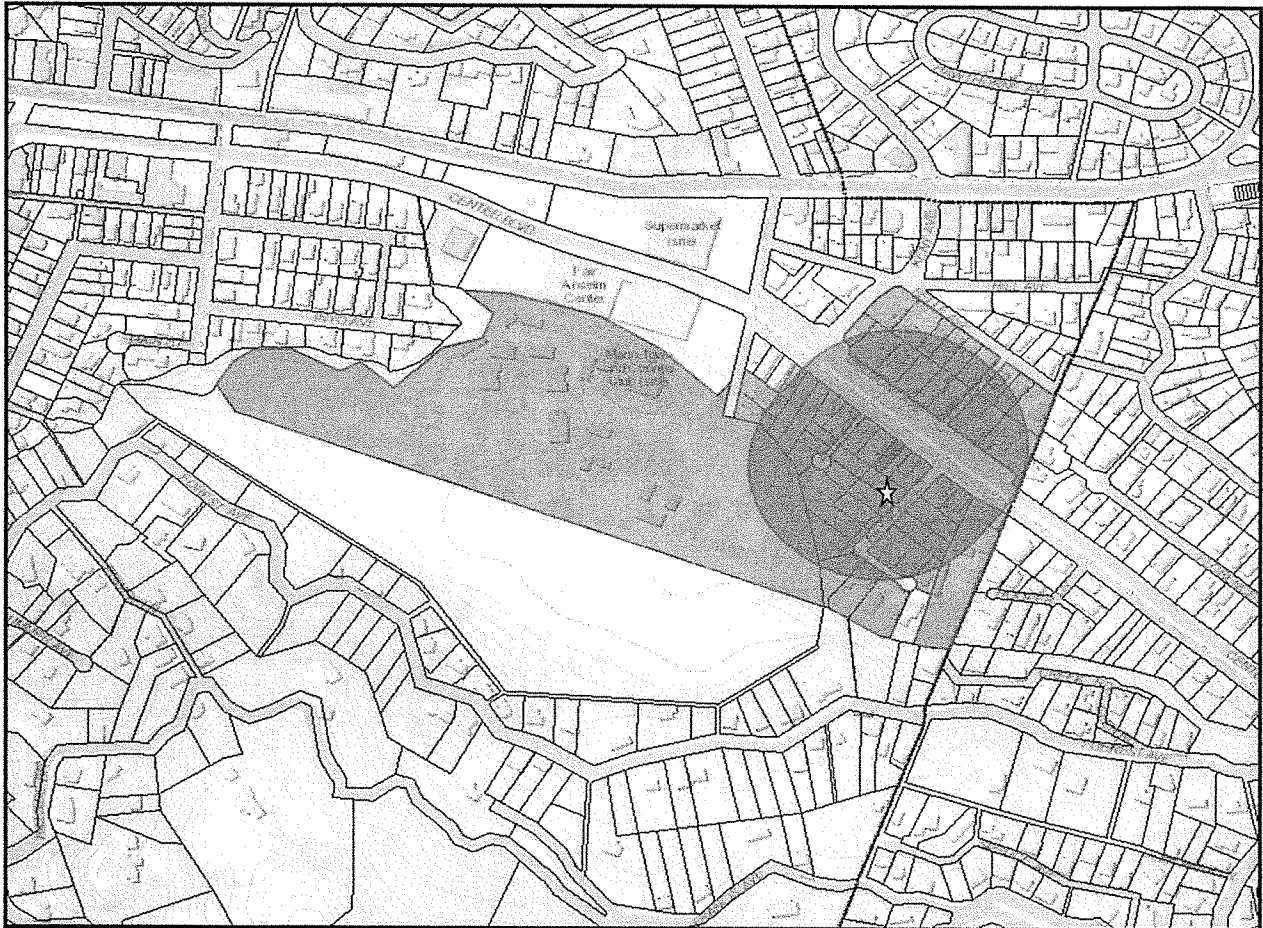


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: August 21, 2014
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 139 Lansdale Avenue; Assessor's Parcel No. 002-201-18
ZONING: Residential RD 5.5-7 Zone
PROJECT: Addition to a single-family residence
ACTION: Use Permit and Variance; Application # 14-30
APPLICANT: Carol Golden
OWNER: Same
CEQA STATUS: Categorically exempt, § 15301(e)(1)



139 LANSDALE AVENUE

BACKGROUND

The 2500 square foot, level site is developed with a 579 square foot, 1 bedroom, 1 bath residence and a 183 square foot garage that were constructed in 1925. The site is ½ of what was originally a 5,000 square foot site created in 1908 by the recordation of the Bush Tract Annex Subdivision. There is no record of when the original 5,000 square foot site was subdivided but the residence constructed on the other half of the original lot was also built in 1925 giving the appearance that the subdivision occurred around that time.

DISCUSSION

The proposed project encompasses enclosing 78 square feet of the existing porch to convert it to a sunroom increasing the square footage of the residence to 708 square feet. The project conforms to the Residential RD 5.5-7 Zone District regulations as follows:

	front setback	Rear setback	Combined front/rear setback	Side setbacks	Combined side setbacks	FAR	Lot coverage	height
Permitted	6 ft	6 ft	25 ft	5 ft & 5 ft	15 ft	.40	.35	28.5 ft
existing	18.5 ft	2 ft	20.5 ft	0 ft & 3.5 ft	3.5 ft	.23	.36	14 ft, 1 story
proposed	18.5 ft	2 ft	20.5 ft	0 ft & 3.5 ft	3.5 ft	.26	.36	14 ft, 1 story

The project requires the approval of the following discretionary permits:

A Use Permit:

Town Code § 17.084.050 requires that a Use Permit be obtained prior to any expansion/modification of a residence on a parcel that is not 5,500 square feet in size and 60 feet wide. Therefore, the conversion of the open porch to living space on this 4000 square foot, 25 foot wide site requires the approval of a Use Permit by the Planning Commission.

In order to approve a Use Permit for the project the Commission must be able to determine that the addition will not result in the property or the structure being out of scale with the site or out of character with the neighboring properties.

Conversion of the porch to living space will result in this smallest house in the neighborhood on one of the smallest parcels becoming the second smallest house in the neighborhood. Other homes on similar sized parcels in the neighborhood range in size from 629 square feet on a 2,500 square foot parcel (137 Lansdale) to 897 square feet on a 2,490 square foot parcel (8 Alder). Therefore, the proposed project is not out

of character with the neighborhood and will not result in the residence being out of scale with the site.

A Minimum and Combined Side Setback Variance:

Town Code § 17.084.070(A)(2) requires that all structures in the RD 5.5-7 Zone on properties with less than a 10% slope maintain minimum side yard setbacks of 5 feet and a combined side yard setback of 15 feet. The project will result in new living space being constructed within the required minimum 5 foot setback and within the required 15 foot combined side setback. Therefore, the project requires a Variance.

There is no way to expand this house and still comply with building code requirements for minimum room sizes without building into some required setback, blocking access to the garage or without rendering the small outdoor living spaces at the front or rear of the site unusable. Building a second story addition would have a much greater impact on the neighbors than the proposed porch conversion and converting the porch will eliminate the need to disrupt additional yard area.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department

1. 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.
2. Carbon monoxide alarms shall be provided.
3. Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth. Obtain approval of a Vegetative Management Plan (VMP) in compliance with Ross Valley Fire Protection Standard 220, Vegetation/Fuels Management.
4. 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 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.

Sanitary District

1. If not already installed, the District requires that the sided sewer be equipped with an appropriate backwater prevention device.
2. The project will require a connection permit from the Sanitary District. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count, the applicant has the option of installing a new lateral, or the old lateral needs to be tested in the presence of a District Inspector and be found to meet the current District requirements.
3. If the project is approved 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.

Note: the Fairfax Police, Public Works and Building Departments had no comment on the project.

RECOMMENDATION

Move to approve application # 14-30 based on the following findings and subject to the following conditions:

Recommended Findings

Use Permit Findings

1. The proposal for the 78 square foot expansion of the 579 square foot residence will not result in a structure that is out of scale with the 2,500 square foot lot or out of character with the neighborhood. 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 proposed addition will not extend beyond the footprint of the existing structure and will not encroach any further into the existing setbacks. The addition will not result in the house being out of compliance with the RD 5.5-7 height limit, Floor Area Ratio limitation or lot coverage limits. 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 the Town Zoning Ordinance, Title 17.
4. The addition will not extend beyond the foot print of the existing house. Therefore, approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and the project will not have any significant impacts on the site or the neighbors.

Setback Findings

- 1.
2. The site is small and narrow, only 25 feet wide and 2500 square feet in size. These are the special circumstances applicable to the property that would result in the strict application of setback regulations depriving the applicant of the ability to expand her home, a privilege enjoyed by other property owners in the vicinity and under identical zone classification.
- 3.
4. The variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.
- 5.
6. The strict application of this title would result in excessive or unreasonable hardship by severely restricting the ability of the owner to do a moderate expansion of the residence.
- 7.
8. 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.

Recommended Conditions

Planning Conditions:

1. This approval is limited to the development illustrated on the plans prepared by Carol Golden, the applicant/owner including the undated and unnumbered plans that include a site plan, existing and proposed floor plans and existing and proposed elevations.
2. Prior to issuance of a building permit 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 construction delivery routes (routes must be approved by Public Works Director).
- c. Submit a bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. 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 bond or letter of credit equaling 100% of the estimated construction costs.
- d. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.
3. During the construction process the following shall be required:
- a. 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.
- b. Additionally, 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 contractor shall field check the completed project and submit written certification to the Town Staff that the foundation elements have been installed in conformance with the approved building plans.

- b. The Planning Department shall field check the completed project to verify that the construction reflects the design approved by the Planning Commission and to verify that all design review and/or planning commission conditions have been complied with including , if applicable, installation of landscaping and irrigation.
5. The roadways shall be kept clean and the site free of dust by watering down the site if necessary. The roadways shall be kept free of dust, gravel and other construction materials by sweeping the roadway, daily, if necessary.
6. During construction 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."
7. 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 # 14-30. **Any** construction based on job plans that have been altered without the benefit of an approved modification Use Permit 14-30 will result in the job being immediately stopped and red tagged.
8. Any damages to Lansdale Avenue resulting from construction activities shall be the responsibility of the property owner. The owner or contractor shall videotape or otherwise document as approved by the Public Works Director the existing condition of the roads in the vicinity of the site prior to starting construction of the residence. Road closures, if necessary, shall be coordinated with the Fairfax Police Department and the Ross Valley Fire Department.
9. 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.

Ross Valley Fire Department Conditions:

1. 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.
2. 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.
3. Carbon monoxide alarms shall be provided.
4. 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 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.

Sanitary District

1. A new sewer connection will be and 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.

2. Occupancy will not be approved until District's permit and sewer requirements are fulfilled.

Miscellaneous Conditions

1. The applicant must comply with any all conditions listed above unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services.
2. Planning Conditions acted upon by the Planning Commission may only be waived by the Commission at a future public hearing.

ATTACHMENTS

Exhibit A – Applicant's supplemental information

PROJECT DESCRIPTION: enclose 7/2 of existing open (covered)
porch. Moving front door from center of porch to
left side-replacing existing window. Install 2 windows
at front new wall and 1 window on new right wall.
Hardie Board Siding to match existing walls.

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	25 x 100	25 x 100
Size of structure(s) or commercial space (square feet)	579 sq ft	657 (78 sq ft)
Height and No. of stories	16' one story	16' one story
Lot coverage	720	720
No. of dwellings units	1	1
Parking ¹ No. of spaces	1	1
Size of spaces		

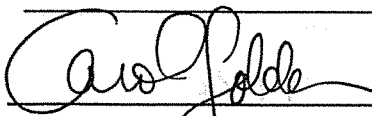
Amount of proposed excavation and fill	Excavation = ϕ	Fill = ϕ
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Estimated cost of construction \$ _____

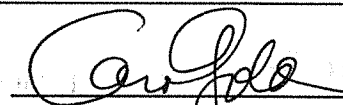
Lot Coverage is defined as the land area covered by all buildings and improvements with a finished height above grade and all impervious surfaces except driveways.

¹Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? 6' easement on shared driveway with 137 (ensdale)


 Signature of Property Owner

7/16/2014
 Date


 Signature of Applicant

7/16/2014
 Date

Planning Department staff is available by appointment between 8:30 a.m. and 12:00 noon and 1:00 p.m. and 5:00 p.m. Monday through Thursday at 142 Bolinas Road, Fairfax, CA. (415) 453-1584