

## RESOLUTION 20-\_\_

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION SEPTEMBER 17, 2020 ACTION APPROVING HILL AREA RESIDENTIAL DEVELOPMENT, EXCAVATION, DESIGN REVIEW, AND TREE REMOVAL PERMITS FOR THE EXPANSION AND REMODELING OF THE SINGLE-FAMILY HOME LOCATED AT 6 WALSH LANE**

**WHEREAS**, on September 17, 2020, after holding required public hearings on the project on August 20<sup>th</sup>, 2020 and September 17, 2020, the Fairfax Planning Commission approved Hill Area Residential Development, Excavation, Design Review, and Tree Removal Permits for the Expansion and Remodeling of the Single-Family Home Located at 6 Walsh Lane; and

**WHEREAS**, based on the plans and other documentary evidence in the record, the Planning Commission determined that the applicant had met the burden of proof required to support the findings necessary to approve the project with certain conditions of approval; and

**WHEREAS**, the Commission 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.

#### **Hill Area Residential Development Permit Findings:**

- A. The proposed development is consistent with the General Plan and the Residential Single-family RS 6 Zone regulations.
- B. The site planning preserves identified natural features as much as possible while also complying with other agencies' regulations.
- C. Vehicular access and parking are adequate.
- D. The proposed development harmonizes with surrounding residential development and meets the design review criteria contained in Town Code § 17.020.040.
- E. The approval of the Hill Area Residential Development permit for an addition and 50 percent remodel of a single-family residence on a 7,200 square foot parcel shall not

constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

- F. 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 permit.
- G. 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 Town.
- H. 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 Findings:**

- I. 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:

Architectural plans Frederic C. Divine Associates revision date 8/12/20; geotechnical report by Herzog Associates, dated 12/19/19; preliminary grading and drainage plan by Oberkamper and Associates, dated 12/18/19

- J. Based on the Town Engineer's review and recommendation that the project can be safely constructed, the Planning Commission finds that:
- K. The health safety and welfare of the public will not be adversely affected;
- L. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work;
- M. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work;
- N. 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;
- O. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;
- P. Natural landscaping will not be removed by the project more than is necessary; and
- Q. Town Code § 17.072.090(c)(4) prohibits grading of hillside properties from October 1<sup>st</sup> through April 1<sup>st</sup> 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.

**Tree Permit Findings:**

- R. The alteration of the trees is necessary to protect the public health and safety and prevent damage to property (Town Code §8.36.060(B)(1); and
- S. Is necessary to allow the owner to reasonably develop and use the property (Town Code §8.36.060(B)(4).

**WHEREAS**, this project is categorically exempt from CEQA under CEQA guidelines § 15301(e)(2)(A) (Class 1) and 15302 (Class 2); and

**WHEREAS**, the Town Council has held a public hearing on November 4, 2020 and has determined that they also can make the findings listed above regarding the merits of the project.

**NOW, THEREFORE BE IT RESOLVED**, the Town Council of the Town of Fairfax denies the appeal and upholds the September 20, 2020 decision of the Planning Commission approving the project subject to the Planning Commission's conditions of approval contained in the attached Exhibit A.

The foregoing resolution was adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town, on the 18<sup>th</sup> day of November by the following vote, to wit:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
RENEE GODDARD, Mayor

Attest: \_\_\_\_\_  
Michele Gardner, Town Clerk