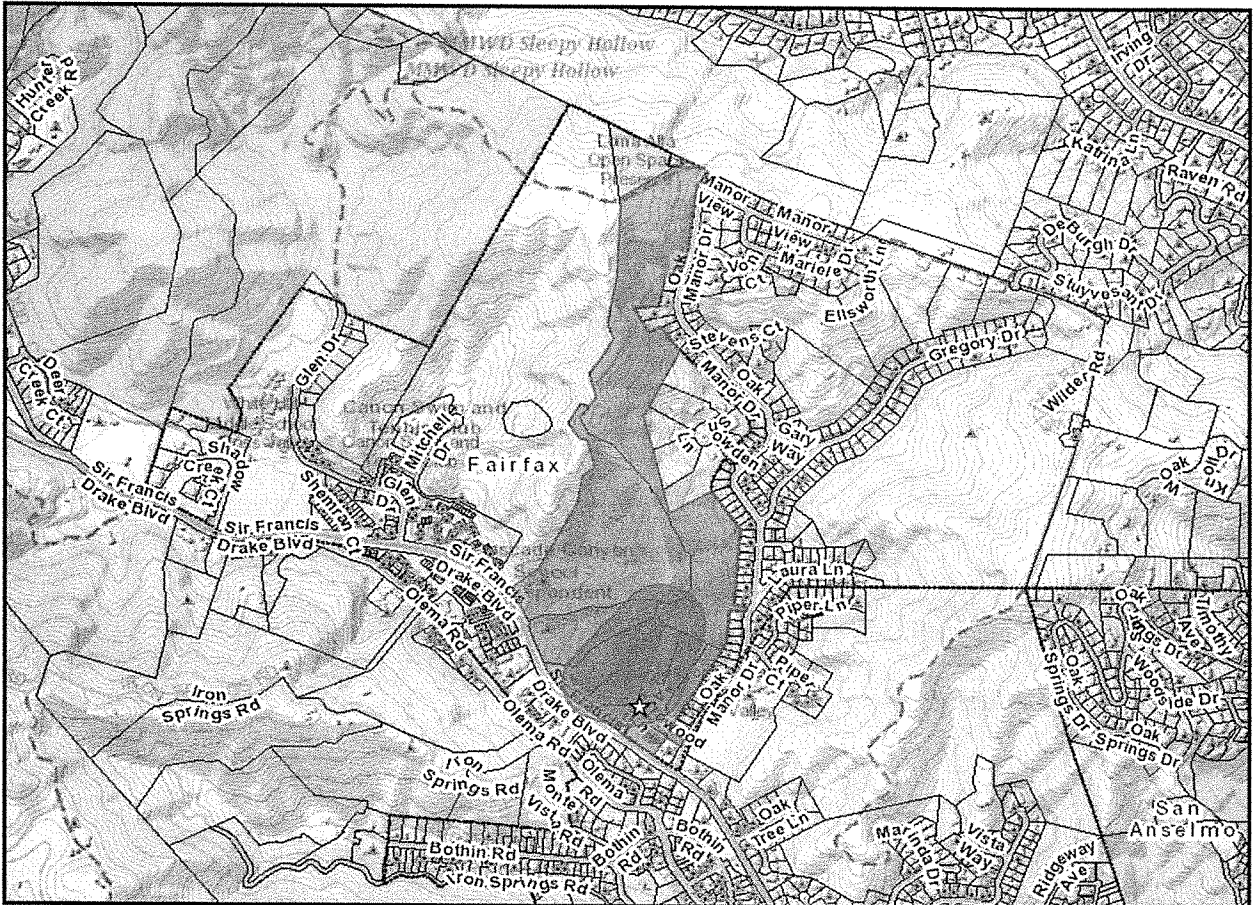


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: June 18, 2015
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
LOCATION: 5 Arrowwood Lane; Assessor's Parcel No. 174-290-05
ZONING: Residential Single-family RS 6 Zone District
PROJECT: Single-family residence
ACTION: Design Review; application # 15-18
APPLICANT: Steve Vallejos, Valley Home Development
OWNER: David and Bronwen Pugh
CEQA STATUS: Categorically exempt, § 15303(a)



5 ARROWOOD LANE

BACKGROUND

The Fairfax Hills Subdivision, which includes six lots was approved by virtue of a court settlement between the Town of Fairfax and the then property owner on April 22, 1991. The court settlement occurred after the preparation of an environmental impact report and many public hearings on the project. The settlement agreement set forth the building envelopes for the various homes within the subdivision, the allowable living space square footages, various design standards and allowed the owner to re-grade the development area to repair any geologic problems that were discovered and to build the required subdivision improvements (roads, sewer, graded house pads, drainage improvements, etc. (the settlement agreement of Fairfax Hills vs. Fairfax is available for review at the Fairfax Town Hall).

As noted above, the site excavation for the most of the building pads, drainage improvements and other infrastructure work were approved and constructed as subdivision improvements. The Town Engineer approved the final inspection for the Subdivision improvements after a 1 year maintenance period on May 7, 2013. Most of the grading to create the building pad for Lot 5, the subject of tonight's meeting, has already occurred. Lot 5 is already improved with extensive retaining walls along the east and west sides of the building pad that was approved by the judge in the settlement agreement. There are also two substantial debris walls and a drainage system including a large drainage inlet uphill and north of the approved pad to protect any future house from debris if the area uphill from the pad ever slides. These improvements are shown on the project landscape plan, the first page of the project plans.

DISCUSSION

The 2.21 acre parcel slopes up from the western terminus of Arrowood Lane at an average rate of 51%.

The Agreement in Settlement of Fairfax Hills V. Town of Fairfax Superior Court Case No. 140706 set forth the following restrictions for the development of the parcels in Phase B, including 5 Arrowood:

1. The area inside the building envelope on each lot shall be used for construction of one single-family residence. The total enclosed floor area of the residence, including any garage space in excess of 500 s.f., and any accessory buildings shall not exceed 3,900 s.f.;
2. Uses of the area of the project sites outside the approved building envelope shall be restricted to paths, driveways, approved parking spaces or other approved improvements, fences, decks appurtenance to a single-family residence, landscaping, and those uses ordinarily allowed in privately owned open space;

3. Residences are limited to 28' above site grade. Height is measured from the highest point of a structure, including chimney, to the grade directly beneath that point;
4. All new on-site and off-site utility service shall be installed underground;
5. The residences shall be designed to be related to the existing land-form in order to integrate the structure with its site. Vertical and horizontal offsets shall be used to break up building planes;
6. Each residence shall have two enclosed on-site parking spaces and a minimum of two additional uncovered on-site parking spaces. Garages shall have sectional overhead doors with automatic garage door closers;
7. Each roof shall be of non-combustible materials, or other materials if approved by the Town chosen to visually blend with the existing landscape of the site. The colors shall be earth tones or natural greens. Any exposed metal flashing or trim shall be dark anodized or painted to blend with adjacent colors and be non-reflective;
8. Exterior siding materials shall be horizontal wood siding, shingles, or other materials that through texture, color, pattern and weathering, will visually blend with the natural surroundings. Any skylight shall be of the flat lens type and shall not have white or light opaque colored exterior lens. Trim and windows shall be compatible with the natural appearance of the residence and surroundings;
9. Fully automatic fire sprinkler systems shall be installed throughout the interior of each residence;
10. Exterior lighting shall be shielded and directed downward. Lamps shall be of low wattage and of incandescent light color. Any lighting placed outside of the building envelope shall not exceed seven feet above grade;
11. Each chimney shall be equipped with an approved spark arrester;
12. The landscape design and specific plant materials shall be selected from a palette of landscape flora which is compatible with the natural character of the site and the Town of Fairfax. Plant selection shall also consider water consumption and will use low-water plant materials as listed in Water-Conserving Plants and Landscape for the Bay Area provided by Marin Municipal Water District.

House Size

The proposed 3,659 square foot house is less than the 3,900 square foot maximum house size approved in the settlement agreement.

Use of Areas Outside the Approved Building Envelopes

There are no improvements proposed outside the building envelope except for some landscaping and driveway improvements. Most of the site is going to be retained in its natural state which is mostly Oak woodlands with some grassy slopes.

Height

The proposed residence is 28 feet in height that complies with the 28 foot height limit set forth in the settlement agreement.

Design and Residence Materials

The roofing will be of charcoal grey standing seam metal, the siding will be fiber cement siding painted grey (Benjamin Moore # OC-51), the trim will be painted white (Benjamin Moore # 2121-70), the windows will be single-hung white vinyl to match the trim color and the garage and front door will be painted black. The chimney will be brick.

The exterior walls of the residence have been heavily articulated with horizontal siding, a front porch, alternately sloping rooflines and windows of varied sizes. The extensive exterior articulation and the limited 28' height of the residences minimizes the bulk and mass of the structure

There was no requirement for any specific kind of architecture contained in the settlement agreement and the two residences that are currently under construction have architecture that is dissimilar to that of the three houses that have already been built. The architecture of the proposed house at 5 Arrowood Lane will compliment the architecture of the other residences in the subdivision.

Parking

The residence garage will accommodate at least 2 vehicles and there is additional parking for 2 more vehicles within the driveway in compliance with the terms of the settlement agreement and in compliance with the parking required by the Town Code [Town Code § 17.052.030(A)(1) and (2)]. The garage doors are sectional overhead doors and each will be outfitted with an automatic garage door opener as required in the settlement agreement.

Landscaping

The landscaping plan is subject to the approval of the Marin Municipal Water District for compliance with their Title 13, Water Conservation Ordinance and must comply with the Urban Wildland Interface Zone requirements and be approved by the Ross Valley Fire

Department. Most of the site will be retained in its existing natural state (see the landscaping plan page).

Lighting

Exterior lighting for the structure has been minimized and is only proposed in the front porch area, on either side of the garage, on either side of the back door and adjacent the side door into the garage. The lighting fixtures shown do not appear to comply with the settlement agreement. They appear to be lantern style fixtures with no screening of the illuminated globe area. The applicant must demonstrate the exterior lighting fixtures comply with the settlement condition requiring that exterior lighting shall be shielded and directed downward. The agreement also requires that lamps shall be of low wattage and of incandescent light color. If the owner and staff cannot agree what minimized lighting that complies with the settlement agreement is, the lighting plan shall be subject to review and approval by the Planning Commission prior to the project final inspection and issuance of the occupancy permit.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department

1. A fire protection 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. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
2. 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.
3. A Vegetative Management Plan designed in accordance with Ross Valley Fire Standard 220 is required for this project. A separate deferred permit shall be required for this plan. Please submit directly to the Fire Department for review.
4. Carbon monoxide alarms shall be provided.
5. Address numbers must be 4 inches tall and if not clearly visible from the street, additional numbers are required. The project is a substantial remodel so the numbers must be internally illuminated or illuminated by an adjacent light controlled by a photocell and switch off only by a breaker so it will remain illuminated all night. The numbers must be internally illuminated, placed next to a light or be reflective numbers.

Marin Municipal Water District

1. The applicant must submit a Standard Water Service Application with a copy of the building permit and the required fees and charges.
2. Complete the foundation of the structure within 120 days of the date of application.
3. Comply with the District Code Title 13, Water Conservation, as a condition of water service.
4. Comply with the backflow prevention requirements of the District.

Sanitary District

1. A new sewer connection will be required for the residence since it involves extensive demolition and rebuild. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirements of the fixture count, the applicant has the option of installing a new lateral or, the old sewer lateral needs to be tested in the presence of a District Inspector and found to meet all current District requirements. The cost will be based on the number of fixtures. Occupancy will not be approved until District's permit and sewer requirements are fulfilled.

Fairfax Police and Building Departments

The Fairfax Police Department and the Building Department had no comments on the project.

RECOMMENDATION

Move to approve application # 15-18 by adopting attached Resolution No. 15-19 which includes the findings and conditions for approval.

ATTACHMENTS

Attachment A – Resolution # 15-19

Attachment B – portions of the settlement agreement relating to house size and design

RESOLUTION NO. 15-19

A Resolution of the Fairfax Planning Commission Approving the Design of a New Residence at 5 Arrowood Lane

WHEREAS, the Town of Fairfax has received an application to construct a 3,659 square foot single-family residence and attached garage on lot B5 of the Arrowood Subdivision that was approved by, "Agreement in Settlement of Fairfax Hills vs. Town of Fairfax, Superior Court Case No. 140706"; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on June 18, 2015 at which at which time the Planning Commission determined that the proposed residence complied with the settlement agreement and approved the design of the residence as complying with the Design Review Criteria listed in Town Code § 17.020.040; 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 terms of the "Agreement and Settlement of Fairfax Hills v. Town of Fairfax Superior Court Case No. 140706;"
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 has been designed to incorporate aspects of the California Craftsman architecture found throughout Fairfax including a gable roof form, a porches and horizontal siding.

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 Valley Home Development, the landscaping plan (unnumbered), C1, E1 and E2, A1 and A2, EL1 and EL2, P1 and SE1.
2. 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

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 applicant or property owner shall submit a cash deposit, bond or letter of credit to the Town in an amount that will cover the cost of landscaping and irrigation materials and installation prior to issuance of the building permit. The amount shall be retained for 18 months after issuance of the Certificate of Occupancy to ensure the landscaping becomes established.

e. 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.

f. 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.

g. 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.

h. Submit a 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. Prior to pouring the foundation the surveyor shall submit a letter certifying that the house had been located within the building envelope approved by the Settlement Agreement.

d. 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.

e. 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.

b. The Planning Department shall field check the completed project to verify that all and planning commission conditions have been complied with including installation of landscaping and irrigation 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. 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 # 15-18. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 15-18 will result in the job being immediately stopped and red tagged.

9. Any damages to Arrowood Lane or other public roadway used to access the sites 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. Prior to issuance of the building permits for the residences, the applicant shall provide verification to the Town that the landscaping and irrigation plans for each of the residences has been reviewed and approved by the Marin Municipal Water District.

13. Any exposed metal flashing or other roof trim shall be dark anodized or painted to blend with adjacent colors and be non-reflective.

14. 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.

15. The applicant must demonstrate the exterior lighting fixtures comply with the settlement condition requiring that exterior lighting shall be shielded and directed

downward. The agreement also requires that lamps shall be of low wattage and of incandescent light color. If the owner and staff cannot agree what minimized lighting that complies with the settlement agreement is, the lighting plan shall be subject to review and approval by the Planning Commission prior to the project final inspection and issuance of the occupancy permit.

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

The approval of the design review permit and proposed residence is in keeping with Agreement in Settlement of Fairfax Hills vs. Town of Fairfax, Superior Court Case No. 140706", the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the residence 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 18th day of June 2015, by the following vote:

AYES:

NOES:

ABSTAIN:


Chair, Phil Green

Attest:

Jim Moore, Director of Planning and Building Services

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granting of such minor adjustments. A designated building envelope for each lot will be mapped and recorded on the final maps.



(H) The area inside the building envelope on each lot shall be used for construction of one single-family home. The total enclosed floor area of the home, including any garage space in excess of 500 square feet, and any accessory buildings shall not exceed 3,900 square feet; provided, however, that the total enclosed floor area of the home, including any garage space in excess of 500 square feet, and any accessory buildings, at the end of the old Access Road in the Access Road Area as shown as home "D-2" on Appendix A shall not exceed 4,900 square feet. The home shall be designed to relate to the existing land form in order to integrate the structure with its site. The design of each house shall be subject to design criteria specified in paragraphs 9 and 10 herein and to Design Review Board review and approval.

(I) Home heights shall be limited to 28 feet above natural site grade. Height is measured from the highest point of a structure, including chimney, to the natural grade directly beneath that point or is measured as permitted by the existing town ordinance, whichever is higher.

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the respective Public Works and Engineering Departments.

(6) The existing storm drain inlets at Oak Manor Drive and Sir Francis Drake Boulevard shall be connected into a single system as part of the drainage extension that would service the lower development area.

(7) FAIRFAX HILLS shall protect and maintain all existing drainage ways, interceptor swales, and storm drain facilities throughout the period of construction of the proposed development. Responsibility for continued maintenance of the same shall be assumed by its successors.

(8) Prior to recordation of the final map for the Access Road Area phase of the development, appropriate measures satisfactory to the County of Marin and the Town Engineer shall be taken to improve drainage and slope stability to the area uphill of 535 and 575 Oak Manor Drive.

11. HOME DESIGN CRITERIA: Each home shall be of high quality architectural design, shall be designed by a licensed architect, and shall be subjected to Design Review.

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(A) The home shall be designed to be related to the existing land form in order to integrate the structure with its site. Vertical and horizontal offsets shall be used to break up building planes.

(B) Each home shall have two enclosed on-site parking spaces and a minimum of two additional uncovered on-site parking spaces. Garages shall have sectional overhead doors with automatic garage door closers.

(C) Each roof shall be of non-combustible materials, or other materials if approved by THE TOWN chosen to visually blend with existing landscape of the site. The colors shall be earth tones or natural greens. Any exposed metal flashing or trim shall be dark anodized or painted to blend with adjacent colors and be nonreflective.

(D) Exterior siding materials shall be horizontal wood siding, shingles, or other materials that through texture, color, pattern, and weathering, will visually blend with the natural surroundings. Any skylight shall be of the flat lens type and shall not have white or light opaque colored exterior lens. Trim and windows shall be compatible with the natural appearance of the home and surroundings.

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(E) Fully automatic fire sprinkler systems shall be installed throughout the interior of each home.

(F) Exterior lighting shall be shielded and directed downward. Lamps shall be of low wattage and of incandescent light color. Any lighting placed outside of the building envelope shall not exceed seven feet above grade.

(G) Each chimney shall be equipped with an approved spark arrester.

12. LANDSCAPE DESIGN CRITERIA: The landscape design and specific plant materials shall be selected from a palette of landscape flora which is compatible with the natural character of the site and the Town of Fairfax. Plant selection shall also consider water consumption and will use low-water use plant materials as listed in Water-Conserving Plants and Landscapes for the Bay Area provided by MMWD.

13. EXTENSIONS: In addition to extensions of this agreement pursuant to the express agreement of the parties, the term of this agreement shall be deemed to be extended without further action by the parties to this Agreement for the duration of the following events: (a) water hookups are not available to