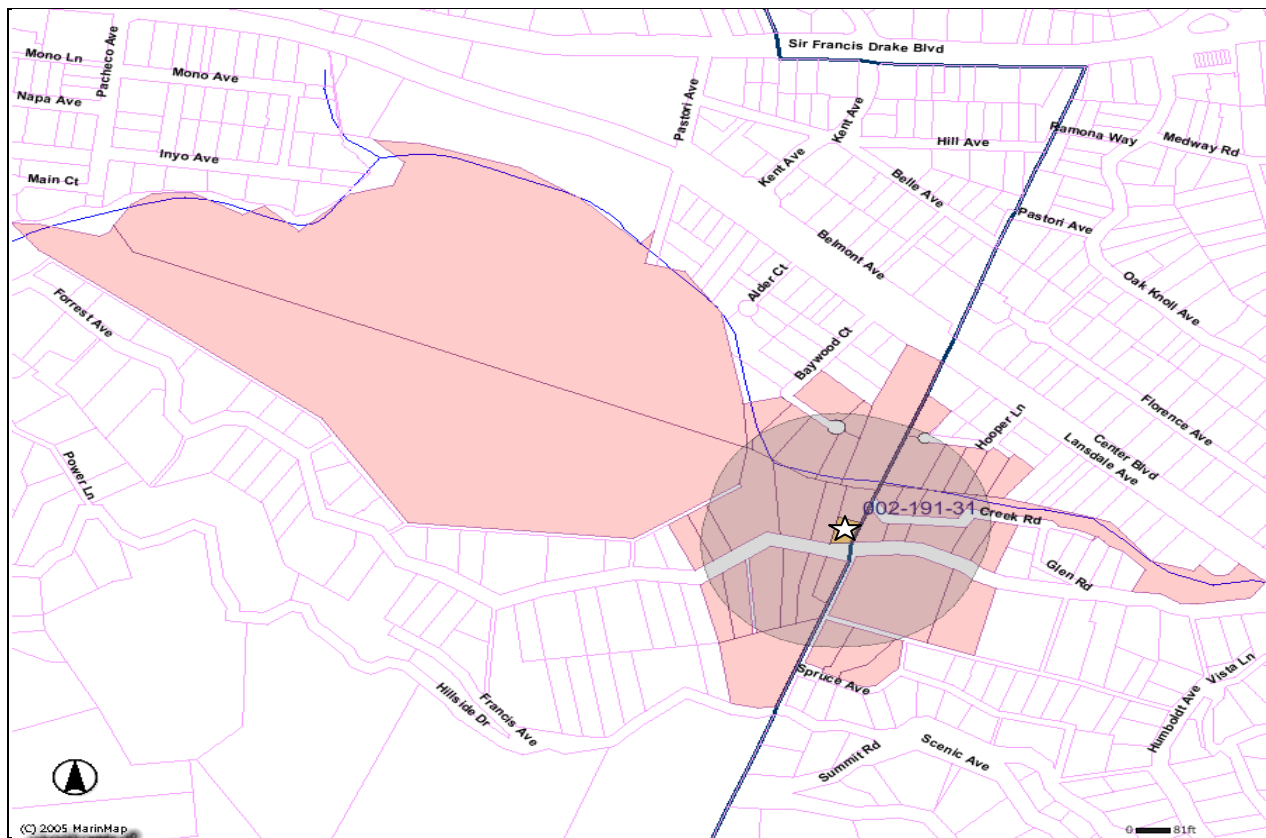


TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: June 17th, 2013.
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
Arijit Sen, Intern
LOCATION: 94 Forrest Avenue; Assessor's Parcel No. 002-191-31.
PROJECT: Construction of a trellis carport cover and entryway cover over an existing uncovered parking deck and entryway of an existing single family residence.
ACTION: **Use Permits and Setback Variances; Application # 13-18**
ZONING: Residential Single- family RS6 Zoning.
APPLICANT: Rich Rushton- Applicant/ architect.
OWNER: George Khouri & Mary Fleming.
CEQA STATUS: Categorically exempt per § 15303(a).



94 FORREST AVENUE

BACKGROUND

The 5,500 square foot site slopes down from Forrest Avenue at an average of 40%. The residence is 1,465 sq.ft with two bedrooms and two baths, and was constructed in 2004. Presently, the site has an open uncovered car port.

The Planning Commission approved the construction of this residence under the Hill Area Residential Development Permit in August, 2004.

DISCUSSION

The applicant is proposing to construct a trellis carport cover and an entryway cover over an existing uncovered parking deck and entryway. The trellis carport cover will have a tar/gravel over plywood roofing whereas the entryway trellis will be uncovered. This structure is structurally sound and compliments the architecture of the existing residence.

On inspecting the site, it was confirmed that the trellis structure will not block any sunlight falling on windows of the neighbor on the West.

The project complies with the regulations set forth in the Residential Single- family RS6 Zoning 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, 3 stories
Existing	20 ft	28 ft	48 ft	8 ft & 5 ft	13 ft	.26	.20	33 ft, 2 stories
Proposed	6.5 ft	34 ft	40.5 ft	8 ft & 5 ft	13 ft	.26	.26	33 ft, 2 stories

Please note that the rear deck can encroach two feet into the required 35 foot combined setback so the combined front/ rear setback of 35 feet has been met.

The project requires approval of the following discretionary permits:

Combined Side Setback Variances:

The proposed new trellis carport cover will maintain a combined side setback of only 13 feet while Town Code § 17.080.040(B)(2) requires a combined side setback of twenty (20) feet. The proposed project will result in 7 feet of the east side encroaching into the 5 feet side setback. Therefore, the project requires a variance of the combined side setback but not of the minimum side yard setback.

The parking structure will be a trellis structure with light concrete slab on top. However, being a light structure it will not be used for anything else. The area, presently, is an open carport, and this structure is only to cover it and hence will not cause any additional traffic or disturbance.

The entrance trellis canopy does not violate any minimum setback requirements and hence, does not require any variance.

Other Agency Or Department Comments

Staff received comments on the project only from the Ross Valley Fire Department and Marin Municipal Water District and their comments have been included as conditions below. No comments were received from the Building Department, Public Works Department, Police Department or the Ross Valley Sanitary District

RECOMMENDATION

Move to approve application # 13-18 based on the following findings and subject to the following conditions of approval:

1. Because of special circumstances applicable to the property, including size, shape, topography, location of surroundings, the strict application of this title will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification. The trellis carport cover and covered entry will not change the single-family character of the site or the neighborhood.
2. The trellis addition complies with the required setbacks and height limitations. Only the eastern 7 feet of the trellis will project into the required combined side setbacks. However, it still maintains a considerable distance of 23 feet from neighboring house on the east. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises.
3. The Residential Single Family RS-6 Zone District and the General Plan Designation of the project site allows single-family dwellings. Therefore, approval of the variance is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the Town.
4. The site is narrow and slopes down steeply from Forrest Avenue. The east property line is 5 feet away from the edge of the parking structure. Therefore, there is no way for the

owner to provide covered parking without encroaching up to the required 5 foot side setback.

5. The narrow 50 foot width of the site and orientation of the residence to the access drive makes it difficult to construct a garage without encroaching into the combined 20 foot side yard setbacks. Likewise, the strict application of the combined side yard setback regulations will deprive the owners of the ability to provide covered parking for their residence unless a variance is granted (which is a privilege enjoyed by other property owner throughout the Forrest Avenue neighborhood). Keep the statement in parenthesis.
6. The variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title because the garage will maintain a setback from the paved edge of Forrest Avenue of 13 feet and it will exceed the minimum 5ft side yard setback requirement on both sides. The proposed addition complies with all the other regulations of the RS- 6 Zone District. Therefore, the granting of the side setback variance is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.
7. The strict application of this title would result in excessive or unreasonable hardship because the owners would be unable to provide covered parking for their residence including a small entryway addition.
8. The granting of the variance or adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.
9. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specified regulation.
10. Granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.
11. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.
12. The addition will not obstruct the visibility of pedestrians or vehicles using Forrest Avenue. Therefore, the granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.
13. The expansion does not include additional bedrooms which might increase the number of persons residing in the residence. Therefore, neither present nor anticipated future traffic volumes generated by the use of the site require strict or literal interpretation and enforcement of the 9 foot by 19 foot parking size regulation.

Recommended Conditions:

Standard Planning Department/Commission Conditions

1. This approval is limited to the development illustrated on the plans prepared by Rushton Chartock Architecture, page A4.2.

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
 - b. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Director/ the Public Works Director can waive this requirement).
 - c. Submit a bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official/Public Works Director. Upon approval of the contract costs, the applicant shall submit bond or letter of credit equaling 100% of the estimated construction costs.
 - d. Prior to issuance of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the development's conformance with their recommendations.
3. During the construction process the following shall be required:
 - a. The structural engineer shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to Town staff that the grading has been completed as recommended prior to installation of foundation and retaining forms and piers.
 - b. The structural engineer 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 prior to the concrete form inspection by the building official. The building official shall field check the concrete forms prior to the pour.
 - c. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.
 - d. 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 structural 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 Planning Commission conditions have been complied with.

5. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.

6. During construction the 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".

7. 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 Application # 13-18. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 13-18 will result in the job being immediately stopped and red tagged.

8. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

9. The applicant shall comply with any and all requirements of the Ross Valley Fire Department, the Ross Valley Sanitary District, the Marin Municipal Water District and the Fairfax Building Official.

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.

All conditions of agencies with jurisdiction over the project must be complied with unless that agency waives one or more of them in writing to the Town.

Ross Valley Fire Department Conditions

1. The applicant must comply with all the standard fire department requirements as described in Exhibit B, September 23, 2009 memorandum from the Ross Valley Fire Department. Compliance must be verified by the Ross Valley Fire Department prior to the project final inspection.

Marin Municipal Water District Conditions

1. Indoor plumbing fixtures must meet specific efficiency requirements.
2. Landscape and irrigation plans must comply with Landscape Ordinance # 385.
3. Should backflow protection be required it shall be installed as a condition of water service.

ATTACHMENTS

Exhibit A – applicant’s supplemental information
Exhibit B – Other Agency or Department comments