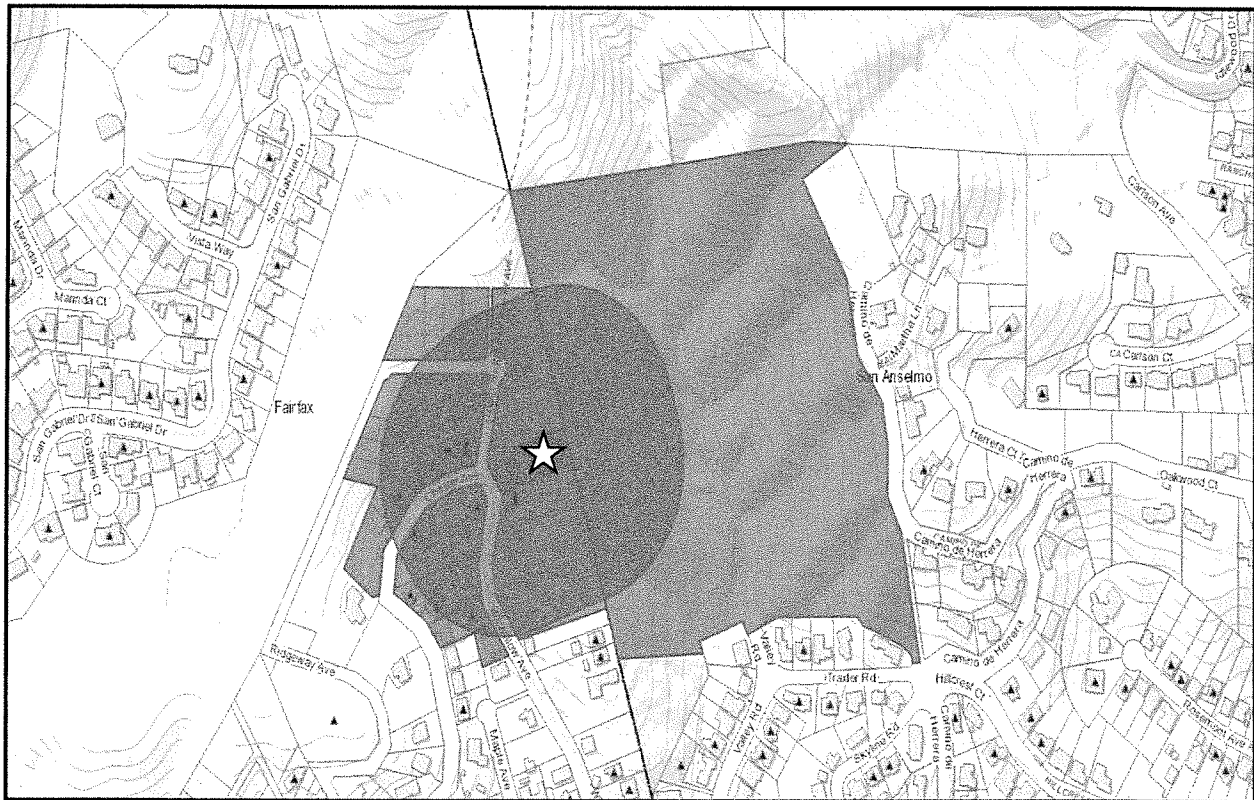


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: May 17, 2018
FROM: Linda Neal, Principal Planner
LOCATION: 176 Willow Avenue; Assessor's Parcel No. 001-193-23
ZONING: Residential RD 5.5-7 Zone
PROJECT: Remodel/expansion of dwelling
ACTION: Use Permit; Application # 18-07
APPLICANT: Richard Holland and Gisele Norris
OWNER: Same
CEQA STATUS: Categorically exempt, § 15301(a)



176 WILLOW AVENUE

BACKGROUND

The 13,700 square-foot site slopes up from Willow Avenue at an average rate of 46% and is developed with a 2,137 square-foot, 3 bedroom, 2 ½ bathroom, single-family residence that was constructed in 2004. The Planning Commission granted a Hill Area Residential Development Permit, Excavation Permit, Side Setback, Compact Parking Space and Retaining Wall Height Variances for the original construction on October 18, 2001.

DISCUSSION

The applicants are proposing to enclose the front porch to create a mudroom, convert a portion of the existing entryway into the relocated and remodeled kitchen, and to convert the eastern portion of the kitchen into a dining room. The project will also include the installation of two storage closets off the relocated interior entry stairway and a new built in cupboard off the kitchen. The project will increase the residence from 2,137 square feet to 2,241 square feet in size.

The project's compliance with the regulations set forth in the Residential RD 5.5-7 Zone where the site is located is as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	28.5 ft., 2 stories
Existing	14 ft. 5 in	106 ft.	120.5 ft.	12.5 ft. & 7.5 ft.	10.5 ft.	.15	.16	24 ft., 3 stories
Proposed	no change	no change	no change	no change	no change	.16	no change	no change

The project does not result in any changes to the existing setbacks or the lot coverage so it does not require the approval of any setback or lot coverage variances. The project increases the Floor Area Ratio only slightly from .15 to .16 which is well below the permitted .40 floor area ratio.

Use Permit

The site is substandard in size and width due to its 46% slope. Town Code § 17.084.050(c) requires parcels with a 46% slope to be a minimum of 38,000 square feet in size and 158 feet wide. The 13,700 square-foot, 62 foot wide site does not meet these requirements. Therefore the project requires the approval of a Use Permit by the

Planning Commission per Town Code § 17.084.050. The project does not require the approval of a Hill Area Residential Development permit because the proposed project does not constitute a 50% remodel [Town Code § 17.072.050(A0)].

The elimination of the front porch will include the removal of the decorative front porch pillars, which will decrease the articulation of the front of the structure. Use of horizontal siding and inclusion of mullioned windows matching the windows of the rest of the residence will help break up the increased vertical plane of the northwestern side of the front façade. The proposed addition will modify the original architecture of the residence. The project does not constitute a 50% remodel, so action on the project does not require a Design Review permit [Town Code § 17.020.030(A)].

Other residences, on similar sized and slopes lots in the P.H. Jordan Subdivision of Ridgeway Park, range in size from an 870 square-foot, 2 bedroom, 1 bathroom residence on a 12,642 square-foot site with a FAR of .07 (124 Willow Avenue) to a 2,872 square-foot, 3 bedroom, 1.5 bathroom residence on a 23,280 square-foot site with an FAR of .12 (134 Willow Avenue). The average floor area ratio for similarly developed sites in the subdivision is .11. The proposed expansion will result in 176 Willow Avenue having an FAR of .16 which is still well below the permitted .40 FAR and below the FAR maintained by the largest house in the subdivision of .26 at 11 Upper Ridgeway. Therefore, the project will not be out of scale with the project site or out of character with the neighborhood.

OTHER DEPARTMENT/AGENCY COMMENTS/CONDITIONS

Ross Valley Fire Department (RVFD)

RVFD submitted written requirements which have been incorporated into conditions of approval in the attached resolution and are summarized as follows: The property is located in the Wildland Urban Interface (WUI) Area and the applicant must comply with requirements for construction in a WUI, including submittal of a Vegetation Management Plan (VMP), and vegetation clearance consistent with the VMP and Fire standards. A fire sprinkler system, carbon monoxide and smoke detectors and address numbers that comply with the fire department requirements shall be installed.

Marin Municipal Water District (MMWD)

MMWD submitted written comments which have been incorporated into the conditions of approval and are summarized as follows: Compliance with District Code Title 13 – Water Conservation and backflow protection are a requirement of water service and the installation of graywater reuse systems are required when feasible for projects that necessitate an enlarged water service.

Ross Valley Sanitary District

A Sanitary District sewer connection permit is required to either replace the existing sewer lateral, or demonstrate to a District Inspector that the existing lateral meets current requirements, prior to the project final inspection and issuance of an occupancy permit for the residence.

Fairfax Police, Public Works and Building Departments

The police, public works and the building departments did not provide conditions of approval or comments on the project.

RECOMMENDATION

Move to approve application # 18-07 by adopting Resolution No. 2018-05 setting forth the findings and conditions for the project approval.

ATTACHMENTS

Attachment A - Resolution No. 2018-05

RESOLUTION NO. 2018-05

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit to Allow Enclosure of the 68 square-foot Porch to Convert the Area to a Mudroom, Relocate the Kitchen to Provide a Dining Room Area, and Remodel the Interior Stairway to Include Storage at 176 Willow Avenue

WHEREAS, the Town of Fairfax has received a request to enclose the front porch at 176 Willow Avenue to convert the area to a mudroom and remodel the existing residence to create a new dining room expanding the existing 2,137 square-foot residence to a 2,241 square-foot residence.

WHEREAS, the Planning Commission held a duly noticed Public Hearing on May 17, 2018, at which time the Planning Commission determined that the proposed project conforms with the Fairfax Zoning Ordinance regulations; and

WHEREAS, based on the plans and other documentary evidence in the record, the Planning Commission has determined that the applicant has met the burden of proof required to support the findings necessary to approve the project.

WHEREAS, the Commission has made the following findings:

1. The project results in an expanded structure that maintains the required setbacks and conforms to the Floor Area Ratio (FAR), lot coverage and height limitations of the Residential RD 5.5-7 Zone. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The development and use of the property as approved under the use permit will be located a considerable distance from adjoining properties and will be screened by existing vegetation. Therefore, the project 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.
3. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained in the 2010 – 2030 Fairfax General Plan or set forth in the Town Code, particularly those regulations set forth for properties located in the Residential RD 5.5-7 Zone District.
4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case.

WHEREAS, the Commission has approved the project subject to the applicant's

compliance with the following conditions:

1. This approval is limited to the development illustrated on the plans dated 3/28/18 by Lisa Harvey, Harvey Architecture, pages A1.0 through A5.0.
2. Prior to issuance of the building permit 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:
 - i. Construction delivery routes approved by the Department of Public Works.
 - ii. Construction schedule (deliveries, worker hours, etc.)
 - iii. Notification to area residents
 - iv. Emergency access routes
 - b. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction delivery routes (routes must be approved by Public Works Director).
 - c. Submit a cash deposit, bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible damage to public roadways. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.
 - d. The foundation shall be designed to comply with Building Code. Plans and calculations of the foundation elements shall be stamped and signed by the project engineer and submitted to the satisfaction of the Town Engineer or Building Permit Plan Checker.
 - e. 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.
3. During the construction process the following shall be required:
 - a. The licensed contractor shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town Staff that the grading has been completed as recommended prior to installation of foundation and/or retaining forms and piers.
 - b. 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.

- c. 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.
4. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
5. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 18-07. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 18-07 will result in the job being immediately stopped and red tagged.
6. Any damages to the public portions of Willow Avenue or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
7. 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.

8. 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
9. Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.
10. The applicant must comply with all outside agency conditions unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.
11. All exterior lighting shall be "dark sky" fixtures and direct the light downward. The fixture cut sheets shall be included in the building permit submittal and be subject to Planning Staff approval prior to issuance of the building permit.

Ross Valley Fire Department

12. A fire sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association 13-D and local standards. A separate deferred permit shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
13. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of 1 detector on each story of the occupied portion of the residence.
14. 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.
15. Address numbers at least 4 inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
16. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

17. A Vegetative Management Plan designed in accordance with the Ross Valley Fire Standard # 220 is required to be approved prior to issuance of the building permit for the project.
18. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
19. All vegetation and construction materials are to be maintained away from the residence during construction and hydrant flow and location are to be identified before construction begins.

Marin Municipal Water District (MMWD)

20. The plans must comply with all the indoor and outdoor requirements of District Code Title 13, Water Conservation. Landscaping plans must be submitted to the District and be approved.
21. The District's backflow prevention requirements must be met and if installation of a backflow device is required, the device shall be tested/inspected and be approved by a District Inspector prior to the project final inspection and issuance of the occupancy permit.
22. Comply with MMWD Ordinance No. 429, requiring the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

Ross Valley Sanitary District

23. A Sanitary District sewer connection permit is required to either replace the existing sewer lateral, or demonstrate to a District Inspector that the existing lateral meets current requirements, prior to the project final inspection and issuance of an occupancy permit for the residence.

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

The approval of the Conditional Use Permit is in conformance with the 2010 – 2030 Fairfax General Plan 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 17 day of May, 2018 by the following vote:

AYES:
NOES:
ABSTAIN:

Chair Newton

Attest: _____
Ben Berto, Director of Planning and Building Services