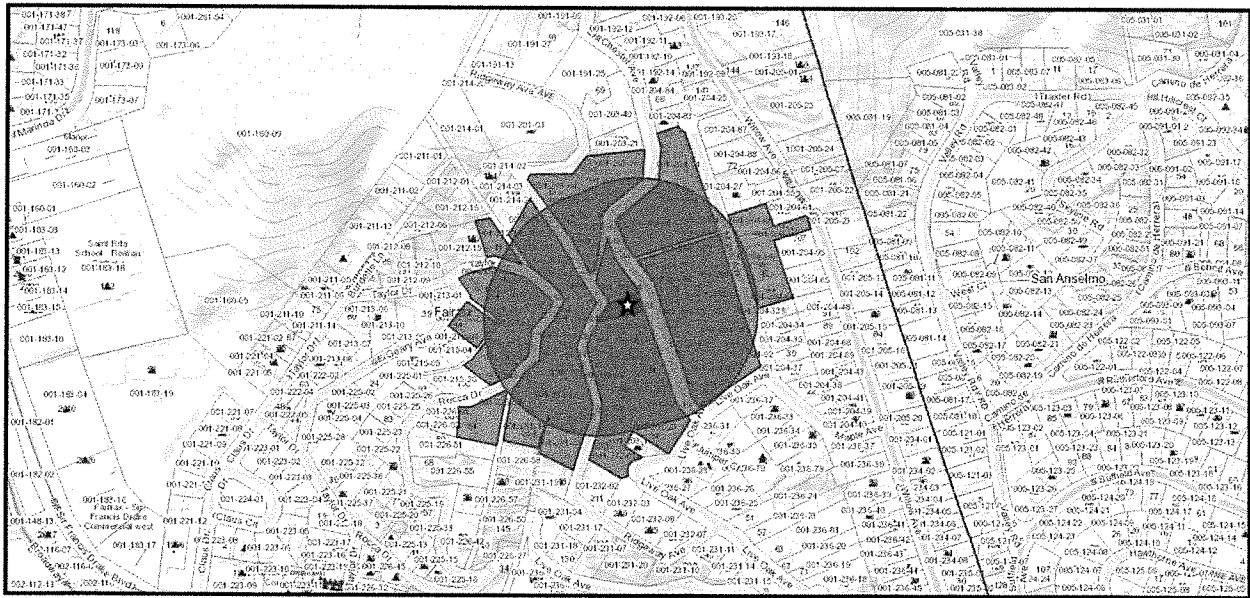


**TOWN OF FAIRFAX  
STAFF REPORT**  
Department of Planning and Building Services

**TO:** Fairfax Planning Commission  
**DATE:** September 16, 2021  
**FROM:** Linda Neal, Principal Planner  
**LOCATION:** 169 Ridgeway Avenue; APN # 001-280-01  
**PROJECT:** Modification of a previously approved project for a single-family residence  
**ACTION:** Modification of Hill Area Residential Development, Ridgeline Development and Design Review permits; Application # 20-13  
**APPLICANT:** Dylan Riley  
**OWNER:** Susan and Dylan Riley  
**CEQA STATUS:** Categorically Exempt, §§ 15303(a) and 15332



**169 RIDGEWAY AVENUE**

**DESCRIPTION**

The proposed project is for amendments to a new residence approved by the Planning Commission in December 2018. The original project consisted of the following: a) construction of a three story, 27 foot tall, three-bedroom, two bathroom, 1,549 square-foot residential structure with a 518 sq. ft. first floor, 866 sq. ft. second floor and 62 sq. ft. 3<sup>rd</sup> (entry) floor with an attached 266 square-foot, one car garage; b) a 1,376 square foot deck is proposed off the main living level along the south and east side of the

structure; and, c) a 109 square foot entry deck along the south side of the one car garage, leading to the front entry door.

The total proposed project grading consists of 42 cubic yards of cut and 28 cubic yards of fill, for a net off-haul of 14 cubic yards.

The proposed modifications to the originally approved project are minor but require the approval of the Planning Commission, and consist of the following:

The number of windows and their spacing has increased in the north and south elevations of the stairway tower. The total window area has not changed. Two new doors are proposed on the south side to provide access into the study and the relocated mechanical room.

The floor plan of the first level of the residence has been modified with the laundry room decreased in size and the storage room and the mechanical room combined into a larger study while the mechanical room has been shifted to the south, the southern wall in the area of the mechanical room has been moved one and one half feet closer to the south side property line (maintaining a minimum side setback of 12 feet and a combined of 22 in compliance with code) and the mechanical room is now located beneath the master bedroom.

The relocation will increase the excavation amount for the project from 38 cubic yards, by roughly 4 cubic yards. The increased excavation amount will bring the total excavation amount to approximately 42 cubic yards which, when added to the fill amount of 28 cubic yards which is unchanged, results in a total excavation/fill amount of 70 cubic yards, with an off haul of 14 cubic yards. Excavation/fill amounts less than 100 cubic yards do not require an excavation permit from the Planning Commission per Town Code § 12.20.080.

The modifications are shown on pages five and six of the current submittal plan set (dated received on 7/21/21 and the corresponding originally approved floor plan and elevations, pages three and four of the approved set, can be viewed as Attachment D).

The residence, with the house shifted to the center of the site, complies with the regulations set forth in the Residential RD 5.5.-7 Zone District as follows:

	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Combined Front/rear Setback</b>	<b>Side Setbacks</b>	<b>Combined Side Setbacks</b>	<b>FAR</b>	<b>Lot Coverage</b>	<b>Height</b>
<b>Required/ Permitted</b>	<b>6 ft.</b>	<b>12 ft.</b>	<b>35 ft.</b>	<b>5 ft. &amp; 5 ft.</b>	<b>20 ft.</b>	<b>.40</b>	<b>.35</b>	<b>35 ft., 3 stories</b>
<b>Proposed</b>	<b>6 ft.</b>	<b>63 ft.</b>	<b>69 ft.</b>	<b>10 ft. &amp; 10 ft.</b>	<b>20 ft.</b>	<b>.34</b>	<b>.28</b>	<b>27 ft., 3 stories</b>

## BACKGROUND

The project was approved by the Planning Commission on December 18, 2020, when they adopted Resolution No 2020-11 setting forth the findings and the conditions for the project approval (Attachment B – Resolution No. 2020-11).

After taking public testimony on the project at both the November 19, 2020, and again on December 18, 2020, the Commission approved the project subject to the standard conditions of approval for a new residence and including the following additional conditions specific to this project:

1. All large trucks with more than 2 axles accessing the site for construction will be limited to the hours of 9 AM to 3 PM.
2. All driveway improvements shall be completed and be signed off by the Building Official and Public Works Manager before construction begins on the house.
3. Complete road closures will be limited to concrete pours and steel placement and will be coordinated with the Fairfax Police Department and Ross Valley Fire Department.
4. A detailed construction management plan must be submitted with the building permit application that includes construction delivery routes, construction schedule (deliveries, worker hours, etc.), notification to area residents, emergency access and egress routes and proposed employee parking locations during construction and be approved by the Department of Public Works.
5. A bond will be submitted prior to issuance of the building permit in an amount that will cover the cost of grading, weatherization, and repair of possible roadway damage in an amount equaling 100% of the estimated construction costs and pay for the Town Engineer's/Plan Checker's time to review and confirm the contractor's estimate.
6. The Town Engineer shall review the final, stamped, and signed project Civil and Structural plans and the project Geotechnical Engineer should provide a letter certifying that the intent of his recommendations, including those in the most recent July 22, 2020, letter, have been substantially incorporated into the project, prior to issuance of the building permit.
7. All 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 upright 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.

8. The surveyor shall mark the location of all the property lines in the field prior to the start of construction.
9. A drainage system maintenance agreement including a system location plan and required maintenance schedule shall be approved by the Town Engineer and then be recorded at the Marin County Recorder's Office setting forth the required maintenance schedule to ensure the drainage system continues to function as designed. A copy shall be provided to the Town prior to issuance of the building permit.
10. An arborist report that includes tree protection during construction measures shall be submitted with the building permit application for approval by the Planning Director and the measures are conditions of approval for this project and must be in place, inspected and approved by the arborist with verification in writing to the Town, prior to the start of construction.
11. All utilities and cables shall be undergrounded in accordance with Town Code §17.060.050(B)(8)(a).

## **DISCUSSION**

### **Proposed Modifications**

The proposed modifications require the approval of the Planning Commission because of condition # 13 contained in the resolution approving the specific project plans as follows:

- Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 20-13. Modifications that do not significantly change the project, the project design of 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 20-13 will result in the job being immediately stopped and red tagged.

Changes typically approved by the Planning Director include color changes that are still in same color family as the color palette approved by the Commission, minor window location/size changes, landscaping plan changes, minor floor plan revisions such as switching appliance/fixture locations within an approved kitchen or bathroom that do not change the room square footage, location, or wall configuration.

This was a controversial project due to numerous factors including the location of the house on the site and the impact of that location on a neighbor's new solar array, the

location of the structure in the Ridgeline Scenic Corridor, the orientation of the house and its exterior decks in relation to the duplex to the east of the site, and the height the house projected above the elevation of the developed Ridgeway Avenue public Road on the south side of the site and its potential to block views from the houses south of the project, across Ridgeway Avenue (see Attachment C – minutes from the 11/19/20 and 12/17/20 Commission meetings).

The Commission approved the project once the design was revised to shift the house to the center of the site and to lower the height of the tallest part of the structure which was a stairway “tower” housing the interior three story stairway that accesses all three levels of the house as the design steps down the hillside from the garage and entry to the lowest level where two of the three bedrooms, one ½ bathrooms the laundry room and the mechanical room are located.

None of the proposed changes affect the mass of the building or significantly modify its design in a manner that would impact views of the house which is located within the Ridgeline Scenic Corridor. Therefore, the original Ridgeline Scenic Corridor findings for approval of the project are still valid.

The minor exterior changes also do not significantly impact or modify the overall architectural character or design style of the structure, so staff has determined the revised project still complies with the Design Review Criteria set forth in Town Code § 17.020.040.

The proposed modifications do not require the approval of any outside agency/department.

The proposed design changes do not change the ability of staff to support the project based on the original findings for the project approval. Therefore, we have amended the original Resolution No. 2020-11 to reflect the revised plan and we continue to support the project.

Staff has modified the dark sky lighting compliance condition in this amended resolution to reflect the recent changes the Commission has made to the standard condition.

The modifications do not result in the removal of any additional trees, so the original tree permit approval remains in effect and does not require modification.

## **RECOMMENDATION**

Move to approve the requested modification to application # 20-13 by adopting amended Resolution No. 2020-11 reflecting the revised plan set received by the Town of Fairfax date and reaffirming the original findings and conditions for the revised project approval and approval of the Hill Area Residential Development, Design Review and Ridgeline Development permits.

## **ATTACHMENTS**

Attachment A – Amended Resolution No. 2020-11

Attachment B – Original Resolution No. 2020-11

Attachment C – minutes from the 11/19/20 and 12/17/20 Commission meetings

Attachment D - originally approved plan pages 3, 4 and 5

Note: other supportive information for the original project approval can be viewed on the Town website at [www.townoffairfax.org](http://www.townoffairfax.org) in the Planning Commission meeting packets for 169 Ridgeway Avenue for the 1/19/20 and 12/17/20 meetings.

**AMENDED RESOLUTION NO. 2020-11**

**A Resolution of The Fairfax Planning Commission Approving Modifications to Application No. 20-13 for a Hill Area Residential Development Permit, Ridgeline Development Permit Design Review Permit and Tree Removal Permit for a Residence at 169 Ridgeway Avenue**

**WHEREAS**, the Town of Fairfax has received an application from Dylan and Alex Riley to build 3-story, 1,549 square-foot, three-bedroom, two-bathroom single-family residence and attached 266 square-foot carport on June 9, 2020; and

**WHEREAS** minor revisions to that original plan require Planning Commission review, an application for which was received on July 21, 2021; and

**WHEREAS** the Planning Commission held duly noticed Public Hearing on the proposed plan modifications on September 16, 2021, at which time the Planning Commission determined that the modified project complies with the Hill Area Residential Development Overlay Ordinance, the Ridgeline Development Ordinance, Tree Ordinance, and the Design Review Ordinance; and

**WHEREAS**, based on the plans and other documentary evidence in the record the Planning Commission has determined that the findings and conditions of approval originally applied to the project still apply to the proposed modifications as follows; and

**WHEREAS**, the Commission has made the following findings:

The project is consistent with the 2010-2030 Fairfax General Plan as follows:

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

Policy LU-4.1.4: New and renewed development shall be designed to minimize run-off in a manner that does not cause undue hardship on neighboring properties.

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.

## **Hill Area Residential Development**

The proposed development is consistent with the General Plan and the Residential RD 5.5-7 Zone regulations.

1. The site planning preserves identified natural features as much as possible while also complying with other agency and department regulations.
2. Vehicular access and parking are adequate.
3. The proposed development harmonizes with surrounding residential development and meets the design review criteria contained in Town Code §17.020.040.
4. The approval of the Hill Area Residential Development permit for 1 single-family residence on this 5,864 square foot parcel shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
5. The development and use of property as approved under the Hill Area Residential Development Permit will not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit if the conditions of approval contained within Resolution No. 2020-11 are complied with.
6. Approval of the proposed Hill Area Residential Development permit is not contrary to those objectives, goals, or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.
7. Approval of the Hill Area Residential Development permit will result in equal or better development of the premises than would otherwise be the case.

## **Ridgeline Development**

8. The project as designed will have no significant impact on significant views.
9. The project does not conflict with the purpose of the Ridgeline Development Ordinance which is conserve the general public welfare by not allowing or strictly regulating development on undeveloped ridgelines that can be viewed by the general public from gathering places.
10. The Ridgeline Development permit is necessary due to the entirety of the property being located within the Ridgeline Scenic Corridor as determined by the Visual Resources Map No. 9 / General Plan Visual Resources Map. An



alternative project location at the bottom of the property taking access from Chester is less desirable due to the steep 33% upslope of the site, the property's 23-foot distance from the edge of Chester Avenue, and resulting parking requiring excessive amounts of excavation and significant site disturbance.

11. Other suitable building locations are not available on the site and the site is an infill lot on an already developed minor ridgeline with surrounding properties already developed with houses, some of which are constructed at higher elevation on the ridgeline than the proposed development and already extending well above the top of the ridgeline.
12. The design of the structure results in a house that presents a one-story façade towards the street, a two-story façade to the east while the code allows, even on a Ridgeline site, construction of a three-story structures as long as it does not exceed 35 feet above grade (Town Code 17.050(B)(9)(b), while also minimizing the amount of site disturbance and excavation and simultaneously complying the with Town Parking regulations and Fire Codes. Therefore, the approval of the Ridgeline Permit (exception) is the minimum necessary for use and enjoyment of the property and granting an exception to allow the development result in a project that meets the intent of the Ridgeline Development Ordinance.

### **Design Review**

13. The modifications to the design of the project, including minor window and door changes to the north and south sides of the structure and reconfiguration of the first floor laundry/storage/mechanical room area to eliminate the storage room, reduced the size of the laundry room and combine the storage area/mechanical room into a study with the mechanical room moved to the west underneath the master bedroom, complies with the Design Review Criteria set forth in Town Code § 17.020.040.

### **Tree Removal**

14. The tree being removed is proposed for removal in compliance with all the considerations listed in Town Code 8.36.060(B)(1 through 7) of the Tree Ordinance, Town Code Chapter 8.36.

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

1. The project is approved based on the following plans:
  - a. Modified architectural plans by Alex Riley, received on July 21, 2021 , Engineering plans by Jeffrey Kennedy and Vlad Iojica, Professional Engineers, , Geotechnical reports by William W. Moore, Professional Engineer and Geotechnical Engineer dated 5/7/20 and 7/22/20.

Stormwater Control Plan report by Vlad Iojica, Professional Engineer, dated June 2020, Tree Committee recommendation of 11/9/20, Vegetative Management Plan approved by RVFD on 9/9/20

2. 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:
    - b. Construction delivery routes approved by the Department of Public Works.
    - c. Construction schedule (deliveries, worker hours, etc.)
    - d. Notification to area residents
    - e. Emergency access routes
    - f. Construction worker staging area
  - g. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the public construction delivery routes (routes to be pre-approved by Public Works Director).
  - h. 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 plan 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.
3. 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.
4. The grading, foundation, retaining, and drainage elements shall also be stamped and signed by the project geotechnical engineer as conforming to the recommendations made by the project Geotechnical Engineer.
5. 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.
6. Submit 3 copies of the record of survey with the building permit plans.
7. All retaining walls that are visible from the street and are constructed of concrete shall be heavily textured or colorized in a manner approved by the planning staff

prior to issuance of the building permit. This condition is intended to mitigate the visual impact of the proposed walls.

8. Prior to the removal of any trees not approved by the Planning Commission through this action, 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. Tree root protection measures may include meandering the line, check dams, rip rap, hand trenching, soil evaluation and diversion dams.
9. During the construction process the following shall be required:
  10. The geotechnical engineer and the project arborist shall be on-site during the grading process and both shall submit written certification to the Town Staff that the grading and tree protection measures have been completed as recommended prior to installation of foundation and/or retaining forms and drainage improvements, piers and supply lines.
  11. 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 the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans.
  12. The Building Official shall field check the concrete forms prior to the pour.
  13. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall always be situated off the travel lane of the adjacent public right(s)-of-way. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.
  14. 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.
15. Prior to issuance of an occupancy permit the following shall be completed:
  16. The geotechnical engineer shall field check the completed project and submit written certification to the 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.

17. The Planning Department and Town Engineer shall field check the completed project to verify that all and planning commission conditions and required engineering improvements have been complied including installation of landscaping and irrigation prior to issuance of the certificate of occupancy.
18. Excavation shall not occur between October 1st and April 1<sup>st</sup> of any year. The Town Engineer has the authority to waive this condition depending upon the weather.
19. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping them, daily, if necessary.
20. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 20-13. 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 20-13 will result in the job being immediately stopped and red tagged.
21. Any damages to the public portions of Willow, Live Oak, Chester or Ridgeway Avenue, or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
22. 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 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.

23. 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 and Best Management Practices for Stormwater Pollution Prevention.
24. Conditions placed upon the project by outside agencies, Town department or by the Town Engineer may be eliminated or amended with that agency's, department's or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.
25. The building permit plans shall be reviewed and approved by the Town Engineer, at the expense of the applicant, prior to issuance of the building permit. The project shall be inspected by the Town Engineer prior to issuance of the occupancy permit for the residential structure for compliance with the engineering plans.

#### **Ross Valley Fire Department**

26. All vegetation and construction materials are to be maintained away from the residence during construction,
27. Hydrant flow and location are to be identified prior to the start of construction.
28. The project 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.
29. 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.
30. 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.
31. 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.

32. 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.
33. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
34. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

#### **Marin Municipal Water District (MMWD)**

35. A copy of the building permit must be provided to the district along with the required applications and fees.
36. The foundation must be completed within 120 days of the date of application.
37. All indoor and outdoor requirements of District Code Title 13, Water Conservation must be complied with.
38. Any landscaping plans must be reviewed and approved by the District.
39. Backflow prevention requirements must be met.
40. 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.
41. All the District's rules and regulations in effect at the time service is requested must be complied with.

#### **Ross Valley Sanitary District (RVSD)**

42. A sewer connection permit and a side sewer connection permit are required for all work outside the new building footprint.
43. Fees will include sewer capacity charges as well as permit fees.
44. All sewer connection details for the sewer laterals and connection should be included on the submitted drawing set. Show the sewer main and lateral sizes

and pipe material, revise the sewer clean out shown on sheet C5.0 to meet Sanitary District standards (detail SD-30), include a sewer cleanout and backwater protection device within 2-feet of the building foundation, the Ross Valley Sanitary Standard Notes shall be shown and are found in Subsection L of Section 3 of the Design and Construction Standards and demonstrate that all materials used in the construction of the sewer improvements are from the approved materials list.

45. A hold will be placed on the property when the building permit is issued and will not be released for occupancy until the District permit and sewer requirements have been fulfilled.

### **Fairfax Public Works Department**

46. All large trucks with more than 2 axles accessing the site for construction will be limited to the hours of 9 AM to 3 PM.
47. All driveway improvements shall be completed and be signed off by the Building Official and Public Works Manager before construction begins on the house.
48. Complete road closures will be limited to concrete pours and steel placement and will be coordinated with the Fairfax Police Department and Ross Valley Fire Department.
49. A detailed construction management plan must be submitted with the building permit application that includes construction delivery routes, construction schedule (deliveries, worker hours, etc.), notification to area residents, emergency access and egress routes and proposed employee parking locations during construction and be approved by the Department of Public Works.
50. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the construction delivery routes.
51. A bond will be submitted prior to issuance of the building permit in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage in an amount equaling 100% of the estimated construction costs and pay for the Town Engineer's/Plan Checker's time to review and confirm the contractor's estimate.

### **Town Engineer**

52. The Town Engineer shall review the final, stamped and signed project Civil and Structural plans and the project Geotechnical Engineer should provide a letter certifying that the intent of his recommendations, including those in the most recent July 22, 2020 letter, have been substantially incorporated into the project, prior to issuance of the building permit.

53. 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) as well as compliance with color temperature to minimize blue rich lighting. 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.

### **Miscellaneous**

54. The surveyor shall mark the location of all the property lines in the field prior to the start of construction.
55. A drainage system maintenance agreement including a system location plan and required maintenance schedule shall be approved by the Town Engineer and then be recorded at the Marin County Recorder's Office setting forth the required maintenance schedule to ensure the drainage system continues to function as designed. A copy shall be provided to the Town prior to issuance of the building permit.
56. An arborist report that includes tree protection during construction measures shall be submitted with the building permit application for approval by the Planning Director and the measures are conditions of approval for this project and must be in place, inspected and approved by the arborist with verification in writing to the Town, prior to the start of construction.
57. All utilities and cables shall be undergrounded in accordance with Town Code §17.060.050(B)(8)(a).

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

The approval of the Hill Area Residential Development, Design Review Permit and Tree Removal permit 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 16th day of September, 2021 by the following vote:

AYES:  
NOES:



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Chair Mimi Newton

Attest:

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Ben Berto, Director of Planning and Building Services

**RESOLUTION NO. 2020-11**

**A Resolution of The Fairfax Planning Commission Approving Application No. 20-13 for a Hill Area Residential Development Permit, Ridgeline Development Permit Design Review Permit and Tree Removal Permit for a Residence at 169 Ridgeway Avenue**

**WHEREAS**, the Town of Fairfax has received an application from Dylan and Alex Riley to build 3-story, 1,549 square-foot, three-bedroom, two-bathroom single-family residence and attached 266 square-foot carport on June 9, 2020; and

**WHEREAS** the Planning Commission held duly noticed Public Hearings on November 19, 2020 and on December 17, 2020, at which time the Planning Commission determined that the project complies with the Hill Area Residential Development Overlay Ordinance, the Ridgeline Development Ordinance, Tree Ordinance, and the Design Review Ordinance; 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 Hill Area Residential Development, Ridgeline Development, Design Review, and Tree Removal Permits; and

**WHEREAS**, the Commission has made the following findings:

The project is consistent with the 2010-2030 Fairfax General Plan as follows:

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

Policy LU-4.1.4: New and renewed development shall be designed to minimize run-off in a manner that does not cause undue hardship on neighboring properties.

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.

## **Hill Area Residential Development**

The proposed development is consistent with the General Plan and the Residential RD 5.5-7 Zone regulations.

1. The site planning preserves identified natural features as much as possible while also complying with other agency and department regulations.
2. Vehicular access and parking are adequate.
3. The proposed development harmonizes with surrounding residential development and meets the design review criteria contained in Town Code §17.020.040.
4. The approval of the Hill Area Residential Development permit for 1 single-family residence on this 5,864 square foot parcel shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
5. The development and use of property as approved under the Hill Area Residential Development Permit will not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit if the conditions of approval contained within Resolution No. 2020-11 are complied with.
6. Approval of the proposed Hill Area Residential Development permit is not contrary to those objectives, goals, or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.
7. Approval of the Hill Area Residential Development permit will result in equal or better development of the premises than would otherwise be the case.

## **Ridgeline Development**

8. The project as designed will have no significant impact on significant views.
9. The project does not conflict with the purpose of the Ridgeline Development Ordinance which is conserve the general public welfare by not allowing or strictly regulating development on undeveloped ridgelines that can be viewed by the general public from gathering places.
10. The Ridgeline Development permit is necessary due to the entirety of the property being located within the Ridgeline Scenic Corridor as determined by the

Visual Resources Map No. 9 / General Plan Visual Resources Map. An alternative project location at the bottom of the property taking access from Chester is less desirable due to the steep 33% upslope of the site, the property's 23-foot distance from the edge of Chester Avenue, and resulting parking requiring excessive amounts of excavation and significant site disturbance.

11. Other suitable building locations are not available on the site and the site is an infill lot on an already developed minor ridgeline with surrounding properties already developed with houses, some of which are constructed at higher elevation on the ridgeline than the proposed development and already extending well above the top of the ridgeline.
12. The design of the structure results in a house that presents a one-story façade towards the street, a two-story façade to the east while the code allows, even on a Ridgeline site, construction of a three-story structures as long as it does not exceed 35 feet above grade (Town Code 17.050(B)(9)(b), while also minimizing the amount of site disturbance and excavation and simultaneously complying the with Town Parking regulations and Fire Codes. Therefore, the approval of the Ridgeline Permit (exception) is the minimum necessary for use and enjoyment of the property and granting an exception to allow the development result in a project that meets the intent of the Ridgeline Development Ordinance.

#### **Design Review**

13. The design of the project complies with the Design Review Criteria set forth in Town Code § 17.020.040.

#### **Tree Removal**

14. The tree being removed is proposed for removal in compliance with all the considerations listed in Town Code 8.36.060(B)(1 through 7) of the Tree Ordinance, Town Code Chapter 8.36.

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

1. The project is approved based on the following plans:

Architectural Plans by Alex Riley, with the reduction in height of the staircase reflected in the architectural revision dated 12/9/20, the plans dated 8/10/20, pages 1 through 10, including parking plan revision dated 11/11/20 and the undated structure relocation plan placing the building in the center of the site. Engineering plans by Vlad Iojica, Professional Engineer, pages C1.0, C3.0, C3.1, C5.0, C5.1 and C.6, Geotechnical reports by William W. Moore, Professional Engineer and Geotechnical Engineer dated 5/7/20 and 7/22/20. Stormwater Control Plan report by Vlad Iojica, Professional Engineer, dated

June 2020, Tree Committee recommendation of 11/9/20, Vegetative Management Plan approved by RVFD on 9/9/20

2. 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
    - V. Construction worker staging area
  - b. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the public construction delivery routes (routes to be pre-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 plan 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.
3. 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.
4. The grading, foundation, retaining, and drainage elements shall also be stamped and signed by the project geotechnical engineer as conforming to the recommendations made by the project Geotechnical Engineer.
5. 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.
6. Submit 3 copies of the record of survey with the building permit plans.
7. All retaining walls that are visible from the street and are constructed of

concrete shall be heavily textured or colorized in a manner approved by the planning staff prior to issuance of the building permit. This condition is intended to mitigate the visual impact of the proposed walls.

8. Prior to the removal of any trees not approved by the Planning Commission through this action, 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. Tree root protection measures may include meandering the line, check dams, rip rap, hand trenching, soil evaluation and diversion dams.
9. During the construction process the following shall be required:
  - a. The geotechnical engineer and the project arborist shall be on-site during the grading process and both shall submit written certification to the Town Staff that the grading and tree protection measures have 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 the 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-related vehicles including equipment delivery, cement trucks and construction materials shall always be situated off the travel lane of the adjacent public right(s)-of-way. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.
  - 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.
10. Prior to issuance of an occupancy permit the following shall be completed:

- a. The geotechnical engineer shall field check the completed project and submit written certification to the 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 and Town Engineer shall field check the completed project to verify that all and planning commission conditions and required engineering improvements have been complied including installation of landscaping and irrigation prior to issuance of the certificate of occupancy.
11. Excavation shall not occur between October 1st and April 1<sup>st</sup> of any year. The Town Engineer has the authority to waive this condition depending upon the weather.
12. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping them, daily, if necessary.
13. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 20-13. 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 20-13 will result in the job being immediately stopped and red tagged.
14. Any damages to the public portions of Willow, Live Oak, Chester or Ridgeway Avenue, or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
15. 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 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.

16. 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 and Best Management Practices for Stormwater Pollution Prevention.
17. Conditions placed upon the project by outside agencies, Town department or by the Town Engineer may be eliminated or amended with that agency's, department's or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.
18. The building permit plans shall be reviewed and approved by the Town Engineer, at the expense of the applicant, prior to issuance of the building permit. The project shall be inspected by the Town Engineer prior to issuance of the occupancy permit for the residential structure for compliance with the engineering plans.

#### **Ross Valley Fire Department**

19. All vegetation and construction materials are to be maintained away from the residence during construction,
20. Hydrant flow and location are to be identified prior to the start of construction.
21. The project 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.
22. 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.
23. 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.

24. 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.
25. 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.
26. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
27. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

#### **Marin Municipal Water District (MMWD)**

28. A copy of the building permit must be provided to the district along with the required applications and fees.
29. The foundation must be completed within 120 days of the date of application.
30. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
31. Any landscaping plans must be reviewed and approved by the District.
32. Backflow prevention requirements must be met.
33. 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.
34. All the District's rules and regulations in effect at the time service is requested must be complied with.

### **Ross Valley Sanitary District (RVSD)**

35. A sewer connection permit and a side sewer connection permit are required for all work outside the new building footprint.
36. Fees will include sewer capacity charges as well as permit fees.
37. All sewer connection details for the sewer laterals and connection should be included on the submitted drawing set. Show the sewer main and lateral sizes and pipe material, revise the sewer clean out shown on sheet C5.0 to meet Sanitary District standards (detail SD-30), include a sewer cleanout and backwater protection device within 2-feet of the building foundation, the Ross Valley Sanitary Standard Notes shall be shown and are found in Subsection L of Section 3 of the Design and Construction Standards and demonstrate that all materials used in the construction of the sewer improvements are from the approved materials list.
38. A hold will be placed on the property when the building permit is issued and will not be released for occupancy until the District permit and sewer requirements have been fulfilled.

### **Fairfax Public Works Department**

39. All large trucks with more than 2 axles accessing the site for construction will be limited to the hours of 9 AM to 3 PM.
40. All driveway improvements shall be completed and be signed off by the Building Official and Public Works Manager before construction begins on the house.
41. Complete road closures will be limited to concrete pours and steel placement and will be coordinated with the Fairfax Police Department and Ross Valley Fire Department.
42. A detailed construction management plan must be submitted with the building permit application that includes construction delivery routes, construction schedule (deliveries, worker hours, etc.), notification to area residents, emergency access and egress routes and proposed employee parking locations during construction and be approved by the Department of Public Works.
43. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the construction delivery routes.
44. A bond will be submitted prior to issuance of the building permit in an amount

that will cover the cost of grading, weatherization and repair of possible roadway damage in an amount equaling 100% of the estimated construction costs and pay for the Town Engineer's/Plan Checker's time to review and confirm the contractor's estimate.

**Town Engineer**

45. The Town Engineer shall review the final, stamped and signed project Civil and Structural plans and the project Geotechnical Engineer should provide a letter certifying that the intent of his recommendations, including those in the most recent July 22, 2020 letter, have been substantially incorporated into the project, prior to issuance of the building permit.
46. All 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 upright 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.

**Miscellaneous**

47. The surveyor shall mark the location of all the property lines in the field prior to the start of construction.
48. A drainage system maintenance agreement including a system location plan and required maintenance schedule shall be approved by the Town Engineer and then be recorded at the Marin County Recorder's Office setting forth the required maintenance schedule to ensure the drainage system continues to function as designed. A copy shall be provided to the Town prior to issuance of the building permit.
49. An arborist report that includes tree protection during construction measures shall be submitted with the building permit application for approval by the Planning Director and the measures are conditions of approval for this project and must be in place, inspected and approved by the arborist with verification in writing to the Town, prior to the start of construction.
50. All utilities and cables shall be undergrounded in accordance with Town Code §17.060.050(B)(8)(a).

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

The approval of the Hill Area Residential Development, Design Review Permit and Tree Removal permit are in conformance with the 2010 – 2030 Fairfax General Plan, the

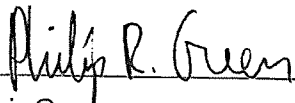
Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the project can occur without causing significant impacts on neighboring residences and the environment.

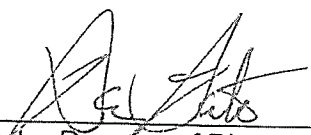
The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17 day of December 2020 by the following vote:

AYES: Clark, Newton, Swift, Rodriguez, Chair Green

NOES: Fragoso, Gonzalez-Parber

  
\_\_\_\_\_  
Chair Green

Attest:

  
\_\_\_\_\_  
Ben Befto, Director of Planning and Building Services



- She is not concerned about the ½ inch overage on the height of the transom window at the peak.
- The proposed height is reasonable.

Commissioner Newton provided the following comments:

- She agreed with Commission Swift about not getting into the specifics about the tree crown distancing.
- She referred to the Resolution, Condition of Approval #26, and suggested it include the wording from Condition of Approval #5.

Chair Green provided the following comments:

- He could back off of the idea of reiterating the Fire Department requirements verbatim and go with Condition of Approval #48 with the addition of the word “new arborist report”.
- He would like to see a permanent addition to the construction conditions (Condition of Approval #2) requiring all contractors to wear masks during the pandemic. Commissioner Rodriguez stated this is a State wide mandate and they do not need to add it as a condition.
- He recommended signage.

M/s, Newton/Fragoso, motion to approve Resolution No. 2020-10 with the following modifications: 1) On page 2, Finding #8A, the date of the Vegetation Management Plan should be July 29, 2020; 2) On page 3, Finding #19, the following shall be added: “After... consulting arborist *new assessment*.”; 3) On page 4, Condition of Approval #2, the addition of subparagraph “E” requiring a carpooling plan; 4) On page 4, Condition of Approval #3(e) shall reference a new tree removal protection plan; 5) On page 8, Condition of Approval #26 shall read: “No tree not shown on the approved Vegetation Management Plan and/or approved by the Planning Commission through this action and subject to regulation by the Fairfax Tree Ordinance shall be removed without obtaining a permit”; 6) On page 10, Condition of Approval #48 shall read: “Prior to...with a *new assessment*...”.

AYES: Clark, Fragoso, Newton, Swift, Chair Green

NOES: Rodriguez

ABSENT: Gonzalez-Parber

Commissioner Rodriguez stated she voted no because the overall building size is too large compared to the other homes and the building height at the center will be overbearing given the slope of the lot. She supported removal of the trees in the building footprint only. The white trim is too white.

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

## 2. 169 Ridgeway Avenue; Application # 20-13

**Request for a Hill Area Residential Development Permit, Design Review Permit and Tree Removal Permit for a 1,548 sq. ft, 3-story, 27 ft. tall, 3 bedroom, 2 bathroom, single-family residence with an attached 266 sq. ft. garage; Assessor’s Parcel No. 003-053-10; Residential RD 5.5-7 Zone; Ales Riley, Architect, Dylan Riley, applicant Jojana Nineth, Quiroa Orozco, Clavier Edvin and Cifuentes Calderon, owners; CEQA categorically exempt per Section 15303(a) and 15332.**

Principal Planner Neal presented the staff report. The applicant has redesigned the parking/driveway to be located out of the required minimum combined side yard setbacks. They also revised the project to more centrally locate the house. She referred to Resolution No. 2020-11, page 4, Condition of Approval #8 and stated the last sentence about pruning should be deleted. On page 3, Condition of Approval #2 should include the following: VI. The construction plan should include a plan for workers carpooling to and from the site.

Commissioner Fragoso asked about the letter from the neighbor asking for a continuance and asked whether they were up against the Permit Streamlining Act deadline. Principal Planner Neal stated "no".

Commissioner Swift asked about the combined side setback. Principal Planner Neal stated decks were allowed to encroach into the required setback by two feet. This allows for an eighteen foot setback instead of the required twenty feet.

Commissioner Swift asked if staff received an arborist report with a Tree Protection Plan. Principal Planner Neal stated "no" and stated the Commission could add this as a Condition of Approval.

Commissioner Rodriguez asked if shifting the house a bit would conflict with that existing wood wall. The lot is not that sloped and it was not a bit deal whether they centered it more or not. Principal Planner Neal agreed. The wood wall was not significant and is not holding anything up. Commissioner Rodriguez asked if this would affect the uphill bio-retention dissipater. Principal Planner Neal stated "no".

Chair Green referred to the staff report, page 4, "Drainage and Slope Stability, and asked if they have decided on an interior spread footing with grade beams or a drilled pier and beam foundation. Principal Planner Neal stated the applicant could answer that question but either one is acceptable to the Town Engineer.

Commissioner Fragoso referred to shifting the location of the house and asked if this should be reviewed by the Town Engineer. Principal Planner Neal stated she did not think so but the Commission could add this condition.

Chair Green opened the Public Hearing.

Mr. Dylan Riley, owner/applicant, made the following comments:

- The southern exposure lends itself well to the use of passive solar technology.
- The square footage arises from the need to step down the hillside to mitigate the amount of excavation.
- Some of the square footage is simply stairwells that enable them to access the rest of the house.
- This is a simple, modestly sized house. There are limitations to the property.
- The master bedroom is 130 square feet and the children's bedrooms are a bit less.
- They have taken steps to develop a house that is appropriate for the neighborhood and works with the site and the community.

Commissioner Swift stated the Tree Permit Request is for one tree that was within the building envelope and she asked if there were plans to remove or alter the vegetation outside of the envelope. Mr. Riley stated they might need to prune some of the Oaks.

Commissioner Swift asked if they were proposing moving the structure five feet over. Mr. Riley stated that was the compromise in order to assuage the neighbors.

Commissioner Fragoso asked if the neighbors request for a continuance occurred before or after the discussion about relocating the house. Principal Planner Neal stated the continuance was requested by the neighbors who would be affected by the relocation (it is moving towards their property). They want a chance to review the plans.

Ms. Margaret Elliott, Ridgeway Avenue, made the following comments:

- She lives across the street from the project.
- It will be a lovely house.
- The project looks higher from the street than she originally thought it would be.

- The other houses on that side are one-story.
- It will be out of character with the neighborhood.

Ms. Jessica Green, Ridgeway Avenue, made the following comments:

- The project looks very tall according to the story poles.
- It does not look like the other houses.
- It is sticking up in the sky and will be ugly.
- The project is not providing enough parking.

Chair Green closed the Public Hearing.

Commissioner Swift provided the following comments:

- The story poles were taller than the surrounding residences and stood out.
- The plans indicate a portion of the building that extends above the rest of the building like a tower.
- She would like the tower element lowered so it fits in better behind the garage and blends in with the surrounding residences.
- She suggested a continuance to allow the neighbors to review the plans.

Chair Green provided the following comments:

- He had the same concern about the tower element- it seems rather large and tall.
- A continuance makes sense partly due to the neighbor's concerns.
- The lot size is large (5,864 square feet) but the project is only 1,549 square feet.
- It is not a large house in volume.
- He likes the house.

Commissioner Fragoso provided the following comments:

- The project is providing off-street parking for three cars.
- The elevation sketch does not depict a large garage.
- The project is 27 feet at its highest point which is eight feet lower than what is allowed.
- She likes the design.
- It is not too big for the site.
- The tower would provide heat and light.
- The neighbors do need an opportunity to review the revised plans.

Commissioner Newton provided the following comments:

- These are beautiful drawings.
- She agreed with Commissioner Fragoso.
- The tower height does not offend her- it is stepped back.
- She supported a continuance.

Commissioner Clark provided the following comments:

- She looked at the story poles and they seemed kind of tall.
- It is not super large compared to the other houses in the neighborhood.
- The topography and the minimal amount of grading are contributing to the "large" appearance of the project.
- She would like to see some design options that would minimize the appearance of bulk.

Commissioner Rodriguez provided the following comments:

- She agreed with the comments made by Commission Swift.
- The Commission should review the revised plans including the five foot shift.
- The applicants need to communicate with the neighbors.



M/s, Swift/Newton, motion to continue this application to the next meeting

AYES: Clark, Fragoso, Newton, Rodriguez, Swift, Chair Green

ABSENT: Gonzalez-Parber

### **3. Consideration of digitized/georeferenced Zoning Chapter 17.060 Ridgeline Development Visual Resources maps and code language**

Planning Director Berto presented the staff report. He discussed how the 100-foot vertical and 150-foot horizontal boundaries are applied and the staff recommendations.

Commissioner Fragoso stated she is in agreement with the concept that is being presented by staff. She agreed there were major ridges that end in small, sloped hills that should not be considered a part of that ridgeline. The drawings might need to be tweaked so the average person can understand them.

Chair Green referred to the five parameters on page 2 of the staff report and stated they need to be clear to applicants. It ultimately needs to hold up in an appeal. He would like to see how an application would be examined under the proposed language. Planning Director Berto stated staff would come back with an example.

Commissioner Swift referred to the staff report and staff's concern that lot of the properties would fall under the Hill Area Residential Development Code that should not. She asked why properties would come under this overlay zone. Planning Director Berto stated he would have to research this issue.

Commissioner Swift asked about the four maps referred to on page 3 of the staff report. Planning Director Berto stated these were: 1) The original, non-digitized, non-georeferenced Visual Resources Map No.9; 2) The digitized georeferenced version of #1; 3) The 150-foot horizontal distance map; 4) The 100-foot vertical map.

Commissioner Swift asked which of the major ridges was the tallest. Planning Director Berto stated probably the top of Marinda at the boundary between Fairfax and Sleepy Hollow or the very top of the Fairfax Ridge.

Commissioner Swift cited the Ridgeline Ordinance's definition of an "adjacent ridge" and asked if digital mapping could identify if a structure would break that horizontal 150-feet on the ridgeline when looking at it from focal points or if it is with the 100-feet vertical distance. Planning Director Berto stated he was not sure there were that many "adjacent ridges".

Commissioner Swift stated the Ridgeline Development Code was initiated by Ordinance No. 352, passed in 1973, and she asked if staff found any documentation with respect to legislative intent in the following years. Planning Director Berto stated "no".

Commissioner Newton had questions about the application of the 100-vertical foot to the Fairfax Ridge or the Bald Hill Ridge vs. the Glenn Drive Ridge or the Marinda Ridges. Planning Director Berto stated the green color depicts the 1974 Scenic Corridor and the mauve color depicts the 100-foot vertical drop. The fingers extending out are the "finger ridges" and development on those could be more visible.

Commissioner Rodriguez referred to the revised Zoning Ordinance language and had questions about Appendix A and B. She referred to Attachment 1A, "Glen Drive Ridge", and asked what code would apply to development in the peneplain areas. Planning Director Berto stated the regular code since the peneplain is the flatland and not the Ridgeline Scenic Corridor (RSC). Commissioner Rodriguez referred to the same attachment and asked why some portions of the same elevation (i.e. 284) were in or out of the RSC. Planning Director Berto discussed the assumptions that are made in

FAIRFAX PLANNING COMMISSION MEETING MINUTES  
VIA TELECONFERENCE DUE TO COVID-19  
THURSDAY, DECEMBER 17, 2020

Call to Order/Roll Call:

Chair Green called the meeting to order at 7:00 p.m.

Commissioners Present:

- Shelly Clark
- Norma Fragoso
- Esther Gonzalez-Parber
- Philip Green (Chair)
- Mimi Newton
- Michele Rodriguez
- Cindy Swift

Staff Present:

- Ben Berto, Planning Director
- Linda Neal, Principal Planner

#### **APPROVAL OF AGENDA**

Chair Green stated he would like to hear the project applications prior to the discussion items.

M/s, Rodriguez/Newton, motion to approve the agenda with the change as recommended by Chair Green.

AYES: Clark, Fragoso, Gonzalez-Parber, Newton, Rodriguez, Swift, Chair Green

#### **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

Ms. Jessica Green, Fairfax, was concerned about people removing trees because of fire danger. Trees hold the hills together and soak up a lot of water that would otherwise run off and cause flooding.

#### **CONSENT CALENDAR**

There were no Consent Calendar items.

#### **PUBLIC HEARING ITEMS**

- 1. 169 Ridgeway Avenue; Application # 20-13 (Continued from November 19)  
Request for a Hill Area Residential Development Permit, Ridgeline Scenic Corridor Permit, Design Review Permit and Tree Removal Permit for a 1,548 sq. ft. 3-story, 27 ft. tall, 3 bedroom, 2 bathroom, single-family residence with an attached 266 sq. ft. garage; Assessor's Parcel No. 001-280-01; Residential RD 5.5-7 Zone; Alex Riley, Architect, Dylan Riley, applicant Jojana Nineth, Quiroa Orozco, Clavier Edvin and Cifuentes Calderon, owners; CEQA categorically exempt per Section 15303(a) and 15332.**

Principal Planner Neal presented the staff report. The applicants indicated a willingness to shift the house five feet to the south (center of the property) to address the neighbor's concerns about visual impacts. This offer was presented right before the November meeting. The application has been re-noticed to include a Ridgeline Scenic Corridor Permit due to the current mapping. She suggested

the following changes to Resolution #2020-11: 1) The addition of Condition #50: "All utilities and cable shall be undergrounded in accordance with the Ridgeline Development Ordinance Section 17.060.050 #8(a); 2) Condition #46 shall read: "All exterior fixtures shall be Dark Sky compliant, fully shielded, and emit no light above the horizontal plane with no drop lenses, side light panels, or up-light panels and the lighting plan shall be submitted with the Building Permit application and be approved by the Planning Department prior to the issuance of the Building Permit. The lighting shall not emit direct off-site illumination and shall be the minimum necessary for safety".

Commissioner Fragoso asked if staff is recommending that the house not be moved down towards Chester Avenue because of the additional excavation that would be required. Principal Planner Neal stated staff is supporting the relocation to the center of the site. It would not require additional excavation.

Commissioner Fragoso asked if staff is recommending leaving the upper most portion of the roof at the proposed height. Principal Planner Neal stated "yes". The owner has provided an elevation depicting lowering that portion of the roof but they would prefer not to do so.

Commissioner Rodriguez asked if the current story poles represent the November 19<sup>th</sup> design and not the new red-line drawings dated December 9<sup>th</sup>. Principal Planner Neal stated "yes".

Chair Green referred to page 6 of the staff report and asked if the condition requiring a 24-inch box sized native tree should be added to the resolution. Principal Planner Neal stated this is up to the Commission.

Commissioner Newton asked staff to explain how they missed the Ridgeline Scenic Corridor issue the first time around. Principal Planner Neal explained.

Chair Green opened the Public Hearing.

Mr. Dylan Riley, owner/applicant, made the following comments:

- Principal Planner Neal gave a great presentation on the proposal.
- They have tried to create a reasonable house within the existing envelope.
- This is a small site.

Commissioner Rodriguez asked Mr. Riley if the elevation from the pavement of the roadway was 143.4. Mr. Riley stated he did not have that information in front of him. Commissioner Rodriguez stated the red lined revised plans seem to increase the height from the road to the walk up by two feet three inches to the front façade of the building. Mr. Riley agreed. Commissioner Rodriguez asked what happens to that interior space with the reduction of that tower structure. Mr. Riley stated this is the formal entryway that creates a welcoming space before entering the main level of the house. Commissioner Rodriguez asked how much the tower was being lowered on the revise plans. Mr. Riley stated two feet nine inches. Commissioner Rodriguez asked if this would be a hardship in terms if the amount of interior space. Mr. Riley stated it would be a disappointment but they were willing to discuss it.

Commissioner Swift asked Mr. Riley if he is willing to lower the roof over the entry stairs to that of the garage and if that is the same part of the structure referred to as the "central staircase feature". Mr. Riley stated "yes".

Commissioner Fragoso asked if the tower section was about thirty-two to forty feet from the roadway. Mr. Riley stated "yes".

Commissioner Gonzalez-Parber asked if the plate heights of the tower (from the Ridgeway side) were thirteen feet from floor to ceiling. Mr. Riley stated they would be a standard ceiling height

(eight feet) if they lowered the roof. Commissioner Gonzalez-Parber asked if the tower was six feet wide. Mr. Riley stated "yes". Commissioner Gonzalez-Parber noted the height was double the width. Mr. Riley agreed.

Ms. Alex Riley made the following comments:

- They are trying to be cognizant of impacts to the neighbors.
- The visible element from Ridgeway is the garage which has been set back from the front property line.

Chair Green referred to page 3 depicting a dotted red line on the east elevation and a lowered tower and asked if that was the final plan. Principal Planner Neal stated the applicants would prefer not to make that modification and keep the house as designed. Chair Green asked if lowering that elevation would bring the ceiling height from thirteen feet down to eight. Mr. Riley stated "yes".

Ms. Jessica Green made the following comments:

- It is important to go to the site.
- The project would be tall and imposing.
- It is nice that the applicant has agreed to lower the height of the tower.
- The project is not within the character of the houses on that side of the street.

Ms. Margarite Elliott made the following comments:

- She lives across the street from the project.
- She appreciates the offer to lower the tower. That would make a huge difference.
- It is a beautiful design but out of character.

Principal Planner Neal read the email from Mr. John Winston:

- He has privacy concerns regarding the following: multiple large windows facing 21 Chester; large deck that wraps around on the 21 Chester side and looks down into the yard.

Chair Green closed the Public Hearing.

Commissioner Rodriguez provided the following comments:

- The lot steeply slopes down going left (as one faces the site) and down the back side of the lot.
- The properties on both sides are set further down the hillside which makes the entry feature all the more prominent when viewed from the street.
- She prefers the revised drawings.
- She would like to hear more about the impacts to 21 Chester. Principal Planner Neal stated it is difficult to develop an infill lot with houses close together. It is a steeply sloped lot with not a lot of outdoor space- thus the decks. There are ways to deal with windows. They could require screening for the decks.

Chair Green provided the following comments:

- He thanked staff for the photographs.
- He appreciated the willingness to lower the tower.
- The project should kept as close to the original design as possible while addressing the neighbor's concerns.
- He had a question about how the back deck was supported and asked if there was shallow bedrock. Principal Planner Neal stated "yes" and the Town Engineer is of the opinion there were no instability issues with the site.

Commissioner Swift provided the following comments:

- She asked if the decking on the right side (facing from the street) was more of a walkway. Principal Planner Neal stated "no" it is not the narrow width of a walkway.

- The central staircase feature adds to the mass of the structure. She supported lowering it as proposed.

Commissioner Newton provided the following comments:

- She is torn.
- Dropping the entry way down to the level depicted by the red line drawing would make it more monolithic with less articulation.
- She wondered if there was a compromise such as a one to two foot reduction.

Commissioner Gonzalez-Parber provided the following comments:

- She agreed with Commissioner Newton.
- The compromise might be eighteen inches.
- She would hate to lose that feature altogether.
- The bedroom windows need to be egress/rescue windows and could not be clerestory. They could be opaque.
- The great room windows would benefit from some form of privacy.

Chair Green provided the following comments:

- The north elevation goes up and the south elevation goes down and he asked how to identify where the ridgeline would be in relationship to the drawings. Principal Planner Neal stated the road is on the top of the ridgeline. It is not possible to move the house to get it out of the ridgeline corridor.
- He is in favor of minimizing the reduction in the height.
- The design is an upgrade for the area.

Commissioner Newton provided the following comments:

- She referred to Resolution No. 2020-11 and suggested the following amendments: 1) On page 1 list the General Plan references in order and delete the one that is duplicated (LU-7.2.2.); 2) On page 3, Condition #14 should refer to replacing the fruit tree with a 24-inch box sized native tree; 3) On page 3, the first "Whereas" should reference the additional plans that depict the height of the stairway entryway; 4) On page 10 add a condition about adding privacy plantings.

Chair Green provided the following comments:

- He referred to Resolution No. 2020-11 and stated the condition requiring installation of a 24-inch box native tree could be added on page 3, as 13 (a).
- He referred to page 2 under "Ridgeline Development" and asked about the reference to the maps since it has not yet been decided.

Commissioner Fragoso provided the following comments:

- She is not in favor of forcing them to make the design change of lowering the upper portion of the roof given the limited impact.
- The two foot modification would be indistinguishable and seems to be an arbitrary change.
- The house on the opposite corner of the proposed development seems to have a higher roof that is closer to the roadway.

Commissioner Gonzalez-Parber provided the following comments:

- A lot of thought went into the design.
- She understood the punctuation of the entry tower. It could be lowered a little bit and still get the "grand entrance" feeling. It did not have to go down to the level of the garage.
- The east elevation is imposing compared to the rest of the building.
- It is beautifully stepped down.

Commissioner Swift provided the following comments:

- She referred to Resolution No. 2020-11 and made the following amendments: 1) On page 5, Condition #8 should reference Chapter 8.36, and the last sentence should be deleted.

M/s, Rodriguez/Swift, motion to approve Resolution #2020-11 and Attachment "A" and modifying the resolution as follows: 1) On page 1, rearranging the references to Land Use Policies so they are in order and deleting the duplication of LU-7.2.2; 2) On page 3, under "Whereas" #1, the date of the architectural plans by Alex Riley shall be 11-1-20, and the plans will be modified to reflect the 12-9-20 date requiring that the entry feature roof be lowered down to the garage feature height, and adding to this condition a reference to the Open Space 1974 Visual Resources Map; 3) Replacing Condition #46 as recommended by staff; 4) The addition of Condition #50 as recommended by staff; 5) On page 5, Condition #8 should reference Chapter 8.36, and the last sentence should be deleted.  
AYES: Clark, Newton, Rodriguez, Swift, Chair Green  
NOES: Fragoso, Gonzalez-Parber

Commissioners Fragoso and Gonzalez-Parber did not agree with the reduction of the height of the stairwell.

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

**2. 53 Taylor Drive; Bennett House Apartments; Application # 20-15  
Request for a Design Review Permit to construct a 270 sf maintenance building, 144 sf garden shed and an industrial generator enclosure for an existing 70-unit elderly/disable housing project; Assessor's Parcel No. 001-183-19; Planned Development PDD Zone; Mercy Housing California, owner; Matt Kozina, TWM Architects and Planners, applicant; CEQA Categorically Exempt per Section 15303(e)**

Principal Planner Neal presented the staff report. Staff is recommending the more extensive language about dark sky compliant lighting be included in the resolution as Condition #14.

Commissioner Fragoso asked if there was a requirement that the generator sit five feet or more beyond any adjacent property line. Principal Planner Neal stated the requirement is for a ten foot setback. Commissioner Fragoso asked if generators were required to have an enclosure. Principal Planner Neal stated she did not think so. This project is proposing an enclosure. Commissioner Fragoso asked if the property has solar panels. Principal Planner Neal stated "yes". Commissioner Fragoso asked if the generator would be tied to the natural gas line. Principal Planner Neal stated "yes". Commissioner Fragoso asked if there were discussions about building a power wall for emergency power as opposed to a gigantic generator. Principal Planner Neal stated the applicant would need to answer that question. She read the email from the applicant about using solar power for the generator. Additional solar would not be enough to power up the elevator.

Commissioner Newton stated the project includes paving a pathway and she asked if they would be using the type of concrete used in Town sidewalks that helps prevent slipping. Principal Planner Neal stated she did not know. Commissioner Newton stated she was also concerned about permeability. Planning Director Berto stated the Commission could add conditions to address these concerns.

Chair Green opened the Public Hearing.

Mr. John Minnelly, representing TWM Architects, made the following comment:

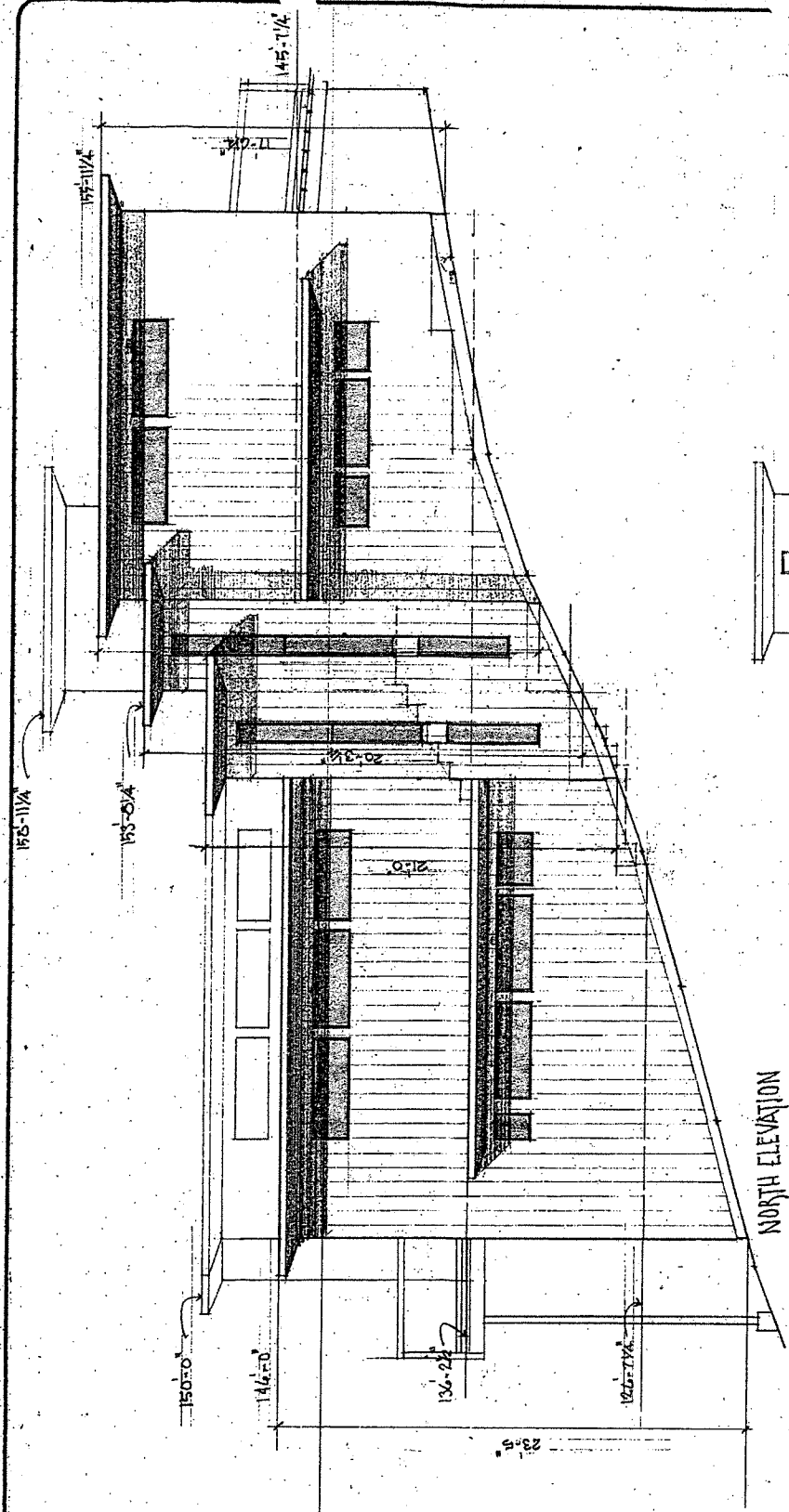
- They are happy to meet any sidewalk safety requirements.

Commissioner Rodriguez asked about the use of natural gas from a greenhouse gas emissions standpoint and generators overall. Solar with battery storage is preferable. She asked how much

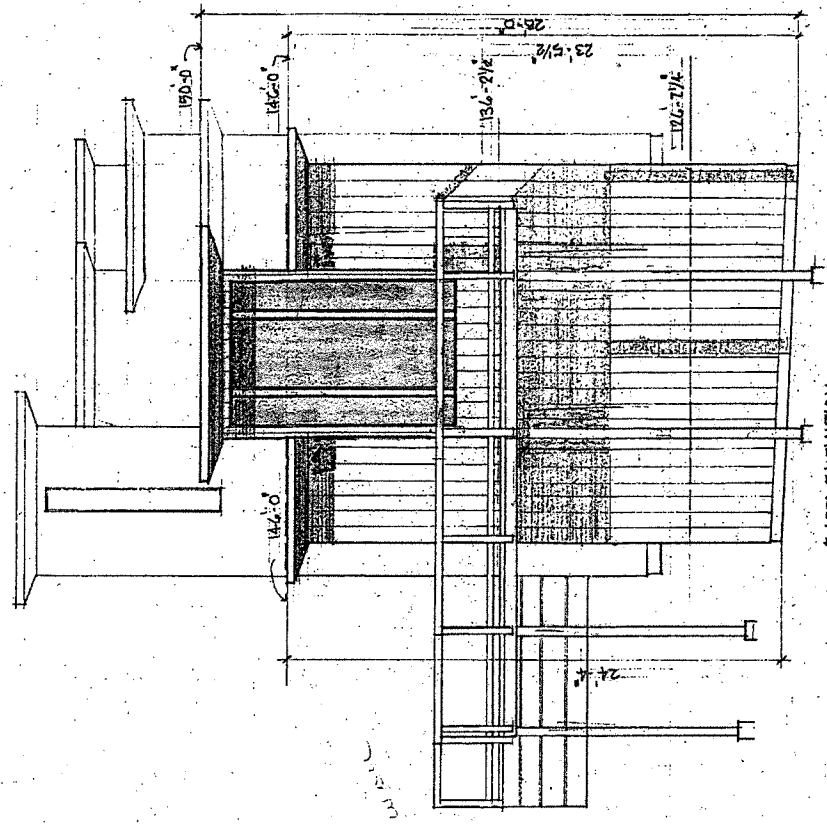




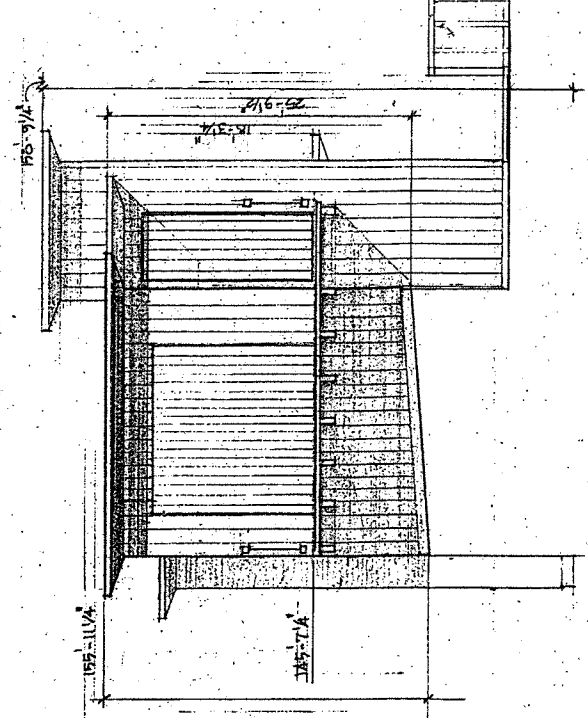




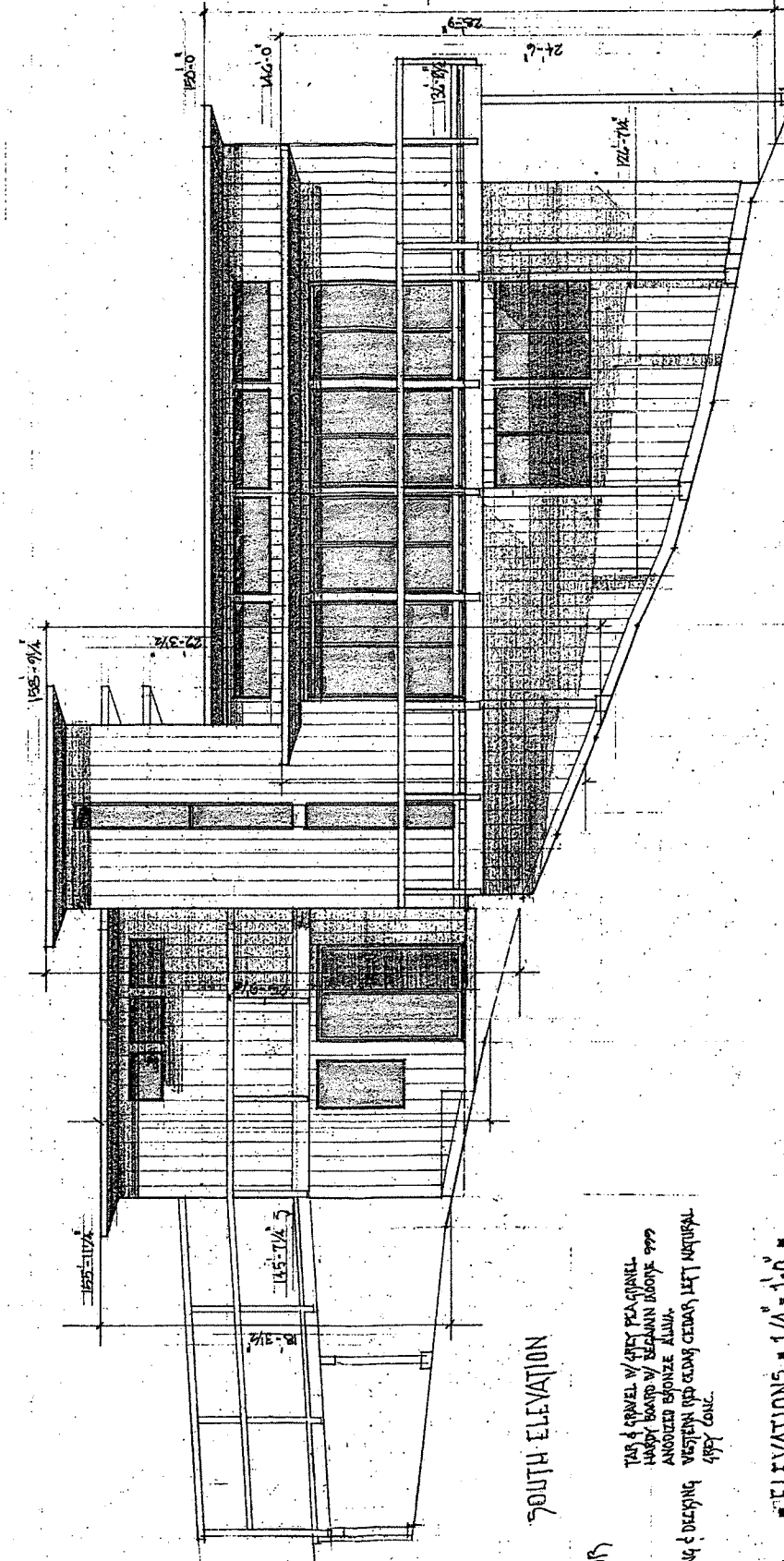
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

TAR & GRAVEL w/ ARYF FCA PANEL  
 HARDY BOARD w/ BEAMAN DOORS 999  
 ANODIZED BRONZE ALUM.  
 WESTERN RED CEDAR LEFT NATURAL  
 48\"/>

MATERIALS & COLORS  
 ROOF  
 WALLS  
 FLOORING  
 TRIM, FENCING & DECKING  
 PREVIOUS PAVES

ELEVATIONS = 1/4" = 1'-0"

RILEY RESIDENCE ■ RIDGEWAY AVENUE ■ FAIRFAX, CA 94730 ■  
 ■ POB DYLAN & JUSAN RILEY ■ 327 OLINA ROAD ■ FAIRFAX, CA 94730 ■ 415-307-4052 ■ 405-247-0012 ■

ALEX RILEY ASSOCIATES ■  
 ■ PO BOX 195, INVERMOUNT CA 94751 ■  
 ■ TOT 225 5692 ALEXRILEY@GMAIL.COM

**DEFERRED SUBMITTALS**

PLEASE SUBMIT THE DESIGN APPROVALS WITH THE PRODUCTION SETPOINT WITHIN THE SPECIFIED TIME FRAME.

**SPECIAL INSPECTORS**

CAL GREEN TITLE 24 - DISTRICT #1334 W MAIN ST, RIPON, CA. 95366. 209-579-5000  
 P.C. & ASSOCIATES, INC. 600 ANTON AVE, STE 210  
 KENNESAW PARK, CA. 94925 TOR-48644529

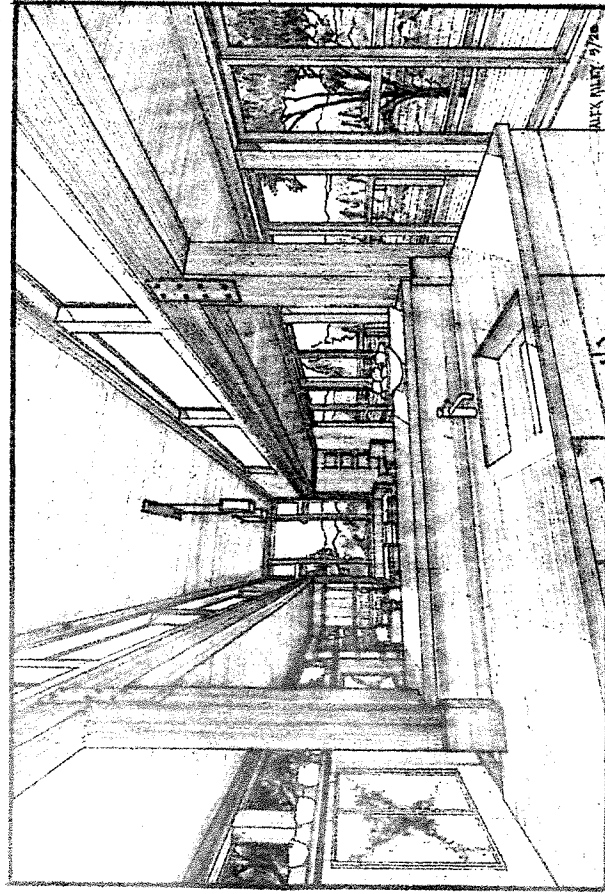
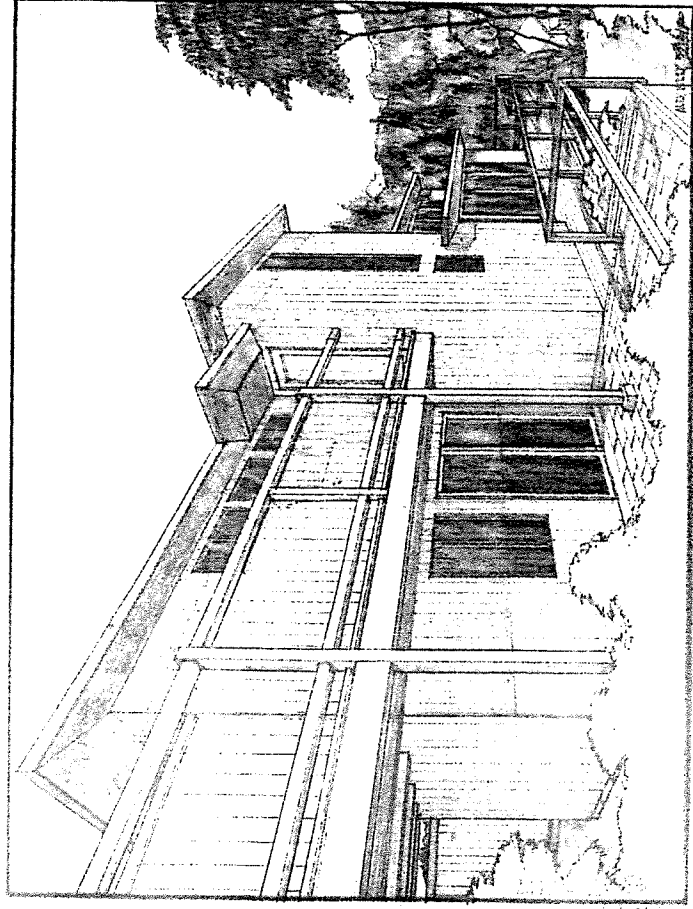
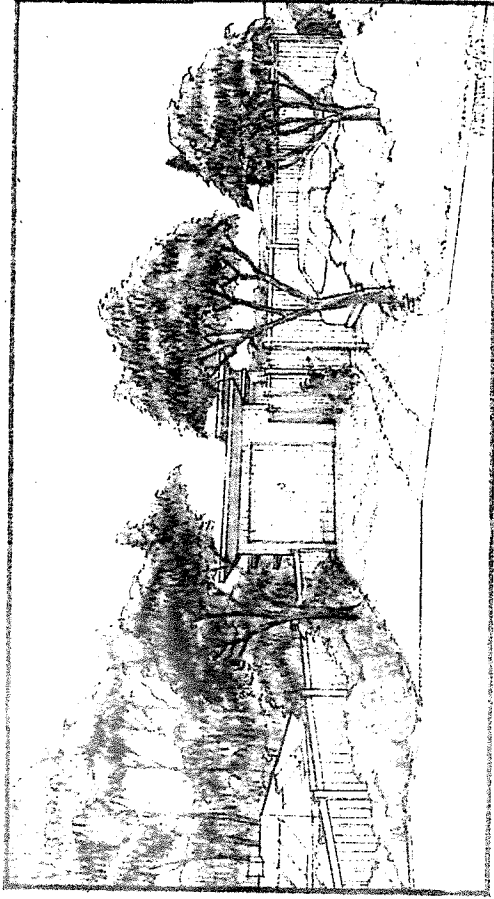
**DURING LAYOUT**  
 THE SUPERVISOR IS TO VERIFY BUILDING & P

**DURING EXCAVATION**  
 THE SUPERVISOR IS TO VERIFY COMPLIANCE W/ PLANS VIA LETTERS

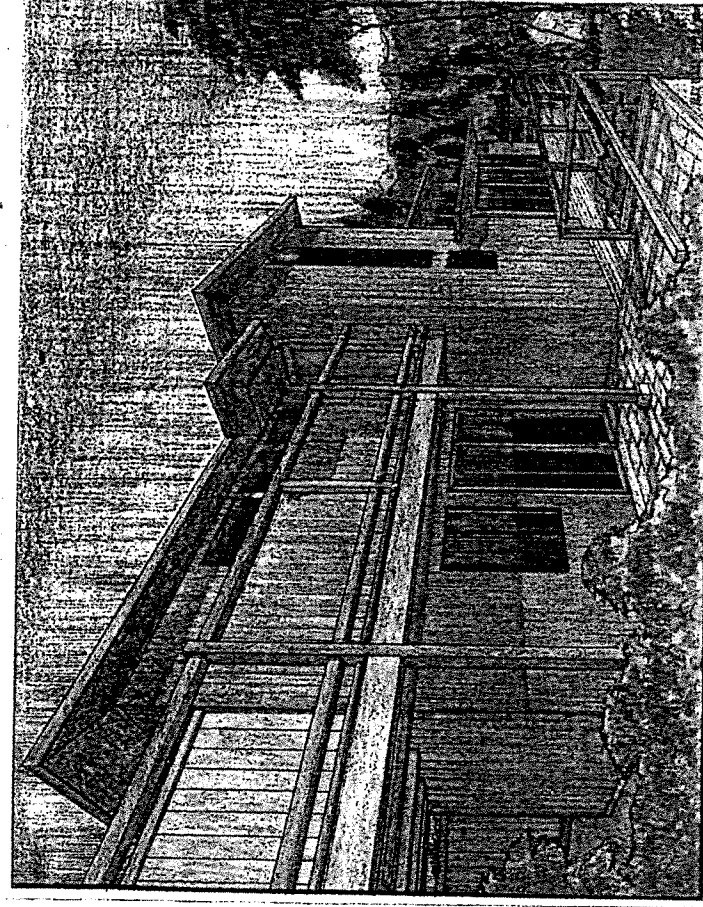
**BEFORE CONC. POURS**

THE GEOTECH & STRUCTURAL ENGINEERS ARE TO FIELD CHECK TOPPS OF FOUND & REE. JACOBS FOR COMPLIANCE W/ PLANS VIA LETTERS

JUL 21 2021  
 COMMENCE OF WORK



COVER



**ROOFING NOTE**  
 ALL ROOFING TO BE IN ACCORDANCE WITH THE LOCAL CODES & PERMITS. INSULATION DISTRIBUTION SCHEMES NEED TO BE TESTED TO VERIFY

**DESIGN CRITERIA**  
 CODES THAT APPLY - CALIF. APC, CALIF. AND APC (2019) & WUI  
 OCCUPANCY - RESID  
 TYPE OF CONSTRUCTION - II  
 NUMBER OF STORIES - TWO  
 TYPE OF FIRE SEPARATION - NAPA 130  
 NOT LOCATED IN A FLOOD ZONE

**INDEX**

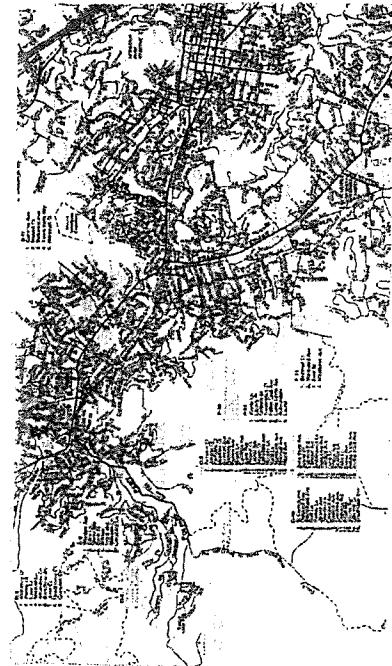
- 1 - COVER, INDEX, STORE LOCATION & REVISIONS
- 2 - CONDITIONS & APPROVAL
- 3 - CONSTRUCTION MANAGEMENT PLAN
- 4 - SITE TOPOGRAPHY & EXISTING UTILITIES
- 5 - FLOOR PLAN
- 6 - ELEVATIONS
- 7 - SECTION A-F'S
- 8 - SECTION C & DETAILS
- 9 - ELECTRICAL PLAN
- 10 - LANDSCAPE PLAN
- 11 - VEGETATION MANAGEMENT PLAN
- 12 - BOARDWALK SURVEY & PLAN
- 13 - RECORD OF SURVEY
- 14 - FOUNDATION & FOOTING PLAN
- 15 - 2 - ANALYTICAL TRAIL & UTILITY SPREAD SHEET FOR FOUNDATION PLANS
- SD 14.2.4 - STRUCTURAL DETAILS
- SMI - STRUCTURAL NOTES
- CG - CAL GREEN
- EN-1 - CERTIFICATE OF COMPLIANCE & MANUFACTURE MEASURES
- CLO COVER
- C3.0 EROSION CONTROL PLAN A
- C3.1 " " " " " "
- C4.0 SITE IMPROVEMENTS PLAN
- C5.0 SECTION & DETAILS
- C5.1 " " " " " "
- C6.0 VEHICLE ACCESSIBILITY PLAN
- AS - ASBESTOS PLAN

**DATA**

FOOTPRINT	15,660
FLOOR AREA	15,660
FAR	1.5
MAX. HEIGHT	35.0
PARKING SPACES	17
UNITS	1
DECKS	1
WALKWAYS	1
PERMITS	1
CUT VOLUME	1
FILL	1
CONCRETE	1
EXPOSURE	1

**SCOPE**

TO BUILD A THREE BED, TWO BATH SINGLE FAMILY RESIDENCE WITH A 20% OF ATTACHED GARAGE ON AN UNDEVELOPED LOT.



RILEY RESIDENCE ■ RIDGEWAY AVENUE ■ FAIRFAX, CA. 94730 ■  
 FAY O'NEILL & SUSAN RILEY ■ 221 OLENA ROAD ■ FAIRFAX, CA. 94730 ■ 415-307-4057 ■ 408-250-01

ALEX RILEY ASSOCIATES ■ 5/1/21 ■  
 P.O. BOX 192, INVERNEILY, CA. 94937 ■  
 TOR 224 9672 ALEX.RILEY@RILEYASSOCIATES.COM

June 2020, Tree Committee recommendation of 11/8/20, Vegetative Management Plan approved by RVFD on 9/6/20

2. 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
  - V. Construction worker staging area
- b. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the public construction delivery routes (routes to be pre-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 plan 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.

3. 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.

4. The grading, foundation, retaining, and drainage elements shall also be stamped and signed by the project geotechnical engineer as conforming to the recommendations made by the project Geotechnical Engineer.

5. 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.

6. Submit 3 copies of the record of survey with the building permit plans.

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

- a. The geotechnical engineer shall field check the completed project and submit written certification to the 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 and Town Engineer shall field check the completed project to verify that all all and planning commission conditions and required engineering improvements have been completed including installation of landscaping and irrigation prior to issuance of the certificate of occupancy.

11. 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.

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

13. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 20-13. 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 20-13 will result in the job being immediately stopped and red tagged.

14. Any damages to the public portions of Willow, Live Oak, Chestnut or Ridgeway Avenue, or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.

15. 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 other witness fees that may be assessed or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in

Ross Valley Sanitary District (RVSD)

35. A sewer construction permit and a side sewer connection permit are required for all work outside the new building footprint.

36. Fees will include sewer capacity charges as well as permit fees.

37. All sewer connection details for the sewer, laterals and connection should be included on the submitted drawing set. Show the sewer main and lateral sizes and pipe material, revise the sewer clean out shown on sheet C5.0 to meet Sanitary District standards (solid SD-30), include a sewer cleanout and backwater protection device within 2 feet of the building foundation, the Ross Valley Sanitary District Notes shall be shown and are found in Subsection L of Section 2 of the Design and Construction Standards and demonstrate that all materials used in the construction of the sewer improvements are from the approved materials list.

38. A hold will be placed on the property when the building permit is issued and will not be released for occupancy until the District permit and sewer requirements have been fulfilled.

Fairfax Public Works Department

39. All large trucks with more than 2 axles accessing the site for construction will be limited to the hours of 9 AM to 3 PM.

40. All driveway improvements shall be completed and be signed off by the Building Official and Public Works Manager before construction begins on the house.

41. Complete road closures will be limited to concrete pours and steel placement and will be coordinated with the Fairfax Police Department and Ross Valley Fire Department.

42. A detailed construction management plan must be submitted with the building permit application that includes construction delivery routes, construction schedule (deliveries, worker hours, etc.), notification to area residents, emergency access and egress routes and proposed employee parking locations during construction and be approved by the Department of Public Works.

43. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the construction delivery routes.

CONDITIONS OF APPROVAL

FAIRFAX RESIDENCE - RIDGEWAY AVENUE - FAIRFAX, CA. 94930  
BY DULAN & HUNAN RILEY - 3027 OLENA ROAD - FAIRFAX, CA. 94930 - 415-307-4079 - 415-301-0200

ALEX RILEY ASSOCIATES  
P.O. BOX 163, UNCLE SAM'S CA. 94937  
TEL 225 5672 ALEX.RILEY@AIAJUNIOR.COM



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7. All retaining walls that are visible from the street and are constructed of concrete shall be heavily textured or colored in a manner approved by the planning staff prior to issuance of the building permit. This condition is intended to mitigate the visual impact of the proposed walls.

8. Prior to the removal of any trees not approved by the Planning Commission through this action, 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. Tree root protection measures may include meandering the line, check dams, rip rap, hand trenching, soil evaluation and diversion dams.

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

- a. The geotechnical engineer and the project arborist shall be on-site during the grading process and both shall submit written certification to the Town Staff that the grading and tree protection measures have 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 the 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-related vehicles including equipment delivery, cement trucks and construction materials shall always be situated off the travel lanes of the adjacent public right-of-way. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.

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 assignee. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

23. 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.

24. 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.

25. 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.

26. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.

27. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

Marin Municipal Water District (MMWD)

28. A copy of the building permit must be provided to the district along with the required applications and fees.

29. The foundation must be completed within 120 days of the date of application.

30. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.

31. Any landscaping plans must be reviewed and approved by the District.

32. Backflow prevention requirements must be met.

33. 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.

34. All the District's rules and regulations if effected at the time service is requested must be complied with.

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The approval of the Hill Area Residential Development, Design Review Permit and Tree Removal permit 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 17 day of December 2020 by the following vote:

AYES: Clark, Newton, Swift, Rodriguez, Chair Green  
NOES: Fregoso, Gonzalez-Palmer

Chair Green

Attest:

Ben Berto, Director of Planning and Building Services

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44. A bond will be submitted prior to issuance of the building permit in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage in an amount equaling 100% of the estimated construction costs and pay for the Town Engineer's Plan Checker's time to review and confirm the contractor's estimate.

45. The Town Engineer shall review the final, stamped and signed project Civil and Structural plans and the project Geotechnical Engineer should provide a letter certifying that the intent of his recommendations, including those in the most recent July 22, 2020 letter, have been substantially incorporated into the project, prior to issuance of the building permit.

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

Miscellaneous

47. The surveyor shall mark the location of all the property lines in the field prior to the start of construction.

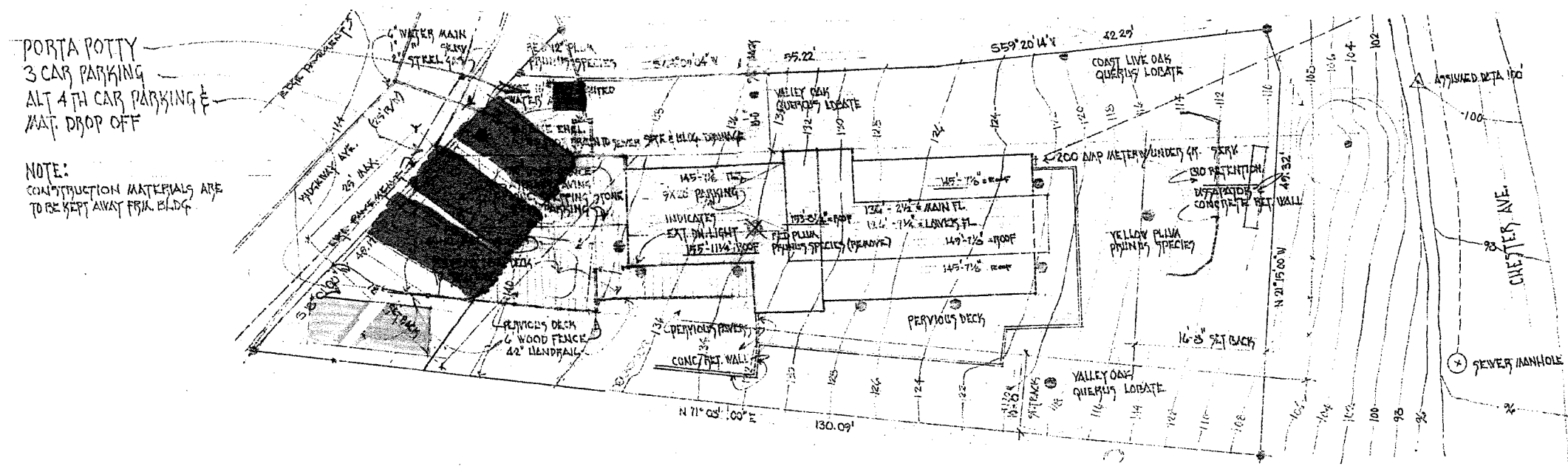
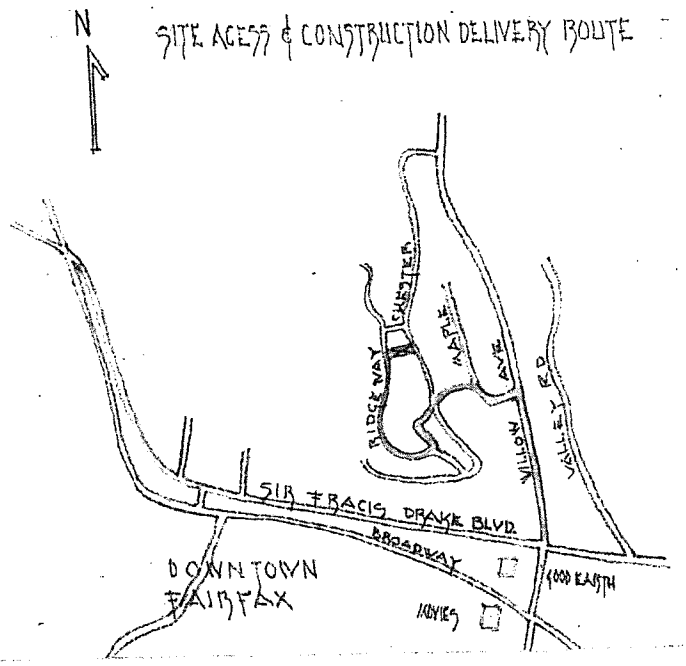
48. A drainage system maintenance agreement including a system location plan and required maintenance schedule shall be approved by the Town Engineer and then be recorded at the Marin County Recorder's Office setting forth the required maintenance schedule to ensure the drainage system continues to function as designed. A copy shall be provided to the Town prior to issuance of the building permit.

49. An arborist report that includes tree protection during construction measures shall be submitted with the building permit application for approval by the Planning Director and the measures are conditions of approval for this project and must be in place, inspected and approved by the arborist with verification in writing to the Town, prior to the start of construction.

50. All utilities and cables shall be undergrounded in accordance with Town Code §17.060.050(B)(6).

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

10



**SITE ACCESS & CONSTRUCTION DELIVERY ROUTE**  
 FROM SIR FRANCIS DRAKE BLVD TURN NORTH ONTO WILLOW AVE, TURN L  
 ONTO LIVE OAK AVE, CONTINUE PAST MAPLE AVE AND TURN R ONTO  
 RIDGEWAY

LARGE TRUCKS ARE LIMITED FROM 9 AM TO 3 PM  
 COMPLETE ROAD CLOSURES ARE LIMITED TO CONC.  
 REPAIRS & STEEL PLACEMENT AND ARE COORDINATED WITH  
 THE CITY OF FAIRFAX AND THEIR POLICE DEPT.  
 NOTIFICATIONS TO AREA RESIDENTS ARE TO BE ACCORDING  
 TO THE CITY OF FAIRFAX.

**ESCAPE ROUTE**  
 TURN SOUTH (DOWN HILL) ON RIDGEWAY TURN L ONTO LIVE OAK AVE.  
 TO WILLOW, TO SIR FRANCIS DRAKE BLVD.

FOR SMALL VEHICLES TURN NORTH (UP HILL) TO THE STREET AND  
 TURN R ONTO CHESTER & GO SOUTHWARD TO SUBSTANTIAL OPENING.

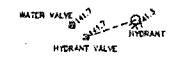
**EMPLOYEE PARKING**  
 IS LIMITED TO THE THREE ON SITE SPACES

CONSTRUCTION MANAGEMENT PLAN

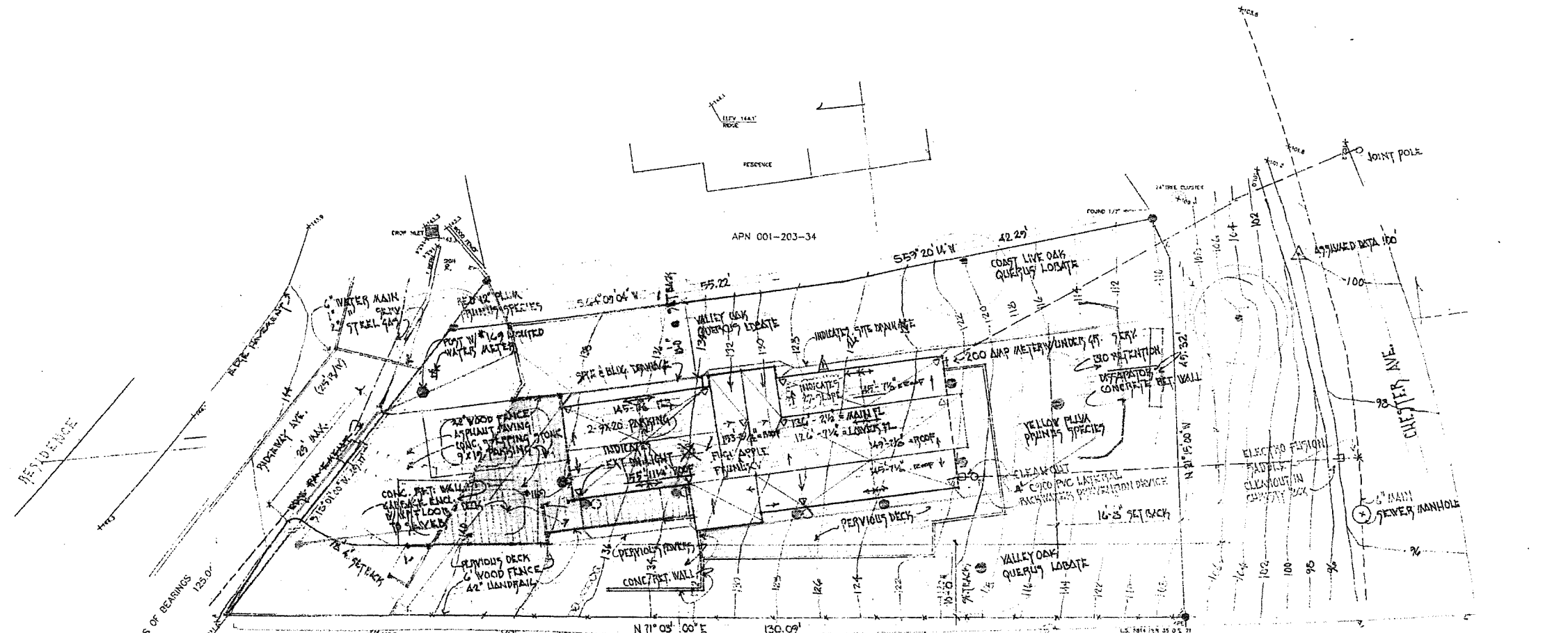
Alex Riley  
 Alex Riley Associate

ALEX RILEY ASSOCIATE  
 - 110 BOX 192, INVERMOUNT, CA. 94997  
 - TEL 415 952 ALEX, RILEY@EARTHINK.NET

RILEY RESIDENCE - RIDGEWAY AVENUE - FAIRFAX, CA. 94930  
 - 153 DILLAN & SUSAN RILEY - 327 OLIVER ROAD - FAIRFAX, CA. 94930 - 415-301-6079 - 415-601-250-01



**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS FOR THIS SURVEY IS  
 N 18° 01' 00" W BETWEEN FOUND IRON FIRE MONUMENTS  
 ALONG THE SOUTHEASTERN LINE OF RIDGEWAY AVENUE  
 PER 35 O.S. 21, MARIN COUNTY RECORDS, AS SHOWN.

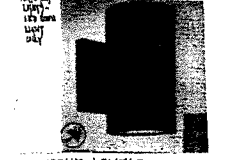


RESIDENCE  
 TRAIL  
 RIDGEWAY AVE. 14'  
 23' MAX.  
 175.00'  
 BASIS OF BEARINGS  
 N 18° 01' E  
 175.00'

APN 001-280-02

DATA	DESCRIPTION	VALUE
FOOTPRINT		356.0
FLOOR AREA		1745.16
FAR		0.29
MAX. HEIGHT		25'-0"
PARKING SPACES	THREE, ONE COVERED	3.0
IMPERVIOUS SURFACES		566.0
PERVIOUS SURFACES		179.0
DECKS	MAIN LEVEL DECK, ENTRY DECK	1454.0
PARKING DECKS	ENTRANCE DECK, GARAGE	157.0
GARAGE		367.95
PERVIOUS PAVED		16.00
TREE REMOVAL	ONE 10' APPLE	

**EXTERIOR LIGHTING**

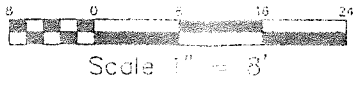


- UPPER LEVELS
- LOWER LEVEL, UNDER ENTRY DECK

NOTES  
 ELEVATIONS ARE BASED ASSUMED DATUM 100.00'  
 AT SURVEY CONTROL POINT AS SHOWN

- 2' CONTOUR INTERVAL
- FENCE LINE
- TREE AS NOTED
- APN ASSESSOR PARCEL NUMBER
- SPOT ELEVATION

PROPERTY BOUNDARIES SHOWN REFLECT THOSE RECORDED UPON  
 RECORD OF SURVEY, 35 O.S. 21, FROM MONUMENTS SHOWN THEREON.  
 LOT AREA = 5,164.10 SQ. FT.



**9 SITE, TOPO, ROOF PLANS ■ EXTERIOR LIGHTING ■ 1/8" = 1'-0"**

**BOUNDARY & TOPOGRAPHIC SURVEY**

FOR: DYLAN RILEY  
 VACANT LOT  
 FAIRFAX, CALIFORNIA  
 APN 001-280-01

REVISIONS	
DATE	BY

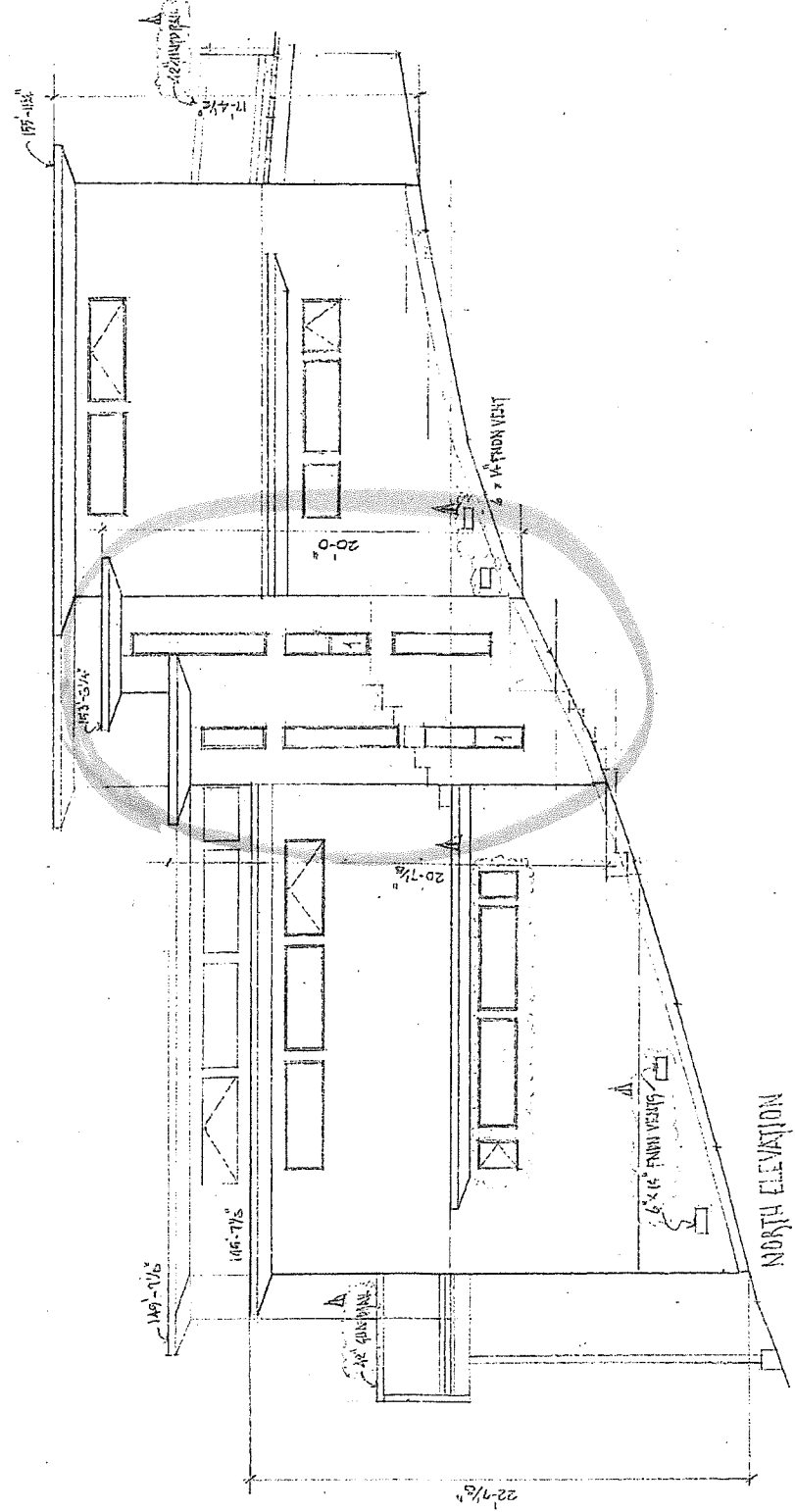
STEPHEN J. FLATLAND  
 PROFESSIONAL LAND SURVEYOR  
 P.O. BOX 1837  
 SAN ANSELMO, CALIFORNIA 94960  
 (415) 457-5081

DATE: MARCH, 2020  
 SCALE: 1" = 8'  
 DRAWN:  
 CHECKED:  
 JOB NO. 71180

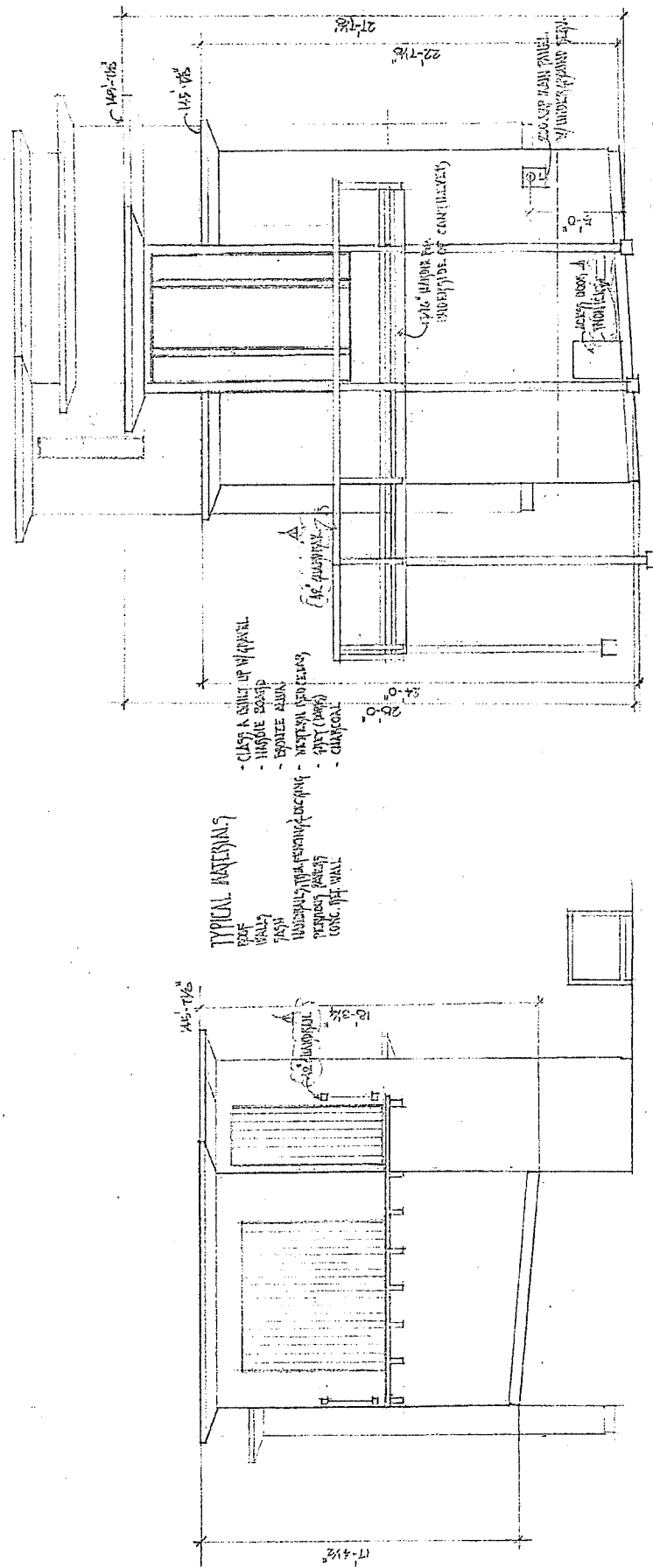
■ RILEY RESIDENCE ■ RIDGEWAY AVENUE, ■ FAIRFAX, CA. 94750 ■  
 ■ FOR DYLAN RILEY ■ 921 OLIVE ROAD ■ FAIRFAX, CA. 94555 ■ A/E ■ 307.405 ■ P/N ■ 001-280-01 ■

■ ALEX RILEY ASSOCIATES ■  
 ■ P.O. BOX 193, INVERNESS, CA. 94937 ■  
 ■ TOT 225 2692 ALEX.RILEY@EARTHINKING.NET ■



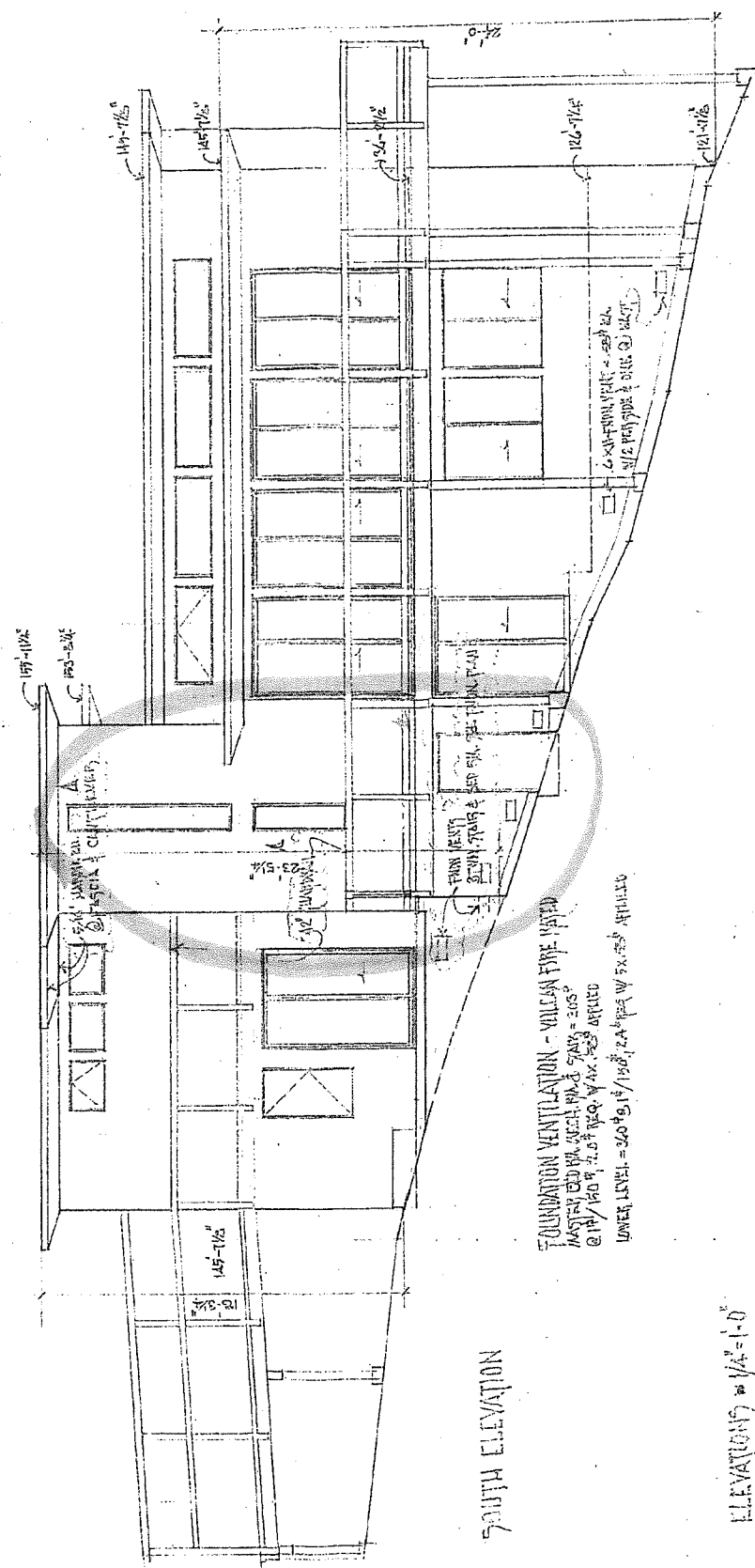


NORTH ELEVATION



WEST ELEVATION

EAST ELEVATION



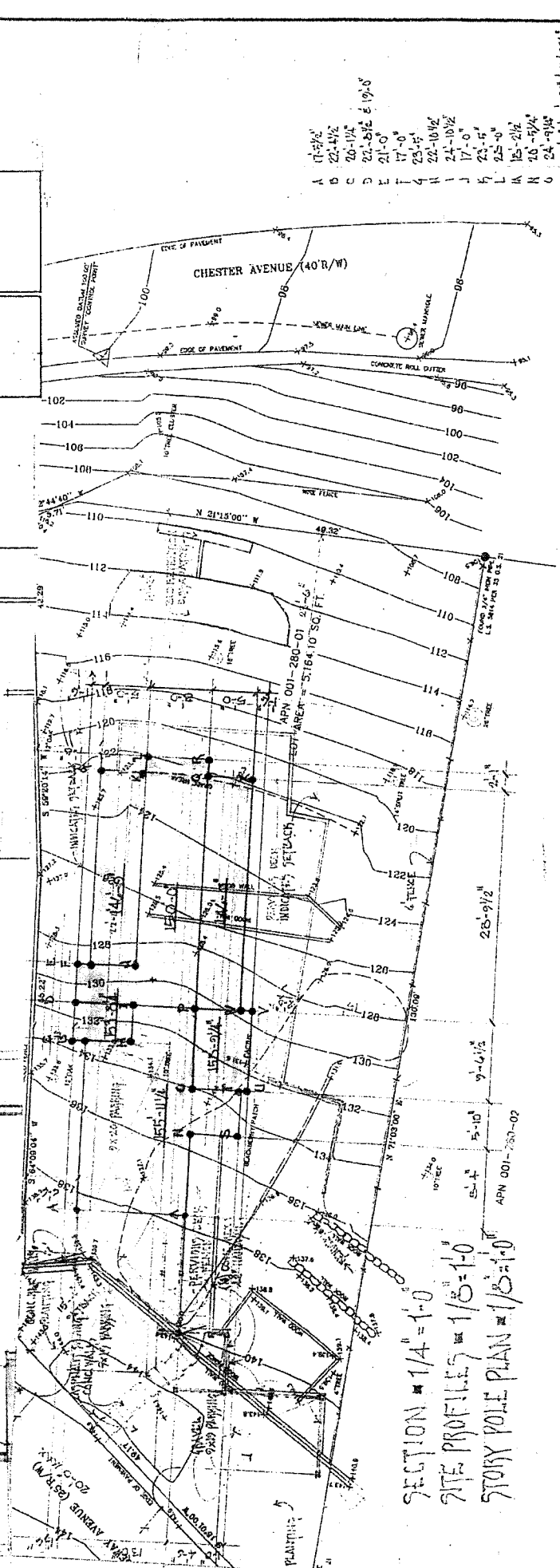
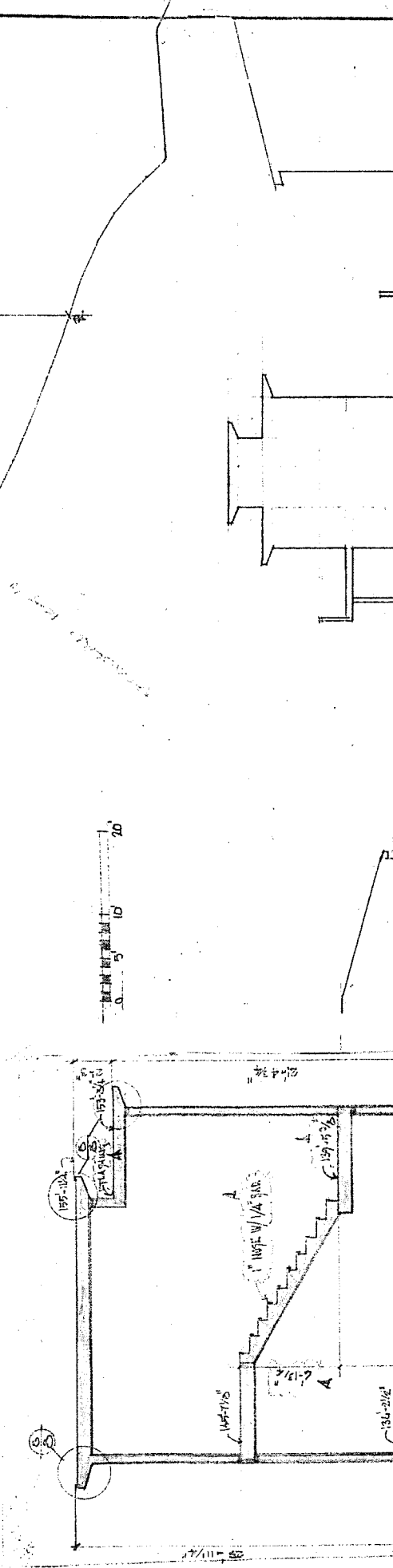
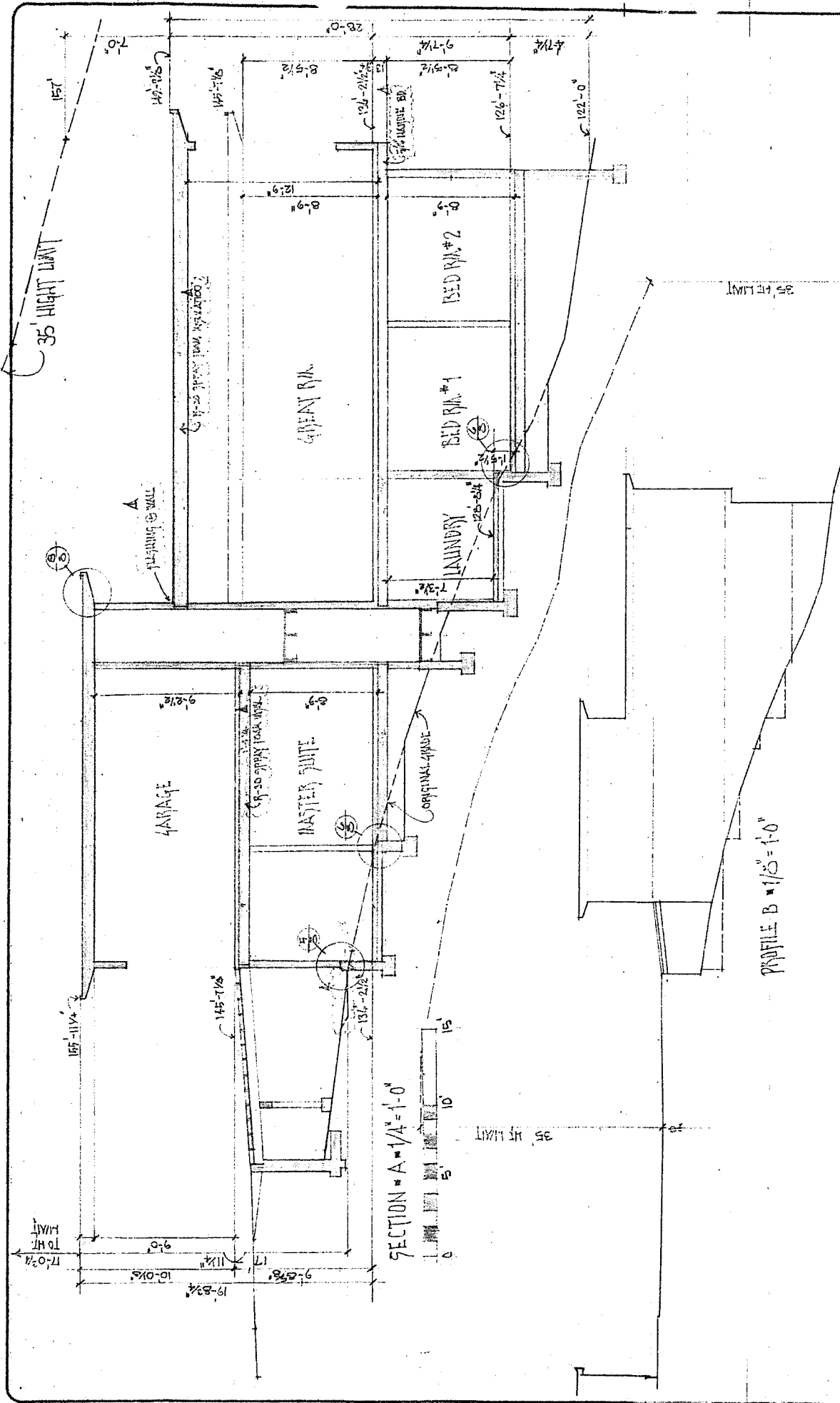
SOUTH ELEVATION

FOUNDATION VENTILATION - VOLCAN FIRE RATED  
 MASTER BED ROOM VENTILATION - 200 CFM  
 @ 10' / 10' H. 2.0\"/>

TYPICAL MATERIALS

- CLASS A GYPSUM BOARD
- 1/2\"/>

SEE SHEET 10 FOR CONTINUED PLAN



A	17'-0"
B	22'-4 1/2"
C	70'-1 1/2"
D	22'-8 1/2" ± 19'-0"
E	21'-0"
F	17'-0"
G	23'-4"
H	24'-10 1/2"
I	17'-0"
J	24'-10 1/2"
K	23'-5"
L	22'-0"
M	15'-2 1/2"
N	20'-0 1/2"
O	24'-0 1/2"
P	25'-0" ± 19'-2 1/2"
Q	24'-5"
R	21'-3 1/4"
S	25'-0"
T	22'-0"
U	29'-0 1/2"
V	16'-0"
W	16'-0"
X	24'-4"

SECTION A-A 1/4" = 1'-0"  
 SITE PROFILES 1/8" = 1'-0"  
 STORY POLE PLAN 1/8" = 1'-0"

RILEY RESIDENCE - RIDGEWAY AVENUE - FAIRFAX, CA. 94720  
 FOR DYLAN & JYAN RILEY - 327 GLENA ROAD - FAIRFAX, CA. 94530 - 415-307-4047 - APN 001-250-01

ALEX RILEY ASSOCIATES  
 P.O. BOX 193, INVERMOUNT, CA. 94937  
 TOT 824 5692 ALEX.RILEY@ENGINEERING.NET