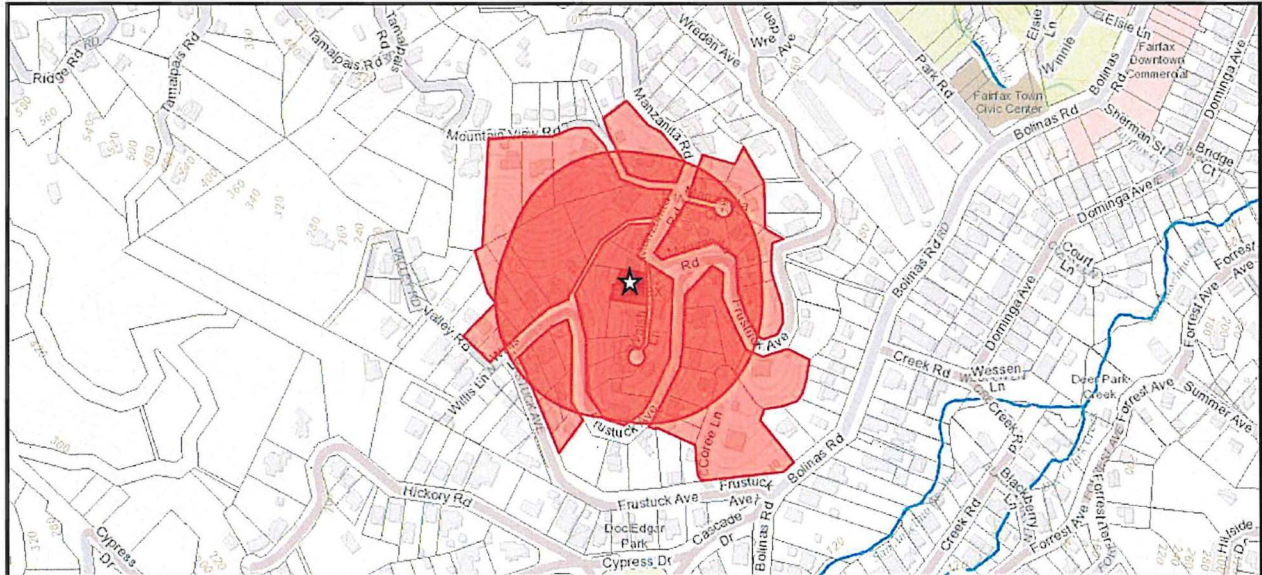


**TOWN OF FAIRFAX
STAFF REPORT ADENDUM
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: September 22, 2022
FROM: Linda Neal, Principal Planner
LOCATION: 6 Walsh Lane; Assessors Parcel No. 003-192-20
ZONING: Residential Single-family RS 6
PROJECT: Modifications to Application No. 20-08, a previously approved fifty remodel and expansion of an existing single-family residence project.
ACTION: Modifications to a Hill Area Residential Development Permit and Design Review Permit previously approved by Resolution No. 2020-08
APPLICANT: Laura Kehrlein, Architect
OWNER: Thomas and Anne Engel
CEQA STATUS: Categorically exempt, per § 15301(e)(2)(A)



6 WALSH LANE

PROJECT DESCRIPTION

The project encompasses remodeling and expanding an existing 1,510 square foot, two-story, 20-foot 10-inch tall, three bedroom, two bathroom, single-family residence into a 2,763 square-foot, approximately 30-foot 6-inch tall, five bedroom, 2.5 bathroom, residential structure with 1,916 square feet on the (upper) main floor and 847 square feet on the lower floor, and a new 414 square foot, two car garage;

The plans that were approved by the Commission, and by the Town Council on appeal are contained at the end of the project plan set as pages A1, F1, F2, A2.1 through A2.3, A3.1, A3.2, A4.0 and A4.1 drawn on October 31, 2019. The plan pages showing the proposed revisions from the approved set are contained at the front of the project plan set as pages A1, A2.2, A2.3, A3.1, A3.2, A4.0 and A4.1 dated July 12, 2022. The project changes are described below with the only changes to the previously approved exterior being a reduction in the number and size of the exterior decks, window changes, changes in the number and location of exterior lighting fixtures, the addition of skylights and a change in the exterior siding material and deck railing caps and decking material.

South Elevation:

1. Four double hung windows on the upper floor on the south side of the master bedroom have been replaced with two fixed windows, one nine-foot five inch by four-foot three-inch window and a second eight foot by four-foot nine-inch window.
2. Three skylights have been added to the roof at the front of the house.
3. The elevated south side deck and sliding glass door that provided access into bedroom three have been removed along with the exterior light and sliding door and the double hung window has been replaced with two fixed windows, one of them rectangular and the other square. The deck off bedroom number three has been replaced with a planter that will be planted with a continuation of the same plants approved by Ross Valley Fire for the front of the house in the Vegetative Management Plan (VMP) they approved for the original project on June 20, 2020.

East Elevation:

1. The approved wood-clad garage door that included vision panels has been replaced with frosted glass and metal garage door.
2. The operable window in the east wall of the master bathroom has been replaced with a fixed window in a slightly different location.
3. The approximately sixty-eight square foot front entry deck has been increased to approximately 126 square feet.
4. The approved front door with two glass panels, one on each side, has been replaced with a front door with one glass panel on one side.
5. The double French door previously approved off the great room on the upper floor has been replaced with a sliding glass door off what is now proposed to be the kitchen.

North Elevation:

The six windows approved in the north wall of the upper floor have been removed to be replaced with one rectangular, fixed clerestory window on the lower floor to provide light into bathroom number 3, the second full bathroom for the house.

West Elevation:

1. The two exterior lights proposed on either side of the upper level and the two panel, sliding glass door to the upper-level deck at the southwest corner of the structure have been replaced with one light over a three paneled sliding glass door. The three paneled window has been replaced with an approximately 139 square foot, six paneled, window with two sliding panels that will have a glass railing for fall protection.
2. The rear deck off the west side of the structure accessible from both the master bedroom and bedroom two has been decreased from approximately 239 square feet to 130 square feet and is now only accessible from the master bedroom. The new deck will be cantilevered eliminating the post and pier support approved with the original project design (See sheet A3.2 – west elevation, 10/31/19 plans at the rear of the project plan set vs sheet A3.2 – west elevation, 7/12/22 plans at front of the project plan set). The original two exterior lights approved on either side of three paned slider to the master bedroom have been replaced with one exterior light on one side of the proposed four paned sliding doors to the master bedroom.
3. The two paneled sliding door that was originally approved to open from bedroom number two onto the approved larger rear deck has been replaced with a standard double paned window.
4. On the first floor, one of the two paned sliding doors has been replaced with a window, the three paned sliding door has been replaced with a two paned sliding door.
5. Four exterior lights have been added, two on either side of the two lower floor sliding doors.

Light Fixtures

The exterior light fixtures have not changed and are still Minka Lavery Everton 4.75-in H Dorian Bronze Dark Sky Gu 10 Pin Base Outdoor Wall Lights that are dark sky compliance and that focus light down lighting only the area required for safety.

Exterior Color and Material Changes

The original approval had the existing portion of the house sided in natural cedar siding with a light walnut stain and the addition having cement board wall panel siding in a dark blue (Evening Blue), the garage door was surfaced in natural wood cladding over steel frame planks and the decks were to be black with painted wood deck surface and black metals railings and a cable railing system.

The proposed modifications include using the horizontal cement board siding "Artisan Shiplap" with Dunn Edwards grey paint (Sheet Metal, DE6356) for the entire exterior of the existing house and proposed addition. The front door would be painted a blue color and have horizontal glass panes running the full height of the door panel (Dunn Edwards paint "Periscope, DE5873),

The roof fascia will be painted Dunn Edwards "Black Tie, # DE6357", the deck, deck railing caps and roof soffit will be IPE Wood and the railings and cable system will be grey stainless steel, the garage door and window frames will be black.

Deck Changes

The total deck square footage is being decreased from 325 square-feet to 259 square-feet.

Floor Plan Changes:

Upper floor –

1. The master bedroom closet has been relocated.
2. Two of the three full bathrooms originally approved for the upper floor have been eliminated and replaced with a half bathroom and a second full bathroom has been added on the first floor.
3. The 276 square-foot, great room originally proposed on the east side of the upper floor with a 462 square-foot, kitchen and dining area on the west side of the upper floor have been flipped and now an approximately 566 square-foot great room is located on the west side of the house with a smaller, approximately 182 square-foot kitchen on the east side with an enlarged entryway facing Walsh Lane.
4. The exterior siding of the addition was to be cement board panels but is now proposed to be replaced with horizontal Hardi Smooth Lap Siding to match the siding of the original portion of the house.

First Floor –

1. The approximately 425 square-foot, family room has been decreased to approximately 257 square-feet and the approximately 209 square-foot fourth bedroom is reduced to 143 square-feet.
2. The laundry room and bathroom have been shifted to the east wall with a wet bar included off the family room.
3. A larger closet has been provided for bedroom four and the closet has been eliminated for bedroom five.

4. The stairway originally proposed from the lower level to the garage has been eliminated by raising the finished floor elevation of the garage, over the crawlspace. Staff performed a site inspection with the owner and the Building Official on 9/14/22 and it appears the floor was raised to achieve the required grade break between the driveway and the garage floor. Consequently, a level entry has been provided that will be only one step up from the garage area. The height of the two-story addition has not changed.

Roof changes

The only changes made to the roof include the installation of two skylights over the interior stairway, one over the kitchen, one over the central upper hallway and one over the shared interior storage room adjacent to the half bathroom (powder room) on the second floor.

No changes are proposed to the originally approved concrete driveway retaining wall.

Landscaping Plan

The landscaping plan provided does not extend to the side of the house where the project architect has indicated it will replace the deck that has been removed from the east side of the structure. The intention of the applicants is to extend the landscaping shown along the frontage around to the east side where the deck has been removed and to maintain it as indicated on the approved VMP with individual shrub crowns separated by two times the height of the shrubs. Staff has included a condition in the resolution recommending approval of the proposed revisions that a revised VMP be approved and submitted with the building permit application for the revised project.

BACKGROUND

The approximately 7,200 square-foot project site slopes down from Walsh Lane at an average of 32%. The original house was built in 1967.

The Planning Commission previously approved a project proposal to remodel and expand the existing 1,510 square foot, two-story, 20-foot, 10-inch tall, three bedroom, two bathroom, single-family residence into a 2,763 square-foot, approximately 30-foot, 6-inch tall, five bedroom, four bathroom, residential structure with 1,916 square feet on the (upper) main floor and 847 square feet on the lower floor and a 414 square foot, two car garage and associated driveway and driveway retaining wall. The project included replacement of the foundation and replacement of the existing wood shingled exterior with cement board siding. The Commission acted on that proposed project on September 17, 2020.

The project approval was appealed by the residents of six of the houses on Walsh Lane and two on Manzanita Road on September 28, 2020. On November 4, 2020, after holding a public hearing on the appeal a motion to deny the appeal resulted in a tie vote of the four Councilmembers present so the motion failed. A subsequent motion to continue the hearing also failed due to a tie vote effectively denying the appeal application. Town Code §17.036.060 indicates that "Except as otherwise provided by

law, a tie-vote of the Town Council, which is not followed by a continuance of the matter for further consideration, shall be deemed denial of the pending application". Therefore, there was no resolution acted on by the Town Council denying the appeal application, but it was denied, and staff has attached the minutes from the November 16, 2020, Town Council meeting in place of an approved resolution to document the actions taken resulting in denial of the appeal application (Attachment C).

The building permit for the project was issued by the Fairfax Building Department on June 11, 2021, and construction was under way and the foundation construction had been completed and signed off by the Building Official on January 10, 2022, when shortly after that the owner sold the property to the new owners. The modifications of the approved HRD and Design Review Permits are being requested by the new owners.

REQUIRED DISCRETIONARY PERMITS FOR THE MODIFIED PROJECT

Approval of the revised project will require a modification of the Hill Area Residential Development (HRD) Permit in accordance condition number 7 of Resolution No. 2020-08 that originally approved the project (Attachment B). A modification of the approved Design Review Permit will also be required because some of the above changes described above modify the exterior appearance of the structure.

Hill Area Residential Development Permit

The purpose of the Hill Area Residential Development Permit is to encourage the maximum retention of natural topographic features, minimize grading of hillside areas, provide a safe means of ingress and egress to and within hillside areas, minimize water run-off and soils erosion during and after construction, prevent loss of life, reduce injuries and property damage and minimize economic dislocations from geologic hazards, and to ensure that infill development on hillside lots is of a size and scale appropriate to the property and is consistent with other properties in the vicinity under the same zone classification [Town Code sections 17.072.010(A) and (B)].

The proposed modifications do not change the original house siting or the approved drainage plan, nor do they increase the 233 cubic yards or location of the excavation approved with the original excavation permit for the project.

The original excavation permit approved by the Commission for the project was acted on subject to the compliance with the following conditions recommended by the Town Engineer:

1. The applicant shall submit with the building permit application plans the with recommendations from the project geotechnical engineer on the suitability of the proposed foundation improvements and existing drainage systems, and plans shall be revised if/as needed to reflect the geotechnical engineer's recommendations.
2. Design level grading, drainage, structural, and construction management plans shall be provided.

The above conditions were complied with prior to issuance of the project building permit on June 11, 2021, and the proposed modifications do not change the project in any way that would change the topography of the site beyond the approved footprint, increase grading of the site, result in the driveway access creating a dangerous ingress or egress related to the driveway access, increase water run-off or result in soils erosion during and after construction, result in loss of life, cause injuries and property damage or result in economic dislocations from geologic hazards, and the previously approved living space square footage and number of bedrooms is not increasing while the bathroom number is decreasing from 4-bathrooms, to 2 1/2- bathrooms, and the massing of the structure is remaining the same. Therefore, the original findings to approve the project still apply to the modified project and have been retained in the attached Resolution No. 2022-25 approving the modifications to the approved project.

Design Review Permit

The proposed project modifications also do not significantly impact the overall approved design of the structure. The height and roof slopes have remained the same, the house size and footprint are the same, the number of bedrooms has not been increased and the number of bathrooms has been reduced.

Provided with the application are signed letters from all the owners of the properties immediately adjacent to the project site at 70 and 76 Manzanita Road, and 10 Walsh Lane as well as from the owners of 20 and 21 Walsh Lane indicating their support for the modified project (Attachment D).

The original project resolution did not include Design Review Permit findings. Staff has included a finding in Resolution No. 2022-25, that the project complies with the Design Review Criteria contained in Town Code § 17.020.040. The suggested finding is included in Resolution 2022-25, approving the modified plans, and attached to this report as Attachment A.

Other Agency Comments/Requirements

The Town received no new comments on the proposed modified plans from any agencies with jurisdiction over the project and the standard agency conditions and the following specific conditions from the original project approval have been retained in draft Resolution 2022-25, attached as Attachment A to this report.

Only the Ross Valley Sanitary District had any specific conditions when the project was originally reviewed as follows: Plans shall be reviewed and approved by RVSD which show the location of the RVSD sewer main, existing lateral, and point-of-connection for the proposed improvements, the elevation of the lowest-habitable-floor in the structure (the basement) and the elevation of the nearest downstream sewer manhole on the RVSD mainline; and, the location of all existing or proposed sewer cleanouts, check and/or backwater devices located outside the foundation of the proposed structures.

RECOMMENDATION

Conduct the public hearing.

Move to approve the proposed modifications to Application # 20-08 by adopting Resolution No. 2022-25 setting forth the findings and conditions for the revised project's approval.

ATTACHMENTS

Attachment A – Resolution No. 2022-25

Attachment B – Original Planning Commission Resolution No. 2020-08
Minutes from the 11/16/20 Town Council meeting

Attachment C – Ross Valley Fire VMP approval letter dated 6/24/20

Attachment D – Neighbor letters/comments of support for revised project

Attachment E - Project plan set including plans with proposed project changes at the front dated 7/12/22 and previously approved project plans at the back dated 10/31/19

RESOLUTION NO. 2022-25

A Resolution of the Fairfax Planning Commission Approving Application Modifications to Application No. 20-08 for a Hill Area Residential Development Permit and a Design Review Permit for a 50 Percent Remodel and Addition at 6 Walsh Lane

WHEREAS, the Town of Fairfax has received an application from Thomas and Anne Engel to make modifications to the plans previously approved by the Planning Commission through the adoption of Resolution No. 2020-08 for an addition and 50% of remodel of single-family residence on July 12, 2022; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on September 22, 2022, at which time the Planning Commission determined that the project revisions comply with the Hill Area Residential Development Overlay Ordinance and the Design Review Regulations; and

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary to approve the modifications to the previously approved Hill Area Residential Development Permit and Design Review Permit; and

WHEREAS, the Commission has made the following findings:

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

Policy LU-7.1.5: New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size, and mass.

Policy LU-7.2.2: To the extent feasible natural features including the existing grade, mature trees and vegetation shall be preserved for new and renewed development.

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.

Hill Area Residential Development

The proposed development including the modifications shown in the July 12, 2022, project plan set is consistent with the General Plan and the Residential Single-family RS 6 Zone regulations.

1. The site planning preserves identified natural features as much as possible while also complying with other agencies' regulations.
2. Vehicular access and parking are adequate.

3. The proposed development harmonizes with surrounding residential development and meets the design review criteria contained in Town Code § 17.020.040.
4. The approval of the Hill Area Residential Development permit for an addition and 50 percent remodel of a single-family residence on a 7,200 square foot parcel shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
5. The development and use of property as approved under the Hill Area Residential Development Permit will not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the permit.
6. Approval of the proposed Hill Area Residential Development Permit is not contrary to those objectives, goals, or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the Town.
7. Approval of the Hill Area Residential Development permit will result in equal or better development of the premises than would otherwise be the case.

Design Review Criteria

The revised project plans dated 7/12/22 complies with the design review criteria as follows so the Design Review Permit is approved.

8. The proposed development will create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
9. The proposed development depicted in the 7/12/22 project plan revision is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
10. Sufficient variety exists in the design of the structure to avoid monotony in external appearance.
11. The size and design of the plan revisions dated 7/12/22 for the structure depict a project that is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance.
12. The structure conforms to the general character of other structures in vicinity insofar as the character can be ascertained.
13. The revisions do not result in any new construction outside the original approved project footprint, so the natural features of the site have been retained as much as possible.

14. The project incorporates the provision of the required three, nine feet by nineteen-foot parking spaces and page F2 of the original 10/31/19 plan set, approved by Ross Valley Fire Department, demonstrates how fire access and staging will be accomplished utilizing existing streets.

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

1. The project modifications are approved per the plans by Laura Kehrlein, Architect, revision date 7/12/22.
2. During the construction process the following shall be required:
 - a) 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.
 - b) 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.
 - c) A designated parking area shall be established for project personnel. All project personal shall park in the designated parking area and carpool to the project site to avoid wear and tear and blocking access to public and private routes in the vicinity of the project site. The designated parking area shall be reviewed and approved by the Building Official prior to the issuance of the building permit.
3. 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 Town Staff that the foundation, retaining, grading and drainage elements have been installed in conformance with the approved building plans and the recommendations of the soils report.
 - b. The Planning Department and Town Engineer shall field check the completed project to verify that all planning commission conditions and required engineering improvements have been complied with including installation of landscaping and irrigation prior to issuance of the certificate of occupancy.

4. 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.
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 modified plan set dated 7/12/22 will require a modification of Application # 20-8. 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 from the approved 7/12/22 without the benefit of an approved modification of Application 20-8 will result in the job being immediately stopped and red tagged.
7. Any damages to the public and/or private portions of Walsh, Manzanita, Frustuck, or other public or private roadway used to access the site resulting from construction-related 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. In accordance with Town Code §8.20.060(C)(1) and (2), the operation of any tools or equipment used in construction or demolition work or in property maintenance work between the hours of 6:00 PM and 8:00 AM Monday through Friday, or on weekends and holidays between 4:00 PM and 9:00 AM is prohibited.
11. Conditions placed upon the project by outside agencies or by the Town Engineer may be eliminated or amended with that agency's or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.
12. The building permit plans shall be reviewed and approved by the Town Engineer, at the expense of the applicant, prior to issuance of the building permit. The project shall be inspected by the Town Engineer prior to issuance of the occupancy permit for the residential structures for compliance with the engineering plans.

Ross Valley Fire Department

13. Project has been deemed a "substantial remodel" and as such requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. The system will require a permit from the Fire Department and the submittal of plans and specifications for a system submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
14. The property is located within the Wildland Urban Interface Area for Fairfax and the new construction must comply with Chapter 7A of the California Building Code or equivalent.
15. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of one detector on each story of the occupied portion of the residence.
16. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.
17. Address numbers at least 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.

18. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
19. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.
20. All vegetation and construction materials are to be maintained away from the residence during construction.

Marin Municipal Water District (MMWD)

21. A copy of the building permit must be provided to the district along with the required applications and fees.
22. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
23. Any landscaping plans subject to review by the Town of Fairfax or subject to a Town permit must be reviewed and approved by the District.
24. Backflow prevention requirements must be met.
25. Ordinance 429, requiring installation of grey water recycling system when practicable, must be incorporated into the project building permit plans or an exemption letter from the District must be provided to the Town.
26. All of the District's rules and regulations in effect at the time service is requested must be complied with.

Ross Valley Sanitary District (RVSD)

27. The applicant shall submit plans to RVSD for review which show the following:
 - a. The location of the RVSD sewer main, exiting lateral, and point-of-connection for the proposed improvements.
 - b. The elevation of the lowest-habitable-floor in the structure (the basement) and the elevation of the nearest downstream sewer access hole on the RVSD mainline.
 - c. The location on of all exiting or proposed sewer cleanouts, check and/or backwater devices located outside the foundation of the proposed structures.
28. All new connections, remodels, additions, and improvements are subject to Sewer Capacity Charges and Permit Fees.

Miscellaneous

29. Any future tree removal, beyond the trees proposed for removal in the 5/5/2020 Tree Removal Application will require the review and approval of the Tree

Committee and may also require review and approval with mitigation measures of the geotechnical engineer if the tree removal may affect hillside stability below the structure at a future date.

30. South elevation windows shall not increase above the existing sill height.

31. A revised VMP plan shall be submitted to the Ross Valley Fire Department for their approval showing the planting proposed for the south side of the structure where the side deck has been removed from the plans in the 7/12/22 redesign. Copies of the stamped approved VMP shall be included in the project plan sets submitted with the new building permit application for the revised project.

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

The approval of the modifications to the Hill Area Residential Development Permit, and Design Review Permit are in conformance with the 2010 – 2030 Fairfax General Plan, the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the revised 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 22nd day of September 2022, by the following vote:

AYES:

NOES:

ABSENT

Chair Norma Fragoso

Attest:

David Woltering, Director of Planning and Building Services

RESOLUTION NO. 2020-08

A Resolution of the Fairfax Planning Commission Approving Application No. 20-08 for a Hill Area Residential Development, Excavation, Design Review, and Tree Removal Permits for a 50 Percent Remodel and Addition at 6 Walsh Lane

WHEREAS, the Town of Fairfax has received an application from the Irene Pan Panagoulis Survivor's Trust for an addition and 50% of remodel of single-family residence on December 19, 2019; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on September 17, 2020 at which time the Planning Commission determined that the project complies with the Hill Area Residential Development Overlay Ordinance, Excavation Ordinance, Design Review Regulations, and Tree Ordinance; and

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary to approve the Hill Area Residential Development, Excavation, Design Review, and Tree Removal Permits; and

WHEREAS, the Commission has made the following findings:

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

Policy LU-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.

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.

Hill Area Residential Development

The proposed development is consistent with the General Plan and the Residential Single-family RS 6 Zone regulations.

1. The site planning preserves identified natural features as much as possible while also complying with other agencies' regulations.
2. Vehicular access and parking are adequate.
3. The proposed development harmonizes with surrounding residential development and meets the design review criteria contained in Town Code § 17.020.040.

4. The approval of the Hill Area Residential Development permit for an addition and 50 percent remodel of a single-family residence on a 7,200 square foot parcel shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
5. The development and use of property as approved under the Hill Area Residential Development Permit will not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the permit.
6. Approval of the proposed Hill Area Residential Development Permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the Town.
7. Approval of the Hill Area Residential Development permit will result in equal or better development of the premises than would otherwise be the case.

Excavation Permit

8. The Town Engineers have reviewed the following plans and reports and have determined the project can be constructed, with certain conditions of approval, without creating any hazards:

Architectural plans Frederic C. Divine Associates revision date 8/12/20;
geotechnical report by Herzog Associates, dated 12/19/19; preliminary grading and drainage plan by Oberkamper and Associates, dated 12/18/19
9. Based on the Town Engineer's review and recommendation that the project can be safely constructed, the Planning Commission finds that:
10. The health safety and welfare of the public will not be adversely affected;
11. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work;
12. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work;
13. The amount of the excavation or fill proposed is not more than that required to allow the property owner substantial use of his or her property;
14. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;

15. Natural landscaping will not be removed by the project more than is necessary; and
16. Town Code § 17.072.090(c)(4) prohibits grading of hillside properties from October 1st through April 1st of each year. Therefore, the time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes.

Tree Permit

17. The alteration of the trees is necessary to protect the public health and safety and prevent damage to property (Town Code §8.36.060(B)(1); and
18. Is necessary to allow the owner to reasonably develop and use the property (Town Code §8.36.060(B)(4).

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

1. The project is approved per the following plans and documents: Frederic C. Divine Associates revision date 8/12/20, pages A1,1, 2, F1, F2, A2.0 through A2.3, A3.0 through A3.2, A4.0 and A4.1; the geotechnical report by Herzog Associates, dated 12/19/19, and the Tree Removal Application dated 5/5/20.
2. Prior to issuance of any of the building permits for the project the applicant or his assigns shall:
 - a. Submit a construction plan to the Public Works Department which may include but need not be limited to the following:
 - i. Construction delivery routes approved by the Department of Public Works.
 - ii. Construction schedule (deliveries, worker hours, etc.)
 - iii. Notification to area residents
 - iv. Emergency access routes
 - b. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public and private 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 (including emergency damage) to public or private roadways. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a cash

deposit, bond or letter of credit equaling 100% of the estimated construction costs.

- d. The foundation and retaining elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation and retaining elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Structural Engineer.
- e. The grading, foundation, retaining, and drainage elements shall also be stamped and signed by the site geotechnical engineer as conforming to the recommendations made by the project Geotechnical Engineer.
- f. 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.
- g. The Applicant shall submit 3 copies of the record of survey with the building permit plans.
- h. Prior to the removal of any trees not approved by the Planning Commission through this action, the applicant shall secure a tree cutting permit, if required, from the Fairfax Tree Committee prior to removal of any on-site trees subject to a permit under Town Code Chapter 8.36. To further minimize impacts on trees and significant vegetation, the applicant shall submit plans for any utility installation (including sewer, water and drainage) which incorporates the services of the project arborist to prune and treat trees having roots 2 inches or more in diameter that are disturbed during the construction, excavation or trenching operations. In particular, cross country utility extensions shall minimize impacts on existing trees. Tree root protection measures may include meandering the line, check dams, rip rap, hand trenching, soil evaluation and diversion dams. Any pruning shall take place during the winter when trees are dormant for deciduous species and during July to August for evergreen species.
- i. If deemed necessary by the Town Engineers, 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.

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

- a. The geotechnical engineer shall be on-site during the grading process and shall submit written certification to Town Staff that the grading 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 Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans.
 - c. The Building Official shall field check the concrete forms prior to the pour.
 - d. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall 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.
 - 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.
 - f. A designated parking area shall be established for project personnel. All project personal shall park in the designated parking area and carpool to the project site to avoid wear and tear and blocking access to public and private routes in the vicinity of the project site. The designated parking area shall be reviewed and approved by the Building Official prior to the issuance of the building permit.
4. 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 Town Staff that the foundation, retaining, grading and drainage elements have been installed in conformance with the approved building plans and the recommendations of the soils report.
 - b. The Planning Department and Town Engineer shall field check the completed project to verify that all planning commission conditions and required engineering improvements have been complied with including installation of landscaping and irrigation prior to issuance of the certificate of occupancy.
5. 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.

6. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
7. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 20-8. Modifications that do not significantly change the project, the project design or the approved discretionary permits *may* be approved by the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 20-8 will result in the job being immediately stopped and red tagged.
8. Any damages to the public and/or private portions of Walsh, Manzanita, Frustuck, or other public or private roadway used to access the site resulting from construction-related activities shall be the responsibility of the property owner.
9. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.
10. 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.

11. In accordance with Town Code §8.20.060(C)(1) and (2), the operation of any tools or equipment used in construction or demolition work or in property maintenance work between the hours of 6:00 PM and 8:00 AM Monday through Friday, or on weekends and holidays between 4:00 PM and 9:00 AM is prohibited.
12. Conditions placed upon the project by outside agencies or by the Town Engineer may be eliminated or amended with that agency's or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.
13. The building permit plans shall be reviewed and approved by the Town Engineer, at the expense of the applicant, prior to issuance of the building permit. The project shall be inspected by the Town Engineer prior to issuance of the occupancy permit for the residential structures for compliance with the engineering plans.

Ross Valley Fire Department

14. Project has been deemed a "substantial remodel" and as such requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. The system will require a permit from the Fire Department and the submittal of plans and specifications for a system submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
15. 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.
16. 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.
17. 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.
18. Address numbers at least 4 inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by an adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
19. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.

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

Marin Municipal Water District (MMWD)

22. A copy of the building permit must be provided to the district along with the required applications and fees.
23. All indoor and outdoor requirements of District Code Title 13, Water Conservation must be complied with.
24. Any landscaping plans subject to review by the Town of Fairfax or subject to a Town permit must be reviewed and approved by the District.
25. Backflow prevention requirements must be met.
26. Ordinance 429, 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.
27. All of the District's rules and regulations in effect at the time service is requested must be complied with.

Ross Valley Sanitary District (RVSD)

28. The applicant shall submit plans to RVSD for review which show the following:
 - a. The location of the RVSD sewer main, exiting lateral, and point-of-connection for the proposed improvements.
 - b. The elevation of the lowest-habitable-floor in the structure (the basement) and the elevation of the nearest downstream sewer manhole on the RVSD mainline.
 - c. The location on of all exiting or proposed sewer cleanouts, check and/or backwater devices located outside the foundation of the proposed structures.
29. All new connections, remodels, additions, and improvements are subject to Sewer Capacity Charges and Permit Fees.

Miscellaneous

30. Any future tree removal, beyond the trees proposed for removal in the 5/5/2020 Tree Removal Application will require the review and approval of the Tree Committee and may also require review and approval with mitigation measures

30. Any future tree removal, beyond the trees proposed for removal in the 5/5/2020 Tree Removal Application will require the review and approval of the Tree Committee and may also require review and approval with mitigation measures of the geotechnical engineer if the tree removal may effect hillside stability below the structure at a future date.

31. South elevation windows shall not increase above the existing sill height.

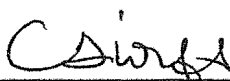
NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the Hill Area Residential Development Permit, Excavation Permit, Design Review Permit, and Tree Removal Permit are in conformance with the 2010 – 2030 Fairfax General Plan, the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and

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

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

AYES: Clark, Fragoso, Swift
NOES: Newton
ABSENT Green; Gonzalez-Parber
RECUSE: Rodriquez



Acting Chair Swift

Attest:



Ben Berto, Director of Planning and Building Services

November 16, 2020

M/S, Coler/Reed, Motion to appoint Mr. Tom Childers to the Tree Committee.
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

Mayor Goddard called the Regular meeting to order at 7:00 p.m.

Regular Agenda

2. Proclamation in Honor of Ms. Norma McFadden- Mask Maker Extraordinaire- Councilmember Coler

Mayor Goddard read the Proclamation in Honor of Ms. Norma McFadden- Mask Maker Extraordinaire.

Councilmember Coler read a message from Ms. McFadden thanking the Council for the recognition.

Mayor Goddard opened the meeting to public comments.

Ms. Liz Darby, Marin County Department of Health and Human Services, thanked Ms. McFadden for her service to the community.

Mayor Goddard closed the meeting to public comments.

3. Appeal of Planning Commission action approving Hill Area Residential Development, Excavation, Design Review, and Tree Removal Permits for the expansion and remodeling of the single-family home located at 6 Walsh Lane. Categorically Exempt from CEQA under CEQA guidelines per sections 15301(e)(2)(A) (Class 1) and 15302 (Class 2)- Assistant Planner, Planning Director Continued from November 4, 2020

Vice Mayor Bruce Ackerman recused himself due to the proximity of his home to the project.

Assistant Planner Spencer presented the staff report.

Councilmember Hellman asked if the reference to the 93 square feet that would remain unfinished was new information. Assistant Planner Spencer stated "no". Councilmember Hellman asked staff to point it out on the plans. Planning Director Berto noted it was on the east side and was less than seven feet in height.

Councilmember Hellman asked if there was a permit for the legal nonconformity of the structure. Assistant Planner Spencer explained the nonconformities were built prior to the applicable Zoning Code Sections. That is what makes them legal, non-conforming.

Councilmember Hellman asked staff to explain how the proposed project does not increase the existing combined front and rear nonconforming setbacks even though there is an increase in height. Planning Director Berto stated that was not a trigger. Town Attorney Coleson stated the height is not already nonconforming and the proposal is within the height limit.

Councilmember Coler asked staff to display Page F2 of the plans regarding the Ross Valley Fire Department's notes on access. Councilmember Reed stated there was a 20' X 30' fire truck space shown on Page F2. Assistant Planner Spencer displayed the Fire Department notes.

Councilmember Reed asked about the square footage of the homes at the end of the street. Assistant Planner Spencer stated there was a chart in the Planning Commission staff report.

Mayor Goddard asked how much total square footage was being added outside of the original footprint of the house. Planning Director Berto stated 406 square feet.

Mayor Goddard asked about the southwest corner and the height (31'10). Planning Director Berto stated the grade drops in that area and about 20 square feet is at that height.

Mayor Goddard asked about the Marin Municipal Water District's requirements for a rainwater system. Planning Director Berto stated it was listed as a Condition of Approval in the resolution adopted by the Planning Commission.

Mayor Goddard noted the applicant and appellant had made presentations at the November 4th Council meeting, and tonight they were available for questions.

Mayor Goddard opened the Public Hearing.

Councilmember Coler asked the applicant if they intended to incorporate a graywater system into the plans. Ms. Laura Kehrlein, project architect, stated they were planning to install a valve on the washing machine and the dishwasher to allow discharge into the landscaping.

Councilmember Reed asked the applicant if they had considered other methods. Mr. Kehrlein stated they would be happy to look at going above and beyond the minimum requirements.

Ms. Sharab Bogan, Walsh Lane, opposed the project. The design and size did not fit in with the neighborhood and would create parking issues.

Ms. Lynn Yetter opposed the project, and stated that building a five-bedroom home eliminated housing for seniors, a couple, or a small family.

Mr. Frank Egger, speaking for Save Fairfax, urged the Council to approve the appeal and allow the applicant to reapply for a smaller structure. He discussed his interpretation of the Town Code. He was concerned about "ex parte communications."

Mr. Christof Bessler stated Walsh Lane was a small neighborhood and the design of the project did not fit into the neighborhood.

Ms. Valerie Hood opposed the project. She was concerned about water shortage and fire evacuation.

Ms. Pamela Meigs urged the Council to consider the character of the neighborhood and grant the appeal.

Mr. Larry Bragman supported the appeal. He stated the unfinished area should be added to the Floor Area Ratio (FAR) calculation, that the entire structure was nonconforming, and any expansion required a Variance. He also stated that the project includes a second story addition of approximately 400 square feet which requires a variance under Fairfax Town Code 17.028.130.

Ms. Sandra Stamos opposed the project as too big and was concerned about impacts to traffic and parking.

Mr. Rick Hamer supported the appeal and the creation of a Design Review Board.

Ms. Ling Shien Bell supported the appeal. The house was out of character and too big.

Karen stated there should be a compromise. She stated the house did not fit the neighborhood.

Ms. Mahoney Neal supported a compromise. She was concerned for the neighborhood.

Mr. Morgan Hall, appellant, stated the Code states that a discrepancy cannot be increased. He stated a basement must counted as floor area whether or not it is habitable and that put it over the FAR. He discussed the County Assessor records regarding the lower level.

Ms. Deborah Benson stated the project did not fit into the neighborhood and that was a basis for denial. She was concerned about the excavation.

Ms. Laura Kehrlein, project architect, stated the project meets the Zoning Codes and provides parking and a fire-safe structure. She urged the Council to review the facts presented in the staff report and the Town Attorney's memorandum, deny the appeal, and uphold the Planning Commission's approval of the project.

Mayor Goddard closed the Public Hearing.

Councilmember Coler stated Councilmembers are permitted to meet with the applicants during the site visit and the Council disclosed their visits at the public hearing on this matter. The existing structure is a fire hazard and a blight on the neighborhood. The project did not need any Variances. The Commission followed the Design Review guidelines. The project is within the size and height limits. The legal, nonconforming elements are not being exacerbated and are grandfathered in. The unfinished area should not count towards the FAR. Coler emphasized that in order to grant the appeal, the Town Council would have to make Findings.

Councilmember Reed agreed the existing structure is in a dilapidated state. He was concerned that the project is much bigger than the other houses on the street, and that Walsh Lane is a ten-foot-wide private road with no on-street parking. The project complies with all the words in the Code, but Design Review is about the "look and feel" of a project. He would like to see a compromise that the neighbors could live with.

Councilmember Hellman asked for clarification of the Code with respect to a second story addition/alteration. Town Attorney Coleson stated she did not view this as a second story and is of the opinion that the alteration is in conformance. Planning Director Berto stated it complied with the Zoning standards and does not require a Variance.

Councilmember Hellman stated she had concerns about parking, evacuation, and preserving the character of the Town. She stated the project did not fit in - it was larger in floor area and higher than homes in the neighborhood.

Mayor Goddard stated there were Findings that need to be made that clearly define a decision. The existing structure is a fire hazard. The project does not look like the other houses on Walsh Lane but there is an eclectic mix of designs in the neighborhood. The house is big, but there will be minimal disturbance of the natural features. The project is creating off-street parking. There are no visual or privacy impacts. The project meets all the sections of the Code. She liked the design and materials.

Town Attorney Coleson stated there was a resolution denying the appeal in the packet. It would take three votes to pass a resolution. Granting the appeal would require the Council make Findings, so the matter would need to be continued for the findings to be incorporated in a resolution that would be brought back to the Council at the next meeting. A tie vote constitutes "no action" and the decision of the Planning Commission would stand unless there was a subsequent motion for continuance.

Councilmember Coler made a motion to deny the appeal.
Mayor Goddard seconded the motion.
Councilmember Hellman voted no.

At 10:04 p.m. the Council took a break.

The Council reconvened at 10:21 p.m.

Town Attorney Coleson noted there was a motion on the table with one no vote and reminded the Council that if Councilmember Reed voted no, the appeal would be denied and the Planning Commission approval would stand unless there was a further motion to continue the matter and it was approved with three votes.

M/S, Coler/Goddard, Motion to deny the appeal.
AYES: Coler, Mayor Goddard
NOES: Hellman, Reed
RECUSED: Ackerman

Motion failed due to the tie.

M/S, Hellman/Reed, Motion to continue the appeal to the December 16th meeting.
AYES: Hellman, Reed
NOES: Coler, Mayor Goddard
RECUSED: Ackerman

Town Attorney Coleson stated the decision of the Planning Commission approving the project application stands.

Mayor Goddard adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary



Ross Valley Fire Department

777 San Anselmo Avenue, San Anselmo, CA 94960

Mark Mills
FIRE CHIEF

June 24, 2020

Address: 6 Walsh Lane, Fairfax
Applicant: Divine Architects
Application #: 20-0135

The Vegetation Management Plan submitted for review by the Ross Valley Fire Department is approved with the following conditions:

Please do not remove any tree that requires a permit from the town without first securing such permit.

Please note that all vegetation within the 30 foot zone shall be irrigated. Seasonal grasses within the 30 foot zone are not permitted unless regularly irrigated. If not kept as green grass the area shall be covered in a weed barrier which should be covered in a layer of mulch.

Every effort shall be taken to ensure erosion control efforts are in compliance with standards established by Town regulations.

The approved plan is to last the life of the property. Any changes to the plan now or in the future will require Fire Department review. It is recommended that if the applicant has plans to landscape in the future that those plans be intermingled into this plan.

Vegetation shall be maintained to ensure address numbers are visible from both angles of approach.

Minimum standards shall be in place prior to final fire clearance.

If you have any questions about any of the items listed above please call me. I am available to meet with you on site to help you develop a plan. Please contact me to schedule (415) 258-4673 if you desire my assistance.

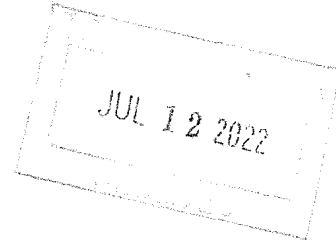
Sincerely,

/ Rob Bastianon /

Rob Bastianon
Sr. Fire Inspector

NOTES OF SUPPORT

FROM ALL NEIGHBORS



(TIMING DID NOT WORK OUT FOR BARBARA AND MICHAEL TO SIGN A NOTE, BUT YOU CAN SEE THEIR COMMENT ON THE CIRCULATION LIST THAT WAS ATTACHED TO THE DRAWING SET SHARED WITH THE NEIGHBORS:

" LOVE IT! THANK YOU)

Plot 2
Harrowood

(owns 76+76A)
- will be selling soon
and moving into
assisted living
in San Anselmo

24 Barbara
Michael
Casady

20 Shaanon
Scott (renter)

10 Morgan +
Shirah



70 Anne Frye

68 Michael
Goldman

WATSON LN.

WATSON LN.

(renter) Greg, Jae
Grady 76
Christat 76A
Bessler
(renter) Karen
Seekamp

Anne - here's a
list of who's who
in case anyone asks
if everyone in the neighborhood
approved.

WALSH LANE NEIGHBORS

Cross off your name after you've seen the plans

~~MORRIS + SHARON~~

~~KATHY N.~~ All very considerate changes! You know

~~BARBARA + MICHAEL~~ LOVE IT!
THANK YOU

~~SHANNON S.~~ Very thoughtful changes!

~~KNEE F.~~

~~MICHAEL G.~~

~~CHRISTOPHER + KAREN~~

Ach kuck mal. Ich versteh' mal wieder gar nix. Aber ist schon in Ordnung!

~~GREG + JAI~~

Love the front color changes!

To: Fairfax Planning Commission

From: Ann F. Fry

We live at 70 Manzanita Road

We have no objections to the plans for 6 Walsh Lane as revised 7/2/22 by Anne and Thomas Engels.

Signed Ann F. Fry

Dated 07/11/2022

To: Fairfax Planning Commission

From: *Michael Edgar Goldman*

We live at *68 Manzanita Road.*

We have no objections to the plans for 6 Walsh Lane as revised 7/2/22 by Anne and Thomas Engels.

Signed

Michael Edgar Goldman

Dated

7/11/2022

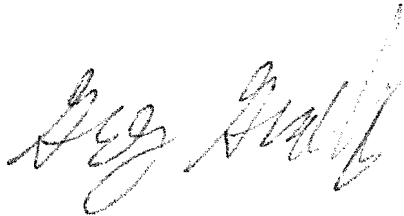
To: Fairfax Planning Commission

From: Greg Grady

We live at 76 Manzanita Rd.

We have no objections to the plans for 6 Walsh Lane as revised 7/2/22 by Anne and Thomas Engels.

Signed



Dated

7/11/22

To: Fairfax Planning Commission

From: MORGAN HALL + SHARAB BOGAN

We live at 10 Walsh Lane

We have no objections to the plans for 6 Walsh Lane as revised 7/2/22 by Anne and Thomas Engels.

Signed

Dated

Morgan Hall

7/9/22

Sharab Bogan

7/9/22

To: Fairfax Planning Commission

From: Christof Bessler / Karen Seekamp

We live at 76A Maurzanita Rd, FX, CA 94930

We have no objections to the plans for 6 Walsh Lane as revised 7/2/22 by Anne and Thomas Engels.

Signed

Dated

C. Bessler
Karen Seekamp

7/8/22
7/8/2022

To: Fairfax Planning Commission

From: Shannon Scott

We live at 20 Walsh Lane

We have no objections to the plans for 6 Walsh Lane as revised 7/2/22 by Anne and Thomas Engels.

Signed *SSM*

Dated 7/10/22

To: Fairfax Planning Commission

From: *Kathy Norwood*

We live at *21 Walsh Lane*

We have no objections to the plans for 6 Walsh Lane as revised 7/2/22 by Anne and Thomas Engels.

Signed

K. Norwood

Dated

7/10/22