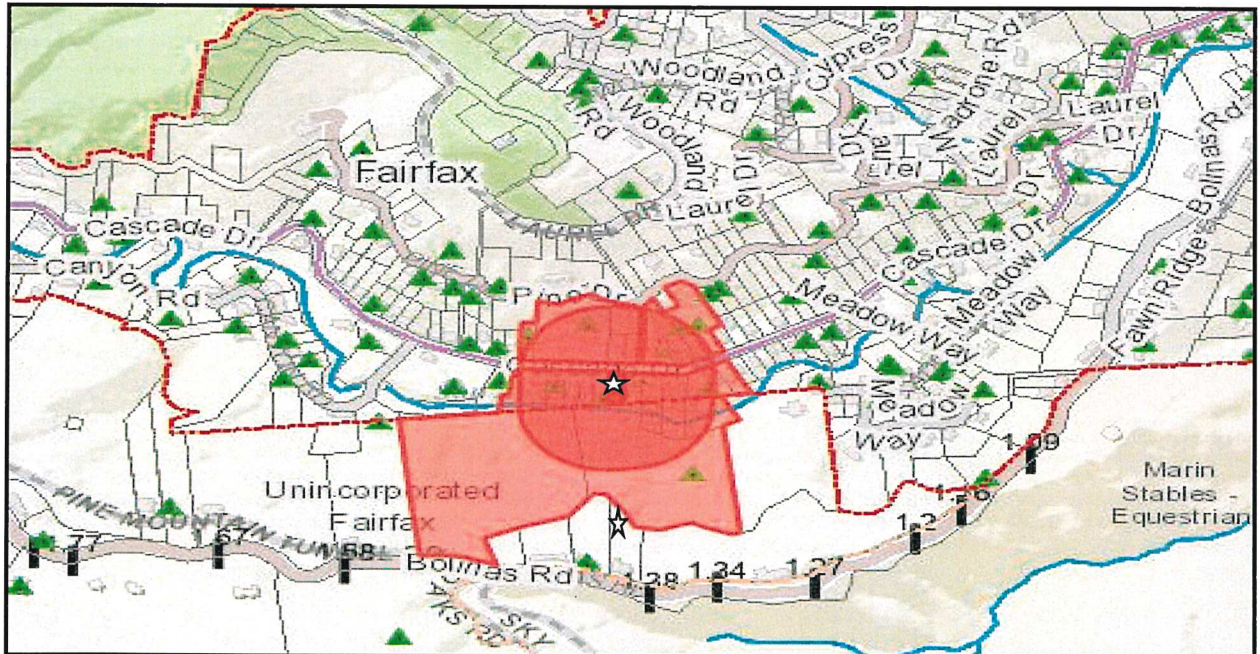


STAFF REPORT
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: August 19, 2021
FROM: Ben Berto, Director of Planning and Building
LOCATION: 403 Cascade Drive; Assessor's Parcel No. 003-044-10
ZONING: Residential Single-family RS-6 Zone
PROJECT: Construction of a new single-family residence
ACTION: Use Permit and Design Review Permit; Application # 21-10
APPLICANTS/OWNERS: Jon Fernandez/Fernandez S2 Partnership Architecture
CEQA STATUS: Categorically exempt, §15303(a)



403 CASCADE DRIVE

BACKGROUND

The applicant is proposing to demolish and replace his approximately 1,288 square foot generational family home on a 6,000 square foot lot. The proposed house would be two stories, containing 1,136 square feet of habitable area on the first floor (plus a 467 square foot attached garage) and 609 square feet on the second floor, for a total habitable area of 1,745 square feet. The upstairs is proposed for the master bedroom, bathroom, and closet, with an approximately 6' deep x 10' wide deck off the rear (south)

AGENDA # 2

side facing the creek.

The building would feature a 2.5:12 standing seam metal gable-style roof and have a maximum height of 22 feet. Proposed siding is dark brown smooth hand-troweled stucco, windows are oil-rubbed brown aluminum, and the standing seam metal roof would have a shop (plain metal) finish.

The parcel itself is mostly level, with a steep creek bank beyond the rear property line, to San Anselmo Creek.

The Planning Commission requested at the May 20, 2021 meeting that the applicant document compliance with the Town's creek setback requirements. At their July 15 meeting on this project, the Commission rejected use of a 100-year floodplain boundary to determine the bank height, opting instead to use the location where the parcel leveled out from an upslope from the creek. It was determined that this location would result in the application requiring a variance, so the project was continued to the August 19 meeting to include a variance application.

The applicant was also requested to provide additional information regarding impervious site coverage.

Design Review is required for a new residence, and a Use Permit is required since the 50' lot width falls below the 60' minimum lot width for the RS-6 Zoning District.

DISCUSSION

The proposed project is modest, with the building footprint almost the same size and location as the existing house, and the second story level is limited to the rear of the structure. The 22-foot maximum height of the building is approximately 3'9" lower than the newly constructed house to the west. Side second story windows will have a minimum plate height of 6 feet above finished floor, preserving neighbors' privacy.

The applicant is proposing ceanothus landscaping in front of the garage to provide some street screening. Ceanothus is drought resistant and features attractive seasonal blossoms.

The new driveway is proposed to be shifted to the west side of the front of the site, fitting between two street side sycamore trees. Insofar as the driveway is proposed to be a new location from where it has historically been located, it will create new impacts on the mature sycamores that grace the front of the property. Staff therefore recommends a Condition of Approval that the applicant have a certified arborist evaluate potential root impacts from the driveway's proximity to the trees, and propose recommended measures to minimize any identified impacts.

The proposed project complies with the Residential RS-6 Zone District requirements as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft.	6 ft.	25 ft.	5 ft. & 5 ft.	15 ft.	.40	.35	28.5 ft., 2 stories
Proposed	27 ft.	24 ft.	51 ft.	6 ft. & 15 ft.	22 ft.	.29	.27	22 ft., 2 stories

Discretionary Permits

Design Review Permit

Town Code § 17.020.030(A) requires Design Review Permit approval from the Planning Commission prior to the physical improvement of any (newly) undeveloped site.

As noted above, the proposed home is refreshingly modest in design, including 8-foot plate heights and a very low roof pitch. In response to a suggestion by staff in the staff report for the May 20 meeting, the Commission affirmed allowing the applicant, if he so desires, to increase the roof pitch from 2.5:12 to a more standard 3:12. Staff has therefore incorporated this allowance as a draft condition. If the roof pitch is increased by this one-half foot of rise per twelve feet of run, the proposed building height would only be raised by around 7 inches, and the increase might reduce roof material expense and weatherproofing issues.

The size and location of the residence are reasonable – as can be seen from the zoning chart and neighborhood comparison. The project complies with all pertinent zoning requirements. The proposed project’s FAR is .29, versus a maximum allowable FAR of .40. Proposed combined side yard setbacks are 22 feet, versus the minimum required combined setback of 15 feet. Relative to other properties in the vicinity, the property is in the middle range of house sizes and house versus lot size.

A landscaping and drainage plan has also been provided, showing Ceanothus plants in front of the garage and providing adequate street screening. In response to a Commissioner’s request, the applicant has included site coverage information on the site plan (see Attachment C)

The proposed driveway location directly on the property line would require the removal of vegetation that provides some pleasant property line greenery and as proposed has the potential to adversely affect the Sycamore tree closest to the property line. Staff has therefore included conditions requiring that the driveway be moved two feet further east (away from the west side property line), be of gravel, and the applicant obtain an

arborist's report describing recommendations to minimize stress to the two Sycamore trees between which the new driveway will be located. The driveway approach will have to be paved within the public right-of-way, per Fairfax Public Works Department requirements.

The table below summarizes lot and residence sizes for homes in the immediate area.

403 Cascade Drive – COMPARABLE HOUSE NEIGHBORHOOD HOUSE SIZES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
003-043-12	430 Cascade	6650	1968	2	2	280	.30
003-043-13	432 Cascade	6100	840	2	1	216	.14
003-043-14	434 Cascade	6500	1128	2	2	0	.17
003-043-15	444 Cascade	8100	1214	3	1.5	670	.17
003-043-08	407 Cascade	6382	2225	3	2.5	467	.35
003-043-16	402 Cascade	6800	1242	2	1	945	.24
003-043-17	396 Cascade	6800	1093	3	1	400	.16
003-044-17	415 Cascade	7000	1028	3	2	240	.15
003-044-21	419 Cascade	7975	1719	3	2	389	.22
003-101-19	370 Cascade	6000	1354	2	1	548	.23
003-101-20	378 Cascade	5890	1290	2	1	364	.22
003-101-22	388 Cascade	6800	912	3	2	600	.15
003-102-01	397 Cascade	6720	1066	2	1	400	.16
003-044-08	411 Cascade	6650	2,211	3	2.5	504	.33
PROJECT SITE - PROPOSED							
003-043-10	403 Cascade	6000	1745	2	2	467	.29

Note that for some of the properties FAR calculations include garage area in excess of 500 square-feet as required in Town Code § 17.008.020, Definition of Floor Area.

Use Permit

Town Code § 17.084.050 requires that a Use Permit be obtained from the Planning Commission prior to physical improvement of any site or structure failing to meet the minimum size or width requirements based on the site average slope. The project site is 50 feet wide with an average slope of less than 10 feet, while Town Code § 17.080.050 requires that such a property have a 60-foot minimum width.

The purpose of the Use Permit process is to ensure the integration into the Town and a neighborhood of uses in this case which are designed in a particular manner. In reviewing a use permit application, the Commission should analyze the surrounding sites and neighborhood and give due regard to the project's design and orientation to ensure that the public health, safety and welfare are protected.

The proposed residential use is consistent with all underlying zoning standards such as setbacks (including combined setback), size, and height. The residence will only result in the removal of small, non-native vegetation. Overall grading or other site disturbance is very modest.

Variance

The Commission at the May 21 meeting raised the question of whether the project complied with the Town's creek setback standards. Zoning Section 17.040.040 (A) reads:

- (A) No building, accessory building, structure or swimming pool shall be constructed closer to the top of the stream bank of the Fairfax and San Anselmo creeks than 20 feet or two times the average depth of the bank, whichever is greater, without authorization by variance, except for retaining walls and bulkheads which replace failing structures and which do not increase the height, width, length or configuration of the original structure.

"Stream bank" is not defined in the Municipal Code, which makes it difficult to determine. The downstream neighbor, for example, has a slope from the creek which is less than half the height of the applicants, and upstream there is a slope that ascends from the streambed in unbroken fashion for over 100 feet.

The Commission consensus at the July 15 meeting was that the top of the bank was where the slope up from the creek levels out. On this site the slope is 19.5 feet above the streambed (considerably higher than the 100-year flood height of 7.5 feet above streambed). Based on this, the house would have to be relocated 39 feet from the top of the bank. The house is proposed to be located in the same position on site as the current house – an average of 27 feet from the top of the bank. Therefore a variance is required for the 12 foot encroachment into the streambank setback.

The project is similarly situated relative to the top of the bank as other neighbors' residences, and thus denying the variance would deprive the applicant of privileges enjoyed by other residents, nor would approving the project constitute a special privilege. The location of the house relative to the bank is virtually unchanged from the house that has existed on this site for decades and in which the applicant grew up, and moving it further away from the bank would constitute an unreasonable hardship. Granting the variance will result in a project with still a substantial setback from the stream's normal high-water line and even the 100-year flood boundary, thus preserving a large riparian buffer that will preserve the natural creek environment and flora and fauna.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department, Fairfax Police and Building Departments, Marin Municipal Water District and Ross Valley Sanitary District

Fairfax Public Works Department has indicated that any portion of the driveway within the public right-of-way shall be concrete to avoid damage to the Town road at the roadway transition, and avoid dragging gravel onto the public road from vehicles exiting the private property.

MMWD has indicated that they will continue to provide water service to the site. A grey water system may be required.

RECOMMENDATION

1. Conduct the public hearing on the project.
2. Move to approve application 21-10 by adopting attached Resolution No. 2021-12 setting forth the findings and conditions of approval for the amended project.

ATTACHMENTS

- Attachment A: Resolution No. 2021-12
- Attachment B: Plans and elevations dated received 3/8/21 were provided for the May 20, 2021 Planning Commission meeting, and are available electronically at the following:
<https://storage.googleapis.com/proudcity/fairfaxca/uploads/2021/05/Item-4-plans.pdf>
Drainage and landscaping plan dated received 7/6/21 was provided for the July 15, 2021 Planning Commission meeting, and is available electronically at the following:
<https://storage.googleapis.com/proudcity/fairfaxca/uploads/2021/07/Item-3-403-Cascade.pdf>
- Attachment C: Site plan showing site coverage, Fernandez 2 Partnership, dated received 8/12/21
- Attachment D: Planning Commission July 15, 2021 meeting minutes

RESOLUTION NO. 2021-12

A Resolution of the Fairfax Planning Commission Approving a Design Review Permit and Use Permit for a New Residence at 403 Cascade Drive

WHEREAS, the Town of Fairfax has received an application from Jon Fernandez on behalf of Dan Thompson for a new, 1,745 square foot single family residence with an attached 467 square foot garage at 403 Cascade Drive; and

WHEREAS, the Planning Commission held duly noticed Public Hearings on May 20, July 15, and August 19, 2021, at the third meeting of which the Planning Commission determined that the proposed project as amended complies with the Town Zoning Ordinance; and

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission has determined that the project as amended meets the burden of proof required to support the findings necessary to approve the Design Review Permit, Conditional Use Permit, and Variance applications; and

WHEREAS, the Commission has made the following findings:

1. The proposed residence design, as amended, meets the Town design criteria and therefore complies with the following 2010-2030 Fairfax General Plan Policies and Goals, Use Permit Findings, Design Review criteria, and Variance findings:

Policy LU-1.2.3: New and renewed development shall be designed and located so as to minimize the visual mass. The project meets all applicable zoning standards.

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.

Design Review

The project will create a well composed design, harmoniously related to other residences in the immediate area and to the total setting.

The project as amended conforms to the requirements for landscaping, screening, usable open space and the design of parking areas set forth in this title.

The size and design of the project is in proportion to its building site and has a balance and unity among its external features so as to present a harmonious appearance.

ATTACHMENT A

Use Permit

The approval of project shall not constitute a grant of special privilege because the project will comply with the, height, floor area ratio, lot coverage, and parking regulations for the RS-6 Zone District where the property is located.

Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that the approval is in the public interest and for the protection or enhancement of the community.

The project as amended will not cause excessive or unreasonable hardship to adjoining properties or premises or cause adverse physical or economic effects.

Approval of the project as amended not contrary to the objectives, goals or standards pertinent to the project and contained within the Zoning Ordinance, including creek setback.

Variance

The project is similarly situated relative to the top of the bank as other neighbors' residences, and thus denying the variance would deprive the applicant of privileges enjoyed by other residents.

Approving the project would not constitute a special privilege, as the location is consistent with what is enjoyed by other residents.

Moving the location of the house further away from the bank, where the current residence has existed on this site for decades and where it is more than twice the elevation of the 100-year floodplain, would constitute an unreasonable hardship.

The location of the house will not create any detriment, as the current and proposed location has been in place for decades and preserves a substantial setback from the stream's normal high-water line and even the 100-year flood boundary, thus preserving a large riparian buffer. Therefore, the granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

WHEREAS, the Commission has approved the project subject to the applicant's compliance with all conditions set forth in this approval, as follows:

Conditions of Approval

1. Except as amended by these conditions, this approval is limited to the plans prepared by Fernandez/2 Partnership Architecture, consisting of 13 sheets and dated received March 8, July 6, 2021.
2. The roof pitch may be increased from 2.5:12 to 3:12 at the applicant's discretion.
3. The driveway shall be shifted to be located a minimum of two feet from the westerly

property line. With the exception of the mock orange tree, existing landscaping on the westerly property line shall be preserved. Portions of the driveway apron within the public right-of-way shall be paved.

4. The driveway shall be of pervious materials (e.g. gravel).
5. The failing retaining wall at the southeast property corner shall be replaced with a stable retaining structure. Any work on the easterly neighbor's property shall require the prior written approval of the neighbor.
6. Prior to issuance of the building permit for the project the applicant shall provide a report from a certified arborist evaluating potential impacts from the proposed driveway on the two adjoining Sycamore trees and recommending what measures should be taken to minimize impacts to those trees. All such measures shall be incorporated by reference as conditions of approval.
7. The following color and materials palette is approved for the project:
 - a. Siding: Hand-troweled stucco colored dark brown
 - b. Windows: Oil-rubbed brown aluminum
 - c. Roofing: Shop-run standing seam metal
8. Prior to issuance of the building permit for the project the applicant or his assigns shall:
 - a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:
 - Construction delivery routes approved by the Department of Public Works.
 - Construction schedule (deliveries, worker hours, etc.)
 - Notification to area residents
 - Emergency access routes
 - b. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction delivery routes (routes must be approved by Public Works Director).
 - c. 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.
 - d. The foundation shall be designed by the architect certified to design such plans in the state of California. Plans and calculations of the foundation

elements shall be stamped and signed by the project engineer and submitted to the satisfaction of the Town Engineer or Building Permit Plan Checker.

e. The grading and drainage elements shall also be stamped and signed by the project architect.

f. 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.

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

a. 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.

b. 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.

10. The project architect shall field check the completed project prior to issuance of the occupancy and submit written certification to the Town Staff that the foundation, grading and drainage elements have been installed in conformance with the approved building plans.

11. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping them, daily, if necessary.

12. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 21-10 or the approval of the Planning Director of minor changes that do not modify the intent of this approval. Any construction based on job plans that have been altered without the benefit of an approved modification by the Planning Commission or the Planning Director of Application 21-10 will result in the job being immediately stopped and red tagged.

13. Any damages to the public portions of Cascade Drive or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.

14. 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.

15. 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.
16. The applicant must comply with all conditions imposed by an outside agency unless that agency waives its conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.
17. All exterior lighting shall be of "dark sky" fixtures and direct the light downward. The fixture cut sheets shall be included in the building permit submittal and be subject to Planning Staff approval prior to issuance of the building permit.

Ross Valley Fire Department

18. The property is located within the Wildland Urban Interface Area for Fairfax and the new construction must comply with Chapter 7A of the California Building Code or equivalent.
19. A Vegetation Management Plan designed in accordance with the Ross Valley Fire Standard 220 is required, and has to receive Fire approval prior the issuance of a Building Permit.
20. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping

room; outside of each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of 1 detector on each story of the occupied portion of the residence.

21. Carbon monoxide alarms shall be provided, located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.
22. Address numbers at least 4 inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
23. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.
24. A fire sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system with plans and specifications for the system submitted to the Ross Valley Fire Department by an individual or firm licensed to design-build sprinkler systems.
25. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.

Marin Municipal Water District

26. The project shall comply with all requirements of District Code 13 – Water Conservation.
27. Indoor plumbing fixtures must meet specific efficiency requirements.
28. Backflow protection shall be installed as a condition of water service.
29. The project shall comply with Ordinance No. 429 regarding a gray water system.

Other outside agency requirements

30. The applicant must comply with all outside agency conditions unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.

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

The approval of Design Review Permit and Use Permit is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the project with the required modifications 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 19th day of August, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

Chair Mimi Newton

Attest:

Ben Berto, Director of Planning and Building Services

403 Cascade Reso 081921 dft

Attachment B:

Plans and elevations dated received 3/8/21 were provided for the May 20, 2021 Planning Commission meeting, and are available electronically at the following:

<https://storage.googleapis.com/proudcity/fairfaxca/uploads/2021/05/Item-4-plans.pdf>

Drainage and landscaping plan dated received 7/6/21 was provided for the July 15, 2021 Planning Commission meeting, and is available electronically at the following:

<https://storage.googleapis.com/proudcity/fairfaxca/uploads/2021/07/Item-3-403-Cascade.pdf>

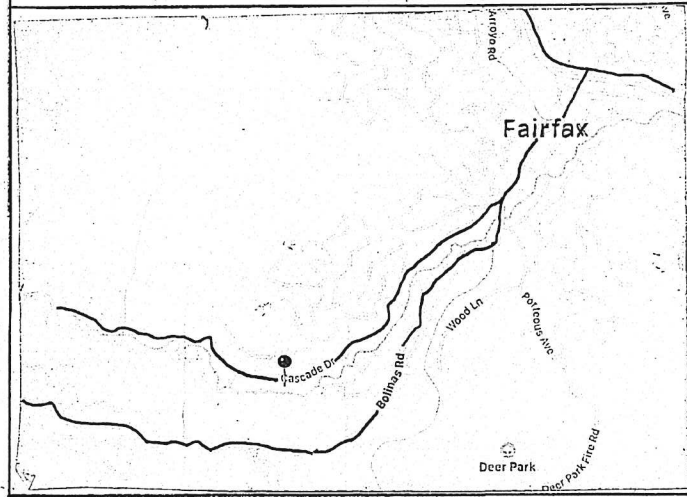
REVISIONS	BY

PROJECT INFORMATION

PROJECT ADDRESS: 403 CASCADE DR. FAIRFAX, CA. 94930
 ASSESSORS PARCEL NO. 009-044-10
 ZONING: R5-6
 APPLICABLE CODES: _____
 OCCUPANCY: _____
 TYPE OF CONSTRUCTION: TYPE V
 DESCRIPTION OF WORK: DEMOLISH EXISTING S.F.R.
 CONSTRUCT NEW 2 BDRM. S.F.R.
 AREA CALCULATIONS: AREA OF LOT: 6000 SQ. FT.
 AREA OF (E) BLDG: N/A
 AREA OF NEW 1ST, 2ND LAUNDRY 1745, GARAGE 461
 TOTAL SQ. FT.: 2,212 SQ. FT.
 PERMISSIBLE FAR: 40 = 2400 SQ. FT.
 ACTUAL FAR: 28 = 1680
 MAX. ALLOWABLE BLDG HT. PRINCIPAL BLDG: 28.5'
 ACCESSORY BLDG: 15'-0" (N/A)
 PROPOSED BLDG HEIGHT: 22'-0"
 BLDG. SETBACKS: FRONT YARD: 21' FEET - NORTH
 SIDEYARDS: 50" EAST, 16'-0" WEST
 REARYARD: 24'-0" SOUTH - SETBACK TO CREEK 84"

FERNANDEZ/2 PARTNERSHIP
 ARCHITECTURE
 P.O. BOX 640, POINT REYES STATION, CA 94956
 TELEPHONE: (415) 663-9516

VICINITY MAP



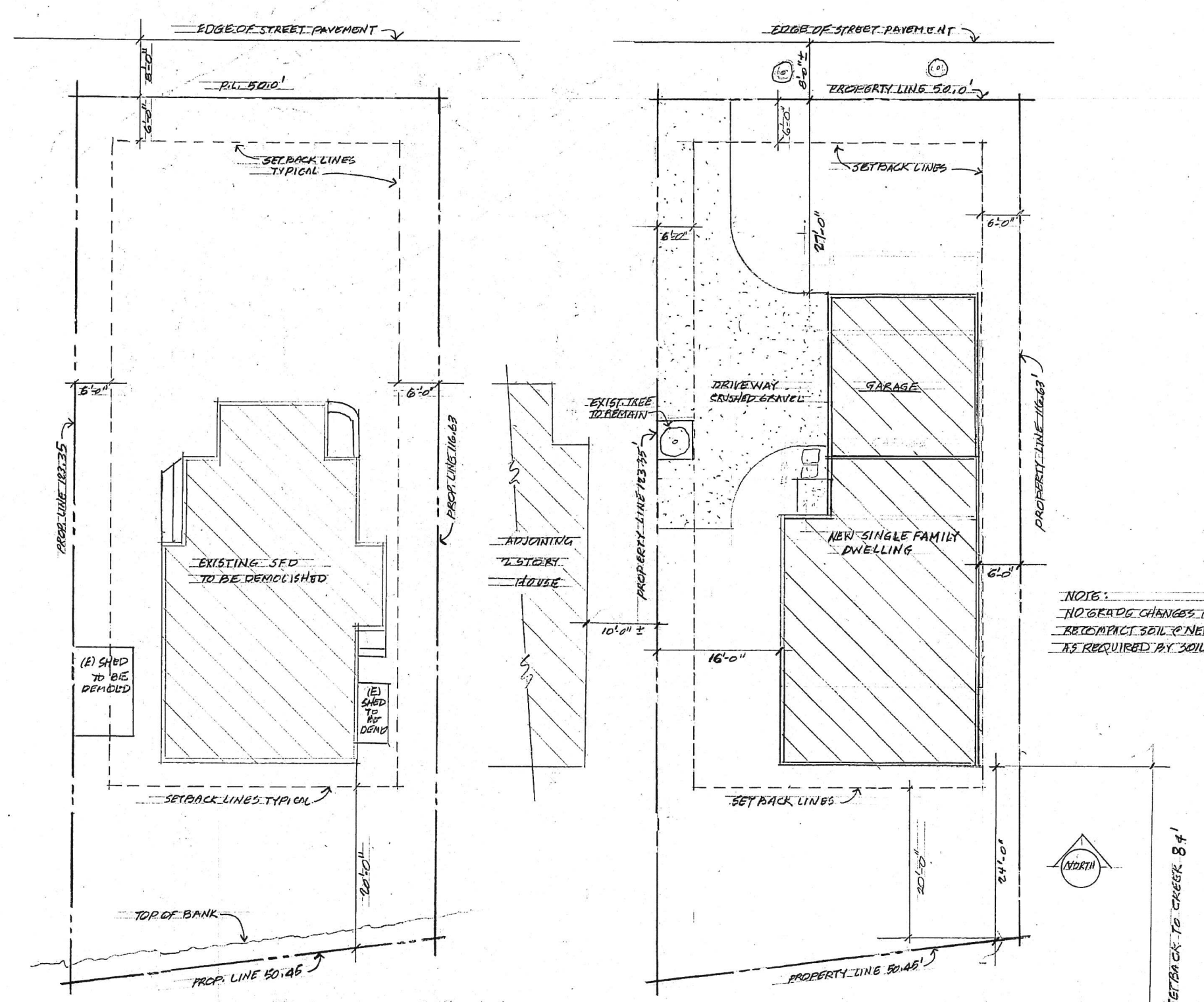
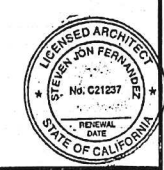
SHEET INDEX

SHT. NO.	DESCRIPTION
A-1	SITE PLAN - PROJECT INFORMATION
A-1.1	SITE PLAN, ELEVATIONS - ADJOINING RESIDENCES
V-1	TOPO GRAPHICAL PLAN
A-2	FIRST & SECOND FLOOR PLANS - ROOF PLAN
A-3	EXTERIOR ELEVATIONS
A-4	1/2" BLDG. SECTION
A-5	1/8" BLDG. SECTION
A-6	1/8" BLDG. SECTIONS
S-1	FOUNDATION, FRAMING PLANS
S-2	FRAMING PLAN 2ND FLR, ROOF FRAMING 1ST FLR.
S-3	ROOF FRAMING 2ND FLR.

MILY RESIDENCE
 JR
 TOMPSON
 RFAF, CALIFORNIA 94930
 03-044-10

MILY RESIDENCE
 JR
 TOMPSON
 RFAF, CALIFORNIA 94930
 03-044-10

ATTACHMENT C



NOTE:
 NO GRADE CHANGES PROPOSED
 RECOMPACT SOIL ON NEW HOUSE SITE
 AS REQUIRED BY SOIL ENGINEER

EXISTING SITE PLAN - 1/8"=1'-0"
 TOTAL IMPERVIOUS AREA - 1123 SQ. FT.
 TOTAL PERMIMBLE AREA - 4877 SQ. FT.
 PARCEL SIZE - 6000 SQ. FT.

REVISED SITE PLAN - 1/8"=1'-0"
 TOTAL IMPERVIOUS AREA - 1686 SQ. FT.
 TOTAL PERMIMBLE AREA - 4314 SQ. FT.
 PARCEL SIZE - 6000 SQ. FT.

Principal Planner Neal presented the staff report. The Town Arborist is concerned about the 24" circumference piers and believes the work can be done in a way that would have less of an impact on the roots. She read Condition #2: "The Building Permit shall be obtained from the Town after the submittal of engineered plans for the erection of the monument sign including the recommendation of the arborist on July 14, 2021 that the sign be engineered with 12" concrete footings with Simpson strong tie ornamental column bases or the equivalent post or column bases or other engineered support system that keeps the circumference of the below ground footings to 12" or less and that the electrical line be placed in an above ground conduit". Staff removed the requirement for an arborist report since it has been obtained. Condition #8 shall read: "Ray Moritz, the Town Arborist, shall be on site during the excavation and installation of the sign posts to ensure compliance with his recommendations contained in his July 15 2021 report."

Commissioner Fragoso asked if the arborist report contained something about the distance of the supporting piers from the front fence. Principal Planner Neal stated the Town Arborist looked at the proposed site and a site one foot further into the Redwood grove. He is recommending placement where it is currently proposed and not closer to the Redwood trees or fence.

Commissioner Fragoso referred to page 3 of the staff report, paragraph four, and noted it should say "24 inch, and not 12-inch".

Chair Newton opened the Public Hearing.

Mr. Bob Sanders, applicant, made the following comments:

- They are in agreement with the details of the requirements.
- They can deal with the 12" footings.
- Progress has been made.

Mr. Ray Moritz made the following comments:

- He probed the various holes and found a lot of roots in the marked positions that were closer to the tree. He found no roots of any significance in the sign mock up area.
- He supported this position for the sign.

Chair Newton closed the Public Hearing.

M/s, Fragoso/Jansen, motion to adopt Resolution No.2021-09 with all the additional information provided by the Town Arborist and entered into the record for the resolution this evening.

AYES: Fragoso, Jansen, Kelly, Chair Newton

NOES: Swift

ABSENT: Gonzalez-Parber, Green

Commissioner Swift stated she could not make the findings and thought it was too large for that location. There is space on the other side of the driveway.

Chair Newton stated there was a 10-day appeal period.

3. 403 Cascade Drive; Application #21-11

Request for a Use Permit and Design Review for a new 2 story, 1,745 square foot, 2-bedroom, 2- bathroom, single-family residence with an attached 467 square foot, two-car garage. The residence/garage will replace an existing residence on the site. APN 003-044-10; Residential Single Family RS-6 Zone; Daniel Thompson, owner/applicant; CEQA categorically exempt per Section 15301(e)(1).

Planning Director Berto presented the staff report.

Commissioner Fragoso asked if the applicant would need to come back to the Commission if the driveway location was not suitable and would endanger the trees. Planning Director Berto stated "yes" but staff is confident the impacts to the trees would be within reason.

Commissioner Jansen asked if the house to the east is slightly closer to the creek. Planning Director Berto stated "yes".

Commissioner Kelly asked if a storm water detention/retention system is required. Planning Director Berto stated "yes". The drainage plan will require a no net increase in offsite runoff. Commissioner Kelly asked if there is occasional sheet flow coming across Cascade onto the site. Planning Director Berto stated the applicant could answer this question.

Chair Newton referred to the interpretation of the Creek Setback Ordinance and thought the idea of what is the top of the creek bank is subjective. She did not understand the overlay of average 100-year floodplain vs. figuring out what is the top of the creek bank. Planning Director Berto pointed out the boundary of the 100-year floodplain and noted the Town regulations say the setback is twice the depth of the bank. Since that is not defined, staff is using two times maximum creek depth during 100 year flood, measured from the 100-year flood boundary.

Chair Newton asked if staff thought about asking the applicant to apply for a Variance to the Creek Setback. Planning Director Berto stated as a general rule staff would discourage an applicant from applying for a Variance since standards and limits are there for a reason.

Commissioner Fragoso stated she did not support the suggestion by Chair Newton to ask the applicant to apply for a Creek Setback Variance.

Chair Newton opened the Public Hearing.

Mr. Daniel Thompson, applicant, made the following comments:

- He is open to raising his roof but would like to discuss it with his architect.
- Rain does not run across the road onto and through his property.
- He discussed the driveway location and how his family, over the years, has parked cars between the Sycamore trees with no adverse effect.

Chair Newton closed the Public Hearing.

Chair Newton provided the following comments:

- The language in the setback ordinance is straight-forward.
- It does not talk about the 100-year flood plains.
- There are numerous code provisions that talk about floodplain management.
- Code Section 17.048.010 talks about a buffer of 20 feet or two times the average depth of the bank.

Commissioner Fragoso provided the following comments:

- They have always gone with 20 feet back from the bank but there are different opinions about the location of the bank.
- She appreciated the analysis from the engineering group about the bank and the 100-year flood level.
- This application exceeds the 20-foot requirement of the code per this calculation.
- Changing what the current code says about the bank should not be applied to this one project.
- There is more than a sufficient creek setback for this project- more than what most of the neighbors have.

Commissioner Swift provided the following comments:

- She did not understand why staff asked Questa Engineering to determine the required setback based on the 100-year flood line. There is nothing in the code that talks about that.
- The code talks about "top of bank, 20 feet or two times the average depth of the bank, whichever is greater".
- The surveyor identified the top of the bank and the toe of the creek.
- She did not want to arbitrarily change how the code is written.
- She likes the project- it is a great house.
- It is in the creek setback and they should be looking at a Variance.

Chair Newton provided the following comments:

- There is a topographical exhibit prepared by a land surveyor that has a line that says "top of bank".
- It is not subjective.

Commissioner Jansen provided the following comments:

- The topographic map describes the "lay of the land".
- The intent of the code is to have a buffer or setback for biological reasons.
- The way the code is written could create an impossible circumstance in some areas.
- He is not sure where that leaves this applicant.

Commissioner Frago provided the following comments:

- She referred to Figure 3 and noted the proposal is 27 feet from the top of the bank.
- The application exceeds the maximum of either number that would be obtained with either calculation.
- They should not spend more time getting into the issue of "what is the bank".

Commissioner Swift provided the following comments:

- She is not convinced the project is outside of the setback according to the topographic map in the plans and her calculations.
- She would like to continue this application and have staff look at the numbers based on the code.

Planning Director Berto discussed the issue of subjectivity and stated the criteria suggested by several of the Commissioners would penalize what they are trying to do, which is avoid building in the 100-year flood plain.

Commissioner Swift provided the following comment:

- The remedy for this is to ask the applicant to apply for a Creek Setback Variance.

Chair Newton provided the following comments:

- She asked the Commission if they could make the Creek Setback Variance Findings.
- They could craft a resolution approving the application without the need for the application to come back to the Commission.

Commissioner Swift provided the following comments:

- She was not sure this could be done from a legal perspective.
- She thought the Commission would look favorably upon a Variance request.

Commissioner Frago provided the following comment:

- She supports the project and could approve it as is.

Commissioner Jansen provided the following comments:

- He liked the suggestion made by Chair Newton but stated the underlying issue is a legal one.
- They need to do this properly- a Variance is the way to do it.
- He likes the project and supports it.

Commissioner Kelly provided the following comments:

- He agreed with Commissioner Jansen.
- He did not want to set a precedent.
- He is in favor of the project.
- His main concern with the property is the runoff into the creek.
- He is having a hard time evaluating the property without a landscape plan and an indication of the pervious vs impervious area exists. He would like this addressed down the road.

Commissioner Fragoso provided the following comment:

- She asked staff to address at a later date what would happen if this were an SB 35 project.

M/s, Swift/Kelly, motion to continue this application to the August 19th meeting to address the Creek Setback and request for a Variance and a Landscape Plan that indicates the ratio of pervious to impervious material on the site.

AYES: Jansen, Kelly, Swift, Chair Newton

NOES: Fragoso

The Commission took a 5-minute break at 9:00 p.m.

4. 335 Forrest Avenue; Application #21-13

Request for Wall Height Variance and Encroachment Permit for an approximately 13-foot tall retaining wall along an existing parking area to support the currently unstable adjacent hillside between the existing parking and single family residence above it; Assessor's Parcel No. 002-141-28; Residential Single Family RS-6 Zone; Trevor Vantrease, Westward Builders LLC, applicant, CEQA categorically exempt per section 15303(e).

Principal Planner Neal presented the staff report.

Commissioner Jansen asked if the structure was partially in front of the neighboring property. Principal Planner Neal stated the "I" beam is in the right-of-way along the neighbor's property frontage - this is allowed by code. The neighbors have been notified.

Chair Newton opened the Public Hearing.

Ms. Morand, owner, made the following comment:

- This is an important project and helps to keep the street safe.

Chair Newton closed the Public Hearing.

Commissioner Swift provided the following comment:

- She referred to the resolution, page 3, Conditions of Approval #14 and #15 and stated they seem to be in conflict. Principal Planner Neal stated Condition #14 should read: "Any changes...approval by the *Planning Commission*". Condition #15 could be eliminated.

Commissioner Jansen provided the following comment:

- He understood the need for this project.
- There are some things missing in the elevations.