




# TOWN OF FAIRFAX

## STAFF REPORT

### November 4, 2015

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager   
Jim Moore, Director of Planning and Building Services

**SUBJECT:** Appeal of Planning Commission action approving a Use Permit for a detached accessory structure at 15 Scenic Road to be improved as living space with a half bathroom

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#### RECOMMENDATION

1. Open/close Public Hearing.
2. Deny the appeal and uphold the decision of the Planning Commission or continue the matter to the December 2, 2015 meeting and direct staff to prepare a resolution for approval of the appeal including making the appropriate findings.

#### BACKGROUND

Town records and the County's Tax Assessor's records indicate that the primary structure at 15 Scenic Road was constructed in 1907 and that at some point in time there was a single-car garage – which is no longer there.

On February 7, 2014 a Residential Re-Sale Inspection Report on 15 Scenic Road was completed by Town staff for the previous owner. The Re-Sale Inspection revealed that there was:

- (a) An unpermitted (e.g., illegal) second unit with a private bath and kitchen improvements within the main structure - walled-off from the rest of the house; and
- (b) That sub-standard attic space was being used as living space with a non-code compliant ladder.

The Report stipulated that (per code) ***“All kitchen improvements must be removed and the kitchen supply lines must be removed back to their point of origin. Attic may not be used for living space/ladder to space is not code compliant”***. On May 12, 2014 the Town's Building Official signed notes on the original Report saying that the illegal second unit had been “abated” by the removal of the kitchen improvements – and that the attic space was no longer being used as living space. The property was subsequently sold on May 14, 2014 to the current owners.

In October of 2014 Town staff received a code violation complaint alleging that a neighbor had ***“noticed many workers installing plumbing and building units at 15 Scenic Road for rentals. Please take a look as parking is not ample on this road”***. The property was then inspected by Town staff on November 8, 2014 revealing that:

- (1) An accessory structure at the rear of the property was being improved as living space; and
- (2) A portion of the main house that had previously been an unpermitted second unit was still walled-off from the rest of the house - although it contained no kitchen improvements (e.g., only a bedroom and bathroom – with an outside entrance).

Staff then advised the new owners that retention of the accessory structure as either a detached second unit or a bedroom as ancillary living space to the main house - would require a Use Permit. The new owners then determined that the utility hook-up fees for sewer and water utility services were prohibitively expensive and

decided to only apply for a Use Permit from the Planning Commission to legitimate the accessory structure as “ancillary living space” to the main house.

On August 20, 2015 the Planning Commission held a duly noticed public hearing on a request from the owners for a Use Permit to convert the existing “storage building” into a 297 square foot guest bedroom with a full bathroom without kitchen facilities, and a Variance to expand the onsite parking within the side-yard setback thereby providing one additional parking space for a total of three (3) spaces. At that meeting the Planning Commission approved the Use Permit with the following conditions:

- (A) The applicant sign a “deed restriction” stating that the accessory structure will not be used as a second unit; and
- (B) That there could be only a half bath in the accessory structure – to further insure that the ancillary living space would not be used as a stand-alone second unit or for short term rentals (e.g., Airbnb).

### **DISCUSSION**

The owners are now appealing the half-bath restriction on the accessory structure that the Planning Commission granted a Use Permit for as “ancillary living space” to the main structure. It should be noted that the owners can apply for a Use Permit to convert the accessory structure into a detached second unit.

There are 4 other homes in the immediate neighborhood with 4 bedrooms and 3 bathrooms and only 1 home with 5 bedrooms and 4 full bathrooms, which is what 15 Scenic will have if the Council allows them to have a full bathroom in the accessory structure. On all of these properties the bedrooms and bathrooms are contained within the dwelling (Attachment B – map and table of neighborhood homes).

One of the Commissioners noted that if the owners need another bedroom with access to a full bathroom, they can convert the bedroom in the main house that is currently used as home office back to a bedroom - and use the accessory structure as an office with a ½ bath (please see attached project plans). In the past, the Commission has approved full bath in accessory structures, but the existing homes were small homes: 2 or 3 bedrooms with 1 or 2 bathrooms, not homes with 4 bedrooms and 3 full bathrooms. One option for the Council to consider is to approve the full bath with the deed restriction.

### **FISCAL IMPACT**

No cost to the Town

### **ATTACHMENTS**

Attachment A: Appeal

Attachment B: Map showing locations of larger houses in the neighborhood and a table of neighborhood house sizes

Attachment C: Table showing accessory structures approved from 2005-2015

Attachment D: Project Plans

RECEIVED

AUG 31 2015

TOWN OF FAIRFAX



# TOWN OF FAIRFAX

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

## NOTICE OF APPEAL

### FOR STAFF USE

Date: 8-31-15 Fee: \$500.00  
Appl.# \_\_\_\_\_  
Receipt# 1-43998  
Recvd. By: S. Waters  
Action: \_\_\_\_\_

The purpose of the appeal procedure is to provide recourse in case it is alleged that there is an error in any order, requirement, permit, decision or determination by any administrative official, advisory body or commission in the administration or enforcement of the City Ordinances. Any person aggrieved by the action of any administrative official, advisory board or commission in the administration or enforcement of any ordinance in the Town Code may make verified application to the Town Clerk in the manner prescribed by the Town Council within ten (10) days of action that is appealed.

**FEE:** Fees are set by resolution of the Town Council. See fee schedule for current application fees.

### PLEASE PRINT

Appellant's name ANTHONY HOEBEL & GWEN GORDON

Mailing address 15 SCENIC RD., FAIRFAX Zip: 94930 Day phone: \_\_\_\_\_

Property Address: 15 SCENIC RD., FAIRFAX

I appeal the decision of: (list board, commission, or department and decision, for example: Planning Commission denial of variance) application # 15-27

The following are my reasons for appeal:

Planning Commission decision was not consistent with our application nor with the general plan.

hereby declare that I have read the foregoing Notice of Appeal and know the contents thereof. I further declare under penalty of perjury that the information supplied by me is true and correct.

Executed this 28 day of AUGUST, 2015

SIGNATURE OF APPELLANT: [Signature] (4/94)

To: Town Council, Town of Fairfax  
From: Gwen Gordon and Antony Hoerber  
Re: Appeal from Conditions of Use Permit for Bedroom and Bathroom at 15 Scenic Road, Fairfax

Application No.: 15-27

Council Hrg Date: November 4, 2015

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## 1. INTRODUCTION

This is an appeal from an arbitrary “no-shower” restriction on the installation of a bathroom to convert a long-existing cottage (inaccurately described in the Staff Report as a “storage shed”) into a low-income, free-standing bedroom/bath unit.

Rather than applauding the creation of decent new housing, the Planning Commission’s decision allows the installation of only a sink and toilet in the cottage, but not a shower. Without a shower, the resident of the cottage would have to carry clothing, towel and toiletries across a back yard – regardless of the weather – and shower in another building.

The message this sends to Marin’s desperate renters is: **“Unless you can afford an expensive house or apartment in Fairfax, you don’t deserve an indoor shower of your own.”**

The basis for the denial of the shower contained in the Staff Report is that including a shower would allegedly create a “special privilege” for the 15 Scenic property and that would enable the use of the cottage as a separate unit. However, at no point has the factual basis for that the “special privilege” claim been substantiated. While the Staff Report refers to other free-standing bedrooms, no addresses or other pertinent details have been provided which would permit the applicants to analyze whether those properties are similar or differ from 15 Scenic. As a consequence, the owners have been deprived of the very information needed to analyze and evaluate whether this is, in fact, a “special privilege.” Thus there are inadequate facts upon which to support the conclusion that including a shower is a “special privilege.”

Nor is there any rationale given for the claim that preventing the inclusion of a shower is necessary to prevent the cottage from being second unit. On the contrary. The definition of a second unit is entirely based on food preparation facilities – a sink and a counter outside the bathroom area (per Staff statements at the hearing.) The cottage will NOT have such an area. In essence, the planning commission over reached its scope of powers in order to prevent a cottage from providing affordable housing. Such conduct is, at minimum, a violation of the owners’ right to due process of law and is unconscionable during a crisis in affordable housing.

The decision to deny a shower is not only morally offensive in a time when low income housing is virtually unobtainable in Marin County, it is also a violation of both the spirit and the letter of

Fairfax's own stated housing goals as well as the housing goals of the State of California. From a legal point of view, there is no rational basis for the denial of the shower based on the existing properties in the neighborhood as identified by the Staff Report.

## 2. THE SCOPE OF THE COUNCIL'S DISCRETION

This Council alone has the authority to bring some common sense into the application of the Town Code to this case. The standard the Council is to apply to its analysis of this appeal is set forth in Fairfax Town Code § 17.036.060, which states that the Council has the discretion and authority to:

**"...reverse or modify the action appealed as it deems just and equitable."** (Emphasis added.)

As will be set forth below, the denial of the shower is neither just not equitable. As a matter of law, there is simply no rational basis for denying the inclusion of a shower under these circumstances.

## 3. FACTS

### A. Full Use of the Main House

The house at 15 Scenic is one of the oldest in Fairfax, having been built around 1907. The property consists of one of the larger lots in the "flats" near Azalea Avenue, consisting of 7,600 square feet.<sup>1</sup> The main house has 4 bedrooms and 3 baths. Far from being "mini mansion", this is a modest home in which all of the rooms are in full use.

Due to the configuration of the house, one bedroom and bath is semi-segregated from the rest of the residence in a small "wing", allowing for privacy of all residents. The bedroom and bath wing is currently occupied by a friend of the owners, thus contributing to affordable housing in Fairfax.

One of the owners is self-employed and has an office at home. The other owner frequently telecommutes because his work is located in Sunnyvale and he wishes to avoid the time, expense and carbon footprint of commuting daily. The master bedroom and bath are upstairs and occupied by the owners. Thus all four of the bedrooms in the main house are in daily use as either bedrooms or offices.

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<sup>1</sup> In contrast, for example, the property next door at 9 Scenic has a 2 bedroom two bath house plus a free standing studio bedroom unit of 400 square feet with a full bath but the lot is almost half the size of 15 Scenic, consisting of less than 4,000 square feet.

A small sunroom off the living/dining area leads directly into the backyard. It cannot be used as a bedroom or office because it is a public room and the washer and dryer are located in it as well as a small utility closet filled with the hot water heater. It does not have a clothes closet nor any place to put one.

Thus, there is no “luxury space” of wasted, unused footage in the house – it is at maximum use by three adults.

Attached is a diagram of the first floor of the main house.[EXHIBIT 1.]

#### B. The Cottage and Its Amenities

The cottage is not a “storage shed” as the Staff Report inaccurately denominates it. It is a full and complete building with front porch, hardwood Douglas Fir floors, windows and a sky light. It consists of 220 square feet and has been on the property for many years. The previous owner variously used the cottage as an art studio and a dance studio. Attached are photographs of the cottage unit. [EXHIBIT 2]

The cottage is, in fact, at least twice the size of three of the bedrooms in the main house. It is, in fact, nearly as large as the main house living room/dining area. As such, the cottage is particularly well suited to conversion to a bedroom/bathroom unit. The owners eventually hope to install a kitchen and legalize the cottage as a second living unit, a plan which both the Staff and the Planning Commission commended.

#### C. Application and Planning Commission Hearing

For financial and other reasons, the owners are attempting to create a free-standing bedroom/bathroom within the existing cottage structure, which will provide an affordable housing unit in Fairfax. According to current online data, the current rental vacancy rate is an extremely low 3.24% (versus 12% nation-wide), and most apartments rents are \$2,000 + a month. Even studio unit in rentals (if one can find them) demand almost \$1,200. [See EXHIBITS 3 and 4]

The Application requested a variance for parking, which was granted due to the configuration of the property. The Planning Commission did not require moving the driveway gate as the Staff Report had recommended. However, the Planning Commission denied the inclusion of a shower in the planned bathroom.

In reaching that decision the Commission voiced issues that were both irrelevant and beyond the scope of their authority. These included inquiring of Staff about an *outside* shower; wanting to “connect” the cottage to the main house; and telling the owners that they should re-arrange their chosen living arrangements by moving one office to the cottage and renting a room directly below their master bedroom. This last suggestion was repeated many times and considered a strong basis for the decision not to allow the full bathroom in the cottage.

At the Planning Commission hearing, at least six current neighbors voiced their approval for the owners' plans. Not one neighbor showed up to oppose it.

The owners hired an architect, Fairfax resident Jay Sherlock, to do the plans, have applied for the necessary permits, have included an additional parking spaces. In short, they have been responsible and diligent in following all of the rules. In fact, the owners have gone beyond what was required for the project, by including in their proposal 2 off-street parking spaces, where only 1 additional space is required. Now they find themselves having to expend further time and money to make sure the unit is rentable by providing a shower. Prior to learning that the cottage was not considered a legal habitable structure, the owners rented the cottage briefly, and from that experience the owners learned that tenants were not comfortable crossing the yard to use the bathroom and shower in the main house. Thus, to prevent the construction of a full bath would effectively also prevent the owners from finding a suitable tenant for the cottage.

The permit approved by the Planning Commission not only denied the shower, it also demands that a deed restriction be recorded against the property. The purpose of this additional step is not explained. It is neither necessary or rational.

#### **4. ISSUE ON APPEAL - CONTRARY TO THE STAFF REPORT, THE ADDITION OF A SHOWER IS NOT A "SPECIAL PRIVILEGE"**

There is only one issue on appeal: Whether the free-standing cottage bedroom having a bathroom with a shower constitutes a "Special Privilege" for the property.<sup>2</sup>

That is all this appeal is about: a shower being a "special privilege." Apparently bathing is now a "Special Privilege" for some people in Marin.

The Staff Report admits the following:

- That there are other 5/4 properties in Fairfax
- There is a 5/4 property literally "around the corner" from 15 Scenic
- The town has granted permits for free-standing bedrooms with bathrooms in Fairfax
- There will be adequate parking – in fact, triple the current onsite parking

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<sup>2</sup> The Staff Report states that four findings must be made by the Planning Commission in order to issue the conditional use permit, citing only Fairfax Zoning Code §17.084.040(B) and (C) and 17.080.030(I). The requirement for such findings are not set forth in those sections and applicants have been unable to locate any authority in the Code for requiring those four findings. As will be set forth below, there was no dispute that this project meets the other three findings.

If Fairfax allows 5/4 houses and free standing bedroom/baths, then there is no logical, practical or legal difference between a 5/4 property under one roof and a 5/4 property under two roofs. There is no legitimate government purpose served by the distinction. Except, perhaps, to prevent anyone other than an affluent person from moving into the neighborhood and/or to DISCOURAGE home owners from providing a private, secure, low-income room. There is simple no other explanation, and the latter is in violation of the clear directives of both State law and the Fairfax Housing plan.

It is also important to make clear what issues are NOT in play in this application and appeal:

**A. No issue with parking:**

The usual and ubiquitous parking issues are NOT present in this matter: The property currently has only ONE off-street parking spot (not two as stated in the Staff Report.) As part of the use permit, the owners have planned – and the Planning Commission has approved - the creation of two new additional parking spaces. Accordingly, once the work is complete, 15 Scenic will have THREE off-street parking spaces. At the Planning Commission hearing more than one neighbor expressed their delight at the increase in parking. Other than the tandem parking restriction, the parking is, in fact, adequate for having a both house and studio unit on the property per Fairfax Code 17.052<sup>3</sup>.

**B. No issue with this being a second unit:**

At the Planning Commission hearing it was repeatedly discussed that eventually this unit would become a second unit. The only reason why the cottage is not being legalized as a full unit at this time is because of the additional non-tandem parking space that would be required and the substantial utility fees that would be required by PG&E and the water district.<sup>4</sup>

In fact, when the deed restriction proposed in the Staff Report was discussed, the Planning Commission and Staff claimed that any such restriction could be easily removed by applying for a second unit. Why the owners should have to go through the additional – and perhaps costly – step of removing what is essentially a cloud on their property, was not explained.

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<sup>3</sup> For the Council's convenience, a copy of the Town of Fairfax Zoning Requirement – Single Family and Duplex Zones – a summary - is attached as **EXHIBIT 5.**] The Parking Requirement is at the bottom of the page. 15 Scenic has two on street parking spaces in front of it.

<sup>4</sup> Note that while the cottage tenant will have to use the kitchen in the house for cooking, communal *cooking* and communal *bathing* cannot be compared: Cooking is communal. Bathing is – or should be – private.



**C. No issue with the number of bedrooms and bathrooms:**

The Staff Report notes that by having a bathroom in the cottage, the property will now have 5 bedrooms and 4 baths, *just as other properties in Fairfax*, including a property directly around the corner on Azalea. (Staff Report, p. 3, bottom paragraph.) In addition to the 5/4 house on the corner, there are numerous other houses of that size in Fairfax. Those sold in the last few years include:

125 Porteous Ave. – 6 bedrooms, 4 baths  
300 Bolinas Rd. – 5 bedrooms, 5 baths  
166 Meernaa Ave. – 7 bedrooms, 4 baths  
90 Bosque Ave. – 5 bedrooms, 4 baths  
50 Bay Rd. – 5 bedrooms, 4 baths

The only difference is that 15 Scenic would have 5 bedrooms and 4 bathrooms under TWO roofs, while the other – presumably more costly – homes have 5 bedrooms and 4 bathrooms under ONE roof. There has been no explanation given for why it makes any difference whether the bedrooms are in under one or two roofs.

In addition, the Staff Report fails to provide 1) the addresses of the other detached bedroom/bathroom units, 2) the square footage of the lots, 3) the square footage of the main houses, or 4) when the units were approved. The latter is significant since they may have been approved before the 2006 Housing Element's expressed need for affordable housing was considered.

**D. No issue with a free standing bedroom/bathroom**

The Staff Report freely acknowledges that there are a number of free-standing bedroom/bathroom in Fairfax of the kind the owners of 15 Scenic are seeking (Staff Report, page 2, bottom paragraph.) The "distinction" is that (allegedly) "most" of the homes where that has been permitted is for 2 bedroom/2 bath homes. The Report then deems it a "Special Privilege" to allow a free-standing bedroom/bath for a larger home.

Thus, once again, a 5/4 property under one roof is deemed acceptable, whereas a 5/4 property under two roofs is deemed unacceptable. The rationale behind this distinction without a difference is neither explained nor supported by any facts or law.

**E. No issue with this being a duplex**

Prior to the start of the Planning Commission hearing on this matter, the Staff had a colloquy with the Commission regarding duplex units. The Staff explained that currently there is no definition of a "duplex" in the Fairfax Code and that thus, there was nothing stopping a duplex from being in *two buildings*."

The staff, however, did not consider that if a duplex could be in two buildings, why that didn't apply to the 15 Scenic property.

Under current zoning, apparently the owners could have two 3-bedroom/2 bath duplexes on the property. If a property could have a 6 bedroom/4 bath duplex, then what is the rationale for denying a permit for a 5 bedroom/4 bath "duplex"? There is simply no rational basis in fact or law for this artificial distinction.

**F. No issue of excessive or unreasonable use – Staff Report finding #2.**

As referenced above, the Staff Report enumerates 4 findings that need to be made in order to permit the bathroom. The first required finding was the incorrect analysis of "special privilege." However, there was no dispute that the Application met the three other required finding. The second required finding is that the use permit "shall not cause excessive or unreasonable detriment to adjoining properties" or "cause adverse physical or economic effects." (Staff Report, page 3, paragraph 1.)

The Staff Report thus acknowledges that there are no issues with any of these requirements for a conditional use permit, and that these requirements are in fact met. Thus, there is no issue regarding either the use or configuration on the property, with or without a shower. It will not consist of an excessive use of the property. It will not harm others. It will not burden other properties. It will not have any adverse economic or physical effects. All denying the shower will do is make the cottage less convenient and livable as affordable housing.

**G. No issue that contrary to Master Plan – Staff Report finding #3**

Finding number 3 is that that use permit is "not contrary to those objectives, goals or standards ... contained in the Master Plan, or other plan or policy, officially adopted by the City." Ironically, the proposed bathroom is not only "not contrary" to the town's goals. It *supports* those goals by creating affordable housing.

**H. No issue regarding whether the Permit is in the public interest**

Finding number 4 is that "approval of the use permit will result in equal or better development of the premises" and that such approval is "in the public interest." There is no dispute that the cottage bathroom meets these criteria.

**I. No Neighborhood Objection**

As required by the use permit process, the applicants have provided notice of their intentions to the dozens of properties in the neighborhood. Despite this fact not one neighbor appeared to object to the project. Given that fact, it is somewhat disturbing that there was mention more than once of vague "objections" from neighbors. (See hearing tape e.g. at 2:26:44; 2:38:24; 2:44:26; 2:48:27.) While the Chair correctly stated that if the neighbors objected they

would need to appear, the fact that these unvoiced “objections” were presented to and it may have been given weight in the final vote of Commission.

The facts set forth in the Staff Report provide ample evidence that what the owners are seeking not only comports with the zoning ordinance, but that Fairfax’s own Housing Element mitigates overwhelmingly in favor of allowing a full bathroom in the cottage. Rather than being a “Special Privilege”, *this is exactly the kind of affordable, low-impact housing Fairfax claims to want.*

5. **FAIRFAX’S HOUSING ELEMENT ENCOURAGES THE INCREASE IN “THE STOCK OF LEGAL AND AFFORDABLE HOUSING UNDER STATE LAW**

The housing goals of the town are succinctly set forth in Ordinance No. 721, regarding the Second Unit Amnesty of 2007<sup>5</sup>:

“WHEREAS, the Town of Fairfax, Fairfax Housing Element adopted June 7, 2006, includes as a goal **encouraging residential second units in all residential neighborhoods as a way to meet the Town’s required housing needs;** and

“WHEREAS, establishing a Second Unit Amnesty Program is intended to a ensure that existing residential second units are safe and habitable; b) Implement the Fairfax Housing Element; c) **assist in meeting the Town’s housing needs by increasing the stock of legal and affordable housing;** and d) **encourage the development and permitting of residential second units** by reducing second unit permit fees for the duration of the [Program]...[Emphasis added.]

Thus, while the Town Code purports to *encourage* affordable housing with second units, the town has just done its best to *discourage* an even less intrusive form of house – a free-standing bedroom with full bath. Apparently it is the town’s position that allowing a low income tenant to shower in the privacy of their own bedroom is somehow different than “increasing the stock of legal and affordable housing.” No rational argument can be made for this distinction.

Although the owners are not seeking to create a second unit at this time, California law on second units is germane to this issue since affordable housing is an important and serious policy issue in California as a whole. Accordingly, the State has used both carrots and sticks to see that cities don’t insulate themselves and avoid their responsibility to provide adequate housing. The Legislative intent was quoted at some length in Sounhein v. City of San Dimas, 47 Cal. App. 4th 1181, 1188-89 (1996):

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<sup>5</sup> The Ordinance was part of an amnesty to legalize second units, including relief from the town’s sprinkler requirement. However, the goals of the town are clearly stated in it.

“We consider the legislative intent of [Government Code] section 65852.2. “More than a decade ago the state Legislature declared the supply of **housing in California was insufficient to meet demand and the imbalance was likely to become worse in the foreseeable future.**

“In adopting section 65852.2, the Legislature expressly declared its intent: “(a) The Legislature finds and declares that there is a **tremendous unmet need for new housing to shelter California's population.** The unmet housing needs will be further aggravated by the severe cutbacks in federal housing programs. [P] (b) The Legislature finds and declares that **California's existing housing resources are vastly underutilized due in large part to the changes in social patterns.** The improved utilization of this state's existing housing resources offers an **innovative and cost-effective solution to California's housing crisis.** [P] (c) The Legislature finds and declares that the state has a role in increasing the utilization of California's housing resources and in reducing the barriers to the provision of affordable housing. [P] (d) **The Legislature finds and declares that there are many benefits associated with the creation of second-family residential units on existing single-family lots, which include:** [P] (1) Providing a cost-effective means of serving development through the use of existing infrastructures, as contrasted to requiring the construction of new costly infrastructures to serve development in undeveloped areas. [P] (2) **Providing relatively affordable housing for low and moderate-income households without public subsidy.”**

Thus the declared intent of the State of California is to promote “innovative and cost-effective solutions to California’s’ housing crisis”, i.e. to provide decent housing for more California citizens – not to haggle over whether a low income person is entitled to a shower.

#### **6. PERMITTING A SHOWER IN THE COTTAGE WILL NOT SET A PRECEDENT FOR LEGALIZATION OF “SHEDS”**

The Planning Commission seems to consider that granting the permit for a shower in this instance would set a precedent for allowing showers in every crumbling shed in the neighborhood. This is unsupported and unsupportable. The building at issue is a long-standing, well appointed COTTAGE. It is not a “shed.” It is not an “out building.” It is not a “garage.” For years the late previous owner it as both an art cottage and a dance cottage. Its amenities include:

- A front porch
- Large, solid framed French doors
- Stained and polished Douglas Fir floors
- Several large windows
- Skylight
- Track lights and multiple outlets

It is highly unlikely that many – if any – other properties in the neighborhood have an accessory building of this character. However, even if there are such structures, the creation of second

units close to the town center, with ample off-street parking, without altering the visual character of the neighborhood, is EXACTLY WHAT THE FAIRFAX 2006 HOUSING ELEMENT WANTS TO ENCOURAGE!

However, there is one overwhelming precedent that the Council CAN set: Discouraging Fairfax home owners from following the town's permit process.

As architect Jay Sherlock pointed out at the Planning Commission hearing, the owners have followed all of the rules. They hired an architect. They applied for the use permit and variance. At great expense they have complied with every requirement of the town, only to be met with the rejection of a key element of their proposal: a full bathroom. If the town is concerned about why residents make unpermitted modifications to their homes, it need look no further than the expensive, time-consuming, and frustrating process exemplified in this case. If the town wishes to discourage owners from pulling permits, they need only look at the experience of the owners of 15 Scenic.

**7. THE ISSUES CONSIDERED BY THE PLANNING COMMISSION ARE LEGALLY IRRELEVANT AND CONSTITUTE AN IMPERMISSIBLE VIOLATION OF THE OWNERS' CONSTITUTIONAL RIGHT OF PRIVACY**

Article 1, section 1 of the California state Constitution provides in relevant part:

“All people are by nature free and independent and have inalienable rights. Among these are... privacy.”

There can hardly be a greater arena of personal privacy than one's own home. Yet this most basic of all civil rights was repeatedly brought into question at the Planning Commission.

The comments and “suggestions” from the Planning Commission evidence that it based the denial of the shower on impermissible factors involving the privacy of both the owners and those who may live on their property. The Commission variously commented that:

- The owners could use the cottage as an office and rent out a bedroom inside their house. (Hearing Tape 2:39:56; 3:03:08)
- “Perhaps” the cottage shower could be “outside”
- The cottage needs to be “connected” to the house – and apparently depriving the tenant of a shower is the way to do that. (Hearing tape 2:38)

Frankly, none of this is the Planning Commission's business. Telling a home owner that they should change their living arrangements to suit the Planning Commission's conception of “affordable housing” is an impermissible and outrageous attempt to interfere in a citizen's personal life and invade the very sanctity of their home.

Even if these are remotely proper inquires for a Planning Commission, the fact is that what the Commission is trying to force on the owners is neither reasonable nor feasible for the following reasons:

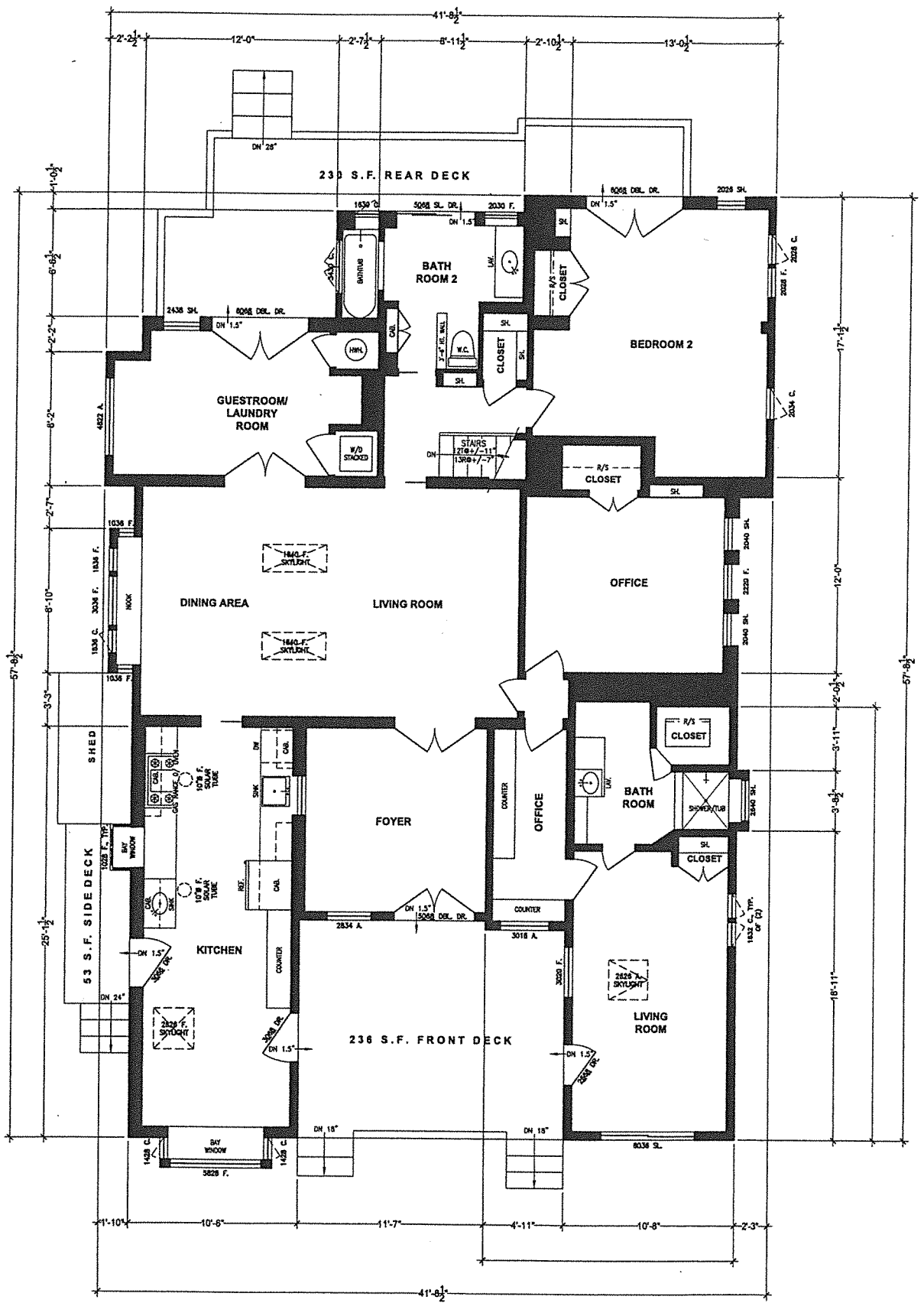
- The cottage is 220 square feet. Neither owner needs an office remotely that size.
- The main house bedroom used as office space that is near the bathroom is part of an open stairwell area to the master bedroom. Having another adult living in that space would result in both noise and in invading the privacy of the owners in their own intimate personal space. [EXHIBIT 6 – Stairwell photos.]
- The bedroom used as office space is subject to sound invasion from the upstairs bathroom. The pipes run directly behind the closet and are extremely loud when water is running in the master bathroom.
- The owners have two dogs, which many potential tenants are allergic to or may not prefer to share a house with.
- There are already three adults living in the main house. Having four adults in the house while leaving the cottage as bloated “office space” is neither practical nor sensible.

### CONCLUSION

Fairfax, and Marin in general, need affordable housing. Providing such housing is encouraged by state law and the Fairfax housing plans. People who cannot afford expensive apartments are entitled to a shower. No precedent will be set by allowing a shower in an already existing cottage. This is not a “special privilege”: It is simply a common sense way to providing affordable housing with minimal impact on the neighborhood or town. As such, applicants request that the Council “...**reverse or modify the action appealed as it deems just and equitable.**” and direct that the use permit be granted for the project as requested.

EXHIBIT 1-FLOOR

GORDON-ABI-MAIN FLOOR PLAN.DWG



EXISTING  
 MAIN FLOOR PLAN  
 1,570 S.F. BUILDING FOOTPRINT

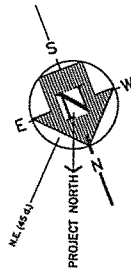
SCALE: 1/4"=1'-0"

# ABBREVIATIONS

<b>A</b>	ASB. ANCHOR BOLT A/C ABOVE A/CQ. ASPHALTIC CONCRETE A.D. AREA DRAIN A.C.E. ADDITIONAL A.D.J. ADJUSTABLE A.C. AGGREGATE AL. ALUMINUM ALT. ALTERNATE ALN. ALIGNED APPRX. APPROXIMATE ARCH. ARCHITECTURAL ASB. ASBESTOS ASPH. ASPHALT	<b>B</b>	BS. BOARD BETW. BETWEEN BEV. BEVELED BTU. BTU BL. BUILDING LINE BLD. BUILDING BLK. BLOCK BLV. BOLLARD BM. BEAM BOT. BOTTOM BR. BRICK BRCT. BRACKET BUL. BULL UP ROOFING BW. BOTTOM OF WALL	<b>C</b>	CAB. CABINET CB. CEMENT BREAKER C.B.S. CATCH BASIN C.B. CERAMIC CDL. CORNER DRAIN C.C. CAST IRON C.J. CONTROL JOINT	<b>D</b>	D. DRAIN LINE DBL. DOUBLE DEPT. DEPARTMENT DET. DETAIL D.F. DUCTUS FIR DIA. DIAMETER D.O. DIRECTIONAL D.M. DIMENSION D.S. DISPOSER D.O. DOWN D.O.P. DOWN OPENING DR. DOOR D.P. DOWNSPOUT D.S.S.T. DRY SINK D.W. DRAIN D.R. DRAWER E. EXISTING E.C. EACH E.B. EXPANSION BOLT	<b>E</b>	E.C. CHAIN LINK FENCE E.CHT. CEILING HEIGHT E.CKG. CEMENT E.C. CLEAR E.M. CONCRETE MASONRY UNIT E.G. ENCLOSURE E.C. COLUMN E.S. CONNECTION E.C. CONCRETE E.S. ANCHORED E.S. CONNECTION E.S. CONSTRUCTION E.S. CONTRADICTORY E.S. CONTRACTOR E.S. CONTR. CONTR. CONTRACTOR E.S. CORR. CORR. CORR. CONTRACTOR E.S. C.S. CEILING SPACE E.S. C.S.P.C. CEILING TILE E.S. CUST. CUSTOMER E.S. C.W. COLD WATER	<b>F</b>	F.A. FIRE ALARM F.A.B. FABRICATE F.B. FLAT BAR F.B.R. FIRE BRICK F.D. FLASH F.D. FLUSH CEILING BEAM F.D. FLOOR DRAIN F.D. FINISH DECK ELEVATION F.D. FOUNDATION F.E. FIRE EXTINGUISHER CAB. F.E. FIRE EXTINGUISHER CAB. F.F. FINISH FLOOR F.F. FINISH FLOOR ELEVATION F.F. FINISH GRADE F.H. FIRE HOSE CABINET F.H. FINISH F.H.C.R. FINISH F.H. FLASH F.L. FLASHING F.L. FLASHING F.L. FLASHING F.L. FLASHING F.O.C. FACE OF CONCRETE F.O.F. FACE OF FRESH F.O.M. FACE OF MASONRY F.O.S. FACE OF STUDS	<b>G</b>	G.I. INSULATING FINISH SYSTEM E.J. EXPANSION JOINT E.L. ELEVATION E.L.C. ELECTRICAL E.LV. ELEVATOR E.M. EMERGENCY E.M. EDOE HALLING E.M. ENCLUSURE E.P. ELECTRICAL PANELBOARD E.S. EQUAL E.S.P. EQUIPMENT E.W.C. ELECTRICAL WATER COOLER E.W. EXHAUSTION E.X. EXHAUST E.X.P. EXPANSION E.X.P.O. EXPOSED E.X.T. EXTERIOR E.X.T. EXTERIOR	<b>H</b>	H.A.C. HEATING/VENTILATING/AIR CONDITIONING HOT WATER H.W. HOT WATER	<b>I</b>	I.D. INSIDE DIAMETER (DIM.) I.P. INSIDE FACE I.S. INCANDESCENT I.N.F. INFORMATION I.N.S. INSULATION I.N.F. INTERIOR I.S. ISOMETRIC	<b>J</b>	J. JOIST JAN. JANITOR J.H. JOIST HANGER J.O.T. JOIST J.T. JOINT	<b>K</b>	K.I. KITCHEN K.O. KROCKOUT K.P. ROCK PLATE	<b>L</b>	LAB. LABORATORY LAM. LAMINATE LAV. LAVATORY LGR. LOCKER L.G. LIGHT L.S. LESSE	<b>M</b>	MAX. MAXIMUM M.B. MULTIPLE BEARING STUDS M.C. MEDICINE CABINET MCH. MECHANICAL MEMB. MEMBRANE MET. METAL MEZ. MEZZANINE MFR. MANUFACTURER MIL. MILLS MNL. MINIMUM MORR. MORROR MORR. MORROR AND SHOULDER MSC. MISCELLANEOUS M.L. METAL LATH M.O. MASONRY OPENING M.D. MOUNTED	<b>N</b>	NUL. MULLION (Ø) NEW N. NORTH NAT.GR. NATURAL GRADE N.O. NOT IN CONTRACT N.D. NUMBER N.M. NOMINAL N.T.S. NOT TO SCALE	<b>O</b>	O.A. OVERALL O.S. OBSOLETE O.C. ON CENTER O.D. OUTSIDE DIAMETER (DIM.) O.F. OFFICE O.H. OPPOSITE HAND O.P. OPENING O.P.P. OPPOSITE O.V.H. OVERHEAD	<b>P</b>	PAR. PARALLEL P.D. PERFORATED DRAIN P.E.H. PLYWOOD EDGE NAILING PERF. PERFORATED P.G. PAINT GRADE P.H. PHILLIPS HEAD P.L. PLATE P.L.M. PLASTIC LAMINATE P.L.S. PLASTER P.L.M.B. PLYWOOD P.L.W. PLYWOOD P.N. PROJECT NORTH PR. PAPER P.R.-CAST PRE-CAST P.R.-FABRICATED PRE-FABRICATED P.S. POUNDS PER SQUARE INCH P.T. POINT PTF. PRESSURE TREATED DOWEL PIN P.T.D. PAPER TOWEL DISPENSER P.T.D./R. DISPENSER AND RECEPTACLE	<b>Q</b>	Q.T. QUARTY TILE Q.T.I. QUANTITY	<b>R</b>	R. RISER R.A. RETURN AIR R.M. RISER R.B. RESILIENT BASE R.C. ROUGH CONCRETE R.O. ROOF DRAIN REPAR. REPAIR RES. RECESSED REF. REFERENCE REFL. REFLECTED REIN. REINFORCED REGD. REGISTER RESID. RESIDENT RGR. REGISTER RM. ROOM R.N. REMOVE RND. ROUND R.O. ROUGH OPENING R.S. ROUGH SAWN R.W. REDWOOD R.W.L. RAIN WATER LEADER	<b>S</b>	S. SOUTH S.B. SETBACK S.B.M.H. STORM DRAIN MANHOLE COVER S.S.M.H. SANITARY SEWER MANHOLE COVER S.A. SAN S.C. SCHEDULE S.C.O. SCHEDULE S.D. SECTION S.E. SELECT	<b>T</b>	T.B. TOWEL BAR T&B TOP AND BOTTOM T.C. TOP OF CURB T.D. THE DOWN T.P. TELEPHONE TEMP. TEMPERED TERR. TERRAZZO T&G TONGUE AND GROOVE TRK. TRACK TR.H. THROUGH T.M.D. TRIMMING MARK, DANIEL T.O. TOP T.O.P. TOP OF PLATE T.O.S. TOP OF SLAB T.O.W. TOP OF WALL T.P. TOP OF PAVEMENT T.P.D. TOILET PAPER DISPENSER	<b>U</b>	U.B.C. UNIFORM BUILDING CODE UNF. UNFINISHED UNEL. UNRAISED U.O.M. UNLESS OTHERWISE NOTED U.R. URAIL	<b>V</b>	V.C.T. VENT V.C.T. VENT V.C.T. VENT V.C.T. VENT V.F. VENT FAN	<b>W</b>	W. WEST W.H. WITH W.C. WATER CLOSET W. WOOD W.H. WINDOW W.H. WIRE GLASS W.H. WATER HEATER W.H. WATER HEATER W/O. WITHOUT W.P. WATERPROOF W.P. WORK FINE W.R. WASTE RECEPTACLE W.C.T. WANSICOT W.T. WEATHERSTRIP W.W. WEIGHT W.T. WATER W.W.F. WELDED WIRE FABRIC	<b>REVISION</b>	<b>BY</b>
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DRAFTECH (of Novato)  
15 SCHOOL TERRACE  
NOVATO, CA. 94945  
drasch@pacbell.net p/f (415) 897-0042  
www.kauaplanet.com

## EXISTING MAIN FLOOR PLAN



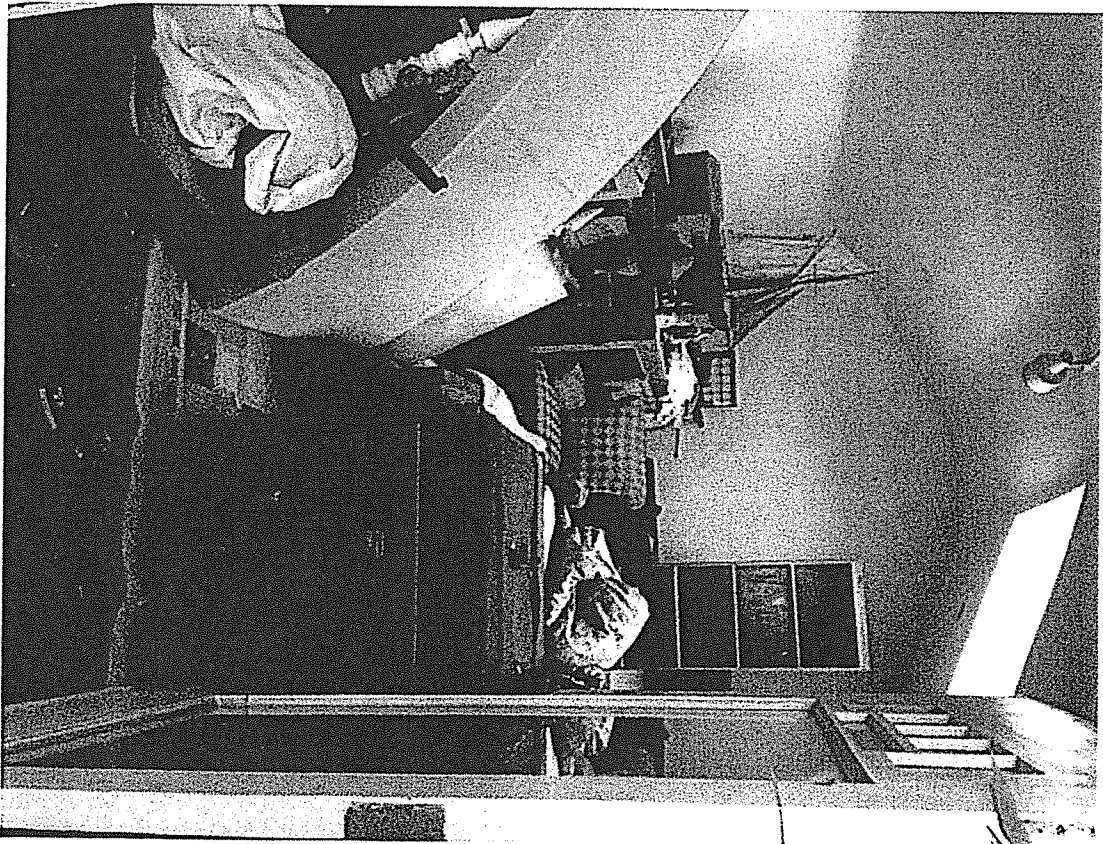
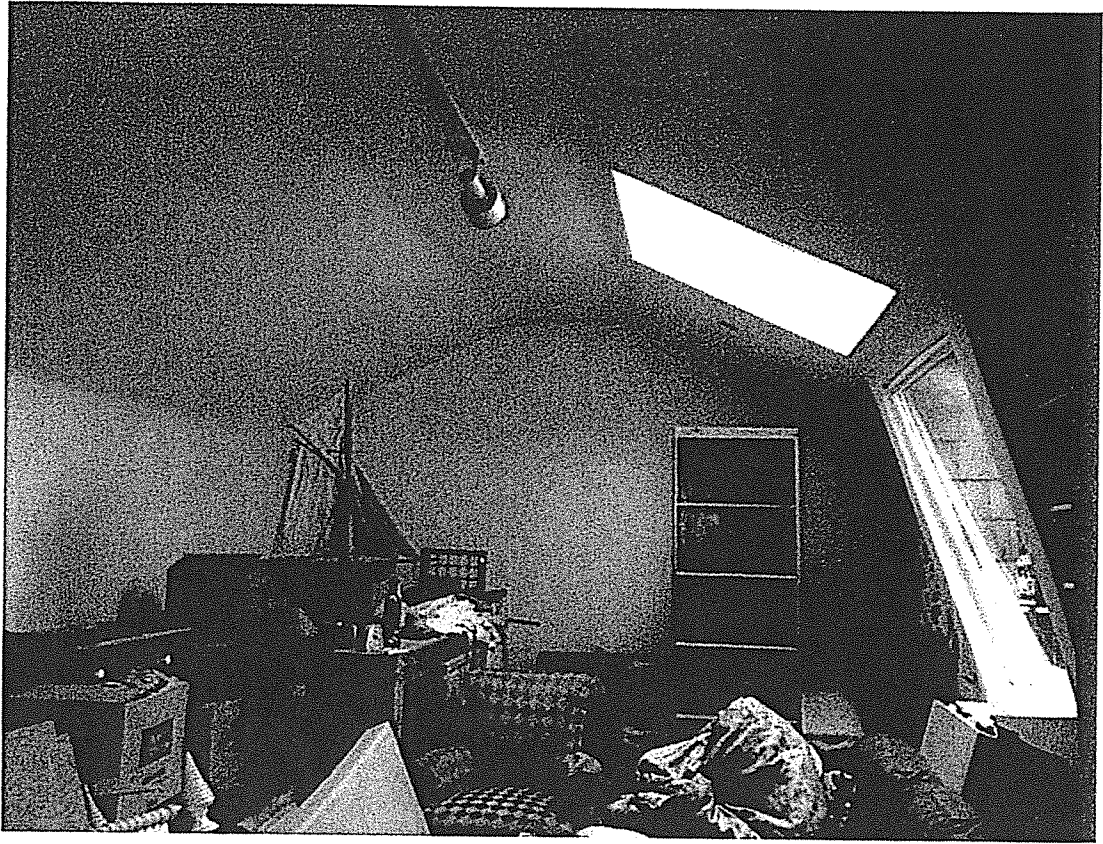
AS-BUILT DRAWINGS FOR THE  
**GORDON RESIDENCE**  
15 SCENIC ROAD  
FAIRFAX, CALIFORNIA 94930  
APN 001-146-03  
(415) 785-7185

Date	04/20/15
Scale	1/4"=1'-0"
Drawn by	SRT/VGT
Project	GORDON

AS-BUILT  
**AB-1**



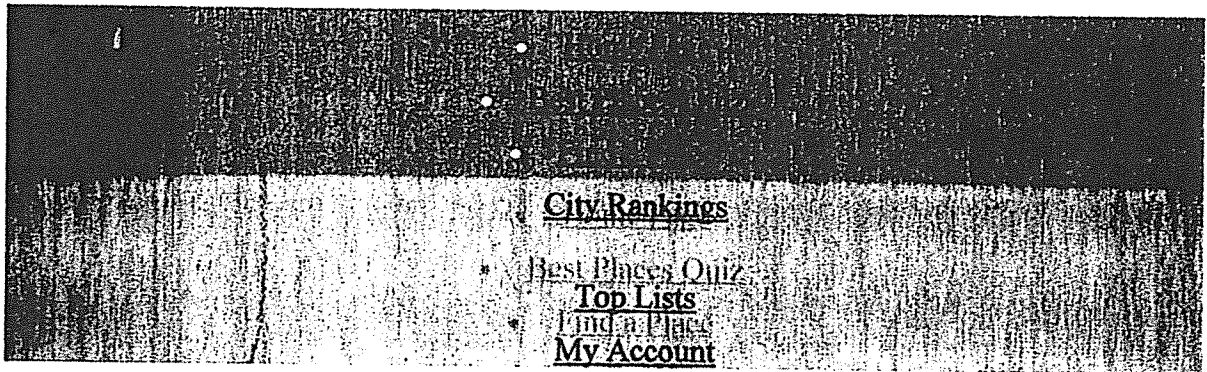
EXHIBIT 2



[About Bert Sperling](#) | [Bert's Blog](#) |



*Info on Cost of Living, Schools, Crime Rates, House Prices, and more...*



[Home](#) : [United States](#) [California](#) [San Francisco-Oakland-Fremont Metro Area](#) [Marin County](#) [Fairfax](#) [Zip Codes](#)

**[Fairfax, California](#)** 2 Reviews Leave a Comment

- [Explore This Place](#)
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- [Economy](#)

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- [Real Estate](#)
- [Housing](#)
- [Mortgages](#)

## Housing

[Download XLS](#) | Last Updated: June, 2014

HOUSING OVERVIEW		
<p>The median home value in Fairfax, California, is \$697,200. Home appreciation is 20.10% over the last year. The median age of Fairfax, California, real estate is 56 years.</p> <p><b>Fairfax, California Apartments and Rentals</b></p> <p>Renters make up 40.51% of the Fairfax, California, population. 3.24% of houses and apartments in Fairfax, California, are unoccupied (vacancy rate).</p>		
HOUSING	Fairfax, California	United States
Median Home Age <sup>?</sup>	56	37
Median Home Cost <sup>?</sup>	\$697,200	\$170,100
Home Appr. Last 12 months <sup>?</sup>	20.10%	4.90%
Home Appr. Last 5 yrs. <sup>?</sup>	23.70%	-4.60%
Home Appr. Last 10 yrs. <sup>?</sup>	14.20%	12.70%
Property Tax Rate <sup>?</sup>	\$7.88	\$12.07
Homes Owned <sup>?</sup>	56.25%	57.34%
Housing Vacant <sup>?</sup>	3.24%	12.47%
Homes Rented <sup>?</sup>	40.51%	30.19%

AVERAGE RENT FOR HOME OR APARTMENT		
Studio Apartment ?	\$1,191	\$661
1 Bedroom Home or Apartment ?		
2 Bedroom Home or Apartment ?	\$1,799	\$957
3 Bedroom Home or Apartment ?	\$2,452	\$1,289
4 Bedroom Home or Apartment ?	\$2,956	\$1,490
VACANT HOUSING		
Vacant For Rent ?	0.00%	2.50%
Vacant Rented ?	0.00%	0.46%
Vacant For Sale ?		
Vacant Sold ?	0.00%	0.45%
Vacant Vacation ?	0.27%	3.81%
Vacant Other ?	0.00%	3.87%
VALUE OF OWNER-OCCUPIED HOUSING		
Less Than \$20,000 ?	0.00%	3.30%
\$20,000 to \$39,999 ?	0.00%	3.49%
\$40,000 to \$59,999 ?		
\$60,000 to \$79,999 ?	0.53%	5.80%
\$80,000 to \$99,999 ?	1.00%	7.08%
\$100,000 to \$149,999 ?	0.71%	15.77%
\$150,000 to \$199,999 ?	1.53%	15.03%
\$200,000 to \$299,999 ?	2.18%	18.50%
\$300,000 to \$399,999 ?	1.71%	10.39%
\$400,000 to \$499,999 ?	6.24%	5.65%
\$500,000 to \$749,999 ?	51.32%	6.30%
\$750,000 to \$999,999 ?	23.60%	2.28%
\$1,000,000 or more ?	11.55%	2.13%

# EXHIBIT 4 - RENTALS

Fairfax, CA

Browse Post Sign In

## All Rentals

HOME MERCHANDISE CARS RENTALS REAL ESTATE JOBS MORE

SET LOCATION  
Fairfax, CA  
(change location)

Ask Search Post

Search

city country

Property > USA > CA > Fairfax

Property for Rent in Fairfax, CA

Best Match

### CATEGORY

#### For Rent

- Apartments (20)
- Condos (7)
- Homes (6)
- Roommates (1)
- Vacation (1)

### PRICE

Low to High

### BEDROOMS

- 1 BR (5)
- 2 BR (10)
- 3 BR (7)
- 4 BR (5)
- 8 BR (1)
- more choices ...

### BATHROOMS

- 1 BA (6)
- 1.5 BA (9)
- 2 BA (9)
- 3 BA (5)
- 8 BA (1)
- more choices ...

Show all options

### IMPORTANT SAFETY TIPS

- Always see the place in person before renting.
- Be cautious of people claiming to be overseas.
- Don't wire money or take advance payments.

To learn more, visit our Safety Center. Please be suspicious of anyone clicking on



#### Studio - Footprints on the Bay

1 BA - Apartments - Fairfax, CA

\$1,197 - \$1,457

Swimming Pool, Laundry Facility, Cardio Room, Fireplace in select units, Upgraded Finishes, Washer/Dryer in select units

Footprints on the Bay · (831) 204-9971 · Pro Seller



#### 2 Beds - Footprints on the Bay

2 BR - 1 BA - Apartments - Fairfax, CA

\$2,130 - \$2,180

Swimming Pool, Laundry Facility, Cardio Room, Fireplace in select units, Upgraded Finishes, Washer/Dryer in select units

Footprints on the Bay · (831) 204-9971 · Pro Seller



#### 2 Beds - Footprints on the Bay

2 BR - 2 BA - Apartments - Fairfax, CA

\$2,053 - \$2,253

Swimming Pool, Laundry Facility, Cardio Room, Fireplace in select units, Upgraded Finishes, Washer/Dryer in select units

Footprints on the Bay · (831) 204-9971 · Pro Seller



#### 1 Bed - Footprints on the Bay

1 BR - 1 BA - Apartments - Fairfax, CA

\$1,591 - \$1,791

Swimming Pool, Laundry Facility, Cardio Room, Fireplace in select units, Upgraded Finishes, Washer/Dryer in select units

Footprints on the Bay · (831) 204-9971 · Pro Seller



#### 1 Bed - Footprints on the Bay

1 BR - 1 BA - Apartments - Fairfax, CA

\$1,602 - \$1,752

Swimming Pool, Laundry Facility, Cardio Room, Fireplace in select units, Upgraded Finishes, Washer/Dryer in select units

Footprints on the Bay · (831) 204-9971 · Pro Seller

#### 2 Beds - Footprints on the Bay

2 BR - 1 BA - Apartments - Fairfax, CA

\$1,898 - \$2,098

Swimming Pool, Laundry Facility, Cardio Room, Fireplace in select units, Upgraded Finishes, Washer/Dryer in select units

Footprints on the Bay · (831) 204-9971 · Pro Seller

#### 1 Bed - Footprints on the Bay

1 BR - 1 BA - Apartments - Fairfax, CA

\$1,625 - \$1,825

Swimming Pool, Laundry Facility, Cardio Room, Fireplace in select units, Upgraded Finishes, Washer/Dryer in select units

Footprints on the Bay · (831) 204-9971 · Pro Seller

#### Nosara B&B Retreat

8 BR - 8 BA - Vacation - Fairfax, CA

\$65 - \$95 Daily

Immerse yourself in our sanctuary of relaxation, inspiration and rejuvenation in 1 of the most beautiful spots on Earth, Nosara, Costa Ri...

Marketplace User · 1 week ago on Flipkey

#### Roommate wanted to share Four BR Three BA house...

4 BR - 3 BA - Roommates - Fairfax, CA

\$1,500

Why rent an apartment when you can share a fabulous home.

Posted on Roommates.com(subscription req.)

HARRY'S



SHAVING  
SHOULDN'T HURT  
YOUR FACE  
Or your wallet

TRY HARRY'S

HARRY'S



SHAVING  
SHOULDN'T HURT  
YOUR FACE  
Or your wallet

TRY HARRY'S



**TOWN OF FAIRFAX**  
**142 BOLINAS ROAD**  
**FAIRFAX, CA. 94930**

**SUMMARY OF FAIRFAX ZONING REQUIREMENTS**  
**SINGLE FAMILY AND DUPLEX ZONES**

*For complete information, please refer to the Fairfax Town Code book.*

SETBACKS PRINCIPAL STRUCTURES	RS 6 Zone (chpt. 17.080)	RS 7.5 Zone (chpt. 17.076)	RD 5.5-7 Zone (chpt. 17.084)
Front setback - 10% slope or less	6 ft.	10 ft.	6 ft.
Over a 10% slope	6 ft.	6 ft.	6 ft.
Rear setback - 10% slope or less	6 ft.	10 ft.	6 ft.
Over a 10% slope	12 ft.	15 ft.	10 ft.
Front/Rear combination			
10% slope or less	25 ft.	30 ft.	25 ft.
Over a 10% slope	35 ft.	40 ft.	35 ft.
Side setback - 10% slope or less	5 ft.	5 ft.	5 ft.
Over a 10% slope	5 ft.	10 ft.	5 ft.
Two sides combined			
10% slope or less	15 ft.	20 ft.	15 ft.
Over a 10% slope	20 ft.	25 ft.	20 ft.

SETBACKS ACCESSORY STRUCTURES (Chapter 17.040.020)	CORNER LOT SETBACKS (Chapter 17.040.020D)
Front - 10 ft. in all zones *	10 ft. from any property line which parallels a street in all zones
Rear - 10 ft. in all zones *	
Sides - 5 ft. in all zones *	
see also combined setbacks in above table	

**CREEK SETBACK** (Town Code § 17.040.040) - 20 feet from the top of the creek bank or twice the depth of the creek, whichever is greater.

**FLOOR AREA RATIO (FAR)** (Town Code Chpt.17.136) - the maximum floor area for single family residences and duplexes shall not exceed a ratio between house size and lot area of .40. No single-family residence or duplex shall exceed 5,000 sq. ft. Garages or parking structures that are less than 500 s.f. in size are not included in the Floor Area Ratio.

**LOT COVERAGE** - structures and paved areas (other than driveways) may only cover 35% of the property.

HEIGHT	MAXIMUM HEIGHT AND # OF STORIES
Principal Structures - 10% slope or less	28.5 ft. above natural grade and 2 stories
10% slope or more and uphill	28.5 ft. above natural grade and 3 stories
10% or more downhill slopes	35 ft. above natural grade and 3 stories
Accessory Structures	15 ft. above natural grade and 1 story

**HEIGHT OF BUILDING** (Chapter 17.008.020) - means the vertical distance measured from a point on the natural grade to the highest point of the structure directly above. At no point shall the height of the building exceed the allowable height above natural grade.

**PARKING (Chapter 17.052)**

Studio Units - 1 space, 9' x 19' in size

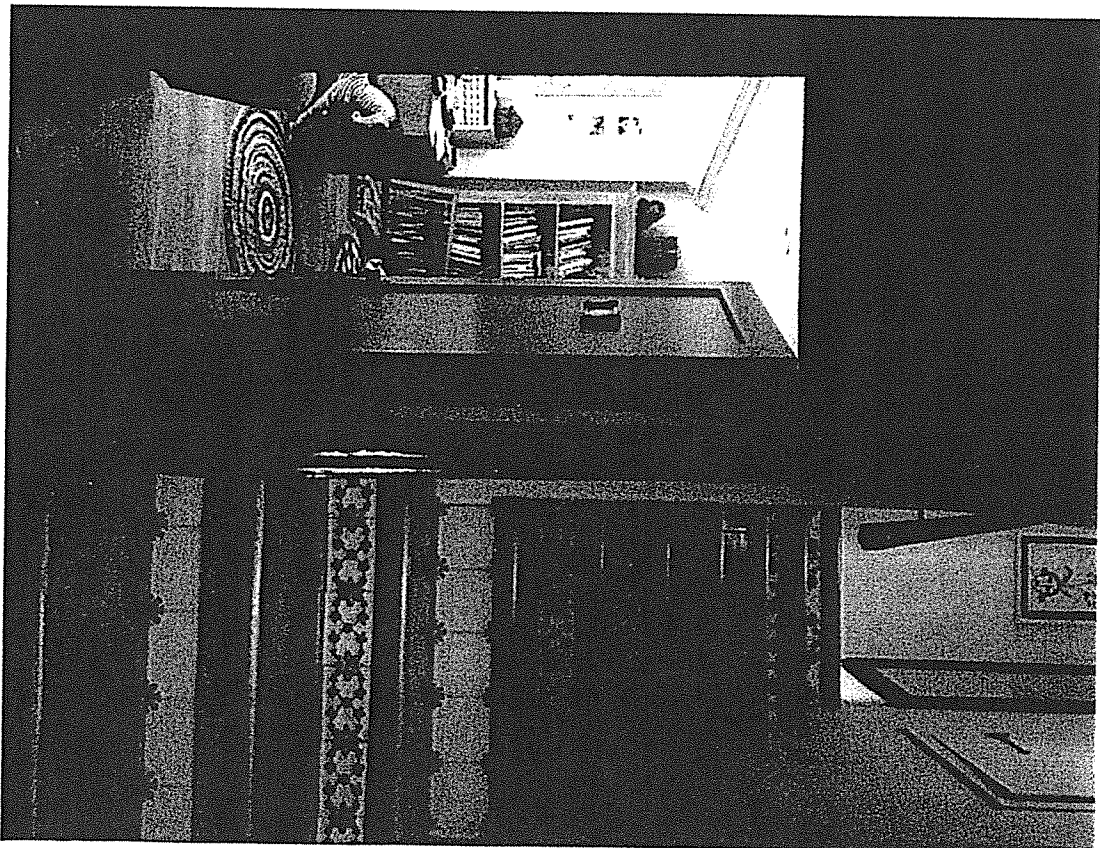
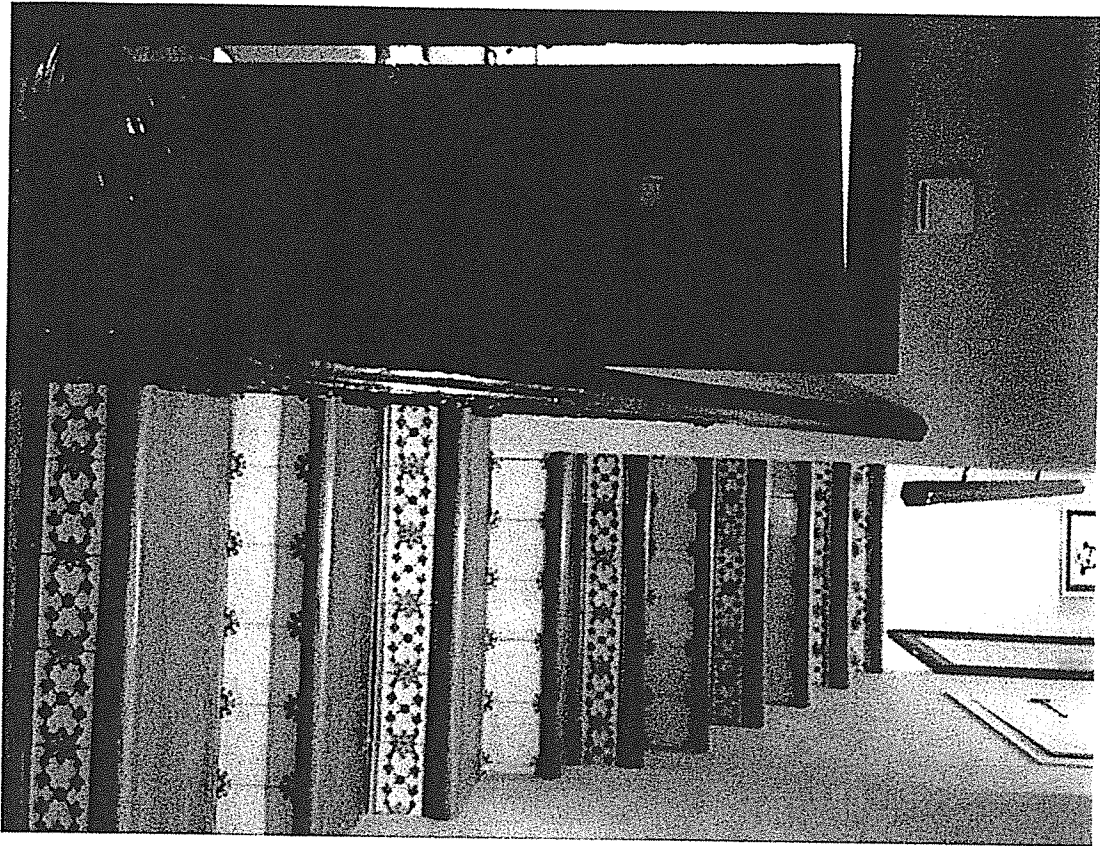
Units of 1 bedroom or more - 2 spaces, 9' x 19' in size and 1 guest space, 9' x 19' in size, if legal on street parking is not available along the immediate frontage of the property

Spaces located parallel to another structure, the curb, sidewalk, or a sloped area, must be a minimum of 9' x 22' in size

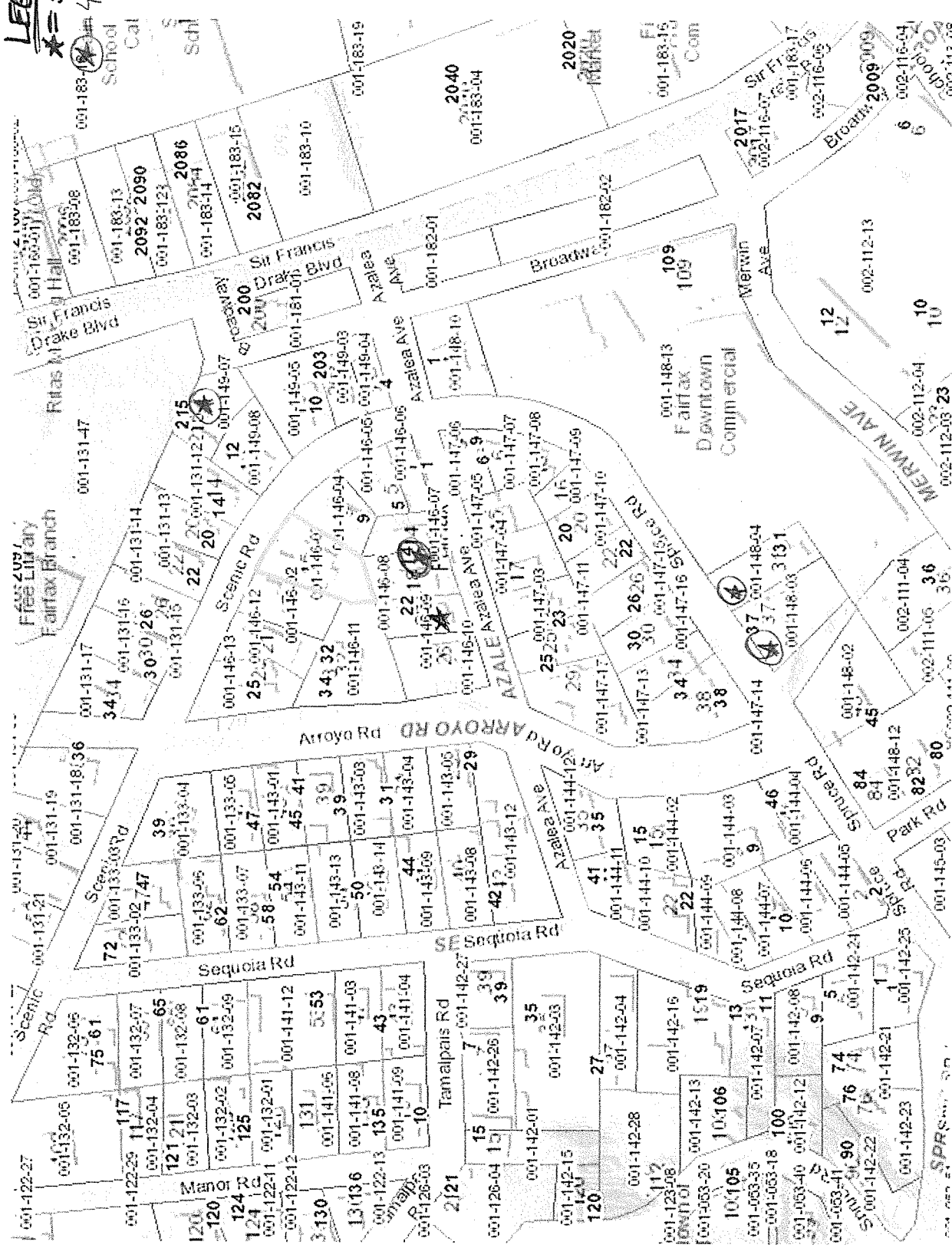
In all residential zones, at least one of the required parking spaces must be covered in all zones

Uncovered parking spaces may be located in the front yard setback but not in the side yard setback

EXHIBIT 6 - STAIRWELL



**LEGEND**  
 \* = 5 bedrooms / 4 bdr  
 \* = 4 bedrooms / 3 bdr







## ACCESSORY STRUCTURES APPROVED AS LIVING SPACE FROM 2005 THROUGH 2015

YEAR	ADDRESS	LIVING SPACE	# BEDROOMS	# BATHS	SQFT - ACC. STRUCTURE	BATHS	DEED RESTRICTION	COMMENTS
2005	NO APPLICATIONS							
2006	676 CASCADE DRIVE	924	1	1	400 - office	full		application denied
2007	201 CASCADE DRIVE	2247	3	2	363 - pool house	full	no	pool shower;
2008	51 MEERNA AVENUE		2	2.5	480 - guest bedroom	half	yes	1/2 was a PC cond. Upheld by TC
	118 FRANCIS AVENUE	2672	3	2	294 - study	none	yes	
	21 TAMALPAIS ROAD	1292	2	1	323 - bedroom	full	yes	for disabled family member
2009	NO APPLICATIONS							
2010	9 SCENIC ROAD	1970	2	2	400 - bedroom	full	yes	** see note below
	162 FORREST AVENUE	1963	2		394 - office	half	yes	
	77 PORTEOUS AVENUE	1303	3	2	204 - studio	half	yes	
2011	NO APPLICATIONS							
2012	NO APPLICATIONS							
2013	NO APPLICATIONS							
2014	138 RIDGEWAY AVENUE	1630	3		120 - art studio	none		
	23 CLAUS CIRCLE	979	2	2	192 - art studio	half	yes	
	101 CASCADE DRIVE	1163	2	1	150 - art studio	full	yes	only 1 bath in house
2015	132 WOOD LANE	1532	3	1	169 - bedroom	full	yes	site is 3/4 of an acre
	15 SCENIC RD	2253	4	3	297 - bedroom	half	yes	

\*\* action of the Planning Commission overturned on appeal to the Town Council where they determined there was no change of use and no use permit required for an existing accessory structure with a full bathroom