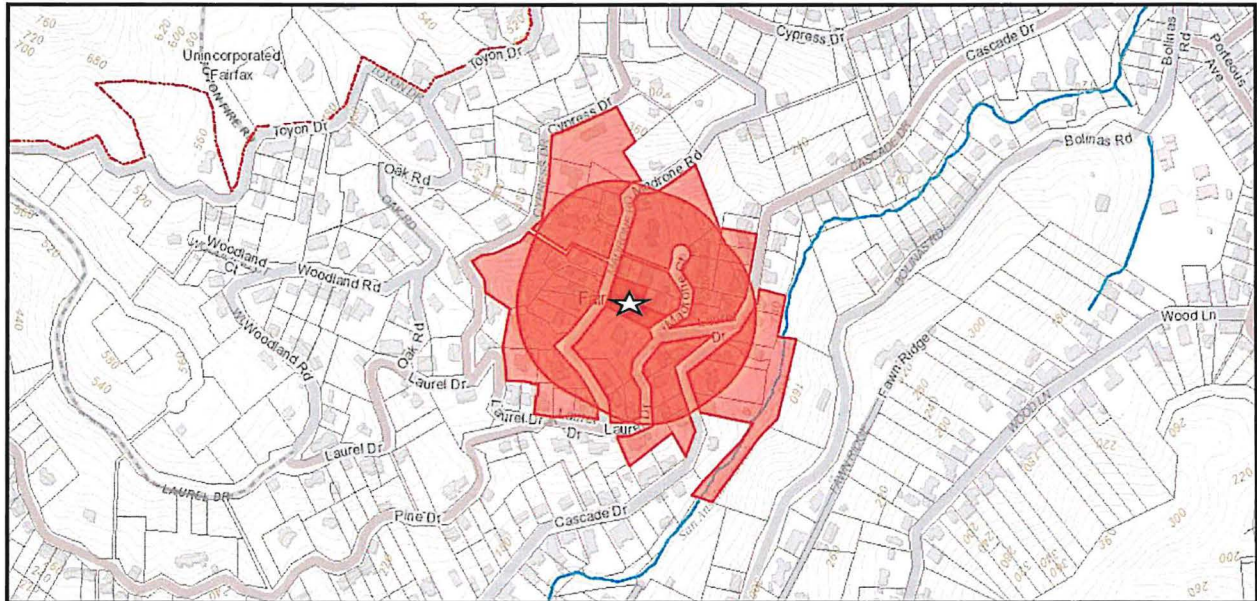


TOWN OF FAIRFAX STAFF REPORT ADENDUM

Department of Planning and Building Services

TO: Planning Commission
DATE: November 17, 2022
FROM: Linda Neal, Principal Planner
LOCATION: 54 Madrone Rd.: APN # 003-132-13
ZONING: RS-6 Residential Single-family Zone
PROJECT: Addition to a Single-family residence
ACTION: Conditional Use Permit; Application No. 22-24
APPLICANT: Christopher Schrader, Designer
OWNER: Rida Jamal
CEQA STATUS: Categorically exempt, § 15301(e)(1)



54 MADRONE ROAD

PROJECT DESCRIPTION

Construction of an approximately 144-square-foot entry room onto a 1,995 square-foot, two story, two-bedroom, two-bathroom, single-family residence for a total living space square footage of 2,139 square-feet. One exterior light fixture is proposed on the east side of the new front access door.

BACKGROUND

The 15,500 square-foot site slopes down from Madrone Road at an average rate of

26% and is developed with a single-family residence. The original structure was constructed in 1951 and the second story addition was built in 2005.

DISCUSSION

The project complies with the RS-6 Zone District setback, floor area ratio (FAR), lot coverage, and height regulations as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Coverage	Height
Required/ Permitted	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	35 ft., 3 stories
Existing	31 ft.	23 ft.	54 ft.	4ft. & 64 ft.	68 ft.	.13	.12	30 ft., 3 stories
Proposed	No change	No change	No change	No change	No change	.14	.13	No change

The project does not require any variances, it is not a 50% remodel so it does not require a design review permit, the addition is proposed over an existing front patio area so no trees will be removed, and construction will require the excavation of only one cubic yard of material, so the project does not require an excavation permit from the Planning Commission. The project is not located within ¼ mile of any known Northern Spotted Owl Nesting site.

The subject residence situated 30- feet in elevation below the houses across Madrone Road at 51, 53 and 55 Madrone Road and those neighboring windows and decks look out over the subject residence at 54 Madrone Road. The proposed one-story addition to the front of the residence will not impact neighbor views out over the site. The structure to the north at 60 Madrone Road has a view of the north side of the existing structure at 54 Madrone Road but the existing 11.5-foot tall, single-story, portion of the residence is taller than the proposed 9.5-foot tall, 144-square foot which will not impact their privacy or views. The structure at 40 Madrone Road is approximately 56 feet away from the proposed addition with many trees between the two houses that provide screening.

One new exterior light fixture, a WAC Lighting Stag Outdoor Wall Sconce, is proposed on the east side of the new front access door. The standard condition requiring the fixture be Dark Sky compliant has been included in Resolution No. 2022-32 approving the proposed project (Attachment A).

The addition will have a minimal impact on any of the neighboring residences.

Conditional Use Permit

Town Code § 17.080.050(C) requires that properties with a 26% slope must be a minimum of 43,000 square-feet in size and 143 feet wide for a project to be exempt from requiring the approval of a conditional use permit (CUP) from the Planning

Commission. The subject site is 15,500 square feet in size and 103 feet wide so the proposed addition requires the approval of a CUP by the Planning Commission before a building permit can be issued for construction.

Note: The Marin County Geographic Information System stopped posting average slope information for individual properties for a time. When the agencies that help pay for the maintenance of the system brought it to their attention, they began posting properties average slopes, but they were incorrect. Staff advised the applicants to change the site average slope based on this incorrect information. The Town received the following notification that the errors had been corrected two weeks ago.

"Please Note: Monthly parcel slope updates had an error in the formula that calculated them on 09/22/2022, effectively doubling the slope percentage".

This staff report is referencing the correct site average slope.

The project will result in a house that is similar in size and mass to other homes on similar sites and on sites in the immediate vicinity as demonstrated in the table below.

54 MADRONE ROAD – COMPARABLE NEIGHBORING SITES AND HOUSE SIZES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
003-131-13	120 Laurel Dr.	10,800	1717	3	2	391	.16
003-131-41	80 Laurel Dr.	13,389	3,153 (2 units)	5	5.5	1049	.28
003-131-47	35 Madrone Rd.	16,100	1,921	3	2	398	.12
003-153-29	321 Cypress Dr.	15,000	2,508	4	2	616	.17
003-162-18	283 Cypress Dr.	24,270	1,832	2	3	360	.08
IMMEDIATELY ADJACENT TO THE PROJECT SITE AND HOUSE SIZES							
003-132-02	60 Madrone Rd.	5,600	1,602	3	3	250	.29
003-132-03	17 Madrone Rd.	7,500	1,080	2	1	0	.14
003-132-11	11 Madrone Ct.	6,300	1,978	3	2	280	.31
003-131-25	51 Madrone Rd.	7,500	1,526	3	2	0	.20
003-131-28	49 Madrone Rd.	7,500	1,711	3	3	0	.23
003-131-31	53 Madrone Rd.	4,200	1,161	2	1.5	0	.28
Project Site							
003-132-13	54 Madrone Rd.	15,500	2,139	2	2	0	.14

CUP Findings

To approve a CUP, the Commission must be able to make the following legal findings (staff suggested findings follow the legal finding code language in bold, italicized font):

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

The proposed addition complies with the required setback, FAR, lot coverage and height limitations required in the RS-6 Zone. Therefore, approval of the CUP will not constitute a grant of special privilege or contravene the doctrines of equity and equal treatment.

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

The addition is located between Madrone Road and the onsite parking and house and is either much lower in elevation, screened by the existing house structure, or far away from the immediately neighboring homes. The addition does not extend beyond the areas of the site already disturbed by the existing development, requires the removal of no vegetation or trees and no significant excavation. Therefore, the development and use of the property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises of cause excessive burdens in the use and enjoyment of adjacent properties.

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

The proposed addition maintains the single-family use of the site in compliance with the RS-6 Single-family Residential Zoning and is consistent with the 2010-2030 Fairfax General Plan (including 2021 text amendments), Land Use Policy LU-1.2.3; New and renewed development shall be designed and located so as to minimize the visual mass and the Town will require exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape, allowing for architectural diversity, and LU-7.1.5, New and renewed development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size, and mass". Therefore, the project is not contrary to those objectives, goals, or standards pertinent to the project.

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

The proposed addition is approximately 144 square-feet in size, is located at the front of the site between the garage and the house in an area that has already been disturbed by the site development (front patio), and far away and/or at a much different elevation than any of the immediately adjacent residential structures. Therefore, the location of the addition and approval of the CUP to allow the proposed expansion of the residence will result in equal or better development of the premises than would otherwise be the case. Expanding the house to the southwest of the house would alter the natural slope of the site and require the removal of mature trees

Other Agency/Department Comments/Conditions

None of the agencies or departments with jurisdiction over the project had any specific comments or conditions for the project. The standard comments/conditions of the agencies that commented have them have been included in the attached Resolution No. 2022-32 approving the requested CUP for the project.

RECOMMENDATION

Move to approve Resolution No. 2022-32 approving Application No. 22-24 containing the findings and the conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 2022-32

Attachment B -- Project Plan Set

RESOLUTION NO. 2022-32

A Resolution of the Fairfax Planning Commission Approving Application No. 22-24 for a Conditional Use Permit to Construct an Approximately 144 Square-Foot Entry Addition at 54 Madrone Road

WHEREAS, the Town of Fairfax has received an application from Rida Jamal to construct a 144 square-foot, entry addition to the single-family residence at 54 Madrone Road; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on November 17, 2022, at which the Planning Commission determined that the project complies with the Town Code provisions regulating residential development permits; 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 Conditional Use Permit for addition; and

WHEREAS, the Commission has made the following findings:

General Plan Compliance

The project is consistent with the following 2010-2030 Fairfax General Plan Policies:

Policy LU-1.2.3: New and renewed development shall be designed and located so as 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; and

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

Conditional Use Permit

1. The proposed addition complies with the required setback, FAR, lot coverage and height limitations required in the RS-6 Zone. Therefore, approval of the CUP will not constitute a grant of special privilege or contravene the doctrines of equity and equal treatment.
2. The addition is located between the existing onsite parking and house, does not extend beyond the areas of the site already disturbed by the existing development, requires the removal of no vegetation or trees and no significant excavation. Therefore, the development and use of the property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises of cause excessive burdens in the use and enjoyment of adjacent properties.

3. The proposed addition maintains the single-family use of the site in compliance with the RS 6 Single-family Residential Zoning and 2010-2030 Fairfax General Plan (including 2021 text amendments), Land Use Objective LU-7.2, Preserve, maintain, and enhance in a sustainable manner, the existing design aesthetic, scale and quality of life in Fairfax's residential neighborhoods" and Policy LU-7.2.1, New and renewed development shall be compatible with the general design and scale of structures in the vicinity."
4. The proposed addition is approximately 144 square-feet in size, is located at the front of the site between the garage and the house in an area that has already been disturbed by the site development (front patio). Therefore, the location of the addition and approval of the CUP to allow the proposed expansion of the site will result in equal or better development of the premises than would otherwise be the case. Expanding the house to the southwest of the house would alter the natural slope of the site and require the removal of mature trees (see Attachment B – area photo of the site).

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

1. This approval is limited to the development illustrated on the plans prepared by Schrader Design dated received by the Town on September 29, 2022.
2. During the construction process, all construction-related vehicles including fixture/supply or 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.
3. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
4. The Building Official shall field check the completed project to verify compliance with the approved plans and building code requirements.
5. The Planning Department shall field check the completed project to verify that the construction reflects the plans approved by the Planning Commission and to verify that all Planning Commission conditions have been complied with.
6. The roadways shall be kept clean and the site free of dust by watering down the site if necessary. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping the roadway, daily, if necessary.

7. During construction, the property owner, and all employees, including contractors and subcontractors must comply with all requirements set forth in Chapter 8.32 of the Town Code entitled, "Urban Runoff and Pollution Prevention".
8. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application No. 22-24. 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 No. 22-24 will result in the job being immediately stopped and red tagged.
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 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.

Ross Valley Fire Department

10. All vegetation and construction materials are to be maintained away from the residence during construction.
11. Hydrant flow and location are to be identified before construction begins.
12. 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.

13. 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 portions of the residence.
14. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or additions and the cost of the permit exceeds \$1,000. 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.
15. 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 a 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.
16. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
17. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

Ross Valley Sanitary District (RVSD)

18. The project triggers testing and lateral certification requirements.
19. All work on the lateral must be done under RVSD permit after payment of applicable fees and must be inspected by RVSD inspectors prior to any backfill.
20. Construction must comply with District Codes including Ordinance 100 and must obtain a Certificate of Compliance.

Miscellaneous Conditions

21. The applicant must comply with any all conditions listed above unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services. Waiver of an agency's conditions in writing by that agency will not require further Planning Commission review.
22. All the exterior fixtures must be Dark Sky compliant (fully shielded and emit no light above the horizontal plane with no sag or drop lenses, side light panels or uplight panels) as well as compliance with color temperature to minimize blue rich lighting. The lighting shall not emit direct offsite illumination and shall be the minimum necessary for safety.

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

The approval of the Conditional Use Permit can occur without causing significant impacts on neighboring residences; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17th day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

Chair Norma Fragoso

Attest:

David Woltering, Interim Planning Director