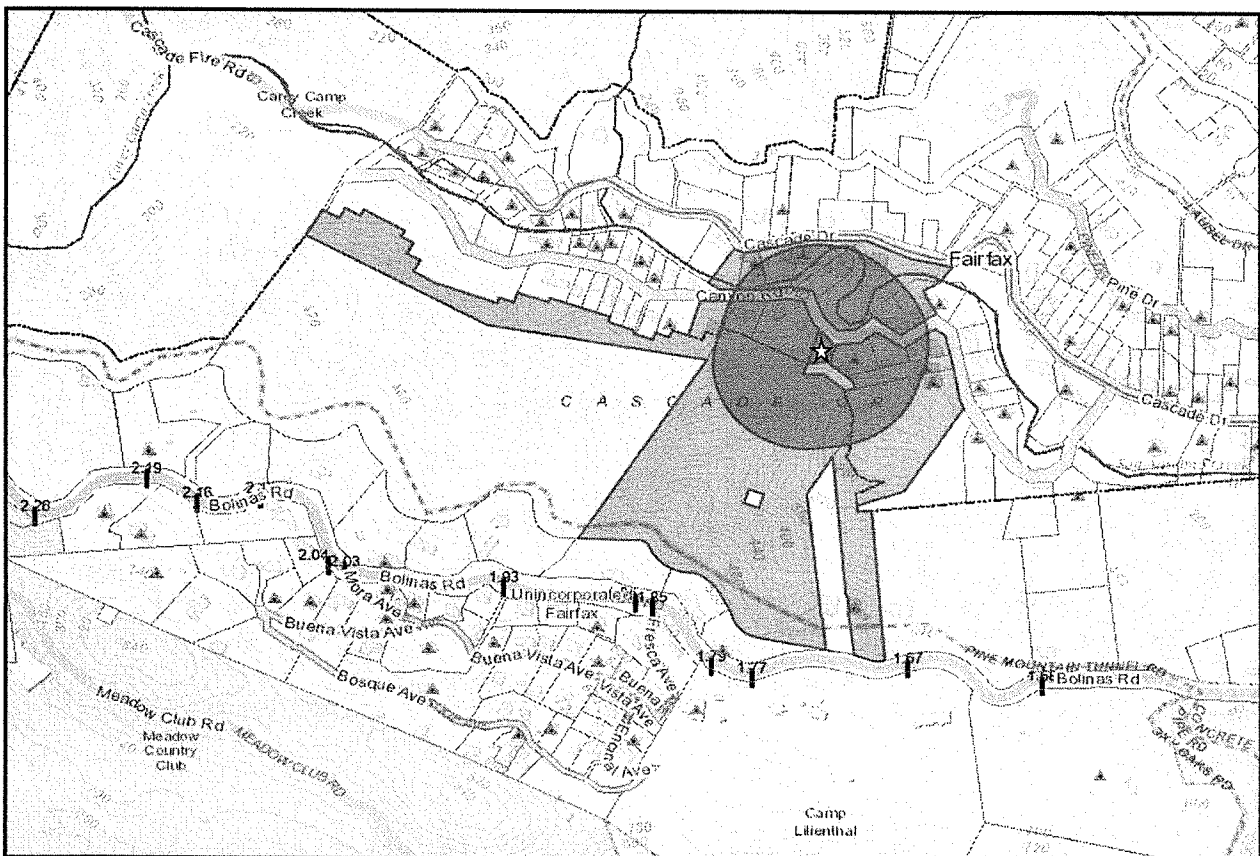


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: August 20, 2020
FROM: Linda Neal, Principal Planner
LOCATION: 131 Canyon Rd.; APN # 003-032-16
PROJECT: Single-family Residence
ACTION: Hill Area Residential Development, Design Review, Excavation, Encroachment and Tree Removal Permits, Retaining Wall Height Variance; Application # 20-7
APPLICANT: Vlad and Paula Iojica
OWNER: Same
CEQA STATUS: Categorical Exemption, § 15303(a) and 15305(b)



131 CANYON ROAD
APN # 003-032-16

AGENDA ITEM # 1

DESCRIPTION

Applications were submitted for Hill Area Residential Development, Design Review, Excavation and Encroachment permits as well as a Retaining Wall height variance on December 16, 2019. The project was declared complete on June 17, 2020, and agendized on the July 16 Planning Commission meeting, but was continued to this meeting due to the lateness of the hour.

The project consists of the following: a) construction of a 3 story, 23 foot tall, 1,230 square-foot, 2 bedroom, 1½ bathroom, single-family residence with an attached one car carport and a 150 square-foot storage room on the first floor, 643 square feet providing a living room, kitchen, dining room, and ½ bath on the second floor with a roughly 217 square foot triangular deck off the dining room, entry and living room and 587 square feet on the third floor providing 2 bedrooms and 1 bathroom; b) construction of a 17 foot wide driveway accessing the carport and additional 2 uncovered parking spaces; c) construction of a 5 foot tall rock retaining wall along 34 feet of the site frontage to create the Ross Valley Fire Department required fire department turnout; and d) excavation to the rear of the structure and construction of a roughly 2 to 7 ½ foot tall retaining wall to create a 411 square-foot patio.

The project grading consists of roughly 118 cubic yards of cut material to create the driveway, fire truck turnout, structure foundation, rear patio area and drainage improvements, and roughly 82 cubic yards of offhaul.

The house entryway is located on the west side of the structure providing entry to the second floor living area from the driveway and parking area.

The residence complies with the regulations set forth in the Residential Single-family RS -6 Zone District as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Coverage	Height
Required/ Permitted	6 ft.	12 ft.	35 ft.	5 ft. and 5 ft.	20 ft.	.40	.35	28.5 ft., 3 stories
Proposed	10 ft.	33 ft.	43 ft.	6 ft. & 14 ft.	20 ft.	.26	.29	23 ft., 3 stories

BACKGROUND

The 5,353 square-foot site is 55 to 58 feet wide and slopes up from the south side of Canyon Road at an average rate of 58%.

The parcel was created by the recording of Map No. 1 of Cascade Estates on May 25, 1926 at the Marin County Recorder's Office.

There is an existing utility box located within the Canyon Road right-of-way just east of the site.

A seasonal drainage course enters the property from the developed property to the west near the center of the site and runs along its west side to the street where it flows along the south side of Canyon Road to 121 Canyon where the water is culverted underneath Canyon Road and into San Anselmo Creek north of the site.

REQUIRED DISCRETIONARY PERMITS

The project requires the approval of a Hill Area Residential permit, Excavation permit, Tree Removal permit, Retaining Wall Height Variance and a Design Review permit. The required discretionary permits and analysis of project compliance with the related sections of the Town Code and Zoning Ordinance are found below.

The project provides the required 3 parking spaces per Town Code § 17.052.030(A)(1) and (2), and the open carport partially underneath the house provides the one covered parking space required by Town Code § 17.052.010(D).

Hill Area Residential Development

The purpose of the Hill Area Residential Development Permit is to encourage the maximum retention of natural topographic features, minimize grading of hillside areas, provide a safe means of ingress and egress to and within hillside areas, minimize water run-off and soils erosion during and after construction, prevent loss of life, reduce injuries and property damage and minimize economic dislocations from geologic hazards, and to ensure that infill development on hillside lots is of a size and scale appropriate to the property and is consistent with other properties in the vicinity under the same zone classification [Town Code sections 17.072.010(A) and (B)].

Town Code §17.072.090(C)(1) requires graded slopes to be sculptured and contoured to blend with the natural terrain and Town Code §17.072.090(C)(3) requires that the height of retaining walls be minimized within the Hill Area Residential Development Overlay Zones.

Town Code § 17.072.090(D) indicates that projects within the Hill Area Residential Development Overlay Zone shall be designed to minimize disruptions of existing ecosystems.

The only walls proposed on the site are the foundation walls within the footprint of the proposed house, the walls to create the driveway and a wall to create the level patio area at the rear (south) side of the residence. A roughly 5-foot-tall gabion wall is proposed within the right-of-way along the property frontage to widen the road and create a fire truck pull out.

The house design is relatively unarticulated, with the top of the front façade approximately 37 feet above the street. The 23-foot-tall and 36-foot-wide front mass is broken up by the triangularly shaped front entry deck extending out a maximum of 17 feet from the first floor (second level) of the residence.

The property is within ¼ mile of a known Northern Spotted Owl nesting site. Therefore, construction may not occur or must be minimized and/or monitored to be kept below certain noise levels to limit negative impacts to the birds during the nesting season which runs from February 1st through July 31st. Acts that result in the disturbance or death of Northern Spotted owls are a federal offense.

Drainage and Slope Stability

The Town Engineers have reviewed the entire body of information provided by the applicants on the project including the project engineering and architectural plans as well as the geotechnical letters by Dennis Furby, Consulting Geotechnical Engineer dated 9/22/17 and 7/6/20, the geotechnical report by Earth Science Consultants dated 2/9/14 and the hydrology report (storm water control plan) by VIA Atelier, dated November 2019. After completing their review and visiting the site on 1/3/20, they have determined that the project can be constructed as proposed without creating any significant geologic or hydrologic hazards for adjacent public or private properties as long as certain conditions are met (Attachment B – Town Engineer's memorandum dated 6/9/20).

Runoff from the roof, rear patio, and portions of the parking and driveway will be collected with downspouts, storm drain inlets, and drainage piping that will carry the water around the house and deposit most of it into storm water storage tank under the uncovered parking area where it will be released in a controlled manner to a bioretention planter located within the Canyon Road right-of-way along the property frontage. If the project is approved, a public works encroachment permit shall be obtained and a recordable encroachment/improvement maintenance agreement for the private drainage improvement within the public right-of-way shall be prepared, approved by the Fairfax Public Works Department, and recorded at the Marin County Recorder's Office prior to issuance of the building permit. Some runoff would be directed to a storm drain inlet on the west side of the proposed driveway where it would be collected, taken underneath the driveway entrance and then released into a ditch alongside Canyon Road where it will eventually flow to a culvert that runs under the road at 121 Canyon and then is deposited into San Anselmo Creek.

Retaining Wall Height Variance, Encroachment and Excavation Permits

The house has been designed with a driveway accessing the parking area in front because the front property line for the site is set back from the edge of the paved portion of Canyon Road some 5 to 24 feet at an angle. The driveway walls and the wall to create the fire truck pullout are structures located within the Canyon Road right-of-way and require an encroachment permit from the Planning Commission. Designing the

project with head-in parking would have resulted in the parking being located almost entirely off the property within the right-of-way, or, if pushed back onto the site, would require retaining walls that would reach roughly 16 feet in height. The proposed design results in retaining walls for the driveway of up to 6 ½ feet in height and minimizes the amount of required excavation.

The site is steep, and the only usable outdoor area will be provided by the front deck, and the patio at the rear of the site which will have walls reaching 8 feet height due to the steep site slope.

To provide the roadway width to accommodate the fire truck pullout required by the Ross Valley Fire Department along the property frontage, a retaining wall will be constructed on the uphill side, reaching roughly 5 to 6 feet in height.

The proposed design minimizes excavation while also keeping the retaining walls at the minimum heights necessary to construct the improvements while complying with parking and Ross Valley Fire requirements and providing an adequate amount of usable outdoor living space similar to that available to other properties on hillside sites throughout the neighborhood.

It is noted that the proposed retaining wall for the downhill (northeast) parking space would necessitate the removal of a healthy 18" dbh Valley Oak, which is the only tree the applicant hasn't already removed from the front of the site.

Design Review

Town Code §17.020.030(A) requires that the design of new residences be reviewed and approved by the Fairfax Planning Commission for compliance with the design review criteria contained in Town Code §17.020.040.

These criteria include but are not limited to the following:

"The proposed development shall create a well composed design harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community".

"The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has balance and unity among its external features so as to present a harmonious appearance".

"The extent to which natural features, including trees, shrubs, creeks and rocks and the natural grade of the site are to be retained".

The house has been designed with a triangular deck that projects out from the front of the house and follows the angled front property line. The deck forms a portion of the covered parking space and breaks up the 3-story façade of the building frontage. The

roof line slopes up away from the street following the natural upsloping site contours. Further articulation is achieved by alternating horizontal, hardi-plank siding on the first and 3rd levels with stucco siding and trim on the second level and using various windows shapes and sizes. The roof will be dark grey asphalt shingled ("Weathered Wood") and the windows will be Milgard vinyl in white. The walls at the parking level and lower floor will be painted light grey (Portland Cement) while the upper floor will be painted a darker grey [Sherwin-Williams "Ironclad", SW9570].

Staff believes that the 18" dbh Valley Oak previously proposed for removal on northeast side of the parking area could be preserved if the parking space and attendant retaining wall were shifted to the northwest by 10 feet or so, and other tree protection measures are taken. The applicant has already removed virtually all the other trees on the site with any proximity to the project. It is noted that the Fairfax Tree Committee had approved all the tree removals, provided that a building permit (and preceding planning approvals) are received first. However, except for the oak, the applicant has removed trees ahead of the Tree Committee's stipulated approval timing. Any opportunity for redesign for tree preservation has therefore been lost. Given the unbroken façade of the front of the building, in staff's opinion is it important to preserve the one remaining healthy mature Valley Oak that provides any natural context and visual screening of the front of the development.

Recommended conditions of approval are proposed that will shift the parking space to the northwest and require other protection measures as deemed necessary by the Town Arborist. The owner has submitted revised plans dated 8/10/20 that show this modification. Staff supports this redesign, with the further conditions that require the applicant to follow all tree preservation recommendations the Town Arborist makes in this regard.

A fire truck pullout will be created by widening the roadway to 20 - 21 feet along 34 feet of the Canyon Road frontage east of the driveway entrance, by constructing a gabion wall varying in height from roughly 2 feet to 6 feet. This will pullout benefit the entire adjacent Canyon Road neighborhood.

The Commission may want to consider requiring the gabion wall to be replaced by an I-beam and wood lagging, split faced CMU, or tinted and textured concrete wall, which would be more typical of the type of walls found within the rights-of-way throughout Fairfax.

House Siting and Design

As indicated above, the siting of the proposed house is in an area that is already modified by the pre-emptive tree removal. The grading being proposed for the site is to construct the foundation, garage, drainage system, driveway, and supply line improvements for the proposed house. Most of the trees that need to be removed for the project construction have already been cut by the property owner. Justification for tree removal, as shown in the tree removal permit information, are because they are

within the construction footprint, pose a fire hazard to the development once it is built, or they have serious health issues that cannot be mitigated. Only 2 trees remain on the site, which were also recommended to the Commission for removal by the Tree Committee.

The house and the resulting floor area ratio (FAR) are similar in size to other homes on similar sized lots in the neighborhood, having an FAR of .23 while homes at 189 Canyon, 195 Canyon, 181 Canyon, 177 Canyon and 171 Canyon have FAR's of .26, .28, .23, .26 and .27 (see table below).

131 CANYON ROAD – SIMILAR PROPERTIES DEVELOPMENT							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
003-014-07	189 Canyon	6,750	1,650	3	2.5	0	.26
003-014-08	185 Canyon	7,000	1,974	2	2	456	.28
003-014-12	181 Canyon	6,750	1,572	2	2	0	.23
003-014-15	177 Canyon	7,000	1,840	2	2	0	.26
003-014-14	171 Canyon	6,250	1,690	2	2	180	.27
DEVELOPMENT OF PROPERTIES IN THE IMMEDIATE NEIGHBORHOOD ON CANYON ROAD							
003-032-02	155 Canyon	13,000	1,908	3	2	361	.15
003-032-06	75 Canyon	9,170	2,223	3	3	391	.24
003-032-19	145 Canyon	12,200	1,560	2	2	320	.13
003-032-23	151 Canyon	29,700	1,869	3	2	720	.07
003-032-28	35 Canyon	13,761	1,892	3	2.5	0	.14
003-032-41	67 Canyon	102,372	1,816	3	2	0	.02
003-032-43	49 Canyon	20,684	828	1	1	360	.04
131 Canyon		5,353	1,230	2	1.5	0	.23

Overall, the house has generally been designed to be in scale with the site and is similar in size to other structures on similar sized and sloped sites in the neighborhood and on similar sized and sloped sites throughout the hillsides of Fairfax.

However, the two of the three stories in front have been designed on the same plane and they present an unbroken façade (except for the deck) towards the street that reaches 28.5 feet in height, although only projecting 23 feet above the natural grade (how maximum height is measured in Town Code § 17.008.020, Height of Building). The referenced section of the code reads, "The vertical distance measured from a point of the structure directly above. At no point shall the height of the building exceed the allowable height above natural grade".

The visual impact of the front façade from the street will be substantial. It would be lessened significantly if the top story were stepped back 5 feet from the lower 2 stories.

This would still leave room for a 7-foot-deep patio at the rear of the house before reaching the large rock outcropping uphill (to the south) of the proposed structure.

As noted previously, Staff also believes that the oak tree at the north east corner (number 52 in the tree removal recommendation and circled and numbered in red on page L2.0 of the project plans) adjacent to the uncovered parking space at the top of the driveway could be saved if the adjacent uncovered parking space, and section of wall creating the space were set back from tree # 52's trunk. The relocation of the wall could also occur while preserving the required 3 spaces.

Subject to the review and recommendation of the Town Arborist, staff recommended that the northeast parking space and accompanying retaining wall be moved 10 feet in a northerly direction. The applicant has submitted revised drawings dated 8/10/20 showing staff's recommended change. Staff therefore will recommend that the 8/10/20 plans be incorporated into the approved project, subject to further tree protection requirements from the Town Arborist.

Landscaping and Lighting

The combination vegetative management/landscaping plan was reviewed and approved by the Ross Valley Fire Department on January 14, 2020 and requires the removal of 13 Bay trees and 5 Oak trees. The Tree Committee reviewed the tree removal application and recommended approval to the Commission at their 2/24/20 meeting (Attachment D). All but 2 of the trees recommended for removal at the January 14, 2020 Tree Committee meeting have already been cut down by the owner. Staff is familiar with Fire's standards for tree clearance and believes that the remaining Valley Oak could be preserved with little if any pruning.

The proposed landscaping plan shown on page L2.0 of the project plans as the Vegetative Management Plan was approved by the Ross Valley Fire Department on 1/14/20 and will also have to be approved by the Marin Municipal Water District as complying with their indoor and outdoor requirements of District Code Title 13, Water Conservation, prior to issuance of the project building permit. Proposed planting in front consists of Salvia (sage). The plans propose drip irrigation for planted areas.

Four light fixtures are proposed for the exterior of the structure, 2 on either side of the front entry way on the second floor and 2 on the rear of the house by the sliding doors off each of the bedrooms. The fixtures direct light downward and are dark sky compliant (see page A7.1) of the plans.

Tree Removal Permit

The applicant is requesting an after-the-fact tree removal permit for the removal of 10 trees 7 bays and 3 oaks – trees 51, 53, 54, 55, 56, 58, 59, 60, 61 and 62. These were already approved for removal by the Tree Committee on 7/24/17, subject to the approval of the required planning permits and issuance of the building permit for

construction. This approval occurred prior to approval authority being shifted from the Tree Committee to the Planning Commission, where now the Tree Committee makes recommendations on proposed removals for projects requiring planning permits (Ordinance adopted 10/3/18). Tree 52 was approved for removal by the Tree Committee but has now been retained through the 8/10/20 project redesign.

There was ambiguity created by the change in tree removal authority. One could argue that Planning Commission approval of trees 51, 53, 54, 56, 58, 59, 60, 61 and 62 is not required because it was granted prior to tree permit removal authority being shifted from the Tree Committee to the Planning Commission. The Tree Committee, outside of Town Code requirements, instituted a 6-month permit expiration time limit on tree permits (time limit are not mentioned in the tree ordinance), so it could also be argued that the original tree 2017 tree permit approval, granted after the specified trees were removed, is still valid (Attachment D). It should also be noted that the Tree Committee's approval was stipulated to occur after issuance of a building permit, raising the question of what project necessitating what tree removal would eventually be approved by Planning and proceed to the building stage. Such ambiguity and resulting confusion are a large reason why the Planning Commission was granted tree removal permit authority on projects it reviews.

The applicant is currently requesting an after-the-fact tree removal permit from the Planning Commission for the above trees and an additional 6 bay trees that were recommended for removal approval to Planning Commission by action taken by the Tree Committee at the 2/24/20 Tree Committee Meeting (Attachment D).

For those newly removed 6 trees, Tree 50 (Bay) - Wildland Urban Interface (WUI) Area, removal required by Ross Valley Fire Department (RVFD), Tree 57 (Bay) - Construction, Tree 64 (Bay)- WUI RVFD required removal, Tree 66 (Bay) - WUI RVFD required removal, Tree 68 (Bay) - WUI RVFD required removal and Tree 69 (Bay) - WUI RVFD required removal.

All the trees that have been removed were removed due to being located within the footprint of the proposed construction or because they were flammable bay trees located within the Wildland Urban Interface Area where the removal of bays is required by the Fire Department.

Public Comment

The staff received e-mails from two neighbors urging the Commission to prohibit construction of the house until pre-existing conditions on two portions of Canyon Road that already show signs of instability are repaired by the Town. They are concerned that the construction vehicles will cause the sections to collapse, resulting in access to the rest of the homes on Canyon being eliminated or constricted to one-way path of travel.

The Town cannot prevent construction due to hypothetical circumstances. Heavy vehicles (garbage trucks, etc.) currently already traverse this section of roadway. Repair of this section is also on the Town's capital improvements list and is undergoing review by other agencies.

Condition # 18 of the attached Resolution No.2020-07 recommending approval of the project, provides that the applicant is responsible for any roadway damage that occurs due to the construction activities. The applicant is also required to create a video of roadway conditions with the Public Works Department prior to issuance of the building permit and to submit a bond to the Town, in an amount determined by Public Works and/or the Town Engineer, to cover the costs of roadway damage should it occur during construction.

We have also received communication from member of the Tree Committee concerning the tree removal (Attachment D). She is requesting that the owner be issued after the fact citations for the unpermitted tree removals from the site.

All comments received from neighbors prior to preparation of the 8/20/20 meeting packet are included in Attachments E, F and H.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department (RVFD)

RVFD submitted written requirements for the project and the approved Vegetative Management Plan (VMP) which have been incorporated into conditions of approval in the attached resolution and are summarized as follows:

All vegetation and construction materials are to be maintained away from the residence during construction, hydrant flow and location are to be identified before construction begins and hydrant must no flow less than 500 gallons per minute at 20 pounds per square inch (psi), a fire sprinkler system shall be installed throughout the entire building in compliance with the requirements of the National Fire Protection Association 13-D and local standards (plans must be submitted to the fire department and be approved prior to issuance of the building permit), interconnected smoke detectors with AC power shall be installed throughout the structure in each bedroom, centrally located in the corridor and over the center of all stairways with a minimum of one detector per story, carbon monoxide alarms shall be installed throughout the building and back lit or internally illuminated address numbers at least 4 inches tall must be installed near the front door and controlled by a photocell that is switched off only by a breaker so the address remains illuminated all night. Conditions pertaining to the VMP are: no tree subject to regulation by the Fairfax Tree Ordinance shall be removed without obtaining a tree removal permit from the Town, vegetation within 30 feet of the structure shall be irrigated and no seasonal grasses shall be allowed, every effort shall be taken to ensure erosion control efforts are in compliance with standards established by Town regulations, the approved VMP is in effect for the life of the property, vegetation shall be

maintained to ensure address numbers are visible from the street from both angles of approach and minimum standards must be in place prior to final fire clearance which is required prior to the project final inspection.

Ross Valley Sanitary District (FVSD)

RVFD submitted written requirements which have been incorporated into conditions of approval in the attached resolution and are summarized as follows:

A permit shall be obtained from the Sanitary District prior to the issuance of the building permit, the existing sewer lateral shall be tested in accordance with RVSD Ordinance 100 and Section 02735 and correction made if necessary, a certificate of compliance shall be obtained from the district, and if possible, the proposed sewer lateral should be relocated so that it does not run under the proposed retaining wall to avoid settlement damage and promote better access for maintenance and repair.

Marin Municipal Water District (MMWD)

MMWD submitted written requirements which have been incorporated into conditions of approval in the attached resolution and are summarized as follows:

Complete a High Pressure Water Service application, submit a copy of the building permit, pay fees, complete structure foundation within 120 days of application, comply with District's rules and regulations in effect at the time service is requested, comply with all indoor and outdoor requirements of District Code 13 (Water Conservation), landscaping plans must be reviewed and approved by the district, comply with backflow prevention requirements and Ordinance 429 requiring the installation of greywater recycling systems when practicable.

Fairfax Public Works Department

All large trucks with more than 2 axles accessing the site for construction will be limited to the hours of 9 AM to 3 PM.

Trucks removing off-haul will be limited to 10-yard dump trucks.

The driveway improvements shall be completed and be signed off by the Town Engineer, the Building Official/Public Works Managers, and the Ross Valley Fire Department before construction on the house begins.

Road closures shall be noticed in the field a minimum of 5 days prior to the event and individual written notifications shall be delivered to each resident on Bay Road.

RECOMMENDATION

Conduct the public hearing.

Move to approve application # 20-7 by adopting Resolution No. 2020-07 setting forth the findings and conditions for the project approval, including but not limited to the following amendments:

1. The design of the structure shall be modified to shift the 3rd upper floor back from the façade of the lower two floors 5 feet with the final design reviewed and approved by the Planning Director and the Town Engineer prior to issuance of the project building permit.
2. The northeasterly parking space and retaining wall parking area shall be moved in a northerly direction a distance from tree # 52 as depicted in the revised plan set dated 8/10/20. Other tree protection measures recommended by the Town Arborist (e.g., mulch, tree protection fencing, drainage, foundation modifications, are herein incorporated by reference as conditions of approval.
3. The exterior colors shall be Sherwin-Williams "Ironclad" SW9570 for the upper floor siding, Portland Cement for the exterior lower floor stucco walls and site retaining walls, and "Brownwood" Class A, Fire Rated (UL 790) composite shingles.
4. Prior to issuance of any of any building permits for the project the applicant or his assigns shall submit a construction plan to the Public Works Department which may include but is not limited to the following:
 - a. Construction delivery routes approved by the Department of Public Works.
 - b. Construction schedule (deliveries, worker hours, etc.)
 - c. Notification to area residents
 - d. Emergency access routes
5. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction access and delivery routes (routes must be approved by Public Works Director).
6. 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.
7. All large trucks with more than 2 axles accessing the site for construction will be limited to the hours of 9 AM to 3 PM.
8. Trucks removing off-haul will be limited to 10-yard dump trucks.

9. The driveway and fire truck pull out improvements shall be completed and be signed off by the Town Engineer, the Building Official/Public Works Manager, and the Ross Valley Fire Department before construction on the house begins.
10. Road closures shall be noticed in the field a minimum of 48 hours prior to the event and individual written notifications shall be delivered to each potentially impacted residence on Canyon Road.

ATTACHMENTS

Attachment A – Resolution No. 2020-07

Attachment B – Town Engineer memorandum dated 6/9/20

Attachment C - Project geotechnical and hydrology reports

Attachment D – 2020 Fairfax Tree Committee recommendation and tree removal application & 2017 Tree Committee approval application

Attachment E – Public comments: E-mail from Martha Ture, dated 2/18/20 and 3/18/20 and, e-mail from Jean Irving dated 7/6/20

Attachment F – e-mails from Tree Committee Member Benson dated 7/7/20, 7/9/20 and 8/11/20

Attachment G – e-mail from property owner/applicant

Attachment H – Letters/e-mails of support for the project of support for the project from owners of 578 Cascade, 190 Canyon, 134 Canyon and 181 Canyon

RESOLUTION NO. 2020-07

A Resolution of the Fairfax Planning Commission Approving Application No. 20-7 for a Hill Area Residential Development, Excavation, Tree Removal, Retaining Wall Height Variance, Encroachment Permit, and Design Review Permits for a Residence at 131 Cascade Drive

WHEREAS, the Town of Fairfax has received an application from to build a 3-story, 1,230 square-foot, 2 bedroom, 1½ bathroom single-family residence with an attached carport on 12/16/19 which was declared complete on 6/17/20; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on August 20, 2020 at which time the Planning Commission determined that the project complies with the Hill Area Residential Development Overlay Ordinance, Excavation Ordinance, Tree Removal Ordinance, Retaining Wall Height Variance, Encroachment and Design Review Regulations; and

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary to approve the Hill Area Residential Development, Excavation, Tree Removal, Retaining Wall Height Variance, Encroachment Permit, and Design Review Permit; and

WHEREAS, the Commission has made the following findings:

The project is consistent with the 2010-2030 Fairfax General Plan as follows:

Policy LU-7.1.5: New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size and mass.

Policy LU-7.2.2: To the extent feasible natural features including the existing grade, mature trees and vegetation shall be preserved for new and renewed development.

Policy LU-4.1.4: New and renewed development shall be designed to minimize run-off in a manner that does not cause undue hardship on neighboring properties.

Policy S-3.1.3: Maximize access and egress for emergency response vehicles.

Hill Area Residential Development

As amended, the proposed development is consistent with the General Plan and the Residential Single-family RS 6 Zone regulations.

1. The site planning preserves identified natural features as much as possible while also complying with other agencies' regulations and being designed to

ATTACHMENT A

meet the owner's personal needs.

2. Vehicular access and parking are adequate.
3. Once the project design has been amended to; a) step the 3rd floor back 5 feet from the 1st 2 floors; b) relocate the uncovered parking space at the top of the drive a distance recommended by the project arborist but no less than 10 feet to retain oak # 52 as shown in the Tree Committee recommendation packet dated 2/27/20; and, c) replace the gabion wall at the property frontage with an I beam and wood lagging wall, the proposed development will harmonize with surrounding residential development and meets the design review criteria contained in Town Code § 17.020.040.
4. The approval of the Hill Area Residential Development permit for one single-family residence and one accessory dwelling unit on this 5,353 square foot parcel shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
5. The development and use of property as approved under the Hill Area Residential Development Permit will not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
6. Approval of the proposed Hill Area Residential Development permit 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 City.
7. Approval of the Hill Area Residential Development permit will result in equal or better development of the premises than would otherwise be the case.

Excavation Permit

8. The Town Engineers have reviewed the following plans and reports and have determined the project can be constructed, with certain conditions of approval, without creating any hazards:
 - a. Architectural plans by Rich Rushton, revision date 3/5/20, pages A1.1, A4.3, A2.5, A6.1, and A7.1, A6.1, A7.1, Engineering plans by Vlad Iojica, P.E. dated 4/30/20, pages C1.0, C2.0, C2.0a, C2.1, C3.0, C3.1, C4.0, C4.1, two different page C5.0's showing different construction details and L2.0, updated geotechnical letter from Dennis Furby dated 7/6/20, Earth Science Consultants geotechnical report dated 2/9/14, stormwater control plan by Vlad Iojica dated Nov. 2019, the tree protection and removal plan and report by Dan McKenna, ISA certified project arborist,

report dated 7/12/17, plan revision date 12/19/19.

9. Based on the Town Engineer's review and recommendation that the project can be safely constructed, the Planning Commission finds that:
10. The health safety and welfare of the public will not be adversely affected;
11. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work;
12. Adjacent properties are adequately protected by project design with the following revisions; a) step the 3rd floor back 5 feet from the 1st 2 floors; b) relocate the uncovered parking space at the top of the drive a distance recommended by the project arborist to retain oak # 52 as shown in the Tree Committee recommendation packet dated 2/27/20; and, c) replace the gabion wall at the property frontage with an I beam and wood lagging wall, or a design as otherwise specified by the Planning Commission.
13. The proposed drainage system depicted on page C4.0 of the 4/30/20 engineering plans by Vlad Iojica, from drainage and erosion problems as a result of the work;
14. The amount of the excavation or fill proposed is not more than that required to allow the property owner substantial use of his or her property;
15. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;
16. Natural landscaping will not be removed by the project more than is necessary; and
17. In compliance with Town code § 17.072.090(c)(4), grading of site will not occur from October 1st through April 1st of each year. Therefore, 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.
22. Construction may not occur or must be minimized and/or monitored to be kept below certain noise levels between February 1st and July 1st each year during the Northern Spotted Owl nesting season unless a plan for allowing construction activities during this period is submitted by a qualified spotted owl biologist and approved by the State, with documentation of the approval provided to the Town, prior to initiating any construction activities. All requirements listed in the plan, including potential onsite monitoring, must be met by the applicants at all times. Therefore, negative impacts to the owl species will be limited.

Retaining Wall Height Variance

23. The proposed retaining walls heights, due to the steep slope and narrow width of the site, are necessary construct required parking, fire truck pull out and foundation for the structure while minimizing excavation. Therefore, the site topography and small size are the special circumstances that require the walls exceeding the permitted height to allow the owner construction privileges enjoyed by other property owners in the vicinity and under identical zone classification.
24. The wall height variance 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.
25. The strict application of this title would result in excessive or unreasonable hardship.
26. 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.

Encroachment Permit

27. The Planning Commission has determined that the portion of the Canyon Road right-of-way that the private driveway retaining walls and the wall to create the Fire Truck pull out required by the Ross Valley Fire Department and for the benefit of the entire Canyon Road neighborhood, is not being used by the public. This approval is in accordance with Town Code Chapter 12.32, Temporary carports and other structures in Public Rights-of-way.

Tree Removal Permit

28. The Planning Commission has approved the retroactive tree removal permit, based on the finding that the trees proposed for removal must be removed to allow construction of the approved project and/or due to Wildland Urban Interface regulations for fire safety.

WHEREAS, the Commission has approved the project subject to the applicant's compliance with the following conditions:

1. Title sheet G1.0 by Vlad Iojica dated 8/10/20, Architectural plans by Rich Rushton, revision date 3/5/20, pages A1.1, A4.3, A6.1, and A7.1, Engineering plans by Vlad Iojica, P.E. dated 8/10/20, pages C1.0, C2.0, C2.0a, C2.1, C3.0, C3.1, C4.0, two different page C5.0's showing different construction details and

L2.0, updated geotechnical letter by Dennis Furby, consulting geotechnical engineer, dated 7/6/20, Earth Science Consultants report dated 2/9/14, stormwater control plan by Vlad Iojica dated Nov. 2019 and the tree protection and removal plan and report by Dan McKenna, ISA certified project arborist, report dated 7/12/17, plan revision date 12/19/19, with the following design modifications to be approved by the Planning Director and the Town Engineer prior to issuance of the building permit:

- a. The design of the structure shall be modified to shift the 3rd upper floor uphill (back) from the façade of the lower two floors 5 feet, with the final design subject to the review and approval of the Planning Director and the Town Engineer, prior to issuance of the project building permit.
 - b. The retaining wall on the east side of the parking area shall be moved a distance from the trunk of tree # 52 as shown on the revised plans dated 8/10/20, subject to review and approval of additional measures by the Planning Director/Town Arborist (eg. mulch, tree protection fencing, drainage, foundation modifications) to preserve and maintain the continued good health of the tree, prior to issuance of the building permit.
 - c. The exterior colors shall be Sherwin-Williams "Ironclad" SW9570 for the upper floor siding, Portland Cement for the exterior lower floor stucco walls and site retaining walls, and "Brownwood" Class A, Fire Rated (UL 790) composite shingles.
2. Prior to issuance of any of the building permits for the project the applicant or his assigns shall submit a construction plan to the Public Works Department which may include but is not limited to the following:
 - a. Construction delivery routes approved by the Department of Public Works.
 - b. Construction schedule (deliveries, worker hours, etc.)
 - c. Notification to area residents
 - d. Emergency access routes
 3. 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).
 4. 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.

5. 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 Structural Engineer.
6. 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 Geotechnical Engineer.
7. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Authority, Marin Municipal Water District and the Ross Valley Sanitary District noting the development conformance with their recommendations.
8. Submit 3 copies of the record of survey with the building permit plans.
9. All retaining walls that are visible from the street and are constructed of concrete shall be heavily textured or colored in a manner approved by planning staff prior to issuance of the building permit. This condition is intended to mitigate the visual impact of the proposed walls.
10. Three copies of the Tree Protection/Preservation Plan by prepared by Dan McKenna, project arborist, shall be submitted with the building permit application and all recommendations included in this report shall be conditions of the project approval including but not limited to recommendations for the treatment of multi-stemmed trees and tree protection fencing, trunk and limb protection and soil armoring. All the inspections contained in the inspection schedule on page 14 of the report shall be made by the project arborist who shall provide the Town with written verification after each inspection that the work is progressing in compliance with the recommendations and conditions of the arborist.
11. Prior to the removal of any trees not approved by the Planning Commission through this action, the applicant shall secure a tree cutting permit, if required, from the Fairfax Tree Committee prior to removal of any on-site trees subject to a permit under Town Code Chapter 8.36. To further minimize impacts on trees and significant vegetation, the applicant shall submit plans for any utility installation (including sewer, water and drainage) which incorporates the services of the project arborist to prune and treat trees having roots 2 inches or more in diameter that are disturbed during the construction, excavation or trenching operations. In particular, cross country utility extensions shall minimize impacts on existing trees. Tree root protection measures may include meandering the line, check dams, rip rap, hand trenching, soil evaluation and diversion dams. Any pruning shall take place during the winter when trees are dormant for deciduous species and during July to August for evergreen species.
12. If deemed necessary by the Town Engineers, the applicants shall prepare a

drainage system maintenance agreement including a recordable exhibit of the proposed drainage system in its entirety including a maintenance schedule to be approved by the Town Engineer. The maintenance agreement will have to be signed by the owner, notarized and recorded at the Marin County Recorder's office prior to issuance of the building permit.

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

14. The geotechnical engineer and the project arborist shall be on-site during the grading process and both shall submit written certification to Town Staff that the grading and tree protection measures have been completed as recommended prior to installation of foundation and/or retaining forms and drainage improvements, piers and supply lines.

15. 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 Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans.

16. The Building Official shall field check the concrete forms prior to the pour.

17. 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.

18. Any proposed temporary closures 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.

19. 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 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 and Town Engineer shall field check the completed project to verify that all planning commission conditions and required engineering improvements have been complied with including installation of landscaping and irrigation prior to issuance of the certificate of occupancy.

20. Excavation shall not occur between October 1st and April 1st of any year. The

Town Engineer has the authority to waive this condition depending upon the weather.

21. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
22. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application #20-7. Modifications that do not significantly change the project, the project design or the approved discretionary permits **may** be approved by the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 20-7 will result in the job being immediately stopped and red tagged.
23. Any damages to the public portions of Cascade Drive or Canyon Road, or other public roadway used to access the site resulting from construction-related activities shall be the responsibility of the property owner.
24. 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.
25. 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.

26. Conditions placed upon the project by outside agencies or by the Town Engineer may be eliminated or amended with that agency's or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.
27. Conditions placed upon the project by the project arborist may be amended or eliminated by the approval of the Planning Director after receiving a request for the elimination/amendment in writing from the project arborist.
28. The building permit plans shall be reviewed and approved by the Town Engineer, at the expense of the applicant, prior to issuance of the building permit. The project shall be inspected by the Town Engineer prior to issuance of the occupancy permit for the residential structures for compliance with the engineering plans.

Ross Valley Fire Department (RVFD)

29. All vegetation and construction materials are to be maintained away from the residence during construction.
30. Hydrant flow and location are to be identified before construction begins and hydrant must no flow less than 500 gallons per minute at 20 pounds per square inch (psi).
31. A fire sprinkler system shall be installed throughout the entire building in compliance with the requirements of the National Fire Protection Association 13-D and local standards (plans must be submitted to the fire department and be approved prior to issuance of the building permit).
32. Interconnected smoke detectors with AC power shall be installed throughout the structure in each bedroom, centrally located in the corridor and over the center of all stairways with a minimum of one detector per story and carbon monoxide alarms shall be installed throughout the building.
33. Back lit or internally illuminated address numbers at least 4 inches tall must be installed near the front door and controlled by a photocell that is switched off only by a breaker so the address remains illuminated all night.
34. No tree subject to regulation by the Fairfax Tree Ordinance shall be removed without obtaining a tree removal permit from the Town.
35. Vegetation within 30 feet of the structure shall be irrigated and no seasonal grasses shall be allowed.
36. Every effort shall be taken to ensure erosion control efforts are in compliance

with standards established by Town regulations.

- 37. The approved VMP is in effect for the life of the property.
- 38. Vegetation shall be maintained to ensure address numbers are visible from the street from both angles of approach and minimum standards must be in place prior to final fire clearance which is required prior to the project final inspection.

Ross Valley Sanitary District (FVSD)

- 39. A permit shall be obtained from the Sanitary District prior to the issuance of the building permit for the sewer lateral.
- 40. If possible, the proposed sewer lateral should be relocated so that it does not run under the proposed retaining wall to avoid settlement damage and promote better access for maintenance and repair (this condition has already been met by the applicant as shown on page C4.0 of the project engineering plans).

Marin Municipal Water District (MMWD)

- 41. Complete a High Pressure Water Service application.
- 42. Submit a copy of the building permit.
- 43. Pay fees and complete structure foundation within 120 days of application.
- 44. Comply with District's rules and regulations in effect at the time service is requested.
- 45. Comply with all indoor and outdoor requirements of District Code 13 (Water Conservation).
- 46. Landscaping plans must be reviewed and approved by the district prior to installation and irrigation system installation.
- 47. Comply with backflow prevention requirements and Ordinance 429 requiring the installation of greywater recycling systems when practicable.

Fairfax Building and Public Works Departments

- 48. All large trucks with more than 2 axles accessing the site for construction will be limited to the hours of 9 AM to 3 PM.
- 49. Trucks removing off-haul will be limited to 10-yard dump trucks.
- 50. The driveway improvements shall be completed and be signed off by the Town

Engineer, the Building Official/Public Works Managers and the Ross Valley Fire Department before construction on the house begins.

51. Road closures shall be noticed in the field a minimum of 48 hours prior to the event and individual written notifications shall be delivered to each potentially impacted resident on Cascade Drive.

Miscellaneous

52. Construction shall be prohibited during the Northern Spotted Owl nesting season from February 1st through July 31st unless a plan for allowing construction activities during this period is submitted by a qualified spotted owl biologist and approved by the State, with documentation of the approval provided to the Town, prior to initiating any construction activities. All requirements listed in the plan, including potential onsite monitoring, must be met by the applicants at all times.

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 are in conformance with the 2010 – 2030 Fairfax General Plan, the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the project 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 20th day of August, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

Chair Green

Attest:

Ben Berto, Director of Planning and Building Services

**DENNIS H. FURBY, PE
CONSULTING GEOTECHNICAL ENGINEER**

July 6, 2020
Amended July 24, 2020
Job No. 1226-2

Vlad Iojica
9 Brookside Court
San Anselmo, CA 94960

Subject: Updated Status of Geotechnical Investigation
New Single-family Residence
131 Canyon Road, Fairfax, CA
(AP No. 03-032-16)

Dear Mr. Iojica,

Introduction

This amended letter up-dates the status of my geotechnical investigation for your submittal to the Town of Fairfax Planning Commission for their postponed Hearing during their August meeting. I previously provided a letter dated September 22, 2017 indicating that I would be replacing Earth Science Consultants to provide geotechnical engineering services for the remainder of this project, and we now have executed a new Professional Services Agreement dated July 1, 2020 to provide those services.

Scope of Services

To date, I have reviewed the following preliminary drawings, and the previous geotechnical report, prepared for your planning submittal:

- Architectural plans: sheets A1.1, -4.3, -6.1, & -7.1 dated 11/2017, revised 3/5/20, prepared by Rushton-Chartock Architects;
- Civil engineering plans: sheets C1.0, -2.0, -2.0a, -2.1, -3.0, -4.0 & -1, -5.0 & -5.1 dated 4.30.2020 prepared by VIA Atelier, and
- Geotechnical Investigation report dated February 9, 2014, including the logs of six test borings, prepared for the property by Earth Science Consultants (I understand that this report has been submitted to the Town of Fairfax for their Planning review);

I then performed site exploration on July 21, 2020 consisting of

- surface reconnaissance of the exposed slope conditions on and directly adjacent to the property, and
- one (1) test probe (boring but with no sampling) located near the center of the planned building site using hydraulically operated portable equipment fitted with 6-inch diameter auger with rock bit.

The results of these explorations are briefly summarized below under Site Conditions.

30 Via Holon, #18
Greenbrae, CA 94904

ATTACHMENT 

Upon your receipt of the Planning approvals, I will be providing the following additional services in order to respond to Fairfax's Town Engineer (Miller Pacific Engineering Group) requirements for the Permit submittal as expressed in their letter of June 9, 2020. Specifically, I will

- 1) Consult with the project Architect (Richard Rushton) and engineer (VIA Atelier) regarding site preparation (including excavations conditions), foundation types, retaining walls and site drainage, as appropriate;
- 2) Provide the required soil design criteria for foundations (drilled piers and spread footings) and retaining walls, along with drainage and excavation guidelines;
- 3) Review the project plans as they are nearing completion for conformance with the intent of my recommendations, and
- 4) Summarize the results of my evaluations, recommendations and plan review in a formal letter report for the required Permit submittal.

I also will be providing the required services during construction and reporting the results upon satisfactory completion.

Site Conditions

The site is along the northwest facing flank of a well-rounded ridge that slopes down towards Cascade Creek at an average inclination of approximately 3 to 1 (horizontal to vertical ratio). The lower portion of the building site is inclined at approximately 3½ to 1, but then steepens to approximately 2½ to 1 just above the planned building area. However, the slope inclination lessens considerably further uphill to the south above the property. While there are some leaning trees indicating shallow slope "creep" (downhill movement of weak surface soil when saturated by winter rains), there are no indications of any significant slope instability such as sloughing, ground cracks or erosion. The primary drainage pattern is surface water runoff towards the natural drainage swale along the west side of the property.

The test probe encountered only 6 inches of weak loose, dry silty sand (topsoil with grass roots) underlain by approximately 18 inches of moderately dense silty sand. These weak near-surface soils are immediately underlain by relative hard grey-brown Siltstone rock. The drilling encountered "refusal" at 3½ feet for the portable equipment with no further penetration after over five minutes of drilling with a rock bit. This same hard rock condition is exposed both in the road cut along the uphill side of Canyon Road and the large rock outcrop just uphill of the building site. The probe did not encounter any indications of free ground water or seepage, nor is any anticipated on this sloping site closely underlain by hard rock.

These soil and geologic conditions correlate with those indicated in the Earth Science Consultants report from 2014.

Preliminary Conclusions

Based on my evaluations to date, I continue to conclude that the proposed hillside site is stable and suitable for the planned single-family residence and appurtenant parking facilities. More specifically, the current building site is essentially the only location that provides legal set-back from the utility easement on the east side without encroaching into the natural drainage swale to the west. The structures can be safely supported on a combination of spread footings (where firm natural soil/rock is exposed by the excavations) and drilled cast-in-place reinforced concrete piers interconnected with reinforced concrete gradebeams elsewhere to penetrate any remaining weak near-surface soils. This combined foundation system will provide both uniformly firm vertical support to resist settlement and lateral resistance during earthquake-induced ground shaking.



Vlad Iojica
Page 3

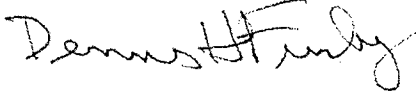
July 6, 2020
Amended July 24, 2020
Job No. 1226-2

My final geotechnical report will provide specific recommendations for foundation design criteria for both spread footings and drilled piers, along with that for retaining walls. In addition, I will provide guidelines for the planned excavations into the hillside and surface and subsurface drainage installations.

I trust this provides the information required at this time. Should you or others have further questions regarding the soil engineering aspects of this project, please call me.

Yours very truly,

D. H. FURBY, PE
ENGINEERING CONSULTANT



Dennis H. Furby
Geotechnical Engineer – 326
(expires 12/31/2021)



DHF/dhf

1 copy submitted (viojica@via-eng.com)
cc: Richard Rushton, Architect (rich@rushtonarchitect.com)

(additional copies may be printed as required for submittal to the Town of Fairfax)

Linda Neal

From: Martha Ture <marthature@sbcglobal.net>
Sent: Monday, August 10, 2020 2:59 PM
To: Linda Neal
Subject: 131 Canyon Road

Hello, Linda,

Per our last telephone conversation about the proposed project at 131 Canyon Road, please convey to the Planning Commission my analysis of the Town's problem here - the Town of Fairfax has an affirmative duty to protect the lives, health, safety of the residents of Fairfax. If this project diminishes the safety of the Canyon Road residents, as I believe it does, and as I have demonstrated in previous documents, then the Town of Fairfax takes on a serious liability. I know none of us wants that.

Sincerely,

Martha Ture
186 Canyon Road

Linda Neal

From: Martha Ture <marthature@sbcglobal.net>
Sent: Monday, August 10, 2020 2:59 PM
To: Linda Neal
Subject: 131 Canyon Road

Hello, Linda,

Per our last telephone conversation about the proposed project at 131 Canyon Road, please convey to the Planning Commission my analysis of the Town's problem here - the Town of Fairfax has an affirmative duty to protect the lives, health, safety of the residents of Fairfax. If this project diminishes the safety of the Canyon Road residents, as I believe it does, and as I have demonstrated in previous documents, then the Town of Fairfax takes on a serious liability. I know none of us wants that.

Sincerely,

Martha Ture
186 Canyon Road

Linda Neal

From: DEBORAH BENSON <debbens@comcast.net>
Sent: Tuesday, August 11, 2020 1:45 PM
To: Linda Neal
Cc: Ben Berto
Subject: RE: FW: Still confused
Attachments: Canyon April 20 b4 cutting image 2.jpg; Canyon before cutting.jpg; IMG_6463.jpg

Hello Linda,

Sorry to take so long to respond, but I have done some additional research.

I spoke with Kathy Flores, former Tree Committee member who joined me in February to walk the property, VMP in hand, matching ribboned trees to the map. She and I agreed that there were 15 trees with ribbons and that we were able to associate them with the trees identified on the map. There were stumps of other trees that had been cut previously. I don't know when, but they were most likely cut in 2017. I don't remember how many. Attached are two photos of the lot on April 20, 2020. I count 14 trees with pink ribbons, which means that the 15 trees in the 2020 application are in addition to, not including the trees cut without a permit in 2017. Is it possible to get a copy of the citation?

Also attached are photos of the lot as it looks now. I counted fifteen stumps, including whatever was cut in 2017. I didn't climb the hill so there are most likely more.

This visit to the site and my consultation with Kathy cleared up my confusion. I think the applicant, a civil engineer, is certainly familiar with the process, knows the difference between a recommendation only to the Planning Commission and a final permit and fines should be levied.

It's not o.k. to expect some people to abide by our ordinances and allow others to ignore them. Everyone is supposed to be treated equally under the law. Thanks for all of your time on this, Linda.

I would like this email to be included in the packet at the next Planning Commission meeting. Would you please do that? Again, thanks so much.

Deborah

> On 08/03/2020 12:05 PM Linda Neal <lneal@townoffairfax.org> wrote:

>

>

> I think it is confusing because he received 2 different actions from the Tree Committee. One was approval of the trees that had been cut without a permit in 2017 and a more recent recommendation to the Planning Commission, again for the trees removed in 2017 and for additional trees required now for removal for WUI clearances required by the Fire Department. So there is an approved tree permit from 2017 (before the process was subject to approval of the tree removals by the Planning Commission) by the Tree Committee. He was then advised by the staff person to the Tree Committee that he would need to obtain a new "recommendation" from the tree committee in 2019 citing the fact that the Tree Committee decided (without amending the code to reflect the change the way you are supposed to) decided to expire permits within a year of taking action on them. So he applied again and obtained a "recommendation" for a tree permit that included trees already removed and approved by the tree committee in 2017 but with some additional trees added due to the Fire Regulations now including the Wildland Urban Interface Zone be cleared of trees that are pyrophytic.

>

>>
>> Besides that, it would have been impossible to install the story poles while having the trees on the site.
>>
>>
>> Vlad Iojica, P.E., QSD
>> Registered Civil Engineer
>> ViA Atelier, Inc.
>> T: 415.774.6776
>> E: viojica@via-eng.com<mailto:viojica@via-eng.com>
>>
>>
>> On Monday, July 6, 2020, 07:28:24 AM PDT, Linda Neal <lneal@townoffairfax.org<mailto:lneal@townoffairfax.org>>
wrote:
>>
>>
>>
>> Dear Vlad,
>>
>>
>>
>> I am still confused about the tree situation on the Canyon Road site. I know that you had approval from the tree
committee to remove 7 bays and 4 oaks in July of 2017 before the Ordinance was changed to require only a
recommendation by the Tree Committee and approval by the Planning Commission. You submitted another permit for
just a recommendation from the Tree Committee in February of 2020 to remove 13 bays and 5 oaks and obtained a
recommendation to allow the removal of the 18 trees. Have all the trees from 2017 been removed but the ones
recommended to the Commission for removal in February of 2020 still there? The ones recommended for approval to
the Commission should not have been removed yet. Are some of the tree approved in 2017 listed again in the 2020
application and if so which ones and how many?
>>
>>
>>
>> Linda Neal
>>
>> Principal Planner
>>
>> (415) 453-1584







Hello Linda,

We are contacting you regarding the proposed new home at 131 Canyon Road. We live at 134 Canyon which is in close proximity to the site.

Paula and Vlad Iojica supplied us with six pages of detailed plans. We thoughtfully reviewed the plans and also the details of the project that were available on the agenda of the next Planning Commission meeting.

Upon learning that the site was going to be developed our biggest concern was the width of the road and thus access for emergency vehicles. This is a tight spot in the road and when the previous owner of the adjacent house would park on the side of the road it posed a challenge for larger vehicles. We were pleased and relieved to learn that the road would be widened as a result of this project. In addition, the retaining walls will secure the hill, help manage drainage and reduce tree debris during the winter.

The house is modest to small in size and fits the property and neighborhood appropriately. Although it is 3 stories, the bottom story is only a carport with a small storage area. This bottom level could be "softened" with some type landscaping. Based upon the town materials, the home will meet and exceed the codes for setback and coverage ratios. It appears that the house is situated in the center of the property on the least amount of slope which will minimize the excavation.

In regards to the requested variance we don't have any issue with the additional height to the retaining wall and believe it will be an attractive aesthetic.

In summary, we support the design of the home on the property and the fit into the neighborhood.

Kind regards,

Davy Jay & Shelley Hamilton
134 Canyon Rd.

NEW
ATTACHMENT H

Dear Fairfax Planning Commission,

My wife Karen and I have lived at 181 Canyon Road for 21 years, and are pleased to offer our support for Vlad and Paula Iojica's proposed new home on Canyon Road.

I have reviewed the plans for the project, and admire the way the the Iojica's and their architect have designed a modest home on the steep lot.

We look toward to having the Iojica family as new neighbors.

Scott Schneider
181 Canyon Road

578 Cascade Drive
Fairfax, California 94930
August 2, 2020



Town of Fairfax
142 Bolinas Road
Fairfax, California 94930
ATTN: Ms Linda Neal

To Whom It May Concern:

We are writing to extend our strong support for Planning Commission item #20-7; building of 131 Canyon Road.

We have known Vlad Iojica for over four years as he has worked on our building project on Cascade Drive. Vlad has demonstrated the highest level of integrity and competence in all our dealings and we are sure he will do the same for the Town of Fairfax and his future neighbors.

Fairfax is in need of people like Vlad and his family, who are willing to invest in Fairfax's future and call it home. His new house on Canyon Road will provide desperately needed work for our trades people during its construction, as well as increase the housing stock and tax base in Fairfax.

Governor Newsom has made a top priority of eliminating housing insecurity. Every housing unit we build furthers that goal. Let's get this job done and get Vlad and his family into a house of their own.

Sincerely,


George Pedersen
Christine Chalk

