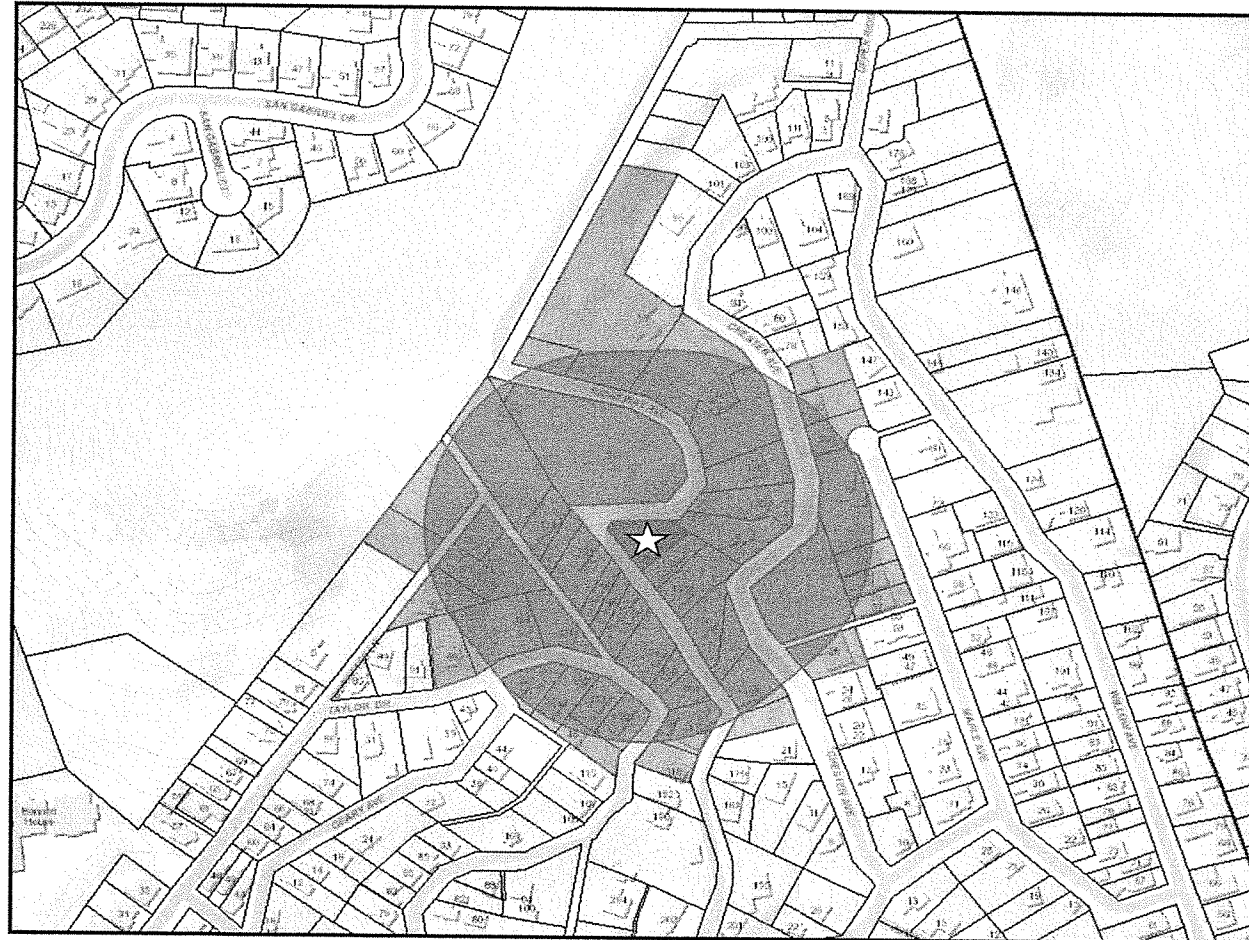


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: November 20, 2014
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 145 Ridgeway Avenue; Assessor's Parcel No. 001-203-04
ZONING: Residential Single-family RS 6 Zone District
PROJECT: Deck Addition
ACTION: Use Permit; Application # 14-38
APPLICANT: Rich Rushton, Rushton Chartock Architects
OWNER: Brooke and Matt Golden
CEQA STATUS: CEQA categorically exempt, §15301(a)



145 RIDGEWAY AVENUE

BACKGROUND

The 7,571 square foot site is bordered on the west and north side by Ridgeway Avenue with a portion of the improvement public road crossing the northwest corner of the site which has an average slope of 23%. The existing 3 bedroom, 2 bath house was constructed in 1940.

The structure was originally built with a garage but the Commission approved discretionary permit to legalize an unpermitted garage conversion in 1981.

In 1997 the Commission granted an encroachment to allow expansion of the parking pad for the site which is partially located within the Roadway easement.

DISCUSSION

The project encompasses construction of a 522 square foot deck off of the second living level that will extend up to 12.5 feet above grade at its tallest point.

The property and its existing and revised proposed improvements comply with the Residential RS 6 Zone District 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	26 ft	3 ft	29 ft	40 ft & 16 ft	56 ft	.27	.17	20 ft, 2 stories
Proposed	same	same	same	22 ft & 16 ft	38 ft	same	same	same

A property with a 23% slope like this project site would have to be at least 15,000 square feet in size to meet the code requirements [Town Code § 17.084.050(C)]. The site is only 7,571 square and because of the site’s substandard size the project requires the approval of a Use Permit (Town Code § 17.084.050).

The proposed deck complies with setback and height regulations and will not change the single-family residential character of the property. Second floor decks are found throughout Fairfax in the residential neighborhoods and provide property owners with a way to increase their usable outdoor space and enhance the views from their property. The over 500 square foot size of the deck is quite large but the expanded deck maintains setbacks from the property lines that exceed those required by the code.

The neighboring property at 149 Ridgeway is very steep and small with the only somewhat level outdoor area located immediately adjacent to the northern fence between the properties and the small second floor rear deck. After reading the staff’s October 25, 2014 staff report which indicated we were unable to support the deck because of our inability to make the required findings, the applicant’s reduced the size

of the deck from 558 square feet to 414 square feet, pulling it back from the side property line so that it is even with, and no longer extends beyond the neighboring deck at 149 Ridgeway Avenue. They are also proposing to plant additional privets between the two residences which will also help ensure the privacy of both rear decks.

The redesign and landscaping plan have resulted in staff being able to make the required findings to recommend approval of the project.

Other Agency/Department Comments/Conditions

Marin Municipal Water District

The deck addition will not impair the Districts ability to provide water service to this site. Any new landscaping proposed in conjunction with the construction of the deck must comply with District Code Title 13 – Water Conservation. Landscaping plans are subject to review and approval by the District.

Sanitary District

Prior to issuance of the building permit the property owner shall contact the District and apply for a District permit. The District will place a hold on property once the building permit is issued and will not release the project for its final inspection until the District's permit and sewer requirements are met.

Note: the Fairfax Police Department, Building Department and Ross Valley Fire Department had no comments or conditions about this project.

RECOMMENDATION

Move to approve application # 14-38 based on the following findings and subject to the following conditions of approval:

Recommended Findings

1. The proposed deck has been decreased in size from 558 square feet to 414 square feet and has been pulled back to be even with the neighboring deck at 149 Ridgeway Avenue. 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 deck has been redesigned to maintain the privacy of the outdoor living spaces at 149 Ridgeway Avenue and the proposed landscaping plan will add necessary screening to further ensure the neighbor's privacy. Therefore, the proposed deck and approval of 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. The proposed deck maintains all the required setbacks for the Residential RD 5.5-7 Zone and does not increase the lot coverage of the site. Therefore, 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 the Zoning Ordinance.
4. 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 will not negatively impact the general health, safety or welfare of the community.

Suggested Conditions of Approval:

1. The applicants shall obtain a building permit prior to the start of construction based on the revised plans dated 10/13/14 by Rich Rushton, Rushton Chartock Architects.
2. The proposed landscaping plan shall be included as a part of the building permit submittal and the plant material installation is a condition of approval.
3. The building permit plans shall also include a privacy screen along the southern side of the deck and perhaps along a portion of the eastern side of the deck and shall be approved by the owner of the property at 149 Ridgeway Avenue prior to issuance of the building permit. If agreement cannot be reached on the appropriate extent and/or location of the privacy screen by the two property owners, they shall meet with staff to try to reach a resolution; and, if a resolution cannot be reached with staff mediating the matter shall be scheduled for a hearing before the Commission for the Commission to decide the screen extent.
4. The deck addition will not impair the District's ability to provide water service to this site. Any new landscaping proposed in conjunction with the construction of the deck must comply with District Code Title 13 – Water Conservation. Landscaping plans are subject to review and approval by the District.
5. Prior to issuance of the building permit the property owner shall contact the District and apply for a District permit. The District will place a hold on property once the building permit is issued and will not release the project for its final inspection until the District's permit and sewer requirements are met.
6. ***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."

ATTACHMENTS

Exhibit A – 10/13/14 revised site plan and landscaping plan received by the Town on 10/14/14 showing reduced deck size

Ridgeway Avenue
30' R.O.W. per Record of Survey filed Sept. 17, 1990

Dirt Road
located from Jerrico 1988 survey

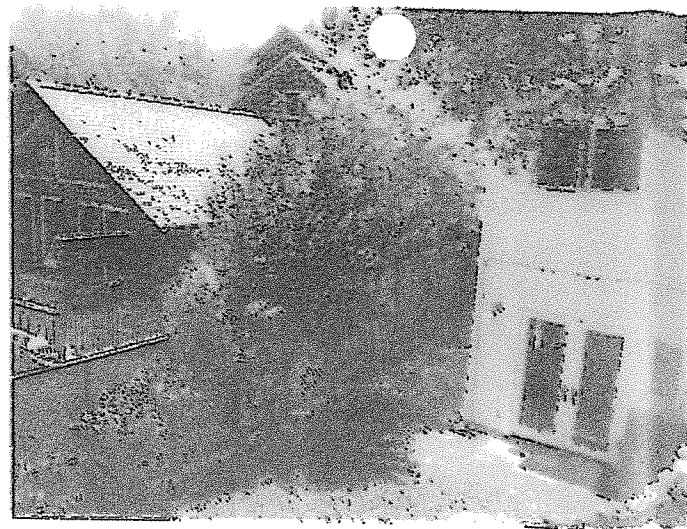
145 Ridgeway

149 Ridgeway

Ridgeway Avenue

NOTE

Survey information is based on survey by Douglas J. Scranton LS5378, Record of Survey filed Sept 17, 1990 and verified with the location of existing fence line to the east.



CONTENTS

PROJECT
GOLDEN DECK
145 Ridgeway Avenue, Fairfax
Job No. 14113

SCOPE OF WORK
Deck Addition

DESCRIPTION:
Zone: RS6
Building Occupancy Group: R-3/U
Type of Construction: V
WUI: Located in a designated Wildland-Urban Interface area.
Stories: two
Lot Area: 7,571 s.f.
Existing & Proposed Lot Coverage: 1,596 s.f. = 21%

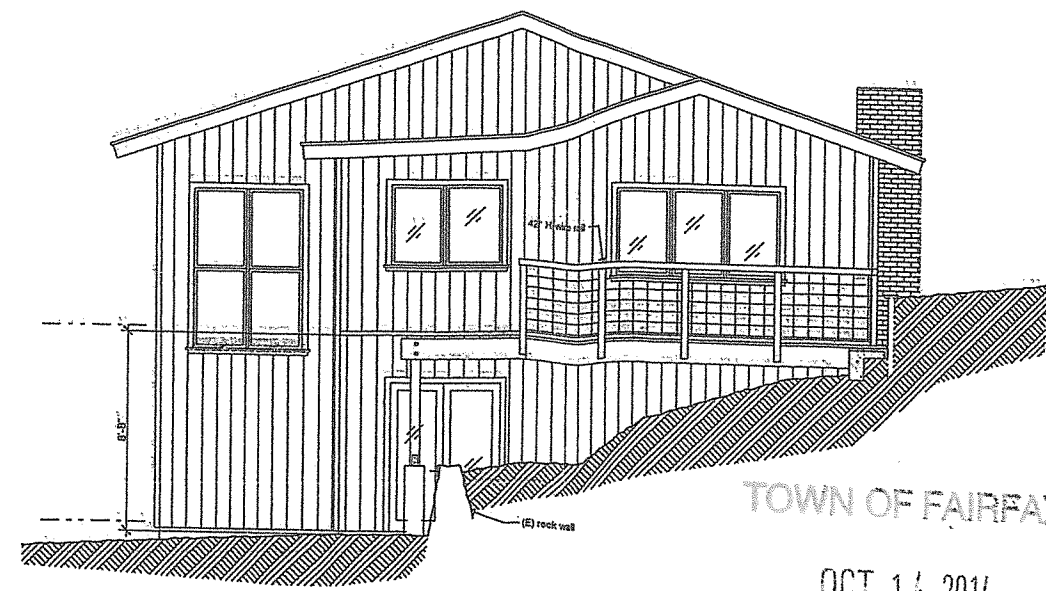
OWNERS
Matt & Brooke Golden

ARCHITECT
RUSHTON-CHARTOCK ARCHITECTS
1620 Sir Francis Drake Blvd.
P.O. Box 173, Fairfax CA 94978-0173
(415) 457-2802 Fax: (415) 457-2873
Email: rushtonchartock@gmail.com
Web site: www.rushton-chartock.com
Project Architect: Richard Rushton, ext. 205

PROJECT ENGINEER:
Mark Woodrow, P.E., LEED AP
Andersson Woodrow
Structural and Architectural engineering
81 Dominga Avenue, Fairfax, CA 94930
(415) 453-3451
markwoodrow@shelglobal.net

DRAWINGS

sheet	title
A1.2	SITEWORK Site Plan Contents
A2.1	FLOOR PLAN Deck Plan Deck Section Framing Plan Details



TOWN OF FAIRFAX

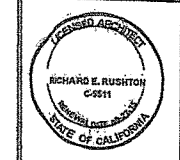
OCT 14 2014

NORTHEAST ELEVATION

EXHIBIT #

A

Rushton-Chartock Architects
1620 Sir Francis Drake Blvd.
P.O. Box 173 Fairfax CA 94978-0173
(415) 457-2802 Fax: 457-2873
Email: rushtonchartock@comcast.net
Website: www.rushtonchartock.net



GOLDEN DECK
Deck Addition for Matt & Brooke Golden
650-454-5423
145 Ridgeway Avenue, Fairfax CA
A.P. No. 001-203-04

Project No.	14113
Project Architect	Richard Rushton
Date	8/12/14
Revisions	8/27/14 pl resubmittal 10/13/14 pl resubmittal

RECEIVED
OCT 14 2014

A1.2