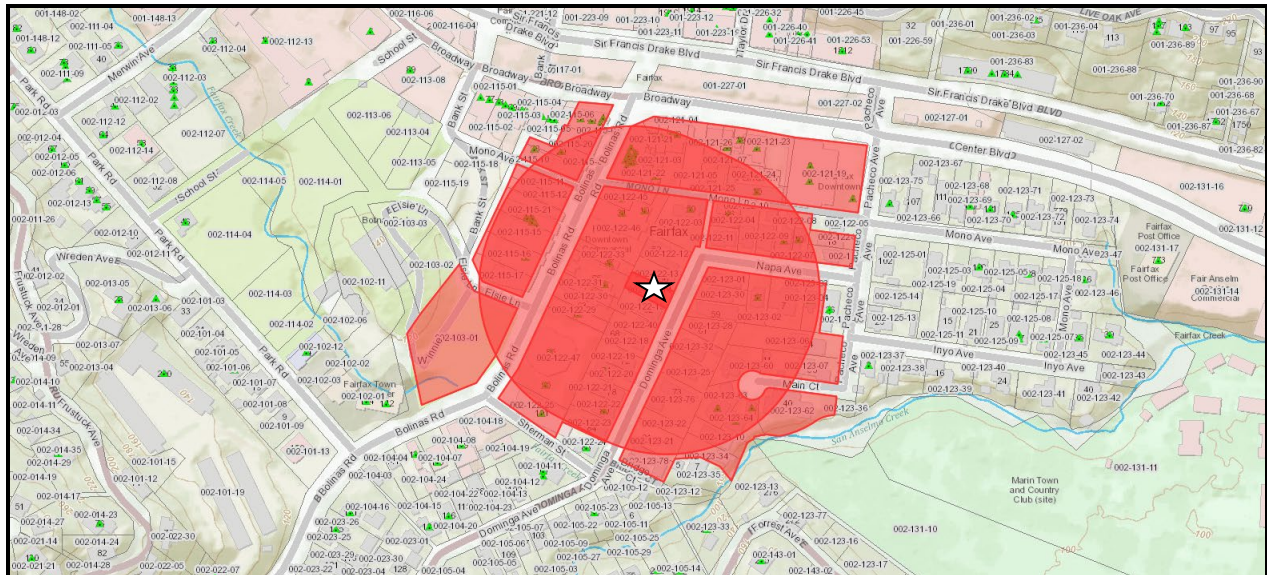


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Planning Commission
DATE: May 16, 2024
FROM: Linda Neal, Principal Planner
LOCATION: 60 Dominga Avenue; APN # 002-122-14
ZONING: RD 5.5-7 Residential Zone, High Density
PROJECT: Remodeling/upgrade of an existing two story, two-bedroom, two-bathroom, single-family residence to create a 1,186 square-foot, one bedroom, one and a half-bathroom single-family residence and a 472 square-foot studio accessory dwelling unit
ACTION: Conditional Use Permit, Design Review Permit, Tree Removal Permit, Side Yard Setback Variance and a Covered Parking Variance; Application # 24-07
APPLICANT: Gary Meyer, Architect
OWNER: Ellen Nicosia
CEQA STATUS: Categorically exempt, §15301(e)(2)(a) and 15305(a)



60 DOMINGA AVENUE APN # 002-122-14

PROJECT DESCRIPTION

Remodel of a 1,661 square-foot, 2-story, 2-bedroom, 2-bathroom, single-family residence converting it into a 1,186 square-foot, 1-bedroom, 1 ½ -bathroom, single-family residence on the first floor with a 472 square-foot, studio, accessory dwelling unit

with a kitchenette and bathroom on the second floor accessed by the existing covered stairway at the rear of the structure. The accessory dwelling unit (ADU) is permitted by State Law and local ADU Ordinances and will be processed separately. The project would include removing the interior stairway connecting the two levels, relocating the driveway approach, and widening it to 20 feet to access three uncovered parking spaces. Proposed improvements to the main residence created on the first floor include building a deck on the front of the structure, relocating the front access door from the southeast corner to the northeast corner, the addition of a ½ bathroom, a closet in the existing bedroom, a storage cabinet along the south wall of the living room, creation of a laundry room in a portion of the dining room and installation of new windows in the front the house and a wall mounted awning over the relocated front door.

BACKGROUND

The original one-story dwelling was built in 1922 on the 3,750 square-foot, level, site that was created by the recording of Map No. 2, Pacheco Tract in 1914 at the Marin Recorder's Office.

In early 1980 the property was red tagged when the front porch and siding of the building were removed without the benefit of a building permit. In November of 1980, the Planning Commission approved a Conditional Use Permit and Variance to allow the remodeling and expansion of the first floor, enclosing the rear patio to convert it into a kitchen and a laundry room and to build a master bedroom as a second story. The discretionary approvals were conditioned upon the garage at the rear of the property, within the required side and rear setbacks, being reconstructed in compliance with building and fire codes as part of the project. A building permit was issued for the work on January 1, 1981.

In March of 1981 the Town Engineer and the Town Administrator inspected the property and a letter from the Building Inspector to the property owners advised them the project was not being built in compliance with the Building Codes and that finishing of the interior walls would not be allowed until the project was rebuilt to code.

On November 19, 1981, the Planning Commission approved a modification of the project to allow the required covered parking space for the property to be an unenclosed carport instead of a garage.

On March 7, 1983, the Building Official advised the Town Administrator that the following were not up to code: electrical wiring is inadequate, no cripple studs had been placed under the window and door headers. The weight of the roof is depending on nails to hold it up, corner posts on the second floor are installed that do not tie the building together, the building does not have bracing of any kind, the foundation is not to code, the house is set on pier blocks.

The last inspection signed off by the Building Inspector on February 27, 1984, was for a rough close-in which should mean that the electrical, plumbing, and mechanical improvements and rough framing were installed in compliance with the California

Building Code. The foundation was complete at this point as well. No required inspections are recorded for the project after February of 1984 and the required carport was never built, the rest of the project construction was never inspected by the Town and the project never had a final inspection.

On June 6, 2023, the Building Official issued a permit for water damage repair around the windows of the upstairs bathroom and in the ceiling inside the entry door.

In mid-2023 staff visited the site because work was continuing to occur on the structure beyond what the issued permit allowed. Staff inspected the interior of the house and explained that the Town Code considered what they were doing a 50% remodel since much of the drywall had been removed and some of the construction behind the drywall appeared to not meet current California Building Code and would have to be corrected to meet building code requirements (Attachment C – photos from inspection). The project at that point was deemed a 50% remodel and the owner was advised that a Conditional Use Permit had to be obtained from the Planning Commission before work could begin again and that since the project was a 50% remodel additional parking would have to be provided to bring the property into compliance with the Parking Ordinance or a parking variance would have to be granted by the Planning Commission [Town Code § 17.010.040(B)(1) and (C)(2)(a)].

The property is located in Flood Zone AE so the owner was also advised that it was possible that the project, because it was a 50% remodel, might have to include raising the first-floor level of the house at least one foot above the flood elevation. However, the owner had an elevation certificate prepared that shows that most of the first floor is above the flood elevation, only the rear kitchen area is at the base flood elevation of 107.5.

FEMA's 50% remodel definition is based on the cost of construction, not the square footage of the structure that is being structurally altered/replaced. FEMA also exempts work that corrects existing violations of state, local health, sanitary and safety code regulations which are the minimum necessary to assure safe living conditions. The applicant and her contractor feel confident that when they present their documentation of the inadequate construction they found behind the drywall to FEMA along with their construction plans they will not be required to elevate the floor of the kitchen/dining/laundry room at the rear of the building. However, if they do have to raise the kitchen floor up, the project may require modification and they will be required to return before the Planning Commission if the height of the structure must change to comply with FEMA regulations. They have been advised by staff of this possibility.

The front fence exceeds the permitted 4-feet in height but photographs from 1980 show the fence looking old in 1980 so it probably is legal non-conforming.

The site is not located within ¼ mile of any Northern Spotted Owl nesting site.

DISCUSSION

The site is located in the Residential RS 5.5-7 Zone and the structures comply with the RD 5.5-7 Zone setback, height, floor area ratio (FAR) and lot coverage regulations as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Coverage	Height
Required/ Permitted	6 ft.	6 ft.	25 ft.	5 ft. & 5 ft.	15 ft.	.40	.35	
Existing	32 ft.	20 ft.	52 ft.	2 ft. & 9 ft.	11 ft.	.45	.34	20 ft., 2 stories
Proposed	No change	No change	No change	No change	No change	No change	No change	No change

Required Permits and Findings

Conditional Use Permit (Town Code Chapter 17.032)

The site is 3,750 square-feet in size and 38 feet wide and deemed legal non-conforming since the minimum parcel size and width for a property developed with a single-family residence in the RD 5.5-7 is 5,500 square-feet in size and 60-feet wide.

Town Code § 17.084.050 requires that any physical improvements on a building site failing to meet the minimum size and width requirements requires the approval of a Conditional Use Permit (CUP) by the Planning Commission.

The purpose of the Conditional Use Permit process is to allow the proper integration of projects into neighborhoods which may be suitable only if they are designed or laid out on the site in a particular manner [Town Code § 17.032.010(A).

Findings [Town Code § 17.032.060(A) through (E)]

In order to approve a Conditional Use Permit (CUP) the Planning Commission must be able to make the findings set forth in Town Code Chapter:17.032.060 (***Staff’s Recommended findings are in bold italicized print following each finding***):

(A) The location, size, design, and operating characteristics of the use conform to the General Plan and the land use designations for the project site and to the objective zoning standards and objective design standards that apply to the proposed use at the proposed location.

The restoration of the dilapidated residential structure and conversion to two units without changing the existing setbacks, height, lot coverage or floor area ratio while bringing the parking into compliance with the minimum parking requirements conforms to the 2023-2031 Fairfax General Plan and Zoning Ordinance, specifically Town Code § 17.016.040(B) and (C), Alterations and Additions to Non-conforming structures.

- (B) 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.

Restoring the structure to a habitable condition will not be a grant of special privilege because the restoration will be a benefit to the Dominga Avenue neighborhood by improving an existing structure that deteriorated to the point of being an eyesore from the many years of neglect.

- (C) The development and use of property, as approved under the use permit, shall not create a public nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions or applicable performance standards, or cause significant adverse physical or environmental effects to abutting or adjoining properties and the surrounding neighborhood, or create undue or excessive burdens in the use and enjoyment thereof, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit;

Once the construction is completed the use of the property for two living units is not expected to create a public nuisance or cause adverse physical or environmental effects to abutting or adjoining properties beyond that which might occur on any other residential developed property.

- (D) Approval of the use permit is not contrary to those objectives, goals or objective standards pertinent to the particular use and location and contained or set forth in the General Plan, the Zoning Ordinance (this Title), any master plan, development plan or other plan or policy, officially adopted by the town; and

Approving a CUP to allow the remodeling of this structure and conversion into two units is not contrary State Law or to the objectives, goals, or standards contained in the General Plan or the Zoning Ordinance.

- (E) Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that the approval is in the public interest and for the protection or enhancement of the community.

Granting the CUP to allow the owner to upgrade the existing structure will result in equal or better development of the premises than would otherwise be the case, and the approval is in the public interest and for the protection or enhancement of the community.

Design Review Permit (Town Code Chapter 17.020)

Town Code § 17.020.030(A) requires that new houses or projects that constitute 50% remodels obtain a design review permit from the Planning Commission along with any other required discretionary permits. The entire first floor is proposed to be remodeled and 475 square-feet of new area is proposed as a second-floor addition, so the project

constitutes a 50% remodel and is subject to obtaining a Design Review Permit from the Planning Commission.

In order to approve a Design Review Permit the Commission must be able to find that the project will, "foster a good design character through consideration of objective design standards for aesthetic and functional relationships to surrounding development and in order to further enhance the town's appearance and the livability and usefulness of properties" [Town Code §17.020.020(B)].

The code directs the Planning Commission to use criteria including but not limited to the following when approving an application for a Design Review Permit:

(A) Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements include only height, building mass, building setbacks and arrangement on the site, exterior building material, signs, landscaping, pedestrian access, and appurtenances for which objective design standards have been established in this title.

(B) The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.

(E) Conformance to standards for the size and design of the structure shall be considered for the purpose of determining that the structure is 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.

(F) The extent to which the structure conforms to the standards governing the general physical character of other structures in the vicinity, including their height, building mass, and relationship to the street and adjacent structures.

(H) The extent to which natural features, including trees, shrubs, creeks and rocks and the natural grade of the site are to be retained based on the standards for protecting these features established in this title.

(I) Conformance to the standards for accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.

Note: The criteria were amended by Ordinance 885 which went into effect on December 1, 2023. They were amended to include Objective Design Standards which would apply to qualifying workforce housing and low-income housing projects. The staff has only listed those criteria that still apply to developed single-family or duplex sites.

The only changes to the exterior of the house will be the relocation of the front entry door, construction of a new front deck, installation of four new windows in the front wall of the house, removal of the only two windows on the south side of the house, and installation of one clerestory window on the upper floor in the ADU bathroom. The windows in the front along with the deck and the relocated front door with a wall mounted awning will increase the articulation of the front façade of the building and make it more visually appealing when viewed from the street.

The exterior materials of the structure are in place and are being retained.

The siding of the existing structure will be painted light blue (custom color to match existing light blue, low lustre), the front door, roof flashing, window and door trim and deck skirting will be painted gray (Benjamin Moore "Colorado Gray, soft gloss, 2136-50 , window frames will be white fiberglass Millgard ("Frost"), the roof will remain as it is now, a combination of asphalt shingles in light brown over the sections with a slope of 7:12, and light gray rolled asphalt on the sections that have a slope of 2:12, the back stairs and deck will be dark gray (Cabot, semi-solid stain in "Slate Gray"), the front deck railing will be black TimberTech aluminum, the front deck and stairs will be TimberTech PVC in brown ("Coastline") and the front awning will be Sunbrella Silica Stone.

The proposed exterior changes to the structure are minimal but along with the exterior color palette being proposed will refresh the structure and result in a residential building that will complement the surrounding neighborhood that includes many other eclectic residential buildings. Therefore, the proposed project will comply with the design review criteria contained in Town Code § 17.020.040.

Note: there are no legally required findings to allow the granting of a Design Review Permit.

Tree Removal Permit [Town Code 8.36.030(B)]

The project includes the removal of 2 small Laurel trees, a Cedar tree, and a Privet to accommodate the three parking spaces and the front access path to the new front deck. A second Privet will be removed from the back yard while a redwood tree and a Walnut tree will be retained. The Fairfax Tree Committee reviewed the proposed tree removal plan at their April 24, 2024, meeting and are recommending that the Planning Commission approve the tree removal permit application. The Committee did not recommend that any replacement trees be planted to replace the trees being removed (Attachment B – Tree Committee letter of recommendation, application, and arborist report).

Variances for Parking [Town Code § 17.052.010(B) and (D)]

Town Code § 17.052.010(B) prohibits the location of required parking in the side-yard setbacks and Town Code § 17.052.010(D) requires that at least one of the required three parking spaces for a residence must be covered.

The very small size and width of the property are the features that make it difficult to provide parking in compliance with the Zoning Regulations. While the property did have a covered parking space at the rear at one point, the structure was built on both the side and rear property lines and probably encroached upon the small amount of private outdoor space available to the residents in the rear yard. The adoption by the Town in 1973 of combined side-yard setback regulations has made it impossible for the required three parking spaces to be provided at the front of the site unless a variance is granted to allow the spaces to be located within the minimum 5-foot north side property line setback and within the combined 15-foot side-yard setback.

The purpose of the Variance Permit is to allow exceptions to the strict application of the Zoning regulations where, by reason of exceptional narrowness, shallowness, unusual shape or slope of a property, the strict application of the regulations would be difficult or cause undue hardship unnecessary to carry out the spirit of the law.

Findings [Town Code § 17.028.070(A) through (4)]

In order to approve a Variance for a project the Planning Commission must be able to make the following findings (*staff's recommended findings follow the code text in bold italicized font*):

Because of special circumstances applicable to the property, including size, shape, topography, location of surroundings, the strict application of this title will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification.

The narrow 37.5-foot width and 3,750 square-foot size of the site are the special features that warrant the granting of the Variance to allow parking within the side-yard setbacks and to not require one of the spaces to be a covered space. Prohibiting parking in the setbacks and requiring the construction of a covered parking space would deprive the applicant of privileges enjoyed by other property owners in the vicinity in the RD 5.5-7 Zone.

The variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification and is consistent with the objectives of this title.

The granting of the variances will not be a grant of special privilege because other residences in the Dominga Avenue neighborhood have parking within the side-yard setbacks and have no covered parking spaces (53, 56, 64, 67, 80, 84, 88, 108, 120, 141, and 149 Dominga Avenue).

The strict application of this title would result in excessive or unreasonable hardship.

The strict application of the side-yard setback parking prohibition and the requirement for a covered parking space would be an unreasonable hardship and would require the granting of other variances such as a front-yard setback variance if a covered parking space were provided at the front of the site and side and rear setback variances if the covered space were provided at the rear of the site while also taking up some of the small available outdoor living space for this property (note that the third guest parking space cannot be provided within the right-of-way along the frontage of the property because the curb is painted red).

The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

Granting the variance to allow uncovered parking in the required side setbacks and to not have a covered parking space will not be detrimental to the public welfare or injurious to other property in the vicinity. The site will continue to be utilized as it has been.

Other agency comments

Ross Valley Sanitary District (RVSD)

1. The project triggers RVSD's testing and certification requirements and will require a sewer lateral permit for all laterals including for the ADU.
2. After the applicant has obtained their building permit for the project, they must contact RVSD for capacity and permit fee calculations, and have the contractor submit a complete application packet with the permit fee payment. A complete application packet must include the application, site plan (sketch) identifying the lateral location(s), video and check make payable to RVSD.
3. Applications must be mailed or delivered to the Ross Valley Sanitary District Office during business hours. The contractor must schedule a RVSD final inspection. Incomplete applications will be rejected.

Ross Valley Fire Department (RVFD)

A fire sprinkler system shall be installed throughout the building which complies with the requirements of the National Fire Protection Association 13-D and local standards. The RVFD standard conditions of approval can be viewed in attached Resolution No. 2024-10.

No comments were received from Fairfax Police, Public Works or Building Departments or from Marin Municipal Water District.

RECOMMENDATION

Conduct the public hearing.

Move to approve application 24-07 by adopting Resolution No. 2024-10 setting forth the findings and the conditions for the project approval.

ATTACHMENTS

- A – Resolution No. 2024-10
- B – Tree Committee Recommendation
- C – Interior photos
- D – Project plan set

RESOLUTION NO. 2023-10

A Resolution of The Fairfax Planning Commission Approving Application No. 24-07 for a Conditional Use Permit, Design Review Permit, Tree Removal Permit, Setback Variance and Covered Parking Variance for the Remodel/Upgrade of the Existing Single-family Residence at 60 Dominga Avenue into a Single-family Residence and Accessory Dwelling Unit

WHEREAS, the Town of Fairfax received an application from Ellen Nicosia to remodel and restore the existing 1,661 square-foot, 2-story, 2-bedroom, 2-bathroom, single-family residence converting it into a 1,658 square-foot, 1-bedroom, 1 ½ -bathroom, single-family residence on the first floor with a 472 square-foot, studio, accessory dwelling unit with a kitchenette and bathroom on the second floor on February 12, 2024; and

WHEREAS, the application was deemed complete on May 3, 2024; and

WHEREAS, the Commission held a duly noticed public hearing on the proposed project on May 16, 2024; and

WHEREAS, after holding the public hearing the Planning Commission determined that the project complies with the Design Review Ordinance and that findings can be made to grant the requested Conditional Use Permit, Design Review Permit, Tree Removal Permit, Side-setback Variance and Covered Parking Variance; and

WHEREAS, the Commission has made the following findings:

The project is consistent with the 2010-2030 Fairfax General Plan as follows:

Policy LU-1.2.3: New and renewed development shall be designed and located to minimize the visual mass. The Town will require exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape, allowing for architectural diversity.

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

Conditional Use Permit [Town Code § 17.032.060(A) through (E)]

- A. The restoration of the dilapidated residential structure and conversion to two units within the existing structure without changing the existing setbacks, height, lot coverage or floor area ratio while bringing the parking into compliance with the minimum parking requirements conforms to the 2023-2031 Fairfax General Plan and Zoning Ordinance, specifically Town Code § 17.016.040(B) and (C), Alterations and Additions to Non-conforming structures.

ATTACHMENT A

- B. Restoring the structure to a habitable condition will not be a grant of special privilege because the restoration will be a benefit to the Dominga Avenue neighborhood by improving an existing structure that deteriorated to the point of being an eyesore over many years of neglect.
- C. Once the construction is completed the use of the property for two living units is not expected to create a public nuisance or cause adverse physical or environmental effects to abutting or adjoining properties beyond that which might occur on any other residential developed property.
- D. Approving a CUP to allow the remodeling of this structure and conversion into two units is not contrary State Law or to the objectives, goals, or standards contained in the General Plan or the Zoning Ordinance.
- E. Granting the CUP to allow the owner to upgrade the existing structure will result in equal or better development of the premises than would otherwise be the case, and the approval is in the public interest and for the protection or enhancement of the community.

Design Review Permit (Town Code § 17.020.040)

1. The project depicted in the plans submitted to the Town on April 9, 2024, complies with the Design Review Criteria set forth in Town Code § 17.020.040 and result in a structure design, color palette, and arrangement on the site that protects the privacy of neighboring structures while complimenting the architecture of neighboring residential buildings.
2. The proposed exterior changes to the structure are minimal but along with the exterior color palette being proposed will refresh the structure and result in a residential building that will complement the surrounding neighborhood that includes many other eclectic residential buildings. Therefore, the proposed project will comply with the design review criteria contained in Town Code § 17.020.040.

Side-Yard Setback Variance to Locate Parking Within the Side-yard Setbacks and to Not Have a Covered Parking Space [Town Code § 17.028.070 and 17.052.040(B)]

Findings [Town Code § 17.028.070(A)(1) through (4)]

1. The narrow 37.5 foot width and 3,700 square-foot size of the site are the special features that warrant the granting of the Variance to the parking within the side-yard setbacks prohibition and requirement for one covered parking space. Prohibiting parking in the setbacks and require the construction of a covered parking space would deprive the applicant of privileges enjoyed by other property owners in the vicinity in the RD 5.5-7 Zone.

2. The granting of the variances will not be a grant of special privilege because other residences in the Dominga Avenue neighborhood have parking within the side-yard setbacks and have no covered parking spaces (53, 56, 64, 67, 80, 84, 88, 108, 120, 141, and 149 Dominga Avenue).
3. The strict application of the side-yard setback parking prohibition and the requirement for a covered parking space would be an unreasonable hardship and would require the granting of other variances such as a front-yard setback variance if a covered parking space were provided at the front of the site and side and rear setback variances if the covered space were provided at the rear of the site while also taking up some of the small available outdoor living space for this property (note that the third guest parking space cannot be provided within the right-of-way along the frontage of the property because the curb is painted red).
4. Granting the variance to allow uncovered parking in the required side setbacks and to not have a covered parking space will not be detrimental to the public welfare or injurious to other property in the vicinity. The site will continue to be utilized as it has been.

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

The project is approved based on the following plans:

1. Project Plan Set received by the Town on April 9, 2024 including the preliminary development plans and color elevations.
2. The project is subject to the following conditions of approval:
 - a. Prior to issuance of any of the building permit for the project the applicant or his assigns shall submit a detailed Construction Management and Staging Plan to the Public Works Department for their approval. The amended plan shall include but is not limited to the following:
 - i. Construction delivery routes approved by the Department of Public Works.
 - ii. Construction schedule (deliveries, worker hours, etc.)
 - iii. Notification to area residents
 - iv. Emergency access routes
 - v. Construction worker staging area
3. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the public construction delivery routes (routes to be pre-approved by Public Works Director).
4. Prior to submittal of the building permit plans, the applicant shall secure written

approval from the Ross Valley Fire Department and the Ross Valley Sanitary District noting the development conformance with their recommendations.

5. Prior to the removal of any trees subject to the Town Tree Ordinance not approved with this action, the applicant shall secure a tree cutting permit from the Fairfax Tree Committee.
6. During the construction process the following shall be required:
 - a. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall always be situated off the travel lane of the adjacent public right(s)-of-way. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.
 - b. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
 - c. Prior to issuance of the project final inspection the Planning Department shall field check the completed project to verify that all staff, agency, and planning commission conditions have been complied with prior to issuance of the certificate of occupancy.
7. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping them daily, if necessary.
8. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 24-07. Modifications that do not significantly change the project, the project design or the approved discretionary permits *may* be approved by the Planning Director or the Planning Commission. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 24-07 by the Planning Commission or the Planning Director will result in the job being immediately stopped and red tagged.
9. Any damage to the public portions Dominga Avenue, Napa Avenue, Pacheco Avenue, Sherman Avenue or Creek Road or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
10. 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 or 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.

11. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act and Best Management Practices for Stormwater Pollution Prevention.
12. Conditions placed upon the project by outside agencies, Town departments or by the Town Engineer may be eliminated or amended with that agency, department, or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.

Ross Valley Fire Department

13. A approved Vegetative Management Plan must be obtained from the Ross Valley Fire Department and be submitted with the building permit application,
14. Vegetation must be kept trimmed so that the site address numbers are visible when the site is being accessed traveling east or west on Mountain View Road (a two-way street).
15. 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.

16. All vegetation and construction materials are to be maintained away from the residence during construction.
17. 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 a location that is visible from the street. The numbers must be internally illuminated or illuminated by an adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
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 approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

Ross Valley Sanitary District (RVSD)

20. The project triggers RVSD's testing and certification requirements and will require a sewer lateral permit for all laterals including for the ADU. After the applicant has obtained their building permit for the project they must contact RVSD for capacity and permit fee calculations, have the contractor submit a complete application packet with the permit fee payment. A complete application packet must include the application, site plan (sketch) identifying the lateral location(s), video and check make payable to RVSD. Applications must be mailed or delivered to the Ross Valley Sanitary District Office during business hours. The contractor must schedule a RVSD final inspection. Incomplete applications will be rejected.
21. Include a sewer cleanout and backwater protection device within 2-feet of the building foundation, the Ross Valley Sanitary Standard Notes shall be shown and are found in Subsection L of Section 3 of the Design and Construction Standards and demonstrate that all materials used in the construction of the sewer improvements are from the approved materials list.
22. A hold will be placed on the property when the building permit is issued and will not be released for occupancy until the District permit and sewer requirements have been fulfilled.
23. A Certificate of Compliance for the lateral(s) must be obtained from the RVSD prior to the project final inspection by the Fairfax Building Department.

Planning Requirements

24. Any exterior lighting that has the fixtures replaced must be replaced with dark sky compliant (fully shielded and emit no light above the horizontal plane with no sag or drop lenses, side light panels or uplight panels) as well as compliance with color temperature to minimize blue rich lighting. The lighting shall not emit

direct offsite illumination and shall be the minimum necessary for safety.

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

The Conditional Use Permit, Design Review Permit, Tree Removal Permit, Side-yard Setback Variance and Parking Variance to allow the remodel and restoration of the proposed structure are approved and the findings have been made to grant the requested discretionary permits. Therefore, the project is in conformance with the 2010 – 2030 Fairfax General Plan, the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and

Construction of the project can occur without causing significant impacts on neighboring residences and the environment.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 16th day of May 2024, by the following vote:

AYES:

NOES:

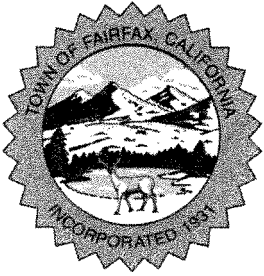
ABSENT:

RECUSED:

Chair Robert Jansen

Attest:

Jeffrey Beiswenger, Planning Director



TOWN OF FAIRFAX

142 BOLLINGAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

Date: April 26, 2023

Permit 1123-T-22

NOTICE OF TREE COMMITTEE ACTION

This action may be appealed to the Fairfax Town Council within 10 days of the Tree Committee decision. This permit is not in effect until the 10 day appeal period is over.

Request for a tree permit to remove: (1) English Laurel
(1) Cedar
(2) Privet

Address of Tree(s) to be removed: 60 Dominga Ave

Applicant's Phone: Ellen Nicosia (415) 720-0225

On April 24, 2023 the Fairfax Tree Committee took the following action on the above referenced tree permit application:

FOR RECOMMENDATION TO PLANNING COMMISSION ONLY:

X APPROVED - Childers made a motion to recommend approval of the application, Romaidis added a friendly amendment to recommend approval of the application on the condition that a permit for the work be issued prior to the tree removal; the motion was seconded by Benson and voted on.

Vote:

Benson- Aye

Childers- Aye

Pugh- Aye

Richardson-Mack- Aye

Romaidis- Aye

Item #4 Vote: Ayes- 5, Noes- 0

 CONTINUED

 DENIED

REMINDER: PLEASE KEEP PERMIT NOTICE UP DURING THE 10 DAY WAITING PERIOD

CONDITIONS OF APPROVAL:

THIS APPLICATION IS YOUR PERMIT-KEEP IT ON THE JOB SITE. WORK WILL BE PERFORMED ON THE TREE WORKER'S BEHALF. IT MAY BE SILENT IN THE 11/00KBEING HALTD) UBT:ILr)LSHQIV 'H9F OF APPNQ!>tL

Please verify that the tree company performing the work has a current Fairfax Business license and worker's compensation coverage.

THIS TREE PERMIT EXPIRES IN SIX MONTHS, if necessary, you may apply for an extension in writing prior to the expiration date.



James Cairnes, ND Arb, UK

CERTIFIED ARBORIST #5841

CA LICENSE #982691

cell (415) 717.skoli

THE
Small World
TREE COMPANY

ARBORIST-Tree Protection Report

DATE OF INSPECTION: 2/1/23

CLIENT: Ellen Nicosia

SITE: 60 Dominga, Fairfax, CA 94930

RE: Tree Protection prior to construction project

Trees to be Protected During Construction:

Tree 1: Yucca (Yucca glauca) Location at front left (southern corner) at fence. 48" circumference (15" dbh) at 45' above grade. Satisfactory condition.

Tree Protection during construction: Establish 4 ft high protective fencing in a 5 ft radius around tree trunks as possible. fence constraints noted. Signage on fencing should read: "TREE PROTECTION ZONE- This Fence Shall Not be Removed". No low branches need to be pruned at this time to reduce chance of damage by construction equipment/ vehicles. Perhaps only deadwood removal if needed.

Tree 2: Coastal Redwood (Sequoia sempervirens) This tree is located at extreme back *leah* of property (SW corner) Mature Redwood tree is in satisfactory condition and its canopy grows over 3+ properties. Redwood has circumference of 121 inches (38.5 dbh) at 4.5 feet above grade. Concrete covers the entire backyard up to the base of the tree although the roots have broken up some of the concrete.

Tree Protection during construction: Establish 4 ft high protective fencing in a 6 ft radius outward from tree trunk as allowed as fence set property boundaries. "TREE PROTECTION ZONE-This Fence Shall Not be Removed" Prune low branches to help avoid contact with equipment. Keep equipment and vehicles out of this area and no storage of any kind in the protected CRZ to avoid soil compaction.

Tree 3: Walnut (Juglans regia) tree is located at the back center yard and is in moderate condition. Walnut has 63-inch circumference (20-inch dbh) at 4.5 feet above grade. Some branch pruning is needed in long overextended branches and to prune out any decay or damage present in the select branches. Install protective fencing 7-foot radius from the trunk or as much as possible. Concrete covers the entire backyard up to the trunk over any root flare. Understand the concrete will be removed towards the end of the construction in the back area and this should help to protect roots during construction. For best results, excavate the root crown and aerate as much as possible for best results on Walnut and Redwood.

Tree Protection during construction: Establish 4 ft high protective fencing in a 15 ft radius outward from tree trunk as allowed as fence set property boundaries. "TREE PROTECTION ZONE-This Fence Shall Not be Removed" Prune low branches to help avoid contact with equipment. Keep equipment and vehicles out of this area and no storage of any kind in the protected CRZ to avoid soil compaction.



P.O. BOX 2124 " SAN ANSELMO " CALIFORNIA 94979

PHONE: (415) 455-0909 " FAX: (415) 482.8212 • www.SmallWorldTree.com





ATTACHMENT C



WERNER

WARNING
FALLING
DANGER
Do not stand on platform. Use ladders
properly. See instructions for use.
© 2010 Werner Tools, Inc.









VICINITY MAP



PROJECT INFORMATION

CONSTRUCTION TYPE: V-B
 OCCUPANCY TYPE: R-3
 ZONING: RD-5.5-7
 # STORIES: 2
 FLOOD ZONE: AE
 LOT AREA: 3698 SF

BUILDING AREA (SQUARE FEET)

	EXISTING	CHANGE	PROPOSED
1ST FLOOR (PRIMARY RESIDENCE):	1186	0	1186
2ND FLOOR (ADU):	475	-3	472
TOTAL:	1661	-3	1658

FLOOR AREA RATIO (BUILDING AREA / LOT AREA):
 44.9% -0.1% 44.8%

LOT COVERAGE:
 (SEE LOT COVERAGE DIAGRAM BELOW) 34.7% -0.4 34.3%

APPLICABLE CODES

- 2022 CALIFORNIA BUILDING CODE
- 2022 CALIFORNIA MECHANICAL CODE
- 2022 CALIFORNIA PLUMBING CODE
- 2022 CALIFORNIA ELECTRICAL CODE
- 2022 CALIFORNIA EXISTING BUILDING CODE
- 2022 CALIFORNIA FIRE CODE
- 2022 CALIFORNIA ENERGY CODE
- 2022 CALIFORNIA GREEN BUILDING STANDARDS

SCOPE OF WORK

- RELOCATE AND RESIZE EXISTING CURB CUT AND PROVIDE PARKING PAD FOR THREE (3) OFF-STREET PARKING SPACES
- RELOCATE MAIN ENTRY DOOR AND CONSTRUCT PERVIOUS DECK AT FRONT OF HOUSE LESS THAN 30" ABOVE GRADE
- ADD PARTITION AT REAR OF FIRST FLOOR TO CREATE LAUNDRY ROOM
- REMOVE INTERIOR STAIR AND INFILL FLOOR
- CONVERT 2ND FLOOR INTO AN ACCESSORY DWELLING UNIT BY ADDING KITCHEN AND REMODELLING BATHROOM
- REPLACE EXISTING WINDOWS AND INSTALL NEW WINDOWS PER PLANS
- INSTALL NFPA13R FIRE SPRINKLER SYSTEM THROUGHOUT UNDER DEFERRED SUBMITTAL

CONTACT INFORMATION

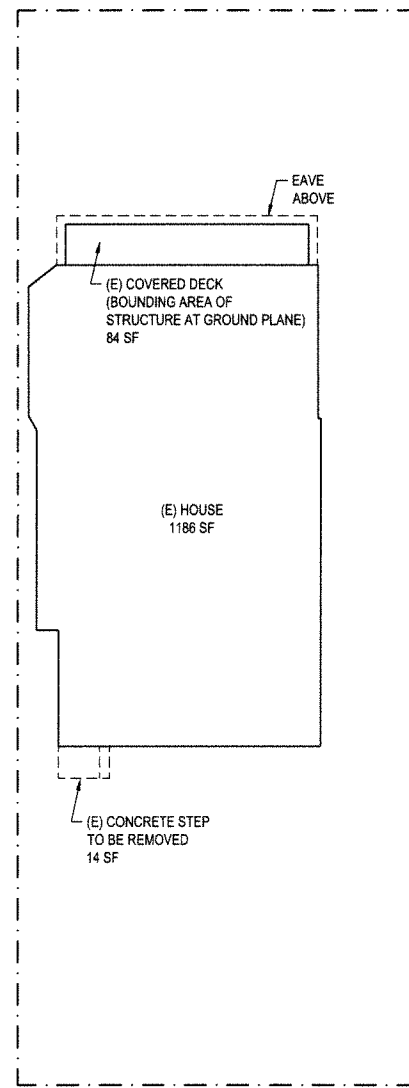
ARCHITECT
 GARY MEYER
 WAYNE MEYER WORKS
 981 AILEEN ST.
 OAKLAND, CA 94608
 gary@waynemeyerworks.com
 415-860-6223

CIVIL ENGINEER
 ORION AGNEW
 AC ENGINEERING INC.
 454 LAS GALLINAS AVE.
 SUITE 1047
 SAN RAFAEL, CA 94903
 415-868-0603
 ADMIN@AGNEWCIVIL.COM

OWNER
 ELLEN NICOSIA
 60 DOMINGA AVE.
 FAIRFAX, CA 94930
 ellennicosia@gmail.com
 415-720-0225

DRAWING INDEX

- ARCHITECTURAL**
- A0.0 SITE PLAN AND PROJECT INFORMATION
 - A0.1 CALGREEN MANDATORY MEASURES 1 OF 2
 - A0.2 CALGREEN MANDATORY MEASURES 2 OF 2
 - A2.1 EXISTING FLOOR PLANS
 - A2.2 PROPOSED FLOOR PLANS
 - A3.1 EXTERIOR ELEVATIONS
 - A3.2 BUILDING SECTIONS
 - A6.1 SHADOW STUDY
- CIVIL ENGINEERING**
- C-1 COVER SHEET
 - C-1.1 PROJECT NOTES
 - C-2 STORM WATER DRAINAGE PLAN
 - C-2.1 BASMAA @ STORMWATER COMPLIANCE
 - C-3 EROSION @ SEDIMENTATION CONTROL PLAN
 - C-4 CONSTRUCTION BEST MANAGEMENT PRACTICES

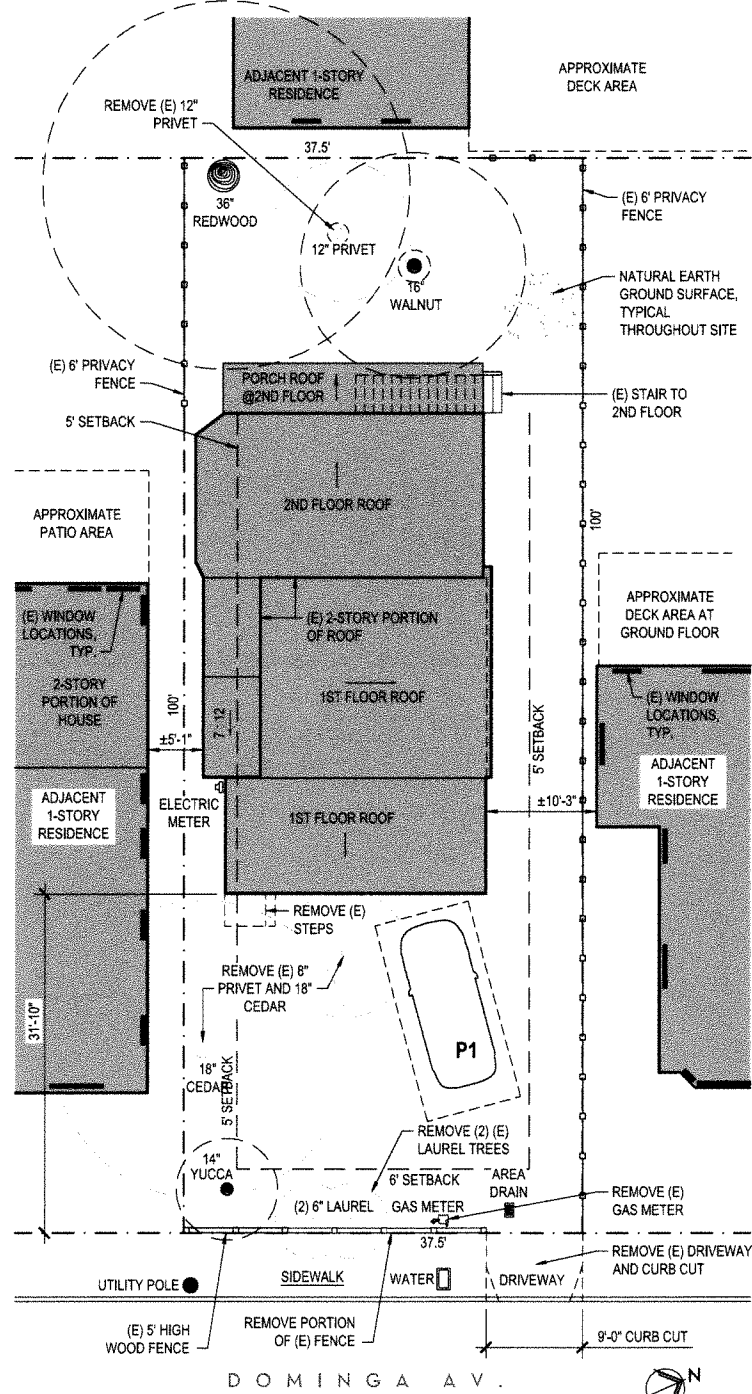


LOT COVERAGE CALCULATION

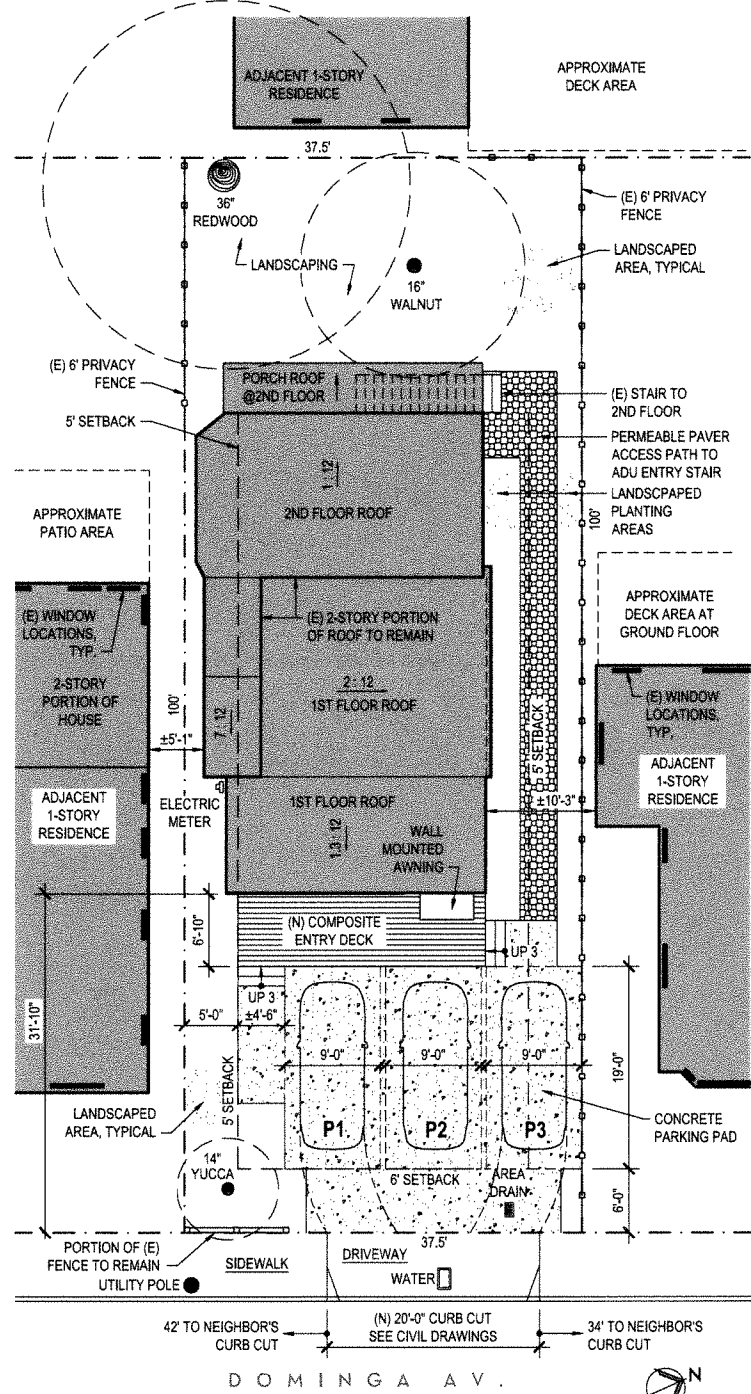
	EXISTING	CHANGE	PROPOSED
EXISTING HOUSE:	1186	-	1186
EXISTING COVERED DECK:	84	-	84
CONCRETE STEP @ ENTRY:	14	-	-
TOTAL LOT COVERAGE:	1284	-	1270

SITE AREA:	3698	3698
LOT COVERAGE	34.7%	34.3%

LOT COVERAGE DIAGRAM 3
 1/8" = 1'-0"

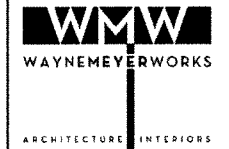


EXISTING SITE / ROOF PLAN 1
 1/8" = 1'-0"



PROPOSED SITE / ROOF PLAN 2
 1/8" = 1'-0"

ATTACHMENT D



IMPROVEMENTS TO
60 DOMINGA AVE.
 FAIRFAX, CA 94930
 ASSESSOR'S PARCEL #: 002-122-14

ISSUE DATE: 12/14/23
 SHEET NUMBER: 041E

SITE PLAN / PROJECT INFORMATION

AO.O

ARCHITECT'S STAMP

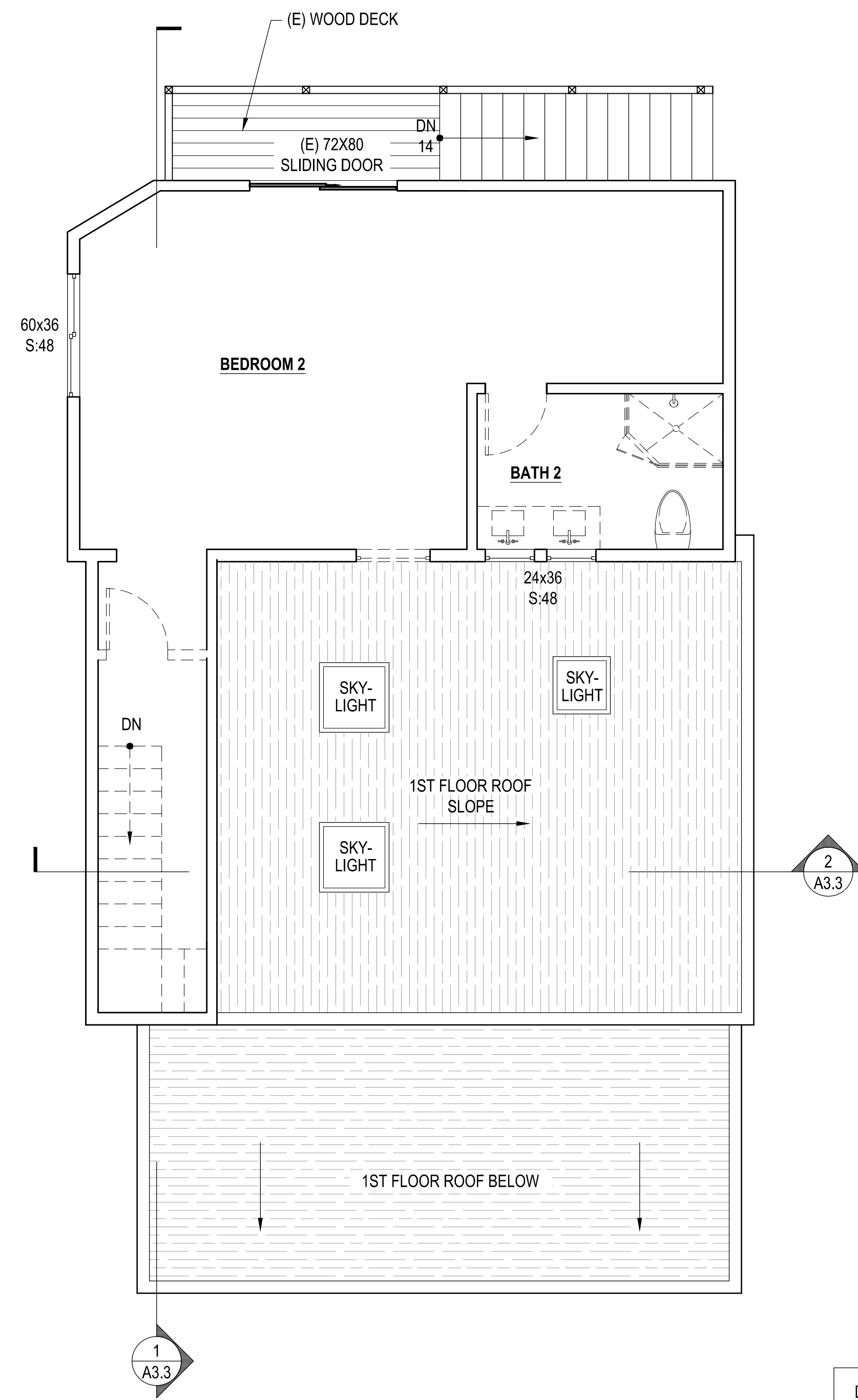


PROJECT

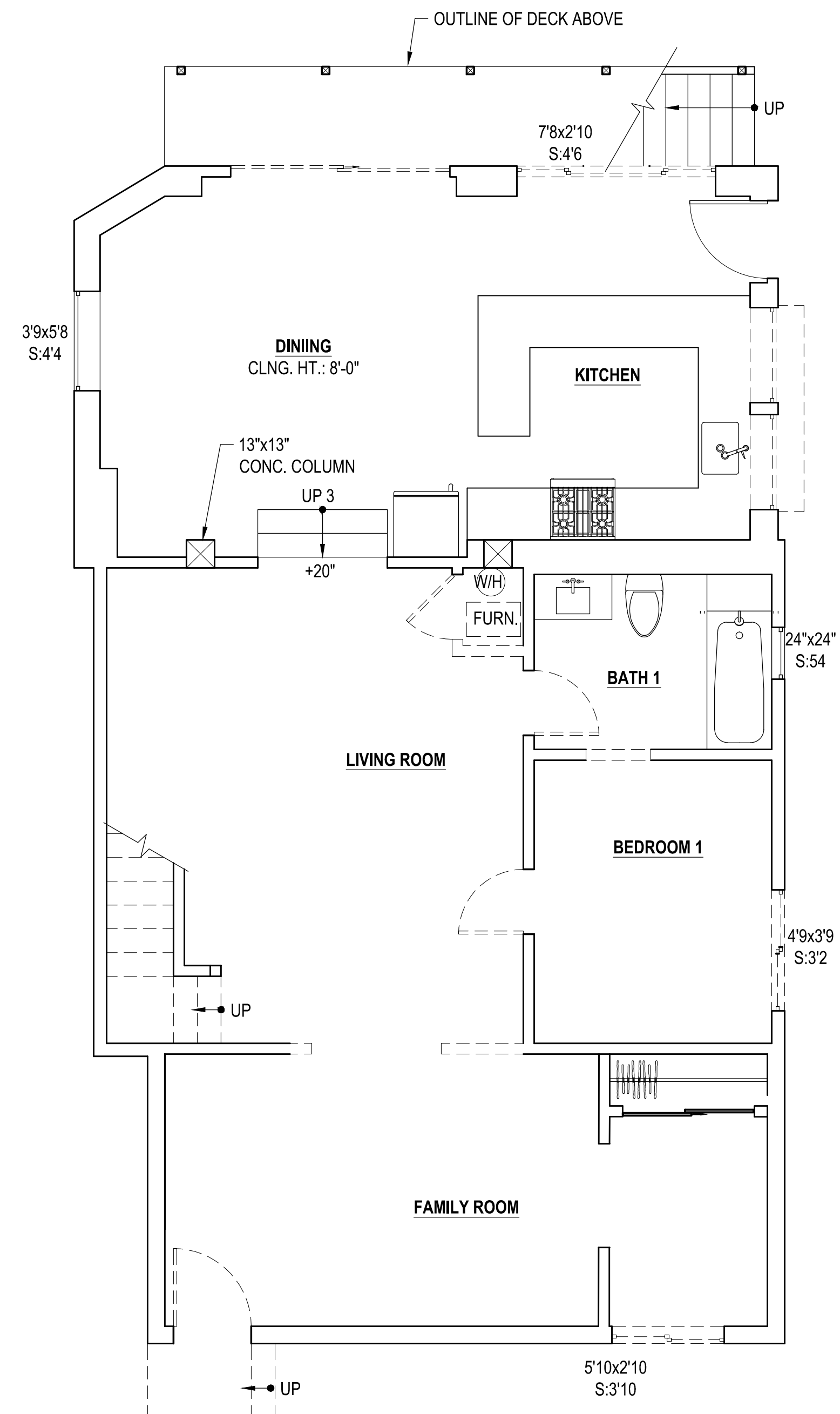
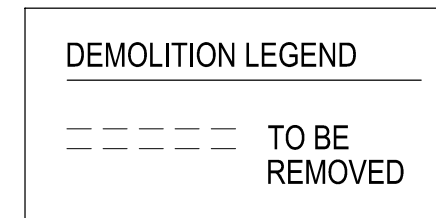
IMPROVEMENTS TO
60 DOMINGA AVE.
FAIRFAX, CA 94930
ASSESSOR'S PARCEL #: 002-122-14

ISSUE DATE
PLANNING SUBMITTAL 12/14/23

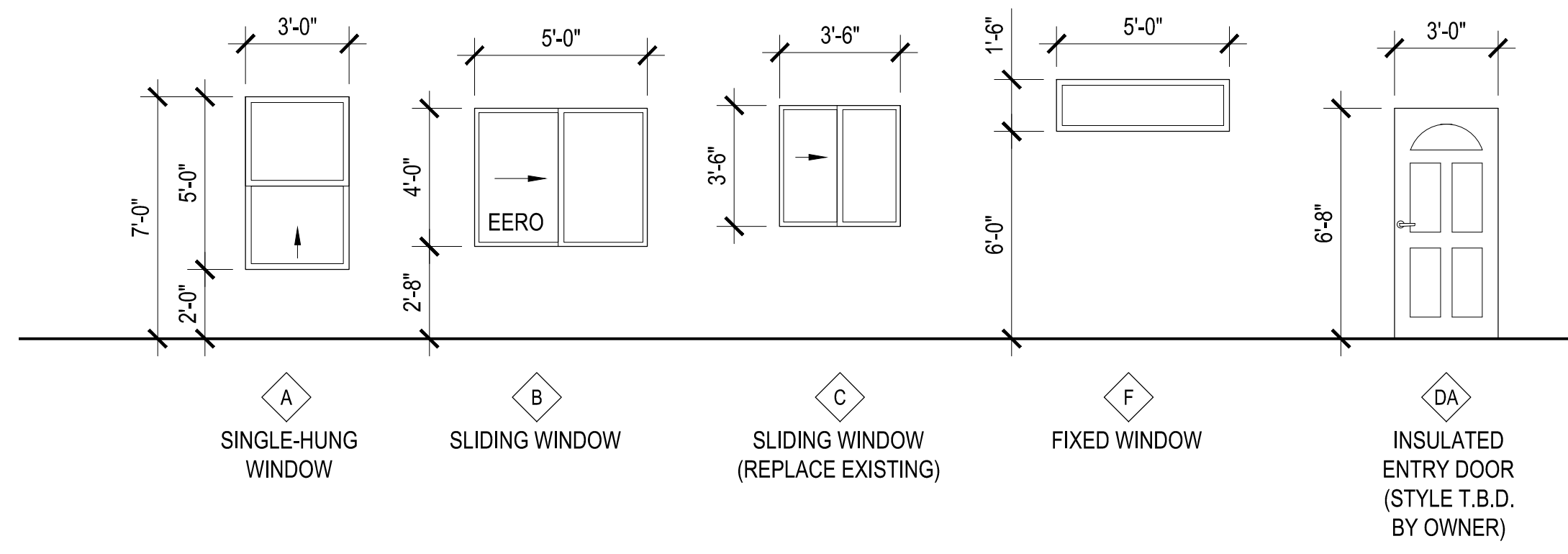
TITLE SHEET NUMBER
EXISTING FLOOR PLANS



EXISTING 2ND FLOOR PLAN **2**
1/4"=1'-0"

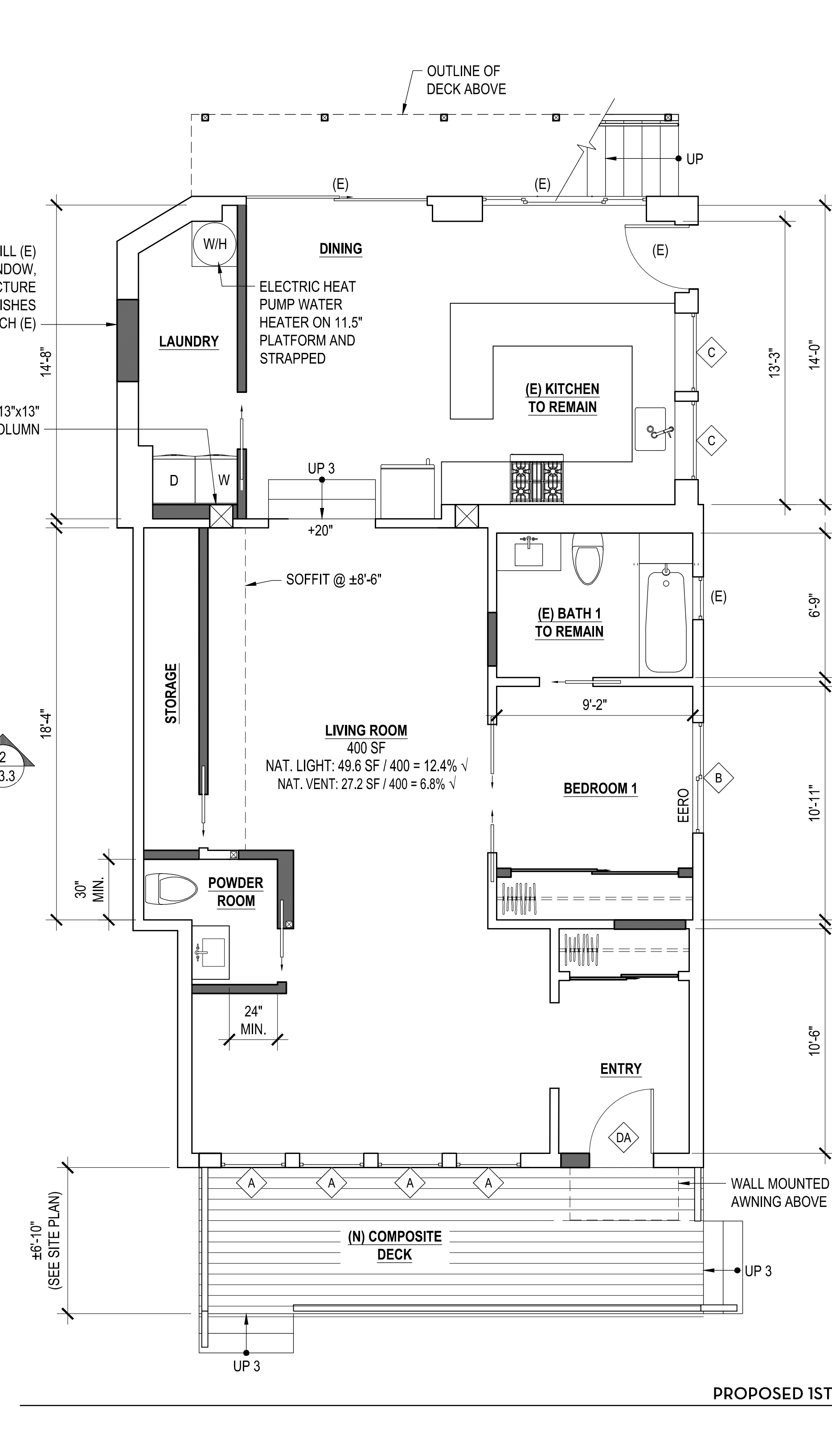
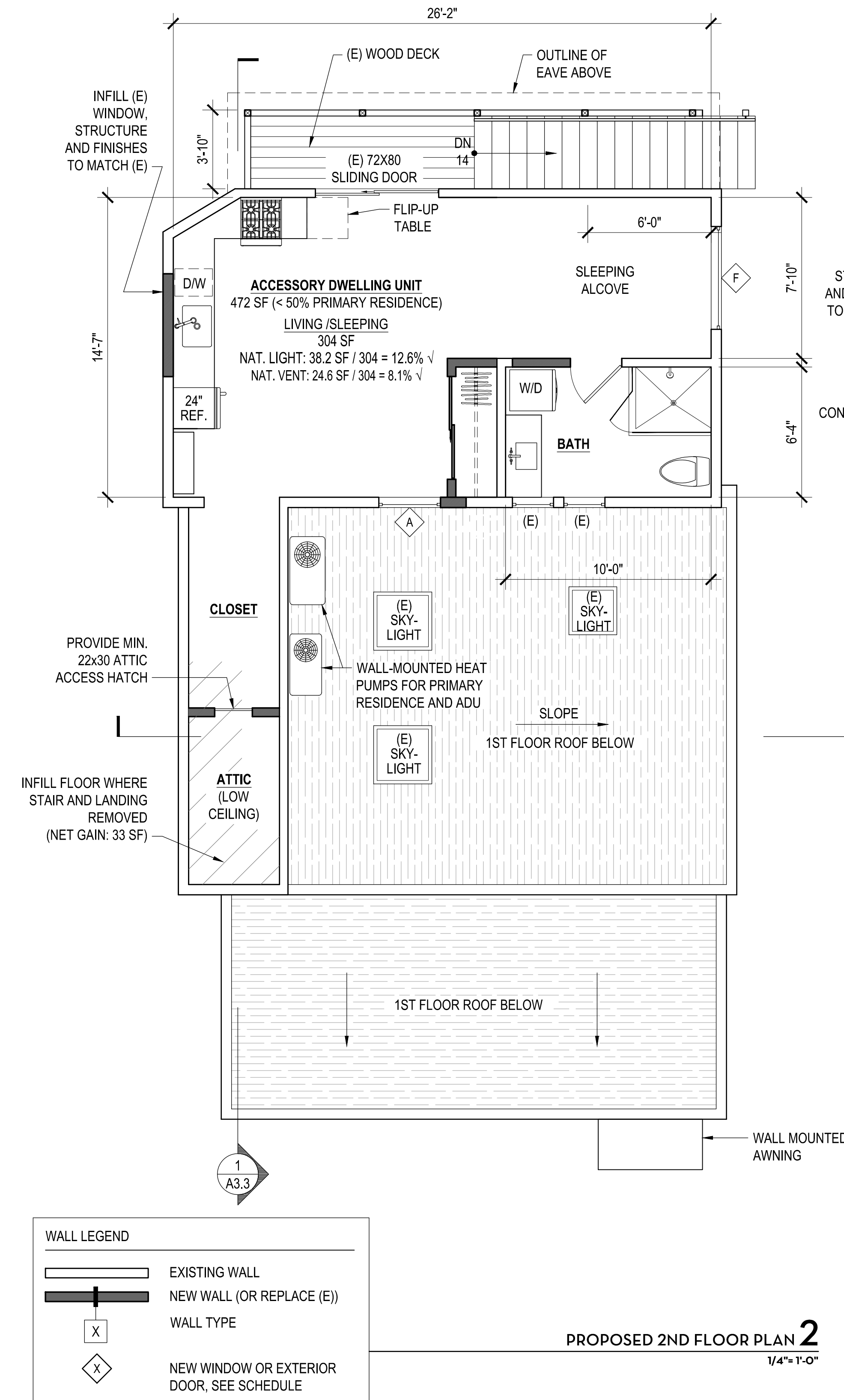


EXISTING 1ST FLOOR PLAN **1**
1/4"=1'-0"



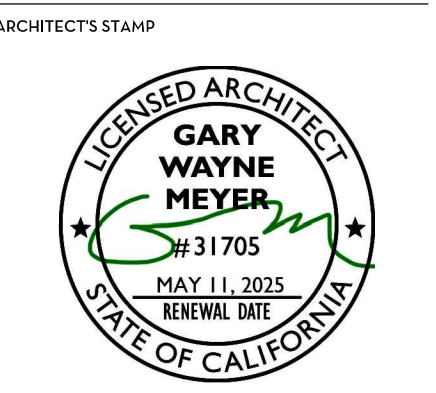
- DOOR AND WINDOW NOTES:**
- WINDOWS SHALL BE OF ANY MATERIAL PROVIDED THEY MEET TITLE 24 REQUIREMENTS ON SHEETS A9.1 - A9.2
 - ALL WINDOWS DESIGNATED AS REPLACEMENT SHALL HAVE DIMENSIONS VERIFIED IN FIELD
 - WINDOWS DESIGNATED "(E)" ON THE PLANS ARE EXISTING TO REMAIN
 - "S" = SAFETY GLAZING REQUIRED
 - WINDOWS DESIGNATED AS EERO ON THE PLAN SHALL MEET THE FOLLOWING REQUIREMENTS.
 - MINIMUM CLEAR NET OPENING OF 5.7 SQUARE FEET
 - MINIMUM CLEAR WIDTH OF 20"
 - MINIMUM CLEAR HEIGHT OF 24"
 - MAXIMUM HEIGHT FROM FINISHED FLOOR TO BOTTOM OF OPENING OF 44"

DOOR AND WINDOW SCHEDULE 4
1/4" = 1'-0"



WALL LEGEND

	EXISTING WALL
	NEW WALL (OR REPLACE (E))
	WALL TYPE
	NEW WINDOW OR EXTERIOR DOOR, SEE SCHEDULE



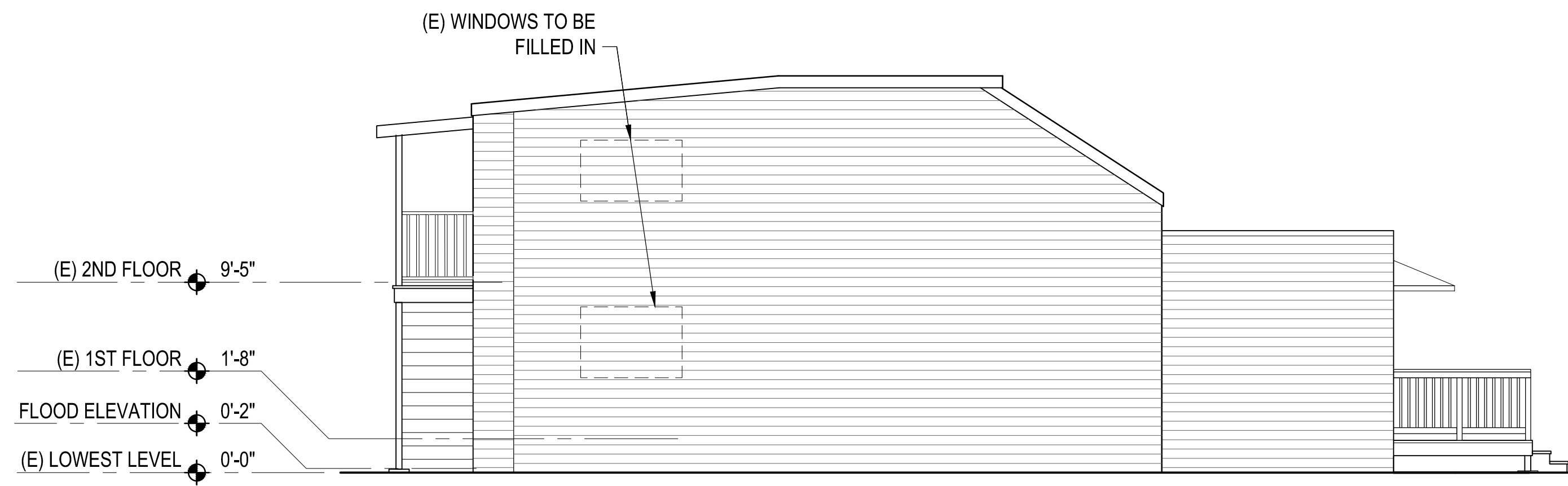
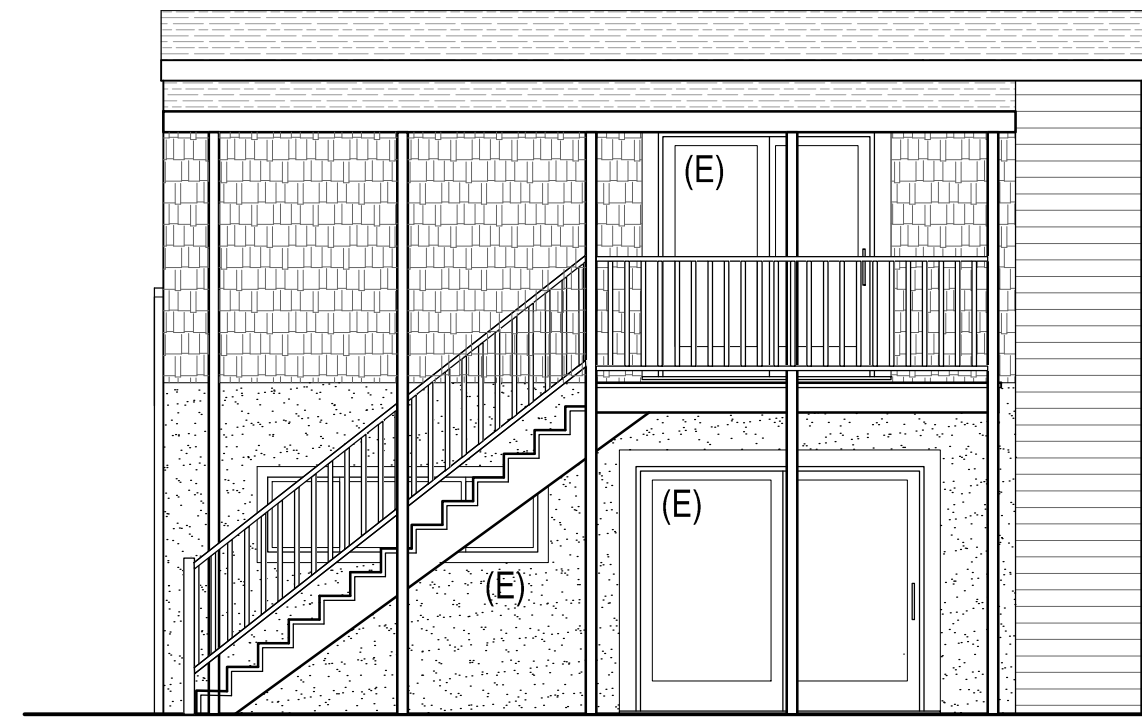
ARCHITECTS STAMP

PROJECT
IMPROVEMENTS TO 60 DOMINGA AVE.
FAIRFAX, CA 94930
ASSESSOR'S PARCEL #: 002-122-14

ISSUE DATE
PLANNING SUBMITTAL 12/14/23

TITLE SHEET NUMBER
PROPOSED FLOOR PLANS

7 PROPOSED REAR ELEVATION
3/16" = 1'-0"

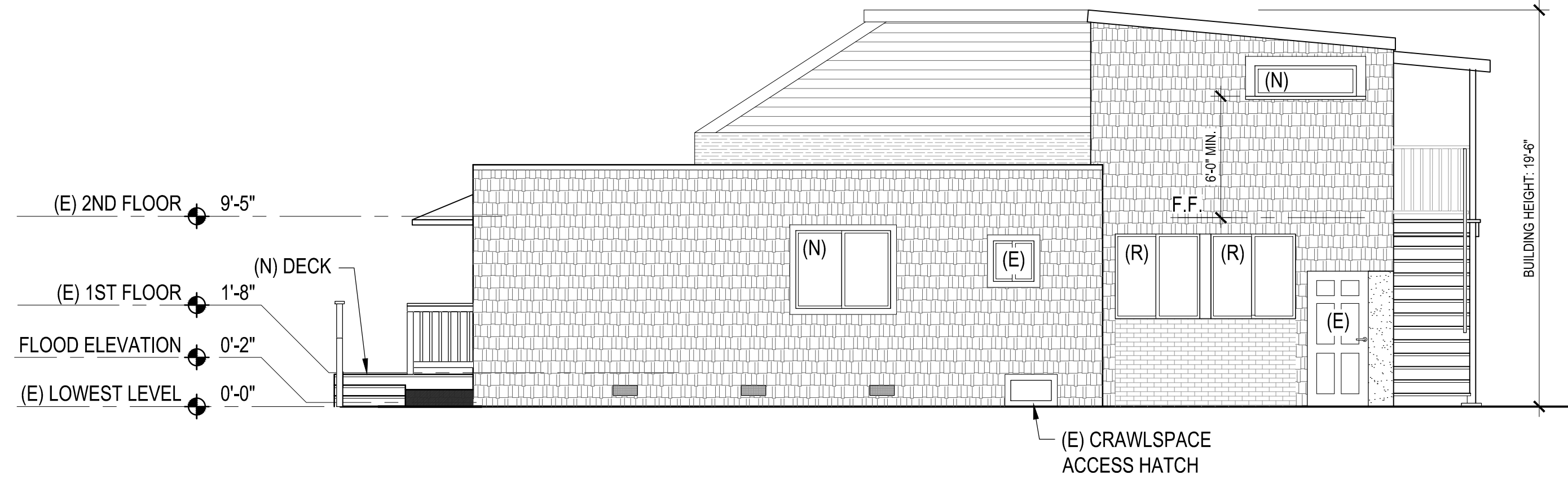


PROPOSED SOUTH ELEVATION **8**
3/16" = 1'-0"

MATERIAL LEGEND

	CEDAR SHAKES
	FIBER CEMENT SIDING
	ROOFING, COMPOSITE SHINGLE OR OTHER
	BRICK
	STUCCO
	CONCRETE
(E)	EXISTING
(N)	NEW
(R)	REPLACE EXISTING

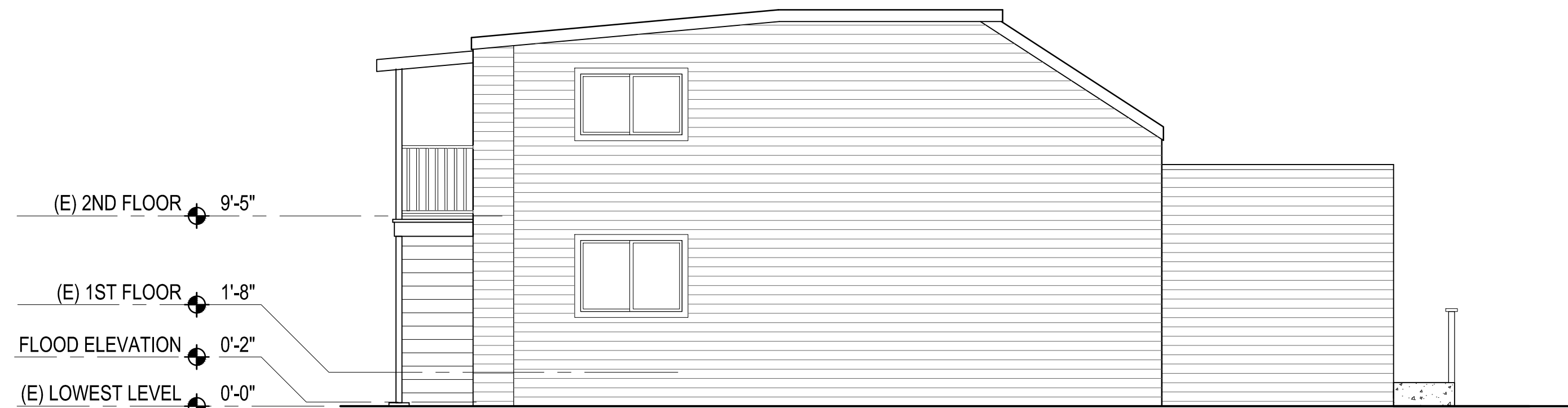
5 PROPOSED FRONT ELEVATION
3/16" = 1'-0"



PROPOSED NORTH ELEVATION **6**
3/16" = 1'-0"

↑
PROPOSED
EXISTING
↓

3 EXISTING REAR ELEVATION
3/16" = 1'-0"

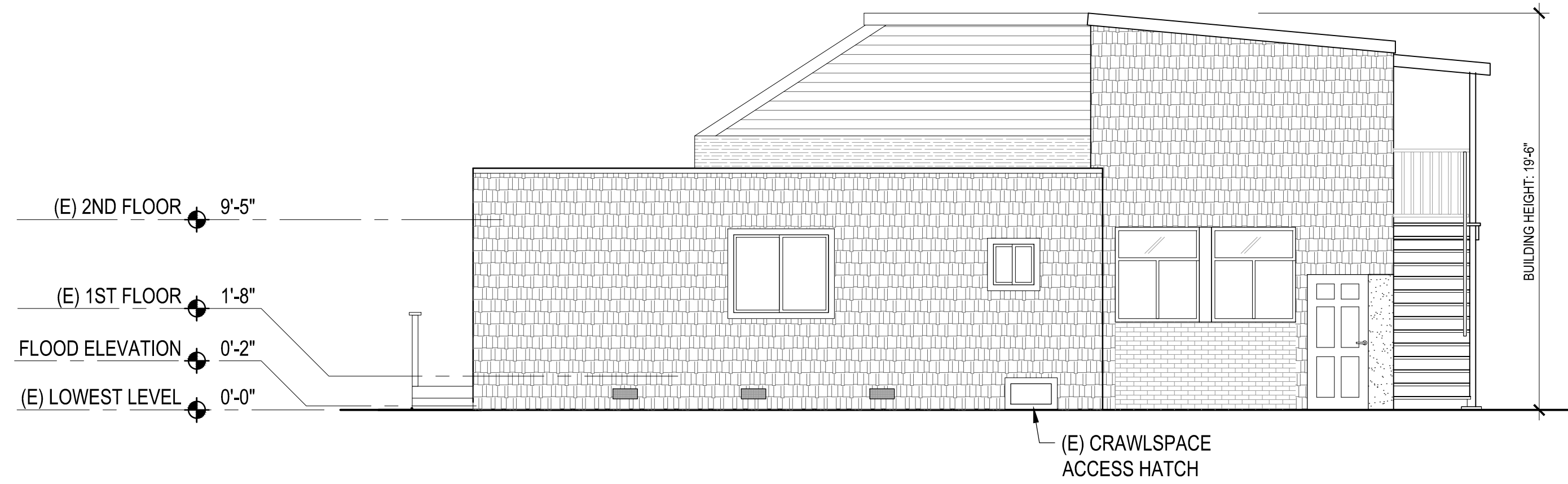


EXISTING SOUTH ELEVATION **4**
3/16" = 1'-0"

MATERIAL LEGEND

	CEDAR SHAKES
	FIBER CEMENT SIDING
	ROOFING, COMPOSITE SHINGLE OR OTHER
	BRICK
	STUCCO
	CONCRETE

1 EXISTING FRONT ELEVATION
3/16" = 1'-0"



EXISTING NORTH ELEVATION **2**
3/16" = 1'-0"

ARCHITECT'S STAMP



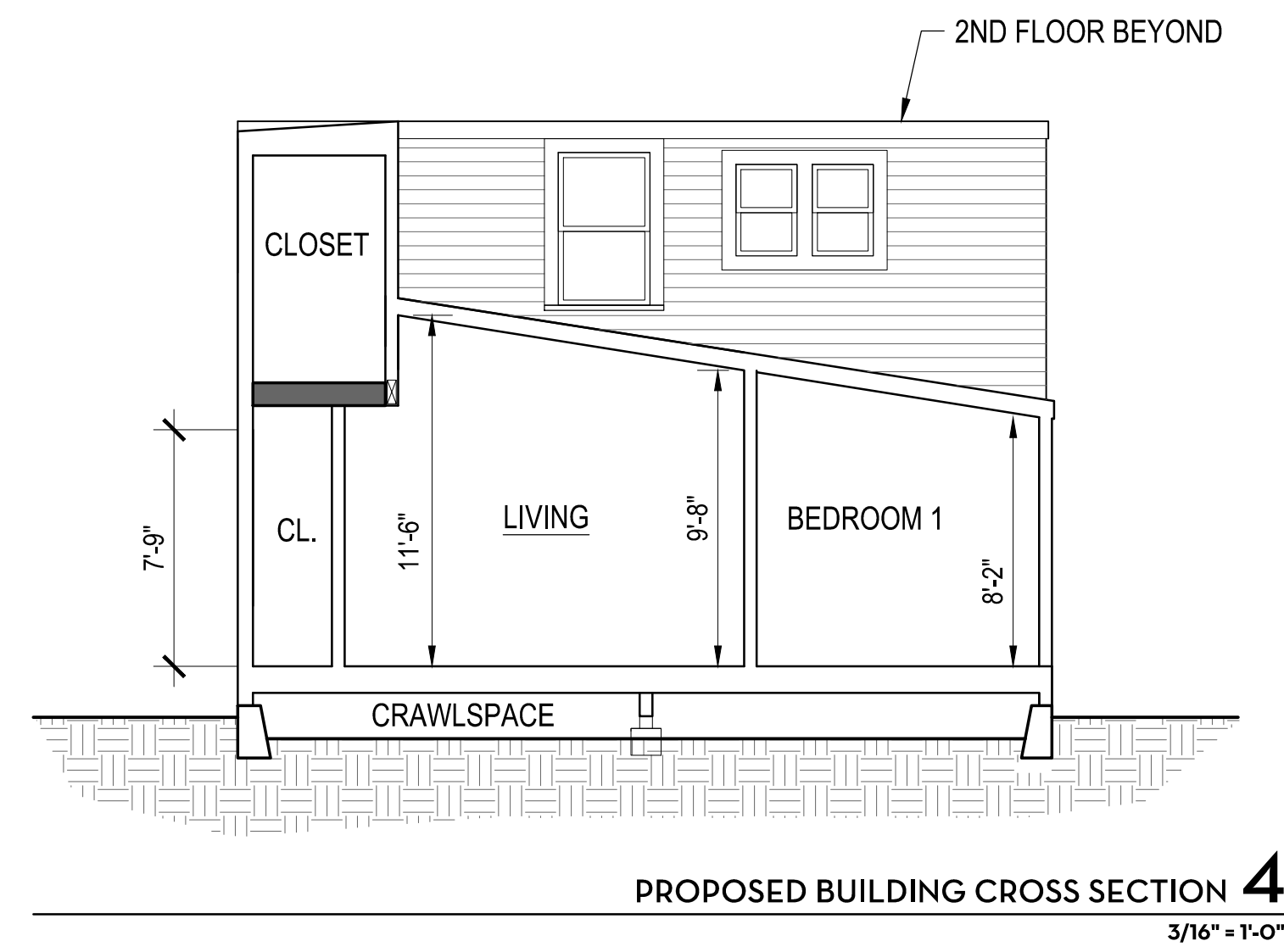
PROJECT

IMPROVEMENTS TO
60 DOMINGA AVE.
FAIRFAX, CA 94930
ASSESSOR'S PARCEL #: 002-122-14

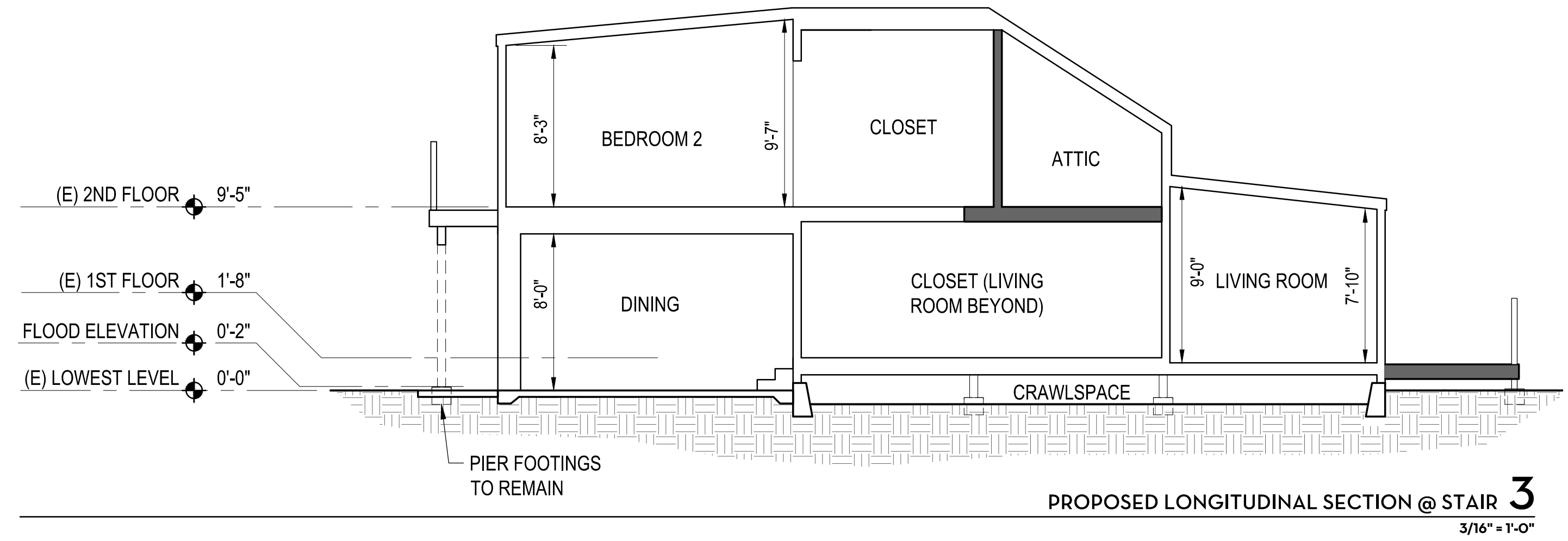
ISSUE DATE
PLANNING SUBMITTAL 12/14/23

TITLE SHEET NUMBER
BUILDING SECTIONS

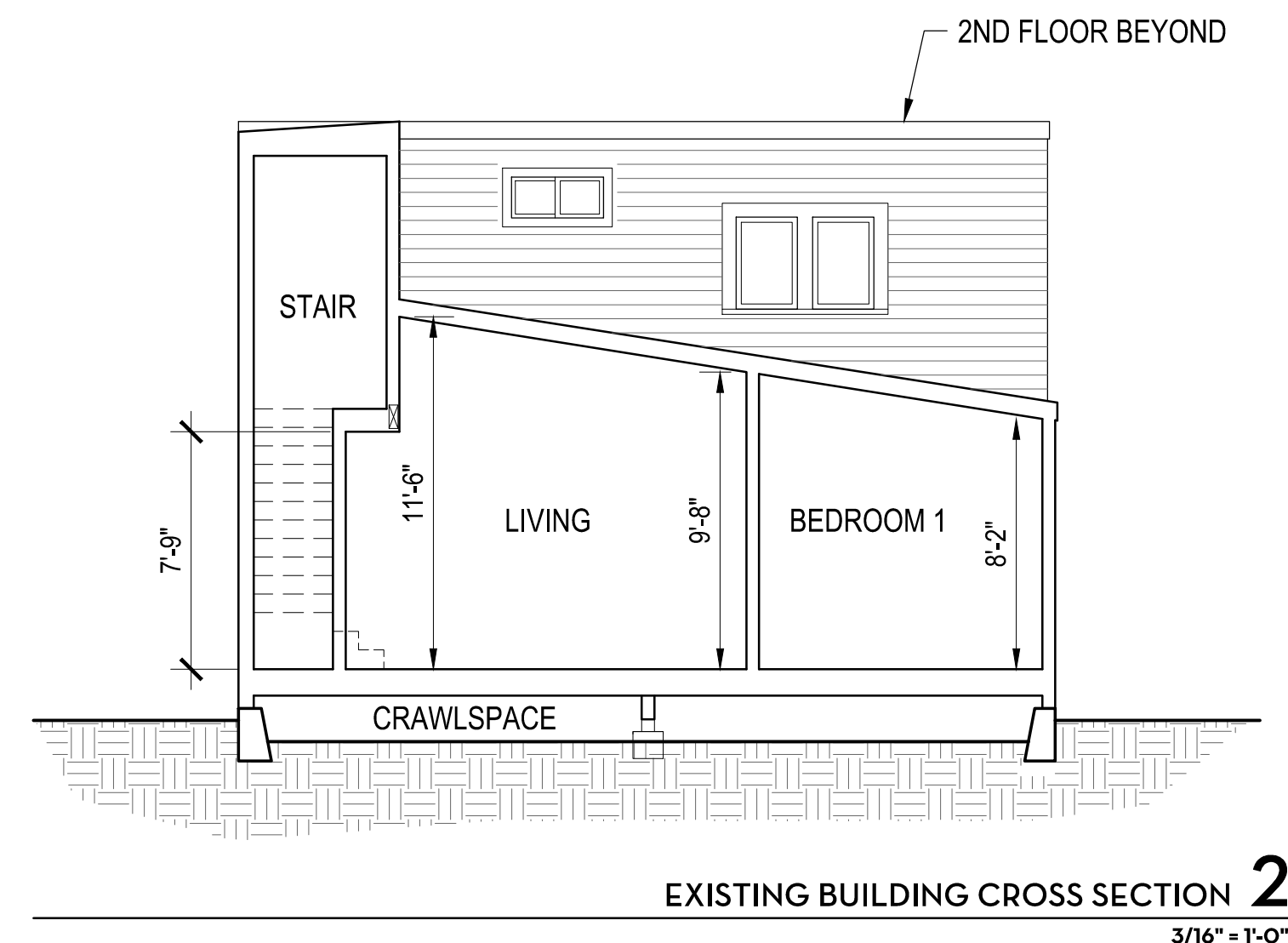
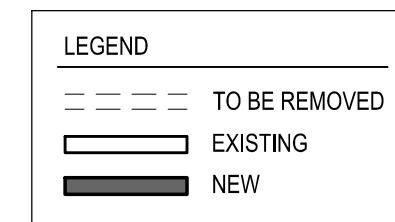
A3.2



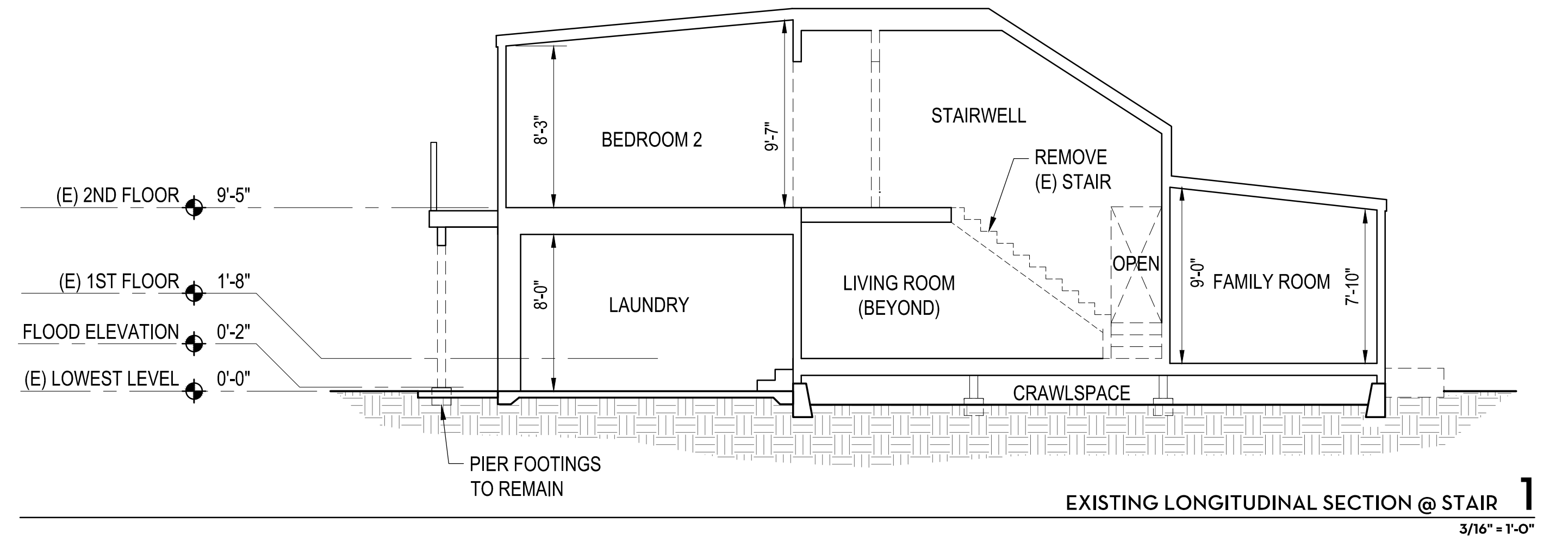
PROPOSED BUILDING CROSS SECTION **4**
3/16" = 1'-0"



PROPOSED LONGITUDINAL SECTION @ STAIR **3**
3/16" = 1'-0"



EXISTING BUILDING CROSS SECTION **2**
3/16" = 1'-0"



EXISTING LONGITUDINAL SECTION @ STAIR **1**
3/16" = 1'-0"

Color Board – 60 Dominga Avenue



62 Dominga Avenue



60 Dominga Avenue



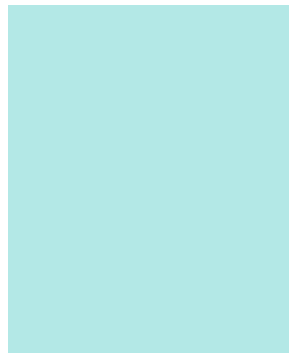
56 Dominga Avenue



front



side



Siding, Shingles, Stucco
 Custom color to match
 existing
 Light Blue
 Low Lustre



Window Trim, Doors,
 Door Trim, Roof
 Flashing, Deck Skirting
 Benjamin Moore
 2136-50
 Colorado Gray
 Soft Gloss



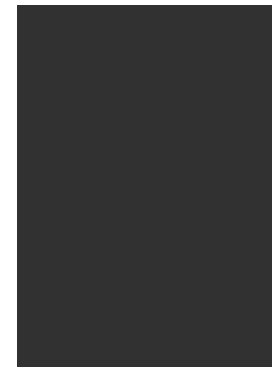
Window Frames
 Milgard
 Fiberglass
 Frost



Awning
 Sunbrella
 Silica Stone



Front Deck, Stairs
 TimberTech
 PVC
 Coastline



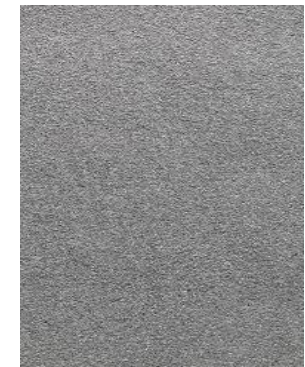
Front Deck Railing
 TimberTech
 Aluminum
 Black



Back Stairs and Deck
 Cabot
 Semi-Solid Stain
 Slate Gray

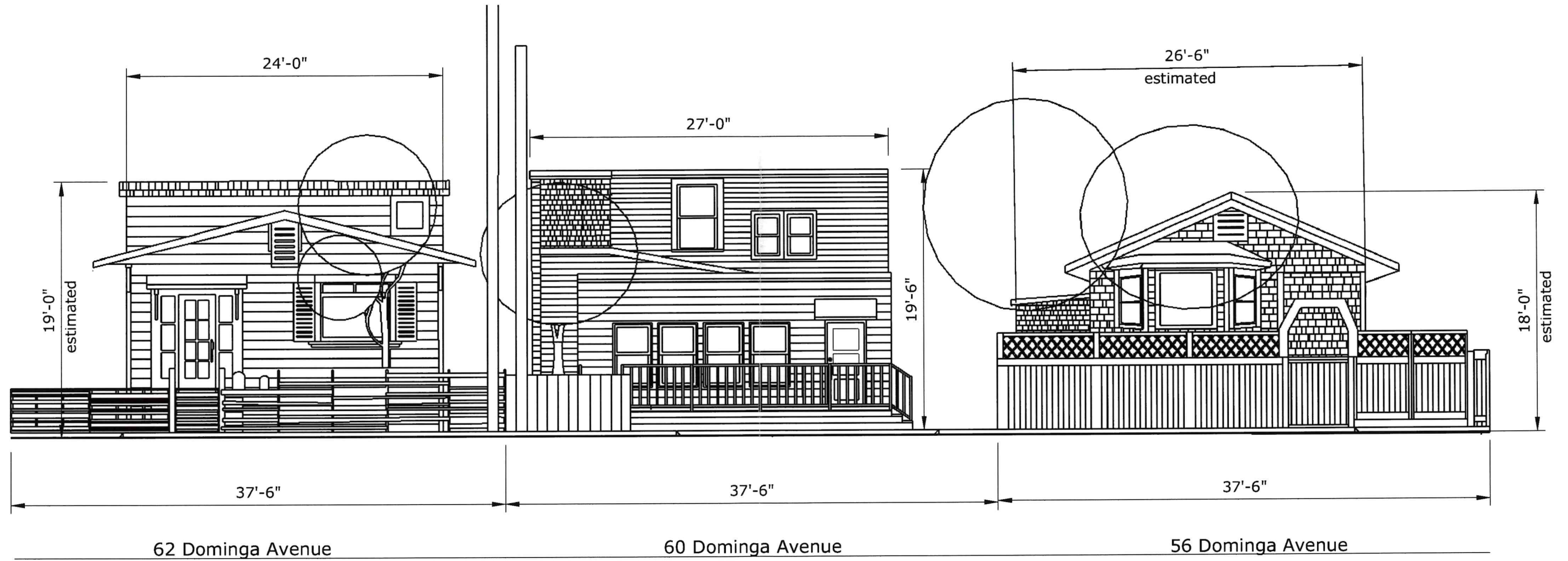


Roof with Slope 7:12
 Existing
 Asphalt Shingles
 Medium Brown



Roof with Slope <=2:12
 Existing
 Rolled Asphalt
 Light Gray

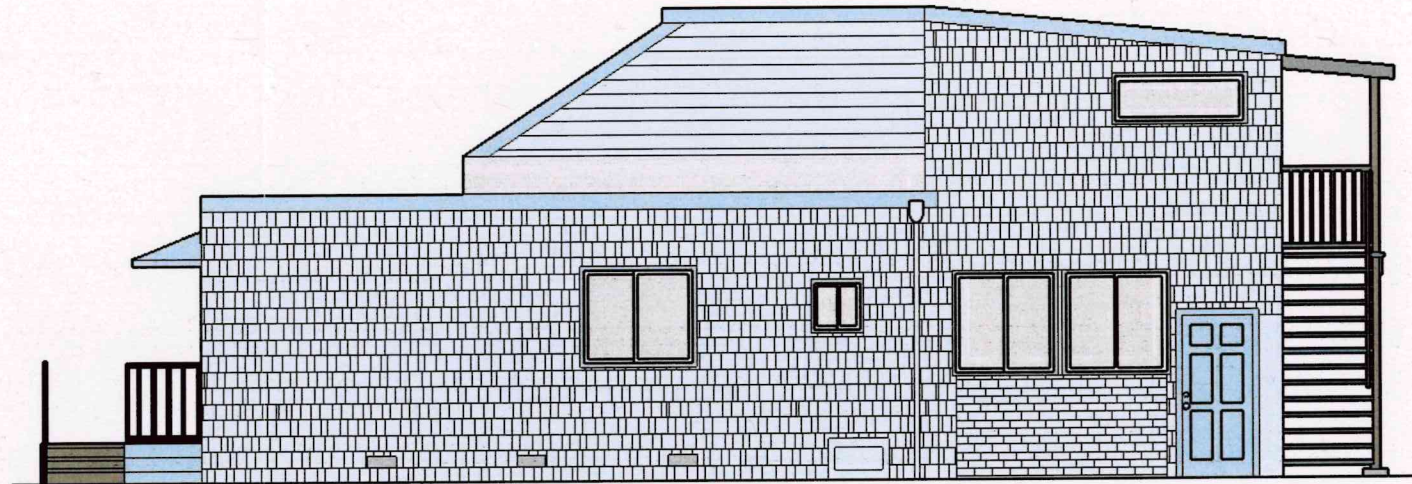
Neighborhood Context - 60 Dominga Avenue



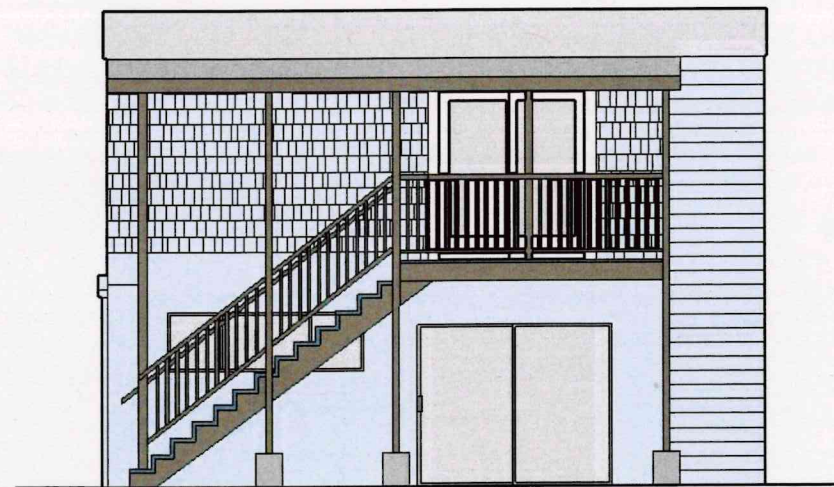
Color Rendering - 60 Dominga Avenue



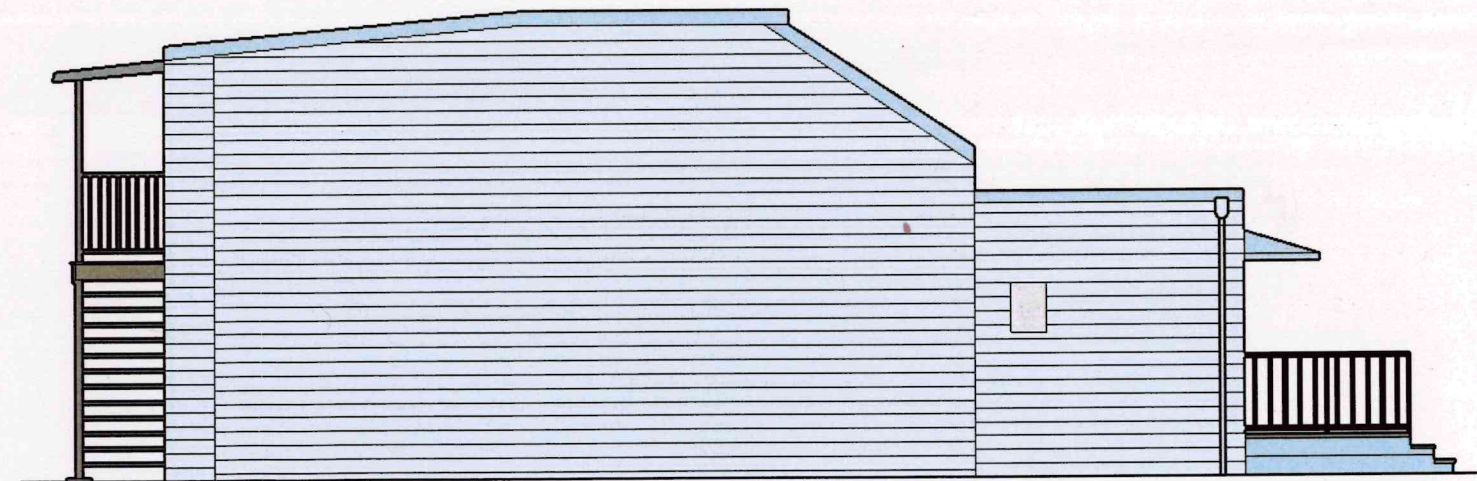
East



North



West



South