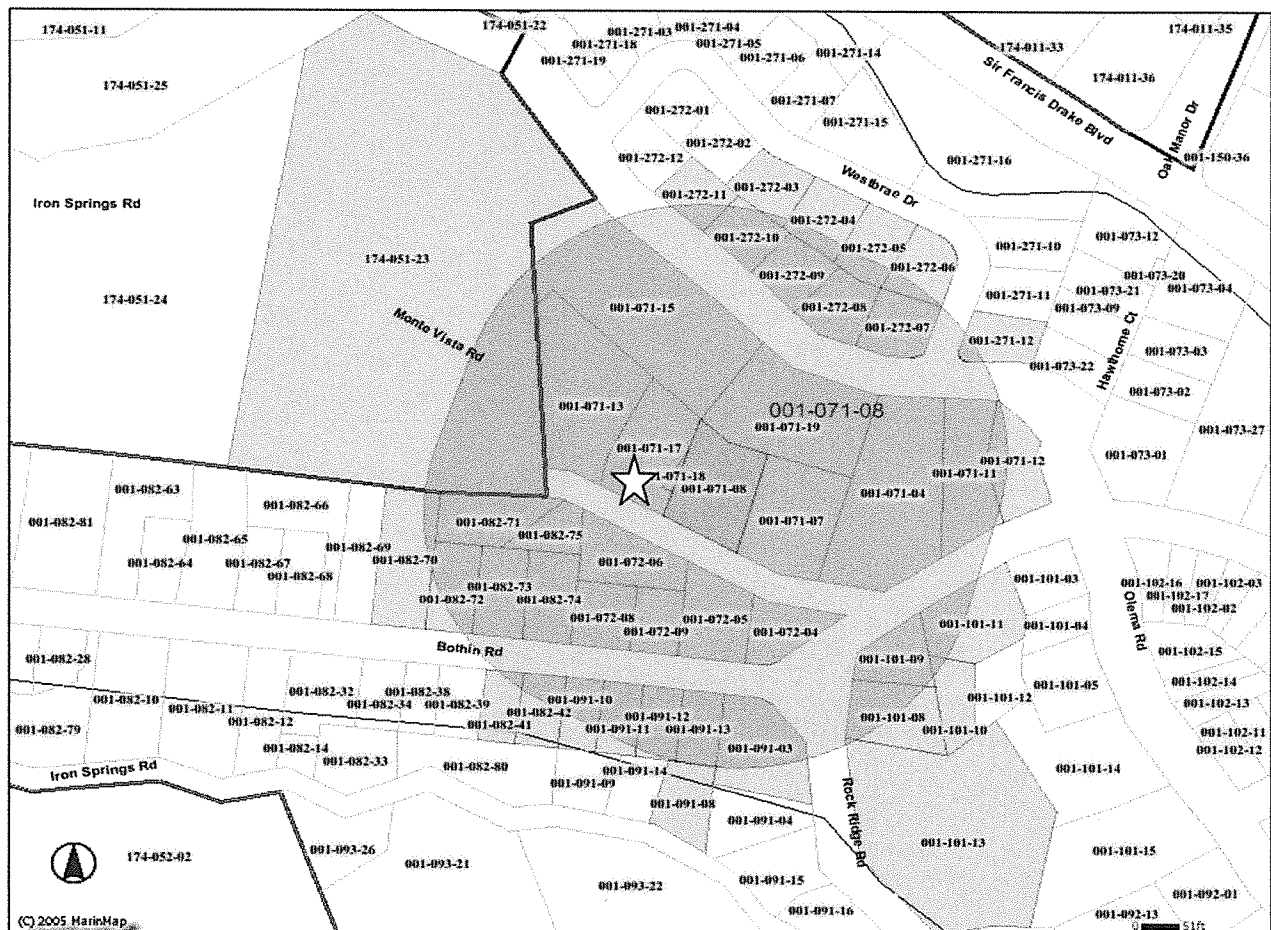


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: June 19, 2014
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner
Corwin Bell, Planning Intern
LOCATION: 72 Monte Vista Road, 001-071-08
PROJECT: Conversion of garage to recreation and storage room, and addition of a covered carport.
ACTION: Use Permit; Application # 14-20
ZONING: RS-6
APPLICANT: Dermot Whelan
OWNER: Gary Anderson
CEQA STATUS: Categorically exempt section(s) 15301 (a)



72 MONTE VISTA ROAD

AGENDA ITEM # 2

BACKGROUND

Property history

72 Monte Vista is a 2-story single-family house built in 1951 with 3 bedrooms, and 1.5 bathrooms on a 12,000 square foot (sf) parcel. The property is substandard in area and width based on average slope, but the building site itself is relatively level. The plans submitted by the applicant show that the existing building has a gross area of 2,278 sf consisting of 1,898 sf of living space and a 380 sf garage under the main living space. The property currently satisfies parking requirements for 3 spaces with the garage acting as the covered space, and 2 spaces north of the garage acting as the second required parking space and guest space. According to the most recent resale inspection, dated 10/31/2013, the building was missing carbon monoxide and smoke detectors, as well as bracing for the water heater. There is no documentation to verify whether or not these safety issues were addressed (Exhibit A).

DISCUSSION

The project is located in the Residential Single-family RS-6 Zone District and complies with all setbacks, FAR, lot coverage, and building height as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6ft	12ft	35ft	5ft & 5ft	20ft	.40	.35	28.5ft, 2 stories
Existing	49ft	16ft	65ft	8ft & 25ft	33ft	.18	.17	20ft
Proposed	49ft	12ft	61ft	8ft & 25ft	33ft	.19	.24	20ft

The project requires the approval of a Use Permit. Due to an average slope of 29 percent, the parcel area and width are considered substandard requiring a use permit with discretionary review.

The main purpose of the project, to convert and expand the garage into a recreation room, includes the following improvements: enclosing part of the laundry/storage area for a bathroom, adding 47 sf to the recreation room by pushing the north wall 2.5 feet north, adding windows to the north and south of the recreation room, adding a sliding door to the south of the recreation room, excavating the recreation room floor by 1 foot 9 inches to increase the ceiling height from 7 feet 7 inches to 9 feet 4 inches, and constructing a 240 sf carport north of the recreation room to make up for the lost covered parking space. The driveway is large enough to accommodate the 3 required parking spaces.

The range of gross floor area for neighboring properties is between 1,864 sf and 2,632 sf. The proposed project at 72 Monte Vista, with a gross floor area of 2,325 sf, would remain within the single-family-residential character of the neighborhood.

OTHER AGENCY AND DEPARTMENT COMMENTS

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. 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.
4. A fire sprinkler system shall be installed throughout the structure that complies with the requirements of the National Fire Protection Association.

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. 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.

RECOMMENDATION

Move to approve application 14-20 based on the following findings.

Recommended Findings:

1. There are many residential units on substandard lots with regard to area on hillsides within the Town of Fairfax. Given that the proposed project is occurring on a level part of the site, would not require any variances, and would add only 47 sf to the gross floor area, the approval of this use permit would not be a grant of special privilege.
2. The proposed gross floor area of 2,325 sf is in character for homes on similar lots in the neighborhood. Since the proposed exterior improvements are occurring exclusively on or adjacent to the first floor and respect property setbacks, they will minimize any potential adverse visual impacts to adjoining properties. The proposed project provides the required number of off-street parking spaces and will not impact the on-street parking supply in the neighborhood.
3. The project complies with all RS-6 zoning requirements, and proposed structural improvements (Exhibit B) coincide with General Plan Policy S-1.1.4: *The Town shall preserve the Fairfax building stock by encouraging building owners to seismically retrofit their property* (General Plan pg. S-12). By only adding 47 sf to the gross building area, the project upholds General Plan Goal LU-7: *Preserve community and neighborhood character*.
4. By strengthening the structural integrity of the building, the proposed project would be an improvement over the existing condition. It is in the public interest to improve the structural integrity of the Town's housing stock.

Recommended Conditions

1. This approval is limited to the development illustrated on the plans prepared by Thomas A. Meece submitted May 19th, 2014.
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**

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 Town Engineer. The Town Engineer's time will be paid for by the applicant prior to issuance of the building permit.

b. Submit three copies of a record of survey subject to review by the Town Engineer with the building permit submittal.

c. Deciduous trees shall be pruned during the winter when they are dormant and evergreen species shall be pruned during July-August.

3. During the construction process the following shall be required:

a. 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.

b. All construction related vehicles including equipment delivery, cement trucks and 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.

c. 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 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 Town Engineer shall field check the completed project to verify that the work has been installed as per his recommendations to the Planning Commission.

c. The Planning Department shall field check the completed project to verify that all design review and planning commission conditions have been complied with including installation of landscaping and irrigation.

5. Excavation shall not occur between October 1st and April 15st. The Town Engineer has the authority to waive this condition depending upon the weather.
6. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.
7. During construction developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".
8. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Hill Area Residential Development Permit 14-20. Any construction based on job plans that have been altered without the benefit of an approved modification of Hill Area Residential Development Permit 14-20 will result in the job being immediately stopped and red tagged.
9. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.
10. The applicant or owner shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

OTHER AGENCY AND DEPARTMENT COMMENTS (Exhibit B)

Ross Valley Fire Department

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ATTACHMENTS

Exhibit A: Applicant's supplemental information

PROJECT DESCRIPTION: Ground floor remodel of existing laundry, storage & garage spaces, conversion of existing storage & garage areas to living & kitchen area, and addition of airport to replace garage-storage area.

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	12,000 sq. ft.	12,000 sq. ft.
Size of structure(s) or commercial space (square feet)	2,268 "	2,315 " "
Height and No. of stories	20 ft, (2)	20 ft, (2)
Lot coverage	17.3% (2080/12000)	23.6% (2835/12000)
No. of dwellings units	1	1
Parking ¹ No. of spaces	1	1
Size of spaces	17'-8" x 19'-0"	12' x 20'

Amount of proposed excavation and fill	Excavation = 29 cu. yd.	Fill = 0
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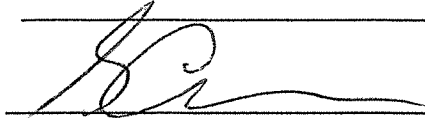
Estimated cost of construction \$ 100,000.00

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.

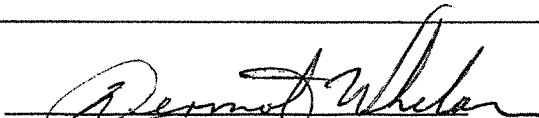
¹Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? _____

N.A.


Signature of Property Owner

3/27/14
Date


Signature of Applicant

3/27/14
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

FLOOR AREA RATIO (FAR) AND LOT COVERAGE STATISTICS

The following information will be used to verify application FAR and lot coverage amounts.
Applications will not be considered complete until the following table is complete.

	Existing	Proposed
Footprint square footage for all structures	1600	1840
Living space square footage		
First floor	668	715
Second floor	1600	1600
Third floor	-0-	-0-
Total	2268	2315
Accessory structure square footages		
Sheds	-	
Pool houses	-	
Studios/offices	-	
Second units	-	
Miscellaneous (specify use)	-	
Total	0	0
Square footage of impervious surfaces		
Walkways	-	-
Patios	365	365
Impervious decks	-	-
Miscellaneous (specify use)	(STEPS) 115	115
Total	480	480
Garage/carport square footages (specify type)	0	240

* All square footage measurements must be the sum of all interior floor area measured from the exterior faces of the exterior walls for structures (Town Code § 17.008.020).

FLOOR AREA: Fairfax Town Code § 17.008.020, Definitions, defines "floor area" as the sum of all interior floor area measured from the exterior faces of the exterior walls. The "floor area" of any accessory structures on the same lot shall be included. The "floor area" of any garage in excess of 500sf in size for single-family residences and 800sf in size for duplexes shall also be included.

LOT COVERAGE: Fairfax Town Code § 17.008.020, Definitions, defines "lot coverage" as the percentage of the lot area that is occupied by the ground area of a building, any accessory building(s), as well as any impervious surface areas such as patios (other than driveways) adjacent to the building or accessory structure.

Use Permit Applications - Additional information required.

- A written description of the proposed use, major activities, hours of operation, number of employees on the premises during the busiest shift and when the busiest shift is expected and other information pertinent to the application. *GROUND FLOOR REMODEL OF MURPHY & STANAGE GARAGE AREA, TO LIVING AREA. IN ADDITION OF CARPORT TO REPLACE GARAGE. LIFTS ON SITE MON. THUR. FRI.*
- Floor plans must include location of any special equipment. *NO SPECIAL EQUIPMENT.*
- Designate customer, employee and living areas. *N/A.*
- If different uses are included in this activity, for example storage, retail, living space, etc. Indicate square footage of each proposed use. *NO ADDITIONAL STORAGE. 420 ADDITIONAL LIVING*


In order to approve your project, the Planning Commission must make findings of fact which state that the project will not have a negative impact on the general public welfare, conforms with the policies of the Town, does not create excessive physical or economic impacts on adjacent property and provides for equal treatment with similar properties in Town.

In the space below, please provide any information which you feel is relevant to these issues and which further explains your project.


Ernest Wilson

The final disposition of each use permit shall be in accordance with the facts of the particular case, and such facts must support the following determinations and findings before a use permit may be approved. Indicate how the findings below can be made:

- 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.

Understand 

- The development and use of property, as approved under the use permit, shall not create a public nuisance, 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, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

Understand 

- 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 any master plan, development plan or other plan or policy, officially adopted by the town.

Understand 