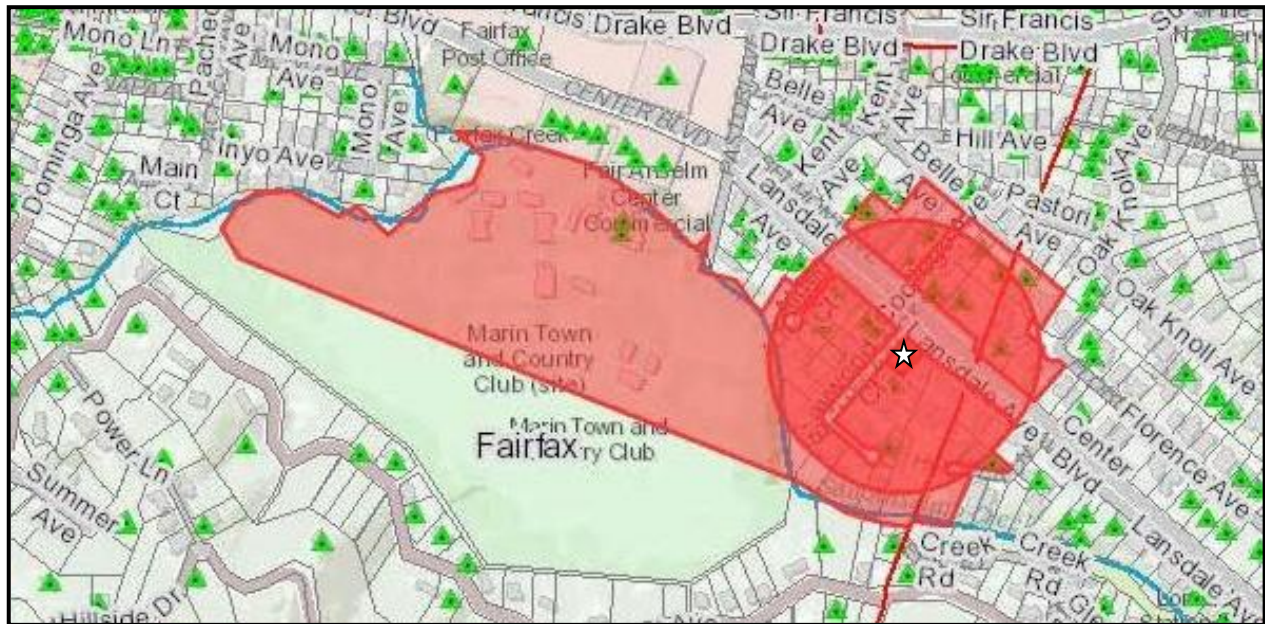


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: February 16, 2023
FROM: Kara Spencer, Assistant Planner
LOCATION: 129 Lansdale Avenue; APN 002-201-36
ZONING: RD 5.5-7 Residential Zone
PROJECT: Interior/exterior remodel; site renovation; addition of a second driveway and two new parking spaces
ACTION: Design Review Permit, Front Setback Variance, Combined Side-yard Setback Variance, and Parking Variance; Application # 23-03
APPLICANT: Andrew Davis, Fluid Studios, Inc.
OWNER: Kate MacLaughlin and Sampson Goff
CEQA STATUS: Categorically exempt, § 15301(a)



129 LANSDALE AVENUE

PROJECT DESCRIPTION

The project proposes to completely renovate (over 50% remodel) the interior and exterior of the existing 2,442 square-foot, two-story, three-bedroom, three-bathroom, single-family residence. Both floors of the house would be reconfigured with the majority of the changes occurring on the second floor. The existing structural system would be upgraded. New lighting is proposed, along with new electrical, mechanical, and plumbing systems. Fire sprinklers would be installed. All exterior siding would be replaced with WUI compliant siding (Hardie shiplap and natural cedar). All windows and doors would be replaced with many in new locations. The dormer on the first-floor roof at the front of the house would be removed and the entire first floor roof would be replaced with a standing seam metal shed roof. The existing second floor roof would remain as

it is with asphalt shingles. A second-story balcony at the back of the house would be removed. Approximately ten square feet of floor area would be removed from the living room and added to the front porch to create a new reconfigured, larger front entry porch, resulting in a new total floor area of 2,432 square feet for the house. The project also proposes a built-in bench attached to the front of the house adjacent to the front entry. The exterior siding on the garage and the accessory structure located in the southeastern side-yard would be replaced and painted to match the new siding proposed for the house. No other work would occur to these two buildings.

The project proposes to remove approximately 47 percent of the impervious surface area from the site by replacing existing hardscape with pervious paving materials, bringing the out of compliance lot coverage of approximately 61 percent (3,666 square feet) into compliance at approximately 32 percent (1,942 square feet). The project also proposes to create two new 9' by 19' off-street parking spaces in the backyard by filling in a portion of the existing pool, requiring the placement of approximately 36 cubic yards (cy) of fill. A new approximately 18-foot-wide driveway curb cut and driveway would be constructed off of Baywood Court to access the new parking spaces. The project also proposes to legalize the existing, covered compact (8' by 16') parking space in the detached garage. Other site improvements consist of new fencing; a minor amount of new back yard landscaping; and, a new deck and pergola (sun shade) that would be attached to the back of the house and "wrap around" both sides of the house at the back.

BACKGROUND/EXISTING CONDITIONS

The 6,000 square foot corner lot fronts on Lansdale Avenue and is bordered to the northwest by Baywood Court. There is a pool and pool shed in the back yard; a 190 square foot single-car garage in the front/southeastern side-yard; and, a 134 square foot accessory structure located behind the garage. According to records in the property file, a building permit was issued for the construction of the garage on July 3, 1957. The garage was constructed on the property line, which was not in conformance with the three-foot side-yard setback requirement that was in effect at the time (Fairfax Ordinance 102). There are no records in the property file for the construction of the accessory structure located behind the garage, which encroaches into the minimum and combined side-yard setbacks. According to the property owners, the accessory structure behind the garage was present on the property when they purchased it in 2012. In addition, the Residential Re-sale report that was prepared prior to the current owners purchase of the property, dated May 24, 2012, identified three structures on the site.

There is an existing fence on the northwestern property boundary, adjacent to the Baywood Court street frontage that is six feet in height with fence posts that extend an additional foot to seven feet that are connected by a line of horizontal boards. There is an opening that is about a foot long between the top of the fence and the line of connected horizontal boards. The fence along the back property line is a solid seven feet in height. Refer to the design review application materials and page A3.2 of the plan set for a depiction of the existing fencing. Town Code § 17.044.080(A) limits fences located along side and rear lot lines to six feet in height. Town Code § 17.044.080(B)(2) limits fences located to the rear of the front setback line to six feet in height. This taller fence along the Baywood Court street frontage is setback approximately 14'-8" from the front property boundary, which complies with Town Code § 17.044.080(B)(2). However, neither the fence along the Baywood Court street frontage nor the fence along the back property boundary meet the six foot height limit. Staff has included a condition of project approval, that any fencing located along side and rear lot lines that exceeds six feet in height be reduced to six feet in height to comply with Town Code § 17.044.080(A) and § 17.044.080(B)(2).

According to maps prepared by Marin County Parks in conjunction with the Marin Audubon Society, the project site is not within a quarter mile of a known Northern Spotted Owl nesting site. The project site is not within a Wildland Urban Interface (WUI) Zone according to the Ross Valley Fire Department “Town of Fairfax Wildland-Urban Interface Zones” Map.

Table 1 demonstrates the project’s compliance with the regulations of the RD-5.5-7 Residential Zone, High-Density District where the property is located. As indicated in Table 1, the existing property meets the individual and combined front and rear setbacks, one of the individual side setbacks (northwestern side), and the building height requirement. The accessory building behind the garage has a two-foot setback from the property boundary and the garage is on the property line with a zero setback. With a combined FAR of 0.44, the existing structures, including the house, accessory building in the southwestern side-yard, and pool shed in the back yard, exceed the allowable FAR of 0.40. The property is covered with approximately 3,666 square feet of impervious surface area (approximately 61% of the site), which exceeds the allowable 35 percent lot coverage.

Table 1: 129 Lansdale Avenue Compliance with RD 5.5-7 Regulations

	Front ¹ Setback	Rear Setback	Combined Front/Rear Setback	Side ¹ Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	10 ft.	6 ft.	25 ft.	10 ft. & 5 ft.	15 ft.	.40	.35	28.5 ft., 2 stories
Existing	10'- 8" ²	28 ft. ²	38'-8" ²	14'- 9" ² & 0 ft.	14'- 9" ²	.44 ³	.61	28.5 ft., 2 stories
Proposed	6 ft.	26 ft. ²	32 ft.	9 ft. & 0 ft.	9 ft.	.43 ²	.32	No change

¹ Town Code § 17.084.070(C) requires all street frontage of any corner lot to have a ten-foot setback.

² Indicates approximate square feet.

³ Includes an accessory building and pool shed with utilities; 190 sf garage excluded [Town Code § 17.136.020(B)]

DISCUSSION

Required Discretionary Permits

At 6,000 square feet in area with a width of 60 feet and a five percent slope, the project site conforms to the building site requirements of the RD 5.5-7 zoning district [Town Code § 17.084.050(A)]. Because the project property conforms to the building site requirements, the proposed project does not require approval of a Conditional Use Permit (CUP) (Town Code § 17.084.050). The project proposes to completely renovate the interior and exterior of the existing house (over 50% remodel). Therefore, Planning Commission approval of a Design Review Permit [Town Code § 17.020.030(A)] is required. The project also requires Planning Commission approval of a Front Setback Variance for the proposed construction of a new front entry porch approximately six feet from the street frontage of a corner lot [Town Code § 17.084.070(C)].

The portion of the wrap around deck and pergola attached to the northwestern side of the house that fronts Baywood Court would encroach into the required 15-foot combined side-yard setback. This would result in the property maintaining a combined side-yard setback of approximately nine feet, requiring Planning Commission approval of Combined Side-yard Setback Variance. In addition, the deck and pergola along this side of the house would maintain individual side-yard setback of nine feet from the northeastern property boundary along Baywood Court. While this does not meet the ten-foot setback requirement from street frontage

on a corner lot, Town Code § 17.044.070 allows decks to project two feet into a required side-yard without Planning Commission approval of a Variance. Therefore, the project does not require a Variance to the minimum side-yard setback requirement.

The project proposes to meet the Town's required number of off-street parking spaces [Town Code § § 17.052.030(A)(1)(d) and (2)] with the two new 9' by 19' parking spaces proposed in the backyard and the existing 8' by 16' covered space located in the detached garage. All proposed spaces would be located within the individual and combined side-yard setbacks. In addition, while the existing 8' by 16' covered space located in the detached garage meets the minimum size required for a compact space, it does not meet the minimum size requirement for a standard space (9' by 19'). Therefore, the project requires a Parking Variance to allow parking in a required side-yard and to allow the compact space in the garage.

The existing accessory building and the garage that encroach within the five-foot minimum side-yard setback along the southeastern side would remain in place and not increase in size with the only changes to the garage consisting of new siding and paint, the project would conform to the Town's requirements for non-conforming structures and would not require approval of a Variance from the Planning Commission [Town Code § 17.016.040(A)].

Design Review

The proposed changes to the exterior of the house, including new siding; new doors and windows (many in new locations); removal of the second-story balcony at the back of the house and the dormer on the first-floor roof; replacement of the first floor roof with a standing seam metal shed roof; new larger front entry porch and built in bench adjacent to the front entry; and, new wrap around deck and pergola at the back of the house would dramatically change the appearance of the house. The proposed Hardie artisan dark grey shiplap siding, areas of natural cedar siding on the first floor in the front and back, the black metal shed roof at the front of the house, and black framed windows would create a contemporary aesthetic for the new property owners (Refer to the design review application materials in the plan set for a depiction of the proposed changes.). The larger front entry is proposed to create a more open and inviting appearance for the house. At the back of the house, ground floor spaces would be connected to the back yard with the new wrap around deck, while the wrap around pergola is proposed to help scale down the two-story structure. Areas of natural cedar siding are also proposed to scale the building down to a human level and provide a warmer finish where outdoor activity takes place. While the contemporary design proposed by the project would result in a house that looks much different than what had previously been on the site, the new design is generally in keeping with the eclectic character of the neighborhood and other neighborhoods throughout Town.

The proposed site work would change the appearance of the site. At the backyard, the pool would be smaller and take up less space, two new off-street parking spaces would be added, the new deck would be lower and larger than the existing deck, and a pergola would be constructed at the back of the house. Impervious paving would be removed and replaced with new pervious pavers. Approximately eight shrubs located in the southeastern side-yard would be removed. A few new shrubs would be planted in the northwestern side yard. Refer to the Landscape Plan on T2.3 for the proposed landscaping changes. New fencing and a new front porch with a built-in bench would be constructed at the front yard to create a more open and inviting appearance for the house. Three new exterior lights are proposed, one at the new front entry porch, one at the back of the northwestern side above a proposed new door, and one above the garage. Refer to plan page A2.5 for the exterior lighting locations. All the proposed exterior light fixtures would be "dark sky friendly," shielded to direct light downward in a manner

that prevents light spillage beyond the project area. Refer to the Design Review application materials in the plan set for proposed lighting. While the site would look different after project implementation, the proposed changes would be beneficial and complement existing and proposed features.

Front Setback Variance

Because the property is a corner lot, Town Code § 17.084.070(C) requires it to maintain a ten-foot setback from all street frontages. The existing front entry porch is setback approximately 10'-8" from the property frontage along Lansdale Avenue. The proposed new front entry porch would maintain a setback of approximately six feet from the property frontage along Lansdale Avenue, which would comply with the front yard setback regulations of the RD 5.5-7 zone if the property were not a corner lot. The new front entry porch would have an approximately six-foot-high wall on its southeastern side that would be approximately 3'-9" in length and set back approximately 11 feet from the property frontage along Lansdale Avenue. This wall would not encroach into the required ten-foot front setback and would comply with the Town's six-foot height limit for walls located to the rear of the front setback line [Town Code § 17.044.080(B)(2)]. On the northwest side, the front entry porch would have an approximately four-foot-high wall with a built-in bench that would be set back approximately eight feet from the property frontage along Lansdale Avenue. At approximately four feet, the wall on the northwestern side would be the same height as the front yard fence. The height of the wall would comply with the Town's four-foot height limit for walls within required yards, but approximately two feet of the four-foot-high wall would encroach within the ten-foot required front setback.

Roughly half of the proposed front entry porch would encroach into the required ten-foot front yard setback. The majority of the encroaching portion would be relatively low in height at about two feet with the highest portion reaching approximately four feet at the top of wall on the northwestern side. Due to the relatively low height of the portions of the new front entry porch that would encroach within the required ten-foot front setback and because the project would not extend the existing roof any further out from the house than its current distance, the proposed front entry porch would not be expected to obstruct the line of sight for motorists entering or existing Baywood Court or for pedestrians using Lansdale Avenue or Baywood Court. Consequently, the project would not be detrimental to the public using Lansdale Avenue, Baywood Court, or the neighbors. Moreover, the project would maintain similar setbacks from the property lines as other developed properties in the vicinity and would not be a grant of special privilege.

Combined Side-yard Setback Variance

As described above, the project requires a variance to allow a portion of the wrap around deck and pergola attached to the northwestern side of the house to encroach into the required 15-foot combined side-yard setback. The resulting combined side-yard setback would be approximately nine feet. Adding a portion of a deck and pergola within the combined side-yard setback would increase the amount of structures within the combined side yard setback. Due to the nature of the features that would encroach and their proposed location, which would be along the northwestern side of the house fronting Baywood Court, this seems to be a reasonable request. The deck would be quite low at a little less than two feet high (approximately 1'-10"). It would not be visible due to the fence located along the property boundary. The pergola would be a relatively narrow structure approximately a foot tall that would project approximately 3'-6" from the side of the house at approximately 14 feet above grade. Both the deck and the pergola would be a reasonable distance from Baywood Court and would not be expected to be detrimental to pedestrians or motorists using Baywood Court or to neighbors. In addition, the

deck and pergola would meet the minimum ten-foot setback required for corner lot street frontage. The deck would encroach one-foot into the minimum ten foot setback, which is allowed by Town Code § 17.044.070 (Town Code § 17.044.070 allows up to two feet of encroachment into a setback for a deck).

Both the deck and the pergola would provide benefits for the property that are similar to those enjoyed by other property owners in the vicinity and under identical zone classification. The deck would help connect the ground floor of the house to the backyard. The pergola would provide passive cooling for western and southern facing doors and windows and would help scale down the two-story structure. Moreover, the project would maintain similar setbacks from the property lines as other developed properties in the vicinity and would not be a grant of special privilege.

Parking Variance

Town Code parking regulations require single-family residences with three or more bedrooms to have two 9' by 19' off-street parking spaces [§ 17.052.030(A)(1)(d)], one of which must be covered [§17.052.010(D)]. Furthermore, an additional off-street parking space for guests is also required when a legal on-street parking space is not available along the property street frontage [17.052.030(A)(2)]. Thus, the project site is required to have three 9' by 19' off-street parking spaces, one of which is covered. The project site does not have any conforming parking spaces. There is one, covered, 8' by 16' off-street parking space in the existing garage that is located within the minimum and combined side-yard setbacks. As described in the background/existing conditions section, a building permit was issued for the construction of the garage on July 3, 1957. It was constructed on the property line, which was not in conformance with the three-foot side-yard setback requirement that was in effect at the time (Fairfax Ordinance 102).

The project proposes to meet the Town's required number of off-street parking spaces with two new 9' by 19' parking spaces in the backyard and the existing 8' by 16' covered space located in the detached garage. All proposed spaces would be located within the individual and combined side-yard setbacks. In addition, while the existing 8' by 16' covered space located in the detached garage meets the minimum size required for a compact space, it does not meet the minimum size requirement for a standard space (9' by 19'). Therefore, the project requires a Parking Variance to allow parking in a required side-yard and to allow the compact space in the garage.

Historically, parking was allowed in the side yard setback, and parking and parking structures can be found in the side yard setback throughout the Town. Many properties in the project vicinity have garages in the side yard setback. The property owners would like to keep the garage where it is and continue to use the compact parking space. The garage has been on the property for well over 50 years. Allowing the garage to remain in the side yard would not change the character of the neighborhood nor have a significant negative impact on the neighbors or the neighborhood. If the Planning Commission grants the parking variance to allow the compact space in the garage to count toward one of the required spaces, it would be formalizing the use of the covered, compact space that has existed for over 50 years.

Due to the siting of the existing structures on the property, there is limited area to construct additional parking and meet the Town's parking requirements. The two new 9' by 19' off-street parking spaces would be located in the backyard, off of Baywood Court, approximately 61 feet from the intersection of Baywood Court and Lansdale Avenue. The property owners are proposing to reduce the size of their existing pool to accommodate the two additional off-street spaces. Adding the parking to this location would have minimal impact on the neighborhood,

since the parking spaces and parked cars would be hidden from view by a gate and fencing that would be six feet in height, as required by condition of approval 32 contained within attached Resolution 2023-03. Furthermore, because the new driveway to access the parking spaces would be located approximately 61 feet from the intersection of Baywood Court and Lansdale Avenue, the proposed driveway would not be expected to create line of sight or visibility issues for motorists or pedestrians.

Granting the Parking Variance to allow the two 9' by 19' spaces off of Baywood Court would decrease the on-street parking burden for the neighborhood and improve circulation, a benefit to the property owner and the public. It would be located a sufficient distance from the intersection of Baywood Court and Lansdale Avenue and would be hidden from view by a six-foot gate and fence. Therefore, the project would not be detrimental to the public welfare or injurious to other property in the vicinity.

OTHER AGENCY/DEPARTMENT COMMENTS/CONDITIONS

No agencies or Town of Fairfax Departments had any comments or project specific conditions of approval. The standard conditions of approval for all projects from the Ross Valley Fire Department, Marin Municipal Water District, and Ross Valley Sanitary District have been included in the attached Resolution No. 2023-03 and can be viewed in their entirety in that document.

RECOMMENDATION

Move to approve Application # 23-03 by adopting Resolution No. 2023-03 setting forth the findings and conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 2023-03

RESOLUTION NO. 2023-03

A Resolution of the Fairfax Planning Commission Approving Application 23-03 for a Design Review Permit, a Front Setback Variance, a Combined Side-yard Setback Variance, and a Compact Parking Space Variance for an Interior/exterior Remodel and Site Renovation at 129 Lansdale Avenue

WHEREAS, the Town of Fairfax received an application from Andrew Davis for a site renovation and an over 50% remodel of a single-family residence at 129 Lansdale Avenue; and

WHEREAS, after holding a duly noticed public hearing on February 16, 2023, on the project, the Planning Commission determined that the project complies with the Design Review Ordinance and the Setback and Parking Variance regulations and that findings can be made to grant the requested Design Review Permit, the requested Front Setback Variance, the Combined Side-yard Setback Variance, and the Parking Variance at 129 Lansdale Avenue; and

WHEREAS, the Planning Commission has made the following findings:

General Plan Compliance

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 characteristics of the Town's neighborhoods in their diverse architectural style, size, and mass.

Policy LU-7.2.1: New and renewed development shall be compatible with the general character and scale of structures in the vicinity.

Design Review

1. The project depicted in the plans submitted 2/9/23 complies with the Design Review Criteria set forth in Town Code § 17.020.040.

Front Setback Variance

1. The project will maintain similar setbacks from the property lines to other properties in the vicinity. Therefore, the strict application of the Corner Lot 10-foot Street Frontage Setback regulations will deprive the applicants of privileges enjoyed by other property owners in the vicinity.
2. The variance to maintain a front yard setback of approximately six feet from the street frontage on Lansdale Avenue is consistent with the limitations upon other properties

in the vicinity and in the RD 5.5-7 Residential Zone and the granting of the variance is consistent with the objectives of Title 17, Zoning.

3. The strict application of the required 10-foot front setback will result in unreasonable hardship for the property owners since they will be unable to modify their existing front entry to create a more open and inviting appearance for the house.
4. The low, approximately two-foot height of the majority of the front porch and its location approximately six feet from the Lansdale Avenue street frontage behind a four-foot-high fence ensure the project will not be detrimental to the public using Lansdale Avenue or to the neighborhood.

Combined Side-yard Setback Variance

1. The project will maintain similar setbacks from the property lines to other properties in the vicinity. Therefore, the strict application of the 15-foot Combined Side-yard Setback regulations will deprive the applicants of privileges enjoyed by other property owners in the vicinity.
2. The variance to maintain a combined side-yard setback of nine-feet is consistent with the limitations upon other properties in the vicinity and in the RD 5.5-7 Residential Zone and the granting of the variance is consistent with the objectives of Title 17, Zoning.
3. The strict application of the required 15-foot combined side-yard setback will result in unreasonable hardship for the owner since they would not be able to build the wrap around deck at the back of the house to help connect the ground floor of the house to the backyard or the pergola that would provide passive cooling for western and southern facing doors and windows and would help scale down the two-story structure.
4. The approximately 1'-10" height of the deck behind a six-foot fence and the one foot tall pergola that would project approximately 3'-6" from the side of the house at approximately 14 feet above grade ensure the project will not be detrimental to pedestrians or motorists using Baywood Court or to neighbors.

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 covered space meets the minimum size for a compact parking stall of eight feet by 16-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 Baywood Court or Lansdale 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).

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

1. The project is approved based on the architectural plans and design review application prepared by Andrew Davis, Fluid Studios, Inc., received by the Town on February 9, 2023 with the exception of the seven-foot-high fence depicted on plan page A3.2 and with the exception of the seven-foot-high fencing depicted on the design review application, received by the Town on February 9, 2023. The seven-foot-high fencing depicted shall be reduced to a maximum of six feet in height as specified in Condition of Approval 32 below.
2. Prior to issuance of any of the building permits for the project the applicant or his assigns shall:
 - a) Submit a construction management plan subject to approval of the Public Works Director. The 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; and,
 - vi. Contractor employee parking locations.
3. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction delivery routes (routes to be approved by Public Works Director).
4. 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 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.
5. The pool foundation elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Structural Engineer.

6. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Department, Marin Municipal Water District, and the Ross Valley Sanitary District noting the development conformance with their recommendations.
7. During the construction process the following shall be required:
 - a) Prior to the concrete form inspection by the building official, the project Structural Engineer shall field check the forms of the pool foundation 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.
 - b) The Building Official shall field check the concrete forms prior to the pour.
 - c) 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.
 - d) 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.
8. Prior to issuance of an occupancy permit the Planning Department and Building Official shall field check the completed project to verify that any and all planning or commission conditions and required engineering improvements have been complied with.
9. Excavation or fill 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.
10. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
11. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 23-03. Modifications that do not significantly change the project, the project design or the approved discretionary permits **may** be approved by the Planning Director or the Planning Commission. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 23-03 will result in the job being immediately stopped and red tagged.

12. Any damages to the public portions of Center Boulevard, Lansdale Avenue, Baywood Court or other public or private roadway used to access the site resulting from construction-related activities shall be the responsibility of the property owner.
13. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town and 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.
14. 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.
15. 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.
16. Conditions placed upon the project by outside agencies, Town departments or by the Town Engineer may be eliminated or amended with that agency's, department's, or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.

Ross Valley Fire Department Conditions

17. All vegetation and construction materials are to be maintained away from the residence during construction.
18. A class A roof assembly is required.
19. The project requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. The system will require a permit from the Fire Department and the submittal of plans and specifications for a system submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
20. 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.
21. 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.
22. Address numbers at least 4" tall visible from the street and internally illuminated or illuminated by and adjacent light controlled by a photocell and switched off only by a breaker so it will remain illuminated all night shall be installed.
23. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
24. 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) Conditions

25. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
26. Backflow prevention requirements must be met.
27. Any landscaping plans must be reviewed and approved by the District.
28. Ordinance 420, requiring installation of a 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.

29. Comply with California Water Code – Division I, Chapter 8, Article 5, Section 537; which requires individual metering of multiple living units within newly constructed structures.
30. All the District's rules and regulations in effect at the time service is requested must be complied with.

Ross Valley Sanitary District (RVSD)

31. The project triggers RVSD's testing and lateral certification requirements. The project applicant shall: hire a licensed contractor to perform a video inspection of the sewer lateral/s to determine the condition; obtain a permit from Ross Valley Sanitary District; pay applicable Capacity and Permit fees; pressure test the sewer laterals in the presence of a District Inspector prior to backfill; and, obtain a Certificate of Compliance for the lateral from RVSD.

Miscellaneous Conditions

32. Any fence located along a rear lot line or along a side lot line ten feet to rear of the front setback line shall be no taller than six feet in height. Any existing fencing that exceeds six feet in height and is located along a rear lot line or along a side lot line ten feet to rear of the front setback line shall be reduced to six feet in height.
33. All the exterior fixtures must be dark sky compliant (fully shielded and emit no light above the horizontal plane with no sag or drop lenses, side light panels or uplight panels) as well as compliance with color temperature to minimize blue rich lighting. The lighting plan shall be submitted with the building permit application and be approved by the Planning Department prior to issuance of the project building permit. The lighting shall not emit direct offsite illumination and shall be the minimum necessary for safety. The fixtures to be mounted on the garage front wall must be reviewed and approved by the Planning Department prior to submittal of the building permit.

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

The Design Review Permit, Front Setback Variance, Combined Side-yard Setback Variance, and Parking Variance for interior/exterior remodel and site renovation at 129 Lansdale Avenue 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 16th day of February 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

Chair Cindy Swift

Attest: David Woltering, Interim Planning Director