



## BACKGROUND

The project site is 27,859 square feet in area and steeply sloped at 38-percent. The site is located within the Residential RS 6 Zone. The site is developed with a 2,059-square-foot single-family residence constructed in 1948 that contains 3 bedrooms and 2 bathrooms and a 451-square-foot attached garage.

## REQUIRED DISCRETIONARY APPROVALS

The proposed project would involve converting a 119-square-foot portion of the existing garage to an entryway with a new exterior door and mudroom. In addition, the first and second floor bathrooms would be renovated, a closet would be relocated in the first floor bedroom, a total of two (2) new windows would be added, one on the west and one on the north side(s) of the building and a new utility sink would be added in the laundry area.

The following discretionary approval from the Planning Commission is required:

*Conditional Use Permit.* Town Code Section 17.080.050 requires that a Conditional Use Permit be obtained prior to any expansion/modification of a property or residence on a parcel that does not meet the minimum size and width requirements based on the slope of the site. The project site has a slope of 38-percent, therefore the Town Code requires a minimum area of 30,000 square feet and a minimum width of 134 feet. The site area is 27,859 square feet and the minimum width is 65 feet, therefore the project requires the approval of a Use Permit by the Planning Commission.

## DISCUSSION

The following requirements apply to the RS 6 Zone:

	Front Setback (ft)	Rear Setback (ft)	Combined Front/rear Setback (ft)	Side Setbacks (ft)	Combined Side Setbacks (ft)	FAR	Lot Coverage	Height
Required/ Permitted	6	12	35	5/5	20	.40	.35	28 ft, 3 stories
Existing	20	74	94	30/16	46	.07	.06	21.9 ft, 2 stories
Proposed	No change	No change	No change	No change	No change	.08	No change	No change

## CONDITIONAL USE PERMIT

In order to approve a Use Permit for the project, the Commission must make the following findings (Town Code Section 17.032.060): (1) granting of the approval would

not constitute a “special privilege” nor contravene the doctrines of equity and equal treatment; (2) the project would not create a public nuisance, cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects or create undue or excessive burdens in the use or enjoyment of the property; (3) approval of the project is in keeping with the objectives, goals or standards set forth in the Town of Fairfax General Plan; and (4) approval of the project would 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 and enhancement of the community.

Conversion of 119 square feet of the garage into livable space would result in a 2,178-square-foot residence. The resulting square footage of the residence is in keeping with other properties in the immediate vicinity including 20 Meadow Way containing a 3 bedroom, 2 bathroom, 1,873-square-foot residence on a 11,700-square-foot lot, 56 Meadow Way containing a 4 bedroom, 2 bathroom, 1,818-square-foot residence on a 14,960-square-foot lot and 18 Meadow Way containing a 1,980-square-foot, 4 bedroom, 3 bathroom residence on a 15,300-square-foot lot. The conversion of the garage space into living area would improve the circulation of the home and would maintain area in the garage for parking of one vehicle. Because the project would maintain parking on site and would be contained within the footprint of the existing structure, the project would not create a public nuisance or cause unreasonable detriment to adjoining properties, would be consistent with the Town’s General Plan and would result in better development of the site. Therefore, the project would be consistent with the findings required by Town Code Section 17.032.060, above.

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

#### **Ross Valley Fire Department (RVFD)**

1. Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth.
2. 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 sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.
3. Carbon monoxide alarms shall be provided in existing dwelling when a permit is required for alterations, repairs, etc., that exceed \$1,000. CO alarms shall be located outside of all sleeping areas and on every level of the dwelling including the basement.
4. Address numbers at least 4” tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed next to a light or be

reflective numbers. If the project is a new house or a substantial remodel, they may only be internally illuminated or illuminated by an adjacent light controlled by a photocell and switched on only by a breaker so it will remain illuminated all night. If not currently as described, the numbers must be installed as described as part of this project.

**The Marin Municipal Water District (MMWD) Ross Valley Sanitary District and the Fairfax Police, Public Works and Building Departments**

The MMWD, Ross Valley Sanitary District, Ross Valley Fire Department, and the Fairfax Police, Public Works and Building Department(s) did not provide conditions of approval or comments on the project.

**RECOMMENDATION**

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve Application No. 17-25 by adopting Resolution No. 17-23, setting forth the findings and conditions for project approval.

**ATTACHMENTS**

Attachment A – Resolution No. 17-23

## RESOLUTION NO. 17-23

### **A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit to Convert a Portion of Garage into Entry/Mudroom at 52 Meadow Way**

**WHEREAS**, the Town of Fairfax has received an application to convert a 119-square-foot portion of a garage to living space (e.g., entry and mudroom), renovate two bathrooms and add new windows and doors at 52 Meadow Way.

**WHEREAS**, the Planning Commission held a duly noticed meeting on June 29, 2017, at which time the Planning Commission determined that the proposed project, as long as the conditions of approval contained within this resolution are met, conforms with the Fairfax General Plan and 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 proposed residence conforms to the regulations set forth in the Residential Single-family RS 6 Zone District.
2. The modest increase in square footage that will result with the project is in keeping with the residential character of the neighborhood and will not be out of scale with other residences in the immediate vicinity. The project will improve circulation and utility of the residence, while maintaining parking for one vehicle in the garage. Therefore, the approval of the project shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment, and will not result in excessive hardship for the owners.
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 area.
4. The development and use of property as approved herein 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 project approvals.
5. The approval as conditioned herein will not be 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.
6. Approval of the project will result in equal or better development of the premises

than would otherwise be the case and is in compliance with the Fairfax General Plan, Zoning Ordinance, accepted engineering techniques and the Uniform Building Code.

**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 prepared by Millar Architecture, entitled, "Knowles Residence", Sheets 1 through 4, dated April 12, 2017, and received on April 24, 2017.
2. Secure written approval from the Ross Valley Fire Department, Marin Municipal Water District and the Ross Valley Sanitary District noting that the development conforms with all of their recommendations and conditions.
3. All construction-related vehicles including equipment delivery, supply delivery and cement trucks, as well as all construction material 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.
4. 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.
5. The following Best Management Practices shall be employed:
  - a. The roadways shall be kept free of dust, gravel and other construction materials by sweeping these areas, daily, if necessary.
  - b. Every effort shall be made to minimize the disturbance of dust, sand or other particulate matter during construction.
6. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application No. 17-25. Any construction based on job plans that have been altered without the benefit of an approved modification of Application No. 17-25 will result in the job being immediately stopped and red tagged.
7. Any damages to Meadow Way or other public roadways used to access the site resulting from construction activities shall be the responsibility of the property owner.
8. 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, Design Review Board 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.

9. 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 following: Noise Control, 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.

10. The applicant shall comply with any and all the conditions of the Marin Municipal Water District, Ross Valley Sanitary District, Ross Valley Fire Department, Fairfax Public Works Department and Fairfax Building Department. Other agency conditions can be waived by those agencies in writing to the Town Building Department.

11. Other agency/department conditions can be waived by that agency/department in writing to the Fairfax Planning and Building Services Department.

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

#### **Ross Valley Fire Department (RVFD)**

1. Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth.
2. 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 sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.

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**The Marin Municipal Water District (MMWD) Ross Valley Sanitary District and the Fairfax Police, Public Works and Building Departments**

The MMWD, Ross Valley Sanitary District, and the Fairfax Police, Public Works and Building Department(s) did not provide conditions of approval or comments on the project.

**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 and Variance are 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 29<sup>th</sup> day of June, 2017, by the following vote:

AYES:  
NOES:  
ABSTAIN:

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Acting Chair, Mimi Newton

Attest:

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Linda Neal, Principle Planner