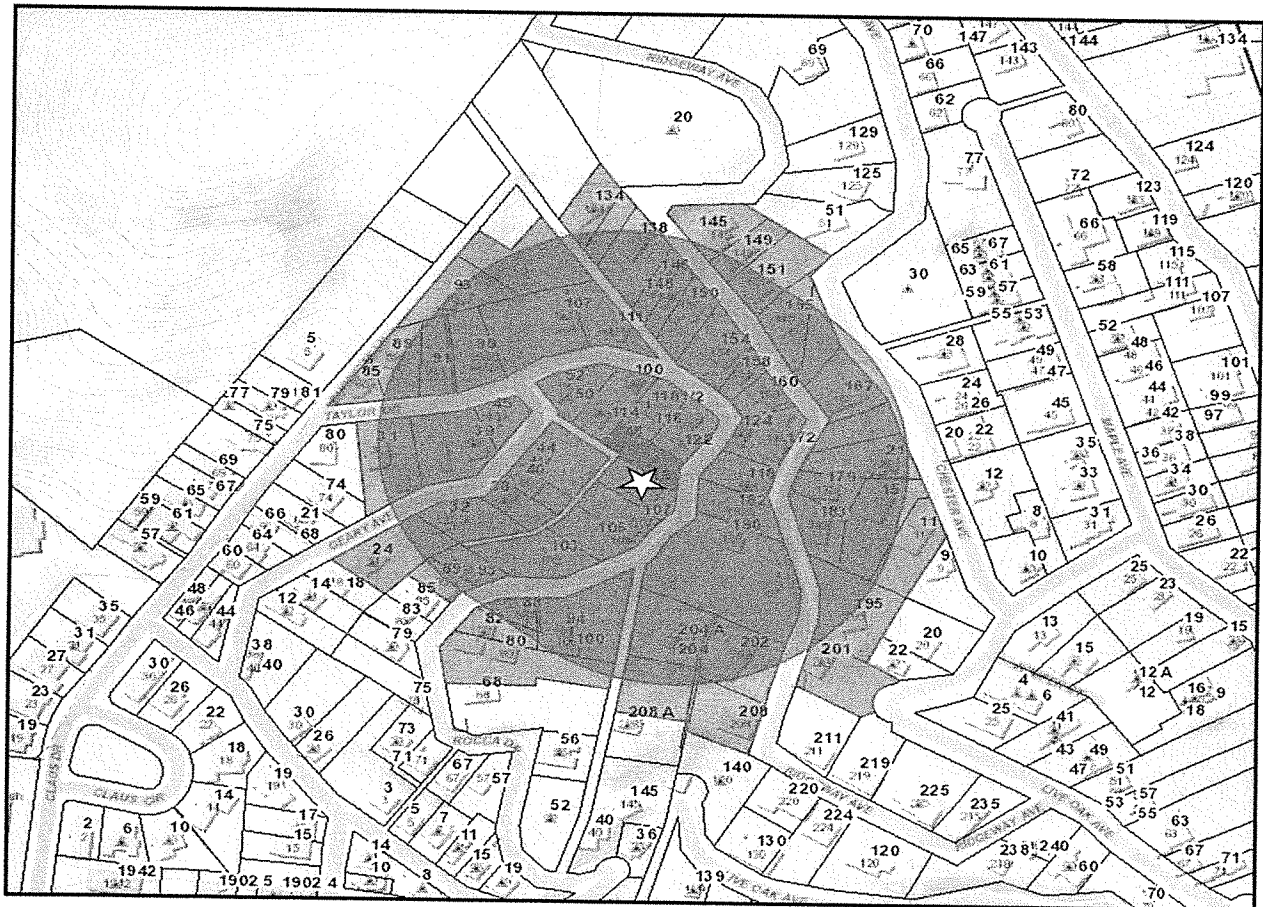


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: August 21, 2014
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 48 Geary Avenue; Assessor's Parcel No. 001-215-13
ZONING: Residential Single-family RS 6 Zone
PROJECT: 50 % Remodel/new residence
ACTION: Hill Area Residential Development, Variances and an Encroachment Permits; Application # 14-31
APPLICANT: Jeffrey Mahaney, applicant/architect
OWNER: Tim Halikas
CEQA STATUS: CEQA categorically exempt, § 15303(a), 15303(e), 15305(a), 15305(b)



48 GEARY AVENUE

BACKGROUND

The 4,443 square foot site has an average slope of 36% and it slopes down from Rocca Drive. The site currently has a Geary Avenue address and is developed with a 1,331 square foot residence that was constructed in 1928 taking access from an unimproved private easement off of Geary.

DISCUSSION

The proposed project encompasses extensive remodeling and expansion of the existing 1,331 square foot, 2 story, 2 bedroom, 2 bath single family residence into a 1,768 square foot, three story, 2 bedroom, 2 ½ bath single-family residence. The project includes the construction of a 342 square foot parking deck and entry stairs providing access to the property from Taylor Drive. The first story will include an office, full bath and laundry/utility room, the second floor the kitchen, living room, dining room and ½ bath and the third story will include two bedrooms and 1 bathroom.

The project complies with the RS 6 Zone 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	35 ft, three stories (downslope)
Existing	8 ft (house currently takes access from Geary)	56 ft (rear yard currently off of Rocca)	64 ft	6 ft & 0 ft	6 ft	.29	.27	24.5 ft
Proposed	0 ft (new access and parking on Rocca)	10 ft (rear yard now off Geary)	10 ft	0 ft & 1/2 ft	1/2	.39	.27	22.5 ft, 3 stories

Discretionary Permits

The project requires the approval of the following discretionary permits:

A Hill Area Residential Development Permit:

Town Code § 17.072.020 requires that properties located in the Residential Single-family RS 6 Zone District obtain a Hill Area Residential Development (HRD) Permit if they have the following characteristics:

- The property is shown on the Open Space Element of the General Plan Map as having a slope of more than 31% or more and the development requires movement of more than 50 cubic yards of material [Town Code § 17.1072.020(A)(4)]. ***This site has an average slope of 35% and the project will result in the excavation and fill of 70 cubic yards of material (45 cubic yards of excavation and 25 cubic yards of fill).***
- The property does not meet the minimum building site requirements based on its average slope. Town Code § 17.080.050(C) requires that a parcel with a 35% slope be 25,000 square feet in size and 119 feet wide. ***The parcel is only 4,443 square feet in size and 40 feet 3 inches wide.***

The Town Engineer has reviewed the following plans and reports and has performed a site inspection:

1. Preliminary development plans by Jeffrey Mahaney, pages A001 through A003, A101 through A104, A201 through A203, A301 through A304, A401 and A402, L10.
2. Record of survey by J.L. Engineering recorded 3/31/14.
3. Engineering plans by J.L. Engineering, sheets C1- site improvement, grading and drainage, C2 – building layout/foundation plan, C3- erosion control and stormwater pollution prevention plan and C4 – topographic and demolition plan.
4. 12/31/12 Geotechnical Report by Earth Science Consultants.
5. 6/9/14 addendum to original Geotechnical Report by Earth Science Consultants

After reviewing the plans, reports and survey information and reviewing the site the Town Engineer has determined that the residence can be built without negatively impacting future residents of the property, neighboring properties and homeowners and/or adjacent Town public improvements and easements.

A review of other residences in the immediate neighborhood on similar sized and sloped properties revealed that the smallest house is 522 square feet on a 3,772 square foot parcel (38 Geary Ave.) and the largest is 2,226 square feet on a 4,816 square foot parcel (122 Taylor Dr.). The proposed house will be similar in size to those found throughout the neighborhood on similar sized lots.

An Encroachment Permit:

Town Code § 12.32.010 prohibits the use of the public right-of-way for the erection of private structures while § 12.32.020 allows the Planning Commission to grant encroachment permits for the revocable private use of the right-of-way. 230 square feet of the parking structure and its driveway approach will be located within the Rocca Drive right-of-way and require the approval of an encroachment permit.

The permit is revocable should the Town ever need to reclaim the right-of-way for public use. The area is currently not being used so granting the encroachment permit will not negatively impact the general public.

Setback Variances:

The proposed design requires a minimum side setback variance, a minimum rear setback variance, a combined side setback variance.

This 4,443 square foot parcel was created by the filing of the Map of Fairfax Heights filed for record at the Marin County Recorder's Office on August 6 of 1812. As indicated above, the structure was built in 1923 prior to the Town's incorporation in 1931 and prior to any setback regulations being in place. The Town first began requiring setbacks (a minimum of 3 feet from rear and side property lines and a 10 foot front setback) with the adoption of Ordinance 105 on October 10th of 1947. Ordinance 230, adopted on September 11, 1961 increased the rear setback to 10 feet and the side setbacks to 5 feet. Adoption of Ordinance 352 on February 13th, 1973 resulted in the minimum and combined setbacks in place today and which rendered over three quarters of the Town's residential properties non-conforming with respect to setback regulations.

In light of the numerous non-conforming properties and structures found throughout the residential areas of Town, the Commission and Town Council included Town Code § §17.016.o070(B)(1) and (2) when they amended the non-conforming section of the Town Code in September of 2002 as follows:

(B)(1) Whenever a structure, the use of which does not conform with the regulations for the district in which it is located, or a structure which does not comply with the standards of coverage, floor area, front yard, side yards, rear yard, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located, is destroyed by fire or other calamity, or by act of God or by the public enemy, to a greater extent than 50%, or is voluntarily razed or required by law to be razed, the structure shall not be restored in a manner that would increase the non-conformity relative to the previously existing structure and the restoration must be in conformity with the requirements of Title 17, the Zoning Ordinance, **to the greatest extent possible**.

(B)(2) Any discrepancy relative to conformity, requires the approval of a variance by the Planning Commission.

The existing house and upper deck currently extend to the southwest side property line and the new structure pulls the living space 9 feet from the property line but includes construction of a second floor deck that extends to within 1 foot of the western side property line. There is also a deck that extends to the property line on the east side of the house. The new design results in the living space for the property having a combined side setback of 17 feet while the existing house has a combined side setback of only 6 feet. The new design results in the living space coming close to complying with the required 20 foot combined side setback regulation but still has the decks extending a significant distance into the side setbacks. It is a judgment call whether the new design goes as far as it can to comply with the current Zoning Regulations. The deck could be minimized or be eliminated to increase the side setback but the trade off is that then there is very little level outdoor space available for the residents, especially now that the design includes the parking deck covering a substantial part of the yard to the east of the house.

The building code and fire code require that the decks on either side of the property either maintain a minimum setback of 3 feet or that the portions of the deck that extend closer than 3 feet have to have a solid fire rated wall where the deck rail normally would exist and the wall must extend all the way to the ground. This solid fire rated wall extending to the ground will create an atypical semi-enclosed outdoor space that provides the only access to the lower level living space of the structure. Therefore, staff has included a condition that the decks on either side of the house must maintain minimum 3 foot setbacks from the property line and the setback distance shall be verified in the field by the surveyor who will provide a signed and sealed letter to the Town certifying the setback has been maintained prior to the project final inspection. This will eliminate the need for the solid railing/wall and allow the area underneath the deck to remain open.

The stairs that provide access from the parking deck to the house and the parking deck will be located within required side setbacks as well (cardeck in combined side setback, access stairs in minimum and combined side yard setback). The stairs have been located in the setback to avoid two large oak trees on the site. Due to the close proximity of the new construction to three of the oak trees on the site staff has included a condition of approval that a certified arborist report be submitted with the building permit application that includes a report on the health of these trees and that includes mitigation measures to be complied with during and after construction to ensure the trees continued health. If the certified arborist determines that a tree cannot be retained or is in such poor health that it should be removed, the applicant shall obtain a tree removal permit from the tree committee prior to the issuance of the building permit.

The remodel of the residence results in the lower level being inaccessible from the rest of the house due to the removal of the interior stairway connecting it with the second floor. The proposed floor plan with the full bathroom immediately adjacent to a laundry

area lends itself to conversion into a small second unit. Therefore, staff has included the requirement for a Deed Restriction limiting use of the residence to that of a single-family home with only one kitchen. The restriction must be recorded at the Marin County Recorder's Office prior to issuance of the building permit.

Note: Town Code § 17.052.020(C) allows the construction of uncovered parking decks within the front setback so the project will not require a front setback variance because the proposed parking deck is uncovered. Town Code § 17.052.020(D) exempts the site from the covered parking requirement so the project does not require the approval of a variance from the covered parking regulation.

Design Review

Town Code §17.020.030(A) requires that alterations or additions to existing single-family residences that constitute 50% remodels require design review approval from the Planning Commission. The project constitutes a 50% remodel and thus requires design review.

In order for the Commission to approve the design of a project the commissioners must find that the project complies with the Design Review Criteria contained in Town Code § 17.020.040.

The architecture being proposed for the remodeled and expanded structure incorporates a modern clean design within the footprint of the existing cabin, stepping the house down the hillside from Rocca to minimize the expanded three storey structure's impact on the neighboring properties. The 27 foot structure is well below the 35 foot height limit allowed for properties with over a 15% slope that slope down from the street [Town Code § 17.080.060(A)].

The exterior of the structure is articulated through the use of different windows sizes and shapes, a staggered façade on the south and west sides of the house and the exterior deck locations.

The façade will be horizontal, hardie plank siding painted a tan color (Dunn Edwards Bisque Tan -LRV 61) and the trim will be White (Dunn Edwards Creamy Cameo – LRV 80). The roof will be gray asphalt shingles.

The house is being increased from two stories to three stories but Town Code § 17.084.060(A)(2) allows properties that slope down from the street to be three stories and 35 feet in height. As indicated above the proposed dwelling will be 22.5 feet in height, 12.5 feet lower than the permitted height. Other residences in the neighborhood are three stories in height so the proposed structure is not out of character with structures found throughout the Fairfax Heights Subdivision neighborhood (12, 18, 24 and 52 Geary, 74, 79 and 84 Rocca to list a few).

Parking

The parking deck on Rocca Drive will provide two parking spaces and a third space will still be available at the rear of the residence off the private easement accessed from Geary Avenue. Therefore, the parking complies with the Town Parking Ordinance [Town Code Chapter 17.052, sections 17.052.030(A)(1)(c) and (A)(2), 17.052.040(B)].

Trees and Landscaping

The construction will not require the removal of any mature oak trees although the parking deck and access stairway will extend to within the drip line of the 24 inch oak at the upper eastern end of the property. Included in the recommended conditions, should the project be approved, is the requirement for the submittal of a report by a certified arborist with the building permit application addressing the health of all the trees on the site and including mitigation measures to be implemented during and after construction to ensure the trees continued good health. The condition requires the recommended mitigation measures be complied with.

Some new landscaping will be planted in the yard between the new parking deck and the house and will be watered with a drip system.

Excavation

The excavation/fill amount totals 70 cubic yards which is below the amount requiring the approval of an excavation permit by the Planning Commission (Town Code § 12.20.080).

Other Agency/Department 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. ***(this condition has already been complied with and is reflected in the proposed landscaping plan).***

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.
6. Access to the site shall be from Rocca and application must be made to the Fairfax Police Department to formally change the address.
7. A 20 foot wide access road shall be located within the right-of-way adjacent to the site to provide fire suppression access to within 150 feet of all exterior walls of the structures. The turn out shall be designed in accordance with the Ross Valley Fire Department Standard 210 and be marked with Standard #204 and be constructed and marked prior to issuance of the occupancy permit for the residence.

Marin Municipal Water District

1. Comply with the District Code Title 13, Water Conservation, as a condition of water service.
2. 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

1. Open the public hearing and take testimony.
3. Close the public hearing and discuss the project.
3. Move to adopt Resolution 14-10, approving application # 14-31 for a Hill Area Residential Development permit, Variances and an encroachment permit for a new single-family residence based on the findings and conditions contained in the Resolution.

ATTACHMENTS

Exhibit A - Applicant's supplemental information
Exhibit B – Town Engineer's comments

RESOLUTION NO. 14-10

A Resolution of the Fairfax Planning Commission Approving a Hill Area Residential Development permit, Encroachment Permit, Variances and Design Review Permit for a New Residence at 48 Geary Avenue

WHEREAS, the Town of Fairfax has received an application to construct a 1,768 square foot single-family residence and detached 342 square parking deck on the existing lot designated 48 Geary Avenue and Assessor's Parcel No. 001-215-13; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on August 21, 2014 at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission determined that the proposed residence complied with the Hill Area Residential Development Overlay Ordinance and Design Review Ordinance; and

WHEREAS, based on the plans and other documentary evidence in the record, as well as testimony at the public hearing, 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 remodel/expansion conforms to the regulations set forth in the Residential Single-family RS 6 Zone District, Town Code Chapter 17.080, as much as can reasonably be expected on a 4,443square foot lot with an average slope of 36%.
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 exterior appearance of the residence will maintain a low roofline at 27 fee above grade and well below the permitted 35 foot height limit.
5. The residence has been designed utilizing exterior colors and materials similar to those found on structures in the surrounding Fairfax Heights neighborhood; and
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, Town Code Title 17.
7. The site planning preserves identified natural features as much as possible while allow for the restoration and expansion of the dilapidated structure and the construction

of conforming parking.

8. Based on the soils report finding, the site can be developed without geologic, hydrologic or seismic hazards.

9. Vehicular access and parking are adequate.

10. 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.

11. The Town Engineer, after reviewing the body of submitted information, including geotechnical and hydrology report, survey and topographic information and the development plans has determined that, a) the health safety and welfare of the public will not be adversely affected; b) adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work; c) adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work; and d) the amount of the excavation or fill proposed is not more than is required to allow the property owner substantial use of his or her property; and

12. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;

13. Natural landscaping will not be removed by the project more than is necessary;

14. The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes.

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 Jeffrey Mahaney dated 1/19/14, pages A001 through A003, A101 through A104, A201 through A203, A301 through A304, A401 and A402, L101, the engineering plans by J.L. Engineering, sheets C1, C2 and C4 dated April 2014 and sheet C3 dated November 2013, and the property boundary survey recorded Jul7 18, 2014.

2. Prior to issuance of any permits for work on the project 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 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, 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.

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. 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 # 14-31. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 14-31

will result in the job being immediately stopped and red tagged.

9. Any damages to 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 all the conditions of the Marin Municipal Water District, Ross Valley Sanitary District and Ross Valley Fire 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.

14. the house must maintain minimum 3 foot setbacks from the property line and the setback distance shall be verified in the field by the surveyor who will provide signed and sealed letter to the Town certifying the setback has been maintained prior to the project final inspection.

15. Prior to issuance of the building the owner shall record a Deed restriction indicting the structure is only be used as a single-family residence prior to the certificate of occupancy.

16. The driveway must either be reduced to 20 feet in width or driveway width variance must be obtained from Commission.

17. A certified arborist report must be submitted with the building permit application assessing the heath of the oak trees and including mitigation measures to be complied with during and after to construction to ensure the trees continued health. If the certified arborist determines that a tree cannot be retained or is in such poor health that it should be removed, the applicant shall obtain a tree removal permit from the tree committee prior to the issuance of the building permit.

18. The applicant shall provide a bond or certificate of deposit covering the cost of the landscaping and irrigation to be held for 18 months after the landscaping installation to ensure the plant material becomes established.

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

The approval of the Hill Area Residential Development permit, Excavation permit and Design Review permit and proposed residence is in compliance with 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 21st day of August, 2014, by the following vote:

AYES:

NOES:

Chair, Brannon Ketcham

Attest:

Jim Moore, Director of Planning and Building Services

PROJECT DESCRIPTION: Renovation of existing 2 bedroom home plus study with vertical addition. New kitchen, 2 new bathrooms, 1 new deck, living/dining room expanded, bedrooms moved to 3rd level, repair/replacement of two existing decks, new entry stair from Rocca Ave, and new 2 car parking deck.

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	4443	4443
Size of structure(s) or commercial space (square feet)	1331 sf	1768 sf
Height and No. of stories	2	3
Lot coverage	21%	30%
No. of dwellings units	1	1
Parking ¹ No. of spaces	1	3
Size of spaces	9' x 19'	9' x 19'

Amount of proposed excavation and fill	Excavation = 45 CY	Fill = 25 CY
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Estimated cost of construction \$ \$125,000

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.

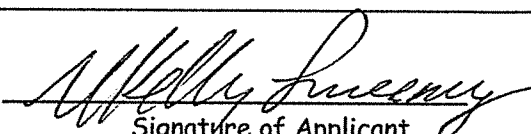
¹Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? None.


Signature of Property Owner

3-6-14

Date


Signature of Applicant

3/5/14

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

SUPPLEMENTAL QUESTIONNAIRE & DRB APPLICABILITY

DESIGN REVIEW

For Commercial, Planned Developments, Hillside Residential and Multiple Family Design Review: (Include brand and number for all finish and/or paint colors.)

1. Exterior finish: Painted Hardie Panel Siding
2. Proposed exterior wall color(s): "Straw" Yellow
3. Proposed exterior trim color: "Straw" Yellow
4. Proposed exterior window color: White metal frame
5. Proposed roof material and color: Grey Asphalt Built up roof
6. Special features: Trellis and deck guardrails to be painted
"Straw" Yellow to match house.
7. Lot Coverage: 30%
8. Number of existing parking spaces and their sizes: 1 parking space (19' x 9')
9. Number of proposed parking spaces and their sizes: 3 parking spaces (19' x 9')

DESIGN REVIEW APPLICABILITY

1. Hillside Design Review (in a ridge line)

All new dwellings located on hillside properties and all additions on properties located in a ridgeline scenic corridor (which include deck and stairway structures) shall require design review.

Additions and accessory structures may be exempt from design review where the applicant demonstrates, through the use of story poles, plans and photo montages, that an accessory structure or addition will have no impact on significant view corridors due to the proposed location of the structure in relation to existing improvements. Project exemption shall be determined by the Fairfax Planning Director.

2. Multiple family Design Review

Multiple family residential units of three (3) or more and additions to structures located in the Multiple Family RM Zone.

3. 50% remodels of additions to residential properties

SUPPLEMENTAL QUESTIONNAIRE

VARIANCE

VARIANCE (S) REQUESTED:

_____ foot front yard variance to construct a _____ within

_____ feet of the front property line.

_____ 1.5 foot rear yard variance to construct a existing wall within
_____ of house

_____ 10.5 feet of the rear property line.

_____ 3'2" foot side yard variance to construct a existing & new within
_____ wall of house

_____ 8'3" & 8'7" feet of the side property line. (for a cumulative side setback of 16'10",
_____ an improvement relative to the existing side setbacks)

_____ foot creek setback variance to construct a _____ within _____ feet
_____ of the top of the creek bank.

Other (fence height, building height, parking number or size, etc.) A rear/front yard variance to allow for
a 10.5' cumulative rear/front yard setback at the narrowest point due to the proposed parking deck off

FINDINGS: Rocca Dr. Also requesting a variance to allow for 1 existing uncovered parking space to
remain in the rear setback.

1. List below special circumstances applicable to the property, including size, shape, topography, location, or surroundings, to show why the variance should be granted; and why the granting of the variance will not be a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone (you may attach a statement).

See attached.

2. List below your reasons why the variance will not materially adversely affect the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood (you may attach a statement).

See attached.

3. Explain why complying with the Town Ordinance requirements will be a hardship for the owner.

See attached.

48 Geary, Fairfax, CA – Variance Application Materials

Summary of Variances Requested:

Side setback:

The proposed entry stair encroaches by a maximum of 3ft on the side setback in order to preserve 3 existing oak trees.

The existing deck to be repaired encroaches on the side setback by 5ft.

Cumulative side setback requirement:

(Note existing building is not parallel to property lines)

Existing side setbacks at narrowest point: 6'1" and 0'

Existing cumulative side setback at narrowest point: 6'1"

Proposed side setbacks at narrowest point: 8'7" and 8'3" (5 ft required)

Proposed cumulative side setback at narrowest point: 16'10", 19' at north end of building (20 ft required)

Rear setback requirement:

Existing rear setback at narrowest point: 8'3"

Proposed rear setback to building at narrowest point: 10'6" (12 ft required)

Existing parking space within rear setback to remain

Cumulative rear/front setback requirement:

Due to the proposed parking deck, the rear/front cumulative setback at the narrowest point is 10'6".

Additional Notes:

Front setback requirement:

The proposed uncovered parking deck is within the front set back, however the property is a downslope lot relative to Rocca Dr with over a 15% slope and the parking deck at the elevation of the adjacent street, so our understanding is that these parking spaces are permitted within the front yard setback.

Covered Parking:

As the property is essentially a downslope lot on Rocca Dr with over 15% slope, our understanding is that a covered parking space is not required.

1. List below special circumstances applicable to the property, including size, shape, topography, location, or surroundings, to show why the variance should be granted; and why the granting of the variance will not be a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone (you may attach a statement).

With regard to the parking space in the rear setback, the lot is steep and requires a parking deck to be built along Rocca to accommodate parking. However, there is an existing fire hydrant in front of the property on Rocca, further limiting the options for parking without the significant added expense of relocating the fire hydrant. The lot is also narrow, such that the width of three parking spaces and an entry stair will not fit within the side setbacks. Accommodating 3 parking spaces off Rocca would require the parking deck to extend significantly farther into the property, which would make it significantly higher above grade due to the steep slope, and would negatively impact the available outdoor yard space. It appears that it is not possible to accommodate 3 parking spaces on this narrow steep lot without some sort of variance. The proposed parking solution is comparable to the neighboring properties, minimizes the impact on the neighbors, and would not constitute any special privilege.

With regard to the building setbacks, the lot is narrow and steep, limiting options for usable outdoor space and functional indoor space. The narrowness of the lot requires building multiple stories, and the need for stairs to access multiple levels further limits the available width on the lot for habitable rooms. The renovation of this existing house intends to reuse and repair the majority of the exterior walls and preserve the existing foundation. The proposed design has taken many opportunities to reduce the encroachment of the building on the side and rear setbacks relative to the existing building. The renovation of the building itself falls within the exception provisions for 50% remodels of non-conforming buildings. The increases in non-conformity proposed are entirely due to efforts to meet the parking requirements and preserve trees. Thus, no special privileges would be granted with regard to the renovation and addition to the existing house.

With regard to the entry stair within the side setback, we are simply intending to provide access to the house from Rocca Dr while avoiding impact to the existing oak trees and minimizing changes to the grading. This effort to save 3 of the 4 existing oaks on the property would have no impact on the adjacent property, (their living spaces are significantly higher in elevation than the proposed stair), and would not constitute a special privilege.

2. List below your reasons why the variance will not materially adversely affect the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood (you may attach a statement).

The requested variances with regard to encroachment on setbacks are an improvement relative to the existing footprint of the house. The current building has not caused an adverse affect on the health and safety of the neighbors or any detriment to the public welfare or neighboring properties. Thus, the proposed project will not have any adverse impact as it improves upon the current condition. The proposed project to renovate a deteriorating building and reduce encroachments on setbacks may in fact have a positive impact on neighboring properties. The

48 Geary, Fairfax, CA – Variance Application Materials

variances regarding parking are comparable to neighboring properties and will not have a detrimental impact. The efforts to preserve existing oak trees are a potential positive impact on neighboring properties.

3. Explain why complying with the Town Ordinance requirements will be a hardship for the owner.

Complying with the Town ordinance with respect to the parking requirement, (without keeping the existing parking space in the rear set back), would cause undue financial hardship due to expense of moving the existing fire hydrant and the significantly larger parking deck that would be required to accommodate 3 parking spaces and the maneuvering space necessary to limit the driveway apron at the street to 20 ft. It also appears that a variance of some kind is necessary to accommodate the required parking on this steep, narrow site. Thus, complying with the Town Ordinance requirements would prohibit renovation of the building in a manner comparable to neighboring properties.

Complying with the Town ordinance with regard to the building setbacks would require significant financial hardship due to the additional expense to remove and rebuild foundations and existing walls. This would significantly expand the scope of the construction project.

48 Geary, Fairfax, CA – Variance Application Materials

Lot coverage calculation including all structures and raised wooden decks.

Building footprint:	881 sf
Parking Deck:	452 sf
West Wood Deck:	315 sf
East Wood Deck:	98 sf
Wood Entry Stair & Deck:	342 sf
Rear Wood Stair:	56 sf
Existing Concrete Walkway:	83 sf
TOTAL	2227 sf

48 Geary, Fairfax, CA – Variance Application Materials

Notes for consideration regarding the exception to the requirement that 50% remodels of non-conforming structures conform to the provisions of the Title 17 of the Fairfax Municipal Code:

The proposed remodel and addition to an existing non-conforming structure may meet all of the following provisions.

1. The floor area of the existing structure or building is increased less than 50%.

The existing floor area of 1331 sf will increase by 437 sf or 33% of the existing floor area.

2. The off street parking requirements of Town Code Title 17 are met, or a variance from the requirements has been issued.

The proposed plans include 3 off street parking spaces as required, a variance regarding the location within setbacks and the lack of covered parking is requested.

3. The work does not result in an increase in or creation of any non-conformity.

The proposed plans for the house significantly reduce the degree of non-conformity with side setback requirements. The increase in non-conformity with regard to the cumulative rear/front setback requirement is entirely due to the required parking deck. The proposed modifications to the house reduce the encroachment on the rear setback. The only increase in non-conformity with the side setback is due to the proposed entry stair which is entirely due to an effort to preserve existing oak trees.

4. The structure or building is not located in an area which is subject to the provisions of either Chapter 17.32 (Ridgeline Development) or Chapter 17.36 (Flood Zones).

The structure is not located in a ridgeline development area or a flood zone.

Hill Area Residential Development (HRD) - Additional information required.

- Amount of excavation and fill required for development (in cubic yds.) Cut 45 CY, Fill 25 CY
If the excavation and fill amounts exceed 100 cubic yards it must be reviewed and approved by the Planning Commission. Please submit an excavation application and fee as well.
- If any public roads will need to be extended to access the residence plans must include the existing and proposed type of surface, the length and width of roadway to be improved, slope of roadway, elevations of any retaining walls that will need to be constructed, locations of curbs, gutter and drainage improvements and identification of emergency vehicle turn arounds (if required).
- Locate all trees within the right-of-way easement and any trees that will need to be removed (must include size and species of trees). An application for a tree permit and approval by the tree committee is required for the cutting or trimming of trees with a trunk circumference as set forth in Town Code Chapter 8.36.
☐ Check if a tree permit is required.
- List any notable physical features of the site, such as creeks, drainage channels, rock outcroppings, tree stands, etc.:

➤ Lot size 4443 sf square feet Lot frontage 45 ' 7 " (On Rocca Dr)

➤ Name and address of Licensed Surveyor: _____
JL Hallberg - 1539 4th St San Rafael, CA 94901

➤ Name and address of Registered Civil Engineer: _____
JL Hallberg - 1539 4th St San Rafael, CA 94901

NOTE: In order to visualize the dimensions and location of the proposed structure, the Town review process requires **story poles**. Story poles must be erected prior to an application being filed with the Planning Department. Poles shall be erected at all proposed building corners (rising to the proposed height of the building at that corner), and at the highest point of the proposed roof-line. Also the front corners of undeveloped land must be staked and tagged in the field. You, the applicant, will have to maintain the poles and corner flags in good condition until all public hearings on the project are over and appeal periods have lapsed. Avoid unnecessary delays to your project by maintaining the poles through out the review process.

48 Geary, Fairfax, CA – Planning Application Materials

The proposed renovation and addition at 48 Geary Ave Fairfax is designed to comply with the HRD Overlay Development Standards.

- (A) *Fire management.* Rated Hardie panel siding and rated windows & doors with one tempered pane and a class A roof are in compliance with Wildland-Urban Interface requirements, and proposed landscaping includes fire-resistant plants.
- (B) *Geologic hazards.* Soil report is provided.
- (C) *Topographical.* Grading plan provided by civil engineer. Proposed plans minimize new grading in the yard for the garden, entry stair and parking deck. The proposed plans for the renovation and addition to the house work entirely with the existing grading around the house.
- (D) *Ecological.* Only invasive, fire-hazard plant species, (scotch broom) will be removed from the landscape. Existing oak trees are to remain.
- (E) *Landscaping.* Much of the native oak landscape will remain, and proposed landscaping is contained to a small area. Fire-resistant and drought-resistant species are included in the landscape plan.
- (F) *Circulation.* Proposed plans include 3 off street parking spaces as required.
- (G) *Design Review Criteria.* The proposed addition steps back with the hillside, effectively maintaining the two story height relative to the natural slope of the site. The proposed building remains partially tucked into the hillside as the existing building is, reducing the visual impact of the building. The proposed design is of a similar scale and proportion as the surrounding properties. The existing footprint of the house is offset from other properties on adjacent lots, providing greater privacy and less impact on neighboring buildings. The existing building is low on the slope of the site, so the proposed addition has minimal impact on views and will be significantly hidden from view by existing trees. The renovation of this deteriorating building will be a benefit to the neighboring properties. The proposed landscaping is minimal, preserves existing oak trees and new plantings will be fire-resistant. The proposed parking deck provides 2 spaces, with a 3rd existing parking space to remain accessed from Geary Ave to fulfill the requirement for 3 parking spaces. This allows for the existing fire hydrant to remain in front of the property, and a minimal visual impact on the view from Rocca Dr. The proposed design is a clean, simple approach to a contemporary tree house with the more visually open west façade with sliding doors opening to the deck oriented to the mid-block open space and trees along the easement and rear yards. The other facades have a balanced rhythm of smaller windows to allow light and frame views while maintaining privacy for the occupants and neighbors.

Linda Neal

From: Tim Halikas [timh@astound.net]
Sent: Monday, August 11, 2014 9:57 AM
To: Linda Neal
Cc: Jim Moore
Subject: Re: 48 Geary Ave

Hi Linda,

I'll be hand watering to establish the proposed draught resistant vegetation and there won't be a drip system.

Will get you the number of days needed for vegetation to establish.

Exterior colors:

Body: Valspar -Oopsy Daisy yellow.

Trim: Clark + Kensington - Linen white.

On a personal note; This house is and will be an all Fairfax project. All our supplies will be purchased through Fairfax Lumber, my general contractor is longtime resident and former owner of The Book Bee Gary Kleiman.

All the subs on the project will be local residents. The structural engineer is my next door neighbor. My architect Jeff Mahoney is a Fairfax resident and part owner of 123 Bolinas wine bar. Love this town and I am motivated to keep the money spent on this project local.

Cheers,
Tim Halikas
925-639-1724 cell

On Mon, 11 Aug 2014 07:49:30 -0700

Linda Neal <lneal@townoffairfax.org> wrote:

> O.K.

>

> Linda

>

> -----Original Message-----

> From: Tim Halikas [mailto:timh@astound.net]

> Sent: Sunday, August 10, 2014 5:40 PM

> To: Linda Neal

> Subject: Re: 48 Geary Ave

>

>
> Will have this for you Monday or Tuesday....it will be
> 8.5x11 one copy.
-->
>
> thanks.
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>
> On Fri, 8 Aug 2014 14:57:21 -0700
> Linda Neal <lneal@townoffairfax.org> wrote:
>> If you keep it small, either 8 1/2 x 11 or 8 1/2 x 14, I only need
>>one copy. Any large and I will need 14.
>>
>>
>>
>> -----Original Message-----
>>From: Tim Halikas [mailto:timh@astound.net]
>> Sent: Friday, August 08, 2014 3:00 PM
>> To: Linda Neal
>> Subject: Re: 48 Geary Ave
>>
>>
>> How many copies do you need of this ?
>>
>>
>>
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>>
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>>
>>
>> On Fri, 8 Aug 2014 09:42:26 -0700
>> Linda Neal <lneal@townoffairfax.org> wrote:
>>> It would be great if you can send me a site plan indicating where
>>>you plan to install you irrigation clock for the drip system.
>>>
>>> Linda
>>>
>>> -----Original Message-----
>>>From: Tim Halikas [mailto:timh@astound.net]
>>> Sent: Friday, August 08, 2014 8:30 AM
>>> To: Linda Neal
>>> Cc: Jim Moore
>>> Subject: Re: 48 Geary Ave
>>>
>>>
>>> Hi Linda,
>>>
>>> Thank you for your prompt reply. Yes the driveway will be 20' wide.
>>>Do you need something in addition to what you have on file stating
>>>that from me?
>>>
>>> Irrigation system; Yes, we will be using a drip system.
>>> Again do you need anything at this time from me stating this?

>>>
>>>
>>> thanks,
>>> Tim Halikas
>>> 925-639-1724 cell
>>>
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>>> On Fri, 8 Aug 2014 07:45:08 -0700
>>> Linda Neal <lneal@townoffairfax.org> wrote:
>>>> Hi Tim,
>>>>
>>>> Yes your project is scheduled for the August 21st meeting. A
>>>>couple of things though, the driveway in the architectural plans had
>>>>been narrowed to the permitted 20 feet to comply with the Town Code
>>>>and avoid requiring a driveway width variance from the Town Council.
>>>>Now the engineering plans show it at 24 feet (the two sets of
>>>>drawings are not the same). I think I will just include a condition
>>>>of approval that either the driveway be reduced to 20 feet or a
>>>>variance be obtained.
>>>>
>>>> Also, the landscaping plans do not indicate how the new landscaping
>>>>will be watered. How will watering occur?
>>>> This is important because the conditions require that you provide a
>>>>bond/landscaping deposit which is held for
>>>>18 months from the time the landscaping is installed and inspected
>>>>to ensure the plants thrive. Most people use a drip irrigation
>>>>system.
>>>>What are your plans?
>>>>
>>>> Linda Neal
>>>> Principal Planner
>>>>
>>>> -----Original Message-----
>>>>From: Tim Halikas [mailto:timh@astound.net]
>>>> Sent: Thursday, August 07, 2014 6:51 PM
>>>> To: Linda Neal
>>>> Subject: 48 Geary Ave
>>>>
>>>>
>>>>
>>>> Hi Linda,
>>>>
>>>> Is my home remodel project going to make it on the docket for the
>>>>Design Review Committee August meeting?
>>>>
>>>> Also, I will take over spearheading any further interactions
>>>>between Town of Fairfax and this project.
>>>> Megan is a delightful and competent person I simply need to save

>>>>money where I can.
>>>>
>>>>
>>>> thank you,
>>>> Tim Halikas
>>>> 925-639-1724
>>>>
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>>>>
>>>> On Tue, 3 Jun 2014 15:17:00 -0700
>>>> Linda Neal <lneal@townoffairfax.org> wrote:
>>>>> Hi Tim,
>>>>>
>>>>> Attached are the two incomplete letters with the attached Town
>>>>>Engineer's comments. Please review them with your architect and
>>>>>make sure that 14 complete sets of drawings that address all the
>>>>>incomplete items are submitted as one package during hours when the
>>>>>Town is open for business.
>>>>>
>>>>> The recorded survey is not all that is holding this project up. A
>>>>>number of items that were in the 3/27/14 Town Engineer's Memorandum
>>>>>have yet to be addressed so the Town Engineer restated them in his
>>>>>5/13/14 Town Engineer's Memorandum. That memorandum reviewed the
>>>>>proposed record of survey, the deed and the title report because
>>>>>that was all that was submitted. On 5/20/14 a new letter was
>>>>>submitted from the Geotechnical Engineer.
>>>>> That Town Engineer was holding off doing a memorandum on that
>>>>>submittal until a complete package submittal was made as requested
>>>>>in the May 13, 2014 incomplete letter (last paragraph). We are
>>>>>unable to do review of project submitted in a piecemeal fashion.
>>>>>
>>>>> The Town Engineer also noted that on the last proposed record of
>>>>>survey there was a sanitary sewer easement shown and now on the
>>>>>more recent proposed record of survey, that sewer easement is gone.
>>>>>Since there is a recorder's reference for the easement, it cannot
>>>>>just disappear and must be shown on the survey and the site plan.
>>>>>The remaining items, other than the record of survey, are small
>>>>>changes or additions to the plans that we do not want to receive in
>>>>>a piecemeal fashion but as one submittal.
>>>>>
>>>>> Unfortunately, due to the small size of the property, the close
>>>>>proximity of neighboring houses, and the proposed construction of
>>>>>decks that extend almost to the property lines it is doubtful that
>>>>>the Town Engineer will waive the requirement for a recorded copy of
>>>>>the survey.
>>>>>
>>>>>
>>>>> Hopes this helps you to complete your submittal.
>>>>>
>>>>> Linda Neal

>>>> Principal Planner
>>>>
>>>>
>>>>
>>>> -----Original Message-----
>>>>From: copier@townoffairfax.org
>>>>[mailto:copier@townoffairfax.org]
>>>> Sent: Tuesday, June 03, 2014 2:56 PM
>>>> To: Linda Neal
>>>> Subject: Fairfax Scanner
>>>>
>>>> Scanned image from scanner
>>>> -----
>>>>
>>>
>>
>

Linda Neal

From: Ray Wrynski [r.wrynski@verizon.net]
Sent: Wednesday, July 02, 2014 5:22 PM
To: Linda Neal
Subject: RE: 48 Geary

Hi Linda,

I am okay with that if you are. I will just assume that they will get the correct dimensions onto the drawing reproducibles so that the correct dimensions will show up on all future copies of the plans. When it comes to plan checking, I have often found that what shows on the drawings is not what someone told me would be shown so I always reserve the right to base an approval on the documents I have been given for review. If the things are right on the plans I get, I will approve them. If things are not right on the plans and documents, I will ask for corrections.

Ray

From: Linda Neal [mailto:lneal@townoffairfax.org]
Sent: Wednesday, July 02, 2014 4:04 PM
To: Ray Wrynski
Subject: 48 Geary

Hi Ray,

The architect for 48 Geary says they are just about ready to resubmit and that all the drawings show the same property dimensions but she left one called out measurement distance off the plans and wants to hand write the dimension on all the sets. Are you o.k. with this? Or should I tell her we are o.k. with it but may change our minds once we review the submittal again.

Linda Neal
Principal Planner



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
PHONE (415) 453-1584 / FAX (415) 453-1618

MEMORANDUM

To: Linda Neal – Senior Planner

Date: May 12, 2014

Page 1 of 2

From: Ray Wrysinski
Town Engineer

Subject: Proposed SFD Remodel & Addition.
48 Geary Avenue
Fairfax, CA

A.P. 001-215-13

I have reviewed the documents that were enclosed with your 04/15/14 transmittal. The items reviewed included a plan sheet C4 from J. L. Engineering, dated, April, 2014 and a single sheet of a proposed record of survey dated April, 2014. The scale problem for sheet C4 has been fixed.

This submitted information was checked to determine if it satisfied requirements in the 3/27/14 Town Engineer review memorandum.

Submittal of two copies of a recorded record of survey of the boundary was required for completion of review of the project. The submitted record of survey sheet is not a recorded record of survey so that document is still required to be submitted. Along with the recorded record of survey, copies of a recent title report for the property and copies of the current fee title deed for the property were required to be submitted for use in review of the property line dimensions and review of easements and other possible items of record that may affect the use of the property. These documents were not submitted and are still required to be submitted. The Architect's site plans and the Civil Engineer's site plans must show the property line dimensions as they are shown on that recorded record of survey. The sheet C4, submitted, has two lines of lengths, 102.34' and 40.90', that differ slightly from the submitted proposed record of survey lengths for those lines. When the survey is made final, the survey property line lengths and directions on sheet C4 must match the line lengths and directions on the recorded record of survey. As previously required, the Architect's site plans must be revised to show the property line dimensions as they are shown on the recorded record of survey.

As previously required, the topographic and boundary survey sheet is required to show existing and proposed easements along with a note that all easements are shown. If there are no easements, a note stating that must be shown on this map. A note such as "All easements are shown based on a review of the title report for this site (give the date of the title report and the name of the company that prepared the report) and based on this surveyor's (or properly licensed Civil Engineer) knowledge of this site, there are no easements" would provide the required easement information. This information is still required to be shown.

As previously noted, the Geotechnical Report states that the plans were prepared by Bay Area Architecture and Construction and the plans we have were provided by Jeffrey Mahaney, Architect. We must have a signed and sealed, written statement from the Geotechnical Engineer indicating that he has reviewed the Mahaney and J. L. Engineering plans and that the Geotechnical report is appropriate for the plans we are reviewing for this application or the written statement must provide the information needed so the geotechnical report can be used with the current plans. The geotechnical report states that the scope of work only included conditions for the remodeling and addition structure. As previously noted, the geotechnical report does not provide information on site safety and stability. We must receive a signed and sealed written statement from the geotechnical engineer indicating that this site is reasonably safe and stable for the proposed use or, if stability and safety are in question, this written statement must provide recommendations for improvements that will make the site adequately safe and stable for the proposed use.

As previously noted, the plans and geotechnical report indicate that the approximate 5.5 foot high wood retaining wall above the existing house is to remain and they indicate that some parts of the existing foundation are to remain and are to be used to support the remodeled and extended house structure. My field review found the 5.5 foot wood retaining wall to be partially in poor condition and showing signs of starting failure. My field review found the limited parts of the existing foundation, that are visible, to be poorly constructed and having loss of supporting soil from under the foundation. As previously noted, that wood retaining wall must be shown, on the plans, to be reinforced or removed and replaced with an adequately designed and constructed wall unless the project geotechnical engineer or project structural engineer provide a signed and sealed written statement that they have reviewed the condition of that wall and have found it to be in good condition and able to bear the appropriate design loads the wall must withstand. As previously noted, the existing building foundations must be shown, on the plans, to be reinforced or removed and replaced so they are made to satisfy the load bearing criteria given on page 9 of the December 31, 2012 geotechnical report. As an alternative to this work on the existing foundation, the project geotechnical engineer or project structural engineer can provide a written and signed and sealed statement that the existing foundation has been checked and has found to be adequate to carry the design loads and conditions proposed by this project.

Other requirements for the project, given in the 3/27/14 Town Engineer's review memorandum should be made part of the final permit approval requirements for the project.

I recommend that the processing of this project be delayed until the above, noted, information is provided.



Ray Wrynski, P. E.
Town Engineer



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
PHONE (415) 453-1584 / FAX (415) 453-1618

MEMORANDUM

To: Linda Neal – Senior Planner

Date: March 27, 2014

From: Ray Wrysinski
Town Engineer

Page 1 of 3

Subject: Proposed SFD Remodel & Addition.
48 Geary Avenue
Fairfax, CA

A.P. 001-215-13

I have reviewed the documents that were enclosed with your 02/25/14 transmittal. The items reviewed included a 21 sheet plan set from Jeffrey Mahaney, Architect, dated 1/19/14. In that plan set were four sheets by J. L. Engineering, dated Nov, 2013. Sheet C4 of the J. L. plans is at some unknown scale. It is identified as being a scale of 1"= 8' but it is at some other scale. The scale of that sheet must be corrected. Also reviewed was the Geotechnical Investigation report by Earth Science Consultants, dated December 31, 2012.

A site review was done 3/24/14.

Town Code Section 17.072.080 provides a list of submittal requirements for Hill Area Residential projects. Submittal requirements include providing a topographic and boundary survey signed by a licensed surveyor. The sheet C4 of the J. L. Engineering plans is titled "Topographic and Demolition Plan". This sheet looks like it is intended to provide the required topographic and boundary survey. It is noted on that sheet "This does not constitute a complete boundary and is not sufficient for the setting of property corners. Final resolution requires the recordation of a Record of Survey". We must have accurate property dimensions for the approval of this project so submittal of two copies of a recorded record of survey of the boundary is required for completion of review of the project. Along with the recorded record of survey, copies of a recent title report for the property and copies of the current fee title deed for the property must be submitted for use in review of the property line dimensions and review of easements and other possible items of record that may affect the use of the property. The Architect's site plans and the Civil Engineer's site plans must show the property line dimensions as they are shown on that recorded record of survey. As noted above, sheet C4 must be corrected so it has an accurate scale so dimensions and layout information can be easily checked on that sheet. Sheet C4 provides the required existing site information, free of new design information, including trees, structures, fences and retaining walls. It shows the required existing sanitary sewer and water lines with their sizes. There is no storm drain to show. The topographic and boundary survey sheet is required to show existing and proposed easements along with a note that all easements are shown. If there are no easements, a note stating that must be shown on this map. A note such as "All easements are shown based on a review of the title report for this site (give the date of the title report and the name of the company that prepared the report) and based on this surveyor's (or properly licensed Civil Engineer) knowledge of this site, there are no easements" would provide the required easement information.

A report is required from a registered Civil Engineer who specializes in soils engineering which provides information on site drainage, watershed boundaries, site geology and safety and foundation information.

The Earth Science Consultants report provides most of the needed information. The Geotechnical Report states that the plans were prepared by Bay Area Architecture and Construction and the plans we have were provided by Jeffrey Mahaney, Architect. We must have a written statement from the Geotechnical Engineer indicating that he has reviewed the Mahaney and J. L. Engineering plans and that the Geotechnical report is appropriate for the plans we are reviewing for this application or the written statement must provide the information needed so the geotechnical report can be used with the current plans. The geotechnical report states that the scope of work only included conditions for the remodeling and addition structure. The report does not provide information on site safety and stability. We must receive a signed and sealed written statement from the geotechnical engineer indicating that this site is reasonably safe and stable for the proposed use or, if stability and safety are in question, this written statement must provide recommendations for improvements that will make the site adequately safe and stable for the proposed use.

The plans and geotechnical report indicate that the approximate 5.5 foot high wood retaining wall above the existing house is to remain and they indicate that some parts of the existing foundation are to remain and are to be used to support the remodeled and extended house structure. My field review found the 5.5 foot wood retaining wall to be partially in poor condition and showing signs of starting failure. My field review found the limited parts of the existing foundation, that are visible, to be poorly constructed and having loss of supporting soil from under the foundation. That wood retaining wall must be reinforced or removed and replaced with an adequately designed and constructed wall unless the project geotechnical engineer or project structural engineer provide a signed and sealed written statement that they have reviewed the condition of that wall and have found it to be in good condition and able to bear the appropriate design loads the wall must withstand. The existing building foundations must be reinforced or removed and replaced so they are made to satisfy the load bearing criteria given on page 9 of the December 31, 2012 geotechnical report. As an alternative to this work on the existing foundation, the project geotechnical engineer or project structural engineer can provide a written and signed and sealed statement that the existing foundation has been checked and has found to be adequate to carry the design loads and conditions proposed by this project.

The J. L. Engineering plans provide information on site drainage design. The site carries little more drainage flow than is provided by the rain that falls on the site. The parking deck creates a small increased hard surface area for a slight increase in peak runoff but that increase is very small and so should be ignored as a practical matter.

No trees are shown to be removed so no Tree Committee Report and permit is required.

The sheet C1 plan shows the grading to be 45 cubic yards of cut and 25 cubic yards of fill for a total of 70 cubic yards of grading. This looks like a reasonable grading quantity estimate and the quantity is below the 100 cubic yard amount that requires specific Planning Commission approval.

There are concrete walls shown to be constructed in the street right of way of Rocca Drive. These structures must receive a permit, prior to construction, as called for in Code Section 12.32.

The roads in this area are narrow and could, easily be obstructed by the proposed construction work. Prior to starting work the project must have an acceptable construction management plan on file with the Town Staff that shows that the work will satisfy the requirements of Code Section 12.28 that the roads will not be obstructed.

The J. L. Engineering plan C3 provides the required stormwater pollution prevention plan. There are additional requirements for stormwater pollution prevention that the project must satisfy. The work must comply with the Current State Water Resources Control Board requirements and it must satisfy the Town Code Section 8.32 and 17.072.090 requirements. Additionally the project Civil Engineer or project Geotechnical Engineer must visit the site on a regular basis, during the winter months, to confirm that the erosion and sediment control improvements are in place and are adequate.

For your information, the site is currently accessed across a 10 foot wide lane that extends from Geary Avenue. The downhill side of this lane is subsiding because a small retaining wall there is failing. The 10 foot right of way is too narrow to be approved for motor vehicle access but it is being used that way. The new access for this site will be from Rocca Drive so the inadequate 10 foot lane is not a problem for the future access to this site. The existing dwelling, westerly of this site (114 Taylor Drive), takes some vehicular access from that lane. This information is just to help clarify how the access at this location exists.

I recommend that the processing of this project be delayed until the above, noted, information is provided.



Ray Wrysinski, P. E.
Town Engineer