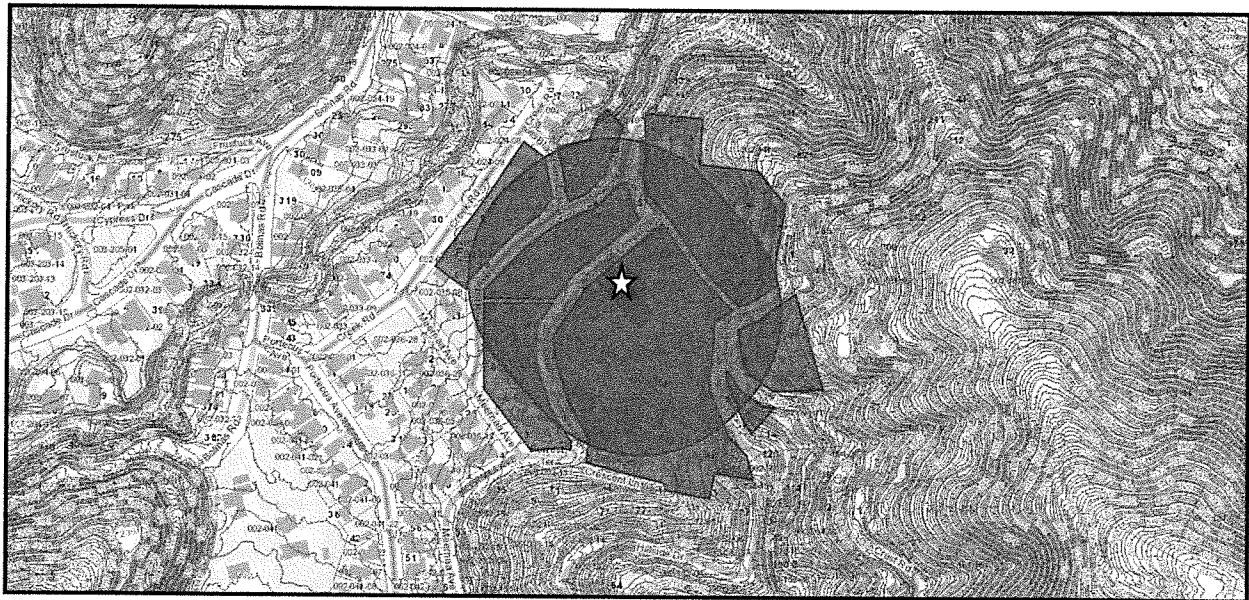


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: October 21, 2021
FROM: Linda Neal, Principal Planner
LOCATION: 31 Forrest Terrace; APN # 002-092-28
ZONING: Residential Single-family RS 6 Zone
PROJECT: Addition to an existing single-family residence
ACTION: Conditional Use Permit, Tree Removal Permit and Parking Variance;
application # 21-22
APPLICANT: Laura Kehrlein, Frederic C. Divine Architects
OWNER: Colin Kelly and Shelley Clark
CEQA STATUS: Categorically exempt, § 15301(e)(1)



31 FORREST TERRACE

RECOMMENDATION

Move to approve application 21-22 by adopting attached Resolution # 2021-25 setting forth the findings and the conditions for the project approval.

DESCRIPTION

The project includes removal of the storage shed located within the on-site parking area, construction of a 146 square-foot, second bedroom, addition, and the remodel of 143 square feet of the existing bedroom/closet to provide a short hallway between the new bedroom and the existing bedroom and four storage closets. The addition will

increase the residence square footage from 940 square-feet to 1,086 square-feet and will increase the available parking on the site from two 9' x 19' spaces to one 9' x19' space and two 8' x 16' compact spaces.

The project will comply with the requirements of the RS 6 Zone District as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	28.5 ft., 3 stories
Existing	45 ft.	83 ft.	128 ft.	1 ft. & 10 ft.	11 ft.	.10	.09	19 ft., 2 stories
Proposed	same	73 ft.	118 ft.	same	Same	.11	.11	same

BACKGROUND

The 7,402 square-foot site slopes up from Forrest Terrace at an average rate of 49% and it is developed with a 940 square-foot single-family residence with a 644 square-foot second floor that includes one bedroom, one bathroom, kitchen, living room, and a sunporch, while the 296 square-foot first story which is not currently internally connected with the second floor, houses the home office, is made up of two rooms, and separate laundry room. A small storage structure is located at the front of the residence in an area that has been historically used for parking. The structure was built in 1925 and the access driveway to the front parking area crosses, with a recorded easement, in front of the single-family residence that has an Accessory Dwelling Unit (ADU) at 35 Forrest Terrace. The owners were granted a Variance to the minimum and the combined side setbacks in July of 1995 to relocate and reconstruct the access stairway and front and side decks that extend to within one foot of the northeast side property line.

The structure at 35 Forrest Terrace was granted a parking variance for a compact parking space to allow legalization of the existing ADU back in October of 1990. providing three standard 9' x19' spaces and one compact 8' x 16' space for the ADU in compliance with the ADU regulations and parking requirements for a single-family residence in effect at that time.

DISCUSSION

The map creating this 7, 402 square-foot, 50-foot-wide site was recorded in 1916. Therefore, the site, which has a 49% slope, is legal non-conforming. Town Code § 17.080.050(C) requires that a property in the RS 6 Zone with a 49% slope be 41,000 square-feet in size and 167 feet wide to meet the minimum size and width requirements based on the site slope. Town Code § 17.080.050, first paragraph, requires that a use permit be obtained for any use, occupancy, or physical improvement of or on a building

site failing to meet the minimum size or width requirements. The structure also maintains non-conforming setbacks and currently has non-conforming parking, with just two on-site parking spaces and no covered parking space [Town Code § 17.052.030(A)(1)(c) and (2) and 17.052.010(D)].

Town Code § 17.016.040(B)(2) and (C)(2)(a) requires that any project on a non-conforming structure that adds a bedroom must include the provision of conforming parking, or the Planning Commission must grant a parking variance to allow the project to proceed without all the required parking.

The project will not meet covered parking or parking dimension requirements, therefore in addition to the Conditional Use Permit the project requires the approval of a Parking Variance by the Planning Commission.

Conditional Use Permit

The 146 square-foot addition is proposed at the rear of the structure in an area already disturbed by the construction of a patio. The addition will require the excavation of only nine cubic yards of material for the foundation. Three bay trees will need to be removed for the project because they lean over the house/addition and two bays will need to be topped because their foliage is currently located less than 6 feet from the structure (see Attachment B, Request for a tree alteration recommendation from the Fairfax Tree Committee). Trees with canopies that get closer than six feet from a structure either need to be trimmed to maintain the required clearance or be removed per the Ross Valley Fire Department.

The 146 square-foot addition will not result in a residence out of scale or character with the rest of the structures in the neighborhood (please see house size comparison table below).

31 Forrest Terrace – COMPARABLE NEIGHBORHOOD HOUSE/PARCEL SIZES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
002-037-04	367 Forrest Ave.	5,300	1,226	4	2	252	.23
002-037-07	381 Forrest Ave.	6750	1,114	2	1.5	231	.17
002-091-01	40 Forrest Ter.	7072	2,487	2	2	420	.40
002-091-04	407 Forrest Ave.	6324	1,269	3	1.5	264	.20
002-091-05	25 Meernaa	5750	2,142	3	2	180	.37
002-091-07	33 Meernaa	7242	1,159	3	1	240	.16
002-092-27	35 Forrest Ter. 2-units	7110	1,246	3	2	400	.18
002-092-31	17 Forrest Ter.	7480	1,048	3	1	216	.14
002-092-36	59 Forrest Ter.	10165	1,834	3	2	352	.18
002-092-41	55 Forrest Ter.	10668	1,238	1	1	260	.12
31 Forrest Terrace – PROJECT SITE							
002-092-28	31 Forrest Ter.	10000	1086	2	1	0	.11

Residences and properties in the neighborhood range from a 1,226 square-foot, 4-bedroom, 2-bathroom, single-family residence on a 5,300 square-foot parcel with a

Floor Area Ratio (FAR) of .23 to a 2,487 square-foot, 2-bedroom, 2-bathroom, single-family residence with an FAR of .40. Therefore, the proposed 1,086 square-foot, 2 bedroom, 1-bathroom, single-family residence with FAR of .11 will not be out of scale or character with the surrounding neighborhood.

Parking Variance

There is no record of when the driveway that crosses the neighboring property frontage at 35 Forrest Terrace to access the two parking spaces for 31 Forrest Terrace, and the two parking spaces were constructed. There also is no record of when the storage shed located at the east end of the parking area was installed. An official driveway easement was created for the portion of the 31 Forrest Terrace driveway that crosses the front of 35 Forrest Terrace as a condition of approval for the ADU and compact parking space for the ADU at 35 Forrest Terrace in 1990.

Town Code § 17.028.070(B) sets forth the following findings that must be made by the Planning Commission before a request for a parking variance may be granted:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specified regulation.
2. Granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.
3. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

The applicants are proposing to remove the storage shed at 31 Forrest Terrace, making room for the required number of parking spaces for the expanded single-family residence, with two of the three parking spaces being 8' x 16' stalls. While the project will provide the required number of spaces, the site still will not meet the covered parking space requirement. It will be an improvement on the parking that currently exists on the site. Given the fact that new state law allows all garages to be converted into accessory dwelling units (ADU's) without the provision of additional parking, staff believes that it is more important to provide the number of required parking spaces when expanding an existing residence than to ensure that one of the spaces is covered to improve conditions for both the property and the immediate neighborhood going forward. Garages adjacent to older homes that were built with little interior storage space, are often used only for storage and not for parking. Also, factors including the orientation of the garage, parallel to the roadway, the narrow 50-foot width of the site, and the steepness of the slope between Forrest Avenue and the parking area, and between the parking area and the house, and the existing access stairway location would all make the construction of a garage problematic.

Tree Removal Recommendation from the Fairfax Tree Committee

The applicants filed a Tree Removal Recommendation Application with the Tree Committee on August 23, 2021, to remove four Bay Trees, one of them dead, and to top another two Bay Trees. The bays being proposed for removal are hanging over the existing house, rear retaining wall, and the area where the addition is proposed. The two bays proposed for topping have foliage located less than 6 to 10 feet from the proposed addition location (see the site plan showing the trees to be removed and topped labeled 'site plan', received 10/11/21 by the Town with revision date of 10/08/21).

As has occurred in the past on other tree removal recommendation requests, the Tree Committee has been unable to render a recommendation on the three living Bay trees and the one dead Bay tree to be removed and the two bay to be topped within the 30 days required by Town Code § 8.36.030(B). Therefore, the decision must be made by the Commission without the recommendation.

Most of the bays and the few oak trees on the site will be retained and the trees proposed for removal and topping are leaning and threaten either the house, the retaining walls, or the proposed addition.

Staff is therefore recommending that the Commission approve the requests to remove the four Bay trees and top the other two as shown on the plan set page received and stamped by the Town on 10/11/21, because their removal/proposed pruning is necessary to prevent future property damage and will not change the overall character of the surrounding neighborhood or the site.

Other Agency/Department Comments/Conditions

Ross Valley Fire (RVFD)

RVFD submitted written requirements which have been incorporated into conditions of approval in the attached resolution and are summarized as follows:

Fire apparatus access shall extend to within 150 ft. of all portions of the first floor exterior walls, a 20 foot wide by 40 foot long fire lane shall be provided if one does not already exist in accordance with RVFD Standard 210, design requirements for turn-outs, to maintain defensible space, all hazardous vegetation within 100 feet of the structure shall be cleared and removed and all vegetation within 10 feet of the fire lanes shall be removed as a condition of approval for this project, smoke and carbon monoxide detectors provided with AC power and interconnected must be installed in all required locations throughout the building, address numbers at least four inches tall must be installed adjacent to the front door and at the bottom of the driveway where visible from Forrest Terrace Lane and both must be illuminated at night and the applicant may proposed alternative materials or methods in accordance with Fire Code section 103.3 with the plans set submitted for final approval by the fire department.

Ross Valley Sanitary District (RVSD)

RVSD submitted the following comments:

The property was brought into compliance with RVSD codes in 2014 and the proposed changes will not affect the sewer and will not add any capacity to the existing system.

If changes are required to the sewer lateral, a sewer lateral permit will be required and other than that the site is considered exempt from RVSD testing requirement.

Marin Municipal Water District (MMWD), Fairfax Police, Public Works, and Building Departments

No comments/conditions were received from MMWD or the Fairfax Police, Public Works, or Building Departments.

RECOMMENDATION

Conduct the public hearing.

Move to approve application # 21-22 by adopting Resolution # 2021-25 setting forth the findings and conditions for the project approval.

ATTACHMENTS

A – Resolution No. 2021-25

B - Tree Removal Recommendation application and letter from Vacarro's Tree Service

C – Applicants comments regarding tree application

RESOLUTION NO. 2021-25

A Resolution of the Fairfax Planning Commission Approving Application 21-22, for a Conditional Use Permit, Tree Removal Permit, and a Parking Variance, for An Addition to the Existing Residence at 31 Forrest Terrace, Assessor's Parcel No. 002-092-28

WHEREAS, the Town of Fairfax has received an application from Shelley Clark and Colin Kelly to construct a 146 square-foot, bedroom addition onto an existing 940 square-foot, one bedroom, one-bathroom, single-family residence and to remodel a portion of the existing bedroom/closet into a short hallway with three closets: and

WHEREAS the Planning Commission held a duly noticed Public Hearing on October 21, 2021, at which time the Planning Commission determined that the proposed project complies with the Town Zoning Ordinance; and

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

WHEREAS, the Commission has made the following findings:

The proposed project complies with the following 2010-2030 Fairfax General Plan Policy;

General Plan (GP) Policy LU 7.1.5; New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size, and mass.

Conditional Use Permit Findings (Town Code § 17.052.060)

1. The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

The proposed addition complies with the minimum and combined setback regulations, the height limit, the floor area, and lot coverage limitations and will restore the required three parking spaces to the site. Therefore, the approval of the conditional use permit shall not contravene the doctrines of equity and equal treatment.

2. The development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

The addition/remodel will result in the removal/pruning of only six Bay trees, one of which is dead, from the wooded site, complies with all the RD 5.5-7 Zone regulations, will require minimal excavation, will not alter existing drainage patterns, and will restore the required three parking spaces to the site. Therefore, the project will not cause excessive or unreasonable detriment to adjoining properties substantially beyond that which might occur without issuance of the conditional use permit.

3. Approval of the use permit is not contrary to those objectives, goals, or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.

The expansion of the residence from a 940 square-foot, one bedroom, one-bathroom, single-family residence to a two-bedroom, one bathroom, 1,086 square-foot, single-family residence under the use permit shall not change the residential character of the neighborhood and requires the approval of no exceptions to the setback, height, lot coverage or floor area ratio regulations for the RD 5.5-7 Zone. Therefore, approval of the use permit is not contrary to those objectives, goals, or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.

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

Approval of the use permit for the modest addition which will be built in an area of the site already disturbed by the construction of the patio will provide reasonable and much needed space for the residents while complying with all the RD 5.5-7 Zone development regulations. Therefore, approval of the conditional use permit will result in equal or better development of the premises.

Parking Variance Findings [Town Code § 17.028.070(B)]

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specified regulation.

The variance being requested to the parking regulations is not to decrease the number of required parking spaces, but for relief from the covered parking space requirement and to make two of the required spaces compact in size (8' x 16"). Therefore, neither present nor anticipated traffic volumes generated by the resulting two-bedroom, one bathroom residence do not require the strict interpretation of the parking code and the construction of one covered parking space or the provision of three, full sized, 9 ft. x 19 ft. spaces.

2. Granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.

The variance from the covered parking space requirement and the approval of two compact spaces will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.

3. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

The parking exceptions to have no covered parking space and to allow two of the required three on-site parking spaces be compact 8 ft. x 16 ft. spaces will not create a safety hazard or any other condition inconsistent with the objectives of the zoning ordinance.

Tree Removal/Pruning Permit

The proposed removal of four Bay Trees (one of them dead) and the topping of another two bays as depicted on the revised site plan dated received by the town on October 11, 2021, is necessary to prevent future property damage to the site and property and their removing/pruning will not change the overall character of the surrounding neighborhood or the site.

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

1. The approval is limited to the plans prepared by Laura Kehrlein of Frederic C. Divine Associates, Architecture, including revised site plan page A1 showing the tree locations, dated received by the Town 10/11/21, and plan pages dated received by the Town 8/4/21, pages, A2.0, A2.1 and A3.0.
2. Prior to issuance of the building permit for the project the applicant or his assigns shall:
 - a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:
 - Construction delivery routes approved by the Department of Public Works.
 - Construction schedule (deliveries, worker hours, etc.)
 - Notification to area residents
 - Emergency access routes
 - b. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction delivery routes (routes must be approved by Public Works Director).

- c. Submit a cash deposit, bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible damage to public roadways. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.
 - d. The foundation shall be designed by the architect certified to design such plans in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the project engineer and submitted to the satisfaction of the Town Engineer or Building Permit Plan Checker.
 - e. The grading and drainage elements shall also be stamped and signed by the project architect.
 - f. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the development conformance with their recommendations.
 - g. Prior to submittal of the building permit plans, and if a sprinkler system is going to be installed in the project, a separate fire suppression system application shall be filed and approved by the Ross Valley Fire Department with an approved copy of the plan included in the building permit application.
3. During the construction process the following shall be required:
 - a. The Building Official shall field check the concrete forms prior to the pour.
 - b. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.
 - c. 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.
4. The project architect shall field check the completed project prior to issuance of the occupancy permit and submit written certification to the Town Staff that the foundation, grading and drainage elements have been installed in conformance with the approved building plans.

5. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
6. **Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 21-22 or the approval of the Planning Director of minor changes that do not modify the intent of this approval. Any construction based on job plans that have been altered without the benefit of an approved modification by the Planning Commission or the Planning Director of Application 21-22 will result in the job being immediately stopped and red tagged.**
7. Any damages to the public portions of Forrest Terrace, Forrest Avenue, Meernaa Avenue, Creek Road or Bolinas Road or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
8. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.
9. 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.

10. The applicant must comply with all conditions imposed by an outside agency unless that agency waives its conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.
11. Any new exterior fixtures installed as part of this project 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.

Ross Valley Fire Department

12. Fire apparatus access shall extend to within 150 ft. of all portions of the first-floor exterior walls.
13. A 20-foot wide by 40-foot-long fire lane shall be provided if one does not already exist in accordance with RVFD Standard 210, design requirements for turnouts, to maintain defensible space.
14. All hazardous vegetation within 100 feet of the structure shall be cleared and removed and all vegetation within 10 feet of the fire lanes shall be removed as a condition of approval for this project.
15. Smoke and carbon monoxide detectors provided with AC power and interconnected must be installed in all required locations throughout the building.
16. Address numbers at least four inches tall must be installed adjacent to the front door and at the bottom of the driveway where visible from Forrest Terrace and both must be illuminated at night.
17. and the applicant may propose alternative materials or methods in place of any of the above conditions in accordance with Fire Code section 103.3 with the plans set submitted for final approval by the fire department.

Marin Municipal Water District

18. The project shall comply with all requirements of District Code 13 – Water Conservation.
19. Backflow protection shall be installed as a condition of water service.

Other outside agency requirements

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

Miscellaneous

21. The storage shed located within the approved parking area shall be removed prior to the project final inspection and issuance of certificate of occupancy.

22. Any new 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.

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

The approval of Conditional Use Permit, Tree Removal Permit and Parking Variance permit is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the project 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 21st day of October 2021, by the following vote:

AYES:

NOES:

ABSENT:

Chair Mimi Newton

Attest:

Ben Berto, Director of Planning and Building Services



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

Date: September 29, 2021

Permit #21-T-72

NOTICE OF TREE COMMITTEE ACTION

This action may be appealed to the Fairfax Town Council within 10 days of the Tree Committee decision. This permit is not in effect until the 10 day appeal period is over.

Request for a tree permit to remove: (6) Bay Laurel

Address of Tree(s) to be removed: 31 Forrest Terrace

Applicant's Phone: Colin Kelly & Shelley Clark (415) 510-5735 (Colin)

On September 27, 2021 the Fairfax Tree Committee took the following action on the above referenced tree permit application:

_____ APPROVED

REMINDER: PLEASE KEEP PERMIT NOTICE UP DURING THE 10 DAY WAITING PERIOD

CONTINUED - 6 Bay Laurel Trees

For recommendation only to the Planning Commission

Only Romaidis and Benson were successful in gaining access to the property and inspecting the trees. Therefore we did not have a voting quorum and the application will be continued to the October 25, 2021 Tree Committee meeting.

_____ DENIED

CONDITIONS OF APPROVAL:

THIS APPROVED APPLICATION IS YOUR PERMIT-KEEP IT ON THE JOB SITE. FAILURE TO HAVE THE PERMIT ON THE SITE WHILE THE TREE WORK IS IN PROGRESS MAY RESULT IN THE WORK BEING HALTED UNTIL YOU SHOW PROOF OF APPROVAL.

Please verify that the tree company performing the work has a current Fairfax Business license and worker's compensation coverage.

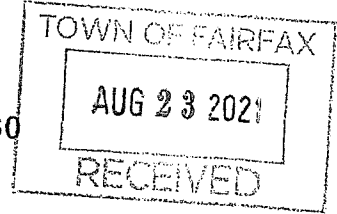
THIS TREE PERMIT EXPIRES IN SIX MONTHS. If necessary, you may apply for an extension in writing prior to the expiration date.

ATTACHMENT B

tree branches must be 5 ft away
10ft for changes



TOWN OF FAIRFAX
142 BOLINAS ROAD, FAIRFAX, CA 94930
(415) 453-1584 / FAX (415) 453-1618



APPLICATION FOR TREE REMOVAL OR ALTERATION

A permit is required to remove or alter one or more trees on any parcel in the Town of Fairfax. All trees for which a permit is requested shall be tagged with an orange ribbon, a minimum of 10 days prior to the Tree Advisory Committee meeting date. Applicants must also post a notice of intent to alter or remove the marked Tree(s) in a prominent location visible along the frontage of the affected property.

APPLICANT INFORMATION

OWNER (APPLICATIONS MUST BE FILED BY PROPERTY OWNER): Colin Kelly & Shelley Clark	DATE OF APPLICATION: 8/23/2021
JOB ADDRESS/ASSESSOR'S PARCEL NO. IF SITE IS VACANT 31 Forrest Terrace	PHONE NUMBER: 415-510-5735 (Colin cell)
EMAIL ADDRESS: colinhkelly@gmail.com, clark.d.shelley@gmail.com	FAX NUMBER: NONE
PROPERTY OWNER'S ADDRESS IF DIFFERENT FROM ABOVE	ALTERNATE PHONE NUMBER: 601-941-8361 (shelley cell)

TREE INFORMATION

① SPECIES AND DESIGNATION OF HERITAGE/SPECIMEN/UNDESIRABLE TREE: Bay laurel	CIRCUMFERENCE BREAST HEIGHT: 28.26" REASON FOR REMOVAL ALTERATION leaning over house
② SPECIES AND DESIGNATION OF HERITAGE/SPECIMEN/UNDESIRABLE TREE: bay laurel	CIRCUMFERENCE BREAST HEIGHT: 22" REASON FOR REMOVAL ALTERATION leaning over proposed addition/construction
③ SPECIES AND DESIGNATION OF HERITAGE/SPECIMEN/UNDESIRABLE TREE: bay laurel	CIRCUMFERENCE BREAST HEIGHT: 17.75" REASON FOR REMOVAL ALTERATION same
④ SPECIES AND DESIGNATION OF HERITAGE/SPECIMEN/UNDESIRABLE TREE: bay laurel	CIRCUMFERENCE BREAST HEIGHT: 25.12" REASON FOR REMOVAL ALTERATION dead
⑤ bay laurel #5 <u>ALTERATION</u>	26.7"; needs to be topped - leaning over proposed addition
⑥ bay laurel	22" same as above

Please attached a site plan to this application showing the location and species of all trees with a diameter of 4 inches (circumference of 12 inches or more), measured 4.5 feet above grade at tree base, property boundaries and easements, location of structures, foundation lines of neighboring structures and paved areas including driveways, .

#6 ALTERATION

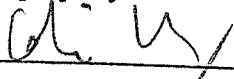
Any tree company used for the removal or alteration must have a current and valid Fairfax Business license. Please include the name, address, and phone number of the person or company doing the above listed work:

NAME: Vaccaro's tree service	PHONE NUMBER: 415-457-7134
ADDRESS: 57 Manor Rd., Fairfax	CONTRACTOR BUSINESS LICENSE NUMBER: 787460

Please note the Tree Advisory Committee may require applicants to submit their application to a Qualified Arborist for a report or recommendation at the expense of the applicant. A Qualified Arborist is defined as a Certified Arborist, A Certified Urban Forester, a Registered Consulting Arborist, or a Registered Professional Forester.

OWNER'S STATEMENT

I understand that in order to properly process and evaluate this application, it may be necessary for Town personnel to inspect the property, which is the subject of the application. I also understand that due to time constraints it may not always be possible for Town personnel to provide advanced notice of such inspections. Therefore, this application will be deemed to constitute my authorization to enter upon the property for the purpose of inspecting the same, provided that Town personnel shall not enter any building on the property except in my presence or the presence of any other rightful occupant of such building. I understand that my refusal to permit reasonable inspection of any portion of the property by town personnel may result in a denial of this application due to the lack of adequate information regarding the property.



 Signature of Property Owner

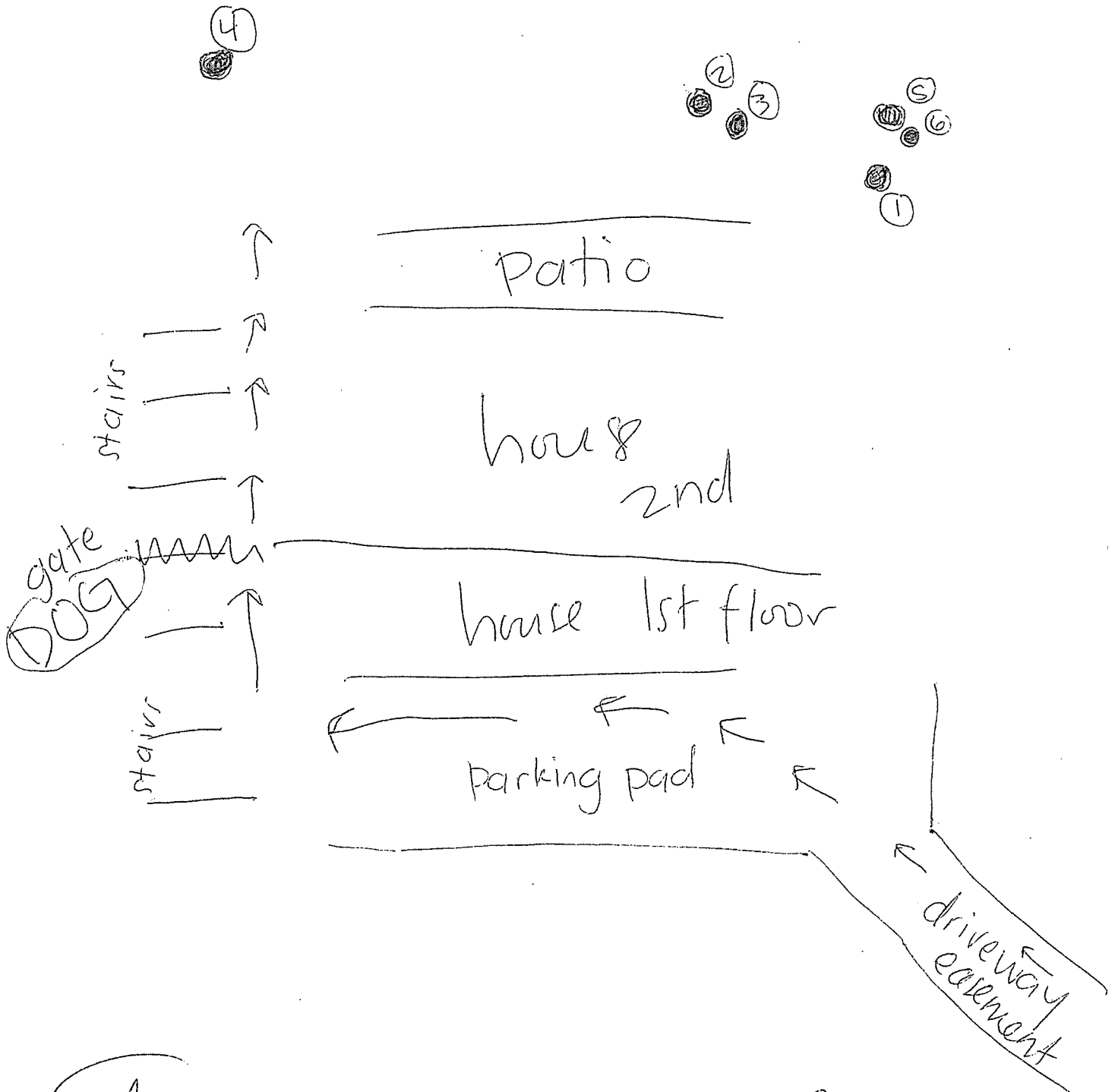


Date 8/23/2021

[AREA BELOW FOR STAFF USE ONLY]

Permit Number: 21-T-72	
Date Received: 8-23-21	Received by: S. Waten
Conditions of Approval:	
Tree Committee Action:	Date:

Tree Committee Actions can be appealed to the Town Council within 10 days of the Tree Committee Action. Contact Town Hall for more information.



★ Call First 601-941-8361 (Dog in yard)

31 Forrest ^{mailbox} Terraco

Linda Neal

From: Shelley Clark <clark.d.shelley@gmail.com>
Sent: Thursday, October 7, 2021 1:09 PM
To: Laura Kehrlein; Linda Neal
Cc: Colin Kelly
Subject: Re: FW: 31 Forrest Terrace

Hi Laura and Linda,

We are hopeful to be on the Planning Commission's October calendar, despite our lack of understand of the tree permit process.

Here is an explanation for why only two committee members came to see the trees in our backyard -

I asked Susan to put a note on our application (she did) asking members to call before coming because we have a dog that lives in the backyard that is not friendly to strangers. Four committee members came to our home with no notice - one person came while we were home and we let them in to the backyard, another let herself in (thank goodness our dog was not outside to bite her), another came when we were not home and refused to reschedule a different time to come, another came when we were not home and scheduled a different time to come but did not show up for the scheduled time.

As an aside, I think the tree committee process works better for large trees in front yards rather than small (4 inch dbh) trees in backyards.

We would be glad to send photos or a video if that would help.

I notice in Linda's email that we need an arborist analysis. This was not mentioned in the application. We had an arborist (Vaccaro's Tree Service) come look at our yard, and they recommended which trees should come down.

Vaccaro's Tree Service is writing us a letter outlining why each tree needs to be altered or cut. We will have that by early next week and will send it over as soon as we get it.

We hope to be on the October 21, 2021 Planning Commission calendar. If the tree issue is confusing the larger issue of our permit, we can leave the tree permit for now and just focus on the renovation.

Thanks,

Shelley Clark and Colin Kelly

On Thu, Oct 7, 2021 at 9:32 AM Laura Kehrlein <laura@fdivinearchitects.com> wrote:

Shelley and Colin

See Linda Neal's message below regarding the tree committee. Are you able to provide a response that I can forward back to Linda?

ATTACHMENT C

Thank You

Laura Kehrlein

Project Architect

Fredric C Divine Architects

1924 Fourth Street

San Rafael, CA 94901

Ph: 415-457-0220 x 103

Cell: 415-300-7337

Fax: 415-454-9581

From: Linda Neal <lneal@townoffairfax.org>
Sent: Thursday, October 7, 2021 6:49 AM
To: Laura Kehrlein <laura@fdivinearchitects.com>
Subject: 31 Forrest Terrace

Hi Laura,

So I don't know if you heard that for some reason the tree committee continued the tree recommendation request on 31 Forrest Terrace. The letter of action indicated that only 2 members of the Committee were able to get onto the property to view the trees which I don't understand.

Anyway, the Code says the Tree Committee has to make their recommendation within 30 days of receiving the application. I would like to take 31 Forrest Terrace to the October 21, 2021 meeting without the recommendation....we actually have done that when the tree committee fails to act in a timely fashion on new houses, but would like some additional information on the trees if possible.

I know the trees are leaning over the proposed addition so can you provide me with some WUII regulation or something from whoever advised them that the trees have to come out so the Commission has something to reference when acting without the Tree Committee recommendation? If we have nothing I am not sure it will be wise to proceed without the recommendation. The new houses we took forward had arborist analysis verify that the trees had to come out for fire reasons or because of their health.

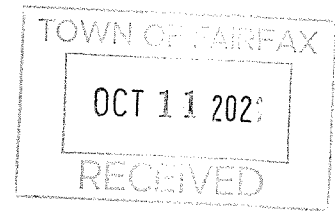
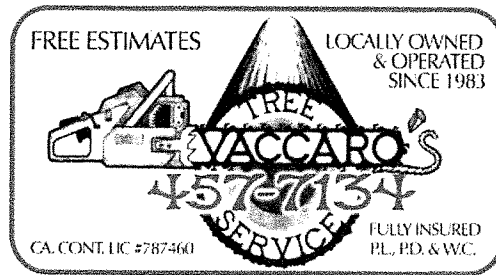
Let me know if you can come up with anything.

Thanks,

Linda Neal

Principal Planner

(415) 453-1584



October 5th, 2021

I, Louie Contreras , have recently assessed Tree Work at 31 Forrest Terrace in Fairfax for Mr. Colin Kelly.

Please find below, 6 items we aim to work on.

- 1.) Bay Tree located at Back Right Corner of Home is leaning over patio and Home. I recommend removal as it targets Patio and Home
- 2.) Remove 2 Small Bay Trees above Retaining Wall, leaning over Patio, for Retaining Wall Safety
- 3.) Reduce 2 Spar Bay Trees height, right of Stairs going uphill, above Home, for Growth Control and to negate future Failure .
- 4.) Reduce, by approximately 20%, 3 Spar Bay Tree at Left of Stairs, for Growth Control and to negate future Failure .
- 5.) Remove small dead Bay Tree, above Live Oak Tree, for Fire Hazzard
- 6.) Deadwood 3 Spar Bay Tree at Right of Chairs – across Stairs – for health of Tree

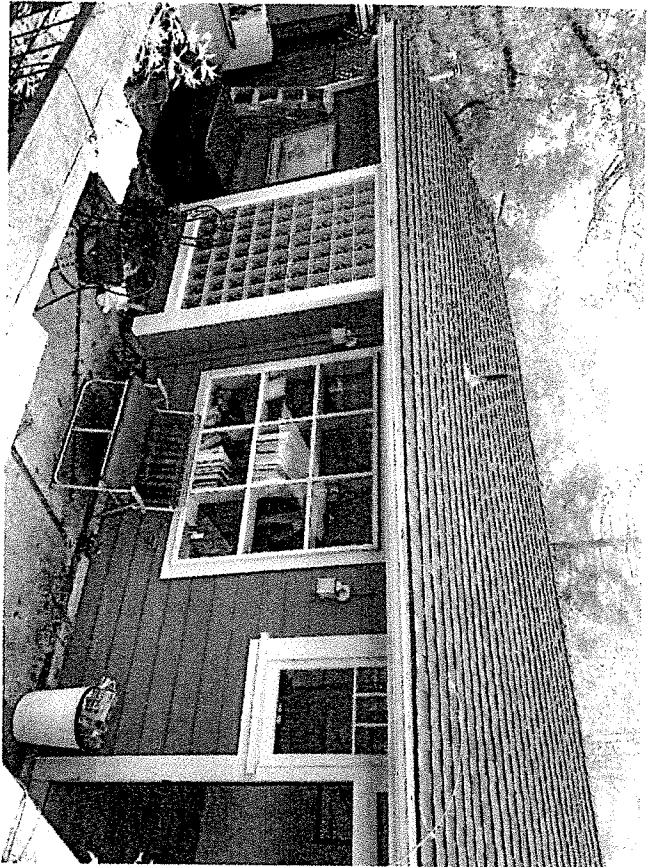
Feel free to contact me with any questions.

Louie Contreras

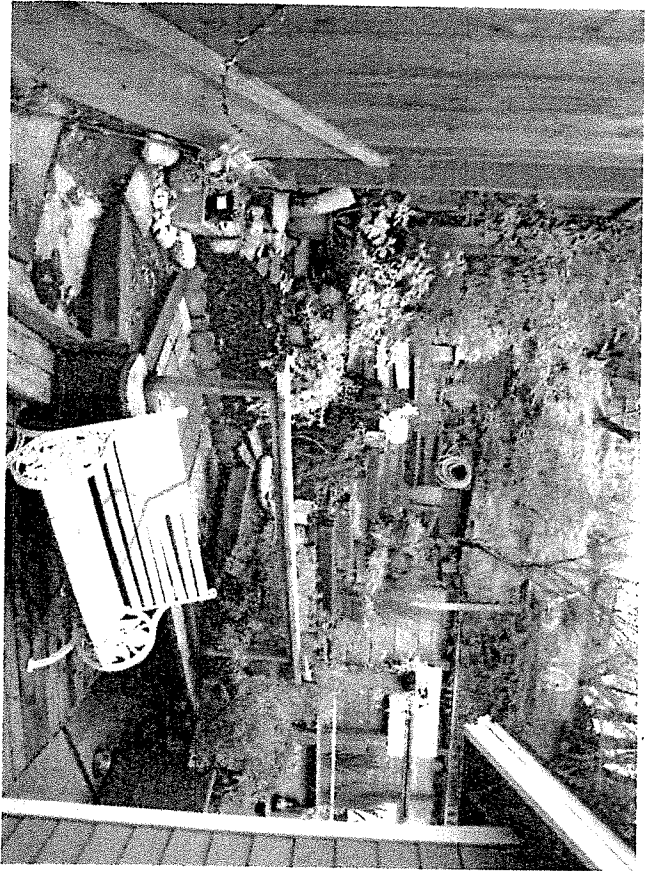
Vaccaros Tree Service

(415) 419 – 1262

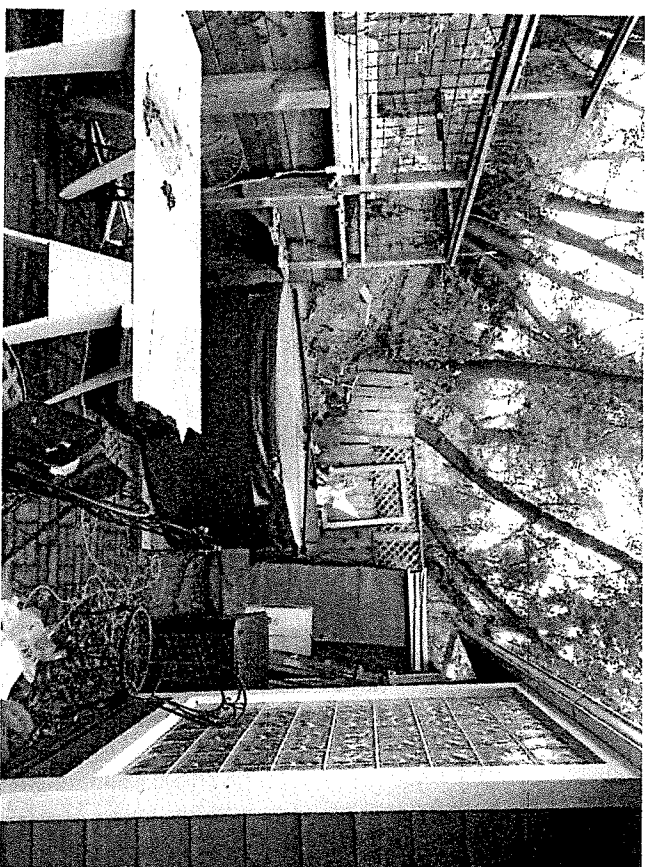
31 FOREST TERRACE



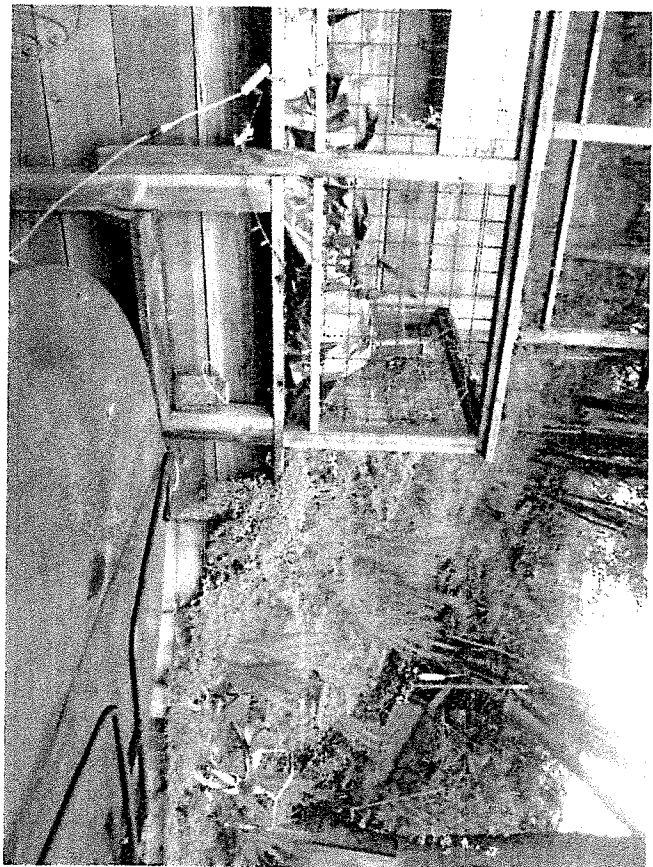
Existing rear of house.



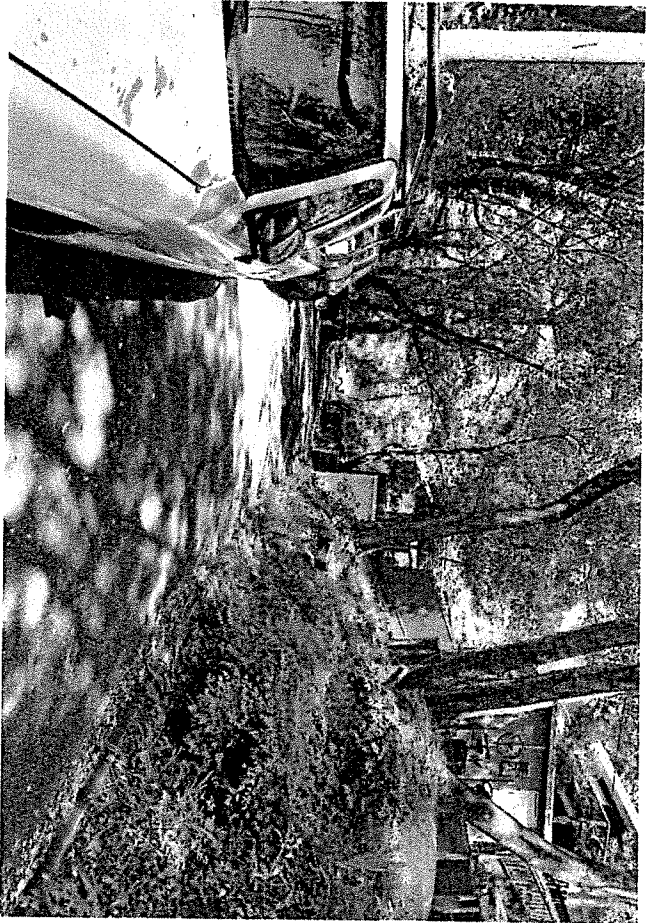
Existing rear yard.



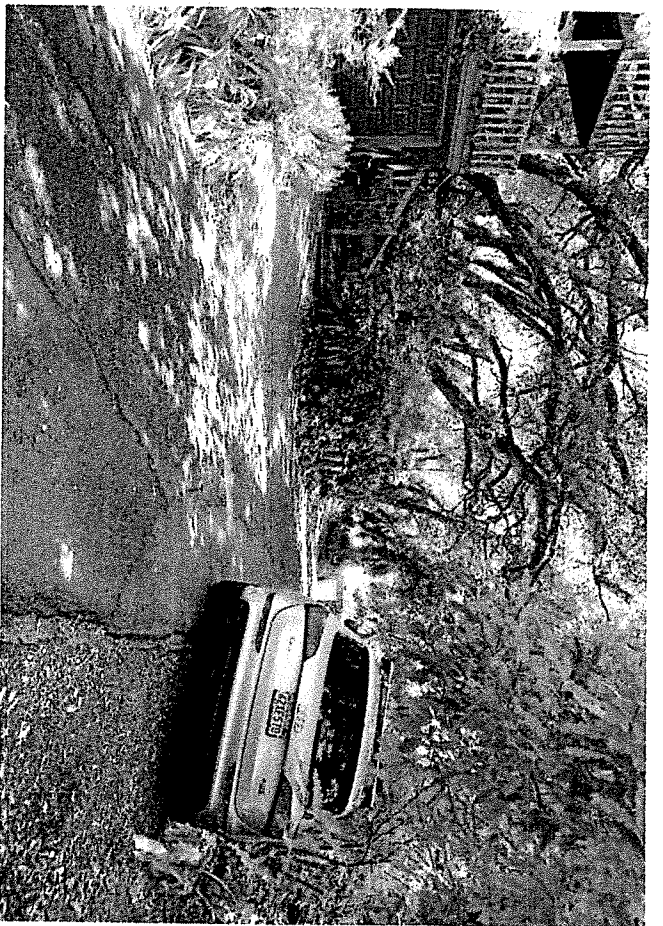
Location of proposed addition.



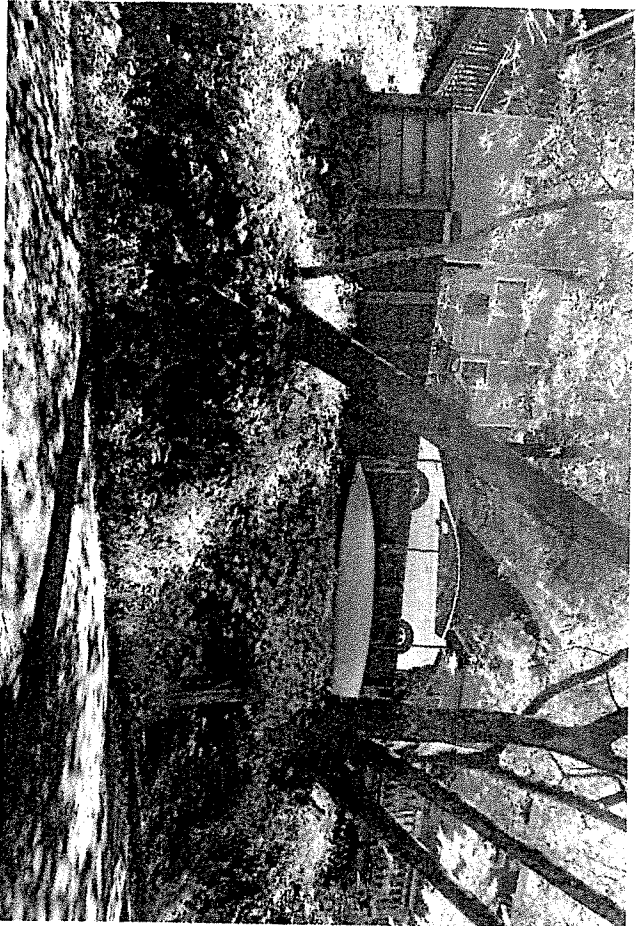
Existing rear yard at proposed addition.



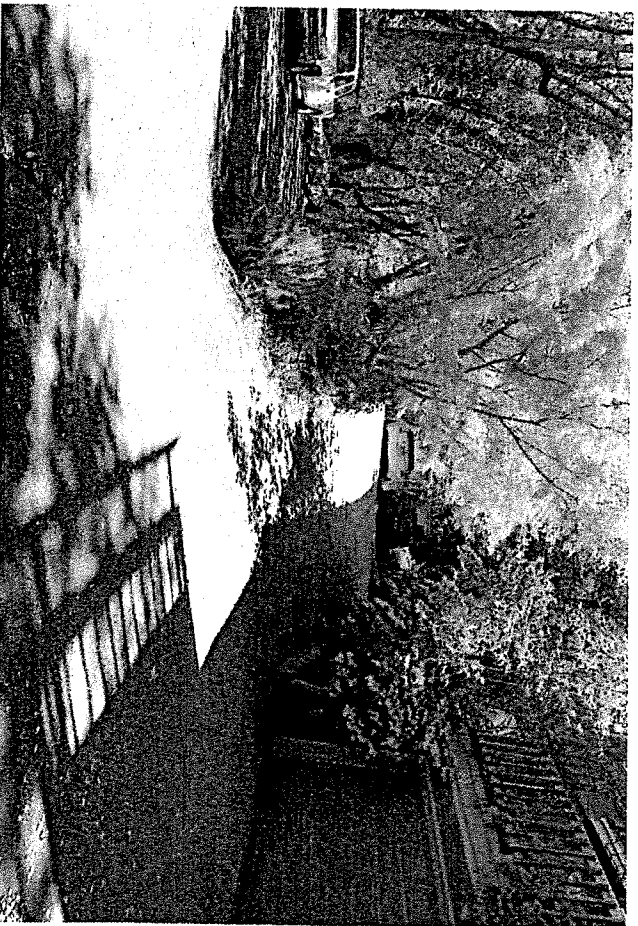
View North on Forrest Terrace.



View South on Forrest Terrace.

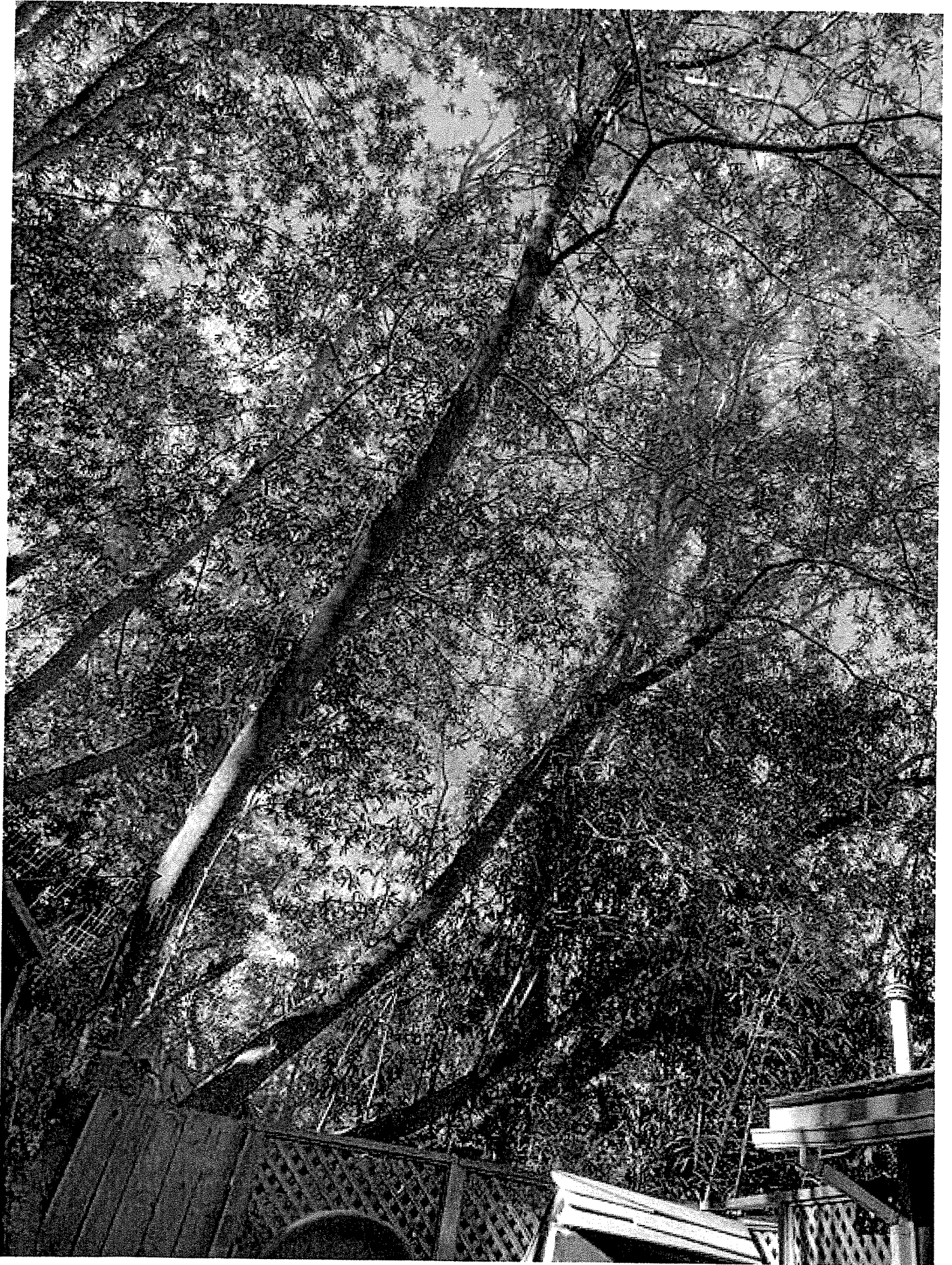


View of property from Forrest Terrace



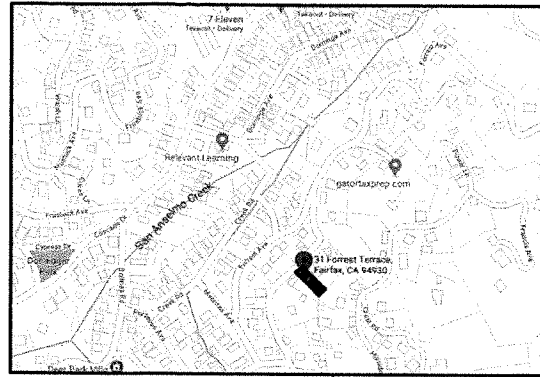
Existing parking from easement.











SUBJECT PROPERTY



2 VICINITY MAP
A1

SCALE: N.T.S.

PROJECT DATA

ASSESSOR'S PARCEL NUMBER	002-092-28			
ZONING	RS - 6 : RESIDENTIAL			
CONSTRUCTION TYPE	TYPE VB NON-SPRINKLERED			
FLOOD ZONE	X			
LOT AREA	7,402 SF (CAD MEASUREMENT)			
AVERAGE SLOPE	49.04 (MARIN MAP)			
BUILDING AREA	EXISTING	REMODELED	NEW	PROPOSED
UPPER FLOOR	644 SF	143 SF	146 SF	790 SF
LOWER FLOOR	296 SF	0 SF	0 SF	296 SF
LIVING AREA TOTAL	940 SF	143 SF	146 SF	1,086 SF

PROPOSED EXCAVATION 9 C.Y.

FLOOR AREA RATIO (E)
940 SF = .13
7,402 SF

FLOOR AREA RATIO ALLOWED
7,402 SF x .40 = 2,960 SF
FLOOR AREA RATIO PROPOSED
1,086 SF = .15
7,402 SF

LOT COVERAGE	EXISTING	REMOVED	NEW	PROPOSED
STRUCTURE	644 SF	0 SF	146 SF	790 SF
PORCH	13 SF	0 SF	0 SF	13 SF
SHED	72 SF	0 SF	0 SF	72 SF
TOTAL	729 SF	0 SF	146 SF	875 SF

LOT COVERAGE ALLOWED
7,402 SF x .35 = 2,591 SF

LOT COVERAGE EXISTING
729 SF = .10
7,402 SF

LOT COVERAGE PROPOSED
875 SF = .12
7,402 SF

SCOPE OF WORK

.. NEW 146 SF BEDROOM ADDITION

INDEX OF DRAWINGS

A1	PROJECT DATA, SITE PLAN
A2.0	AS BUILT / DEMO FLOOR PLANS
A2.1	PROPOSED FLOOR PLAN / BUILDING SECTION
A3	AS BUILT / PROPOSED ELEVATIONS

ARCHITECTS
FREDRIC C. DIVINE ASSOCIATES
1924 FOURTH ST., SAN RAFAEL, CA 94901
Phone: (415) 457-0220 Fax: (415) 454-9581

RESIDENTIAL ADDITION
31 FORREST TERRACE
FAIRFAX, CA 94930
APN: 002-092-28
FOR: COLIN KELLY & SHELLY CLARK

SITE PLAN

Revisions
05-17-21
07-28-21
10-08-21

PLANNING SUBMITTAL

PLANNING COMMENTS

TREE PERMIT

Date: 07-28-21

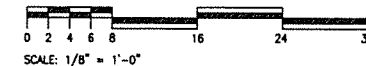
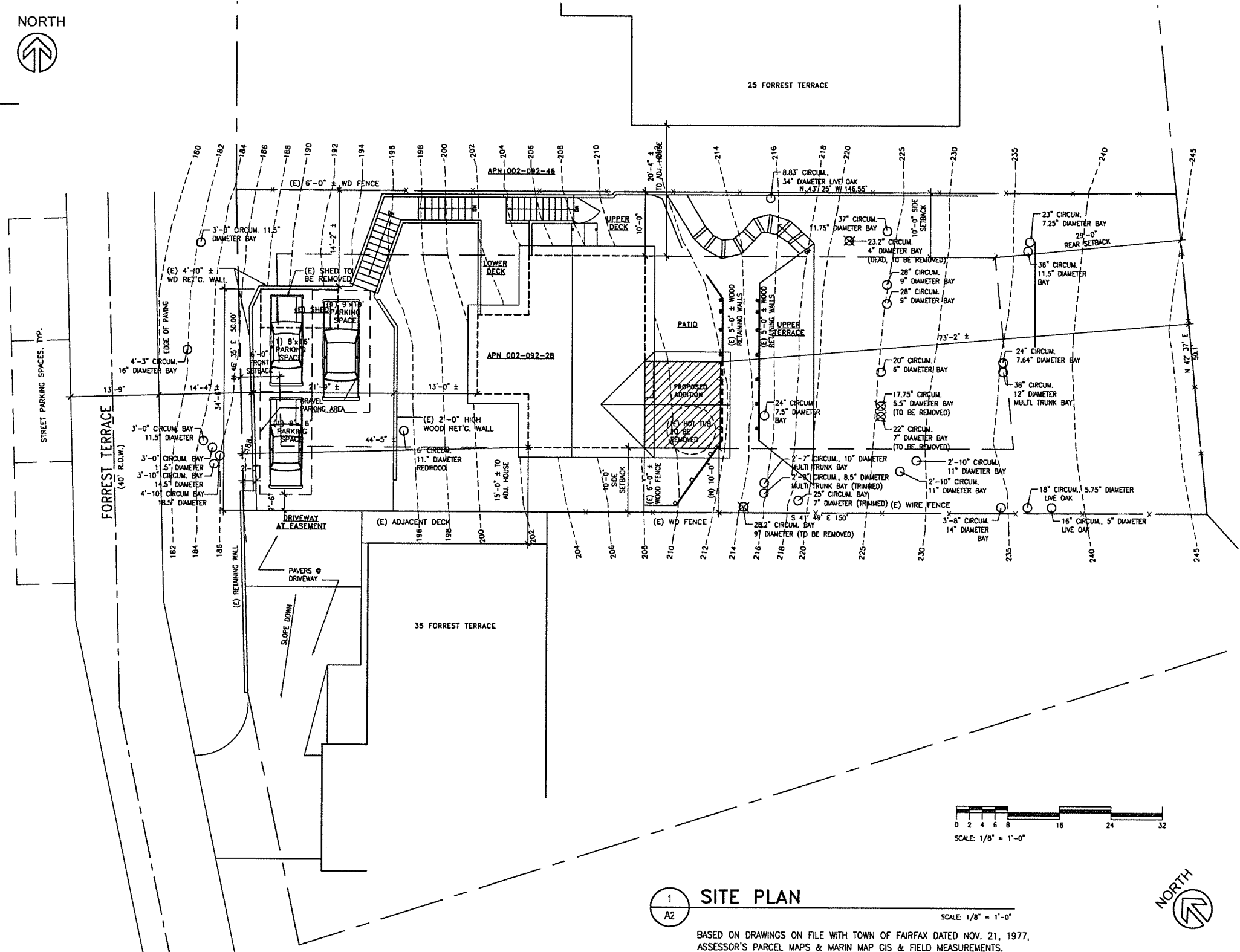
Scale: As Noted

Drawn: LSK/ MNP

Job #: 21007

Prototype: DIVINE

A1

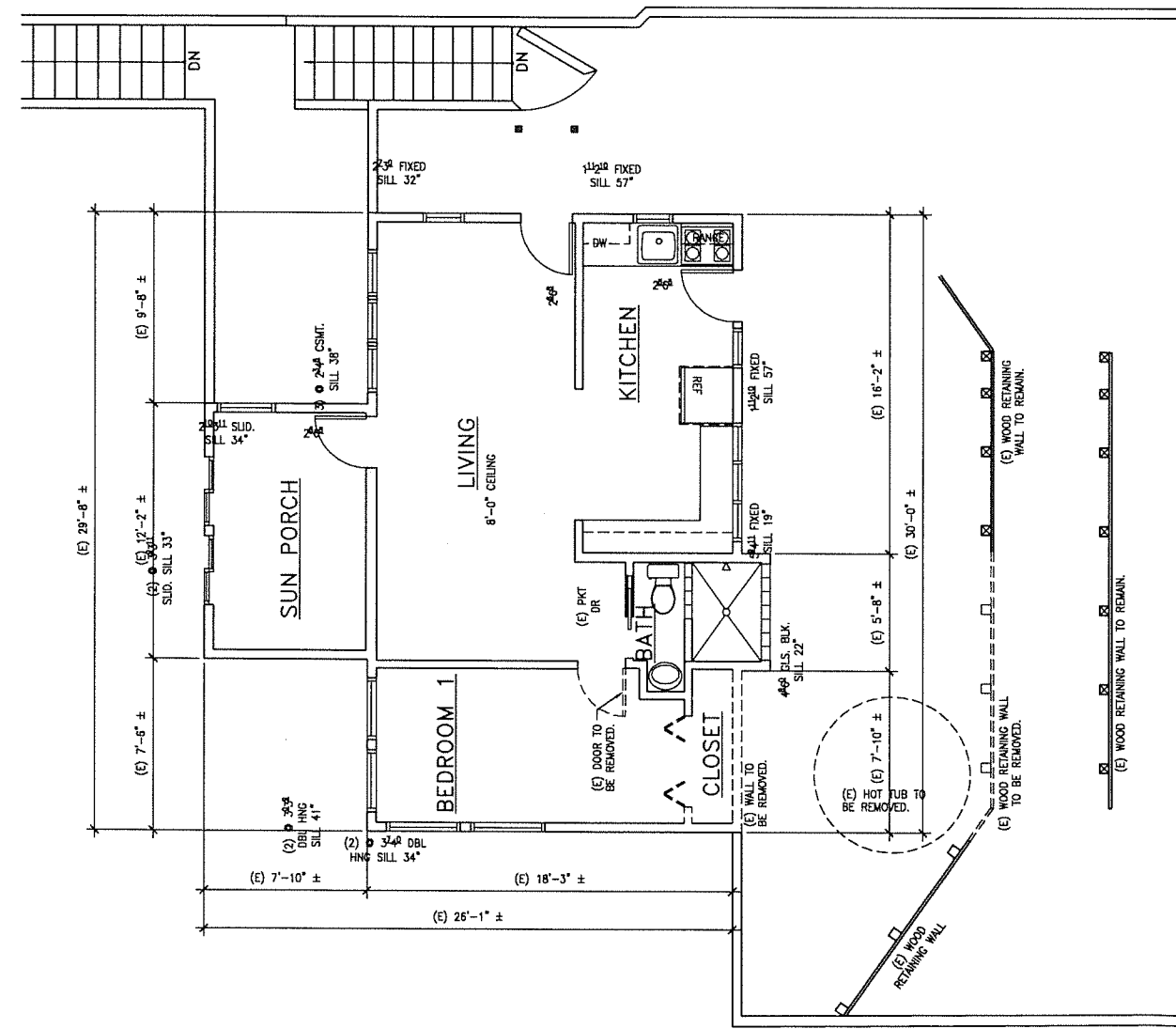
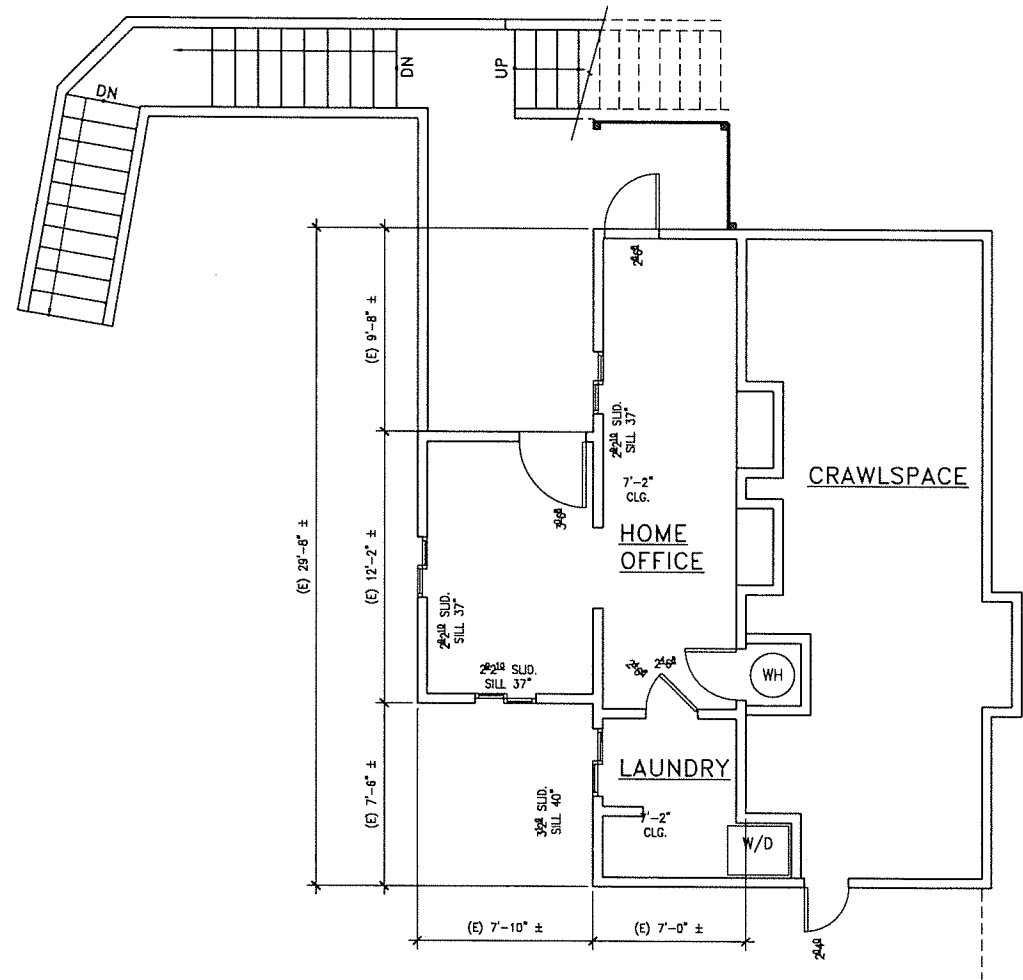


1 SITE PLAN
A2

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



BASED ON DRAWINGS ON FILE WITH TOWN OF FAIRFAX DATED NOV. 21, 1977,
ASSESSOR'S PARCEL MAPS & MARIN MAP GIS & FIELD MEASUREMENTS.



WALL LEGEND

	EXISTING WALLS TO REMAIN
	NEW WALLS - 2x6'S @ 16"o.c. U.N.O.
	EXISTING WALLS TO BE REMOVED
	NEW LOW WALLS

TOWN OF FAIRFAX
AUG 4 2021
RECEIVED

D:\C:\mk, Shelley 31 Forrest Ter\ACAD\AV9 - FLOOR PLANS.dwg, 5/16/2021 5:18:15 PM

A R C H I T E C T S
FREDRIC C. DIVINE ASSOCIATES
1924 FOURTH ST., SAN RAFAEL, CA 94901
Phone: (415) 457-0220 Fax: (415) 454-9561

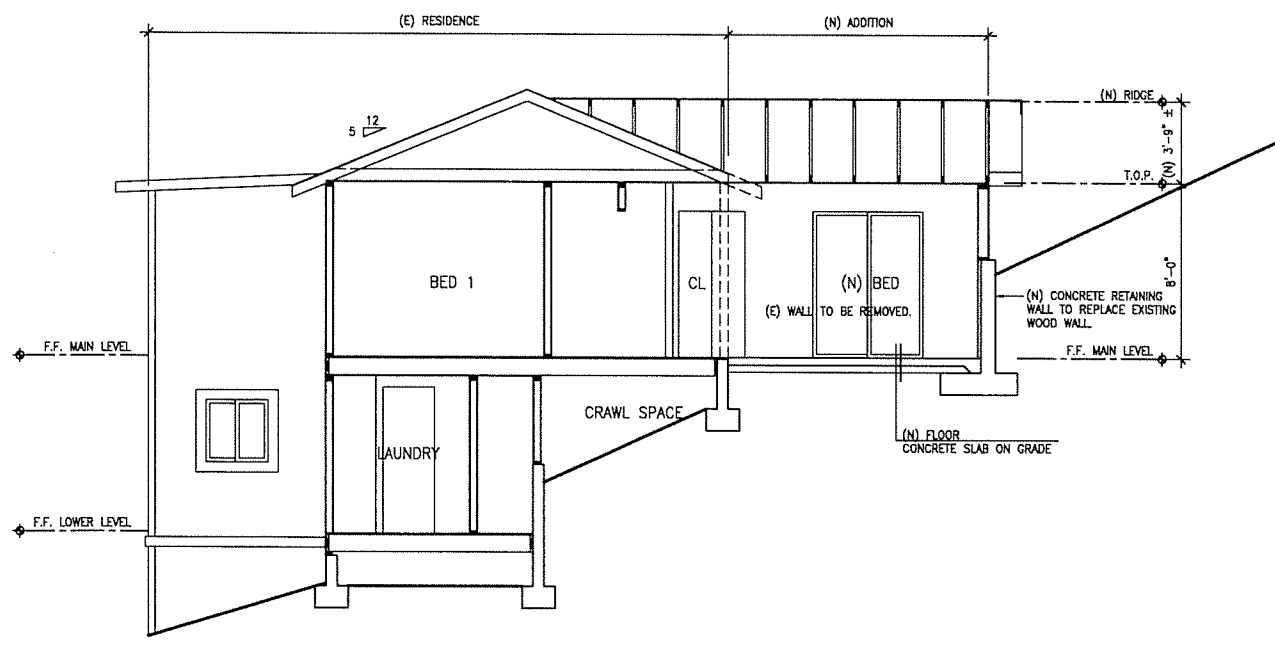
RESIDENTIAL ADDITION
31 FORREST TERRACE
FAIRFAX, CA 94930
APN: 002-092-28
FOR: COLIN KELLY & SHELLY CLARK

EXISTING LOWER FLOOR PLAN
EXISTING / DEMOLITION PLAN

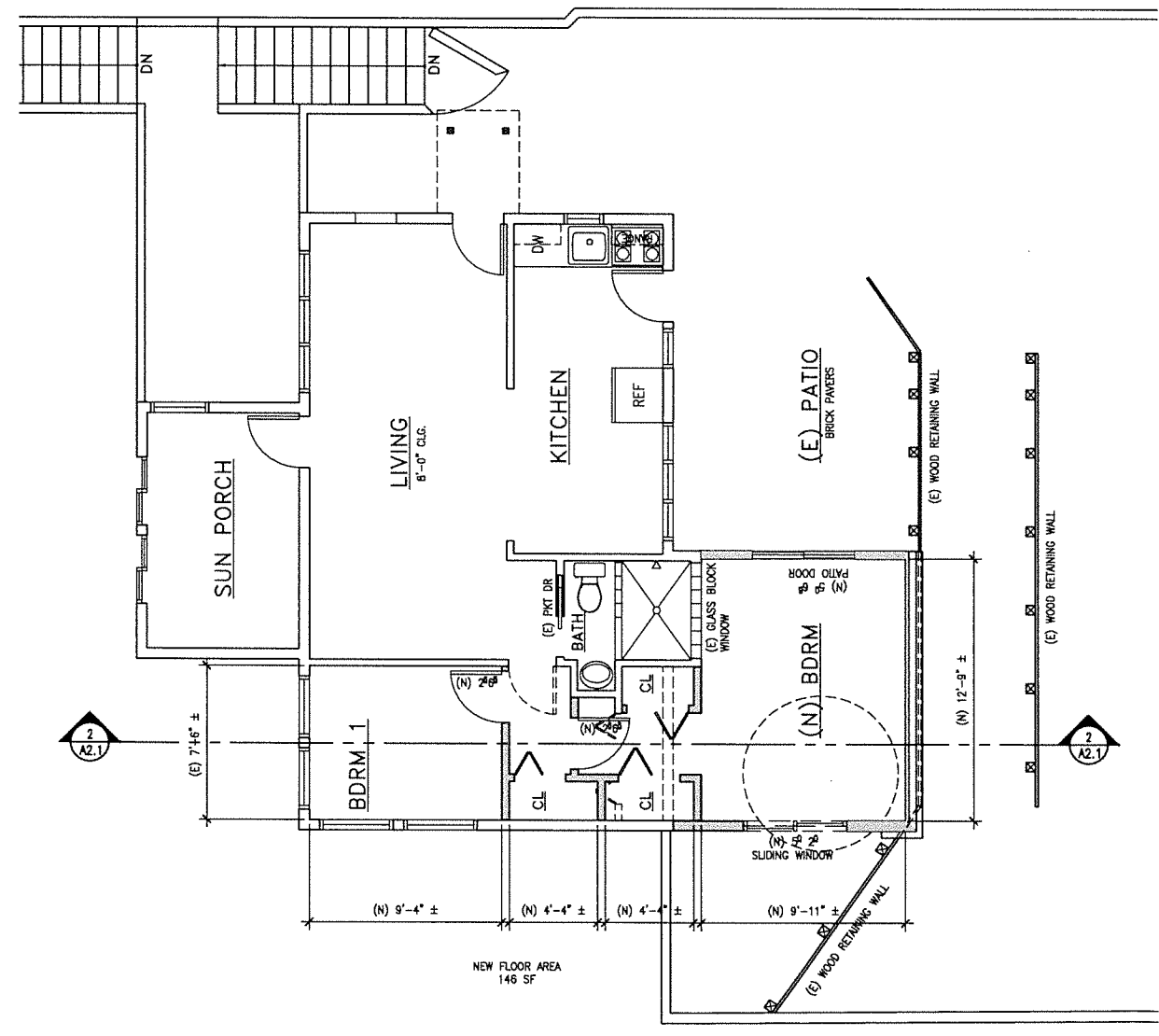
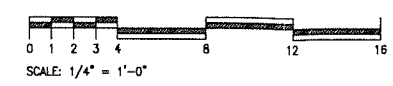
Revision	05-17-21
PLANNING SUBMITTAL	
Date:	05-17-21
Scale:	As Noted
Drawn:	LSK/ MNP
Job #	21007
Prototype	DMNE

A2

D:\Clink, Shelly 31 Forrest Ter\CAD\A2 - FLOOR PLANS.dwg, 5/16/2021, 5:18:51 PM



2 SECTION A-A
A2.1
SCALE: 1/4" = 1'-0"



1 PROPOSED FLOOR PLAN
A2.1
SCALE: 1/4" = 1'-0"



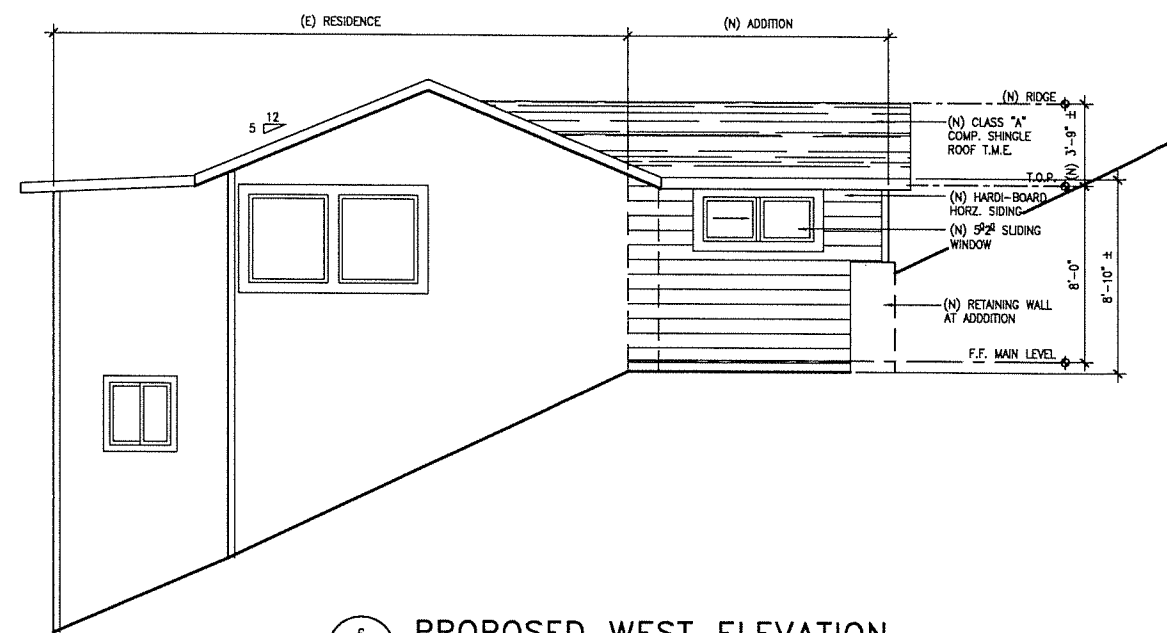
A R C H I T E C T S
FREDRIC C. DIVINE ASSOCIATES
1924 FOURTH ST. SAN RAFAEL, CA 94901
Phone: (415) 457-0220 Fax: (415) 454-9581

RESIDENTIAL ADDITION
31 FORREST TERRACE
FAIRFAX, CA 94930
APN: 002-092-28
FOR: COLIN KELLY & SHELLY CLARK

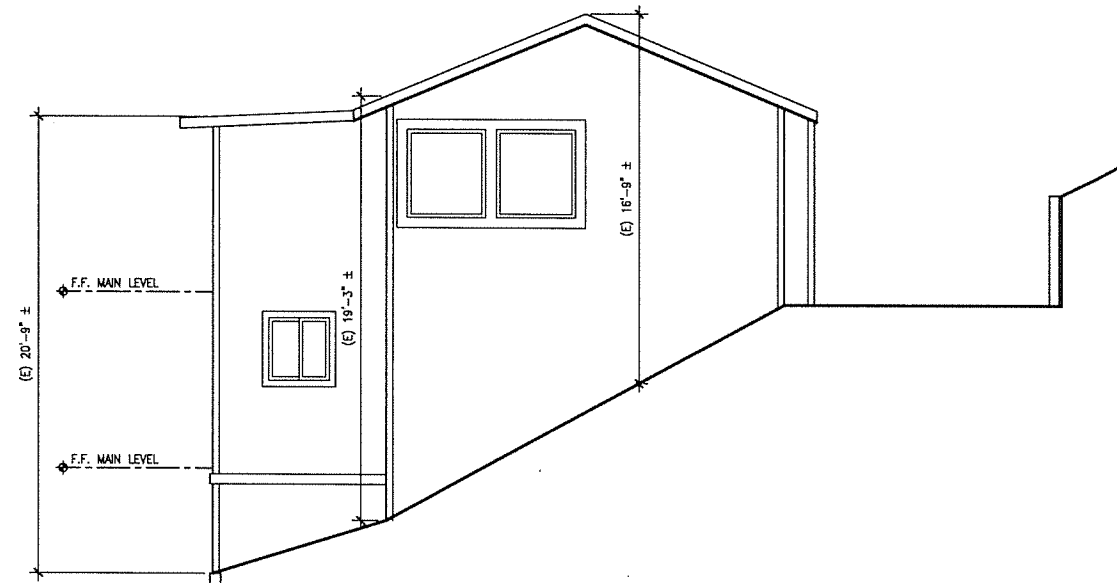
PROPOSED UPPER FLOOR PLAN
BUILDING SECTION

Revisions	05-17-21
PLANNING SUBMITTAL	
Date:	05-17-21
Scale:	As Noted
Drawn:	LSK/ MNP
Job #	21007
Prototype	DIVINE

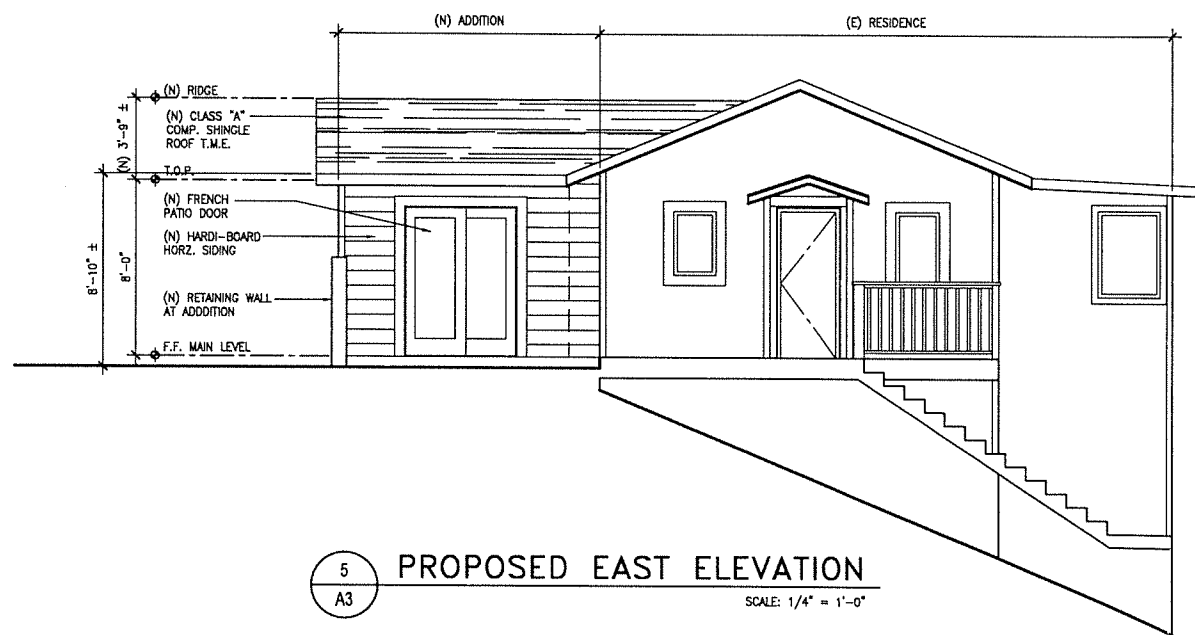
A2.1



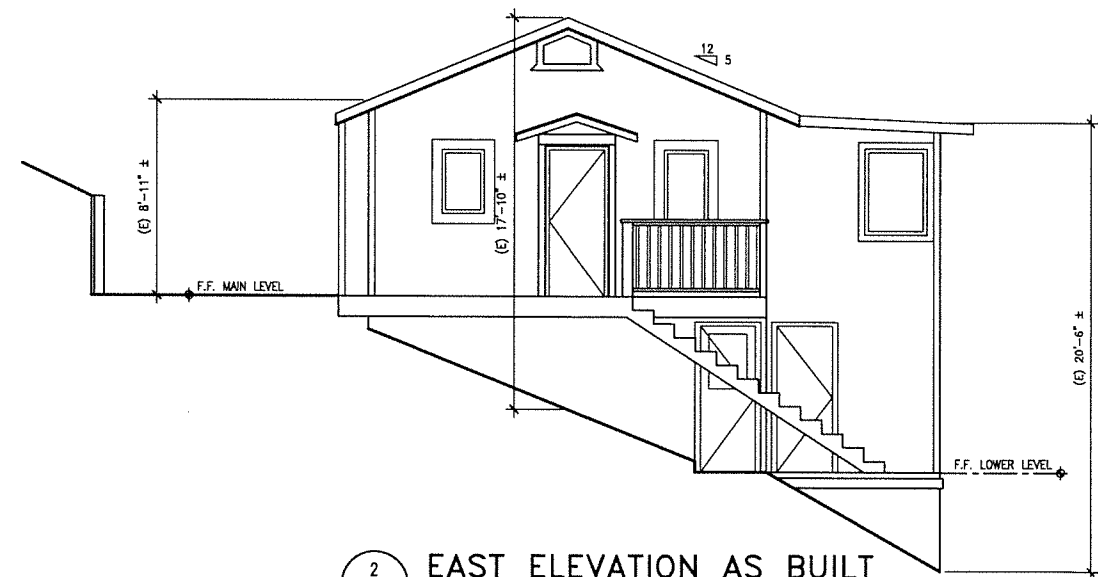
6 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"



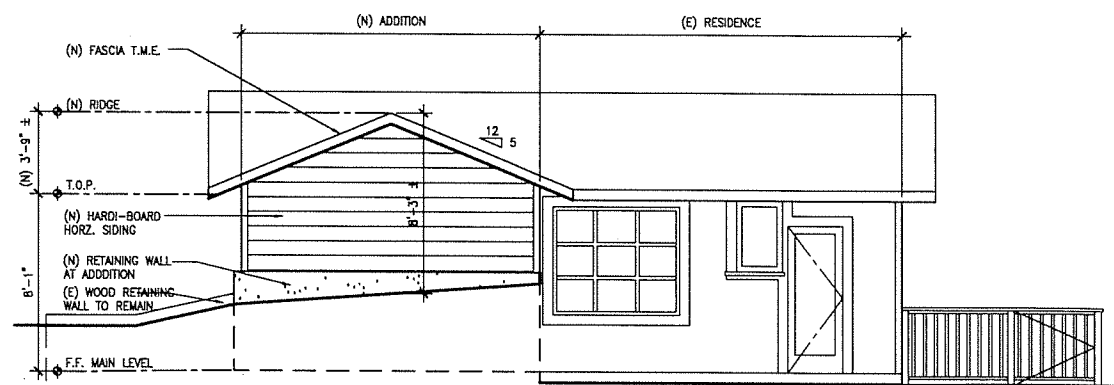
3 WEST ELEVATION AS BUILT
SCALE: 1/4" = 1'-0"



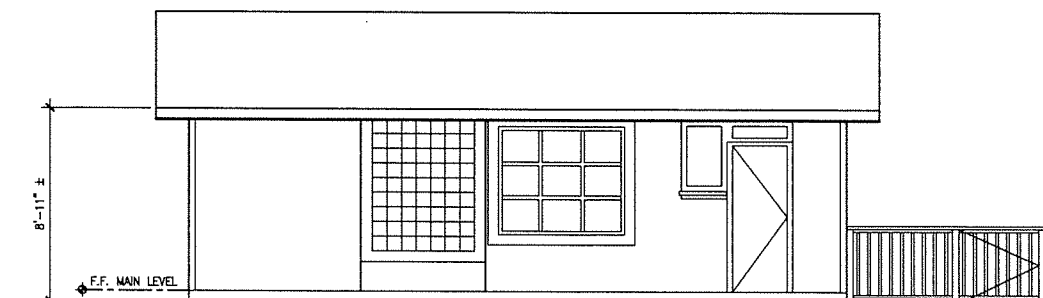
5 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"



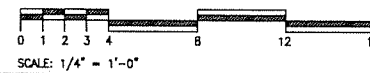
2 EAST ELEVATION AS BUILT
SCALE: 1/4" = 1'-0"



4 PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION AS BUILT
SCALE: 1/4" = 1'-0"



ARCHITECTS
FREDRIC C. DIVINE ASSOCIATES
1924 FOURTH ST., SAN RAFAEL, CA 94901
Phone: (415) 457-0220 Fax: (415) 454-9581

RESIDENTIAL ADDITION
31 FORREST TERRACE
FAIRFAX, CA 94930
APN: 002-092-28
FOR: COLIN KELLY & SHELLY CLARK

AS BUILT ELEVATIONS
PROPOSED ELEVATIONS

Revision	05-17-21
PLANNING SUBMITTAL	
Date:	05-17-21
Scale:	As Noted
Drawn:	LSK/ MNP
Job #	21007
Prototype	DIVINE

A3