



**REPORT TO DESIGN REVIEW BOARD**

**SUBJECT: 292 Fairhills Drive – Recommendation from Design Review Board on Environmental and Design Review Permit for a new 12” – 48”, 997 sq. ft. deck, including a request to reduce the front setback by one-half the required 20 ft. front setback (10ft.), and construction of approximately 78 ft. of 5 ft. retaining wall within the Hillside Development Overlay District; APN: 010-142-04; R20-H Zone; Samina Saude, Applicant; Tim Cornwell, Owner.**

**PROPERTY FACTS**

Location	General Plan Designation	Zoning Designation	Existing Land-Use
<b>Project Site:</b>	<b>Hillside Residential (HR)</b>	<b>R20-H</b>	<b>Single-family residence</b>
North:	HR	R1a-H	Single-family residence
South:	HR	R20-H	Single-family residence
East:	HR	R20-H, R1a-H	Single-family residence
West:	HR	R20-H	Single-family residence
<b>Lot Size</b>		<b>Lot Coverage (Max.) OR Natural State (Min.)</b>	
Required: 20,000 sf Proposed: 39,640 sf (existing)		Standard: 6,000 sf/30% max. lot coverage Proposed: 5,054 sf (79.3% natural state)	
<b>Grading</b>		<b>Setbacks</b>	
Total: 101 cu. yd. Cut: 85 cu. yd. (pool); 16 cu. yd. (spa)			
		<u>Required</u>	<u>Existing</u>
		20 ft.	20 ft.
		12 ft. 6 in.	12 ft. 6 in.
		10 ft.	95’ – 241’ (from existing residence)
			61’-6” – 102’-11” (from backyard additions)

**SUMMARY**

The project proposes to construct a deck (over 30” tall) located ten feet from the front property line, where a minimum 20 ft. front yard setback is required in the underlying R-20 District.

As the project site is located in the Hillside Development Overlay District, pursuant to Section 14.12.030(B) of the San Rafael Municipal Code (SRMC), a structure may encroach into a required yard or setback for a distance of not more than one-half (½) of the required yard or setback, subject to recommendation of the design review board that the decreased setback minimizes the impact of hillside development and grading. The Board’s recommendation will be applied the required administrative design review for a new deck higher than thirty inches (30”) on a residential hillside lot (SRMC Section 14.25.040(C)(1)).

Staff is seeking recommendation only on the proposed setback reduction for the deck structure. The remaining project features comply with the applicable zoning regulations and are not subject to discretionary Design Review Board review. Specifically, staff asks the Board to consider the following:

- Whether the decrease the front setback from 20 ft. to 10 ft. minimizes the impact to the hillside development and grading.

The project also proposes the construction of 5 ft. concrete retaining walls at the west and north sides of the project site. Pursuant to SRMC Section 14.16.140(A)(2)(a) retaining walls over 4 ft. tall on parcels within the Hillside Development Overlay District may be permitted with environmental and design review subject to recommendation from the Design Review Board. Specifically, staff asks the Board to consider the following:

- Whether the construction of the 5 ft. retaining wall is necessary to minimize grading and/or tree removal.

## **BACKGROUND**

### **Site Description & Setting:**

The subject lot is set on a hillside with a downward slope to the southwest. The polygonal lot is oriented to the south/southwest, with the residence at the lower quarter of the property. The majority of the property is sloped and covered with vegetation.

The front (southwest) property line faces Fairhills Drive, partially following the curve of the road. The property primary looks over the turn in the road and does not have a direct neighbor across the street. The surrounding neighbors are slightly upslope at the west, and downslope at the east and southeast. The neighbor at the north is significantly up the hill and looks down onto the hillside portion of the subject property.

## **PROJECT DESCRIPTION**

The project proposes installation of the following improvements in the south and western yard area of the lot: a new pool, an outdoor shower, a separate spa, a deck, garden walls/retaining walls, a concrete patio, a pergola, an outdoor kitchen, two planting areas, and artificial turf. The majority of the project aspects comply with the zoning ordinance, can be reviewed administratively, or do not require separate Planning review.

The new deck is proposed to be setback 10 ft. from the front property line at the closest point, which requires recommendation from the DRB to reduce the required setback by one-half (1/2). The new deck will be set on piers 12" to 48" above grade. IPE decking will be installed as the deck floor, with 42"-tall steel guardrails and cables.

Five (5) ft. retaining walls are proposed to partially frame the proposed outdoor shower, the spa, and the existing flagstone patio. In total approximately 77 ft.-8.75" on concrete retaining wall is proposed. The deck, patio and other improvements are located on a portion of the lot that is generally a flat area of dirt, but will result in some tree removal.

## **PLAN CONSISTENCY**

### **General Plan 2020 Consistency:**

The project is consistent with the General Plan 2020 policies in that: a) the project is being reviewed appropriately through design review and review of the Hillside Design Guidelines (*CON-12. Preservation of Hillsides; CON-12a. Hillside Design Guidelines*); and b) as proposed the project will preserve the unique qualities of the Fairhills Neighborhood (*CD-3. Neighborhoods*).

**Zoning Ordinance Consistency:**

The proposed 12” – 48”, 997 sq. ft. deck requires administrative design review as it is within the Hillside Development Overlay District (SRMC Section 14.25.040(C)). The portion of the deck that is within the side setback meets the required 3 ft. setback for uncovered decks over 12” (SRMC 14.16.020(E)(2)(b)). However, the deck is also proposed to encroach into the required 20 ft. front yard setback by one-half (1/2), which requires recommendation by the Design Review Board.

Chapter 14.12. – HILLSIDE DEVELOPMENT OVERLAY DISTRICT (-H)

*Section 14.12.030(B) – Setbacks*

The property is in the Hillside Development Overlay District, which allows structures to encroach into the required yard or setback for a distance not more than one-half (1/2) with recommendation from the Design Review Board that the decrease minimizes the impact of hillside development and grading. The underlying R20 district requires a 20 ft. front yard setback, and the project proposes a minimum 10 ft. front yard setback. This reduction is allowed with a recommendation of the design review board.

*Section 14.12.030(C) – Natural State*

Properties in the Hillside Development Overlay District are required to have a minimum natural state area, which is defined as all portions of lots that remain undeveloped and undisturbed. The required natural state is calculated as twenty-five percent (25%) of the lot area plus the percentage figure of average slope (not to exceed eighty-five percent (85%). The subject site therefore requires a minimum 67.2% of the lot to be in a natural state (25% + 42.19% average slope). The lot would retain 79.3% natural state area with this project, which complies with the standard.

**ANALYSIS**

**Grading**

The impact of grading for the proposed deck and front yard setback reduction will be minimal. Piers will be installed along the retaining wall to support the deck structure and minimize overall earthwork on the sloped portion of the site. The majority of the work planned will take place on existing flat portions of the site, and the proposed deck will cantilever over the hillside. The applicant is currently proposing only to cut a total of 101 cubic yards to accommodate the proposed pool and spa.

The 5 ft. retaining walls partially response to the steep slope at the rear of the property and will be along the edge of the existing flat proportion of the site.

**Hillside Design Guidelines**

The Hillside Design Guidelines provide minimal direction on decks but prescribe that overhanging decks or decks elevated on poles be avoided so as not to have the primary building seem more massive on downhill lots. In this case the deck will be minimally elevated but will not have a direct relationship to the primary residential structure.

**NEIGHBORHOOD CORRESPONDENCE**

Property owner and occupants within a 300 ft. radius were notified via mailing 15 prior to the hearing date. The hearing information has also been posted at the property. At the time of writing, no public comment has been received.

**RECOMMENDATION**

Staff recommends that the Board recommend approval for this project based on the items discussed above. Although the deck will be set within the required front yard setback, the supportive piers and utilization of existing flat land will minimize the impact of hillside development and grading at the site. The construction of the 5 ft. retaining walls will result in some tree removal but will minimize grading at the site by utilizing existing flat land.

## **EXHIBITS**

1. Vicinity Map
  2. Reduced Project Plans
- cc: Samina Saude, Applicant  
Tim & Sara Cornwell, Owners  
Fairhills Property Owners Association
- Leslie Mendez, Planning Manager



## Exhibit 2

# SSDC

SAMINA SAUDE  
DESIGN & CONSULTING  
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415.317.6303

### PROJECT DESCRIPTION

THE PROJECT IS AN UPDATE TO THE EXISTING BACKYARD INCLUDING THE ADDITION OF A NEW POOL, SPA, IPE DECK, GARDEN WALLS, RETAINING WALLS, A NEW PATIO, AN OUTDOOR SHOWER, AN OUTDOOR KITCHEN, TWO PLANTING AREAS AND ARTIFICIAL TURF.

THE WOOD DECK WILL BE SUPPORTED BY THE NEW RETAINING WALL TO THE SOUTHWEST AND PIERS THAT WILL EXTEND DOWN TO THE EXISTING GRADE.

THERE ARE NO MODIFICATIONS TO THE HOME, DRIVEWAY, GARAGE OR REMAINING NATURAL STATE OF PROPERTY.

### SITE & BUILDING DATA

AP: 010-142-04  
ZONING: R20-H  
LOT SIZE: 39,640 SF

EXISTING RESIDENCE: 2,858 SF  
EXISTING GARAGE: 453SF  
EXISTING DECK: 746 SF

EXISTING TOTAL: 4057 SF

EXISTING RESIDENCE: 2,858 SF  
EXISTING GARAGE: 453SF  
EXISTING DECK: 746 SF  
NEW DECK: 997 SF

TOTAL LOT COVERAGE: 5054 SF

NATURAL STATE  
31,445 SF PROPOSED (79.3%)

### SHEET INDEX

A 0.1	COVER SHEET
A 0.2	SITE PLAN
A 0.3	MATERIALS PALETTE
A 0.3	SITE PHOTOS

**CORNWELL RESIDENCE**  
292 FAIRHILLS  
SAN RAFAEL, CA 94901  
APN: 010-142-04

#### REVISIONS:

01	03.12.2021	PLANNING RESPONSE
02	06.10.2021	PLANNING RESPONSE

SHEET TITLE:

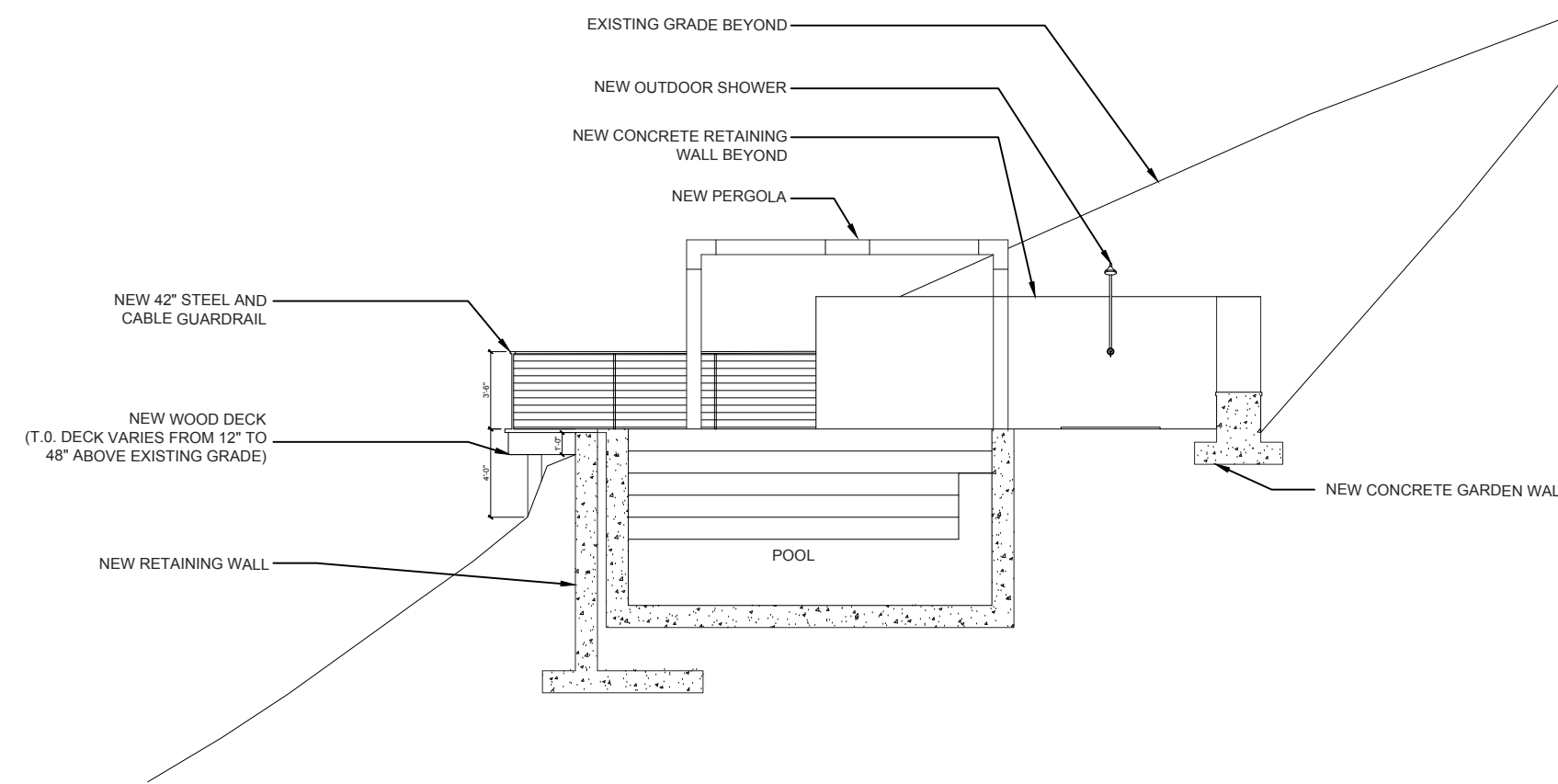
**PROJECT  
INFORMATION**

SCALE: 1/8" = 1'-0"

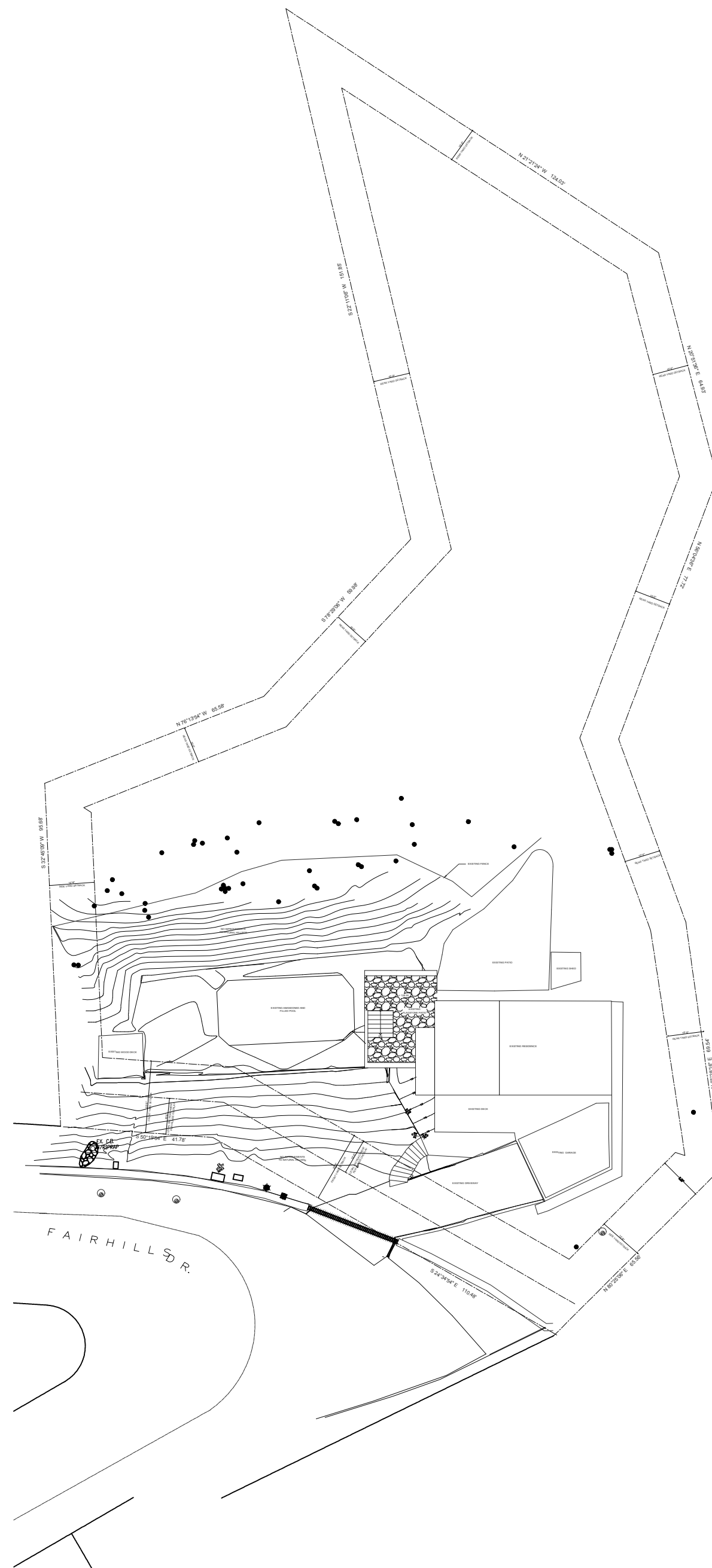
DATE: 02.03.2021

SHEET NUMBER:

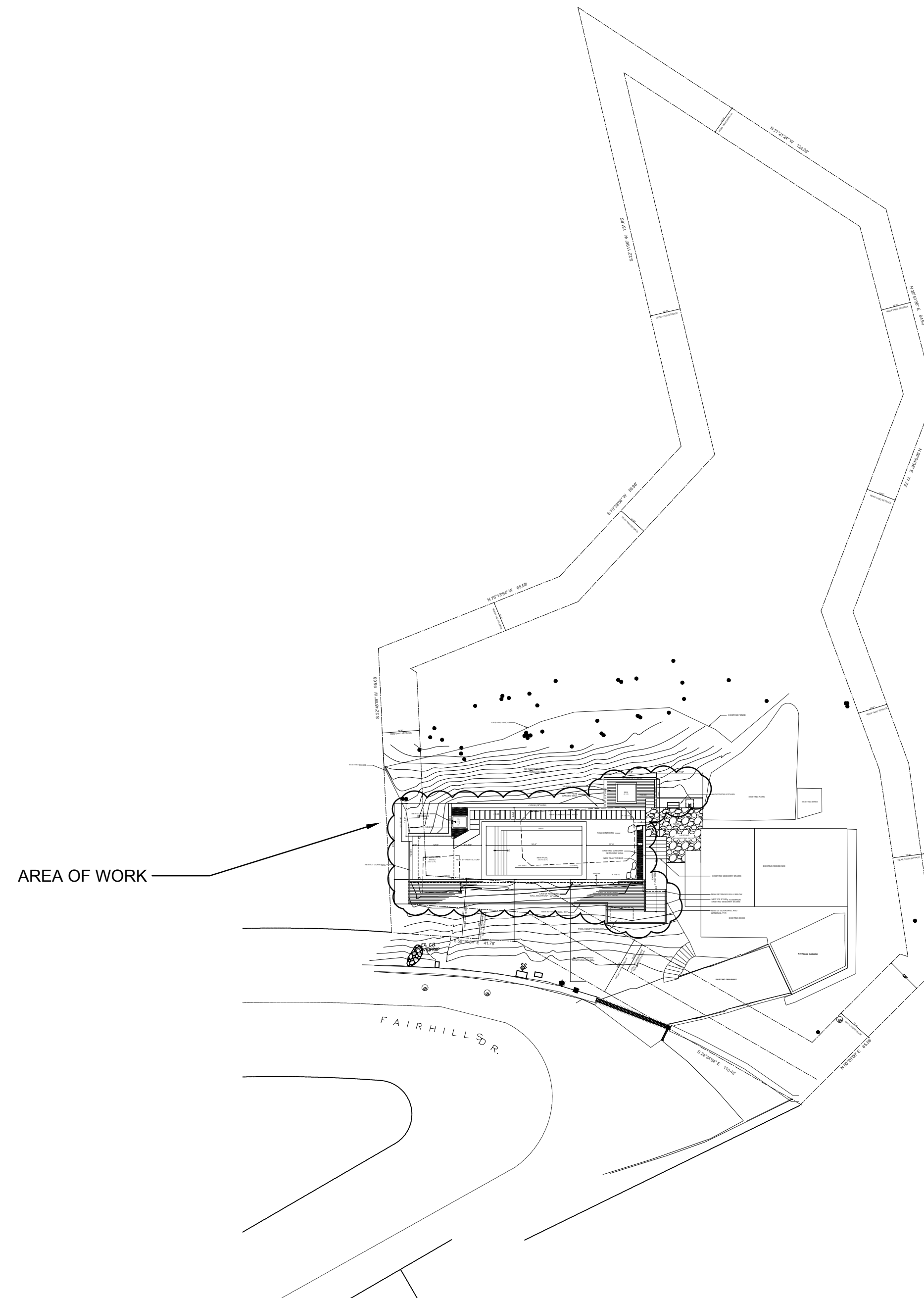
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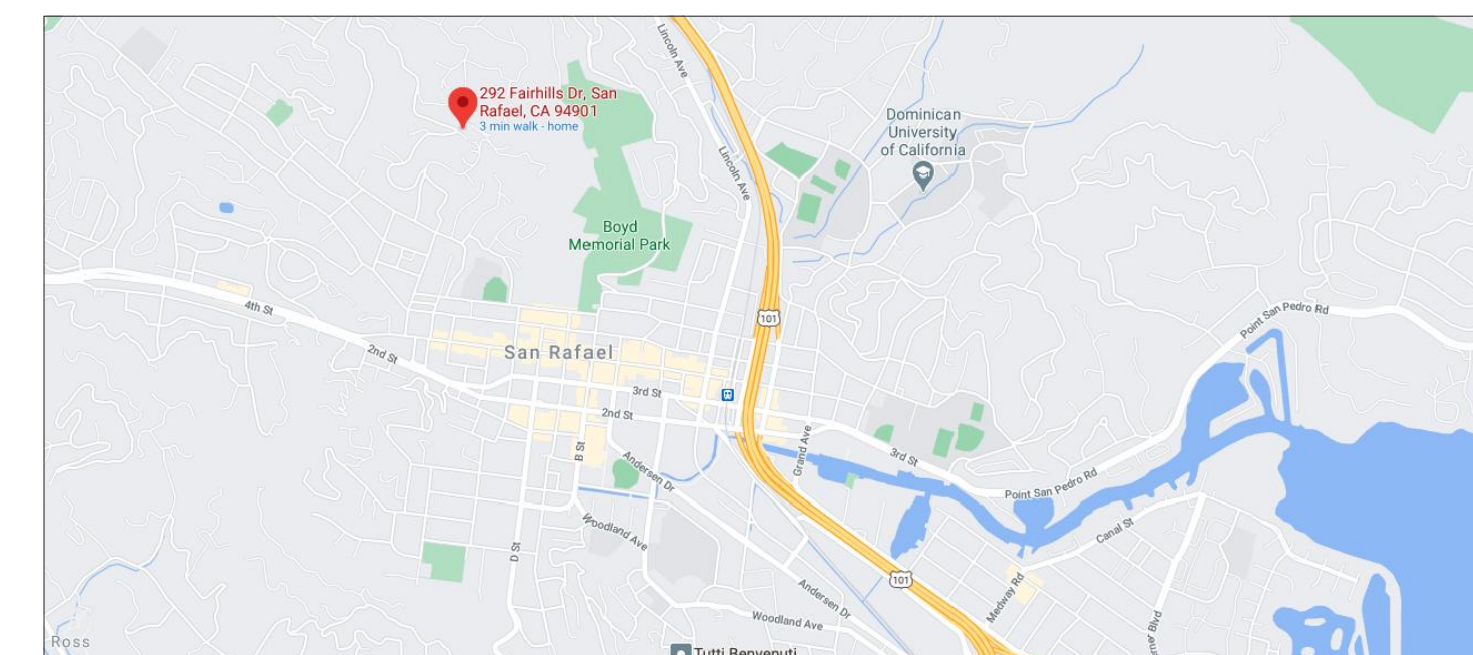
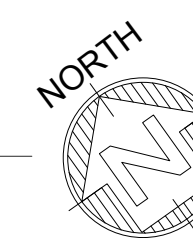
**3** PROPOSED SITE SECTION  
1/8" = 1'-0"



**3** EXISTING SITE PLAN  
1/32" = 1'-0"

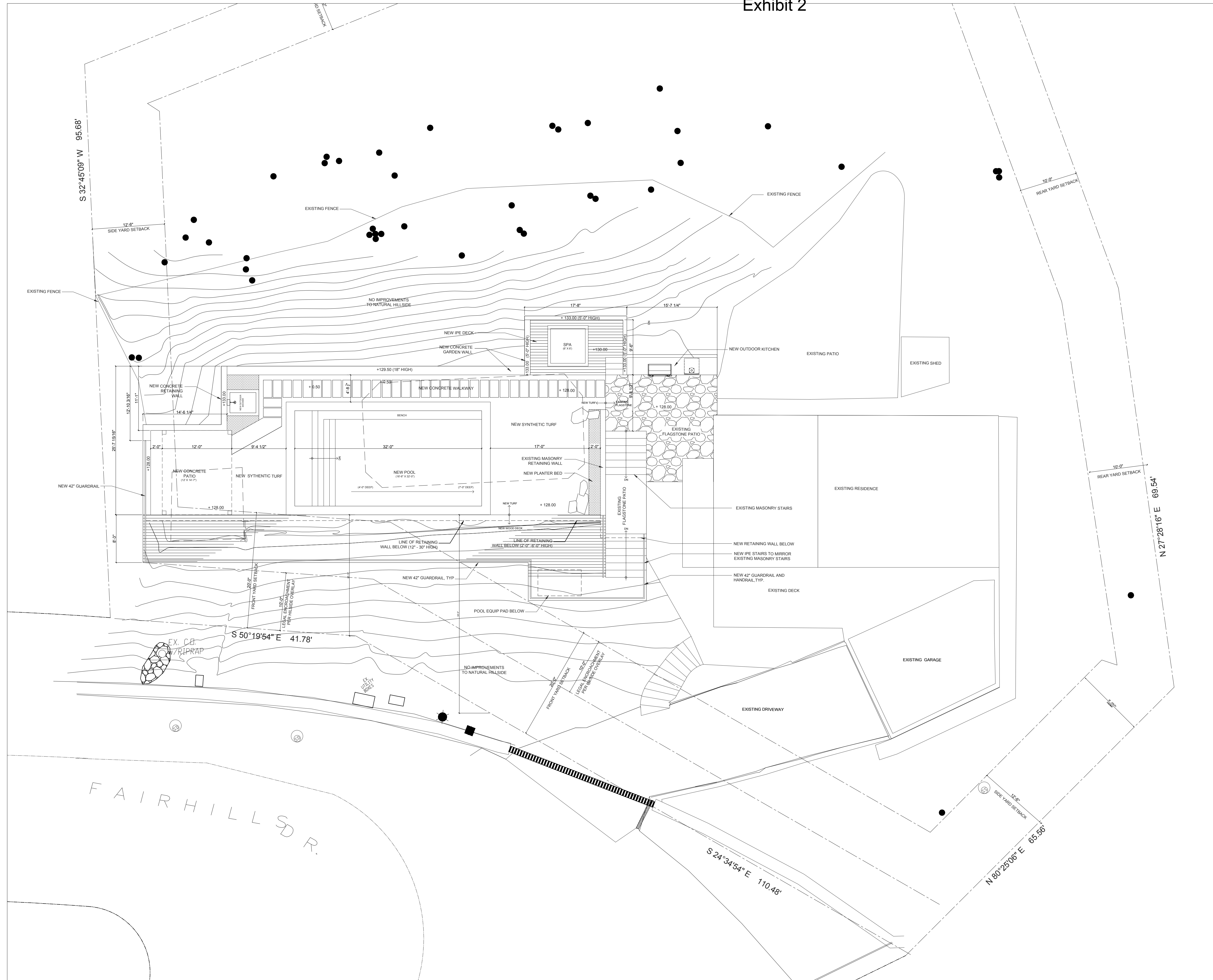


**2** PROPOSED SITE PLAN  
1/32" = 1'-0"



**1** VICINITY PLAN  
NTS

Exhibit 2



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292 FAIRHILLS  
SAN RAFAEL, CA 94901  
APN: 010-142-04

REVISIONS:

01	03.12.2021	PLANNING RESPONSE
02	04.05.2021	DESIGN UPDATE

SHEET TITLE:

**SITE PLAN**

SCALE: 1/8" = 1'-0"

DATE: 02.03.2021

SHEET NUMBER:



**A 0.2**

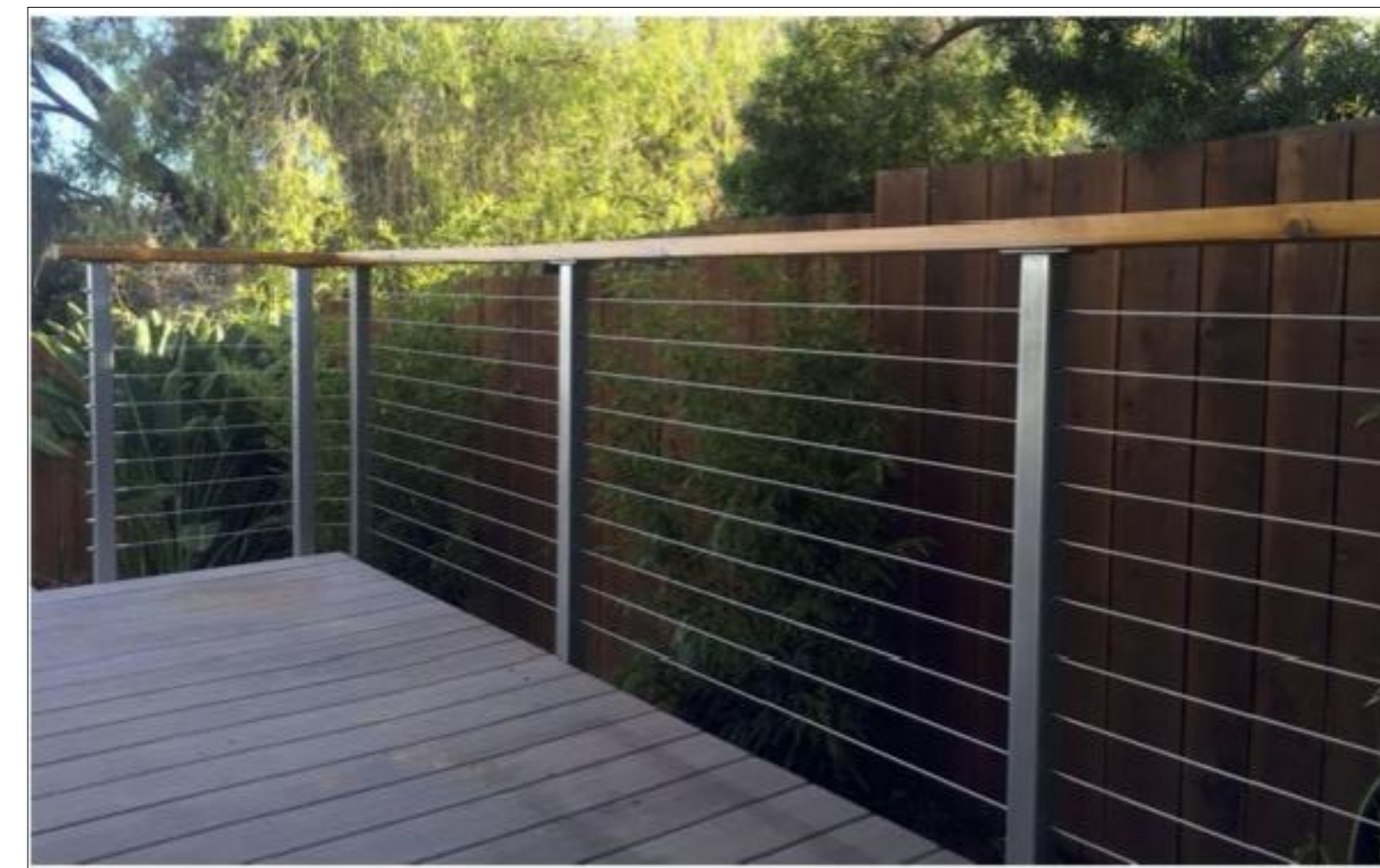
Exhibit 2



CONCRETE PAVERS



SYNTHETIC TURF



STEEL CABLE GUARDRAIL, IPE TOP CAP



IPE DECK



IPE POOL SURROUND



CONCRETE POOL COPING



CONCRETE OUTDOOR KITCHEN



CONCRETE SITE WALLS

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REVISIONS:

02	06.10.2021	PLANNING RESPONSE

SHEET TITLE:

**MATERIALS  
PALLETTE**

SCALE: 1/8" = 1'-0"

DATE: 02.03.2021

SHEET NUMBER:

**A 0.3**



Exhibit 2



AREA OF WORK



VIEW OF AREA OF WORK FROM EXISTING PATIO



STEEP SLOPE LOOKING UP FROM PATIO



FRONT YARD @ FAIRHILLS



FRONT YARD @ BOTTOM OF DRIVEWAY

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APN: 010-142-04

REVISIONS:

02	06.10.2021	PLANNING RESPONSE

SHEET TITLE:

**EXISTING PHOTOS**

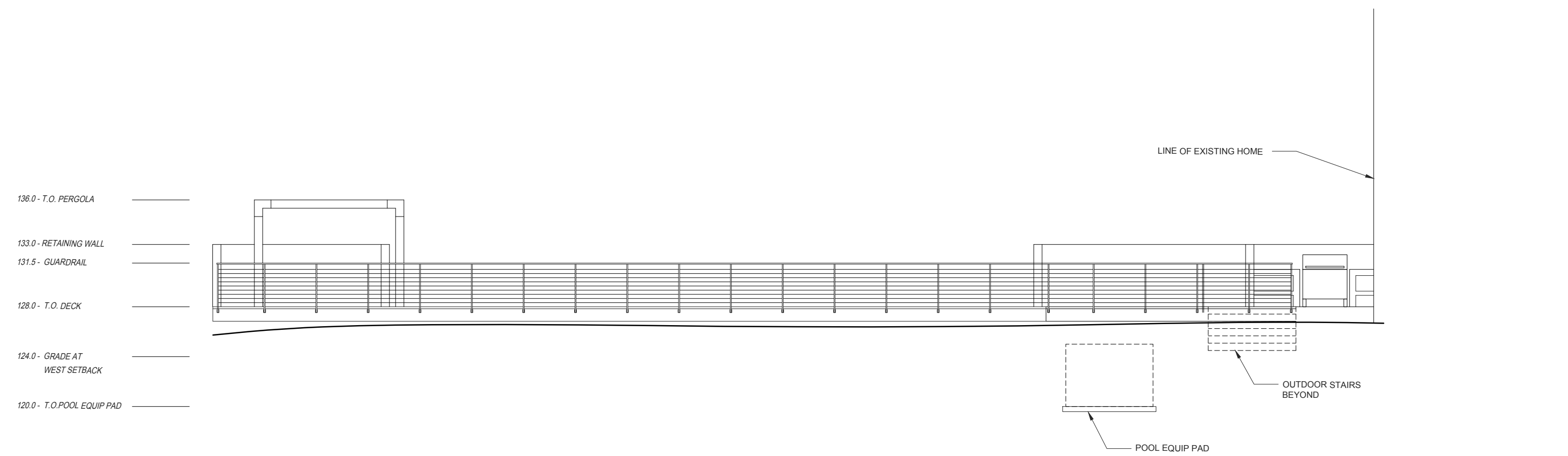
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DATE: 02.03.2021

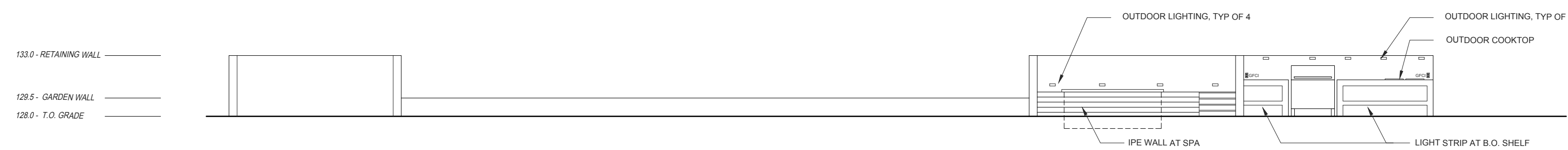
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**A 0.4**

**CORNWELL RESIDENCE**  
292 FAIRHILLS  
SAN RAFAEL, CA 94901  
APN: 010-142-04



**2 DECK ELEVATION**  
1/8" = 1'-0"



**1 SITE WALL ELEVATION**  
1/8" = 1'-0"

REVISIONS:


SHEET TITLE:

**ELEVATIONS**

SCALE: 1/8" = 1'-0"

DATE: 07.29.2021

SHEET NUMBER:

**A 0.5**