



TOWN OF FAIRFAX

STAFF REPORT

October 6, 2022

TO: Mayor and Town Council

FROM: Linda Neal, Principal Planner

SUBJECT: Consider a Variance for 125 Live Oak (APN # 001-236-03) to have a 38-foot-wide driveway/parking deck per Town Code Chapter 12.12, and Code § 12.12.050 to access the Planning Commission approved single-family residence and ADU; Categorically exempt from CEQA, § 15303(a).

RECOMMENDATION

- 1) Conduct the Public Hearing
- 2) Adopt a Resolution approving Application # 22-17 for a Variance to allow a thirty-eight-foot-wide driveway/parking deck for 125 Live Oak Ave.

BACKGROUND

On August 25, 2022, the Fairfax Planning Commission approved Hill Area Residential Development Permit, Design Review Permit, Tree Removal Permit, Encroachment Permit and an Excavation Permit as well as a Parking Variance and Minimum and Combined Side-yard Setback Variances to allow construction of an approximately 1,914 square-foot, 3-bedroom, 2-bathroom residence with an attached 424 square-foot garage and a 799 square-foot, 2-bedroom 1.5-bathroom, first floor accessory dwelling unit (ADU). The parking deck/driveway is approximately 38-feet wide to accommodate the compact, 8-foot by 21-foot, guest parking space parallel to Live Oak Avenue along with a portion of the 20-foot by 40-foot, fire truck, staging area.

DISCUSSION

Driveways are regulated by Title 12 of the Town Code: Streets, Sidewalks, and Public Places. Exceptions to driveway regulations contained in this chapter of the Code do not require Planning Commission recommendation/approval. Specifically, Town Code § 12.12.030 limits driveway approaches or entrances to single-family residences to 20-feet in width within the public right-of-way. Town Code § 12.12.050 gives authority to grant exceptions to this regulation to the Fairfax Town Council subject to the following findings being made:

1. There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the same (Zone) District.
2. The granting of the application is necessary for the preservation or enjoyment of substantial property rights of the petitioner; and
3. The granting of the variance will not under any circumstances of the particular case, materially affect adversely, the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

To accommodate the required three parking spaces for the residence at 125 Live Oak Avenue, the driveway/parking deck will be 38-feet wide. The width typically required for three parallel parking spaces would be 27-feet. The additional approximately 11-feet of width is required for two reasons:

1. The third, compact, 8-foot by 21-foot, parking space has been located parallel to the roadway due to the steep 109 % downslope of the site and the location of the front property line approximately 9-feet from the edge of the developed roadbed.
2. Compliance with the 20-foot by 40-foot, fire truck staging area for the Ross Valley Fire Department also requires the driveway approach to be widened (see parking diagram in the project plan set).

Providing the required three parking spaces with two in the proposed garage with the third guest parking space parallel to the road and parallel to the fire truck staging area is an efficient design that minimizes the site disturbance and keeps the height of the residential structure to a minimum. Designing a driveway bridge/parking deck to accommodate three parking spaces, with only a 20-foot-wide driveway, requires two of the three parking spaces to be in tandem. Such a redesign would push the residential structure an additional 19-feet (the required depth of a standard parking space) towards the property resulting in a parking structure and house that exceeds the 35-foot height limit. Redesigning the house further down on the site, with a detached accessory parking structure further from the edge of the public road would require the replacement of the garage with an uncovered parking deck to comply with the 35-foot height restriction. This would significantly alter the design options for the residence, altering the development overall appearance and increasing the disturbance of the hillside

The requested Variance to allow the 38-foot-wide driveway for parking and to accommodate the fire truck staging area is the minimum necessary to allow the project to move forward to the building permit stage.

The recommended findings for approval for the requested Driveway Width Variance can be viewed in their entirety in the proposed Resolution (Attachment A).

FISCAL IMPACT

n/a

ATTACHMENTS

- A. Proposed Resolution Granting a Driveway Width Variance for the Property at 125 Live Oak Avenue
- B. Resolution No. 2022- 21, of the Fairfax Planning Commission approving the project
- C. Project Plans
- D. Link to 8/25/22 pc minutes: <https://www.townoffairfax.org/meetings/planning-commission-meeting-august-25-2022/#tab-minutes>

RESOLUTION NO. 22-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX GRANTING A VARIANCE FOR A THIRTY-EIGHT-FOOT-WIDE DRIVEWAY/PARKING DECK AT 125 LIVE OAK AVENUE, ASSESSOR'S PARCEL NO. 001-236-03

WHEREAS, on August 25, 2022, the Fairfax Planning Commission approved Hill Area Residential Development Permit, Design Review Permit, Tree Removal Permit, Encroachment Permit and Excavation Permit as well as a Parking Variance and Minimum and Combined Side-yard Setback Variances to allow construction of an approximately 1,914 square-foot, three bedroom, two bathroom residence with an attached 424 square-foot garage and a 799 square-foot first floor accessory dwelling unit (ADU); and

WHEREAS, Fairfax Town code Section 12.12.030 provides that a single-family residential property shall have no more than a twenty-foot-wide driveway located within the public right-of-way unless a Variance is granted by the Town Council; and

WHEREAS, on October 6, 2022, the Town Council conducted a duly noticed public hearing on a Variance to consider the request to construct a thirty-eight-foot-wide driveway/parking deck at 75 Pine Drive, that would provide required parking for the proposed single-family residence: and

WHEREAS, at the October 6, 2022, public hearing, the Town Council made the following findings:

1. The 109% downslope of the site and the nine-foot distance of the front property line from the developed roadway are the site features that results in the provision of one of three required parking spaces be oriented parallel to the road requiring a greater driveway width.
2. The granting of the Variance is necessary to enable the site to be developed with three parking spaces, the minimum number of parking spaces that are required to allow redevelopment of the single-family residential site.
3. The development of the thirty-eight-foot-wide driveway/parking deck will not negatively impact neighboring properties or affect the health or safety of persons residing or working in the neighborhood or impact traffic on Live Oak Avenue.

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Fairfax grants the Variance to allow a thirty-eight-foot-wide driveway/parking deck at 125 Live Oak Avenue.

The foregoing resolution was duly passed and adopted at a meeting of the Town Council of the Town of Fairfax on the 6th day of October 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Stephanie Hellman, Mayor

Attest:

Michele Gardner, Town Clerk

RESOLUTION NO. 2022-21

A Resolution of The Fairfax Planning Commission Approving Application No. 22-7 for a Hill Area Residential Development (HRD) Permit, Design Review Permit, Excavation Permit, Encroachment Permit, Tree Removal Permit and Parking and Minimum and Combined Side Yard Setback Variances for the Construction of a Single-family Residence, Attached Two Car Garage, and Parking/Driveway Deck at 125 Live Oak Avenue

WHEREAS, the Town of Fairfax received an application from Paul and Maria Cadieux to construct a 1,914 square-foot, three story, three-bedroom, two-bathroom, single-family residence with an attached two car garage and parking deck at street level and an Accessory Dwelling Unit of the first floor on April February 4, 2022; and

WHEREAS, the application was deemed complete on July 28, 2022; and

WHEREAS, the Commission held a duly noticed public hearing on the proposed project on August 25, 2022; and

WHEREAS, after holding the public hearing, the Planning Commission determined that the project complies with the Hill Area Residential Development Overlay Ordinance and the Design Review Ordinance and that findings can be made to grant the requested HRD, Design Review, Excavation, Encroachment and Tree Removal permits and Parking and Minimum and Combined Side Yard setback Variances at 125 Live Oak Avenue; 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 Permit (Town Code § 17.072.110)

1. The proposed development is consistent with the General Plan (see above) and consistent with the purpose and intent of the Zoning Ordinance, Title 17, of the Fairfax Town Code.

2. The site planning preserves identified natural features as much as possible while also bringing the property into conformance with the Town parking regulations, providing three parking spaces while the previously existing structure provided only two spaces.
3. Based on the soils report findings, the site can be developed without geologic, hydrologic, or seismic hazards.
4. Vehicular access and parking are adequate.
5. The proposed development harmonizes with the surrounding residential development, meets the design review criteria, and does not result in the deterioration of significant view corridors.

Excavation Permit (Town Code § 12.20.080)

Based on the Town Engineer’s review and recommendation that the project can be constructed safely, the Planning Commission finds that:

1. The health safety and welfare of the public will not be adversely affected.
2. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work.
3. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work.
4. The amount of the excavation or fill proposed is not more than that required to allow the property owners substantial use of their property.
5. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary.
6. Natural landscaping will not be removed by the project more than is necessary; and
7. The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes (Town code § 17.072.090(c)(4) prohibits grading of hillside properties from October 1st through April 1st of each year).

Encroachment Permit ((Town Code Title 12, Chapter 12.32))

The portion of the parking deck/driveway bridge that projects into the Live Oak Avenue right-of-way will not use or obstruct any developed section of the road and the area is not currently being used by the public. Therefore, the requested Encroachment Permit is approved by the Commission.

Design Review Permit (Town Code § 17.020.040)

The project depicted in the plans submitted to the Town on June 2, 2022, complies with the Design Review Criteria set forth in Town Code § 17.020.040.

Combined Side-Yard Setback and Parking Variances [Town Code § 17.028.070 and 17.052.040(B)]

1. The steep, 109% slope of the site and the narrow, 71-foot width are the site features that

warrant granting the requested Minimum and Combined Side Yard Setback Variances to construct the project. The proposed development will provide much needed parking on the site and only the access/egress stairs and a small portion of a deck will encroach into the minimum side setbacks while the structure itself will comply with the 20-foot combined side-yard setback maintaining a combined side-yard setback of 21-feet.

2. There are other properties in the vicinity that maintain only the minimum five-foot side yard setbacks, the setbacks that were in existence when this area of Live Oak Avenue was originally developed. Therefore, the granting of this variance will not be a grant of special privilege.
3. The strict application of the setback regulations would result in unreasonable hardship for the applicants because they would be unable to bring the property into compliance with the Town parking regulations while also meeting emergency egress regulations.
4. The proposed structure will maintain the same or greater side yard setbacks than structure that previously existed on the site. Therefore, the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

Parking Variance

- (1) Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the parking space size regulation as long as the proposed guest space meets the minimum size for a compact parking stall parallel to the structure of eight feet by 21-feet. .
- (2) Granting 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 Live Oak Avenue.
- (3) The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this Title (Zoning Ordinance Town Code Title 17).

Tree Removal Permit [Town Code § 8.36.040(A)]

The two Bays approved for removal were required to be removed by the Ross Valley Fire Department as part of the vegetative management plan and the Fairfax Tree Committee has recommended the Commission approve the requested Tree Removal Permit after they considered all the items required in the Town Code 8.36.060(B) (1 through 7) of the Tree Ordinance. Therefore, by adopting this resolution the Commission is approving the requested Tree Removal Permit.

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

The project is approved based on the following plans and reports:

Architectural Plan set received by the Town on 6/3/22 by Bacilia Macias
Site survey by Wiley Pierce, Licensed Land Surveyor, recorded on 9/9/16
7Topographic survey by Charles Weakley dated 11/22/21
Vegetative Management Plan approved by the Ross Valley Fire Department on 1/28/22
Engineering plan set, revision date 5/11/22 by Patrick Mac Donald, Registered Professional Engineer
Geotechnical Report by Salem Howes Associates Inc. dated 1/28/22

Geotechnical Report Update/Response to Town Engineer comments dated 5/27/22 and written in different font on same Town Engineer's letter after comment # 3 on page 3 and after the second paragraph of comment # 5, after comments 8 and 9 on page # 4
The VMP approved by the RVFD on 1/28/22

The project is subject to the following conditions of approval:

1. Prior to issuance of any of the building permit for the project the applicant or his assigns shall:
 - a) Submit a detailed Construction Management and Staging Plan to the Public Works Department for their approval. The amended plan shall 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
2. 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).
3. 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.
4. 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.
5. 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. The location of the energy dissipater shall be determined, shown on the construction plans, and approved by the Town Engineer prior to issuance of the project building permit.
6. 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.
7. Submit three copies of the recorded record of survey with the building permit plans.

8. 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.
9. 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 an ISA certified arborist to prune and treat trees having roots two 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.
10. The approved tree permit must be kept on the job site and the applicant must verify that the tree company performing the approved tree work has a current Fairfax Business License.
11. Prior to the start of construction, the surveyor shall mark the side property lines and submit a signed and stamped letter to the Building Department indicating that side property line locations are marked per the boundary survey.
12. 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 foundation 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.

13. 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. Additionally, the project engineer shall review the construction schedule and plans at each phase of the project construction to determine the best order for each phase to occur including the hillside retention/drainage phases.
 - b) The Planning Department and Town Engineer shall field check the completed project to verify that all staff, agency, and planning commission conditions and required engineering improvements have been complied with prior to issuance of the certificate of occupancy.
14. 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.
15. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping them, daily, if necessary.
16. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 22-17. 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 22-17 by the Planning Commission or the Planning Director will result in the job being immediately stopped and red tagged.
17. Any damages to the public portions Live Oak Avenue, Maple Avenue, Willow Avenue, or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
18. 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 or 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.

19. 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.
20. Conditions placed upon the project by outside agencies, Town departments or by the Town Engineer may be eliminated or amended with that agency, department, or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.
21. 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.

Town Engineer's Conditions

22. 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.
23. The applicant shall obtain an encroachment permit from the Public Works Department prior to performing any construction related work within the public road easement.
24. A detailed Construction Management and Staging Plan shall be submitted along with the building permit application (for review and approval by the Building Official/Public Works Manager).
25. The building permit drainage plan and required drainage calculations shall be reviewed and approved by the Town Engineer prior to issuance of the building permit.
26. The applicants shall prepare a drainage system maintenance agreement including a recordable exhibit of the proposed drainage system in its entirety including a maintenance schedule to be approved by the Town Engineer. The maintenance agreement will have to be signed by the owner, notarized and recorded at the Marin County Recorder's office prior to issuance of the building permit.

Ross Valley Fire Department

27. A modified VMP including the planted drainage improvements be reviewed and approved by the Ross Valley Fire Department prior to issuance of the building permit.

Ross Valley Fire Department

27. A modified VMP including the planted drainage improvements be reviewed and approved by the Ross Valley Fire Department prior to issuance of the building permit. If the plan cannot be approved as proposed, a modification of the drainage plan that meets RVFD, Town Engineer and Planning Director's approval shall be required prior to issuance of the building permit.
28. The fire truck staging area shall be installed and made serviceable prior to the delivery of combustible materials to the site.
29. All vegetation and construction materials are to be maintained away from the residence during construction.
30. Hydrant flow and location are to be identified before construction begins.
31. The project requires installation of a fire sprinkler system in the structure 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.
32. 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.
33. 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.
34. 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.
35. Address numbers at least four 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 an adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
36. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
37. 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)

38. A copy of the building permit must be provided to the district along with the required applications and fees.
39. The foundation must be completed within 120 days of the date of application.
40. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
41. Any landscaping plans must be reviewed and approved by the district.
42. Backflow prevention requirements must be met.
43. 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.
44. All the District's rules and regulations in effect at the time service is requested must be complied with.

Ross Valley Sanitary District (RVSD)

45. A sewer connection permit and a side sewer connection permit are required for all work outside the new building footprint.
46. Fees will include sewer capacity charges as well as permit fees.
47. The sewer lateral(s) shall be tested from the outer face of the building to the connection at the existing sewer main, in accordance with RVSD Ordinance 100 and Standards.
48. 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.
49. 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.
50. A Certificate of Compliance for the lateral must be obtained from the RVSD prior to the project final inspection by the Fairfax Building Department.

Fairfax Public Works Department

51. All large trucks with more than two axles accessing the site for construction will be limited daily to the hours between 9 AM to 3 PM.
52. 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.

Miscellaneous

- 53. 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.

- 54. All the exterior lighting 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.

- 55. A driveway width variance shall be approved by the Fairfax Town Council prior to issuance of the building permit.


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

The Hill Area Residential Development Permit, Design Review Permit, Excavation Permit, Encroachment Permit, Tree Removal Permit and Parking and Minimum and Combined Side-yard Setback Variances to allow construction of the proposed house and parking deck are approved and the findings have been made to grant the requested discretionary permits. Therefore, the project is 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 25th day of August 2022, by the following vote:

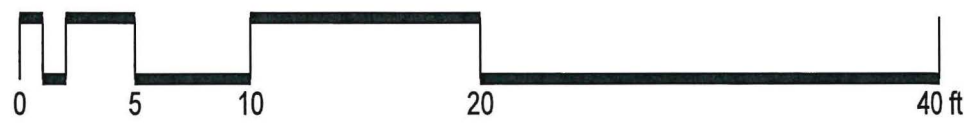
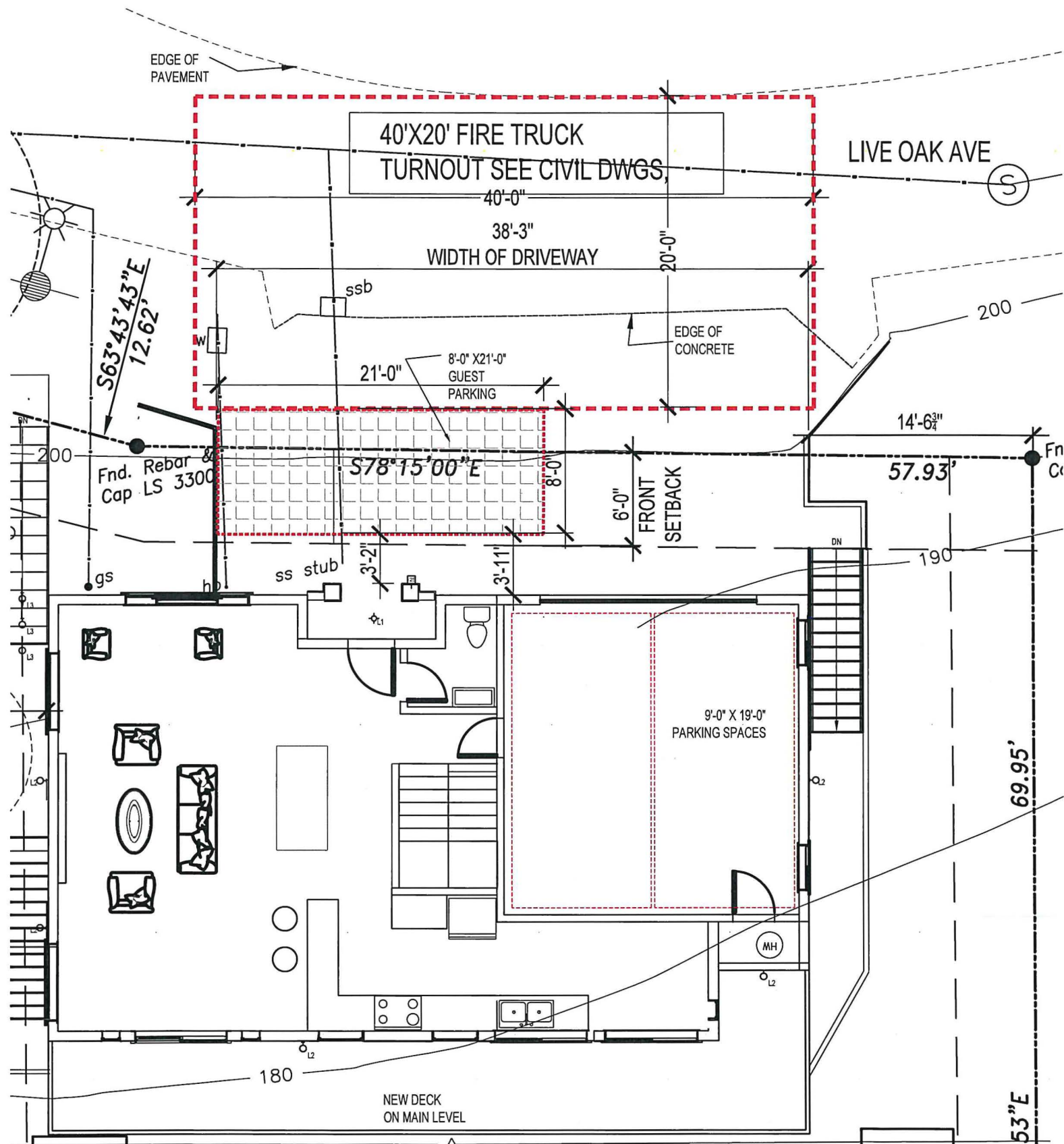
AYES:
NOES:
ABSENT:



Chair Norma Fragoso

Attest:


Linda Neal, Principal Planner



1 PARKING DIAGRAM
1/8" = 1'-0"

PROJECT NARRATIVE

125 LIVE OAK AVENUE FAIRFAX

EXISTING CONDITIONS

- a. The site currently consists of the existing foundation of a single-family residence, retaining wall and concrete V-ditch towards the bottom of the lot. It is a hillside property. It is a very steep slope with dominant view and light from the southern (rear) side of the lot.

PROPOSED SCOPE

The proposed scope of work entails the building of a new single-family residence utilizing the northern and western edge of the of the existing foundation. The home will be a two-story home with an attached 2 car garage. The front of the garage will be in the same location as the previous residence garage door opening. The lowest level of the structure, called "basement" will consist of one 800 sf attached Accessory Dwelling Unit. The home will have finishes consistent with the surrounding homes and most of the glazing will be towards the rear of the lot. Each level of the home will have a deck at the rear. The ADU's deck will serve also as a primary entrance to the unit from the street.

The new home will meet all requirements of the Wildfire Urban Interface guidelines and the codes of the Town of Fairfax and the California Building Code.

PROJECT DATA

PROJECT SCOPE

NEW RESIDENCE WITH ATTACHED ACCESSORY DWELLING UNIT

PROJECT INFORMATION

PROJECT ADDRESS: 125 LIVE OAK AVE FAIRFAX, CA 001-236-03
 TITLE: NEW RESIDENCE W/ADU
 OWNER: PAUL and MARIA CADIEUX
 159 PROSPECT DRIVE SAN RAFAEL CA / 94901
 PH 628-233-4108
 OCCUPANCY: R-3
 BUILDING SHELL CONSTRUCTION: TYPE V-BN
 SPRINKLERS: YES
 STORIES: 3
 ZONING: RD 5.5-7
 HILL AREA DEVELOPMENT HDR

AREAS TABULATION

LOT AREA:	4924 SQ FT	PROPOSED	
MAX		1067.2 SQ FT	22%
COVERAGE:	35% 1723.26	1913 SQ FT	39%
FAR	0.40 1969.44		

SETBACKS

	MIN	PROPOSED
FRONT*	5' MIN	9'-0"
REAR*	10' MIN	26'-2 3/4"
TOTAL	35'-0"	35'-2 3/4"
SIDE**:	5' MIN	EAST 14'-5/8" WEST 6'-4"
TOTAL	20' MIN	20'-4 5/8"

**SIDE SETBACKS COMBINED MIN OF 20 FT
 *FRONT AND REAR EQ COMBINED MIN OF 35 FT
 BUILDING HEIGHT (MAX): 35'

LIVING AREA

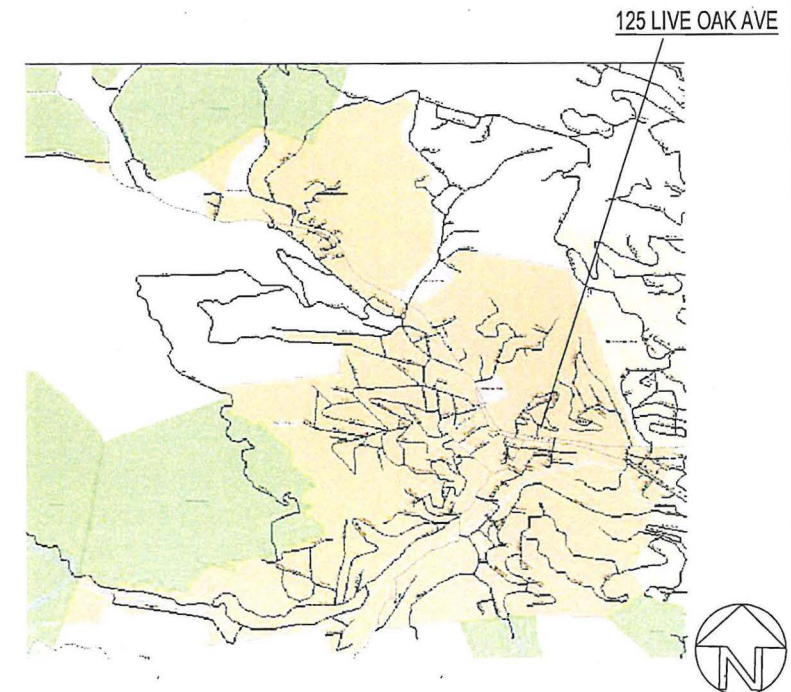
	PROPOSED
HOUSE MAIN FLOOR*	915.4 SQ FT
*incl. stairs	
NON-LIVING	40.1 SQ FT
GARAGE	424.3 SQ FT
TOTAL	1380 SQ FT
HOUSE LOWER FLOOR	999 SQ FT
STAIRS NOT COUNTED	54.4 SQ FT
TOTAL	1053 SQ FT
TOTAL LIVING AREA	1914 SQ FT
ADU	798.5 SQ FT
NON-LIVING	40 SQ FT
TOTAL	838.5 SQ FT
TOTAL LIVING SPACE (WITH ADU)	2713 SQ FT
TOTAL FOOTPRINT	1067 SQ FT

DRAWING INDEX

- A0 COVER PAGE
- RECORD OF SURVEY
- SITE SURVEY
- STORY POLE PLAN
- A1.0 SITE PLAN AND PROJECT INFORMATION CIVIL
- C0.1 CIVIL COVER SHEET
- C0.2 EROSION CONTROL AND DEMOLITION PLAN
- C0.3 POLLUTION PREVENTION
- C1.0 UTILITY PLAN AND HORIZONTAL CONTROL
- C1.1 UTILITY DETAILS
- C2.0 GRADING AND DRAINAGE
- C2.1 STORMWATER CONTROL
- C3.0 DETAILS
- ARCHITECTURAL
- AIA GREEN BUILDING STANDARDS
- AIA GREEN BUILDING STANDARDS
- A2.0 PROPOSED BASEMENT FLOOR- ADU
- A2.1 PROPOSED FLOOR PLAN-LOWER FLOOR
- A2.2 PROPOSED FLOOR PLAN-MAIN FLOOR
- A2.3 PROPOSED ROOF PLAN
- A3.0 EXTERIOR ELEVATION
- A3.1 EXTERIOR ELEVATION
- A3.3 STREETSCAPE ELEVATION AND PHOTOS
- A4.0 SECTIONS NORTH-SOUTH
- A4.1 SECTIONS EAST-WEST
- AD DETAILS
- SS1 SHADOW STUDY
- SS2 SHADOW STUDY



125 LIVE OAK, FAIRFAX



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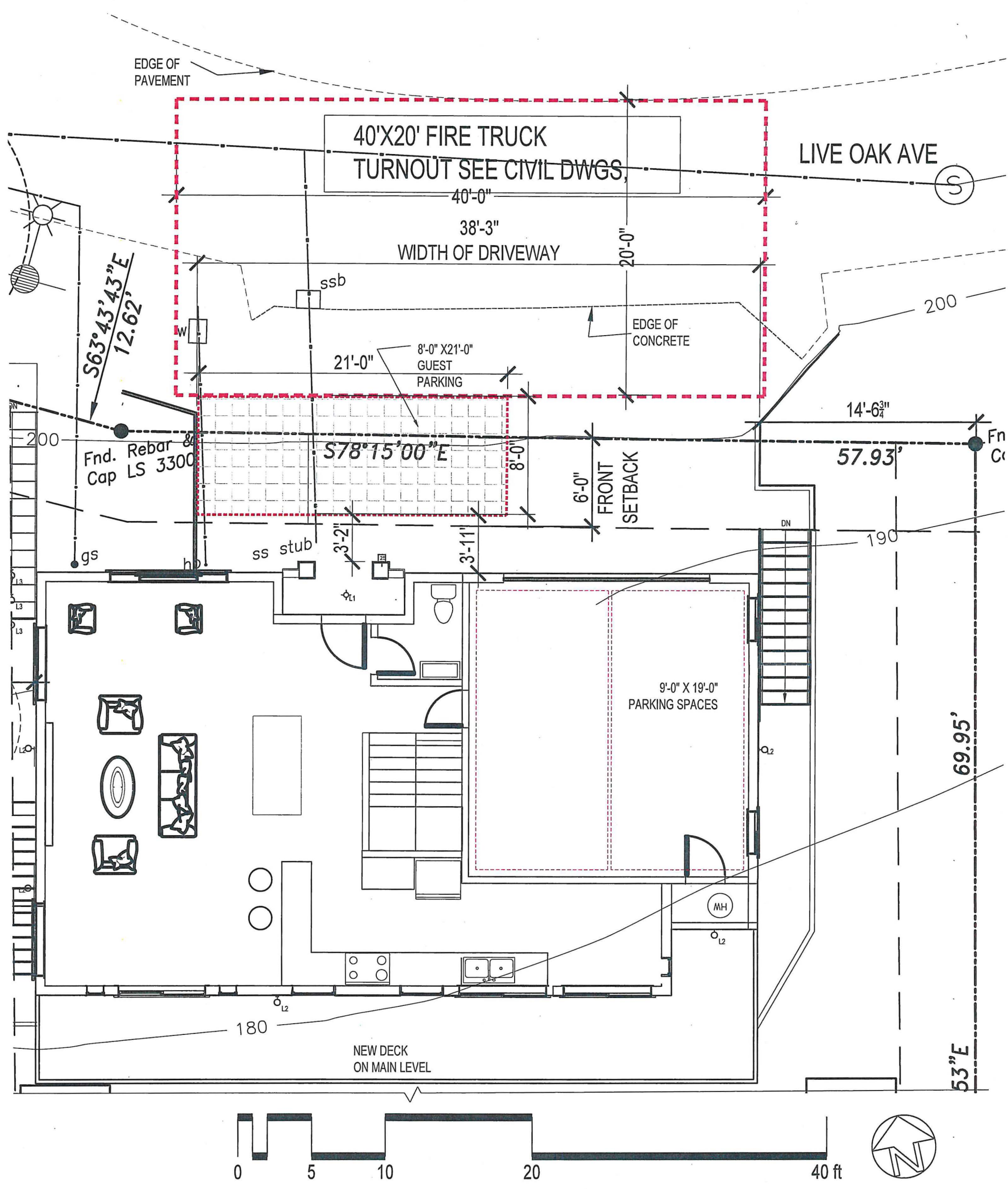


NEW RESIDENCE WITH ADU
 125 LIVE OAK AVE
 FAIRFAX CA
 APN-001-236-03

REVISIONS	DATE
DRAWN BY: BM	
DATE: JAN 28, 2022	

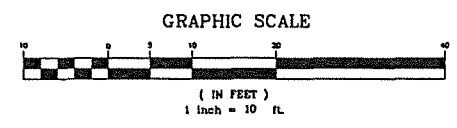
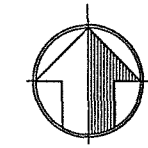
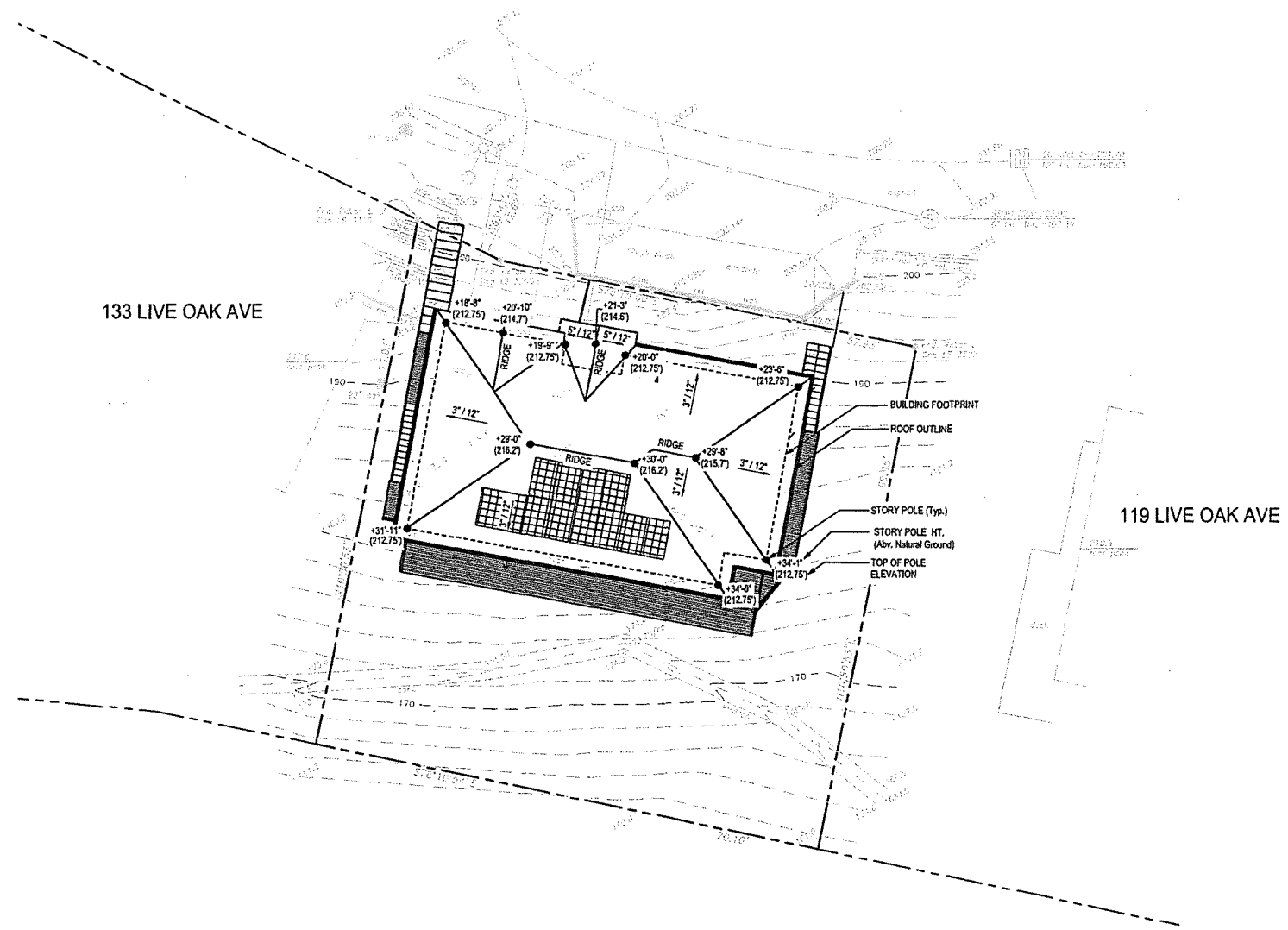
COVER PAGE

A0



1 PARKING DIAGRAM
 1/8" = 1'-0"

125 LIVE OAK AVE



Legend

- Apprx. Boundary Line
- //// Building Line
- - - - Building Roof Line
- Concrete
- ▣ Drainage Inlet
- gs Gas Utility Stub
- hb Hosa Bb
- ssb Sanitary Sewer Box
- Sanitary Sewer Manhole
- s.o. Spot Elevation
- s.o.o. Spot Elevation - Top of Foundation Wall @ Step (upper)
- 6" Tree - Trunk size as noted
- Utility Pole w/ Street Light
- ◻ Water Meter

General Notes:

- 1) This sheet accurate for Story Pole location and heights only. See Architectural Plans for site and building details, see Boundary and Topographic Survey for property line and existing conditions.
- 2) Story pole elevations represent proposed roof elevation per the architectural plans.
- 3) Story pole heights represent the height of the proposed roof above existing natural ground.

Surveyor's Statement

This plan was prepared by me or under my direction.

Charles M. Weekley
 Charles M. Weekley, LS

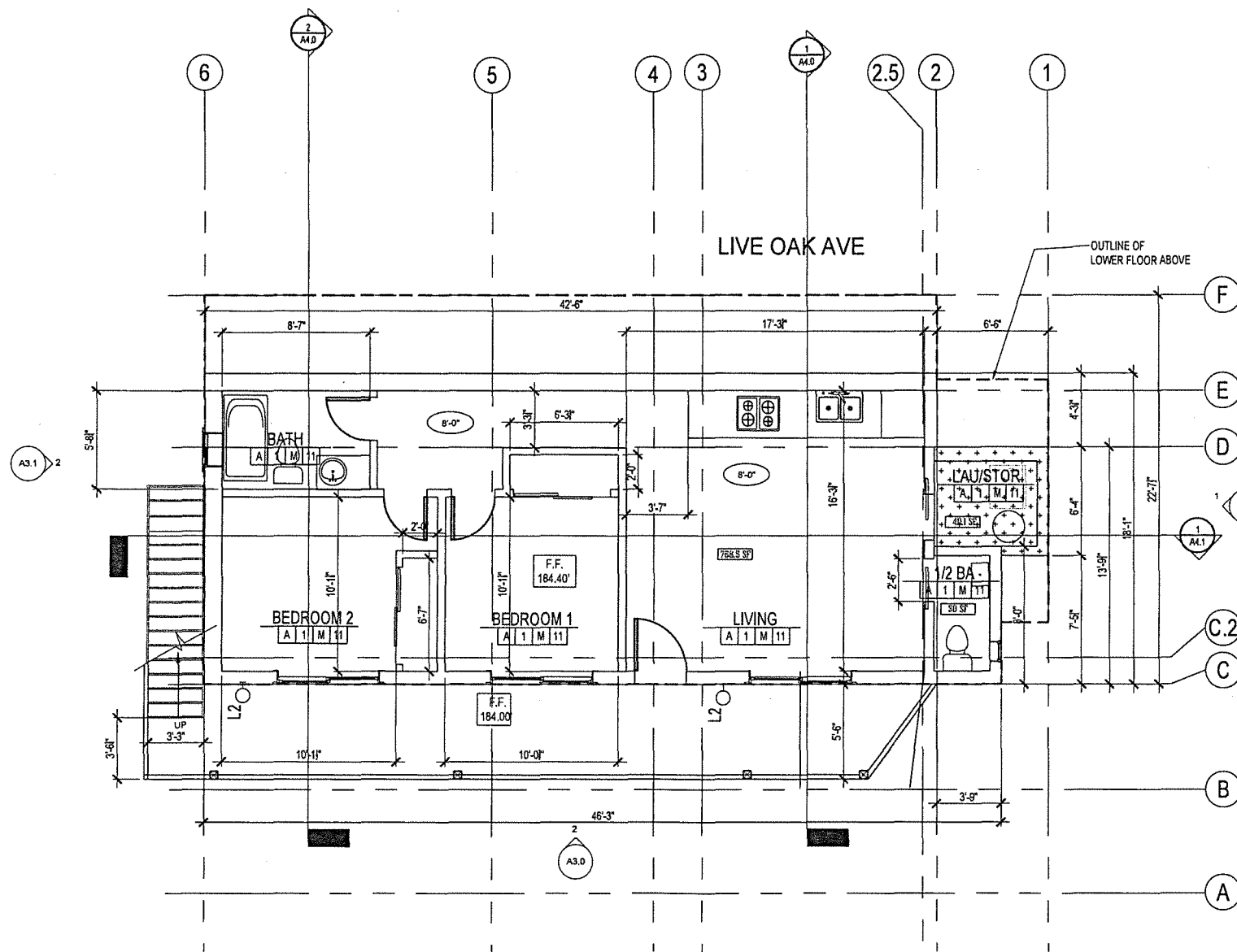


REV.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

DATE	Jan. 28, 2022
SCALE	1" = 10'
DRAWN	CMW
CHECKED	
JOB NO.	521107.1
SHEET NO.	1
OF	1

MOUNTAIN PACIFIC SURVEYS
 1735 Enterprise Drive - Suite 109
 Fairfield, CA 94533
 PH (707) 415-6134
 FAX (707) 415-9869

STORY POLE PLAN
 125 Live Oak Avenue
 Assessor's Parcel Number 001-236-03
 Fairfax Marin County California



LEGEND:

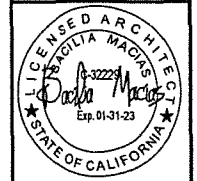
- 8'-0" CEILING HEIGHT
- L2 LIGHT FIXTURE - SEE A3.0
- XXX SF AREA IN SQUARE FEET

 	ADU LIVING SPACE =	798.5 SF
 	EXCLUDED IN AREA =	40 SF
	TOTAL	838.5 SF

1 NEW ACCESSORY DWELLING UNIT (BASEMENT) LEVEL
1/4" = 1'-0"



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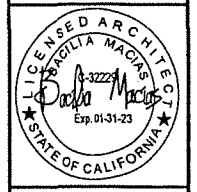
NEW RESIDENCE WITH ADU
125 LIVE OAK AVE
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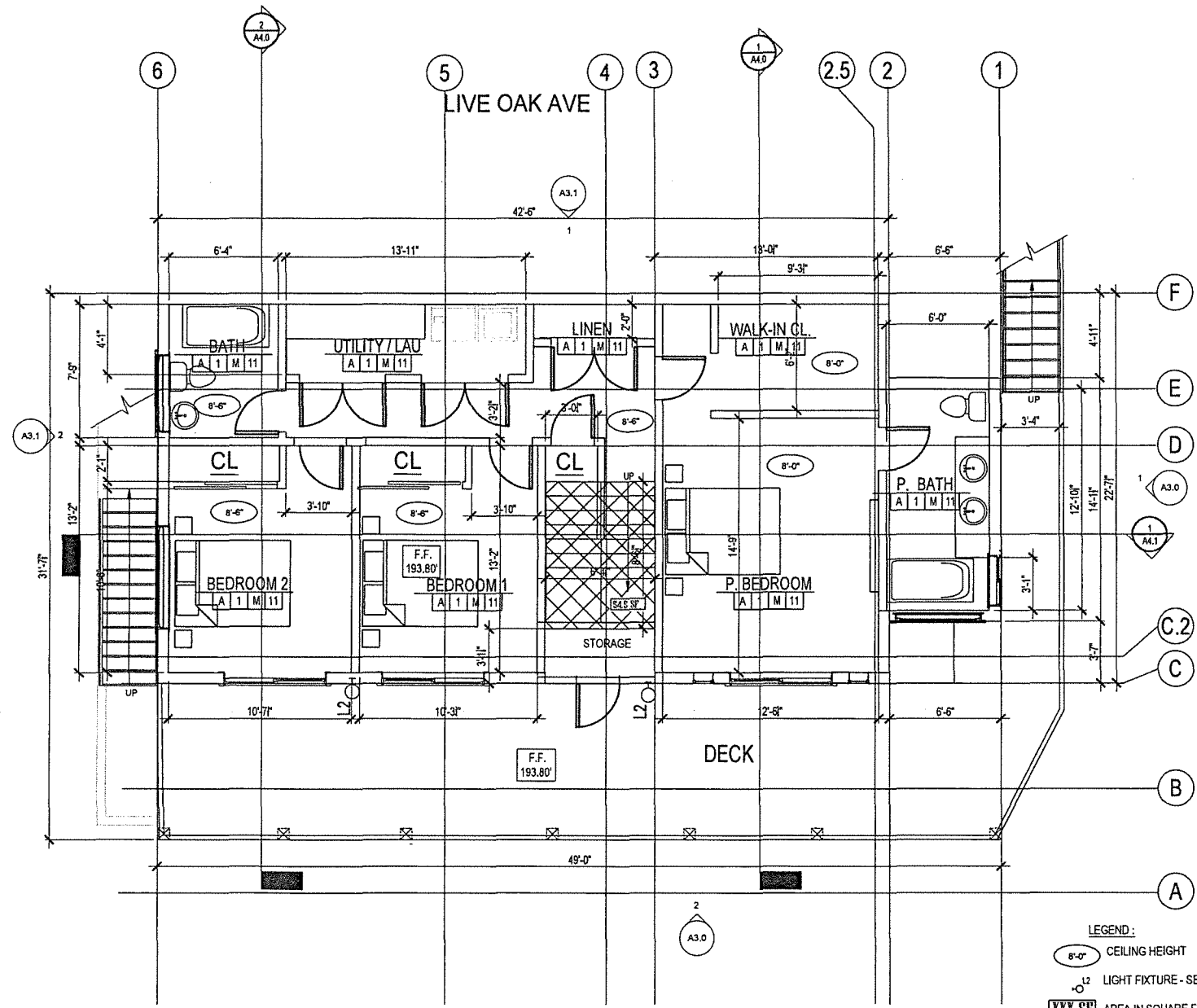
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PROPOSED FLOOR PLAN - BASEMENT ADU

A2.0



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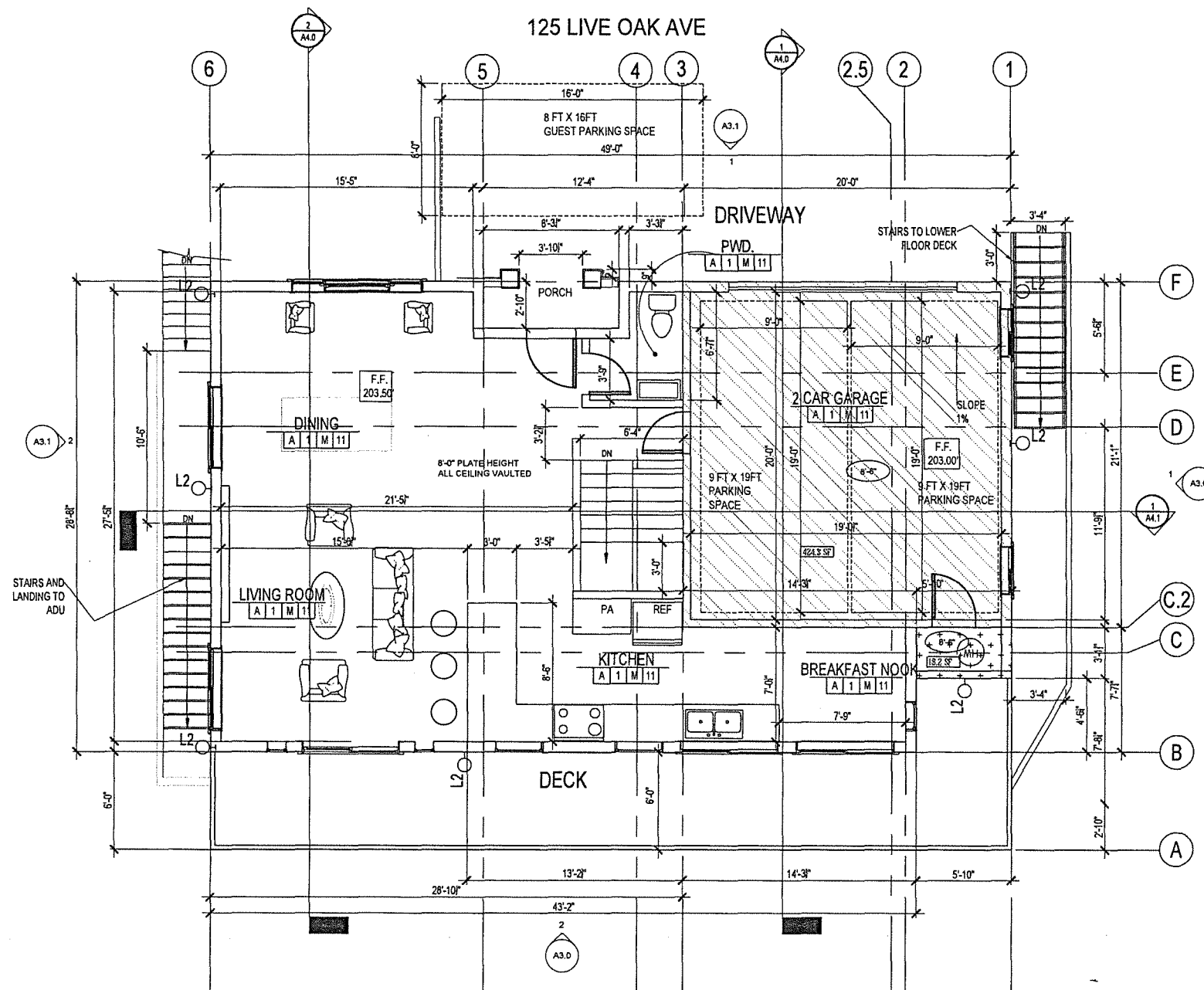
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PROPOSED FLOOR PLAN
-LOWER FLOOR

A2.1

1 NEW LOWER FLOOR PLAN
1/4"=1'-0"
0 1 2 5 10 ft

- LEGEND:**
- 8'-0" CEILING HEIGHT
 - L2 LIGHT FIXTURE - SEE A3.0
 - XXX SF AREA IN SQUARE FEET
 - LIVING SPACE = 999 SF (stairs not counted)
 - XXXX STAIRS NOT COUNTED AS LIVING SPACE ON THIS LEVEL = 54.4 SF
 - TOTAL = 1053 SF



MAIN FLOOR

1 MAIN FLOOR PLAN=1357.6 SF
 1/4"=1'-0"

- LIVING SPACE(INCLUDES STAIRS) = 915.4 SF
- GARAGE = 424.3 SF
- + + NON-LIVING= 18.2 SF
- TOTAL = 1380 SF**

- LEGEND:
- 6'-0" CEILING HEIGHT
 - L2 LIGHT FIXTURE - SEE A3.0
 - XXX SF AREA IN SQUARE FEET



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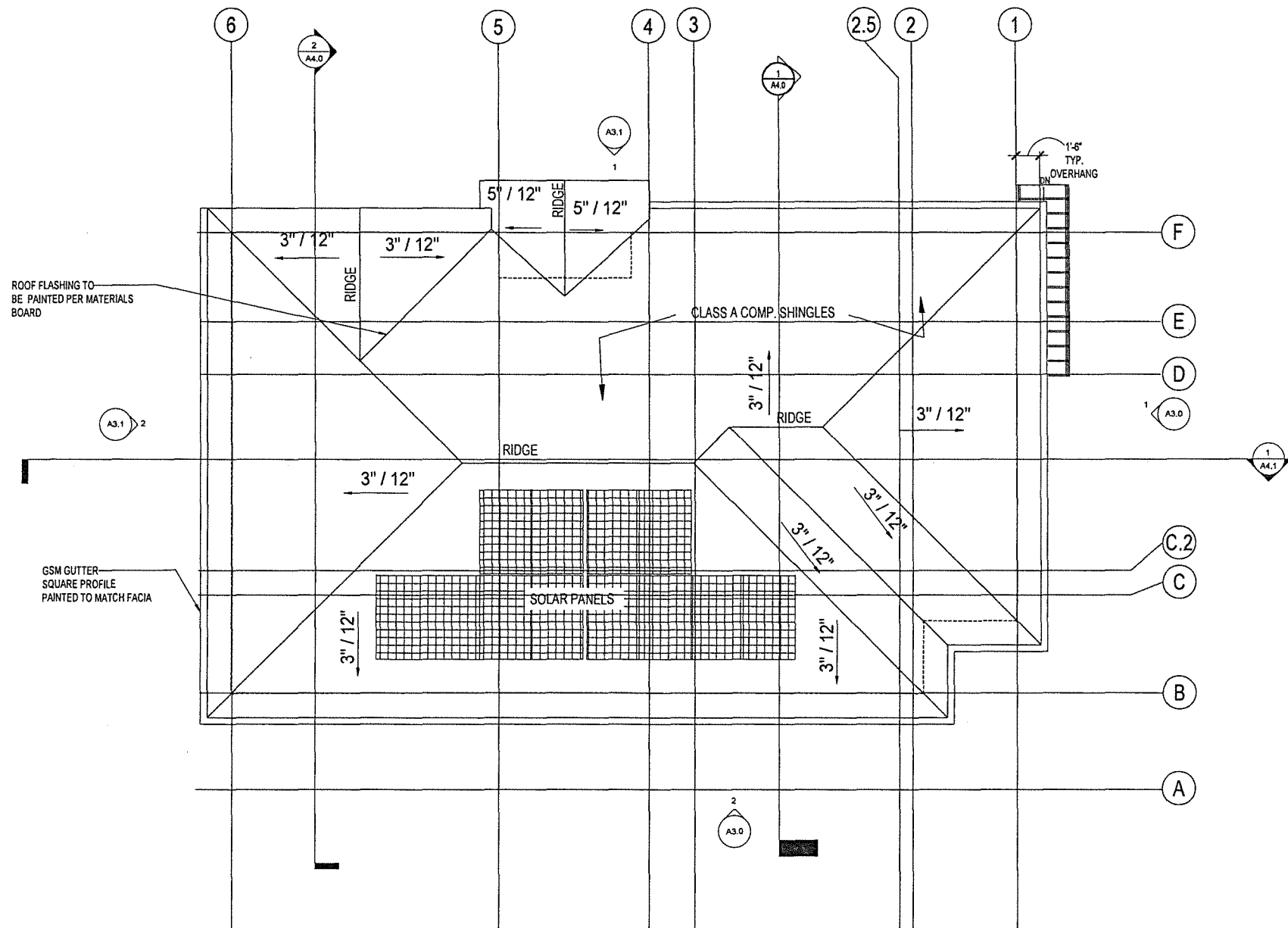
NEW RESIDENCE WITH ADU
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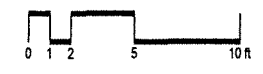
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PROPOSED
 FLOOR PLAN
 -MAIN FLOOR

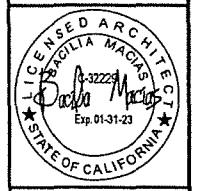
A2.2



1 PROPOSED ROOF PLAN
1/4"=1'-0"



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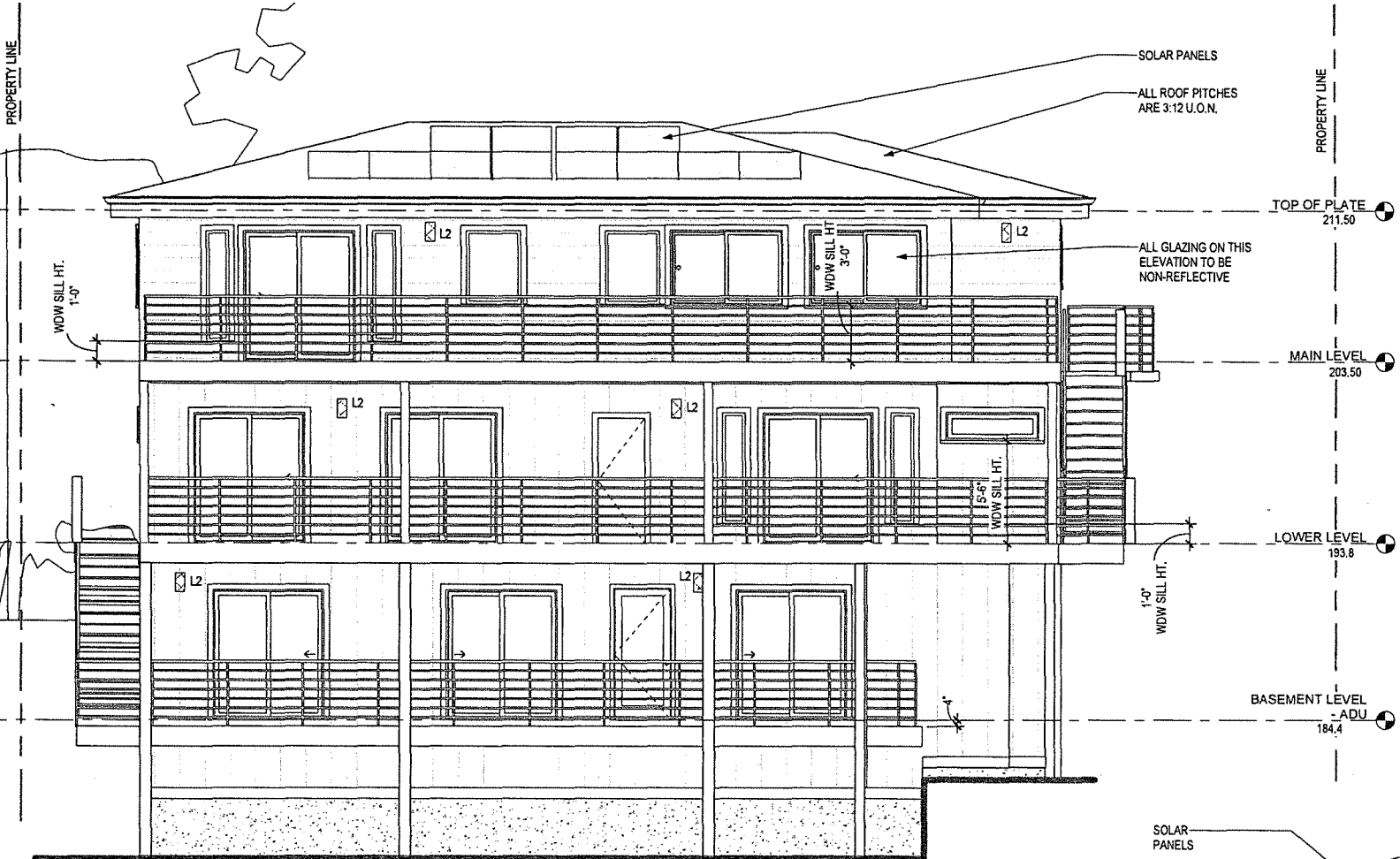


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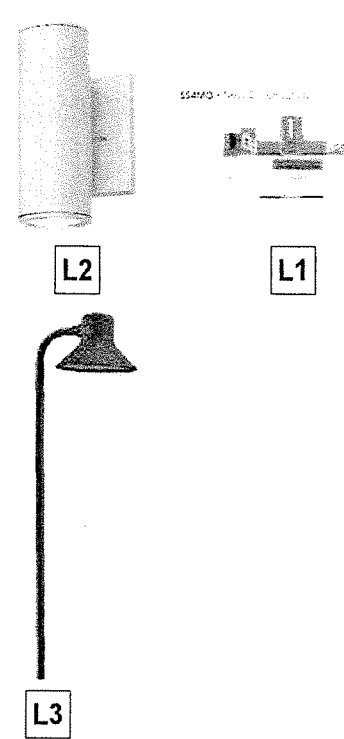
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PROPOSED
ROOF PLAN

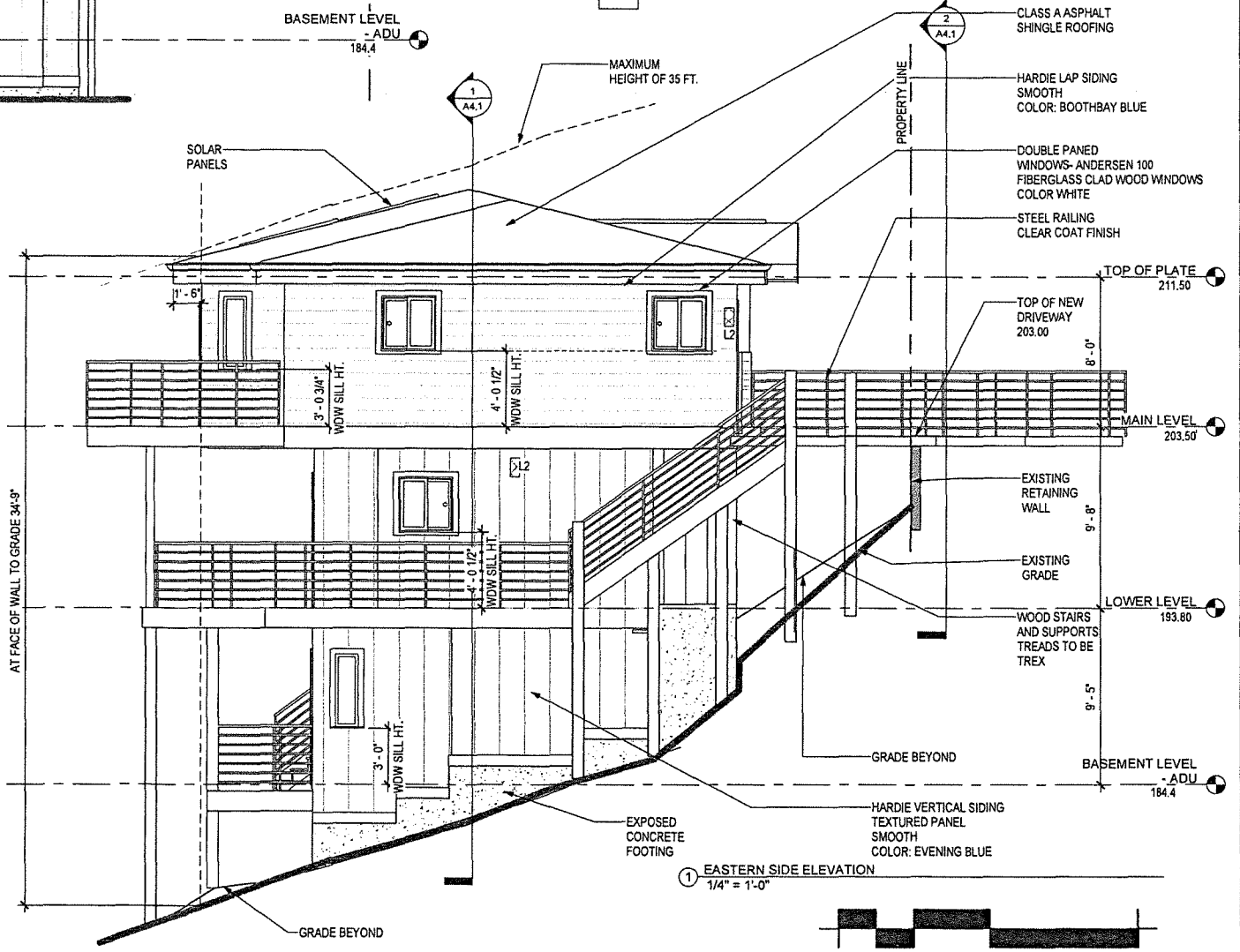
A2.3



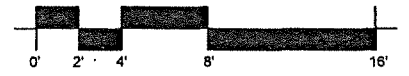
2 SOUTHERN SIDE ELEVATION
1/4" = 1'-0"



- LIGHTING FIXTURES**
- L1 CEILING RECESSED FIXTURE AT ENTRY
 - L2 WALL MOUNTED SCONCE-ALONG REAR AND SIDE, SEE FLOOR PLANS
 - L3 PATHWAY LIGHTS, SEE SITE PLAN
- ALL FIXTURES ARE DARK SKY CERTIFIED



1 EASTERN SIDE ELEVATION
1/4" = 1'-0"



BACILIA MADRAC
ARCHITECTURE

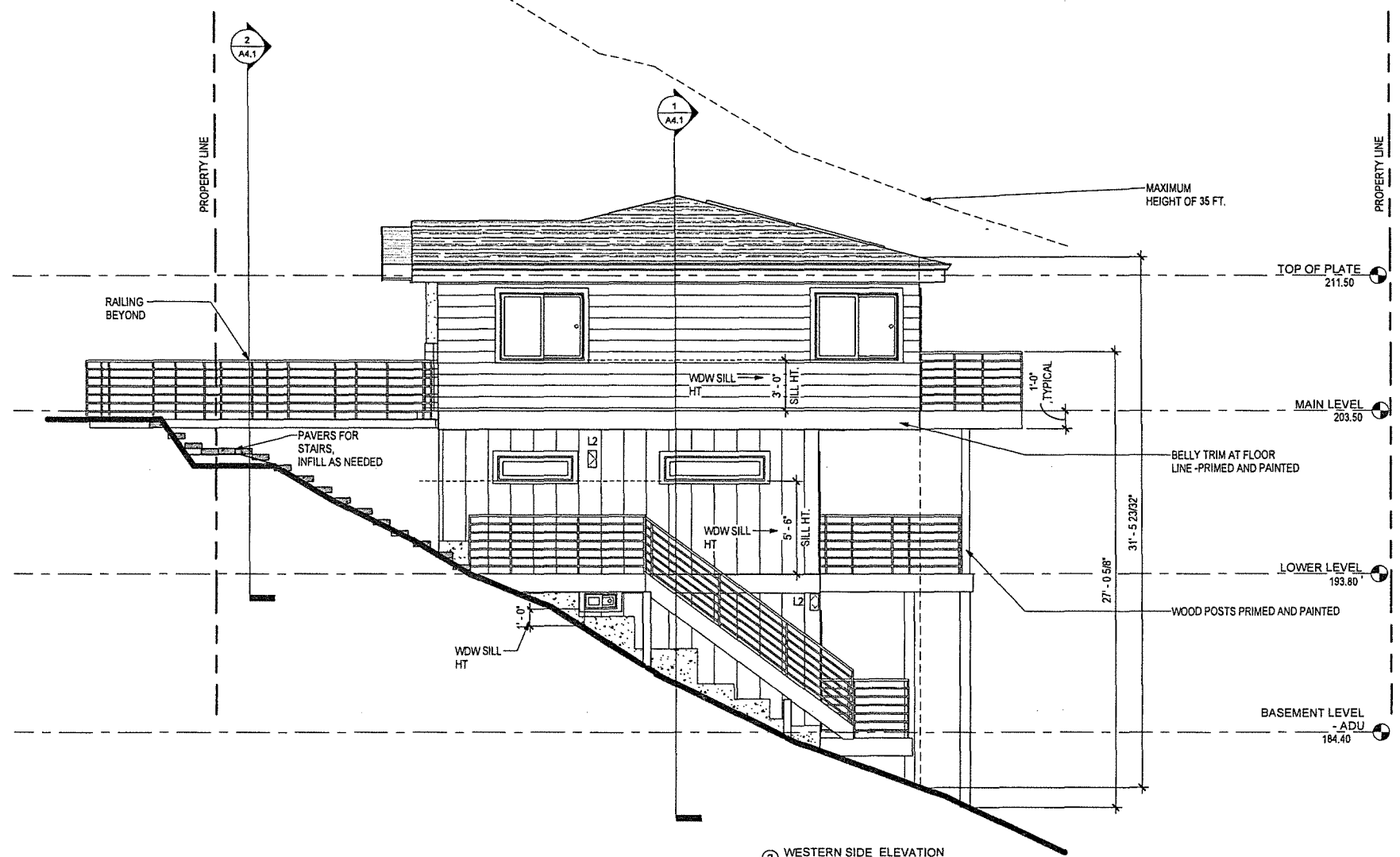
PLANNING REVIEW

NEW RESIDENCE WITH ADU
125 LIVE OAK AVE
FAIRFAX, CA
APN # 001-236-03

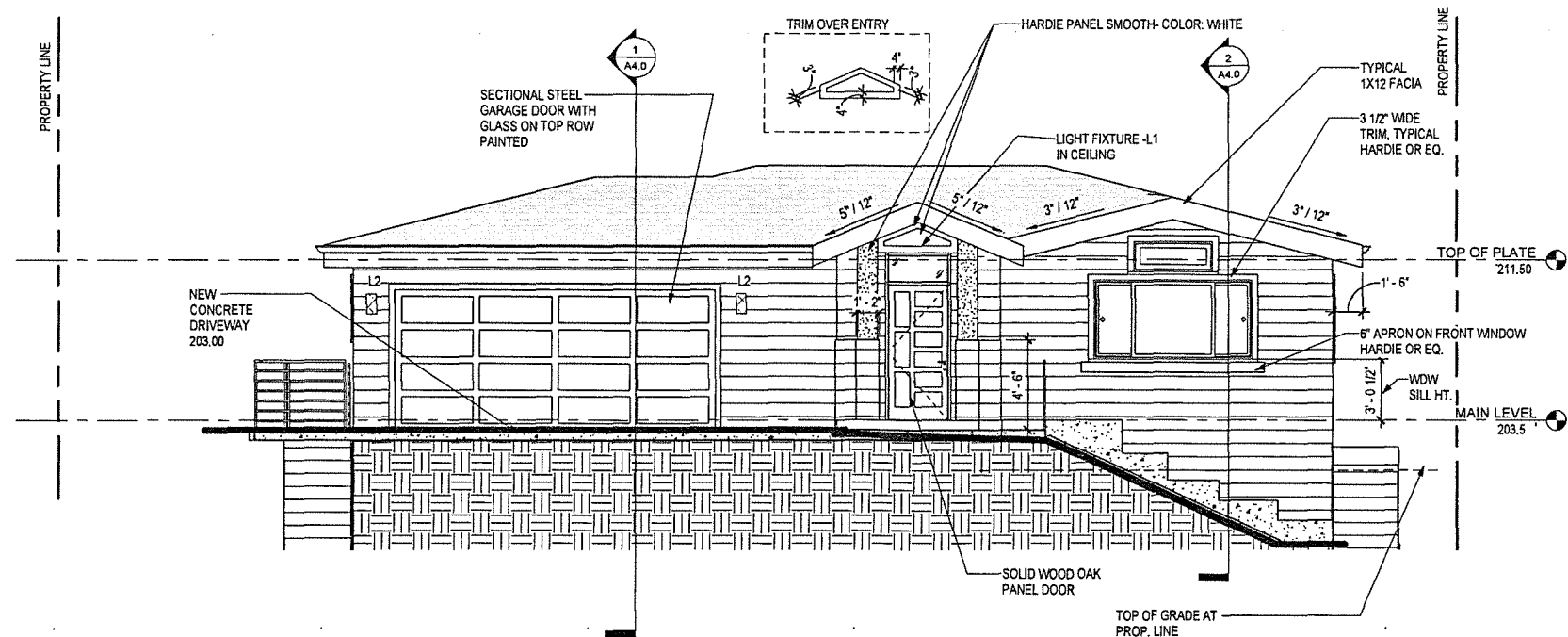
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PROPOSED EXTERIOR ELEVATIONS

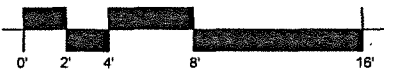
A3.0



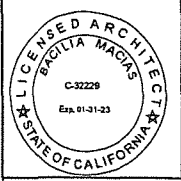
② WESTERN SIDE ELEVATION
1/4" = 1'-0"



① NORTHERN SIDE ELEVATION
1/4" = 1'-0"



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PLANNING REVIEW

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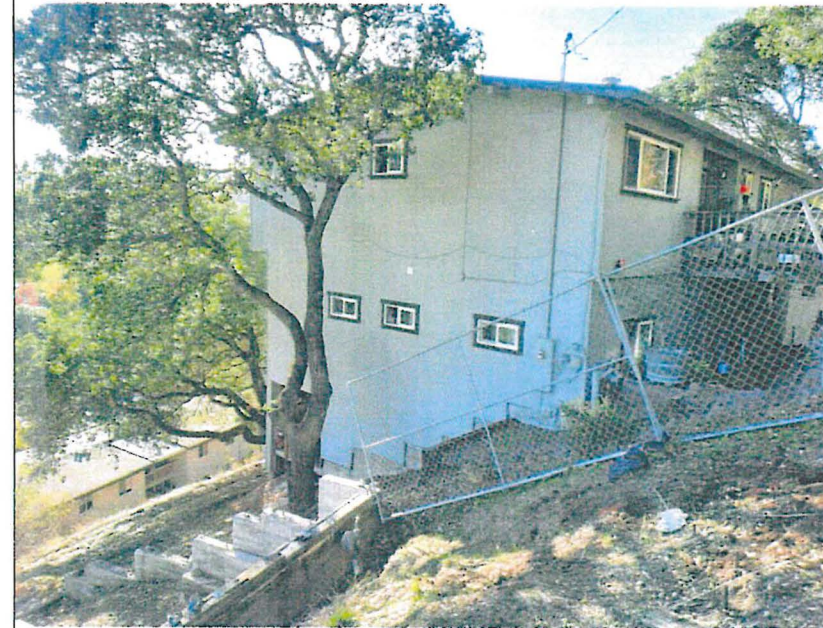
DATE: JAN 28, 2022

PROPOSED EXTERIOR ELEVATIONS

A3.1



VIEW FROM 125 LIVE OAK
OF 119 LIVE OAK AVE



VIEW FROM 125 LIVE OAK
OF 133 LIVE OAK AVE



119 LIVE OAK AVE

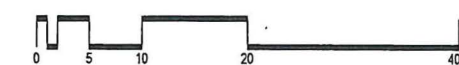


133 LIVE OAK AVE



1 STREETScape ELEVATION (NORTH)

1/8"=1'-0"



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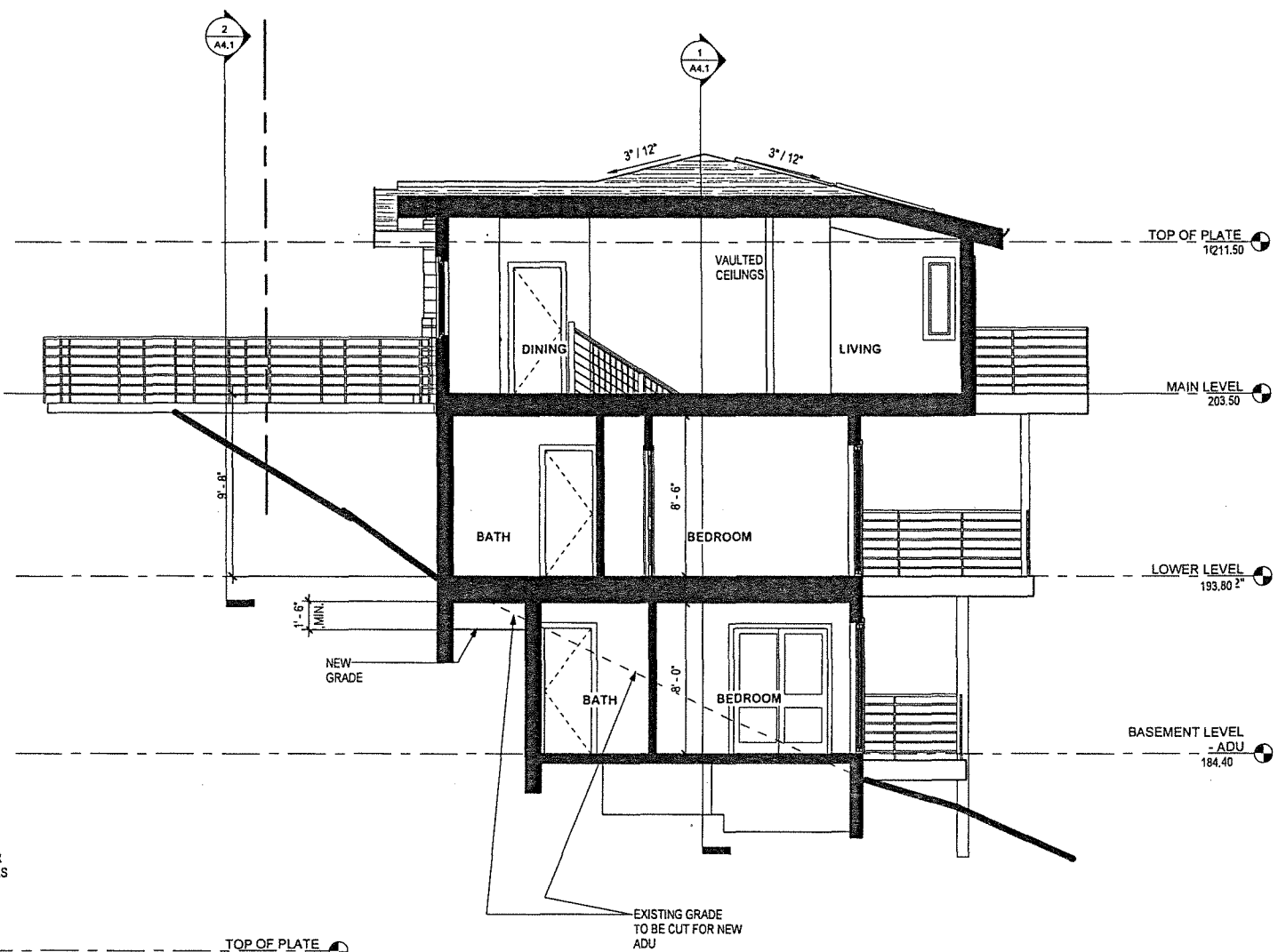
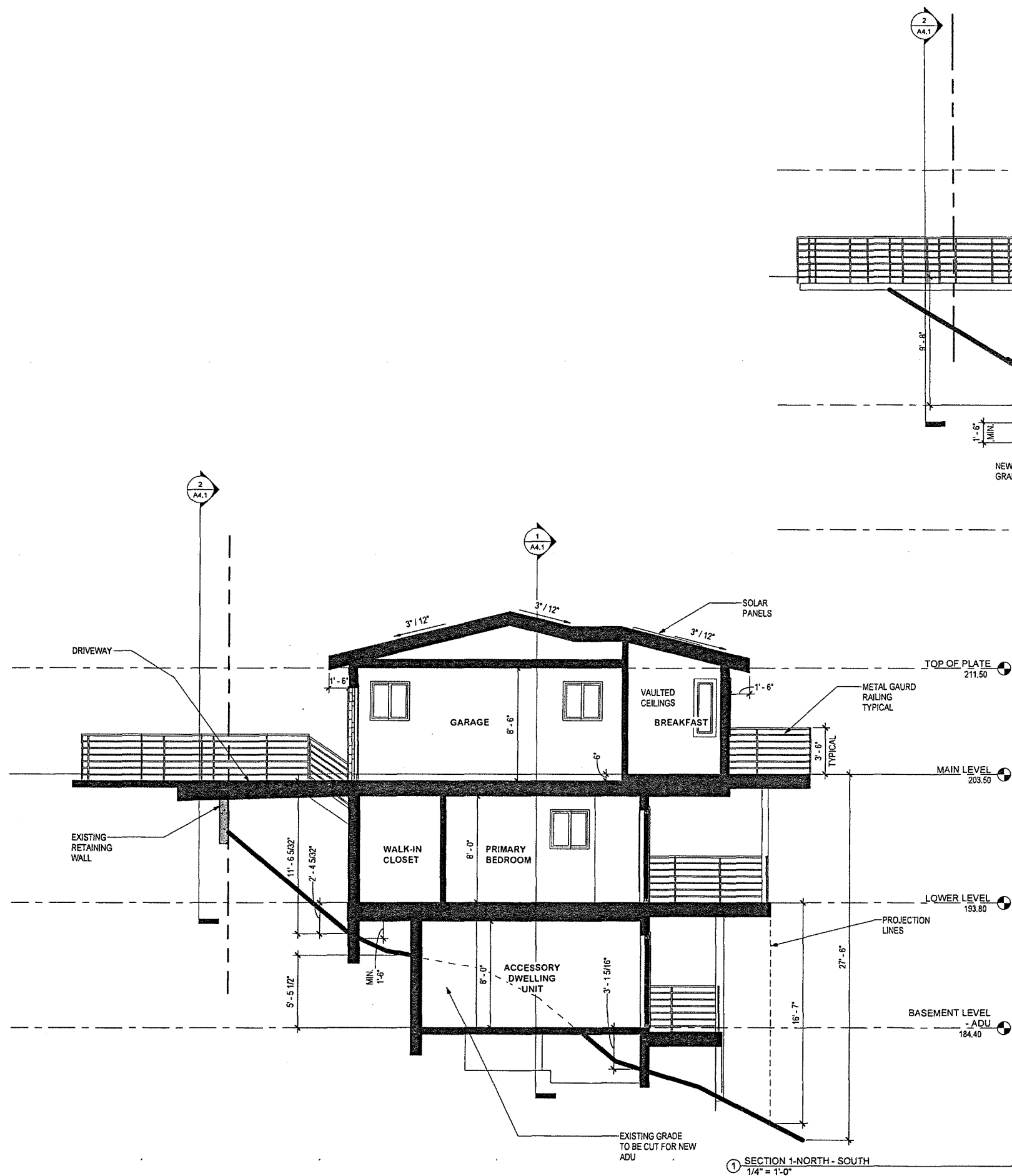
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STREETSCAPE
ELEVATION
PHOTOS OF
ADJACENT
PROPERTIES

A3.3

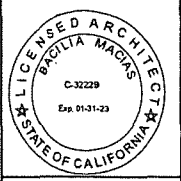


SECTION 2- NORTH - SOUTH
1/4" = 1'-0"

SECTION 1-NORTH - SOUTH
1/4" = 1'-0"



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PLANNING REVIEW

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BUILDING SECTIONS:
NORTH-SOUTH

A4.0