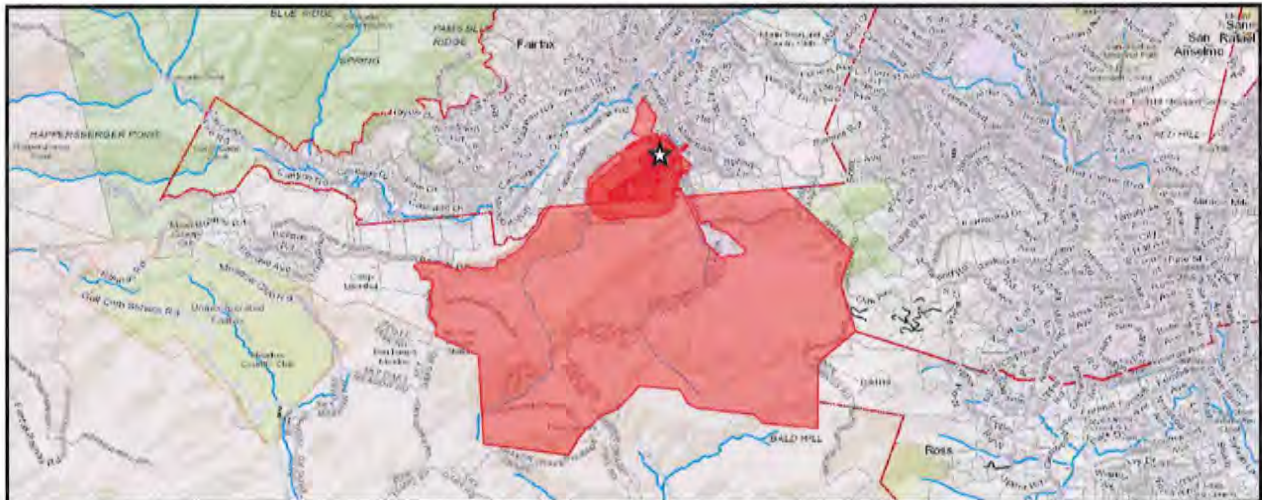


# TOWN OF FAIRFAX STAFF REPORT

## Department of Planning and Building Services

**TO:** Planning Commission  
**DATE:** September 21, 2023  
**FROM:** Linda Neal, Principal Planner  
**LOCATION:** 12 Barker Ave.; APN # 002-071-01  
**ZONING:** UR-7 Upland Residential Zone, minimum parcel size 7 acres  
**PROJECT:** Extension of Barker Avenue within the public road easement to construct a private driveway, a single-family residence with a junior accessory dwelling unit, a detached accessory dwelling unit and a detached garage; Application # 23-27  
**ACTION:** Hill Area Residential Development Permit, Excavation Permit, Design Review Permit including an exception to build within a ridgeline scenic corridor, Retaining Wall Height Variance, Tree Removal Permit, and a Revocable Encroachment Permit  
**APPLICANT:** Gary Millar, Architect  
**OWNER:** Matt and Mireya Quirie  
**CEQA STATUS:** Categorically exempt, § 15301(a), (b) and (e)



## 12 BARKER AVENUE APN # 002-071-01

### PROJECT DESCRIPTION

The project encompasses construction of an approximately 229-foot extension of Barker Avenue, an approximately 434-foot private driveway/fire truck hammerhead turnaround, an approximately 3,347 square-foot single-family residence and an approximately 492 square-foot junior accessory dwelling unit (JADU), a 997 square-foot accessory dwelling

unit (ADU) and an approximately 500 square-foot garage. Starting at the southwestern end of the house there is a library adjacent to a hallway that includes stairway access to the only two-story portion of the house, the loft. This end of the house also has two bedrooms and two full bathrooms. The master bathroom contained a spiral staircase that also accesses the roof deck off the loft room. The center, most eastern portion of the structure contains the kitchen, pantry, living/dining room and a third full bathroom adjacent to the main entrance. The northwest wing of the house includes an art room, music/office room, laundry room, and the JADU.

The residence will have three, semi-circular shaped decks on the east side of the first story. These decks will have 1,200-gallon, rainwater holding tanks underneath them. The deck on the southeast end of the house is shared by both the master bedroom and the kitchen while the deck at the center of the structure is accessible from the art room. The deck off the kitchen/master bedroom has a stairway that will lead down to the stepped terrace that runs along the entire east side of the building. The terrace steps up from an elevation of 310.5 above sea level (ASL) at the southeast end of the structure, to a section of terrace at 315 ASL along the east center of the building and then back down to 311 ALS along the north end of the structure.

The ADU has a deck off the north side and a deck and terrace off its west side.

The 500 square-foot garage will have a roof garden for vegetables accessed from the adjacent hillside.

Review and action on the proposed ADU and JADU are ministerial per State Law and the Town Accessory Dwelling Unit Ordinance, Town Code Chapter 17.048. The Planning Commission will not be acting on the detached ADU at this meeting and they only have purview over the exterior of the JADU as part of the main residence Design Review Permit.

## **BACKGROUND**

The 393,782 square foot site (9 acres) slopes up from Barker Avenue at an average rate of 49%. The site was originally subdivided in 1916 and the original map book 4, page 3, had the site subdivided into ten properties, nine of them very small with one large remainder parcel. The remainder parcel and the ten lots now make up the project site having been merged into one property on June 26, 1984.

The site, except for the graded access fire road and the proposed building site, is a knoll above the graded fire road and is heavily wooded with mostly oak trees although there are also some Bay trees and Madrone trees. The owners have been managing the forested site since they took possession of the site in 2018 and since then they have removed large amounts of Scotch and French Broom along with dead tree and brush material from the site hillsides.

An earlier submission by the applicants considered extending the road further within the Barker Avenue public road easement, with the access driveway departing from the



roadway to access the site closer to the northwest terminus of the graded fire road. The determination was made that that proposal would result in much larger excavation, fill, and off-haul amounts. The applicants also considered placing the house immediately adjacent to the end of the existing improved portion of Barker. However, after noting that that area encompasses the terminus of two connecting intermittent stream channels and is heavily vegetated with trees, the residence, ADU, garage, were designed in their currently proposed locations.

**DISCUSSION**

The project complies with the regulations for sites in the Upland Residential UR-7 Zone as follows:

	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Combined Front/rear Setback</b>	<b>Side Setbacks</b>	<b>Combined Side Setbacks</b>	<b>FAR</b>	<b>Coverage</b>	<b>Height</b>
<b>Required/ Permitted</b>	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	28.5 ft., 2 stories
<b>Proposed</b>	±157	±535	±692	±25 ft. & ± 62 ft.	±87 ft.	.01	.02	28 ft., 2 stories

The project requires the approval of the following discretionary permits by the Planning Commission:

**Hill Area Residential Development Permit (Town Code Chapter 17.072) and Excavation Permit (Town Code**

A Hill Area Residential Development (HRD) Permit requires that any project on a site with over a 30% slope that will require the excavation and/or fill of 50 cubic yards or more of material requires the approval of a Hill Area Residential Development Permit (HRD) [Town Code § 17.072.020(A)(4)]. Town Code § 17.072.020(B) further requires an HRD permit for any site located in a landslide hazard zone on the 2010-2030 Fairfax General Plan Figure S-3, "Areas Susceptible to Landslides" map.

The project site has a 50% slope and construction of the roadway extension, private driveway, house and accessory building foundations, and supply lines, will require the excavation of 1,850 cubic yards of material, the fill of 1,590 cubic yards of material, and off-haul of 260 cubic yards of material (page C-1 of the project engineering plan set). The site is also located within a "Multiple Landslides" hazard zone on the 2010-2030 Fairfax General Plan Figure S-3 "Areas Susceptible to Landslides" map. Therefore, the project requires the approval of a Hill Area Residential Development Permit.

The purpose of the HRD Ordinance is to encourage the maximum retention of natural topographic features, minimize grading of hillside areas, provide safe ingress and egress for vehicles and pedestrians within hillside areas, minimize water runoff and soils erosion during and after construction, prevent loss of life, injuries, property damage and

economic dislocations from geologic hazards and to ensure that infill development of hillside lots is of a size and scale appropriate to the property and consistent with other properties in the vicinity with the same zone classification. Findings for the HRD permit are [Town Code § 17.072.110(A) through (E)]:

1. The proposed development is consistent with the General Plan, other adopted codes and policies of the Town of Fairfax and is consistent with the purpose and intent of this ordinance.
2. The site planning preserves identified natural features.
3. Based on the soils report finding, the site can be developed without geologic, hydrologic, or seismic hazards.
4. Vehicular access and parking are adequate.
5. The proposed development harmonizes with the surrounding residential development, meets the design review criteria, and does not result in the deterioration of significant view corridors.

The findings for the required Excavation Permit to move the 3,700 cubic yards of material for the project are similar to the required findings for the HRD permit. To approve an Excavation Permit the Planning Commission must be able to make the following findings:

1. The health, welfare and safety of the public will not be affected.
2. Adjacent property owners are adequately protected by project investigation and design from geologic hazards as a result of the work.
3. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work.
4. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary.
5. Natural landscaping will not be removed by the project more than is necessary.
6. The time of year during which construction will take place is such that the work will not result in exposure of unstable excavated slopes.

This report will discuss the merits of the HRD and Excavation Permit together due to the similarity of the required findings for approval.

In 1991 the Town of Fairfax rezoned some of the larger properties in its residential areas, Upland Residential (UR) Zone. The approximately 9-acre site was one of those properties. While most of UR sites are zoned UR-10 with a minimum required lot size of ten acres, the Barker site and the site now developed as 232 Hillside Drive, were the only two zoned UR-7 with a minimum required lot size of seven acres. There are no similar sites to this one within the Deer Park Subdivision, so staff has compared the project to the developments on other UR-10 sites and UR-7 Zones site (see table below).



12 Barker Avenue – COMPARABLE FAIRFAX HOUSE SIZES							
APN #	ADDRESS	LOT SIZE	ZONING	HOUSE SIZE	BEDROOMS/BATHS	GARAGE	FAR
002-181-03	232 Hillside	5 acres	UR-10	4,018	4/4	1,003	.02
002-071-04	19 Barker	.7 acres	UR-7	2,511	3/2	417	.08
174-290-01	1 Arrowood	2.1 acres	UR-10	3,245	4/4	605	.04
174-290-02	2 Arrowood	2.4 acres	UR-10	3,353	4/3.5	489	.03
172-290-03	3 Arrowood	1.7 acres	UR-10	2,787	3/4	784	.04
174-290-04	4 Arrowood	2.1 acres	UR-10	3,453	4/3.5	536	.04
174-290-05	5 Arrowood	2.2 acres	UR-10	3,268	4/4	495	.03
174-290-06	6 Arrowood	2.2 acres	UR-10	2,878	4/3	788	.03
PROJECT SITE							
002-071-01	12 Barker	9 acres	UR-7	3,839	3/4	500	.01

Note: The 12 Barker Avenue square footage includes the JADU square footage but not the ADU square footage in the floor area ratio (FAR) calculation in compliance with Town Code § 17.136.030(A) and (B) (Maximum Floor Area and Floor Area Ratio).

The proposed development complies with all the setback requirements, the height limitations, the FAR limit, and the lot coverage limitation as shown in the above table.

The house, garage, fire truck turn-around and driveway have been located on the most level portion of the site at an elevation of 320 ASL, the lowest point of a ridgeline that starts south of the proposed house site at an elevation of approximately 376 ASL which then descends northward to the level project site area. The level area is already almost devoid of mature trees so construction in this area will require removal of the fewest trees and construction of the house foundation in this location will require less excavation than if the house were located adjacent to the end of the improved portion of Barker Avenue where it would have to be carved into the upsloping hillside. Use of the existing level area as the project site also avoids disrupting the two existing intermittent streams in this area and the adjacent heavily wooded hillside. Improvement of a road within the public roadway easement will be the minimum required to widen, grade, and pave the fire access road to comply with fire code requirements. The proposed private driveway up to the level area of the site has been located to minimize tree removal and allows for the construction of the Ross Valley Fire Department fire truck shunt turn around adjacent to the proposed garage and maintains the maximum driveway slope and curvature to be accessible to large fire trucks (see project plan set pages C2 and C3). Most of the excavation required for the development will be to improve the Barker Avenue road extension and the private driveway.

Most of the house will maintain a height well below the maximum permitted height of 28.5 feet. The house will reach 28-feet above natural grade at the peak of the roof of the loft above a small portion of the first-floor library and bathroom #2 [see project plan set sheets 2.2 and 4(A) and (B)].

The garage will provide parking for two vehicles and a third uncovered parking space is proposed on the north side of the garage. A large, retained level area behind the garage is proposed to provide access for equipment to the southern hillside area of the site for maintenance purposes (removing broom, fallen trees, etc.)

The 9-acre site is the largest of the two properties in Town zoned UR-7 and the proposed house is 179 square-feet smaller in size than 232 Hillside Drive, the other site in Town zoned UR-7. The Planning Commission approved a permit to allow the house at 232 Hillside Drive to be constructed within the Ridgeline Scenic Corridor in 1995 accessed by a 544-foot-long private driveway with walls reaching up to 12- feet in height. At that time, prior to the current State driven mandatory ADU regulations, the Commission approved a detached caretaker's ADU, also within the Ridgeline Scenic Corridor, in accordance with the Title 17 regulations in place at that time. Subsequently, the Planning Commission granted a conditional use permit (CUP) in 2014 for another ADU in the basement area below the main residence for a person employed upon the site, in accordance with the Title 17, Zoning, regulations in place at that time.

The proposed development at 12 Barker Avenue is similar to the development at 232 Hillside Drive previously approved by the Town but with a shorter private access driveway.

The site drainage plan incorporates a rainwater harvesting system using rain barrels and cisterns to collect storm water for future landscaping irrigation use. Exterior patio areas, except for stairways and landings, will be pervious to allow water to soak into the ground underneath the development. There are four proposed cisterns, one north of the garage, one east of the ADU, one directly below the south side of the house and one at the beginning of the roadway extension. Water collection barrels are placed underneath two of the circular decks on the east side of the main residence, one on the east side of the ADU and one northwest of the garage. A water collection grate and channel are located along with detention cistern and bioretention area are proposed at the base of the roadway extension to collect and direct subgrade water and above grade water to the two catch basins at the intersection of the Barker and Porteous Avenue (Attachment E).

After his first project review the Town Engineer was concerned about the proposed drainage system having impacts on the stability of the hillside below the development and driveway/roadway [Attachment F - page 4, comments 4a and 4b of the August 1, 2023, Miller Pacific report]. A revised and more detailed drainage plan was submitted, along with a letter from the project geotechnical engineer, addressing this concern. The Town Engineer indicated that his concerns relating to the potential the project causing soil instability below the project have been adequately addressed in his e-mail dated August 18, 2023, as long as the following condition is complied with:

The Geotechnical Engineer shall provide a supplemental plan review letter for approval of the Town Engineer once final project plans are prepared that specifically address the location and details of the dissipators along with other



typical review items.

The Town Engineer has reviewed the following plans and reports and has determined that the project can be developed as proposed without causing geologic, hydrologic, or seismic hazards for the site, neighboring residences or for the existing developed portion of Barker Avenue or the proposed Barker Avenue roadway extension.

1. Project plan set architectural plan pages and engineering pages received by the Town on June 13, 2023.
2. Recorded boundary survey by Mark P. Andrilla, Licensed Land Surveyor
3. Great Line Surveying Topographic survey dated 1/5/23.
4. Title Report by Fidelity National Title Company dated 3/29/18.
5. RGH Consultants Geotechnical Study Report dated May 31, 2023, and Second and Final Review letter dated 7/5/23 (Attachment D)
6. BKF Engineers Stormwater Control Plan by dated June 2023, Technical Memorandum dated 4/12/21, Technical Memorandum dated 6/9/23, and Second and Final review letter dated 8/15/23 (Attachment E)

The project excavation and fill have been balanced by incorporating filled patios below the main house and adjacent to the detached ADU as well as by filling areas north and east of the private driveway and east of the roadway extension. Impacts of the fill on the north side of the driveway on the existing trees will be eliminated by minimizing the fill or installing tree wells around the heritage trees in that area. Due to the cut being balanced with the project fill the off haul from the project has been kept to 260 cubic yards, minimizing the impacts of the development construction on the surrounding neighborhood.

Most of the residence is one story and well below the maximum permitted height of 28.5 feet within only the roof peak of the two-story library loft reaching 28-feet.

The Town Engineer has verified that the preliminary engineering of the project minimizes the potential geotechnical, seismic, and hydrologic impacts of the project on the surrounding area.

The structure is well articulated such that the project meets the Design Review Criteria contained in Town Code § 17.20.040(A) through (N).

#### **Design Review Permit (Town Code Chapter 17.020)**

Town Code § 17.020.030(A) requires a design review permit to be issued for any new residence and § 17.020.030(B) requires a design review permit for any new construction located within a Ridgeline Scenic Corridor as shown on the 2010-2030 Fairfax General Plan Visual Resources Map No. 9 (Attachment B). The main residence, ADU and garage are located within the Ridgeline Scenic Corridor and require a design review permit that includes findings for development in a Ridgeline Scenic Corridor [Town Code § 17.060.070(A) and (B)]. The detached ADU is permitted by Town Codes



and State Law and is not subject to obtaining any discretionary permits from the Planning Commission.

Town Code § 17.020.040, Design Review Criteria, requires the Planning Commission to apply the design review criteria to the project when considering the application for design review approval.

The structure has a circular design following the contours of the knoll at the lowest end of the ridgeline and is designed around a center courtyard that have landscaped areas using annuals and perennials, shrubs, succulents, trees, grasses, and other groundcovers (see project plan set page T-2.1). The roof deck adjacent to the second story loft will only be accessible from the master bedroom via a circular stairway to provide an outdoor area to sleep under the stars. The exterior of the structure is heavily articulated incorporating non-linear, curved walls and sliding window walls to bring the outside into the indoor music room and living room spaces. Varied roof slopes and materials and window shapes and sizes add additional articulation to the building in addition to the exterior circular decks and horizontal terraces below the house. The 15-foot-tall garage roof has a level area that will be developed as a vegetable garden, a shed roof area over most of the vehicle parking space, and an elevated section of roof with window openings in the south wall and west wall to let in natural light.

The exterior materials and colors for the main residence will be stucco painted a tan color [Parex USA, Beach #T013L(37)] the accent stucco will be blue [blended Parex USA, Sea Day #3018L(33) and Sheridan #3034L(13)], the garage doors and deck siding will be blue [Benjamin Moore #2053-10], the garage eave and trim paint will be brown (Benjamin Moore #2137-30) (see color board below and project plan set renderings on page 8). The exteriors of the main residence and the garage will have sections of stucco, perpendicular West Red Cedar siding and fiber cement board on board siding. The main residence will have sections surfaced in stone veneer, and the landscaped exterior walls will have different stone veneer from that used on the residence. The ADU exterior siding will be board on board fiber cement siding to look like board and batten siding. The deck railings of all the exterior decks on both the main residence, the ADU, and the safety railing on top of the retaining wall adjacent to the garage will be horizontal steel painted to match the metal cladding on the windows, Marvin Gunmetal Aluminum. The deck floors will be B Grade redwood. The roofs of all three buildings will be slate gray standing seam metal roofing except the second story loft roof and the roof over the ADU will be gray slate and the roof over the main residence entryway, the music room and the living room will be PVC membrane roofing that blocks heat. All the window cladding will be a black color. The eaves and trim paint will be Benjamin Moore Salamander (BM # 2050-10) a dark color that combines black, blue, and green. See the materials board below.



All the proposed exterior lighting, including landscaping lighting and building lighting, will be dark sky compliant. Exterior lighting has been minimized on the exterior of the main residence with wall mounted fixtures adjacent to doors, stairs, patios, and decks (see project plan set page T-2.2, light fixture locations and fixture #'s 4 and 6). The only other wall mounted fixtures will be along the wall south of the garage and at the northwest side of the front patio to provide illumination for vehicles traveling/parking on the driveway or in the garage (see project plan set page T-2.2, light fixture #1).

The proposed project is located within an area of the Deer Park Subdivision largely developed with homes that were built anywhere from the early 1900's (130 Porteous Avenue) through the mid 1970's (106 Porteous Avenue) so the architectures styles vary considerably. The mostly one story building with its non-linear walls, varied roof lines and window shapes and sizes, will not conflict with any of the varied architectural styles viewed throughout the Deer Park Subdivision developments and will create a well composed, articulated, design while still maintaining most of the forested portions of the 9 acre site untouched except for annual maintenance involving the removal of invasive plant species, dead trees and diseased trees that may threaten other healthy trees (after obtaining the required tree removal permits from the Planning Commission). The 3,347 square-foot single-family home and 500 square-foot garage are in proportion with the 9-acre site and the exterior of the structures have balance and unity among their features presenting a harmonious appearance that has enough variety to avoid

monotony in the exterior design. Long unbroken rooflines and large uninterrupted wall surfaces have been avoided.

The project provides the required four parking spaces, with two of them covered, complying with Town Code sections 17.052.010(D), 17.052.030(A)(1)(d) and (2) and Town Code § 17.048.010(F)(6)(a) (ADU parking). An additional two parking spaces are provided within the driveway for a total of six onsite parking spaces.

The project is located on the lowest end of a ridgeline that extends to the south of the site changing in elevation from 320 at the project site up to 371 at the nearest ridge high point (see project plan set page 1.3 and attachment B). The roof of all the buildings will not extend more than 15-feet above the lowest elevation of the adjacent ridgeline in compliance with Town Code § 17.060.050(9)(c).

Most of the heavily wooded site will be maintained in a fire safe natural state by the owners and will provide ample screening for much of the development. Staff has determined that the only views of the site where small portions of the proposed structures would be visible from other improved public roadways, and the existing residences adjacent to them, will be from Crest Road between 80 and 97 Crest Road, approximately 1,500 feet away as the crow flies. Staff were only able to see the top portion of one-story pole from Crest Road using binoculars.

The ridgeline development design review approval can be based on the following findings (Town Code § 17.060.070):

1. Other suitable building locations are not available on the site.
2. The design of the project minimizes the impacts of the house, garage and access driveway on the ridgeline as seen from neighboring properties and roadways, there are no views from the property that need to be regulated to protect the general public welfare, and the developed portion of the site in the ridgeline corridor cannot be seen from any public gathering places or major roadways (Bolas Road, Cascade Drive, Sir Francis Drake Boulevard).

### **Tree Removal Permit (Town Code Chapter 8.36)**

The project requires the removal of 127 trees subject to regulation by Chapter 8.36, Trees, having a diameter of 4-feet or more when measured at 4 ½-feet above grade (Town Code § 8.36.020, Definition of "Tree"). Of the trees that must be removed, 39 are healthy heritage trees, 13 are in poor to fair health or have compromised structural stability, 68 are healthy non-heritage trees, and 7 are non-heritage trees that are unhealthy or have compromised structural stability.

Town Code § 8.36.090 indicates that a separate tree removal permit shall not be required from the Tree Committee for subdivision maps or development projects requiring discretionary permits from another decision-making body and gives the authority to that decision making body to approve the requested tree removals. Town



Code § 17.36.030(B) requires that the Tree Committee provide a recommendation to the decision-making body on any development projects such as this project.

The Fairfax Tree Committee discussed the proposed tree removal plan at their February 27, 2023, meeting at which time they reviewed the arborist report in which the project ISA Certified Master Arborist, Benjamin Anderson, noted as follows:

"Given the size and tree density of the property, this is a small percentage of the overall tree population, and these removals will not change the look or feel of the parcel. I have seen an overall improvement in the health of the trees on the site in the years since Mr. Quirie began his clearing work, despite the ongoing drought and no supplemental water added to the landscape. This is likely the result of decreased competition for resources from the removal of small trees and invasive species in the understory."

The Tree Committee recommends that the Planning Commission approve all the requested tree removals subject to the condition that no trees be altered or removed until the building permit for the project is issued (Attachment G).

The requested tree removals are necessary to allow the owner to reasonably develop and use their property while also complying with other agency access and fire safety regulations and policies.

#### **Floor Area Ratio**

The total square footage for the residence and attached JADU exceeds the maximum permitted 3,500 square-foot FAR by 339 square-feet. Town Code § 17.136.050 gives the authority to the Planning Commission to grant exceptions to the maximum 3,500 square-foot FAR maximum if the project site one acre or more in size and provided the exception would not be a grant of special privilege or be inconsistent with the intent of the General Plan or the Zoning Ordinance. An exception that meets all the above conditions may be granted by the Planning Commission provided the total floor area does not exceed 5,000 square feet. The proposed JADU is less than the maximum allowable 500 square-feet for a JADU [Town Code § 17.048.010(C)(5)(a)]. The only other property Zoned UR with a detached ADU, a JADU and a single-family residence was built before the 3,500 square-foot maximum FAR was adopted in 2019 and it is 4,018 square-feet in size and maintains an FAR of .02 on a five-acre parcel at 232 Hillside Drive. Therefore, granting an exception for the main residence at 12 Barker to exceed the maximum 3,500 square-foot FAR by 339 square-feet on the 9-acre project site will not be a grant of special privilege and is not inconsistent with the intent of the General Plan or the Zoning Ordinance.

#### **Retaining Wall Height Variance [Town Code § 17.044.080(A) and (B)]**

The Town Code is silent on requirements for improving roads within public roadway easements and therefore, does not include any wall height limitations related to extension of the roadway within public roadway easements.

Town Code sections 17.044.080(A) and (B) limit retaining wall heights within the required 6-foot front yard setback or on the front property line to 4-feet. Behind the required 6-foot front-yard setback, retaining walls may increase in height to 6-feet.

Many factors contribute to this project having to exceed the permitted retaining wall height limitations. Public roadway development requirements have slope and minimum width standards that require excavation and slope stabilization that require the public roadway retaining walls to vary in height from 2-feet to approximately 8-feet on the uphill side of the Barker Avenue proposed extension. Wall heights on the downhill side of the road vary from 1-foot to 4-feet in height with some carefully placed fill at the start of the road eliminating the need for a wall at the start of the roadway extension.

The walls to create the driveway vary from 5-feet to 13-feet in height on the south side. Carefully placed fill and the construction of backfilled retaining walls along the north side of the driveway curve and the east side of the drive has eliminated the need for walls to support the driveway in these areas. The trees located in the largest retained and filled area at the driveway curve will be protected either by minimizing the fill around their trunks or by installing trees wells to protect them (project plan set page C-2).

The retaining walls being proposed are at the minimum heights necessary to create the required building sites, access driveway, fire truck driveway shunt turn around and access drive width, curvature, and slope to meet Ross Valley Fire standard 212, California Fire Code 503.2.3 and Marin County Code Title 24, Chapter 24.04, section II, Driveways. The driveway walls will not be visible to any of the neighboring developed properties.

To quote the project architect Gary Millar, " Driveway retaining walls will be a combination of poured concrete, shotcrete, and piers with lagging. Any walls over six feet tall will be poured concrete or shotcrete. The tallest walls will be finished with a stucco color coat. Some of the mid-height concrete walls will be stone faced. The shorter walls will be steel posts with precast concrete lagging. The lagging will be colored and textured to have the look of wood, but we are not interested in using pressure treated wood lagging for environmental reasons" (Attachment C, Millar e-mail dated 9/13/23). The choice to use precast concrete lagging is better than using wood lagging because it lasts much longer than wood lagging which will last about 30 years while the precast concrete lagging could last to 60 years or longer according to the Building Official.

The special circumstances applicable to the property that result in the need for a retaining wall height variance are that site is steep with a varied topography. These feature result in the siting of the driveway/emergency response access in the location where excavation and other construction impacts on the site will be minimized (requiring the removal of the fewest trees and minimizing the excavation, fill and off haul and causing the least amount of site disturbance to the natural environment).

The proposed development is very similar to the existing development on the only similar site in Town with the same UR-7 Zoning so the approval of the project will not be a grant of special privilege.

The strict application of the retaining wall height regulations would require the use of stepped conforming walls in some areas of the private driveway which would result in more site disturbance which would be a hardship for the applicant.

The granting of the Retaining Wall Height Variance will not have a significant visual impact on or be detrimental to the public welfare or injurious to other properties in the vicinity because the walls will be engineered for safety, and most will not be visible to anyone other than people living on or visiting the property.

### **Revocable Encroachment Permit**

Town Code § 12.32.010 allows the Planning Commission to grant revocable encroachment permits for private property owners to erect structures such as carports or other structures on portions of the public streets and rights-of-way not being used for vehicular or pedestrian travel. Small sections of the driveway retaining walls extend into the public road easement and require a revocable encroachment permit. The driveway is proposed in a portion of the Barker Avenue right-of-way not being used by the public to provide code compliance access to the development.

### **Northern Spotted Owl**

The site is not located within ¼ mile of any known Northern Spotted Owl nesting site and therefore, the only construction restriction on the site development is that grading may not occur during the rainy season from October 1<sup>st</sup> through April 1<sup>st</sup> of any year in accordance with Town Code 17.072.090(c)(4).

### **Other Agency Comments/Conditions**

#### Ross Valley Fire Department (RVFD)

The RVFD has reviewed and approved the project plans and the vegetative management plan subject to the applicant's compliance with the following specific condition: Construction materials shall be maintained well away from the structures during construction. The rest of the standard Ross Valley Fire Department conditions can be viewed in their entirety in attached Resolution No. 2023-25.

#### Ross Valley Sanitary District (RVSD)

1. The project will require the issuance of a Public Sewer Extension permit (PSX) as Ross Valley Sanitary District only allows sewer laterals to be 200 feet in length (see page C-2 of the project plan set).
2. Lateral testing and certification are required for all laterals being installed on the site and this will require a sewer lateral permit.

#### Marin Municipal Water District (MMWD)

1. The landscaping plan must be reviewed and approved by the Marin Municipal Water District (MMWD) and be found to comply with their water conservation



regulations, District Code Title 13 prior to issuance of the project building permit. This has been included as a conditional of approval in the attached Resolution No. 2023-25 along with the other standard MMWD project conditions.

2. The building permit plans must show compliance with California Water Code – Division 1, Chapter 8, Article 5, Section 537, which requires individual metering of multiple living units within newly constructed structures.

Fairfax Police, Public Works, and Building Departments

No comments were received from the Town Police, Public Works, or Building Departments.

**RECOMMENDATION**

Conduct the public hearing.

Move to approve application # 23-27 by adopting Resolution No. 2023-25 setting forth the findings and conditions for the project approval.

**ATTACHMENTS**

A - Resolution No. 2023-25

B - Visual Resources Map showing Ridgelines and project site location

C - Applicant's supplemental information

D - Geotechnical reports/comments by RGH Consultants

E - Hydrology Report/Storm Water Control Plan/comments from BKF Consulting Engineers

F - Town Engineer's e-mail and memorandums

G - Tree Committee tree removal recommendation

H - Public comments on the project

**RESOLUTION NO. 2023-25**

**A Resolution of the Fairfax Planning Commission Approving Application No. 23-25 for a Hill Area Residential Development Permit, Excavation Permit, Design Review Permit, Retaining Wall Height Variance, Tree Removal Permit and Revocable Encroachment Permit for a Residence and Garage at 12 Barker Avenue**

**WHEREAS**, the Town of Fairfax received an planning application on January 10, 2023, from Matt and Mireya Quirie for a project to extend Barker Avenue for approximately 229 feet, build an approximately 434-foot private driveway/fire truck shunt turnaround, construct an approximately 3,347 square-foot single-family residence and an approximately 492 square-foot junior accessory dwelling unit (JADU), a 997 square-foot accessory dwelling unit (ADU) and an approximately 500 square-foot garage.; and

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on September 21, 2023, at which time the Planning Commission determined that the project complies with the Hill Area Residential Development Overlay Ordinance, Excavation Ordinance, Design Review Ordinance, and Tree Removal Regulations and the Temporary Carports and Other Structures in Public Rights-of-way 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 Permit, Design Review Permit, Retaining Wall Height Variance, Tree Removal Permit and Encroachment 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.

Policy S-3.1.3: Maximize access and egress for emergency response vehicles.

**Hill Area Residential Development (Town Code sections 17.072.110)**

1. The proposed development is consistent with the General Plan and the Residential

**ATTACHMENT A**

Single-family RS 6 Zone regulations.

2. The site planning preserves identified natural features as much as possible while also complying with other agencies' regulations.
3. Vehicular access and parking are adequate.
4. The proposed development harmonizes with surrounding residential development and meets the design review criteria contained in Town Code § 17.020.040.
5. The approval of the Hill Area Residential Development permit for one single-family residence and garage on this 9-acre parcel shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
6. 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 use permit.
7. 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 City.
8. 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 [Town Code § 12.20.080(B)]**

9. 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:
  1. Project plan set architectural plan pages and engineering pages received by the Town on June 13, 2023.
  2. Recorded boundary survey by Mark P. Andrilla, Licensed Land Surveyor
  3. Topographic survey based on the recorded survey by Kevin D. Nickolas, Licensed Land Surveyor, dated 1/5/23.
  4. Title Report by Fidelity National Title Company
  5. RGH Consultants Geotechnical Study Report dated May 31, 2023, and Second and Final Review letter dated 7/5/23 (Attachment D)
  6. BKF Engineers Stormwater Contral Plan by dated June 2023, Technical Memorandum dated 4/12/21, Technical Memorandum dated 6/9/23, and Second and Final review letter dated 8/15/23 (Attachment E)



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

- a) The health, safety and welfare of the public will not be adversely affected.
- b) Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work.
- c) Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work.
- d) 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.
- e) The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary.
- f) Natural landscaping will not be removed by the project more than is necessary; and
- g) The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes (Town code § 17.072.090(c)(4) prohibits grading of hillside properties from October 1<sup>st</sup> through April 1<sup>st</sup> of each year).

**Design Review Permit (Town Code §17.020.040)**

- 1. The project design complies with the design review criteria as follows:
  - 2. The proposed development shall 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.
  - 3. The proposed development is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
  - 4. The proposed development shall conform with all requirements for setbacks, height limits, and lot coverage limits set forth in the UR-7 and the following findings can be made to allow the development to occur within a Ridgeline Scenic Corridor:
    - a) Other suitable building locations are not available on the site.
    - b) The design of the project minimizes the impacts of the house, garage and access driveway on the ridgeline as seen from neighboring properties and roadways, there are no views from the property that need to be regulated to protect the general public welfare, and the developed portion of the site in the ridgeline corridor cannot be seen from any public gathering places or major roadways (Bolin Road, Cascade Drive, Sir Francis Drake Boulevard).
  - 5. Sufficient variety exists in the in the exterior design of the structures and grounds to avoid monotony in external appearance.
  - 6. The size and design of the structures are 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.

7. Most of the heavily wooded site will be maintained in a fire safe natural state by the owners and will provide ample screening for much of the development and the access driveway and on-site parking will not impact traffic on the adjacent Barker Avenue.
8. Most of the 9-acre wooded site will be retained in its natural state but will benefit from the annual maintenance by the residents.

### **Retaining Wall Height Variance (Town Code § 17.028.070)**

1. The portions of the driveway retaining walls located within the six-foot front yard setback that exceed the permitted four feet in height and the portions that exceed the permitted six feet beyond the six-foot front setback are necessary to create access to the structure and garage and to create a driveway that is accessible to Fire Trucks and other emergency vehicles.
2. The proposed development is very similar to the existing development on the only similar site in Town with the same UR-7 Zoning so the approval of the project will not be a grant of special privilege.
3. The strict application of the retaining wall height regulations would require in some areas of the private driveway construction of two stepped walls which would result in more site disturbance and be a hardship for the applicant.
4. The granting of the Retaining Wall Height Variance will not have a significant visual impact on or be detrimental to the public welfare or injurious to other properties in the vicinity because the walls will be engineered for safety, and most will not be visible to anyone other than people living on or visiting the property.

### **Revocable Encroachment Permit**

The area where the driveway approach retaining walls is located within the Barker Avenue right-of-way is not currently being used by the public.

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

1. The project is limited to that shown in the project plans set with architectural, landscape and lighting plan by Gary Millar, Architect, engineering plans by BKF Engineering, the VMP plan, landscaping plan and tree protection plan by Urban Forestry Associates, ISA Arborists, received 6/13/23, the geotechnical report RGH Consultants dated 7/5/23, the hydrology/storm water control plan by BKF Engineering dated June 2023, colors and materials board, and the Fairfax Tree Committee action

dated 3/2/23.

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 is not limited to the following:
    - 1) Construction delivery routes approved by the Department of Public Works.
    - 2) Construction schedule (deliveries, worker hours, etc.)
    - 3) Notification to area residents
    - 4) Emergency access routes
    - 5) A detailed construction management plan must be submitted with the building permit application that includes construction delivery routes, construction schedule (deliveries, worker hours, etc.), notification to area residents, emergency access and egress routes and a carpooling plan for employees that will minimize the parking of additional private vehicles during construction on Spring Lane during construction and be approved by the Department of Public Works.
    - 6) The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction delivery routes (routes must be approved by Public Works Director).
  - B. Submit a cash deposit, bond, or letter of credit to the Town in an amount that will cover the cost of grading, weatherization, and repair of possible damage to public roadways. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.
3. 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.
4. 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.
5. 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.



6. Submit 3 copies of the record of survey with the building permit plans.
7. Driveway retaining walls will be a combination of poured concrete, shotcrete, and piers with lagging. Any walls over six feet tall will be poured concrete or shotcrete. The tallest walls will be finished with a stucco color coat. Mid-height concrete walls will be stone faced where feasible and shorter walls will be constructed of steel posts with precast concrete lagging. The lagging will be colored and textured to have a wood appearance.
8. A tree protection and maintenance plans shall be submitted with the building permit application that includes a maintenance schedule specifying when the project arborist will need to be on-site during construction. The arborist shall provide a letter to the Building Department once the grading and excavation is complete verifying that their construction tree protection measures were implemented per their instructions.

The following arborist inspections shall occur:

- a. Before Equipment Mobilization, Delivery of Materials, Tree Removal, Site Work. Prior to the start of construction, the project arborist will meet with the general contractor and owners to review tree-protection measures, designated tree removals, identify and mark tree protection zone fencing, specify equipment access routes and storage areas, and review existing conditions of trees to provide any additional necessary protection measures
  - b. Following Installation of Tree-Protection Fencing/Armoring. The project arborist will inspect the site to ensure that all protection measures are properly installed. Review contractor requests for access within tree-protection zones. Assess changes in tree health since previous inspection.
  - c. During Soil Excavation or Work Potentially Affecting Protected Trees. The project arborist will inspect the site during any work within non-intrusion zones of protected trees and document implemented recommendations. Assess changes in tree health since previous inspection.
  - d. Final Site Inspection. The project arborist will inspect tree health and provide necessary recommendations to promote tree health and longevity. A letter report will be provided to the Town of Fairfax that summarizes the project arborist's findings and conclusions.
9. Prior to the removal of any additional 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.

10. 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, with a recorded copy provided to the Town, prior to issuance of the building permit.

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

- a) The geotechnical engineer and the project arborist shall be on-site during the grading process and both shall submit written certification to Town Staff that the grading and tree protection measures have been completed as recommended prior to installation of foundation and/or retaining forms and drainage improvements, piers, and supply lines.
- b) Prior to the concrete form inspection by the building official, the geotechnical and structural engineers shall field check the forms of the foundations and retaining elements and provide written certification to 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.

12. 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.
  - c) The landscaping and irrigation shall be installed, inspected and approved by the Planning Department Staff prior the issuance of the project certificate of occupancy.
13. Excavation shall not occur between October 1st and April 1<sup>st</sup> of any year. The Town Engineer has the authority to waive this condition depending upon the weather.
14. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping them, daily, if necessary.
15. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application #23-27. 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 23-27 will result in the job being immediately stopped and red tagged.
16. Any damages to the public portions of Barker Avenue, Porteous Avenue, Creek Road or Bolinas Road or other public roadway used to access the site resulting from construction-related activities shall be the responsibility of the property owner.
17. 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.

18. 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.
19. 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.
20. Conditions placed upon the project by the project arborist may be amended or eliminated with the approval of the Planning Director after receiving a request for the elimination/amendment in writing from the project arborist.
21. The building permit plans, especially the driveway 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 and driveway for compliance with the engineering plans.

#### **Ross Valley Fire Department**

1. All vegetation and construction materials are to be maintained away from the residence during construction.
2. A class A roof assembly is required.
3. 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. Due to the lack of fire department access, additional fire sprinkler coverage of attics, overhangs, and under decks will be required.
4. 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.

5. 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.
6. 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.
7. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
8. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.
9. 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.
10. The approved Vegetative Management Plan (VMP) is to last the life of the property. Any changes to the VMP 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 the approved VMP.
11. Vegetation shall be maintained to ensure address numbers are visible from both angles of approach.
12. Minimum standards shall be in place prior to final fire clearance.

#### **Marin Municipal Water District (MMWD)**

1. The project will require a pipeline extension from the end of the District's existing facilities, the applicant must enter a pipeline extension agreement for the installation of the necessary facilities and said agreement must be approved by the District's Board of Directors. All costs associated with the extension shall be borne by the applicant though the applicant may apply for a variance to these requirements
2. A copy of the building permit must be provided to the district along with the required applications and fees.
3. The foundation must be completed within 120 days of the date of application.

4. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
5. Any landscaping plans must be reviewed and approved by the District prior to issuance of the building permit.
6. Backflow prevention requirements must be met.
7. Ordinance 420, requiring installation of gray 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.
8. 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)**

1. The project will require the issuance of a Public Sewer Extension permit (PSX) as Ross Valley Sanitary District only allows sewer laterals to be 200 feet in length (see page C-2 of the project plan set).
2. Lateral testing and certification are required for all laterals being installed on the site and this will require a sewer lateral permit.

#### **Fairfax Building and Public Works Departments**

1. All large trucks with more than 2 axels accessing the site for construction will be limited to the hours of 9 AM to 3 PM.
2. Trucks removing off-haul will be limited to 10-yard dump trucks.
3. The driveway improvements shall be completed and be signed off by the Town Engineer, the Building Official/Public Works Manager, and the Ross Valley Fire Department before construction on the house begins.
4. Road closures shall be noticed in the field a minimum of 5 days prior to the event and individual written notifications shall be delivered to each resident on Spring Lane.
5. If constructing the driveway approach will involve connecting to the Town road in a manner that will result in changes to the paved public roadway, an encroachment permit must be obtained from the Public Works Department prior to issuance of the building permit.
6. A detailed construction management plan must be submitted with the building permit application that includes construction delivery routes, construction schedule (deliveries, worker hours, etc.), notification to area residents,



emergency access and egress routes and a carpooling plan for employees that will minimize the parking of additional private vehicles during construction on Spring Lane during construction and be approved by the Department of Public Works.

7. The Geotechnical Engineer shall provide a supplemental plan review letter for approval of the Town Engineer once final project plans are prepared that specifically addresses the location and details of the dissipators along with other typical review items.

**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, Retaining Wall Height Variance, Tree Removal Permit and Design Review Permit and Revocable Encroachment 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 21st day of February 2023 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
AGSENT:

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Chair Cindy Swift

Attest:

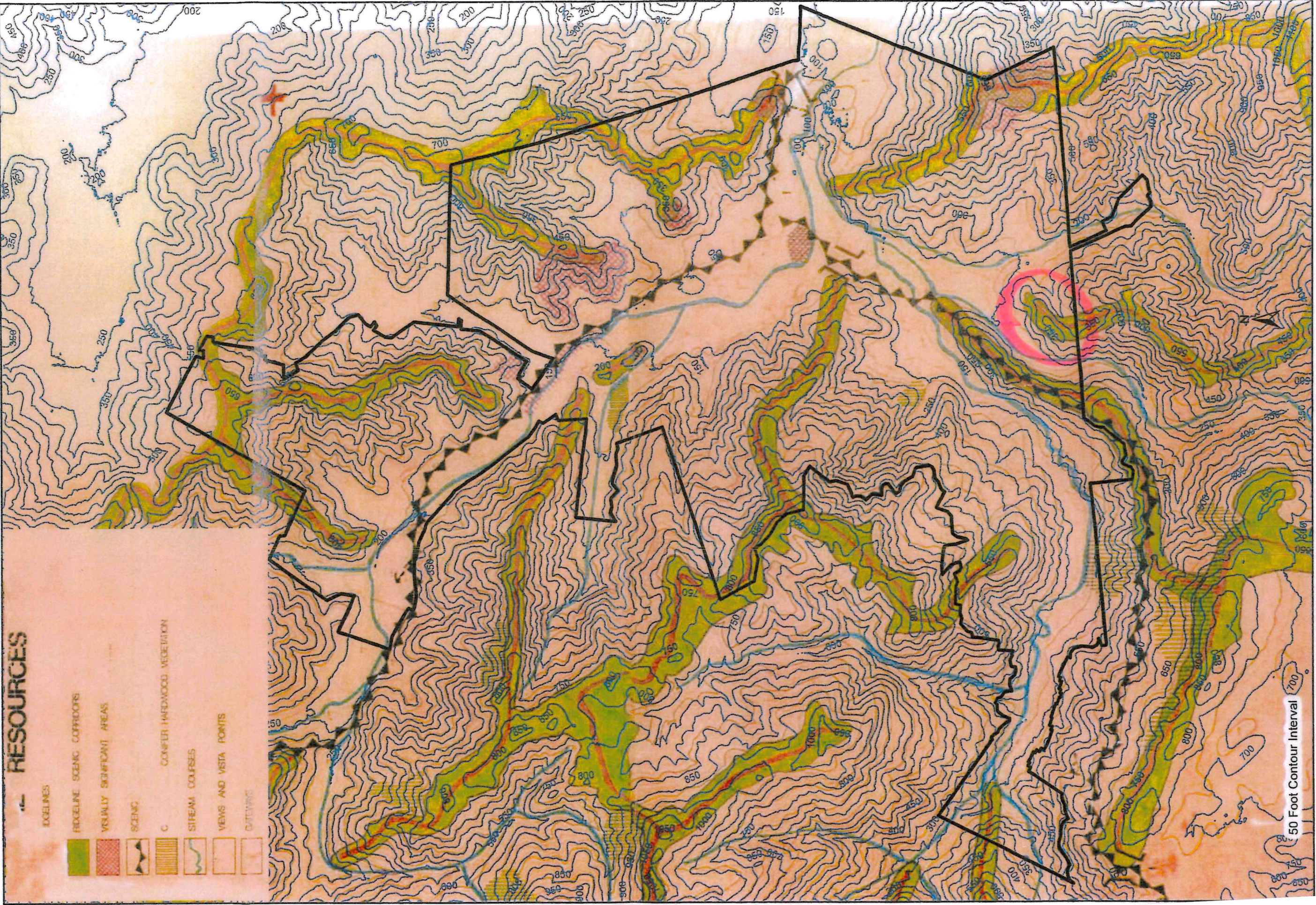
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Jeff Beiswenger, Director of Planning and Building Services



# Visual Resources Map No. 9

June 18, 2020



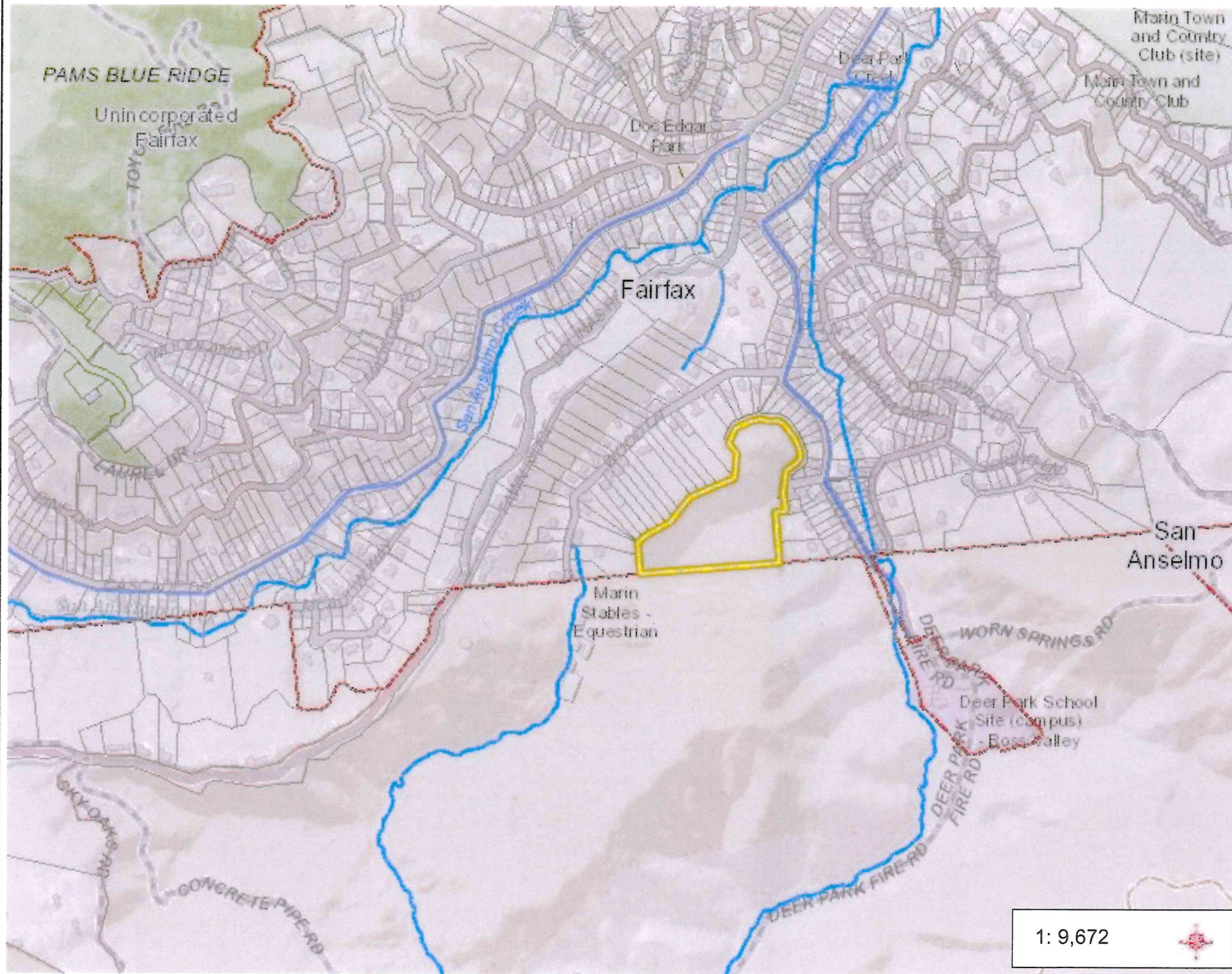
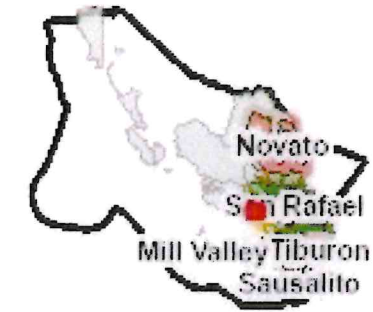
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*Project Site*



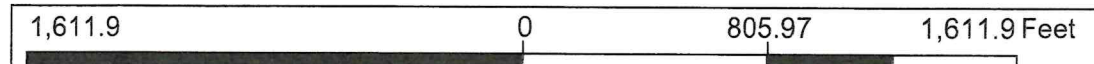
50 Foot Contour Interval 700'





- Legend**
- Parcel Note
    - easement
    - centerline
  - Parcel
  - Condominium Common Area
  - Mobile Home Pad
  - City
  - Old-Community
  - Marin County Legal Boundary
  - Other Bay Area County
  - EvacuationRoutes
    - Primary
    - Secondary
    - Stream - Perennial (NHD)

1: 9,672



**Notes**



# MILLAR ARCHITECTURE

46 SANTA BARBARA AVENUE  
SAN ANSELMO, CA. 94960  
PHONE 415-453-6656  
MOBILE 415-250-9091  
millararch@comcast.net



May 16, 2023

Planning Commissioners  
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930

Re: Site Context Photos  
AP# 002-071-01, 12 Barker Ave.

The following photos illustrate the site conditions at the proposed roadway, driveway and building site at 12 Barker Avenue, Fairfax. The map that indexes the photos to the site is found at the end of this document.



Photo #1- Intersection of existing Barker Avenue and proposed Barker Avenue extension. Looking north-northeast.



Photo #2- Beginning of Barker Avenue extension with the western edge of the home at 10 Barker Avenue shown.



Photo #3- View from the intersection of existing Barker Avenue and Barker Avenue extension toward the south west. Seasonal drainage and forest in transition.





Photo #4- Barker Avenue right of way taken at the western edge of 10 Barker Avenue.



Photo #5- Barker Avenue right of way taken adjacent to the western edge of 120 Porteous Avenue



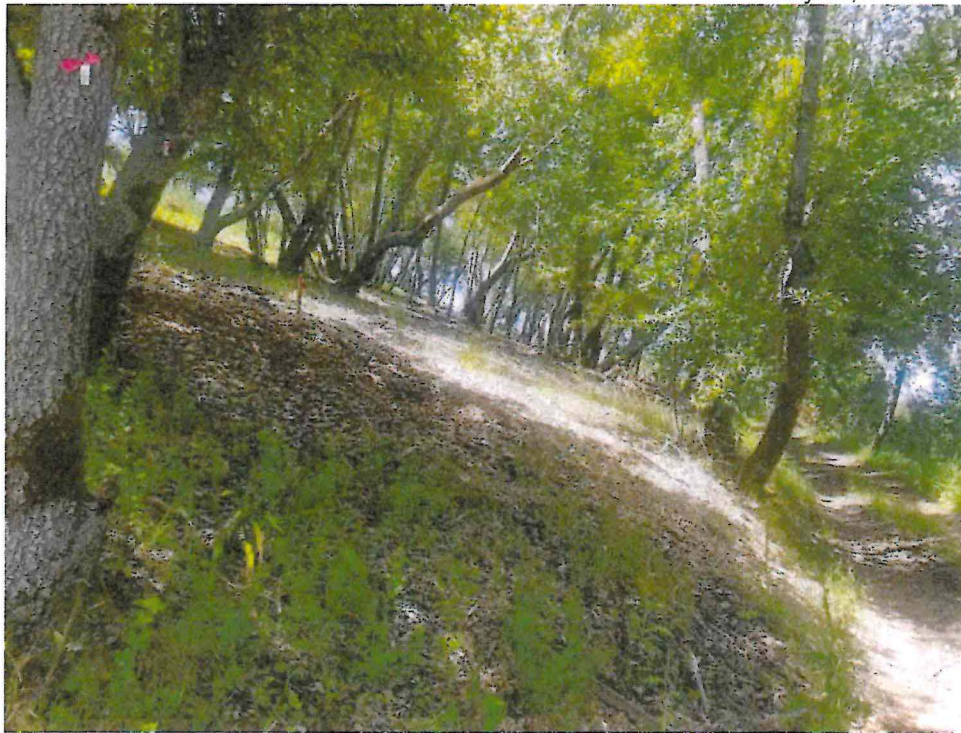


Photo #6- Starting point of driveway looking north



Photo #7- Route of new driveway, looking north





Photo #8- Route of new driveway, looking north.



Photo #9- Intersection of new driveway and existing driveway cut, looking northwest.





Photo #10- View of existing driveway cut, looking west.



Photo #11- View of existing driveway cut with ADU site to the right, and Main House site to the right.





Photo #12- Proposed ADU, viewed from existing driveway cut, looking north.



Photo #13- Main House site, viewed from proposed central courtyard, looking southeast.





Photo #14- Main House site, viewed from proposed JADU, looking north.



Photo #15- Main House site, viewed from central courtyard, looking east.





Photo #16- Main House site, viewed from central courtyard, looking southeast.



Photo #17- Main House site, viewed from central courtyard, looking south.





Photo #18- Main House site, viewed from JADU, looking south toward the Library.



Photo #19- Main House site, viewed from central courtyard, looking southwest. Story poles are western end of the Library.





Photo #20- Main House site, view from the western edge of the Library.



Photo #21- Main House site, view of the western edge of the JADU, looking north.





Photo #22- Forest in transition

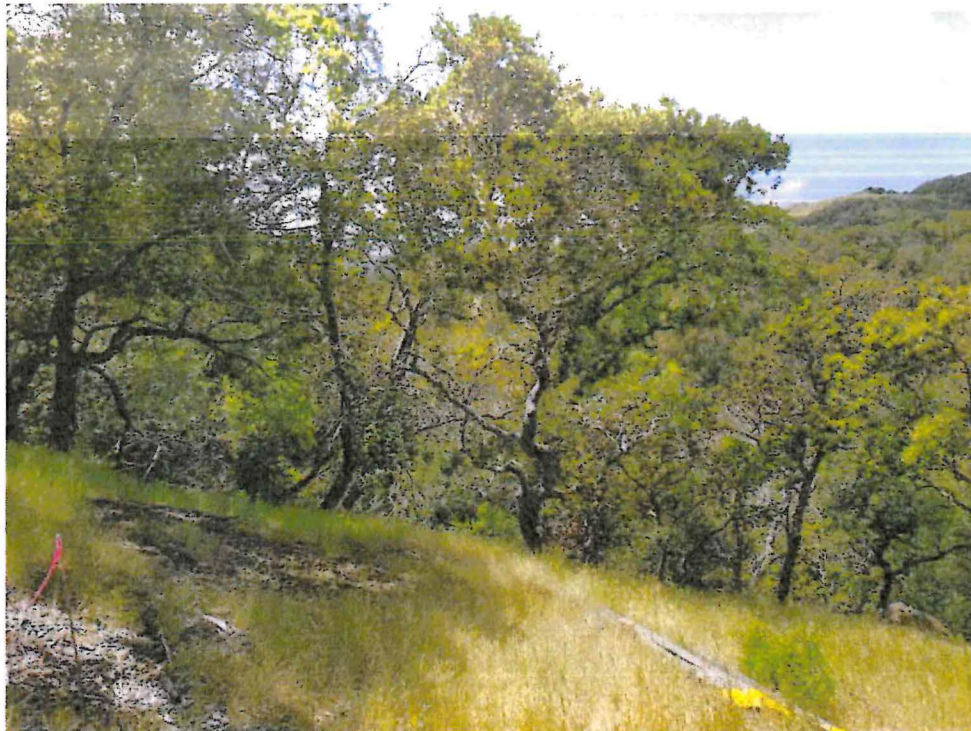


Photo #23- Garage site, viewed from the JADU terrace, looking northwest.





Photo #24- Garage site, view to the ADU, looking to the northeast.

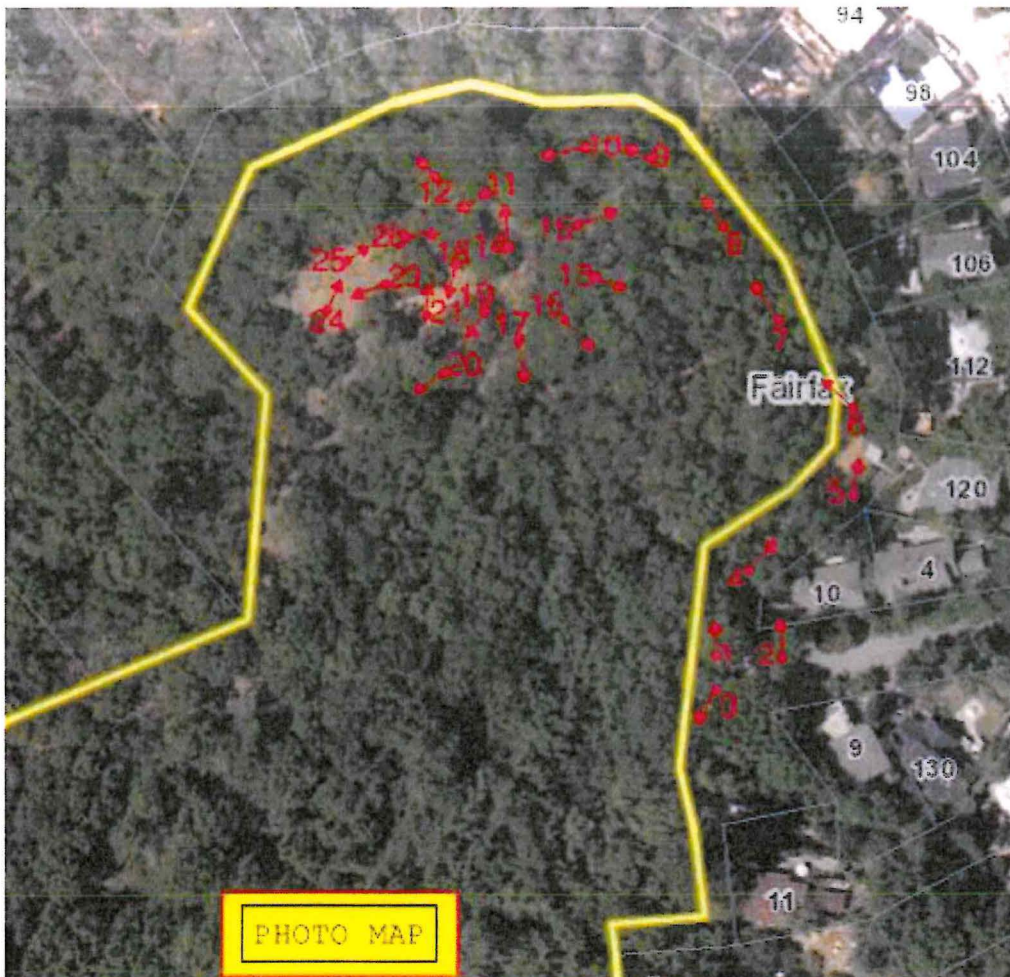


Photo #25- Garage site, view from the garage back down the driveway. ADU is to the left.



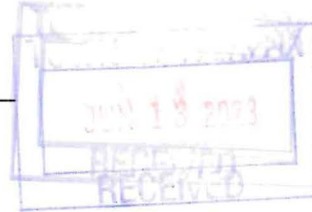


Photo #26- View from the Garage site, looking to the east. Story pole showing JADU is on right side of photo.  
Driveway cut is on the left side of the photo.



# MILLAR ARCHITECTURE

46 SANTA BARBARA AVENUE  
SAN ANSELMO, CA. 94960  
PHONE 415-453-6656  
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millararch@comcast.net



June 7, 2023

Planning Commissioners  
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930

Re: Summary Description: Single Family Residence with Two Accessory Dwelling Units  
AP# 002-071-01, 12 Barker Ave.

Dear Commissioners:

The owners of the property at 1 Barker Ave, Matthew B. and Mireya Quirie, request your consideration of the design for improvements to that property. The following is a brief summary for the project.

1. Site address- 12 Barker Avenue, Fairfax, CA
2. APN- 002-071-01
3. Zoning District- UR-7 Upland Residential (7ac/du)
4. Owner's names- Matthew B. and Mireya Quirie  
156 Cascade Drive  
Fairfax, CA  
Email: [matt@nofrickingway.com](mailto:matt@nofrickingway.com) , [redwoodsprout@gmail.com](mailto:redwoodsprout@gmail.com)  
Phone: 415-250-4259
5. Applicant's Name- Gary Millar  
46 Santa Barbara Ave  
San Anselmo, CA 94960  
Email: [millargary07@gmail.com](mailto:millargary07@gmail.com)  
Phone: 415-250-9091
6. Consultant List-  
Architect- Gary Millar, Millar Architecture License #C27250  
Civil Engineer- William J. Boriolo, License #C-75905  
Geotechnical Engineer- RGH Consultants, Sarah Lockwood, 1305 North Dutton Ave., Santa Rosa, CA 95401, 707-544-1072, license #2664  
Arborist- Benjamin Anderson, Urban Forester, ISA Board Certified Master Arborist \$ TRAQ RCA #686, WE #10160B.  
Surveyor- Kevin D. Nickolas, License #L 7392, Grant Line Land Surveying, 2278 Carol Ann Drive, Tracy, CA 95377



A. Project Scope of Work:

This project is to provide a two story, three bedroom, 3 bath single family residence on an undeveloped lot. The residence shall have a floor area of 3,402 square feet. Lot size is 393,782 square feet (9.04 acres).

Barker Avenue shall be extended (20 foot roadway width) within the existing right of way along 250 feet of the eastern side of the property. A driveway (16-18 foot width with turnout) shall then continue to a parking area with shunt turnaround in accordance with Ross Valley Fire Department Standard 212. All new paving for roadways and parking shall be impervious asphalt.

Also proposed for the site:

1. A single story, one bedroom, one bath attached Junior Accessory Dwelling Unit (JADU). This portion of the main residential structure shall be 492 square feet. It shall include a kitchen with food preparation counters exceeding 15 square feet in area, and food storage cabinets exceeding 30 square feet of shelf space.
2. A one story, split-level, two bedroom, one and a half bathroom detached accessory dwelling (ADU). The upper level of the ADU shall be 536 square feet, the lower level shall be 461 square feet for a total floor area of 997 square feet.
3. A detached, two car garage, 500 square feet, partially below grade, with a roof top-garden.

The property is located within the Wildland Urban Interface (WUI). All materials and building assemblies shall conform to the requirements of Chapter 7A of the California Building Code. All structures shall be equipped with fire sprinklers.

A stormwater collection system shall be included in the design of the roofs on the property. A greywater system will also be provided. Storage tanks for both of these systems for the main residence and JADU shall be located in the crawl space below the main residential structure so as to minimize their visual impact on the site.

The rain water catchment tank for the ADU shall be located under the entrance deck to the ADU, tucked behind the lower floor bedroom ell, screening it from view. The rain water catchment tank for the garage shall be located on a terrace below the retaining wall at the end of the shunt turnaround for the fire department. Location of that tank, at the rear of the terrace, allows the view of the tank to be screened by the retaining wall at the front of the terrace.

A preliminary design for mitigation of storm water from a 100 year storm event has been developed, and is presented in the civil engineer's portion of the design review documents. This design is coupled with BASMAA compliance documentation showing utilization of dissipation piping and a bioretention facility. The bioretention facility will be located at the lowest part of the property, allowing all storm water, foundation drains, and retaining wall back drains to be routed to this filtering system.

No natural gas will be supplied to the site. A solar array shall be installed on the main residence roofs. Because this house is on an upslope lot, and because the south facing roofs of the main residence slope away from the adjacent residential developments, these solar voltaic panels will not be visible off-site.

All exterior lighting shall be Dark Sky compliant.

B. Design Review and Hill Residential Development Criteria

This nine-acre parcel features a beautiful ridge line, a seasonal drainage, a bay and fir tree forest, and an open knoll with oaks and madrones. The lot's shape is a polygon with a circular north-eastern corner. The circle is defined by Barker Avenue, a paper street that borders the northern and eastern sides of the property. All adjacent existing development is on the opposite, and downhill side of the unimproved Barker Avenue. Those properties front on Porteous Avenue and Wood Lane.

The Quiries plan on improving Barker Avenue to provide access to their house site. The planned roadway will be 20 feet in width, and extend approximately 250 feet from the current edge of pavement. This roadway improvement will provide rear yard access to the properties at 106, 112, and 120 Porteous Avenue. There is an existing narrow dirt road following the route of the proposed roadway. It will provide excellent access for the fire department to this previously inaccessible area, and will also serve as a good fire break. It will also be wide enough to allow for parking along the road, which has the potential to alleviate the congestion created by parking along Porteous Avenue.

From the end of Barker Avenue, a driveway is planned to access the building site. The driveway will follow the contours across the lower portion of the building site, and then join an existing roadway cut to make the final ascent to the parking area. The parking area will feature a shunt turnaround that conforms to Ross Valley Fire Department standards. Parking for 6 cars will be provided, all parking stalls located outside of the required turnaround. Two of the parking spaces will be in a two-car garage. The driveway will be surfaced with impervious asphalt. The proposed driveway is roughly parallel to the northern edge of the property, and to the existing Barker Avenue right of way. The driveway will be 16 feet wide until it reaches the existing driveway cut, where a fire hydrant will be located. After that point, the driveway is 18 feet wide. The driveway improvements will provide a fire break, and fire department access to the back side of the homes bordering the property on its northern and eastern sides.

The roadway excavation is not balanced, in terms of cut and fill quantities. This is because approximately 365 cubic yards of cut are required to widen the existing dirt roadway to 20 feet width, and provide the required radius turn at the intersection with the existing portion of Barker Avenue. Nearly half of this potential fill soil is used as fill to even the grade at the end of the roadway improvement, but the result is approximately 240 cubic yards of off-haul soils.

The private driveway has been designed with balanced cut and fill. Approximately 805 cubic yards are generated and 822 cubic yards will be deposited on site, behind retaining walls on the downhill side of the driveway.

The earthwork required to provide the turnaround generated approximately 600 cubic yards of potential fill soils. Approximately 143 cubic yards of this soil will be fill in the area of the turnaround. The remaining soil will be deposited on site, either as building pads below the residence and ADU, or for terraces around the buildings.

Early in the design process, the Town suggested that the house site be moved further down the hill, and closer to the road. Analysis by our civil engineer determined that this area, with a 50% slope, would require an earthwork volume of nearly 5,000 cubic yards. A copy of their letter is included as part of this submittal.

In summary, it is mainly the work needed to improve the right of way that generates soil for off-haul and disposal off-site. All other earthwork is minimized by the placing the improvements in lower-sloped areas of the property.

The building site is in the center of the circular area of the lot. The contours here are circular, and rise to form the open knoll described earlier. The house will be circular, following the contours of the knoll. It will embrace the level area at the crown of the knoll, forming a courtyard that opens away from the adjacent homes. The house site is between 70 and 157 feet from the 40-foot-wide Barker Avenue right of way. This buffer zone is a forested area with oaks, madrones and bay trees, so visual impacts of the development on the surrounding area will be minimal.

The remaining areas of the lot are deep forest, steep hillside, ridgeline, and seasonal drainage; all unsuitable as building sites. The proposed building site is as far from the Marin Municipal Water District Watershed boundary as possible for the property. The knoll where the development is proposed has fewer trees than other areas of the property. The soils are shallow in this area, and so the trees here have been adversely impacted by the drought. The forest in this area is therefore defined as "forest in transition", meaning that the density of trees will most likely be diminished over time. In fact, during the time we have been working on the planning for this project, a large number of trees have been lost to sudden oak disease, and drought related stress.

The Quiries have a great love of the forest, and have made most of their decisions about development of the house and access roads with preservation of trees in mind. They have spent a great deal of time and money clearing the site of invasive Scotch Broom. This clearing of the understory has improved the conditions for survival of the trees that remain, as well as create a fire-safe site. A copy of the project arborist's report is included in this submittal. They have received a positive review from the Fairfax Tree Committee.



In order to minimize the visual impact of the home, when viewed from adjacent properties, the house is primarily a single-story structure. It wraps around the courtyard at the 116-foot contour line. Roofs fan out from the courtyard, sloping downward, mimicking the slope of the hill, with a level gutter line that ranges from 17 to 20 feet above existing grade. Stone faced walls that create terraces along the downhill side of the residence will reduce the visual impact of the building walls even further. For approximately 50 percent of the downhill side of the residence, these walls are between 2 feet and 4 feet tall. The result is that the effective height to the gutter line in those areas will be reduced to range from 14 to 17 feet above the terraces.

There are two tower elements at the opening of the courtyard that anchor that space. One of these elements houses the only second story space in the project; a roughly 150 square foot loft. The tower in this location is the only place where the building reaches 28 feet in height. But these towers are on the opposite side of the building from all adjacent properties, so they will scarcely be visible from those homes. There are two low sloped roofs, one over the main living area of the house, the other over the music and art rooms. These low sloped roofs have deep eaves to shelter large areas of the courtyard. These two roofs are where the solar voltaic panels are intended to be installed.

Our materials palette draws its colors from the building site. The portion of the building that faces outward will be finished in the warm tones found in the madrone trees. Deeper shades will be employed to help the building blend into the forest. We are planning on using a stucco material with integral color, applied in a variegated pattern of color mimicking the patina of Tuscan plaster.

The façade will be broken up by three circular decks. Vertical siding will define the edges of the deck, enclosing the undersides of the decks. A tiered effect will be evident in the wall height described by the deck railings, versus the wall height of the house. We have played with the configuration of the guard rails for the decks to give even more variety to the wall heights as viewed from the perimeter of the property. Some railings will be open, cable railings for their entire 42" height. Some railings will rise off of parapet walls that are higher than deck level, leaving only 24" of cable. The deck in the area of the Master Bedroom deck will have a perimeter wall that increases in height in a graceful curve, giving the cable railing a whimsical shape.

The primary view of the house from off-site will be from below. Because the roofs' slope follows the hillside slope, and terminates with deep eaves and a horizontal gutter line, the roof surface will not be prominently viewed. The roof, for the bulk of the building, will be a neutral grey colored standing seam metal material. The two tower elements will be covered in slate tile. The low slope roofs will have membrane roofing.

On the courtyard side of the building, the majority of the siding will be western red cedar. Accents to that cedar will be stone veneer and blue-hued stucco. The courtyard areas will not be visible from off-site, for the most part.

The largest part of the excavation for the building site is to create the residential shunt turnaround required by the fire department. We have sited the garage at the edge of this turnaround, backed into the hillside. With a roof-top garden that spills out onto existing grade, the visual impact of the garage is greatly reduced.

The proposed Accessory Dwelling Unit is designed as a split-level, single-story structure that follows the contours of the hillside at the edge of the knoll. It will also feature a blend of vertical siding and stucco. The vertical siding will be painted in deep-hued colors to help it blend into the forest.

The proposed Junior Accessory Dwelling Unit is part of the previously described main house. It should be noted that the main house is designed with the laundry facilities accessible without entering the more private areas of the house. The fact that this laundry area is able to be used by all households on the site is an example of the efficiency of design and development that the Quiries have pushed for in this project.

## Conclusions

This project is located on an exceptional piece of property. It is on the border of Marin Municipal Water District open space. The proposed buildings are sited as far away as possible from that border, effectively adding to the undeveloped lands of the open space.

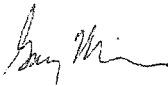
The roadway improvements and forest management in the area of the proposed improvements will improve fire safety for the homes adjacent to the property. Access to all homes will be improved, with direct, rear yard access,

for some of the homes along Porteous Avenue. Parking loads on Porteous Avenue have the potential of being lessened because of this rear access.

Utilities for the proposed homes will be, as much as possible, supplied on-site. We will have solar voltaic arrays, greywater systems, rain catchment systems; all systems supported by improvements that are not materially visible off-site. The natural forest will be maintained in all areas except the area that is embraced within the curve of the main building. A roof-top garden on the garage, and rain catchment systems will mitigate the potential impacts of stormwater run-off. A bioretention facility has been designed to handle all storm water generated by road pavement.

Finally, all improvements are made outside of scenic view corridors, off of ridgelines, away from seasonal drainages, and natural rock outcrops. The main building is at least seventy feet from the property line. Even the ADU, which is allowed within five feet of the property line, is at least 14 feet from the property line. A great deal of care has been taken to minimize the impacts of this project on its surroundings. We appreciate your careful review of this project.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary Millar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gary Millar, Architect



# MILLAR ARCHITECTURE

46 SANTA BARBARA AVENUE  
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## GREEN BUILDING CODE GUIDELINES

Quirie Residence  
12 Barker Avenue  
Fairfax, CA 94930

Gary Millar, Architect

June 6, 2023



## Overview

This document shall serve as a guideline for use by all parties involved in the development process of the single-family residence, junior accessory dwelling and accessory dwelling unit at 12 Barker Avenue, in Fairfax, California. In general terms, the project shall incorporate the Residential Mandatory Measures and the Residential Tier 1 Voluntary Measures of the 2022 edition of the California Green Building Code as required by Fairfax Town Code section 15.04.010 (A)(10), and section 15.04.070 (Green Building Requirements). This document lists the methods by which compliance with the Code is achieved, and where, if applicable, in the Design Review Submittal documents the compliance is demonstrated.

Construction phase documents shall be reviewed by a Green Point Rater for verification of compliance with mandatory and elective Green Building measures.

In addition to the Residential Occupancies checklist, this project shall use a permanent supply of electricity as the source of energy for all space heating, water heating, cooking appliances, and clothes drying appliances. There shall be no natural gas or propane plumbing installed in the buildings. (Fairfax Town Code, section 15.05.030)

During development of construction documents a complete list showing compliance with the Residential Mandatory Measures for the Green Building Code shall be provided. These measures include items such as water conserving plumbing fixtures, environmental quality of building materials, construction waste management, etc. For Design Review it is most important to outline the voluntary measures incorporated in our project.

From Division A4.1, Planning and Design

### A. Site Selection

This site is an infill site; immediately adjacent to parcels with urban uses. The parcel was created on March 8, 1916.

### B. Site Development

#### 1. Soil Analysis:

A licensed geotechnical engineer has prepared a soils analysis for the project. It is entitled Geotechnical Study Report, Quirie Residence, 12 Barker Avenue, Fairfax, California, and prepared by Sarah Lockwood of RGH Consultants. At this stage of the design process, no structural design has begun. The report outlines the design parameters for the foundations, retaining walls and driveways for the project for use in the next stage of design development.

#### 2. Soil Protection:

The second aspect of Site Development is mitigating measures taken to protect soils from erosion and maintain natural drainage patterns. The drawings prepared by BKF Engineering, Sheets C-1 through C-5 contain direction for these mitigating measures.

Language about the preservation of existing drainage patterns, and guidelines for stockpiling of soil are found in General Notes, Grading, Sheet C-1. Sheet C-2 illustrates the shared trenching for utilities to be located along the access driveway, and at the backside of the retaining wall on the uphill side of the driveway. Location of utility trenches in areas disturbed by other construction activities will minimize soil disturbance. Sheet C-3 contains the profiles of the Barker Avenue roadway extension and the new driveway. Section profiles illustrate that the routing of the site access follows the existing contours.

The plan to manage stormwater runoff is shown on Sheet C-2. We have also supplied a Technical Memorandum, authored by BKF Engineering, that provides calculations for the sizing of stormwater catchments.



Sheet C-5 illustrates the Erosion and Sediment Control Plan. This plan provides requirements for protection and location of stockpiles for displaced topsoil.

3. Landscape Design:

The Landscape Design Statement, found on Sheet T-2 outlines the three zones of landscape on the site. Seven of the nine acres of this site (77%) are being maintained as "Natural Woodland", with native California plants and tree species. Plantings along the access road and driveway are in what is defined as the "Development Area" of the site. Sheet T-2 describes these zones, shows their location on the site, and outlines the plant choices for the zones. Only the "Building Area" is scheduled for non-native plants, and it comprises an area of just under ¼ of an acre (approximately 8% of the site).

4. Water Permeable Surfaces.

Sheet T-2 contains the Landscape Plan, which illustrates that 100% of the paved landscaping is permeable. A tabulation of permeable surfaces is:

Main Residence Permeable	
Sand set flagstone pavers	1,674 sq. ft.
Decomposed Granite	1,498 sq. ft.
Total	3,172 sq. ft.
Accessory Dwelling Unit Permeable	
Sand set flagstone pavers	345 sq. ft.
Decomposed Granite	482 sq. ft.
Total	827 sq. ft.
Parking Areas- Impervious Surface	
4 parking spaces @ 9' x 19'	684 sq. ft.

Percentage of permeable parking, walking or pation surfaces:

$3,172 + 827 + 684 = 4,683$  sq. ft. total paved area.

$3,172 + 827 = 3,999$  sq. ft. total pervious area

Pervious area/ total area=  $3,999 / 4683 = 85\%$  permeable (20% required)

5. Electric Vehicle Charging for New Construction

Although Code only requires EV charging for dwellings with attached garages, our project will include a charging station for electric vehicles. It will be located next to the garage, and inside the garage as noted on Sheet 5, Garage Floor Plan.

6. Short-term bicycle parking

The covered storage area next to the garage is intended for bicycle storage. See Sheet 5, Garage Floor Plan.

From Division 4.3. Water Efficiency and Conservation

1. Energy Star dishwashers and clothes washers shall be installed.
2. All roof drains shall be routed to a rainwater catchment system.
3. A demand hot water recirculation system shall be installed in all dwelling units.
4. Rainwater and gray water shall be utilized for landscape irrigation. See Sheet T-2.

From Division 4.4 Material Conservation and Resource Efficiency

1. Construction phase documents shall include foundation mix design that reduces the use of cement.

2. Construction phase documents shall provide calculations to illustrate compliance with the requirement that the recycled content value of materials shall be not less than 10% of the total material cost of the project. At this phase of documentation, the following products are selected for their recycled content:
  - a. James Hardie Artisan Horizontal Siding (15% recycled input materials, by weight)
  - b. James Hardie fiber cement trim boards (15% recycled input materials, by weight)
  - c. LaHabra Stucco base (20% post consumer + 50% pre-consumer).
  - d. PVC roofing membrane (up to 10% recycled content)
  - e. Steel standing seam roofing (minimum of 30# recycled content).
  - f. Marvin Windows (aluminum cladding 30-30%, glass 20% recycled content).
3. Material sources currently specified that do not require additional resources for finishing:
  - a. Marvin Windows (aluminum clad)
  - b. Nana Wall Doors (aluminum clad)
  - c. Variance Specialty Finishes (integral color stucco)
4. Water resistance and moisture management is implemented by the following:
  - a. Install foundation and landscape drains (Sheet C-2)
  - b. Install gutter and downspout systems that route to rainwater capture systems.
  - c. Exterior doors are protected to prevent water intrusion (Sheet 2.1, 2.2, 5)

#### From Division 4.5 Environmental Quality

No resilient flooring shall be used in this project in order to limit exposure to volatile Organic Compounds. All insulation shall be formaldehyde free and Green Gold Certified.

1. Indoor air quality and exhaust  
Filters rated at MERV8 or higher shall be provided on return air openings during construction when it is necessary to use HVAC equipment.
2. Pollutant Control- Composite wood products made with either California Air Resources Board approved no-added formaldehyde resins or ultra-low emitting formaldehyde resins shall be used.

#### Conclusion

The proposed project shall meet all mandatory residential green building code measures. The Tier 1 elective measures, as described above, meet or exceed the requirement that at least two elective measures be implemented.

Planning and Design- 4 elective measures

Water Efficiency and Conservation- 4 elective measures

Material Conservation and Resource Efficiency- 4 elective measures

Environmental Quality- 2 elective measures



**From:** Gary Millar <millararchitecture1@gmail.com>  
**Sent:** Monday, September 11, 2023 1:19 PM  
**To:** Linda Neal <lneal@townoffairfax.org>  
**Cc:** Matt Quirie <mquirie@gmail.com>  
**Subject:** Re: Quirie House Fairfax (BKF Job# 210284) - Response Letter

Hi Linda,

Matt said you had a question about the area of fill on the north side of the lower section of driveway. We discussed this area with the tree committee. What we agreed to at their meeting was that heritage trees in that area will be protected from damage by the fill using tree wells or by limiting the amount of fill in the root zones of those trees. The fill in that area was our strategy for keeping as much excavated soil as possible on site; avoiding off-haul of excavated soils.

Gary

Millar Architecture  
46 Santa Barbara Ave.  
San Anselmo, CA 94960  
mobile: 415-250-9091

## Linda Neal

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**From:** Gary Millar <millararchitecture1@gmail.com>  
**Sent:** Wednesday, September 13, 2023 11:17 AM  
**To:** Linda Neal  
**Cc:** Matt Quirie  
**Subject:** Re: couple of questions

Hi Linda,

The curved walls will be stucco. The backing for the stucco will be a combination of flat-panel shear walls with curved furring to carry the stucco, and radius framed wood studs with bent plywood to carry the stucco.

Driveway retaining walls will be a combination of poured concrete, shotcrete and piers with lagging. Any wall over six feet tall will be poured concrete or shotcrete. The tallest walls will be finished with a stucco color coat. Some of the mid-height concrete walls will be stone faced. The shorter walls will be steel posts with precast concrete lagging. The lagging will be colored and textured to have the look of wood, but we are not interested in using pressure treated wood lagging for environmental reasons.

The design concept is to break up the look of the walls along the roadway to give a pleasing rhythm to the appearance from below, rather than a monolithic, monochromatic line of concrete walls.

Gary

Millar Architecture  
46 Santa Barbara Ave.  
San Anselmo, CA 94960  
mobile: 415-250-9091

On Wed, Sep 13, 2023 at 10:35 AM Linda Neal <[lnear@townoffairfax.org](mailto:lnear@townoffairfax.org)> wrote:

Are the walls of the house going to be poured concrete? How are you going to achieve the non-linear wall patterns?

Are the concrete walls along the driveway and road extension going to be concrete grey or will the concrete be textures and/or colored in any way?

Linda Neal

Principal Planner

(415) 453-1584