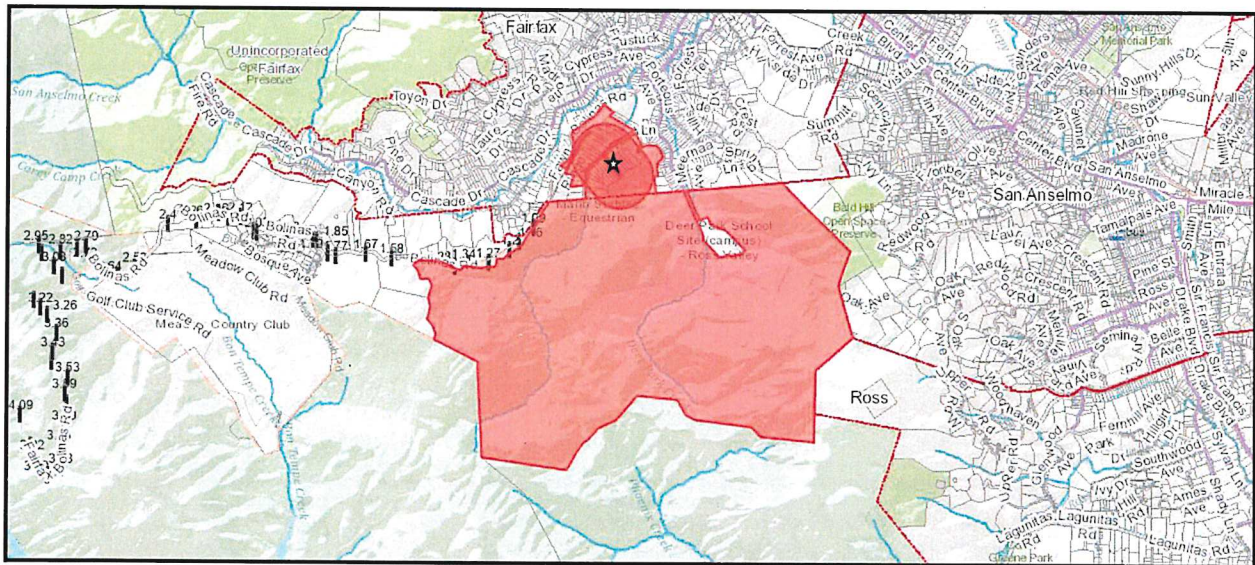


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: August 19, 2021
FROM: Linda Neal, Principal Planner
LOCATION: 79 Wood Lane; APN # 002-062-03
ZONING: Residential Single-family RS 6
PROJECT: New residence, accessory dwelling unit, garage
ACTION: Hill Area Residential Development, Excavation and Design Review Permits and a Combined Side-yard Setback; Application # 21-17
APPLICANT: Laura Kehrlein, applicant/architect
OWNER: Jacob Friedman
CEQA STATUS: Categorically exempt, § 15303(a) and (e).



79 WOOD LANE

DESCRIPTION

The project is proposing to demolish a dilapidated, 749 square-foot, one bedroom, one-bathroom, single-family residence and shed built in 1912, and construct a 2,348 square-foot, two-story structure with a partially below-ground basement. 1,663 square-foot of the structure will be a three bedroom, two and a half bathroom single-family residence while the remainder will be a 684 square-foot, one bedroom, second story accessory dwelling unit. The project includes a 450 square-foot, one car detached garage.

BACKGROUND

The 22,150 square-foot site is level for the first 92 ft. from the street, and then slopes up at an average rate of 42% for the remaining approximately 330 ft.

Roughly the front 11 feet of the site is in Flood Zone X, an area that has a 2% chance of annual flood to a depth of 2 feet (i.e., 50-year flood zone). The house itself is located out of the flood zone and Flood Zone X is not a zone that requires flood insurance. The Building Official has advised staff that the Wood Lane Area does not flood unless the creek that runs east-west through the neighborhood until it joins the San Anselmo Creek is blocked by debris. Portions of the creek have been undergrounded.

DISCUSSION

The 1,340 square-foot, first story (main living level) contains the master bedroom and bathroom, kitchen, dining and living rooms, and a laundry room while the 595 square-foot second story contains with two bedrooms and one bathroom, plus a 704 square-foot, one-bedroom ADU located at the back of the second story. The ADU is not subject to approval by the Planning Commission because it complies with the ADU regulations contained in Town Code Chapter 17.048, which in turn reflect State law. The town ADU Ordinance requires the Town to process conforming ADU's ministerially and does not require a public hearing process. The ADU has its entrance at the rear adjacent to the garage and will not be visible from the street.

The 289 square-foot, first level of the proposed house is partially below grade and labeled as basement. The basement only meets the Town Code definition of a basement because the project includes filling the area around the house. If the height of the walls before the fill were measured, it appears they would reach up to 4 feet in height above the natural grade. The proposed fill results in the first level of the structure having walls extending only two to three feet above finished adjacent grade.

Town Code § 17.008.020, Definitions, defines a basement as "An area below the first floor with an exterior wall extending no more than three feet above the adjacent grade of any side wall. An interior area of any single-family dwelling or duplex that meets this definition shall not be considered floor area". The walls of this basement will extend four feet above grade prior to the planned filling of the site, but appears to be filled so that when the project is finished the walls will only project up to 3 feet above grade (See page A3.1 and A3.2 of the plan sets, east and west elevations). Thus filling the site results in the "basement" not being counted as a story.

Below grade interior floor area is only defined as a story as follows:

"The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement if subdivided and used for dwelling purposes.'

The lowest level must be called a basement and cannot be counted as a story because the design does not include subdivision of the area and the site is going to be filled so that the walls do not extend more than two to three feet above the filled grade.

Either way the Town Code allows structures with an average slope over 10% to reach 28.5 feet in height and have three stories.

The project complies with the regulations set forth in the RS 6 Zone District as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Coverage	Height
Required/ Permitted	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	28 ½ ft., 3 stories
Existing	27 ft.	325 ft.	352 ft.	0 ft. & 21 ft	21 ft.	.03	.03	1 story, height
Proposed	20 ft.	335 ft.	355 ft.	5 ft. & 5 ft.	10 ft.	.11	.09	28 ft., 2 stories

The proposed development complies with all the regulations except the combined side yard setback requirement of 20 feet. The applicants have applied for a combined side yard setback variance as part of this application.

The project requires the approval of the following discretionary permits by the Planning Commission:

Hill Area Residential Development (HRD) Permit

The site is located within an "Areas Susceptible to Landslides " hazard zone as shown on the General Plan Safety Element Figure S-3 and the project will require the excavation and fill of 157 cubic yards of material. Therefore, the project is subject to the Hill Area Residential Development permit process in accordance with Town Code §§ 17.072.020(A)(4) and 17.072.020(B).

In reviewing a Hill Area Residential Development permit the Commission shall address the following issues:

1. The visual impact of the structure on view corridors found to be significant, the size scale, siting and design of the proposed structure, the materials and colors of the structure and the landscaping [Town Code § 17.072.060(B)(1) through (4)].
2. Grading and its impacts on identified geologic hazards, vegetation removal and proposed landscaping, impacts on existing ecosystems, parking, fire safety, design compliance with the Design Review Ordinance criteria, and impacts of the development on circulation [Town Code sections 17.072.090(A) through (G)].

To approve a Hill Area Residential Development, permit the Commission must be able to make findings that the project:

1. The proposed development is consistent with the general plan, other adopted codes, and policies of the Town, and is consistent with the purpose and intent of the HRD title.
2. The site planning preserves identified natural features.

3. Based on the soils report finding, the site can be developed without geologic, hydrologic, or seismic hazards.
4. Vehicular access and parking are adequate.
5. The proposed development harmonizes with the surrounding residential development, meets the design review criteria, and does not result in the deterioration of significant view corridors.

The project geotechnical engineer identified that an approximately ten-foot cut has been made into the bank at the rear of the existing structure, which has a 1.5: 1 slope that is retained with a small wall that is only a few feet in height. Above the wall is an area of slumping soil and a swale indicative of a historic slide, with debris flows possibly extending onto the neighboring property to the southwest, where there are signs of instability above the proposed house site (Attachment C – Project Geotechnical Engineering report dated July 29, 2016, page four, paragraph two, and plate 1).

The project engineer has recommended that a debris wall be installed on the hillside behind the house. The preliminary civil engineering drawings include a debris fence approximately 22 feet southeast of the garage and the design also includes construction of a new retaining wall that will reach up to seven and a half feet in height approximately four feet southeast of the garage.

The geotechnical report also recommends walls be provided with adequate back drainage and drainage coming from the hillside above the site be intercepted by swales and directed away from the residential improvements (Attachment C - July 29, 2016, project geotechnical engineering report, page 6, paragraphs 4, 5 and 6). The swale and recommended drainage improvements include a subdrain that runs the length of the rear retaining wall and directs water from the hillside above it to a drainage inlet that runs through the wall and into a 24-inch retention system at the southeast corner of the level portion of the rear yard. After the retention system the water flows through a sloped underground drainage pipe to the front of the site, underneath the undeveloped portion of the right-of-way, and into the street gutter. Although not shown on the preliminary plan, water from the roof is recommended to be collected from the house and garage roofs and deposited in downspouts, then collected in closed conduits and discharged at an approved erosion resistant outlet well away from the improvements.

The 7/29/16 geotechnical report cites the fact that the level portion of the site is blanketed with fill, colluvium (slope wash), alluvium and bedrock with the fill, colluvium and upper portions of the alluvial deposits being of low expansion potential and are relatively weak and compressible though they do become denser and less compressible with increasing depth (Attachment C – 7/29/16 geotechnical report, page three, paragraph one). The recommendation in this report is that the structures be supported by helical piers or drilled, cast in place reinforced concrete piers which extend through the weak deposits and into underlying bedrock or approved firm alluvium (Attachment C – 7/29/16 geotechnical report, page five, paragraph five).

A subsequent 5/18/21 report from the project geotechnical engineer reiterated that

localized discontinuous layers of cleaner sands may be present within the deeper alluvium on the site, subject to localized liquefaction, and that a few inches of liquefaction settlement should be anticipated. This report *again* recommends that the structure foundations be drilled, cast in place, reinforced concrete piers or helical piers but it also includes recommendations for how to construct a mat foundation system based on the owner deciding to accept the risk of future maintenance and/or repairs associated with the differential movement of a shallow mat foundation system (Attachment C – 5/18/21 geotechnical report, page one, last paragraph).

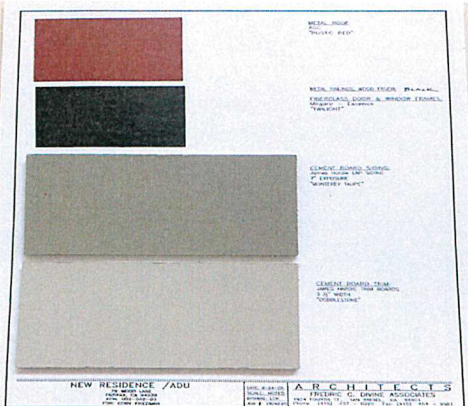
Staff research on the other new residential structure on the same of the street at 39 Wood Lane revealed that it utilized a mat foundation and has a similar soil make-up at the level front portion as the project site. That site was not raised in elevation by filling the site and was built above natural grade, unlike this proposed project utilizing a mat foundation and proposed raising of the site elevation approximately one to two feet.

To stop the filled grade from sending drainage towards the neighboring residence at 85 Wood Lane, the western side property line is proposed to be retained with a two-foot-tall retaining wall.

The Town Engineer has reviewed the project plans dated received 7/1/21 and the geotechnical reports dated 7/29/16 and 5/18/21 and has determined that the site can be developed as designed without creating geologic, hydrolic or seismic hazards for residents of the site, neighboring properties, and public street improvements, that cannot be addressed through the design of the site improvements at the building permit stage (Attachment D).

Design Review Permit

The design of the two-story house with a subgrade basement attempts to reduce the apparent mass of the structure by incorporating two front porches, centering the peak of the roof in the middle of the building footprint, placing the first level of the building partially below grade and filling the area around the residence. The front will also be articulated using mullioned windows of various shapes and sizes as will the sides and rear of the structure. The garage siding and roof materials and colors will match the house although the windows in the side and rear will be double hung style. The front and rear doors of the house and the garage doors will be in a reddish color that will complement the reddish-brown roof



Town Code § 17.080.080(A) limits structures on upsloping lots with an average slope greater than 10% to three stories in height and a maximum of 28.5 feet. Town Code § 17.008.020 d, Definitions – Height of Building, defines the height of a building to be "the vertical distance measured from a point on the natural grade to the highest point of the structure directly above. At no point shall the height of the building exceed the allowable height above natural grade".

The design results in most of the house being one foot in height below the permitted 28½ feet above natural grade (prior to site fill), although there is one area in the center front of the structure that will reach 28 feet in height, only ½ foot below the maximum 28 ½ feet (above existing natural grade) in height allowed by code.

The sides and rear of the structure will be articulated with horizontal siding, cement board, lap siding in a medium grey/taupe color (Monterey Taupe), the cement board trim will be a lighter gray/tan (Cobblestone), the metal ribbed roof will be a reddish-brown color (Colonial Red), the fascia and gutters will be black as will the fiberglass metal framed windows.

The house is set back 20 feet from the front property line and the garage is to the rear of the house, 62 feet from the front property line.

The distance the house maintains from the street in addition to the significant articulation of the front of the building with the two porches and the two-bedroom bay windows that have been incorporated into the front wall of the upper bedrooms help reduce the mass and height of the two-story structure. The sloped roof design results in the building facades facing the two one story houses to the east and the west being 20½ feet to 26½ feet in height above filled grade, two feet below the maximum 28½-foot height limit.

Staff believes the 26½ foot height of the structure above the proposed filled site (28 feet above the existing grade) is still too tall in relation to the two one story houses on either side of it, and there are design options to lower the height of the house.

Staff also notes that the story pole elevational survey shows that the story poles erected in the field are 26½ feet above existing grade, and not the houses proposed 26½ foot height above filled grade. Thus the poles are 1 to 2 feet lower than they should be (see Attachment E – story pole plan and height certification).

A survey of plans of other Wood Lane two-story structures has revealed that most of them do not exceed 23 to 24 feet in height, with only one of the structures with plans found in the Town plan retention files reaching 27 feet in height at its roof peak (see table below).

Heights of other two-story residences in the Wood Lane neighborhood	
15 Wood Lane	22 feet at peak
29 Wood Lane	21 feet at peak
60 Wood Lane	22 feet at peak
64 Wood Lane	23 feet at peak
88 Wood Lane	27 feet at peak
104 Wood Lane	24 feet at peak

The property to the west of the site at 75 Wood Lane recently built an ADU at the front, southwest corner including rooftop solar panels. A review of the shade studies provided by the applicant reveals that in the winter during the afternoon, the proposed new residence will shade the ADU and solar panels at 75 Wood Lane.

There are several options for reducing the height of the structure. Removing the basement or lowering the ceiling heights in the basement and the structure, not filling the site and/or utilizing the recommended drilled pier and grade beam foundation system or helical piers originally recommended by the project geotechnical engineer, could reduce the overall height of the building, decrease excavation and fill amounts, further minimize the structure mass, and decrease the shadow it would cast during the winter for both the neighboring residences at 75 and 85 Wood Lane.

Residences with the Wood Lane neighborhood on neighboring and similar sized and sloped sites range in size from 632 square feet to 2,966 square feet and maintain floor area ratios (FAR's) from .03 to .27 as follows:

79 WOOD LANE – COMPARABLE HOUSE/SITE SQUARE FOOTAGES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
002-052-02	60 Wood Ln.	20,280	1,616	2	2.5	220	.08
002-052-05	76 Wood Ln.	21,540	1,160	3	1	0	.05
002-052-06	82 Wood Ln.	10,862	2,966	5	3	0	.27
002-062-01	69 Wood Ln.	21,290	887	2	1	0	.04
002-062-04	85 Wood Ln.	22,350	1,102	3	3	200	.05
002-062-05	89 Wood Ln.	21,750	1,679	3	3	320	.08
002-062-06	93 Wood Ln.	21,300	1,408	3	2.5	496	.07
002-062-14	99 Wood Ln.	19,176	634	1	1	0	.03
NEIGHBORING HOUSE SIZES							
002-052-04	72 Wood Ln.	44,768	2,743	4	2	0	.06
002-052-12	50 Wood Ln.	38,640	1,223	3	2	0	.03
002-061-07	114 Wood Ln.	13,400	1,273	3	2	0	.10
002-061-24	102 Wood Ln.	1,1408	986	2	1	0	.09
002-061-26	92 Wood Ln.	11,050	1,805	2	2	260	.16
002-061-27	104 Wood Ln.	8,364	1,558	3	2.5	253	.20
002-062-02	75 Wood Ln.	44,036	1,603	3	1.5	208	.04
002-062-08	105 Wood Ln.	20,500	1,307	3	1	200	.06
002-062-15	95 Wood Ln.	10,000	1,600	4	2	784	.16
002-062-19	111 Wood Ln.	17,710	2,016	2	1.5	0	.11
PROJECT SITE							
002-062-03	79 Wood Ln.	22,150	1,935	3	2.5	450	.09

The .09 FAR that will be maintained by 79 Wood Lane is in keeping with the FAR's found throughout the Wood Lane neighborhood.

Minimal lighting is proposed for the structure with two lights proposed on the garage with one facing north and the other east, one light at the rear of the house to light the rear stairs that lead into the back yard and three lights proposed underneath the enclosed porch at the front of the structure. The 3 lights proposed for the garage and back door of the house will be dark sky compliance John Timberland "Wesley" , 3,000 K, LED lights, the two light fixtures under the enclosed porch roof on either side of the

entry stairs will be Elco, 3000k LED lights, and the third light under the porch roof will be a John Timberland 2700K LED hanging light (see lighting plan page A2.3 attached to front of plan sets). While this light is not called out as dark sky compliant it will hang at the center of porch, which will help minimize light spillage beyond the porch and front entry stair area.

Excavation Permit and Retaining Wall Height Variance

The project requires the excavation of 132 cubic yards of material, and 25 cubic yards of fill, resulting in 107 cubic yards of off-haul from the site.

Town Code § 12.20.080 requires that an excavation permit be obtained from the Planning Commission for any project requiring the movement of over 100 cubic yards of material. Therefore, the project requires the approval of an excavation permit subject to the Commission being able to make required findings.

Stabilizing the cut bank at the rear of the site will require a retaining wall that varies in height from two feet to approximately seven and a half feet at the westernmost end. The tallest part of the wall will be mostly screened from view from the street by the garage. The height is the minimum necessary to retain the already cut bank at the rear of the property. The native trees and shrubs that may have originally existed on the site have already been replaced by previous owners of the site. The rest of the excavation and fill on the site is necessary to install the drainage system and construct the residence. Town code prohibits excavation during the rainy season to minimize excessive siltation from storm runoff and prolonged exposure of unstable excavated slopes.

Eliminating the filling of the lot would decrease the fill amounts for the project as would eliminating the basement. Building the house without raising the site grade would decrease the height above natural grade while also decreasing the project excavation/fill amounts.

Staff is unable to make the following required findings to recommend approval of the project with the current design:

1. The amount of the excavation or fill proposed is not more than is required to allow the property owner substantial use of his or her property.
2. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary.

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.

Combined Side-yard Setback Variance

Town Code § 17.076.070(B)(2) requires that structures on sites with over a 15% slope in the Residential Single-family RS 6 Zone district, such as 79 Wood Lane, maintain minimum side yard setbacks of five feet and a combined side yard setback of 20 feet.

The site is only 50 feet wide, and it rises steeply at the rear roughly 92 south of the front property line. Placing a detached garage at the front of the site would alter the street view of the residence. While the garage could have been incorporated into the house design as part of a ground floor story, the design with the garage along the side-rear of the property is similar to development found throughout the Wood Lane neighborhood. The house will maintain a combined side yard setback of 20 feet and the garage maintains a combined side yard setback of 20 feet. However together the two structures will only maintain a combined side yard setback of ten feet. The design equally distributes the impact of the development on the neighboring residences by locating the two-story residence five feet from the eastern side property line where the adjacent residence is set approximately 27 feet away, and locating the one-story garage five feet from western side property line where the nearby residence is only a few feet from the side property line. Relocating the garage further away from the west side property line places the garage within the only private outdoor space to the rear of the residence.

Staff believes that the required legal findings to support the requested combined side yard setback variance could be made and be incorporated into the findings of a future Resolution recommending approval of a redesigned project on this site.

Other Agency/Department Comments/Conditions

Ross Valley Fire Department (RVFD)

RVFD submitted written requirements which if the project is approved will be incorporated into conditions of approval in the attached resolution and are summarized as follows:

All vegetation and construction materials are to be maintained away from the residence during construction, a fire sprinkler system must be installed throughout the entire building which complies with the National Fire Protection Association (NFPA) 13-R and local standards, smoke and carbon monoxide detectors provided with AC power and interconnected must be installed in all required locations throughout the building, address numbers at least four inches tall must be installed adjacent to the front door and at the bottom of the driveway where visible from Spring Lane and both must be illuminated at night.

Vegetation Management Plan conditions: all vegetation within the 30-foot zone shall be irrigated, no tree shall be removed without the approval of a tree removal permit, erosion control methods shall be maintained that are in compliance with the Town Regulations, vegetation shall be maintained to ensure address numbers are visible from the street and these requirements shall be met prior to the final fire clearance of the project.

Marin Municipal Water District (MMWD)

MMWD submitted written requirements which if the project is approved will be 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 applications and fees, the foundation must be completed within 120 days of the date of application, 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 if the project is approved will be incorporated into conditions of approval in the attached resolution and are summarized as follows:

The project will require a sewer permit and inspection from the District, the size of the sewer lateral will depend on the fixture count calculated during the permitting process and a Certificate of Compliance for the lateral must be obtained from RVSD prior to the project final inspection.

Fairfax Public Works (FPW)

The sidewalk along the property frontage shall be improved to the satisfaction of, and subject to the approval of, the Fairfax Public Works Director and Building Official.

Fairfax Police and Building Departments

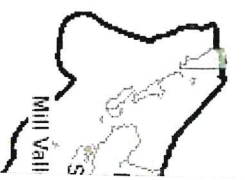
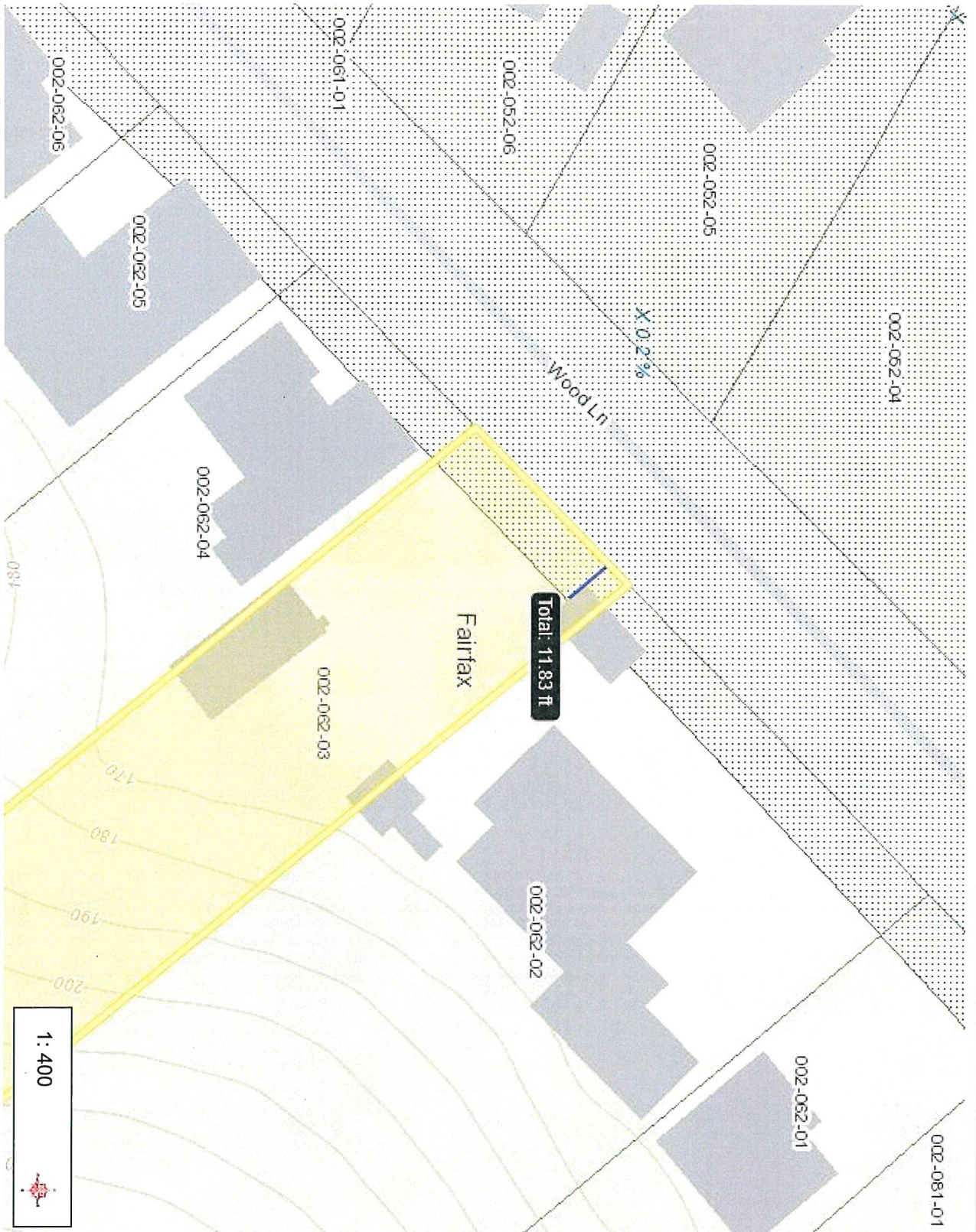
Staff received no comments or conditions from the Police or Building Departments.

RECOMMENDATION

Move to continue application # 20-17 to a date uncertain and direct the applicant to submit revised plans amending the project to reduce the height of the structure as much as possible. Revised grading plans, house elevations and a site plan showing existing and proposed grades, revised shade studies, a revised excavation/fill table, and revised grading/drainage plan(s) should be provided. A detailed explanation should also be provided for why the revised plans represent the maximum reasonable height reduction.

ATTACHMENTS

- A – Resolution No. 202118
- B – Flood Zone Map
- C – 5/18/21, 2/26/18 and 7/29/16 geotechnical reports
- D – Town Engineer report dated 5/25/21
- E – Story pole plan and height certification
- F – Tree Committee 4/28/21 letter of action
- G – Neighbor letters regarding the project
- H – Green Building Checklist



ATTACHMENT B

Legend

- Building Footpr
- Condominium
- City
- Community
- Marin County Legal Boundary
- Other Bay Area County
- MMWD Easement
- Base Flood Elev, August 2017
- Flood Hazard Zone, August 20
- A
- AE
- AE FLOODWAY
- AH
- AO
- D
- V
- VE
- X
- X
- X
- X

Letter of Map Change: Valid O

- LOMC Approved
- LOMC Denied
- Address
- Parcel Secured
- Stream - Perennial (NHD)
- Area (NHD)
- Canal/Ditch

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66.7 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

