TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission

DATE: May 20, 2021

FROM: Linda Neal, Principal Planner

LOCATION: 150 Madrone Rd.: APN # 003-164-06

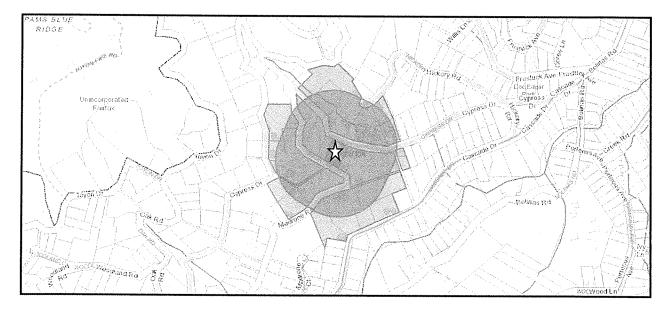
PROJECT: Storage room addition to an existing single-family residence

ACTION: Conditional Use Permit and Front Setback Variance; Application # 20-06

APPLICANT: Surane Gunasekara, Designer

OWNER: Brian Fleischer

CEQA STATUS: Categorically exempt, § 15301(e)



150 MADRONE ROAD

PROJECT DESCRIPTION

The project encompasses the improvement of an unimproved area underneath the driveway bridge connecting the attached garage to the improved Madrone Road roadbed. The unimproved area is currently accessible only from the exterior of the house via a door and interior access stairway. The project proposes removing the interior access stairway and improving the 141 square-foot area with sheetrock, a floor, electrical, a window in the west wall, and connecting the improved storage space with the interior of the house via an interior door (page A-2 of the project plans). The plans show the existing exterior door being removed but the applicant has indicated that he would like to retain the door to what will become the underfloor area for the proposed

storage room for access and maintenance of the remaining underfloor area. The addition will increase the size of the improved residence from 2,877 square-feet to 3,018 square-feet.

BACKGROUND

The 14,256 square-foot site steeply slopes down from the improved Madrone Road right-of-way with an average slope of 81%. The site is developed with a 2,877 square foot, 3-story, 3-bedroom, 3 ½ bathroom single-family residence was constructed in 1992 and includes a 400 square-foot, attached, 2-car garage.

The project complies with the setback, height, floor area ratio (FAR) and lot coverage regulations 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. & 5 ft.	20 ft.	.40	.35	35 ft., 3 stories
Existing	0 ft.	94 ft.	94 ft.	6 ft. & 30 ft.	36 ft.	.20	.15	37 ft., 3 stories
Proposed	No change	No change	No change	No change	No change	.21	No change	No change

Note: A height variance was granted by the Commission in 1989 citing the very steep 81% slope of the site as justification for the house exceeding the permitted height by 2 feet at one point.

DISCUSSION

The front property line is located 13 feet from the edge of the paved road and to comply with the required 6-foot front yard setback, the house is 19 feet from the edge of the paved road. The distance between the edge of the road and the garage is bridged with an elevated driveway deck. The area proposed for conversion and improvement to an interior storage area would be constructed to the front property line within the required 6-foot, front yard setback area. Therefore, the project requires the approval of front setback variance in accordance with Town Code § 17.080.070(B)(1).

The site has an 81% slope and to comply with the minimum size and width requirements set forth in Town Code § 17.080.070(C) the site would have to be 73,000 square-feet in size and 263 feet wide. The site is only 14,256 square-feet in size and 100 feet wide. Therefore, any improvements to the site will also require the approval of a Use Permit per Town Code § 17.080.050, first paragraph.

Front Setback Variance

Due to the steep slope of the site, construction of a storage area anywhere else on the property would require excavation and the removal of trees and would be very difficult to access during construction. Constructing the space within the already disturbed enclosed area beneath the driveway approach will have the least impact on the site and on adjacent neighboring structures to the east at 148 Madrone Road and to the west at 152 Madrone Road.

Conditional Use Permit

Other residential properties within the immediate area have Floor Area Ratios that range from .07 to .35 (see table below).

150 MADRO	NE ROAD – COMPARAE	BLE HOUSE NE	IGHBORHO	OD HOUSE SIZE	ES		
APN#	ADDRESS	LOT SIZE	HOUSE	#	#	GARAGE	FAR
			SIZE	BEDROOMS	BATHS		
003-164-04	152 Madrone Rd.	6650	2298	3	2.5	400	.35
002-162-18	283 Cypress Dr.	24720	1832	2	3	360	.07
003-203-29	148 Madrone Rd.	7650	1600	2	2.5	0	.21
003-141-06	128 Madrone Rd.	6250	2008	4	2	420	.32
003-153-30	93 Madrone Rd.	18850	896	2	2	0	.05
003-153-33	315 Cypress Dr.	40396	1620	2	2	0	.04
003-153-23	73 Madrone Rd.	6500	1342	3	2	0	.21
003-153-34	333 Cypress Dr.	33050	3255	4	4	432	.10
PROJECT SITE							4
003-164-06	150 Madrone Rd.	14256	3018	3	3.5	400	.21

The proposed location will have very little if any impacts. It will utilize underdeck area, have no impact on the undeveloped portions of the site, will not require the removal or pruning of existing trees, will require no excavation and will be minimally visible from neighboring properties. The only visible change to the structure is the new window in the western wall of the new storage space facing 152 Madrone Road, which is 36 feet away.

Other Agency/Department Comments/Conditions

Ross Valley Sanitary District (RVSD)

RVSD submitted written requirements which have been incorporated into conditions of approval in the attached resolution and are summarized as follows: The project triggers testing and lateral certification requirements; all work on the sewer lateral must be done under RVSD permit after payment of applicable fees and must be inspected by RVSD inspectors prior to any backfill; construction must comply with District Codes including Ordinance 100 and must obtain a Certificate of Compliance.

Ross Valley Fire Department, Marin Municipal Water District, Fairfax Public Works, and Building Departments

No comments or conditions were received from the above reference agencies and departments.

RECOMMENDATION

Conduct the public hearing.

Move to approve application # 21-06 by adopting attached Resolution No. 2021-08 setting forth the findings and condition for the project approval.

ATTACHMENTS

Attachment A – Resolution No 2021-08

Attachment B - Applicant supplemental information

RESOLUTION NO. 2021-08

A Resolution of the Fairfax Planning Commission Approving Application No. 21-06 for a Use Permit and Front-yard Setback Variance to Construct a 141 Square-foot Storage Space Addition, Including Interior Access to the Residence Living Space, at 150

Madrone Road

WHEREAS, the Town of Fairfax has received an application from Brian Fleischer to construct a 141 square-foot storage room addition onto an existing residence 150 Madrone Road; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on May 20, 2021, at which the Planning Commission determined that the project complies with the Town Code provisions regulating residential development permits; 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 Conditional Use Permit for the storage room addition; and

WHEREAS, the Commission has made the following findings:

General Plan Compliance

The project is consistent with the following 2010-2030 Fairfax General Plan Policies:

Policy LU-1.2.3: New and renewed development shall be designed and located so as to minimize the visual mass. The Town will require exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape, allowing for architectural diversity.

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.

Conditional Use Permit

The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment. because the only change to the exterior of the building to construct the storage room will be the installation of one window in the west wall of the structure, and similarly situated properties would receive similar consideration.

1. The development and use of property as approved under the use permit shall 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. The addition will only result in the installation of one window in the west wall of the area underneath the driveway bridge, roughly 40 feet from the neighboring residence at 152 Madrone Road.

- 2. Approval of the use permit is not contrary to those objectives, goals, or standards pertinent to the particular case and contained or set forth in the Zoning Ordinance.
- Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety, or welfare of the community.

Front-yard Setback Variance

- 1. Because of the very steep 81% slope of the site, the strict application of the six-foot front-yard setback will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification.
- 2. The variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other steeply sloped properties in the vicinity and under identical zone classification and is consistent with the objectives of this title.
- 3. The strict application of this title would result in excessive or unreasonable hardship.
- 4. 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.

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

This approval is limited to the development illustrated on the plans prepared by Surane Gunasekara, Designer, stamped received by the Town on April 8, 2020.

- During the construction process, all construction-related vehicles including
 fixture/supply or 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.
- 2. 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.

- 3. The Building Official shall field check the completed project to verify compliance with the approved plans and building code requirements.
- 4. The Planning Department shall field check the completed project to verify that the construction reflects the plans approved by the Planning Commission and 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 if necessary. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping the roadway, daily, if necessary.
- 6. During construction, the property owner, and all employees, including contractors and subcontractors must comply with all requirements set forth in Chapter 8.32 of the Town Code entitled, "Urban Runoff and Pollution Prevention".
- 7. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 21-06 or the approval of the Planning Director if the changes are minor and do not conflict with the intent of this ridgeline development or design review permit approvals. *Any* construction based on job plans that have been altered without the benefit of an approved modification of Application No.21-06, or without the approval of the Planning Director, will result in the job being immediately stopped and red tagged.
- 8. 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 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.

Ross Valley Sanitary District (RVSD)

- 9. The project triggers testing and lateral certification requirements.
- 10. All work on the lateral must be done under RVSD permit after payment of applicable fees and must be inspected by RVSD inspectors prior to any backfill.
- 11. Construction must comply with District Codes including Ordinance 100 and must obtain a Certificate of Compliance.

Miscellaneous Conditions

- 12. The applicant must comply with any all conditions listed above unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services. Waiver of an agency's conditions in writing by that agency will not require further Planning Commission review.
- 13. The applicant shall comply with any and all conditions placed upon the project by the Building Official/Public Works Manager.

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

The approval of the Conditional Use Permit and the Front-yard Setback Variance can occur without causing significant impacts on neighboring residences; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 20th, day of May 2021, by the following vote:

AYES:		
NOES:		
ABSENT:		
	Chair Michele Rodriguez	
Attest:		
/ ttost.		
Ben Berto, Director of Planning and Bu	ildina Services	

SUPPLEMENTAL QUESTIONNAIRE

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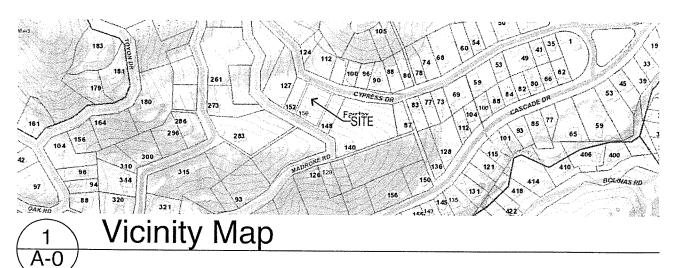
Variance - Additional information required.

- Include a cross section through the proposed project depicting the project and the relationship of the proposal to existing features and improvements on adjacent properties.
- Lot coverage calculation including all structures and raised wooden decks.

In order to approve your project, the Planning Commission must make findings of fact which state that 1) there is a special feature of the site (such as size, shape or slope) which justifies an exception; 2) that the variance is consistent with the treatment of other property in the neighborhood; 3) that strict enforcement of the ordinance would cause a hardship; and 4) that the project is in the general public interest.

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

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Note:
*Stair foot print was subtracted from floor area.

Decks were not included in lot coverage area calcs as they are pearmeable.

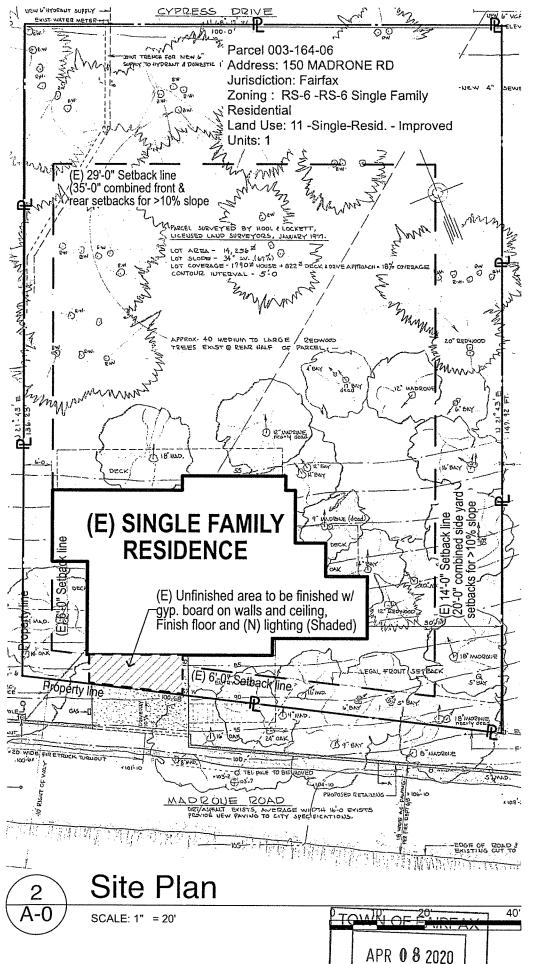
Drawing Index

A-0	Site Plan
A-1	Garage Plan
A-2	Mezz. level plan
A-4	Main Level Plan
A-5	Lower level plan
A-6	West Elevation
A-7	East Elevation
A-8	South Elevations

<u>Areas</u>	Existing	Proposed
Floor area calcs:		
Mezzanine Level:	466sf	466sf +141sf=607sf
Main Floor Level:	1697sf*	1697sf*
Lower Floor Level:	714sf*	714sf*
Total Gross floor area:	2877sf	3018sf
Building footprint	1860 bldg.	1860 bldg.
	+141 driveway	+141 driveway
	<u>2001sf</u>	<u>2001sf</u>
Lot area	14,256 sf	14,256 sf
Lot coverage	14.1%	14.1%
Usable open space	12,248sf	12,248sf
Floor area ratio	0.14	0.14
UNITS, PARKING, BEDROOMS		
Number of dwelling units	1	1
Number of parking spaces	2 - (9'x19')	2 - (9'x19')
Number of bedrooms	3	3

Yards and Height

Front yard setback:	6' min req'd	0'
Rear yard setback:	94' (12' min req'd)	94' (12' min req'd)
Front + Rear combined:	100' (35' min req'd)	94' (35' min req'd)
Sides yard setback:	6' (5' min req'd)	6' (5' min req'd)
Sides combined:	34' (20' min req'd)	34' (20' min req'd)



Designer:

Surane Gunasekara

133 Hillside Drive, Fairfax, CA 94930 (415) 250 0093 surane.g@gmail.com

CLIENT & PROJECT INFO.

QUEZADA -FLEISCHER RESIDENCE

150 Madrone Rd., Fairfax, CA. 94930

Project APN Number: 003 164 06

Scope of work: Connect existing storage located under (E) concrete driveway directly to the residence by internal door (current access is substandard and by exterior door and non-conforming steps)

Wall Type legend

(E) Walls to be demo'd

(E) Walls to remain

(N) Walls



SCALE

1/8"=1'-0" OR U.O.N.

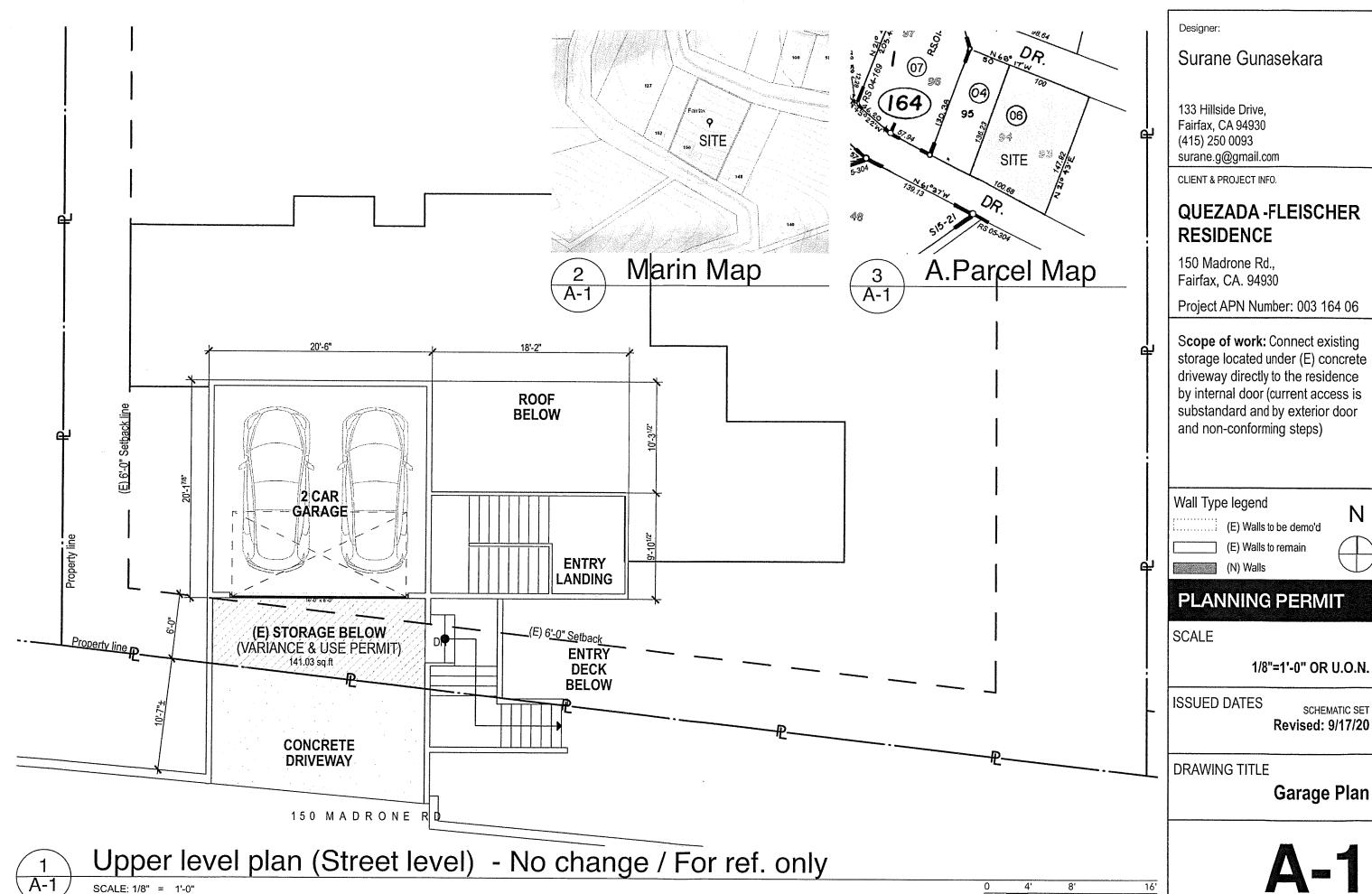
ISSUED DATES

SCHEMATIC SET Revised: 9/17/20

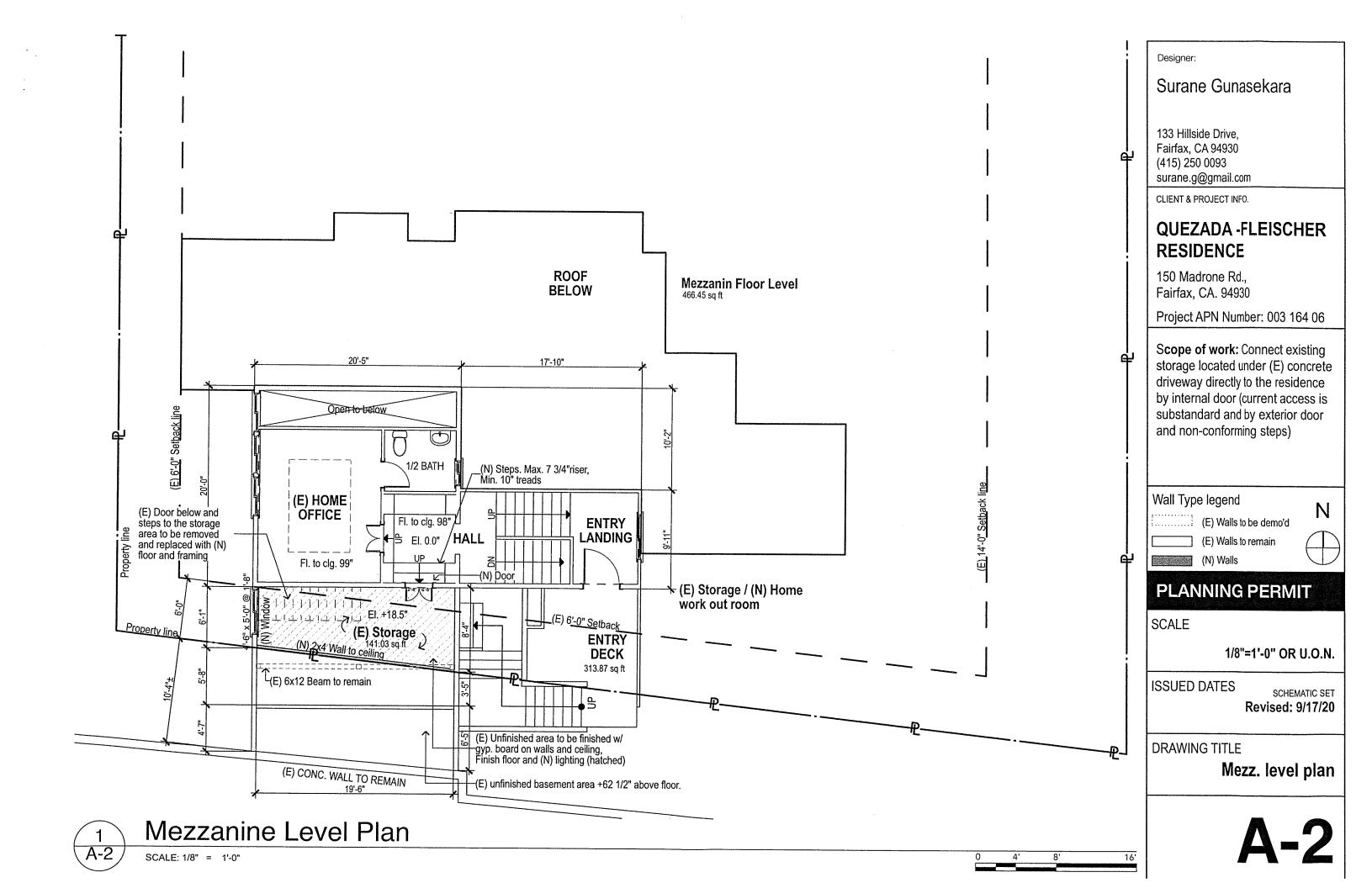
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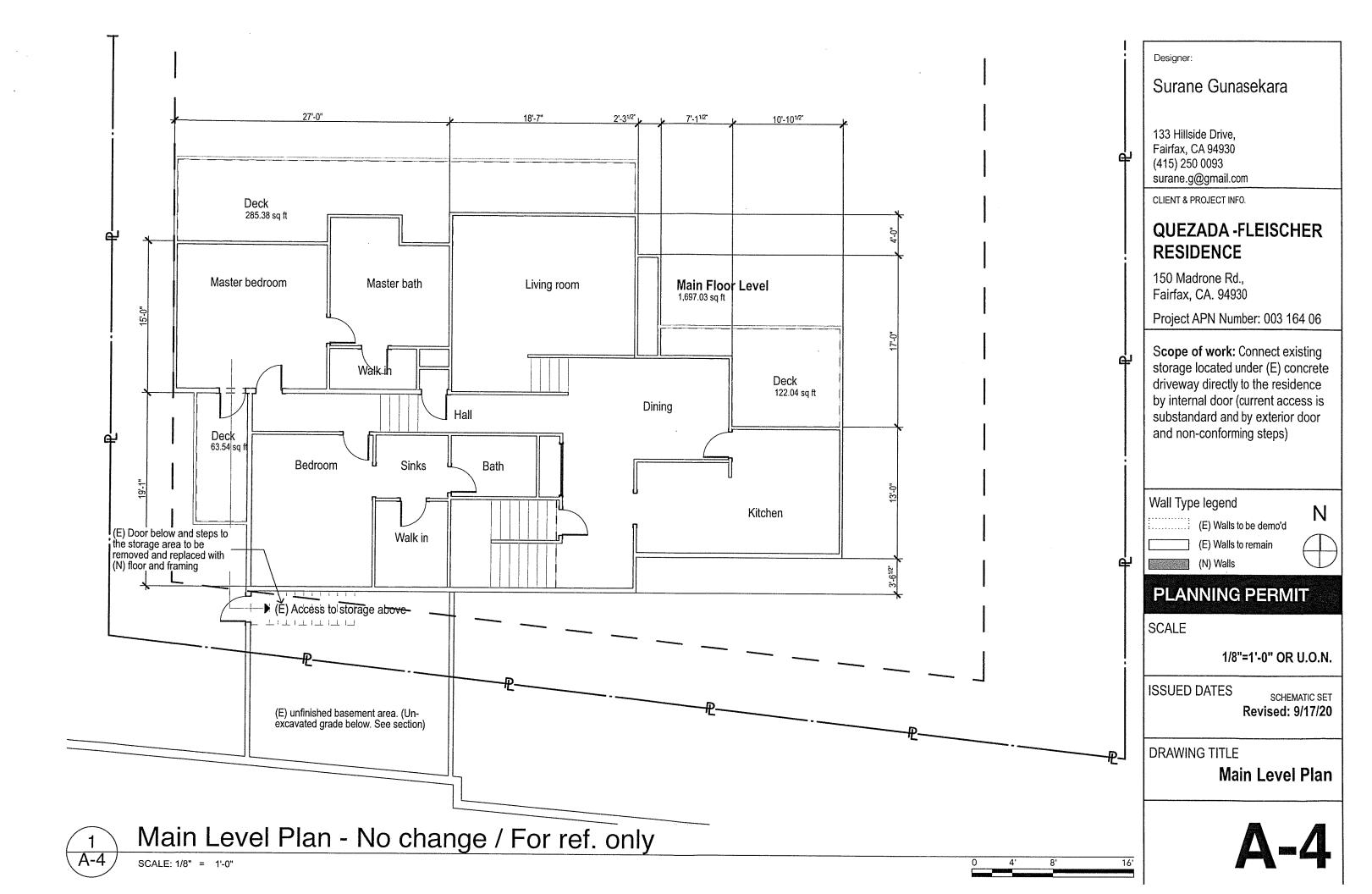
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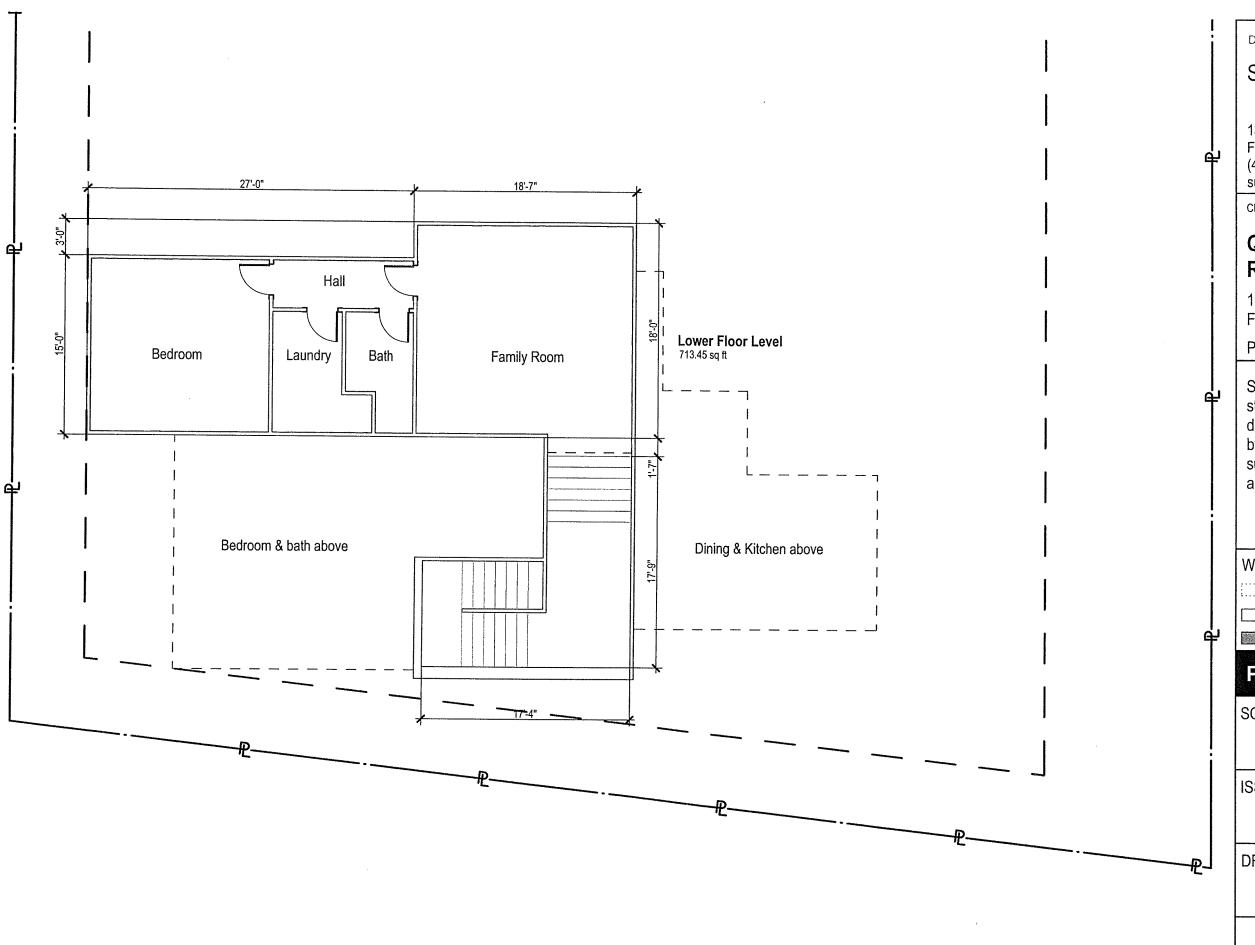
Site Plan



storage located under (E) concrete







Surane Gunasekara

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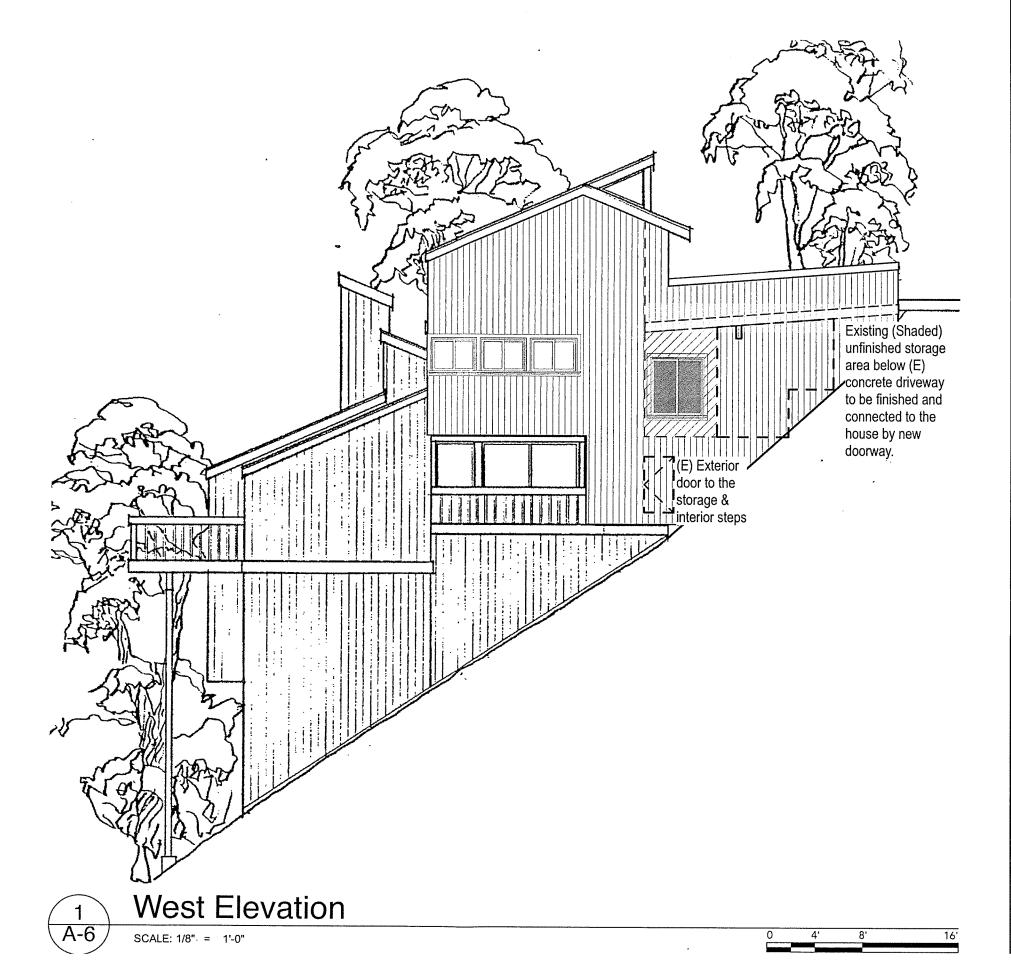
DRAWING TITLE

Lower level plan

A-5

Lower Level Plan - No change / For ref. only

SCALE: 1/8" = 1'-0"



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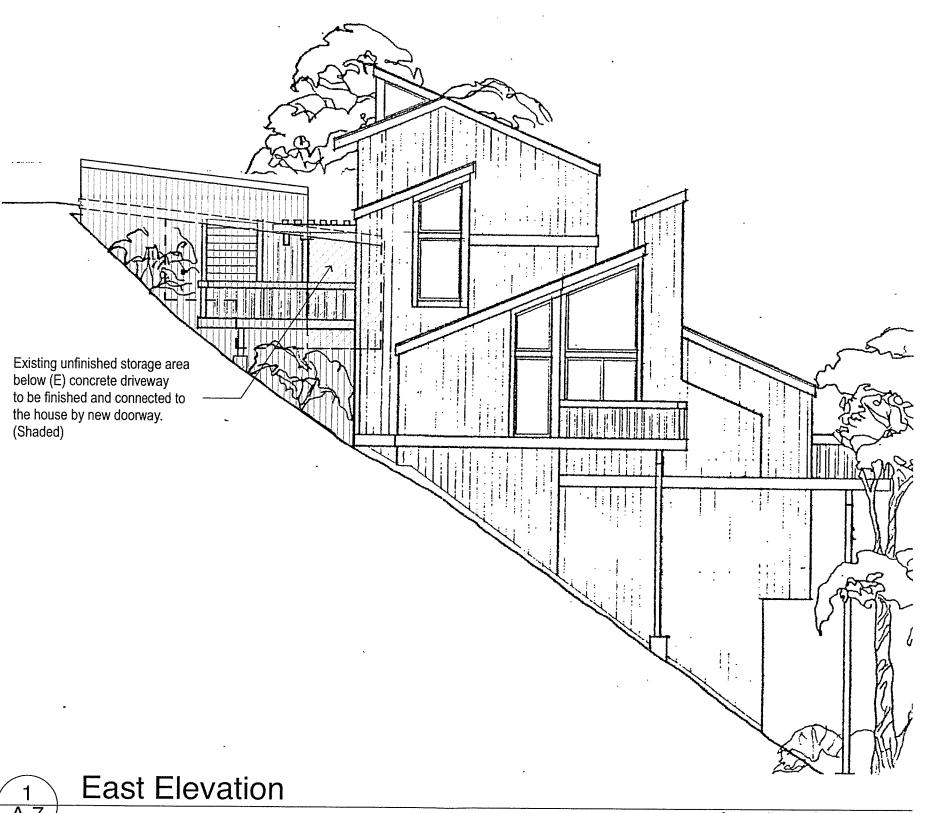
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ISSUED DATES

SCHEMATIC SET Revised: 9/17/20

DRAWING TITLE

West Elevation



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SCALE

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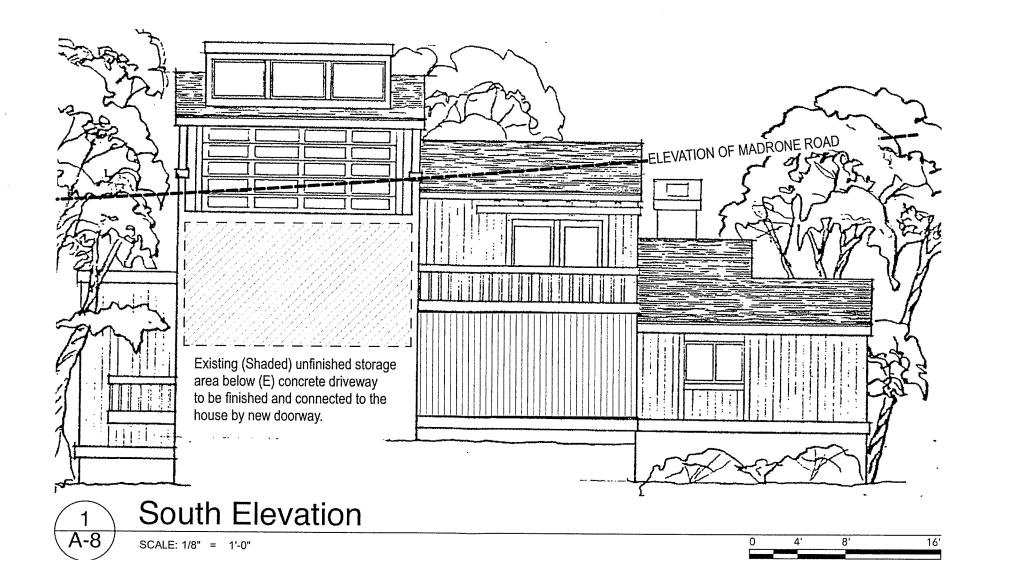
ISSUED DATES

SCHEMATIC SET Revised: 9/17/20

DRAWING TITLE

East Elevation

SCALE: 1/8" = 1'-0"



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(E) Walls to remain

, (...,

(N) Walls

PLANNING PERMIT

SCALE

1/8"=1'-0" OR U.O.N.

ISSUED DATES

SCHEMATIC SET Revised: 9/17/20

N

DRAWING TITLE

South Elevations