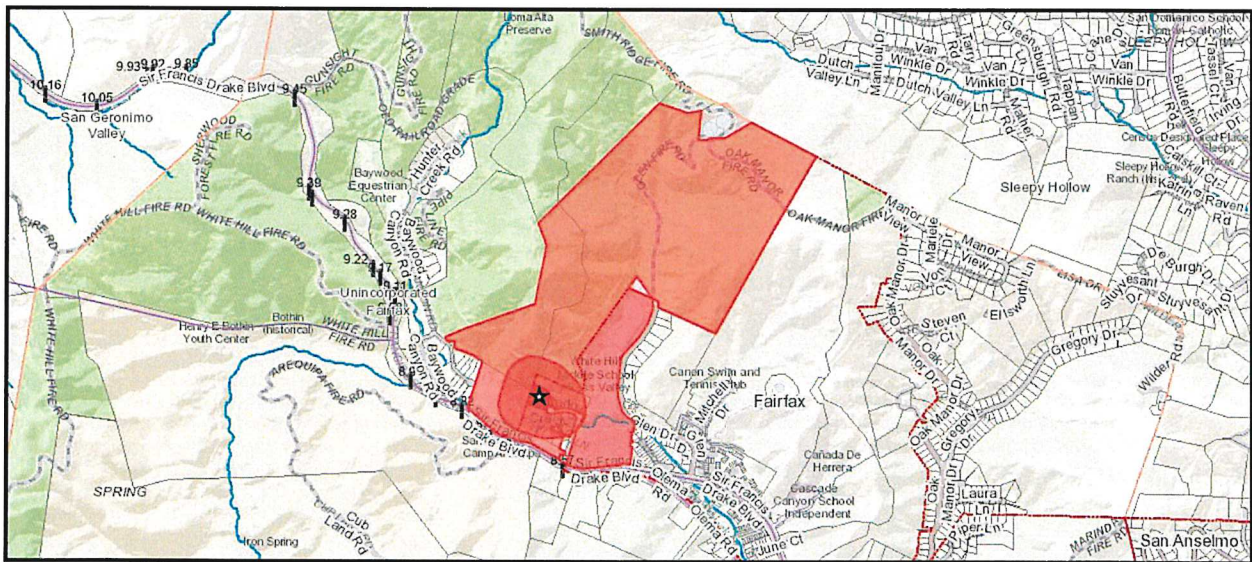


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: August 19, 2021
FROM: Linda Neal, Principal Planner
LOCATION: 24 Shadow Creek Court; APN # 174-210-03
ZONING: Planned Development PDD District
PROJECT: Addition to a single-family residence
ACTION: Design Review and Excavation Permits, and Maximum House Size Exception; Application # 21-18
APPLICANT: Charles Theobald
OWNER: Chase Hallerberg
CEQA STATUS: § 15301(e) and 15303(e).



24 SHADOW CREEK COURT

DESCRIPTION

The project encompasses the construction of a 148 square foot dining room addition, new deck, and covered trellis on the west side of the first floor of an existing 3,689 square foot single family residence, resulting in a 3,837 square foot residence. The proposal also includes the construction of a 1,080 square foot pool and spa and a 403 square-foot shade arbor west of the house and proposed pool

The project will include the construction of a detached accessory dwelling unit (ADU) north of the house on the west side of the existing expanded driveway.

The 783 square-foot, one bedroom ADU with a wrap around, covered porch complies with the ADU regulations set forth in Town Code Chapter 17.048, Residential Accessory Dwelling Units and Junior Accessory Dwelling Units, and therefore is only subject to building permit review and approval and does not require discretionary review or permits from the Planning Commission.

There is an attached approximately 53 square-foot, half bathroom proposed at the southwest corner of the ADU that is only accessible from outside the ADU. Presumably, this would be for the use of anyone enjoying the use of the outdoor yard area and pool, and would not be exclusively for the use of the ADU.

BACKGROUND

The 47,334 square foot site has an average slope of 15% and is developed with an existing 3,837 square foot, single-family, four-bedroom, three and one half bathroom single-family residence with an attached 816 square-foot garage, constructed in 1996.

DISCUSSION

The project is not located in an area susceptible to landslides as shown on the General Plan Safety Element Figure S-3 and therefore, the project is not subject to the approval of a Hill Area Residential Development Permit.

The project complies with the regulations of the Residential Single-family RS 6 Zone District, the most similar residential zone, as follows in accordance with Town Code § 17.112.030(4) which indicates:

"Standards for area, coverage, light and air orientation, site planning density, *yard requirements*, open spaces, parking and screening shall be governed (in a PDD Zone) by the standards of the residential zoning district most similar in nature and function to the proposed Planned Development District (PDD) uses..."

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Coverage	Height
Required/ Permitted	6 ft.	15 ft.	40 ft.	10 ft. & 10 ft.	25 ft.	.40	.35	28.5 ft., 3 stories
Existing	52 ft.	93 ft.	145 ft.	34 ft. & 53 ft.	87 ft.	.08	.09	28 ft. 4 in., 2 stories
Proposed	No change	No change	No change	no change	No change	.09	.16	No change

Please see the discussion regarding the outdoor shower and the setback being proposed from the rear property line.

The project requires the approval of the following discretionary permits:

Design Review Permit

The property is located in a Planned Development District (PDD) Zone and Town Code § 17.020.030(B) requires a design review permit for any new construction in various zone districts including the PDD Zone. Therefore, the project requires the approval of a design review permit.

The exterior materials and colors of the addition will match the existing siding, trim, windows and roofing of the existing structure and use fire-resistant materials approved by Ross Valley Fire Department and the Building Department (required due to the project being located in the Wildland Urban Interface Zone). The trellis over the new deck off the addition will be wood, painted white, with roughly the lower 1/3 of the support pillars sided in shingles matching the house siding. The wooden railings of the deck will be painted brown to match the house siding. The addition will not extend above the roof line of the existing building and will include new doors on both the west and south sides to provide views and access to both the side and rear yard areas. The existing dining room and living room face the front yard and the new addition will allow the existing family room to be remodeled into a new living/family room. The new addition will become the everyday dining area off the kitchen. The addition faces the back and side yards resulting in a more functional and pleasant shared living space with better views of the larger and private rear and side yard areas than currently exist from this area of the house. The existing living room and dining room will remain as living and dining room for more formal and larger family gatherings (Attachment B – Owner's 8/10/21 email).

The lower floor addition will not have views into either of the neighboring properties at 20 or 28 Shadow Creek Court due to existing vegetation screens and the fact that 20 Shadow Creek Court to the north is 30 feet higher in elevation than the project site. The screening and elevation difference as well as the location of the house at 24 Shadow Creek Court, well out of the setbacks, limits the visual impacts of the addition on both neighboring sites.

Lighting and Landscaping Plan

Numerous downlighting pathway lights and one step-light are proposed throughout the property to ensure the safety of those traveling throughout the yard, pool, shower, arbor and various pathways and stairs throughout the property at night (see page L-1, pathway lighting lights #1 and step light #2). Four hanging lights, Serena and Lily Outdoor Wicker Pendant Lights, are proposed beneath the arbor (#5 on page L-1 of the plans), and one other pendant style light, Rejuvenation – Pacific Lantern (#6 on page L-1), is proposed above the pedestrian entry gate leading from the driveway and the parking area to the rear yard.

All the lights are LED and the proposed locations of the fixtures are reasonable for safety purposes. However, the project would be improved and would have less of an impact on nocturnal creatures if the pendant lights, which emit undirected/unscreened light should be replaced with dark sky compliant fixtures. Therefore, staff is recommending a condition of approval in the resolution that all the exterior fixtures must be dark sky compliant (fully shielded and emit no light above the horizontal plane, with no sag or drop lenses, side light panels or uplight panels) and the lighting plan shall be submitted with the building permit application and be approved by the Planning Department prior to issuance of the project building permit. The lighting shall not emit direct offsite illumination and shall be the minimum necessary for safety.

The proposed landscaping plan is shown on page L-2 and shall be subject to review by MMWD to ensure compliance with all indoor and outdoor requirements or District Code Title 13, Water Conservation.

Excavation Permit

The construction of the project, including the pool, will require the excavation of 365 cubic yards of material, 230 cubic yards of which will be kept on the site with a total off-haul of 135 cubic yards. 200 cubic yards of material was brought to the site by the previous owner without Town permits, to create a BMX track for his son. Town Code § 2.20.080(A) requires that an applicant obtain an excavation permit for any project requiring the excavation or fill of over 100 cubic yards of material. The track is not used by the current owner and is proposed to be removed to create the level area for the ADU construction. The excavation of this soil and fill in another location on the site or off-haul will eliminate this existing violation.

110 cubic yards of material will be excavated for the pool and 55 cubic yards will be removed to create a parking space for the ADU. The ADU is located within one half mile of a bus stop so the additional parking space is not required by code but allowing the excavation to create the one space will provide an ADU with parking for a motorist. The owners are willing to create the space, while most owners creating ADU's near bus stops are availing themselves of the code relief that does not require parking.

The staff contacted Marin Municipal Water District to see if they currently had any prohibitions on the construction of new pools during the drought. MMWD has indicated that they currently do not have any restrictions on the construction of new pools and they are currently allowing pool filling (see Attachment C).

The retaining walls proposed at the north side of the site, adjacent to the ADU pad and the ADU parking space, will not exceed the permitted six feet in height allowed by Town Code 17.044.080(A) and will be poured-in-place concrete walls.

The proposed excavation and fill amounts are the minimum necessary to build the project and the ADU.

3,500 Square-foot Maximum House Size Exception

Town Code § 17.136.030(B) limits the maximum house size for any lot containing a single-family residence to 3,500 square-feet, excluding the floor area of one accessory structure containing 120 square-feet or less and featuring no utilities, 500 square-feet of garage space, and one ADU.

Town Code § 17.136.050 allows exceptions to the maximum house size limit to prevent or minimize inconsistencies with the floor area of adjacent properties, to assist with the provision of parking, or if the lot is one acre or greater in size. The section also indicates that the exception can only be granted as long as it would not be a grant of special privilege or be inconsistent with the intent of the General Plan or the Zoning Ordinance.

24 SHADOW CREEK COURT – COMPARABLE HOUSE NEIGHBORHOOD HOUSE SIZES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
174-210-01		23,074	2,710	3	2.5	720	.13
174-210-02		27, 202	3,001	4	3.5	852	.12
174-210-04		29,680	3,717	4	4.5	704	.13
174-210-05		48,056	4,056	4	4	864	.10
174-210-06		27,198	3,689	5	3.5	816	.15
174-210-07		14,979	3,343	5	3.5	528	.23
174-210-08		8,427	2,182	4	2.5	484	.26
174-210-09		11,716	2,633	4	3	576	.23
174-210-10		16,337	2,723	4	2.5	576	.17
24 SHADOW CREEK COURT – PROJECT SITE WITH ADDITION INCLUDED IN CALCULATIONS							
174-210-03		47,334	3,837	4	3.5	816	.08
			3,891 (with acc. Detached ½ bath)		3 full and 2 ½ baths		.08

The 47,334 square-foot (1.09 acre) site is most similar in size to the site where 16 Shadow Creek Court is located. The residence at 16 Shadow Creek Court is 4,056 square feet in size. Allowing the 148 square foot addition to the main house and the 54 square foot bathroom off the ADU structure will increase the living space square footage of 24 Shadow Creek Court to 3,891 square-feet, which is closer to the 4,056 square feet of 16 Shadow Creek Court, the site most similar in size, and immediately adjacent to, 24 Shadow Creek Court. Granting the exception to the 3,500 square-foot maximum house size limitation for this house that already exceeds 3,500 square-feet will minimize the

inconsistency with the floor area of the immediately adjacent and most similarly sized property at 16 Shadow Creek Court, and will not be a grant of special privilege or be inconsistent with the Fairfax General Plan or Zoning Ordinance.

Outdoor Shower

The property is zoned PDD and Town Code 17.112.030(4) indicates that standards for setbacks in a residential PDD Zone shall be governed by the standards of the residential zoning district most similar in nature and function to the Planned Development District property. In this case the most similar zone district is the Residential Single-family RS 7.5 Zone. While the house, proposed addition, pool, ADU, and outdoor trellis covered area comply with the setback regulations, the outdoor shower is located just 6 feet from the rear property line where the required setback is 15 feet. Due to the large size and available yard area of the site, staff advised the owner we would be unable to support the findings required to recommend the shower in its current location. He indicated that he is willing to relocate the shower to a location to comply with the minimum 15-foot rear yard setback and staff has included this requirement in Attachment A – Resolution No 2021-19, subject to staff approval of the proposed relocation prior to issuance of the building permit.

The Sanitary District has also required that the shower be covered because rainwater is prohibited to enter the sanitary system (Attachment D). Staff has included in Resolution No. 2021-19 that a detailed plan must be submitted with the project building permit application showing how the shower will be covered, for review and approval by the planning staff and the Ross Valley Sanitary District prior to issuance of the project building permit.

Northern Spotted Owl

The project is not within ¼ mile of a known Northern Spotted Owl nesting site.

Miscellaneous

Staff has also included with the standard conditions of approval contained in Attachment A – Resolution No. 2021-19, a condition that all construction materials, equipment, and vehicles be stored on the private property unless a letter(s) approving the temporary use of shared roadway easement for that purpose signed by each neighbor with roadway easement rights is provided by the Town and the use is approved by the Building Official.

Other Agency/Department Comments/Conditions

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:

A copy of the building permit must be provided to the district along with the required High Pressure Water Service applications and fees, all indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with, any landscaping plans must be reviewed and approved by the District, backflow prevention requirements must be met, Ordinance 420, requiring installation of grey water recycling system when practicable, must be incorporated into the project building permit plans or an exemption letter from the District must be provided to the Town, all of the District's rules and regulations in effect at the time service is requested must be complied with.

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:

RVSD has a sewer easement in the area. All sewer lines and structures shall be designed and installed clear of the sewer easement, rainwater drainage may not enter any sewer system so there must be roof over the outdoor shower, all work on the sewer lateral(s) must be done under RVSD permit after payment of the required fees and be inspected by RVSD inspectors prior to backfill and must comply with District Codes including Ordinance 100 and obtain a certificate of compliance for lateral(s) prior to the final building permit inspection.

The staff received no comments from Ross Valley Fire or from Fairfax Police, Public Works or Building Departments.

RECOMMENDATION

Conduct the public hearing.

Move to approve application # 21-18 by adopting attached Resolution No. 2021-19 setting forth the findings and conditions for the project approval.

ATTACHMENTS

- A – Resolution No. 2021-19
- B – Owner's e-mail regarding room uses
- C – MMWD comments regarding pool
- D – RVSD comments regarding outdoor shower
- E – Shadow Creek vicinity map and elevation map for 20 and 24 Shadow Creek Court

RESOLUTION NO. 2021-19

A Resolution of the Fairfax Planning Commission Approving Application No. 21-18 for a Design Review Permit, Excavation Permit and Exception to the 3,500 Square-foot, Maximum Allowable House Size Limitation for a Residence at 24 Shadow Creek Court

WHEREAS, the Town of Fairfax has received an application from Charles Theobald to build a 148 square foot, dining room addition, new deck and covered trellis on the west side of the first floor of an existing 3,689 square foot single family residence including the construction of a pool and spa, an outdoor arbor covered living area, half bathroom addition to a proposed accessory dwelling unit, and outdoor shower: and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on August 19, 2021, at which time the Planning Commission determined that as amended the project complies with: Excavation Ordinance, the Design Review Criteria, and meets the criteria to warrant the granting of an exception to the 3,500 square-foot maximum house size limitation; 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 Excavation, Design Review and Maximum House Size exception; 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.

Excavation Permit

The Planning Commission finds that:

1. The health safety and welfare of the public will not be adversely affected by the proposed excavation as long as the conditions contained within this resolution are complied with.
2. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work.

3. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work as long as the conditions contained in this resolution are complied with.
4. 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.
5. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary.
6. Natural landscaping will not be removed by the project more than is necessary; and
7. Town Code § 17.072.090(c)(4) prohibits grading of hillside properties 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.

Design Review Permit

8. The design of the addition, pool and various accessory structures meet the Design Review Criteria contained with Town Code § 17.020.040 utilized to determine compliance with the Design Review Ordinance, including but not limited to:
9. The proposed development created a well composed design, harmoniously related to other residences in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
10. The proposed development is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
11. Sufficient variety has been incorporated into the design of the structures and grounds to avoid monotony in external appearance.
12. The size and design of the structures are in proportion to its building site, and they have balance and unity among their external features so as to present a harmonious appearance.
13. The proposed addition and accessory structures are similar to the general character of other residences in the Shadow Creek subdivision.

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

1. The project is approved per the plans submitted to the Town July 26, 2021, by Charles Theobald, pages A0.0, A0.1, A1.1, A1.2, A2.1, A2.2, A2.3, A3.1, A3.2, A3.3, and L-1 through L-3, with the lighting plan modified to be dark sky compliant if necessary, and the materials board (sheet MB).
2. The outdoor shower shall be relocated so it complies with minimum setbacks, and shall be covered.
3. Prior to issuance of any of the building permits 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:
 - i. Construction delivery routes approved by the Department of Public Works.
 - ii. Construction schedule (deliveries, worker hours, etc.)
 - iii. Notification to area residents
 - iv. Emergency access routes
 - b. The applicant shall prepare, and file with the Public Works Director, a video tape of the condition the Shadow Creek access road from its intersection with Sir Francis Drake boulevard to the project site and the video shall be submitted with the Building Permit application to document the condition of said road prior to the start of the work.
 - 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 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.
 - e. 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.
 - f. Submit 3 copies of the record of survey with the building permit plans.

- g. Prior to the removal of any trees from the site 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. 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.

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

- a. The project engineer shall be on-site during the grading process and both shall submit written certification to Town Staff that the grading has been completed as recommended prior to installation of foundation and/or retaining forms and drainage improvements, piers, and supply lines.
- b. 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.
- c. The Building Official shall field check the concrete forms prior to the pour.
- d. All construction materials, equipment and vehicles be stored on the private property unless a letter(s) approving the temporary use of shared roadway easement for that purpose signed by each neighbor with roadway easement rights is provided by the Town and the use is approved by the Building Official.
- e. 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.

5. Prior to issuance of an occupancy permit the following shall be completed:

- a. The project 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 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.
6. 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.
7. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping them, daily, if necessary.
8. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 21-18. 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 21-18 will result in the job being immediately stopped and red tagged.
9. Any damages to the public portions of Shadow Creek Court or other public roadway used to access the site resulting from construction-related activities shall be the responsibility of the property owner.
10. 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 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.

11. 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.
12. 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.

Ross Valley Fire Department

13. Project has been deemed a "substantial remodel" and as such requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. The system will require a permit from the Fire Department and the submittal of plans and specifications for a system submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
14. 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.
15. 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.
16. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.
17. 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.
18. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.

19. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.
20. All vegetation and construction materials are to be maintained away from the residence during construction.

Marin Municipal Water District (MMWD)

21. A copy of the building permit must be provided to the district along with the required applications and fees.
22. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
23. Any landscaping plans must be reviewed and approved by the District.
24. Backflow prevention requirements must be met.
25. Ordinance 420, requiring installation of grey water recycling system when practicable, must be incorporated into the project building permit plans or an exemption letter from the District must be provided to the Town.
26. All the District's rules and regulations in effect at the time service is requested must be complied with.

Ross Valley Sanitary District (RVSD)

27. The project will require a connection permit from the District.
28. The size of the sewer lateral will depend on the fixture count calculated during the permitting process.
29. If the lateral meets the size requirement of the fixture count, the applicant has the option of installing a new lateral or, the old sewer lateral must be tested in the presence of a District Inspector and found to meet all current District Requirements.
30. A detailed plan showing where the outdoor shower will be located to maintain the required 15-foot rear setback and how the shower will be covered to stop rainwater infiltration into the sewer system must be submitted with the project building permit application for review and approval by the planning staff and the Ross Valley Sanitary District prior to issuance of the project building permit.

Miscellaneous

31. All the exterior fixtures must be dark sky compliant (fully shielded and emit no light above the horizontal plane with no sag or drop lenses, side light panels or uplight panels) and the lighting plan shall be submitted with the building permit application and be approved by the Planning Department prior to issuance of the project building permit. The lighting shall not emit direct offsite illumination and shall be the minimum necessary for safety.

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

The approval of the Design Review Permit, Excavation Permit, and the exception to the 3,500 square-foot maximum house size regulations 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 19th day of August 2021 by the following vote:

AYES:
NOES:
ABSTAIN:

Chair Mimi Newton

Attest:

Ben Berto, Director of Planning and Building Services

Linda Neal

From: Chase Hallerberg <chase.tighe@gmail.com>
Sent: Tuesday, August 10, 2021 1:47 PM
To: Linda Neal
Subject: Re: 24 Shadow Creek

Hi Linda!

The existing formal dining and living area will remain just that, the "formal" areas for our family gatherings and weekend dinners.

The expanded/added area between the kitchen and living room will allow us to add the day to day eating area (informal dining area) for both of us and our newborn. The kitchen will open up a little bit allowing us to better manage cooking for us and our family as it grows. This space will serve as sort of a flex space for cooking, eating, relaxing and learning/stimulation for our Son Oliver. Both of us work from home full time and will continue to do so for the years to come, so this added space is a huge plus for doing all the things we need while one of us is working and vice versa. Let me know if I can expand further!

Thanks,
Chase

Sent from my iPhone

On Aug 10, 2021, at 11:52 AM, Linda Neal <lneal@townoffairfax.org> wrote:

Hi Chase,

Can you tell me what the existing dining room and living room will be used for once the new addition is built and that area becomes the living room and dining room?

Thanks,

Linda Neal
Principal Planner
(415) 453-1584

From: Chase Hallerberg <chase.tighe@gmail.com>
Sent: Friday, August 6, 2021 6:20 PM
To: Linda Neal <lneal@townoffairfax.org>
Subject: Re: 24 Shadow Creek

Hey Linda,

Nice meeting you today! I did a little digging and it looks like 16 Shadow creek ct, my neighbor to the east, has the largest house in the neighborhood at 4,056 sqft (at least according to Zillow and not including the garage space). Hopefully that helps!

Linda Neal

From: Nicole Momsen <nmomsen@marinwater.org>
Sent: Monday, August 2, 2021 2:29 PM
To: Linda Neal
Subject: RE: Small addition to a residence at 24 Shadow Creek Court in Fairfax including a large, over 900 s.f., in-ground swimming pool
Attachments: 2021-08-02 WA Ltr to Fairfax - 24 Shadow Creek Ct.pdf

Good afternoon Linda,

As of now we do not have any restrictions on the construction of new pools and we are allowing pool filling. To stay up to date with the ever changing water rules due to the drought please visit our website at www.marinwater.org/waterrules.

Please see the attached "Will Serve" letter for the address given above. Please feel free to reach out with any questions regarding this property.

Stay safe and healthy,

Nicole Momsen
Engineering Technician
Office: 415.945.1531
nmomsen@marinwater.org
220 Nellen Avenue, Corte Madera, CA 94925

-----Original Message-----

From: Linda Neal <lneal@townoffairfax.org>
Sent: Friday, July 30, 2021 8:07 AM
To: Nicole Momsen <nmomsen@marinwater.org>
Subject: FW: Small addition to a residence at 24 Shadow Creek Court in Fairfax including a large, over 900 s.f., in-ground swimming pool

Hi Nicole,

You may have sent a response on this project but I am unable to locate it in my e-mails. Can you check and send it again?

It will be heard soon by the Planning Commission.

I would also like to know what MMWD's position currently is on the construction of new pools during the drought. Can they built them but not fill them?

Thanks,

Linda Neal
Principal Planner
(415) 453-1584

ATTACHMENT C

-----Original Message-----

From: Linda Neal

Sent: Wednesday, May 26, 2021 12:24 PM

To: Nicole Momsen <nmomsen@marinwater.org>

Subject: FW: Small addition to a residence at 24 Shadow Creek Court in Fairfax including a large, over 900 s.f., in-ground swimming pool

Hi Nicole,

Just a heads up that this project seems like no big deal but it includes the construction of a very large swimming pool.

Linda Neal

Principal Planner

(415) 453-1584

-----Original Message-----

From: copier@townoffairfax.org <copier@townoffairfax.org>

Sent: Wednesday, May 26, 2021 12:14 PM

To: Linda Neal <lneal@townoffairfax.org>

Subject:



MARIN
WATER

VIA ELECTRONIC MAIL

Linda Neal
Fairfax Planning Dept.
142 Bolinas Rd
Fairfax CA 94930

August 2, 2021
Service No. 60406

RE: **WATER AVAILABILITY** – Single Family Residence w/ Accessory Dwelling Unit - Detached
Assessor's Parcel No.: 174-210-03
Location: 24 Shadow Creek Ct., Fairfax

Dear Ms. Neal:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a single family dwelling. The proposed construction of a new 909-square-foot pool and new 844-square-foot detached Accessory Dwelling Unit (ADU) will not impair the District's ability to continue service to this property. However, there has not been a water entitlement established for the new detached ADU. Payment of a connection fee is required prior to granting (legalizing) water service to the ADU and the installation of a separate meter for the ADU is required. You may qualify for a waiver to some of these requirements, please contact Engineering at 415-945-1530 for more information.

Please note that on April 20, 2021 the District's Board of Directors declared a water shortage emergency and adopted Ordinance 449 entitled "Comprehensive Drought Water Conservation and Enforcement Measures", which was amended on May 4, 2021 by Ordinance No. 450 and on July 6, 2021 by Ordinance No. 452 adding additional mandatory conservation measures. On July 20, 2021, Ordinance 453 was adopted which prohibits the use of potable water for the installation of any new landscapes, including fountains and ponds, until after termination of the Water Shortage Emergency. Additional water conservation measures are currently being considered and existing drought conditions may impact the District's ability to provide new water connections and larger water meters during this water shortage emergency. Consequently, while this letter sets forth the current connection requirements for this project, this letter shall not be considered a guarantee of future water service or serve as a limitation on any future water restriction(s) which may be adopted by the District, including but not limited to restrictions on new water service connections or additional conservation measures. Please visit Marinwater.org for developments that may impact new or expanded water service connections during this water shortage emergency.

Water service required for the detached Accessory Dwelling Unit will be available upon request and fulfillment of the requirements listed below.

- Complete a High Pressure Water Service Application.
- Submit a copy of the building permit.
- Pay appropriate fees and charges.
- Comply with the District's rules and regulations in effect at the time service is requested including the installation of a separate meter to serve the accessory dwelling unit.
- Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. This may include verification of specific indoor fixture efficiency compliance.
- If you are pursuing a landscaping project subject to review by your local planning department and/or subject to a city permit, please contact the district water conservation department at 415-945-1497 or email to plancheck@marinwater.org. More information about district water conservation requirements can be found online at www.marinwater.org

- Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
- Comply with Ordinance No. 429 requires the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

If you have any questions regarding this matter, please contact me at 415-945-1531.

Sincerely,

Nicole Momsen

Nicole Momsen
Engineering Technician

NM



From: Cristina Velazquez <cvelazquez@rvsd.org>

Sent: Thursday, May 27, 2021 1:04 PM

To: Linda Neal <lneal@townoffairfax.org>; plans <plans@rvsd.org>

Cc: Philip Benedetti <pbenedetti@rvsd.org>

Subject: FW: Small addition to a residence at 24 Shadow Creek Court in Fairfax including a large, over 900 s.f., in-ground swimming pool

Hi Linda,

Thank you for the submittal! Please see our comments for the project:

1. RVSD has a sewer main easement in the area (possibly on 28 Shadow Creek Ct). All sewer lines and structures shall be designed and installed well in the clear of the sewer easement.
2. RVSD will require a sewer plan submittal for the sewer connection of the new detached Accessory Dwelling Unit.
3. Rainwater drainage is prohibited to enter the sanitary sewer system. Please provide details for how the outdoor shower will be covered to prevent rainwater from entering the respective drains.
4. The project triggers our testing and lateral certification requirements. All work on the sewer lateral/s must be done under RVSD permit, after payment of applicable fees, inspected by RVSD Inspectors prior to backfill, and must comply with District Codes including Ordinance 100. The project applicant shall:
 - a. Pay applicable Capacity and Permit Fees,
 - b. Obtain a permit from Ross Valley Sanitary District,
 - c. Test the sanitary sewer lateral/s, from the outer face of the building to the connection at the existing sewer main, in accordance with RVSD Ordinance 100 and Standards,
 - d. Obtain a Certificate of Compliance for the lateral from RVSD.
5. All referenced standards, codes, details, etc. are readily available on our website at: <https://www.rvsd.org/170/Sewer-Installations-Extensions>.

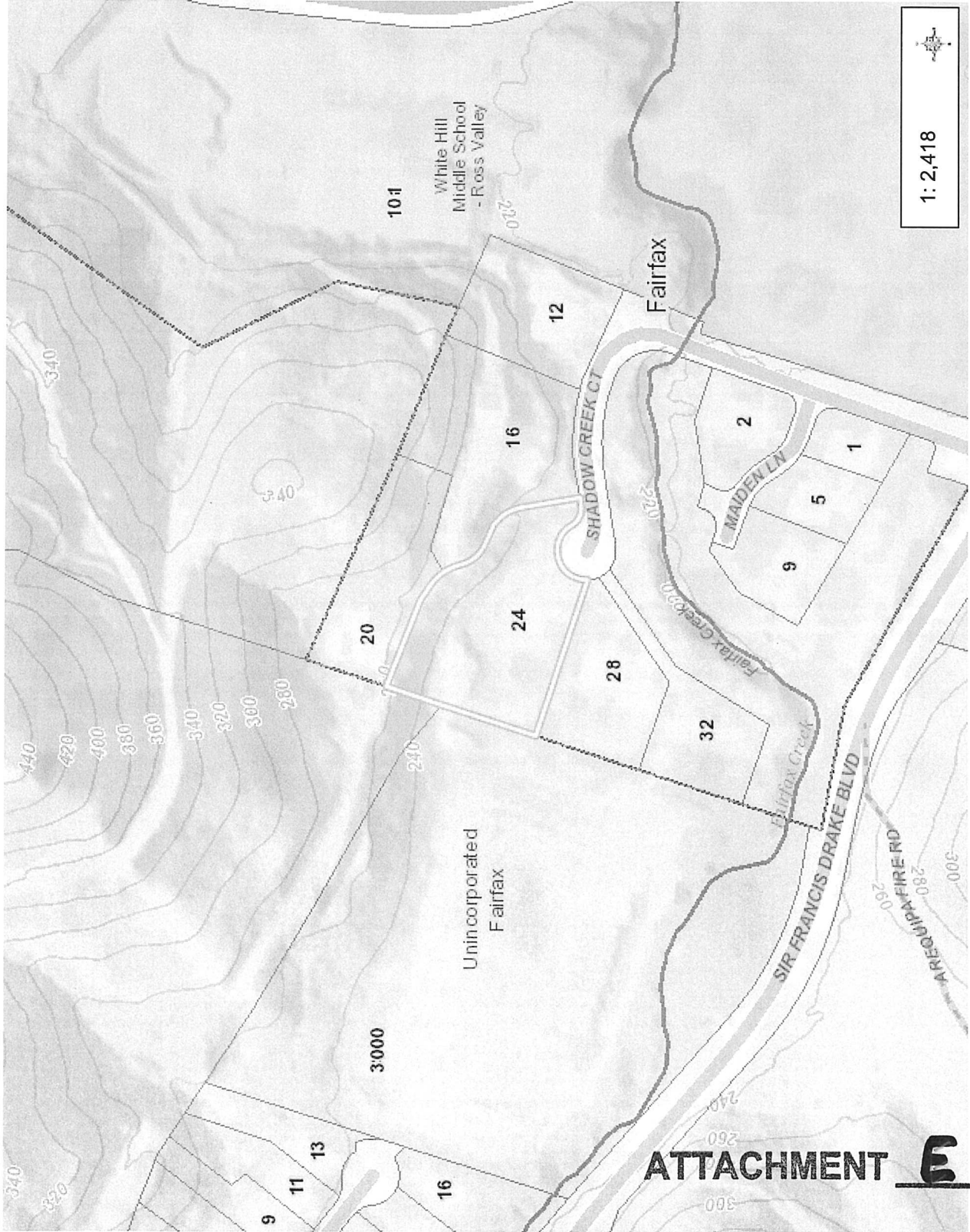
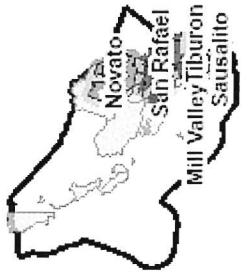
Please let me know if you have any questions.

Thank you!

Best,

Cristina Velazquez

-----Original Message-----



Legend

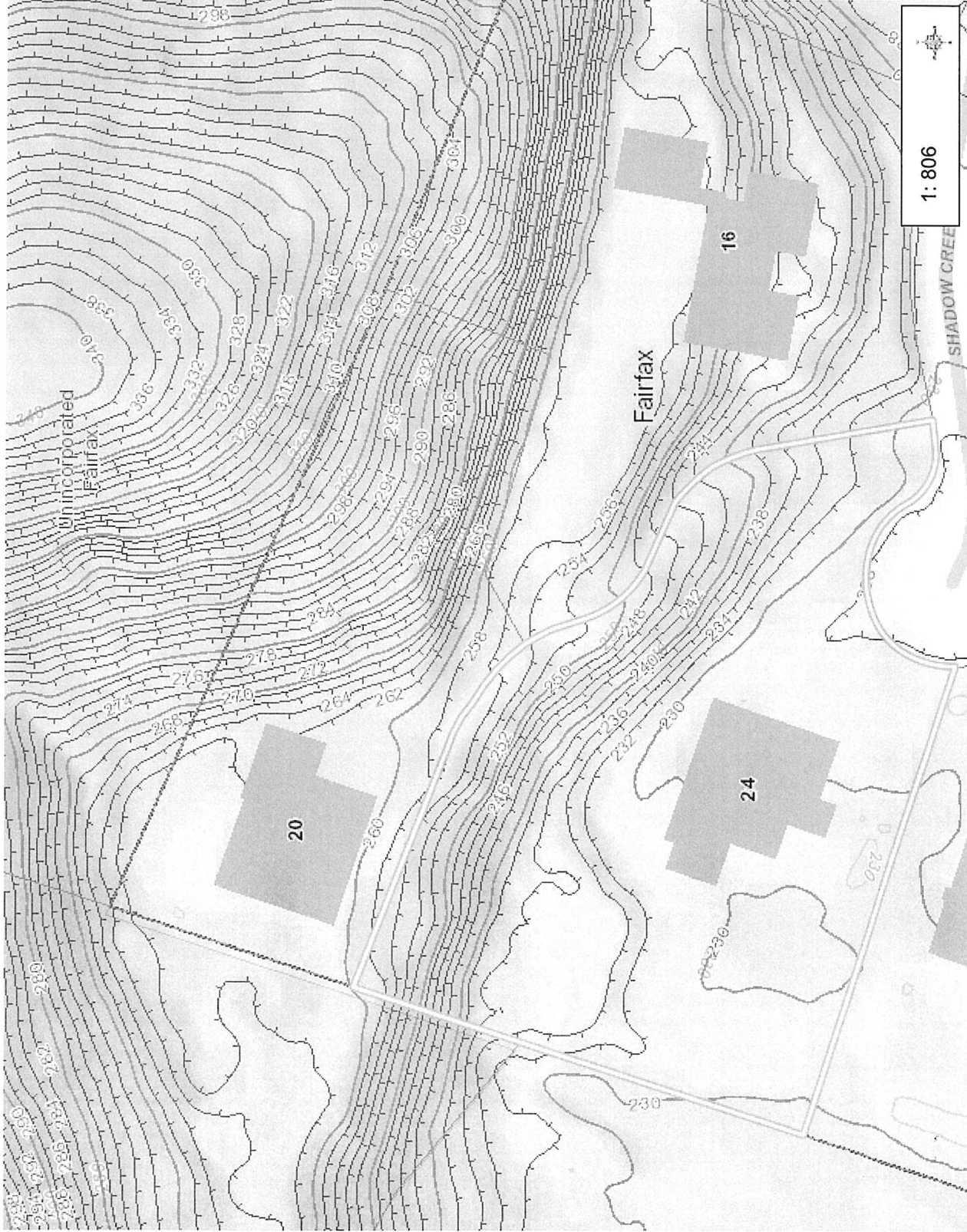
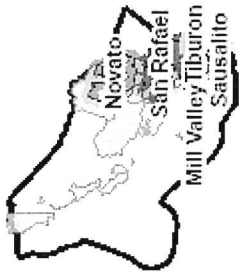
Parcel Note	Address	Parcel	Condominium Common Area	Mobile Home Pad	City	Community	Marin County Legal Boundary	Other Bay Area County	Stream - Perennial (NHD)
easement	centerline								

Notes

1:2,418



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 806

134.3 Feet

67.16

0

134.3

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Parcel Note
 - easement
 - centerline
- Address
- Building Footprint
- Parcel
- Condominium Common Area
- Mobile Home Pad
- City
- Community
- Marin County Legal Boundary
- Other Bay Area County
- 2-foot Elevation NAVD88
- Interior
- Index
- Stream - Perennial (NHD)

Notes