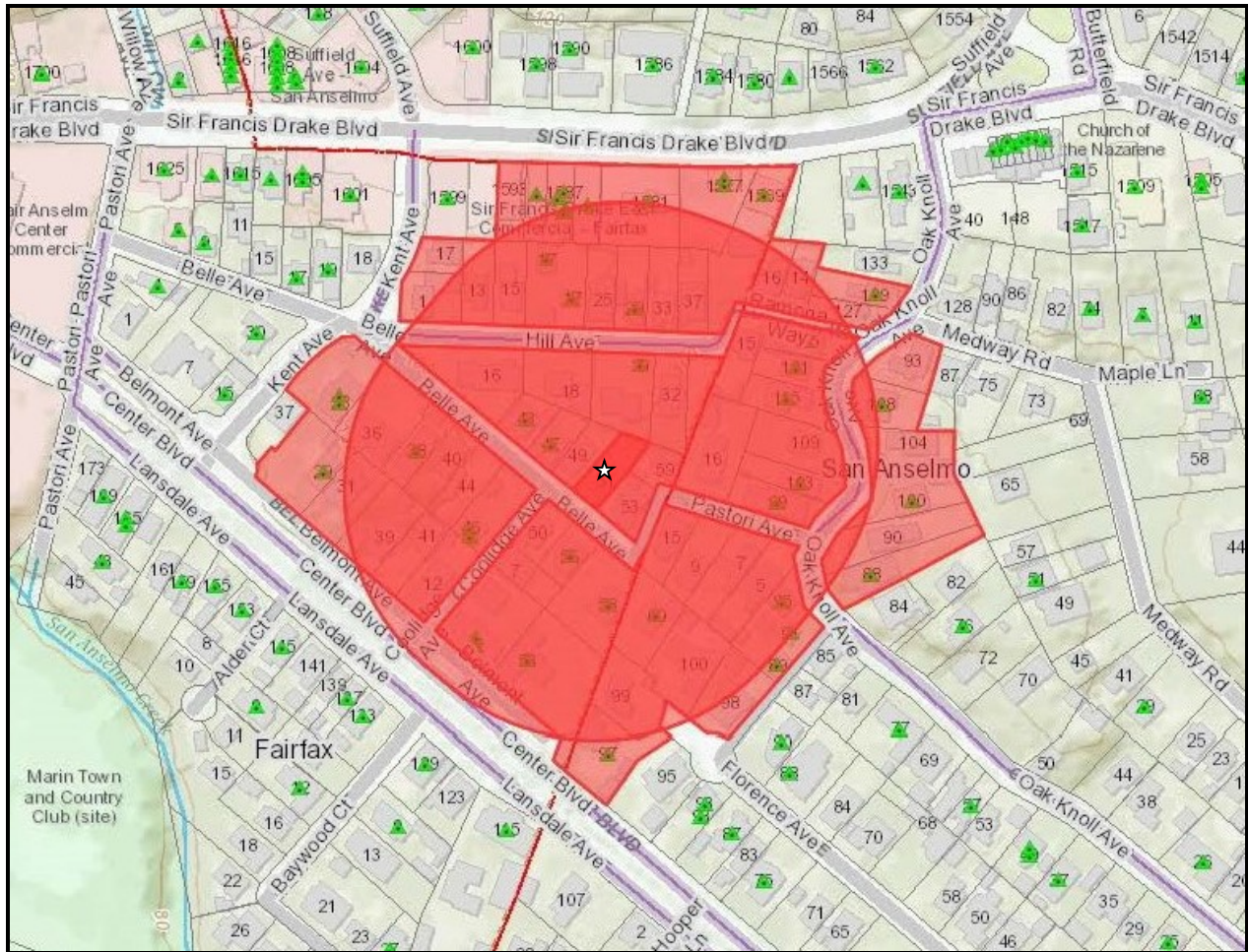


# TOWN OF FAIRFAX

## STAFF REPORT

### Department of Planning and Building Services

**TO:** Fairfax Planning Commission  
**DATE:** February 24, 2022  
**FROM:** Kara Spencer, Assistant Planner  
**LOCATION:** 51 Belle Avenue; Assessor's Parcel No. 002-214-11  
**PROJECT:** Single-car garage addition and accessory structure legalization  
**ACTION:** Conditional Use Permit and Variances Application # 2022-02  
**APPLICANT:** Peter Brandelius  
**OWNER:** Same  
**CEQA STATUS:** Categorically exempt, § 15301(e)



**51 BELLE AVENUE**

**AGENDA ITEM # 1**

## **DESCRIPTION**

The project proposes to construct a new 330 square foot, single-car garage addition to a 1,017 square foot home. All exterior finishes and fenestration would match the existing home. The existing 11-foot-wide curb cut would be expanded by eight feet to create a total curb cut of 19 feet to accommodate a new off-street parking space for the residents of the home. All proposed work would be constructed over existing impermeable surfaces. No trees will need to be removed to facilitate the construction. In addition, the project also includes the legalization of two accessory buildings, one as an office/playroom and one as storage building.

The attached garage addition requires the approval of a Conditional Use Permit, a Parking Variance, a Minimum Side Yard Setback Variance, and a Combined Side Yard Setback Variance. The legalization of the two accessory buildings, one as an office/playroom and one as storage building requires approval of a Conditional Use Permit, a Minimum Rear Yard Setback Variance, a Combined Front and Rear Yard Setback Variance, a Minimum Side Yard Setback Variance for the storage shed and a Combined Side Yard Setback Variance for both accessory buildings.

## **BACKGROUND**

The Planning Commission continued this item from their March 18, 2021, meeting to a date uncertain. At that meeting the Commission had the following comments/questions regarding the project:

1. The proposed garage addition could be converted into an ADU at a later date. How does that affect the proposed project?
2. Has the neighbor to the left (west) commented on the project?
3. Concern was expressed about access to the rear yard in an emergency.
4. There are no openings or articulation on the west side of the garage. It presents and flat unbroken and blank wall towards the neighboring property.
5. The proposed garage is getting close to the neighbors on the west.
6. Has the applicant explored putting the garage in the back?
7. The lot is very narrow.
8. The proposed is garage longer than a standard 9' by 19' space and "feels off."
9. The stairway in the garage floor plan is confusing.

Refer to Attachment B for the previous staff report and resolution dated March 18, 202 and Attachment C for the March 18, 2021, Planning Commission Meeting minutes. Video of the March 18, 2021 Planning Commission meeting is available on the Town website at <https://www.townoffairfax.org/planning-commission-meetings/>.

After the March 18, 2021, Planning Commission meeting, staff conducted an additional site visit to the project property. During the additional site visit, staff asked the property owner for permission to look at the backyard. Staff observed two accessory buildings in the backyard that

had not been included on the project plans. These buildings were not visible from the street during a previous site visit.

The accessory buildings in the backyard were constructed without permits. The property owner would like to legalize the two accessory buildings, one as an office/playroom and one as storage building. Both buildings are in the Minimum Rear Yard Setback, Combined Front and Rear Yard Setback, and Combined Side Yard Setback. The storage building is also in the Minimum Side Yard Setback. Thus, for both accessory buildings this project requests approval of a Conditional Use Permit, as well as approval of a Variance to the Minimum Rear Yard Setback, Combined Front and Rear Yard Setback, and a Variance to the Combined Side Yard Setback. In addition, the storage building requires approval of a Variance to the Minimum Side Yard Setback.

**DISCUSSION**

The March 18, 2021, staff report (Attachment B) recommended approval of the proposed location of the garage addition within the Minimum and Combined Side Yard Setbacks and its proposed 330 square foot size. That staff report also supported the request for a Parking Variance to allow parking in the required side yard setback. Within that staff report there was a table identifying property’s existing and proposed compliance with the regulations of the RD 5.5-7 Zone. This staff report includes an update to the previous table (Table 1) that accounts for the two accessory buildings at the rear of the property. (The updated figures are underlined.) The previously prepared table (Table 2) is below the updated table for reference.

**Table 1: Existing and Proposed Setbacks/FAR/Lot Coverage/Height (2/24/22)**

	Front Setback	Rear Setback	Combined Front/Rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
<b>Required/ Permitted</b>	6 ft.	6 ft.	25 ft.	5 ft. & 5 ft.	15 ft.	.40	.35	28 ft. 6 in., 2 stories
<b>Existing</b>	21 ft.	<u>1 ft. – 2 1/32 in.</u>	<u>22 ft. – 2 1/32 in.</u>	<u>1 ft. – 2 29/32 in. &amp; 9 ft.-7 in.</u>	<u>10 ft. – 9 29/32 in.</u>	<u>.30</u>	<u>.30</u>	18 ft. 8 3/8 in., 1 story
<b>Proposed</b>	No change	No change	No change	<u>1 ft. – 2 29/32 in &amp; 2 ft. – 1 1/2 in.</u>	<u>4 ft. – 13/32 in.</u>	<u>.30</u>	No change	No change

**Table 2: March 18, 2021, Staff Report Identified Setbacks/FAR/Lot Coverage/Height**

	Front Setback	Rear Setback	Combined Front/Rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
<b>Required/ Permitted</b>	6 ft.	6 ft.	25 ft.	5 ft. & 5 ft.	15 ft.	.40	.35	28 ft. 6 in., 2 stories
<b>Existing</b>	21 ft.	45 ft. 10 in.	66 ft. 10 in	3 ft. & 13 ft.	16 ft.	.24	.44	18 ft. 8 in., 1 story
<b>Proposed</b>	No change	No change	No change	3 ft. & 2 ft.	5 ft.	.24	No change	No change

**March 18, 2021, Staff Report Findings for Originally Proposed Project**

The following provides a summary of the March 18, 2021, staff report findings in support of the proposed project.

Conditional Use Permit

- Would result in better development of the site by providing three on-site parking spaces, which would increase off-street parking and decrease on-street parking burden on the neighborhood
- Narrow 40-foot site – no location on site other than proposed location for covered parking
- Not a grant of special privilege and comparable to other development in the neighborhood – many other properties in Town and immediate neighborhood with garages in required side yard setbacks. (E.g., 46 and 47 Belle Avenue (40 feet wide), 50 Belle Avenue (35 feet wide) and 59 Belle (39-foot street frontage), 53 Belle Avenue, immediately adjacent to the eastern project property boundary, also contains a garage within the required rear yard setback.)
- Two-foot setback from the adjacent property leaves some space for exterior maintenance
- Proposed garage height of 11'-10 29/32" and 330 sf size in scale with neighboring properties
- No new impermeable surfaces created (addition proposed over existing impermeable surfaces)

Minimum Side Yard and Combined Side Yard Setback Variance

- Narrow width, existing house location, and current restrictions make it difficult to provide a garage that complies with the current regulations
- 1973 Zoning Ordinance update rendered most properties in developed residential neighborhoods non-conforming with respect to setbacks
- Narrow 40-foot site lot width like many other Town residential sites
- No location on site other than proposed location for covered parking

- No reasonable way to construct a garage or any covered parking which is required per the current Zoning Ordinance, Town Code § 17.052.010(D), and comply with setbacks
- Original proposed garage width decreased by two feet in response to neighbor concerns at 49 Belle
- Two-foot setback provides space for maintenance
- No windows or doors are proposed along western side, maintaining privacy for 49 Belle
- Project wouldn't increase impermeable surfaces
- Several other narrow properties in Town have garages within minimum and combined side yard setback
- Denial of the variance would deprive the owner of privileges of enjoyed by other properties in the vicinity
- Granting of setback variance not a special privilege
  - Reflects site constraints
  - Enables owner to improve his home
  - Reduces on street parking demand and improves circulation
  - Similar sites would be given equal consideration

#### Parking Variance

- Town historically allowed parking in side yard setback
- Parking and parking structures can be found in side yard setbacks throughout Town
- Many properties in project vicinity have garages in side yard setback
- Allowing this property to have a garage in the side yard would not change the character of neighborhood or have significant negative impact on the neighbors or the neighborhood

#### **Staff Responses to March 18, 2021, Planning Commission Comments/Questions**

1. The proposed garage addition could be converted into an ADU at a later date. How does that affect the proposed project?

The Town's current ADU Ordinance (Emergency Ordinance 861, adopted 1/19/22) permits the conversion of an accessory structure to an ADU with a ministerially approved building permit if it has side and rear setbacks sufficient for fire and safety. Thus, by approving the proposed project, the Planning Commission would be granting the property owner a garage located 2 ft. – 1 ½ in. from the side property boundary that could be converted to an ADU at a later date with a building permit, as long as the Fire Department determines the setback is sufficient for fire and safety (which is has on similar projects).

If the property owner wanted to build an ADU at a later date and had not been granted approval of the proposed garage by the Planning Commission, they could build one with a ministerially approved ADU permit, but the following would apply: four-foot side and

rear setbacks, ten-foot front setback, 800 square foot maximum size, tree replacement if any qualifying trees are removed.

2. Has the neighbor to the left (west) commented on the project?

Prior to the March 18, 2021, Planning Commission meeting, the applicant consulted with the neighbor to the west of the project site at 49 Belle Avenue about the proposed garage addition. At the request of the neighbor at 49 Belle Avenue, the property owner decreased the width of the garage by two feet from its original proposed size, so it would not be flush with the property boundary. As of the date of the publication of this staff report (2/18/22), the property owner has not provided any additional information regarding whether the neighbor at 49 Belle Avenue has any additional concerns with the proposal.

3. Concern was expressed about access to the rear yard in an emergency.

According to email correspondence from the Ross Valley Fire Department (refer to Attachment C), "this project meets or exceeds minimum fire code requirements. Standard conditions apply."

In addition, it should be noted that the fire code allows a structure to be built right up to a property boundary. However, for any structure built within three feet of a property boundary, the fire code stipulates that there shall be no openings, (which there are not for this project) and the walls on that side of the structure need to be fire rated, which will be handled with the building permit phase for this project.

4. There are no openings or articulation on the west side of the garage. It presents and flat unbroken and blank wall towards the neighboring property.

As noted above, the fire code prohibits openings on the portion of a building within three feet of a property boundary, which is why none would be allowed. The side of the structure would be articulated with painted wood shingles to match the exterior of the existing residence. The paint color would be Benjamin Moore Amherst Gray flat finish. A condition in the attached Resolution 2022-04 to reduce the length of the garage could be an option to address this concern and the concern expressed about its size (refer to 7 below).

5. The proposed garage is getting close to the neighbors on the west.

As discussed above, the 40-foot width constrains the site and limits the location for constructing a garage. In addition, the Town historically allowed parking in the side yard setback and many properties in Town and in the project vicinity have garages in the side yard setback. The applicant has reduced the originally proposed width as well, leaving a 2 ft. – 1 ½ in setback from the side property boundary.

6. Has the applicant explored putting the garage in the back?

The lot is 4,240 square feet and 40 feet wide. The existing home has a building footprint of 1,077 square feet, the two sheds in back take up approximately 200 square feet (190.5 total building footprint), and the parking area in front is roughly 400 square feet. There is very little are remaining for private open space for the residents of the home. By placing the garage on the side of the house (where there is an existing paved driveway) instead of the back of the property, the property owner can retain the office/playroom and storage use, maximize the existing private open space, and not have to increase the amount of impervious surface area on the property.

7. The proposed is garage longer than a standard 9' by 19' space and "feels off."

The applicant has proposed an interior garage space of 10'-2" wide by 29'-2" long. This is approximately one foot wider than a standard space and ten feet longer. Presumably, this to create extra storage space and/or space for a laundry area. The existing home is 1,017 square feet and has minimal storage. A condition in the attached Resolution 2022-04 reducing the length of the garage by five feet to 24'-2" would still provide additional storage for the applicant but would also decrease the length and mass of the garage and potentially address this concern. If the Commission is concerned about the depth of the garage, they could condition the project upon the garage being shortened but should specify by how much if they choose to take this action.

8. The stairway in the garage floor plan is confusing.

For the initial project submittal, the applicant proposed a wider and longer garage with access to the garage from the kitchen that included stairs from the kitchen into the garage. After discussions with staff and the neighbor at 49 Belle, the applicant reduced the size of the garage in length and width and removed the kitchen access. The stairs into the garage from the kitchen accidentally remained on the plan set before the Commission at the March 18, 2021, Planning Commission meeting. It has since been removed and is no longer shown on the attached plans.

### **Required Discretionary Approvals for Accessory Building Legalization**

As noted above, the property owner would like to legalize two accessory structures constructed at the rear of the property. The legalization of the two accessory buildings, one as an office/playroom and one as storage building requires approval of a Conditional Use Permit, a Minimum Rear Yard Setback Variance, a Combined Front and Rear Yard Setback Variance, a Minimum Side Yard Setback Variance for the storage shed and a Combined Side Yard Setback Variance for both accessory buildings.

## Conditional Use Permit

The purpose of the Conditional Use Permit (CUP) is to allow the proper integration of uses into Fairfax which may be suitable only in certain locations in the town or only if the uses are designed or laid out on the site in a particular manner. In considering an application for a Conditional Use Permit the Commission shall consider the nature and condition of all adjacent uses and structures, the physical environment of the proposed use and all pertinent aspects of public health, safety, and general welfare.

The existing house, which is 1,017 square feet in size, was originally constructed in 1910. Like other older homes in Town, it contains very little storage space. It is not uncommon for properties within Town that contain similarly sized older homes to have additional accessory structures. Because both structures are located at the rear of the property, they are not visible from the street. In addition, the two accessory buildings comply with the .40 floor area ratio (FAR) and the .35 lot coverage limitation of the RD 5.5-7 Zone. Consequently, legalization of the office/playroom and storage buildings would not result in the property being out of character with the surrounding neighborhood or other properties in Town.

Because the accessory buildings were constructed without any permits, they will need to be reviewed at the building permit stage for compliance with all applicable Building and Fire Codes. Any additional building and fire compliance measures would be identified and required during the building permit stage.

## VariANCES

Town Code Section 17.084.070(A) requires that properties in the RD 5.5-7 zone with a slope of ten percent or less maintain minimum six-foot front and rear setbacks, a combined front and rear yard setback of 25 feet, minimum five-foot side yard setbacks, and a combined side yard setback of 15 feet, unless the Planning Commission grants a Variance to allow smaller setbacks. The larger work/play shed is 1'- 2 1/32" from the rear property boundary and 9'-7" from the western side property boundary. The smaller storage shed is 1'- 9 15/16" from the rear property boundary and 1'- 2 29/32" from the eastern property boundary. The variance to the minimum and the combined side yard setbacks allows for a combined stairway/path between the two buildings that provides access to both accessory structures. The front setback on the property is 21 feet. Thus, both sheds encroach into the minimum rear setback and the combined front and rear setback (see Table 1 above). Additionally, the storage shed encroaches into the minimum side setback and both accessory buildings encroach into the combined side setbacks.

Historically, the Planning Commission has striven to maximize private outdoor space for property owners and has granted Variances to setback requirements to accommodate this amenity. The property is narrow with a width of 40 feet. Relocating the accessory buildings out of the setbacks would reduce the amount of useable private outdoor open space for the property owners. By granting a Variance to the setback requirements, the Planning Commission



would maximize the private outdoor space for the property owners. Allowing the structures to remain at the rear of the property, out of view from the street would maintain the existing character of the street and neighborhood.

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

**Ross Valley Fire Department (RVFD).** The following summarizes RVFD requirements, which have been incorporated into conditions of approval in the attached resolution. Construction shall comply with the requirements of Chapter 7A of the 2016 California Building Code. A Class “A” roof assembly is required. All vegetation and construction materials are to be maintained away from the residence during construction. Smoke detectors shall be installed throughout the entire building and be provided with AC power and be interconnected for simultaneous alarm. Carbon monoxide alarms shall be provided outside each sleeping area in the immediate vicinity of the bedrooms. Address numbers at least 4 ” tall are required and must be visible from the street, controlled by a photocell and illuminated all night.

**Marin Municipal Water District (MMWD).** Written requirements submitted by MMWD have been incorporated into conditions of approval in the attached resolution. The following summaries those comments: comply with Ordinance No. 429 requiring the installation of grey water recycling system when practicable for all projects required to install new water service and existing structures undergoing a substantial remodel that necessitates enlarged water service; indoor and outdoor requirements of District Code Title 13 - Water Conservation must be complied with; any landscaping plans subject to review by the Town of Fairfax or subject to a Town permit must be reviewed and approved by the District; backflow prevention requirements must be met.

**Ross Valley Sanitary District (RVSD).** The RVSD has no comments and did not place any conditions upon the project.

**Fairfax Police, Building and Public Works Departments.** The Police, Building, and Public Works Departments have no comments and did not place any conditions upon the project.

### **RECOMMENDATION**

Conduct the public hearing and then move to approve Application # 2022-02 by adopting Resolution No. 2022-04 setting forth the project findings and conditions of approval.

### **ATTACHMENTS**

Attachment A – Resolution No. 2022-04

Attachment B – March 18, 2021, Staff Report and Resolution

Attachment C – March 18, 2021, Planning Commission Meeting Minutes

Attachment D – Ross Valley Fire Department Comments on Project

## RESOLUTION NO. 2022-04

### **A Resolution of the Fairfax Planning Commission Conditionally Approving Application No. 2022-02 for a Conditional Use Permit, a Parking Variance, a Minimum Side Yard Setback Variance, and a Combined Side Yard Setback Variance for a 330 Square foot Garage Addition and a Conditional Use Permit, a Minimum Rear Yard Setback Variance, a Combined Front and Rear Yard Setback Variance, and Minimum and Combined Side Yard Setback Variances for the Legalization of Two Accessory Structures at 51 Belle Avenue**

**WHEREAS**, the Town of Fairfax received an application from Peter Brandelius to construct a 330 square foot garage addition and to legalize a 118.5 square foot accessory building as an office/playroom and to legalize a 72 square foot accessory building as a storage shed; and

**WHEREAS**, after holding a duly noticed public hearing on March 18, 2021 on the 330 square foot garage addition, the Commission continued the hearing; and

**WHEREAS**, after holding a second hearing on February 24, 2022, for a revised project consisting of a 330 square foot garage addition and the legalization of a 118.5 square foot accessory building as an office/playroom and a 72 square foot accessory building as a storage shed, the Planning Commission determined that based on the plans and other documentary evidence in the record the applicant met the burden of proof required to support the findings necessary to approve the Conditional Use Permit, Minimum and Combined Side Yard Setback Variance, and Parking Variance for the garage addition and also met the burden of proof required to support the Conditional Use Permit, a Minimum Rear Yard Setback Variance, a Combined Front and Rear Yard Setback Variance, and Minimum and Combined Side Yard Setback Variances for the legalization of the two accessory structures; and

**WHEREAS**, the Commission made the following findings:

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

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.

Policy LU-7.2.2: To the extent feasible natural features including the existing grade, mature trees and vegetation shall be preserved for new and renewed development.

Policy LU-4.1.4: New and renewed development shall be designed to minimize run-off in a manner that does not cause undue hardship on neighboring properties.

Policy S-3.1.3: Maximize access and egress for emergency response vehicles.

## **Conditional Use Permit**

1. The proposed garage addition and accessory structures conform to most of the regulations set forth in the RD 5.5-7 Residential Zone, High Density and findings can be made for the requested variances for the non-conforming aspects of the property and Conditional Use Permit.
2. The 330 square foot garage addition and two accessory structures are similar in size, mass, design, and location on the site to other accessory garages and structures in the Belle Avenue neighborhood and do not change the character of the neighborhood. Therefore, the proposed 330 square foot garage addition and legalization of the two accessory structures is not out of scale with the property or with other residential structures in the neighborhood.
3. The development and use of the 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 Conditional Use Permit.
4. The project as conditioned herein will not be contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in the 2010 to 2030 Fairfax General Plan or set forth in the Zoning Ordinance, Title 17 of the Fairfax Town Code.
5. Approval of the project will result in equal or better development of the premises than would otherwise be the case by providing three on-site parking spaces and decreasing the on-street parking burden on the neighborhood, so the property complies with the Fairfax General Plan and Zoning Ordinance. Therefore, the project is in the public interest and will enhance the general health, safety, and welfare of the community.

## **Minimum Side and Rear Setback and Combined Side and Front and Setback and Parking Variances**

1. The project site is narrow at 40 feet in width. A portion of the residence currently extends into the eastern side setback by two feet. Construction of the project will intrude into the western side setback by three feet and reduce the combined side setback by 11 feet. The narrow width of the site necessitates the need for the minimum and combined side yard setback and parking variances because the strict application of the minimum and combined side yard setback limitation and side yard setback parking prohibition will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification.
2. Due to the narrow width of the site and the siting of the existing home on the site, granting a variance for the garage addition to the minimum and combined side setback requirement

and side yard parking structure prohibition will not constitute a grant of special privilege and is consistent with the limitations upon other properties in the vicinity in the Residential RD 5.5-7 Zone.

3. Moreover, due to the narrow width of the property and the limited amount of useable private open space, relocating the accessory buildings out of the setbacks would negatively impact the amount of useable private outdoor open space for the property owners and result in an unreasonable hardship for the owners.
4. Granting a variance to the setback requirements for the sheds will not constitute a grant of special privilege and will not be detrimental to the public welfare or injurious other property.

**WHEREAS**, the Commission approved the project subject to the applicant's compliance with all conditions set forth in this approval, as follows:

1. The project is approved per the following plans: Architectural Plans by Peter Brandelius, stamped received by the Town of Fairfax February 15, 2022.
2. Prior to issuance of any building permits for the project the applicant or his assigns shall submit a construction plan to the Public Works Department which may include but is not limited to the following:
  - a. Construction delivery routes approved by the Department of Public Works.
  - b. Construction schedule (deliveries, worker hours, etc.)
  - c. Notification to area residents
  - d. Emergency access routes
4. The foundation shall be designed by an architect certified to design such plans in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the project engineer and submitted to the satisfaction of the Town Engineer or Building Permit Plan Checker.
5. The grading, foundation, and drainage elements shall also be stamped and signed by the project architect.
6. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority, Marin Municipal Water District, and the Ross Valley Sanitary District noting the development conformance with their recommendations.
7. Prior to submittal of the building permit plans, and if a sprinkler system is going to be installed in the project, a separate fire suppression system application shall be filed and approved by the Ross Valley Fire Department with an approved copy of the plan included in the building permit application.

8. During the construction process the following shall be required:
  - a. The Building Official shall field check the concrete forms prior to the pour.
  - b. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.
  - c. Any proposed temporary closures of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
9. The Building Official shall field check the completed project to verify compliance with the approved plans and building code requirements.
10. Prior to issuance of a certificate of occupancy or final inspection, the Planning Department shall verify compliance with all Planning Commission conditions.
11. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
12. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 2022-02 or the approval of the Planning Director of minor changes that do not modify the intent of this approval. Any construction based on job plans that have been altered without the benefit of an approved modification by the Planning Commission or the Planning Director of Application 20-17 will result in the job being immediately stopped and red tagged.
13. Any damages to the public portions of Belle, Kent, or Pastori Avenues or Sir Francis Drake Boulevard or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
14. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits,

damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

15. 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.
16. The applicant must comply with all conditions imposed by an outside agency unless that agency waives its conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.
17. All the exterior fixtures must be 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 plan shall be submitted with the building permit application and be approved by the Planning Department prior to issuance of the project building permit. The lighting shall not emit direct offsite illumination and shall be the minimum necessary for safety.

### **Ross Valley Fire Department**

19. The project site is located in a Wildland Urban Interface Zone (WUI). Construction shall comply with the requirements of Chapter 7A of the 2016 California Building Code, including installation of a Class A Roof Assembly.
20. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of one detector on each story of the occupied portion of the residence.

21. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.
22. Address numbers at least four inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
23. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
24. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

#### **Marin Municipal Water District**

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

#### **Other outside agency requirements**

28. The applicant must comply with all outside agency conditions unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.

#### **Miscellaneous**

29. To minimize impacts on trees and significant vegetation, the applicant shall incorporate tree protection measures, which may include installation of four foot high deer fencing around trees, vertical 2 x 4's wrapped around the tree trunk, mulch placement within the root zone, limiting heavy equipment use around trees and roots, and reporting any tree damage

to the Director of Public Works so remedial action can be taken, pneumatic or hand trenching within the critical root zone, etc.

**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, a Parking Variance, a Minimum Side Yard Setback Variance, and a Combined Side Yard Setback Variance for a 330 Square foot Garage Addition and a Conditional Use Permit, a Minimum Rear Yard Setback Variance, a Combined Front and Rear Yard Setback Variance, and Minimum and Combined Side Yard Setback Variances for the Legalization of Two Accessory Structures is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

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

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 24th day of April of 2022 by the following vote:

AYES:

NOES:

ABSENT:

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Chair Norma Fragoso

Attest:

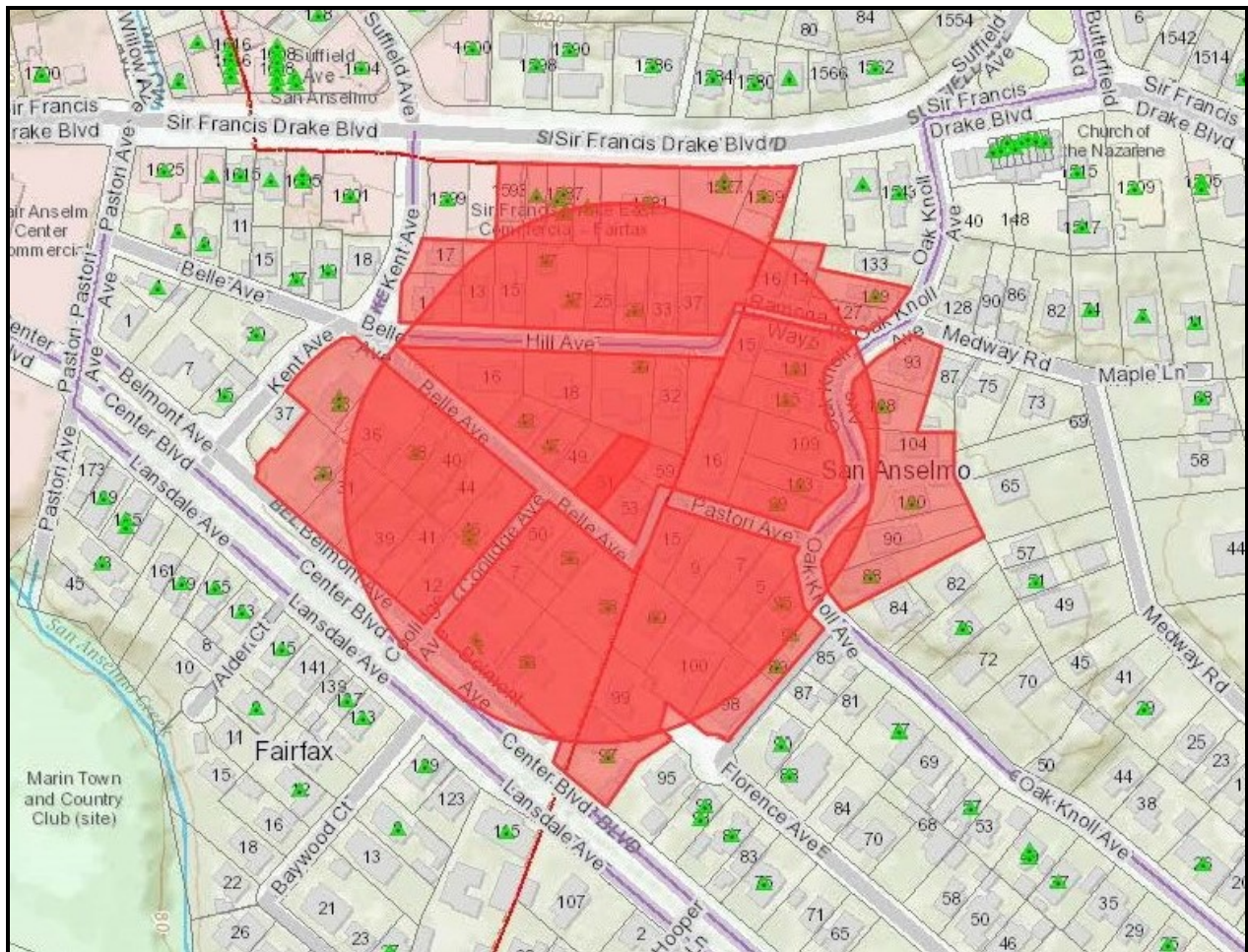
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Linda Neal, Principal Planner



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

**TO:** Fairfax Planning Commission  
**DATE:** March 18, 2021  
**FROM:** Kara Spencer, Assistant Planner  
**LOCATION:** 51 Belle Avenue; Assessor's Parcel No. 002-214-11  
**PROJECT:** Single-car garage addition  
**ACTION:** Conditional Use Permit, Minimum and Combined Side Yard Setback Variance, and Parking Variance Application # 20-17  
**APPLICANT:** Peter Brandelius  
**OWNER:** Same  
**CEQA STATUS:** Categorically exempt, § 15301(e)(1)



**51 BELLE AVENUE**

**ATTACHMENT B**

## DESCRIPTION

The project proposes to construct a new 330 square foot, single-car garage addition to a 1,017 square foot home. All exterior finishes and fenestration would match the existing home. The existing 11-foot-wide curb cut would be expanded by eight feet to create a total curb cut of 19 feet to accommodate a new off-street parking space for the residents of the home. All proposed work would be constructed over existing impermeable surfaces.

## BACKGROUND

The 4,240 square foot site is level with an approximate four percent average slope. It is located within the RD 5.5-7 Residential Zone, High Density and is developed with a 1,017 square foot, three-bedroom, one-bathroom residence. The one-story, 18 foot, eight-inch-high structure was constructed in 1910.

## REQUIRED DISCRETIONARY APPROVALS

The project requires the approval of a Conditional Use Permit and a Minimum Side Yard and Combined Side Yard Setback Variance.

**Conditional Use Permit.** Town Code Section 17.084.050 requires that a Conditional Use Permit (CUP) 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. More specifically, Town Code Section 17.084.050(A) requires a minimum area of 5,000 square feet and a minimum width of 60 feet for a site in the RD 5.5-7 zone with a slope of ten percent or less. The project site has an average slope of four percent. It is 4,240 square feet in area and 40 feet wide. Therefore, since the project site does not meet the minimum size and width requirements based on its slope, the proposed project requires the approval of a CUP by the Planning Commission.

**Minimum Side Yard and Combined Side Yard Setback Variance.** Town Code Section 17.084.070(A)(2) requires that properties in the RD 5.5-7 zone with a slope of ten percent or less maintain minimum five-foot side yard setbacks and a combined side yard setback of 15 feet, unless the Planning Commission grants a Variance to allow smaller setbacks. The existing home is three feet from the eastern property boundary and 13 feet from the western property boundary. As such, it meets the combined side yard setback of 15 feet and the minimum side yard setback at its western side but does not meet the minimum side yard setback on its eastern side.

The project proposes to construct a new attached garage on the western side of the house that would intrude into the western side yard setback by three feet. This would result in a minimum side yard setback on the western side of two feet and a combined side yard setback of five feet. Consequently, the project requires the approval of a Variance by the Planning Commission to encroach into the minimum and combined side yard setbacks.

**Parking Variance.** Town Code Section 17.052.010(B) prohibits a garage in the required side yard setback unless the Planning Commission grants a Variance. As noted above, the project proposes to construct a new attached garage on the western side of the house that that would intrude into the western side yard setback by three feet and the combined side yard setback by ten feet. Therefore, the project requires the approval of a Variance by the Planning Commission to locate the garage in the minimum side yard setback and the combined side yard setback.

**DISCUSSION**

The existing and proposed building’s compliance with the regulations of the RD 5.5-7 Zone is as follows:

	Front Setback	Rear Setback	Combined Front/Rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft.	6 ft.	25 ft.	5 ft. & 5 ft.	15 ft.	.40	.35	28 ft. 6 in., 2 stories
Existing	21 ft.	45 ft. 10 in.	66 ft. 10 in	3 ft. & 13 ft.	16 ft.	.24	.44	18 ft. 8 in., 1 story
Proposed	No change	No change	No change	3 ft. & 2 ft.	5 ft.	.24	No change	No change

**Conditional Use Permit.** In order to approve a CUP for the project, the Planning 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.

The applicant proposes to add a 330 square foot garage to the western side of the existing 1,017 square foot home. The garage addition would have minimal electrical improvements (e.g., two outlets and two overhead lights) and would be constructed over existing impermeable surfaces. All exterior finishes and fenestration would match the existing house. The project would provide the required three on-site parking spaces, decreasing the on-street parking burden on the neighborhood. As proposed, the garage would encroach into the minimum side yard setback and the combined side yard setback. There are limited opportunities for providing usable covered parking space on the site as the property is quite narrow at 40 feet. The area where the garage would be constructed is essentially the only area on site that could be utilized for covered parking and is already developed with impermeable surfaces.

Many other properties in Town and the immediate neighborhood with similarly sized parcels contain garages constructed within the required side yard setbacks. For example, 46 and 47 Belle Avenue (40 feet wide), 50 Belle Avenue (35 feet wide) and 59 Belle (irregularly shaped with a 39-foot street frontage) all have garages within the required side yard setback. In addition, 53 Belle Avenue, immediately adjacent to the eastern project property boundary, also contains a garage within the required rear yard setback.

Approving a CUP for the project would not result in a grant of special privilege as several other similarly sized, narrow properties contain garages in the minimum and combined side yard setbacks, providing the occupants with covered parking space, a “privilege” that is enjoyed by many Town residents. The project would result in three off-street parking spaces, two for the residents of the home and one for visitors, thereby decreasing the on-street parking burden on the neighborhood. In addition, one required covered space would be provided by the garage. The garage would maintain a two-foot setback from the adjacent property, leaving some space on the project property for exterior maintenance of its western side. In addition, the garage would not be out of scale with neighboring properties as it would be 12 feet six inches high (lower than the existing house) and 330 square feet in size. The project is consistent with the Town General Plan and would increase on-site parking opportunities, resulting in better development of the site.

Because the project would be comparable to other development in the neighborhood and would increase off-street parking, the project would not create a public nuisance, or cause unreasonable detriment to adjoining properties, and would result in better development of the site. Therefore, the project would be consistent with the CUP findings required by Town Code Section 17.032.060 and staff recommends that the Planning Commission approve the CUP for the project.

**Minimum Side yard and Combined Side yard Setback Variance.** Town Code Section 17.028.070 requires the Planning Commission to make the following findings when approving a variance to the Town Code requirements: (1) because of special circumstances applicable to the property, including size, shape, topography, location of surroundings, the strict application of the title will deprive the applicant(s) of privileges enjoyed by other property owners under identical zone classifications; (2) the variance will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity under identical zone classifications and is consistent with the objectives of the title; (3) the strict application of the title would result in excessive hardship; and (4) the granting of the variance will not be detrimental to the public welfare or injurious to the other property in the vicinity of the project.

The project site is quite narrow at 40 feet, which limits the area available for providing a garage. Because of this, the project proposes to construct the new garage in the only area on site that could be utilized for a garage, which is within the western side yard setback and by default the combined side yard setback. This would reduce the minimum western side yard setback to two feet and the combined side yard setback to five feet. As occurs with many Town residential sites, the narrow width of the lot makes

compliance with the combined side yard setback requirement difficult/ There is no reasonable way to construct a garage or any covered parking on the property and comply with setbacks.

After consulting with the neighbor on the western side of the property at 49 Belle, the property owner decreased the width of the garage by two feet from its original proposed size, so it would not be flush with the property boundary. This reduction in width was done to create some space on the project property for the property owner to use for any kind of maintenance that might be necessary on the western side of the garage. No windows or doors are proposed along the western side of the garage either, so the privacy of the neighboring property at 49 Belle would not be impacted. The area where the garage would be constructed is already developed with impermeable surfaces, so project implementation would not increase impermeable surfaces on the project site.

In 1973 the Town updated its Zoning Ordinance increasing the setbacks required for residential properties and limiting lot coverage to 35% [Town Code Sections 17.084.070(A)(1) and (2) and 17.040.010]. The ordinance rendered most of the residences in the developed residential neighborhoods non-conforming with respect to setbacks. Due to the narrow width of the site and current restrictions, it would be difficult to provide a garage that complies with the current regulations.

Several other narrow properties in Town have garages within minimum and combined side yard setbacks, thus denial of the variance would deprive the owner of privileges of enjoyed by other properties in the vicinity. In addition, granting of a variance to the setback requirements would not constitute a special privilege as it reflects site constraints and would enable the owner to improve his home, while complying with the Town's off-street parking requirements. Other similarly burdened sites would be given similar consideration.

Granting of the variance would decrease the on-street parking burden on the neighborhood and improve circulation, a benefit to the property owner and the public. The garage addition would be located a sufficient distance from the neighboring residence at 49 Belle and would maintain a two-foot setback from the property line. Therefore, the project would not be detrimental to the public welfare or injurious to other property in the vicinity. For these reasons, staff recommends that the Planning Commission approve the minimum and combined side yard setback variances for the project.

**Parking Variance.** The applicant also seeks a Variance to Town Code Section 17.052.010(B) which prohibits the location of parking within the required side yard setback. The applicant proposes to locate the garage and one of the required three, on-site parking spaces within the required side yard, maintaining only a two-foot setback from the western side property line. Historically, parking was allowed in the side yard setback, and parking and parking structures can be found in the side yard setback throughout the Town. Many properties in the project vicinity have garages spaces in the side yard setback, as noted previously. Therefore, allowing this property to have a

garage in the side yard would not change the character of the neighborhood or have a significant negative impact on the neighbors or the neighborhood.

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

**Ross Valley Fire Department (RVFD).** The following summarizes RVFD requirements, which have been incorporated into conditions of approval in the attached resolution. Construction shall comply with the requirements of Chapter 7A of the 2016 California Building Code. A Class "A" roof assembly is required. All vegetation and construction materials are to be maintained away from the residence during construction. Smoke detectors shall be installed throughout the entire building and be provided with AC power and be interconnected for simultaneous alarm. Carbon monoxide alarms shall be provided outside each sleeping area in the immediate vicinity of the bedrooms. Address numbers at least 4 " tall are required and must be visible from the street, controlled by a photocell and illuminated all night.

**Marin Municipal Water District (MMWD).** Written requirements submitted by MMWD have been incorporated into conditions of approval in the attached resolution. The following summaries those comments: comply with Ordinance No. 429 requiring the installation of grey water recycling system when practicable for all projects required to install new water service and existing structures undergoing a substantial remodel that necessitates enlarged water service; indoor and outdoor requirements of District Code Title 13 - Water Conservation must be complied with; any landscaping plans subject to review by the Town of Fairfax or subject to a Town permit must be reviewed and approved by the District; backflow prevention requirements must be met.

**Ross Valley Sanitary District (RVSD).** The RVSD has no comments and did not place any conditions upon the project.

**Fairfax Police, Building and Public Works Departments.** The Police, Building, and Public Works Departments have no comments and did not place any conditions upon the project.

### **RECOMMENDATION**

Conduct the public hearing and then move to approve Application # 20-17 by adopting Resolution No. 2021-03 setting forth the project findings and conditions of approval.

### **ATTACHMENTS**

Attachment A – Resolution No. 2021-03

## RESOLUTION NO. 2021-03

### **A Resolution of the Fairfax Planning Commission Approving Application No. 20-17 for a Conditional Use Permit, Minimum and Combined Side Yard Setback Variance, and Parking Variance for a 330 Square foot Garage Addition at 51 Belle Avenue**

**WHEREAS**, the Town of Fairfax received an application from Peter Brandelius to construct a 330 square foot garage addition; and

**WHEREAS** the Planning Commission held a duly noticed Public Hearing on March 18, 2021, at which time the Planning Commission determined that the proposed project complies with the Town Zoning Ordinance; and

**WHEREAS**, based on the plans and other documentary evidence in the record the Planning Commission determined that the applicant met the burden of proof required to support the findings necessary to approve the Conditional Use Permit, Minimum and Combined Side Yard Setback Variance, and Parking Variance; and

**WHEREAS**, the Commission made the following findings:

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

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.

Policy LU-7.2.2: To the extent feasible natural features including the existing grade, mature trees and vegetation shall be preserved for new and renewed development.

Policy LU-4.1.4: New and renewed development shall be designed to minimize run-off in a manner that does not cause undue hardship on neighboring properties.

Policy S-3.1.3: Maximize access and egress for emergency response vehicles.

#### **Conditional Use Permit**

1. The proposed garage addition conforms to most of the regulations set forth in the RD 5.5-7 Residential Zone, High Density and findings can be made for the requested variances for the non-conforming aspects of the property and Conditional Use Permit.
2. The 330 square foot garage addition is similar in size, mass, design, and location on the site to other accessory garages in the Belle Avenue neighborhood and does not change the character of the neighborhood. Therefore, the proposed 330 square foot

garage addition is not out of scale with the property or with other residential structures in the neighborhood.

3. The development and use of the 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 Conditional Use Permit.
4. The project as conditioned herein will not be contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in the 2010 to 2030 Fairfax General Plan or set forth in the Zoning Ordinance, Title 17 of the Fairfax Town Code.
5. Approval of the project will result in equal or better development of the premises than would otherwise be the case by providing three on-site parking spaces and decreasing the on-street parking burden on the neighborhood, so the property complies with the Fairfax General Plan and Zoning Ordinance. Therefore, the project is in the public interest and will enhance the general health, safety, and welfare of the community.

#### **Minimum and Combined Side Setback and Parking Variances**

1. The project site is narrow at 40 feet in width. A portion of the residence currently extends into the eastern side setback by two feet. Construction of the project will intrude into the western side setback by three feet and reduce the combined side setback by 11 feet. The narrow width of the site necessitates the need for the minimum and combined side yard setback and parking variances because the strict application of the minimum and combined side yard setback limitation and side yard setback parking prohibition will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification. Due to the narrow width of the site and the siting of existing home on the site, granting of a variance to the minimum and combined side setback requirement and side yard parking structure prohibition will not constitute a grant of special privilege and will not be detrimental to the public welfare or injurious other property.
2. The variances or adjustments will not constitute a grant of special privilege, are consistent with the limitations upon other properties in the vicinity and under identical zone classification, and are consistent with the objectives of this title.
3. The strict application of this title would result in excessive or unreasonable hardship.
4. The granting of the variances or adjustments will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.



**WHEREAS**, the Commission approved the project subject to the applicant's compliance with all conditions set forth in this approval, as follows:

1. The project is approved per the following plans: Architectural Plans by Peter Brandelius, pages A99, A99.5, A100, A102-A107, A109-A112.
2. Prior to issuance of any building permits for the project the applicant or his assigns shall submit a construction plan to the Public Works Department which may include but is not limited to the following:
  - a. Construction delivery routes approved by the Department of Public Works.
  - b. Construction schedule (deliveries, worker hours, etc.)
  - c. Notification to area residents
  - d. Emergency access routes
4. The foundation shall be designed by an architect certified to design such plans in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the project engineer and submitted to the satisfaction of the Town Engineer or Building Permit Plan Checker.
5. The grading, foundation, and drainage elements shall also be stamped and signed by the project architect.
6. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority, Marin Municipal Water District, and the Ross Valley Sanitary District noting the development conformance with their recommendations.
7. Prior to submittal of the building permit plans, and if a sprinkler system is going to be installed in the project, a separate fire suppression system application shall be filed and approved by the Ross Valley Fire Department with an approved copy of the plan included in the building permit application.
8. During the construction process the following shall be required:
  - a. The Building Official shall field check the concrete forms prior to the pour.
  - b. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.
  - c. Any proposed temporary closures of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or

his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

9. The Building Official shall field check the completed project to verify compliance with the approved plans and building code requirements.
10. Prior to issuance of a certificate of occupancy or final inspection, the Planning Department shall verify compliance with all Planning Commission conditions.
11. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
12. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 20-17 or the approval of the Planning Director of minor changes that do not modify the intent of this approval. Any construction based on job plans that have been altered without the benefit of an approved modification by the Planning Commission or the Planning Director of Application 20-17 will result in the job being immediately stopped and red tagged.
13. Any damages to the public portions of Belle, Kent, or Pastori Avenues or Sir Francis Drake Boulevard or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
14. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

15. 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.
16. The applicant must comply with all conditions imposed by an outside agency unless that agency waives its conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.
17. All exterior fixtures shall be dark sky compliant (fully shielded and emit no light above the horizontal plane with no sag or drop lenses, side light panels or up light panels) and the lighting plan shall be submitted with the building permit application and be approved by the Planning Department prior to issuance of the project building permit.
18. The lighting shall not emit direct offsite illumination and shall be the minimum necessary for safety.

### **Ross Valley Fire Department**

19. The project site is located in a Wildland Urban Interface Zone (WUI). Construction shall comply with the requirements of Chapter 7A of the 2016 California Building Code, including installation of a Class A Roof Assembly.
20. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of one detector on each story of the occupied portion of the residence.
21. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.
22. Address numbers at least four inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
23. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.

24. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

### **Marin Municipal Water District**

25. Comply with MMWD Ordinance No. 429, requiring the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

26. The plans must comply with all the indoor and outdoor requirements of District Code Title 13, Water Conservation. Landscaping plans must be submitted to the District and be approved.

27. The District's backflow prevention requirements must be met and if installation of a backflow device is required, the device shall be tested/inspected and be approved by a District Inspector prior to the project final inspection and issuance of the occupancy permit.

### **Other outside agency requirements**

28. The applicant must comply with all outside agency conditions unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services Department prior to issuance of the building permit.

### **Miscellaneous**

29. To minimize impacts on trees and significant vegetation, the applicant shall incorporate tree protection measures, which may include installation of four foot high deer fencing around trees, vertical 2 x 4's wrapped around the tree trunk, mulch placement within the root zone, limiting heavy equipment use around trees and roots, and reporting any tree damage to the Director of Public Works so remedial action can be taken, pneumatic or hand trenching within the critical root zone, etc.

**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, Minimum and Combined Side Yard Setback Variances, and Parking Variance is in conformance with the 2010 – 2030 Fairfax General Plan and the Fairfax Zoning Ordinance, Town Code Title 17; and

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

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 18th day of March of 2021 by the following vote:

AYES:

NOES:

ABSENT:

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Chair Rodriguez

Attest:

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Ben Berto, Director of Planning and Building Services

FAIRFAX PLANNING COMMISSION MEETING MINUTES  
VIA TELECONFERENCE DUE TO COVID-19  
THURSDAY, MARCH 18, 2021

Call to Order/Roll Call:

Chair Rodriguez called the meeting to order at 7:00 p.m.

Commissioners Present: Esther Gonzalez-Parber  
Mimi Newton  
Michele Rodriguez (Chair)  
Cindy Swift

Commissioners Absent: Norma Fragoso  
Philip Green

Staff Present: Ben Berto, Planning Director  
Linda Neal, Principal Planner

#### APPROVAL OF AGENDA

M/s, Newton/Swift, motion to approve the agenda as posted.

AYES: Gonzalez-Parber, Newton, Swift, Chair Rodriguez

ABSENT: Fragoso, Green

#### PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

#### CONSENT CALENDAR

- 1. 1930 Sir Francis Drake Blvd.; Application #20-02**  
**Request for a Formula Business Conditional Use Permit and recommendations on a Design Review permit, Sign Permit and scoring of a medical cannabis dispensary/adult delivery business permit for recommendation to the Town Council; Assessor's Parcel No. 001-223-10; Central Commercial CC Zone; Element 7 Fairfax LLC, Applicant; Adham Nasser, owner; CEQA Categorically Exempt per Section 15301(a)**  
**This item has been continued off calendar.**

M/s, Swift/Newton, motion to continue this item off calendar.

AYES: Gonzalez-Parber, Newton, Swift, Chair Rodriguez

ABSENT: Fragoso, Green

#### PUBLIC HEARING ITEMS

- 2. 48-52 Bolinas Road; Application # 21-01**  
**Continued consideration of a request for a Design Review Permit to remove the existing shingled mansard style roof and replace/repair façade of existing commercial building; Assessor's Parcel No. 002-115-15; Central Commercial CC Zone; Leyla Hilmi, applicant/architect; Peter and Norma Lydon, owners; CEQA categorically exempt per Section 15301(a)**

Principal Planner Neal presented the staff report. She discussed the revisions to the design.

Chair Rodriguez opened the meeting to public comments.

Leyla Hilmi, architect, made the following comments:

- They focused on the upper section (the mansard shingle structure) which became unsafe.
- Looking at it head on it still looks flat.
- She pointed to the sections that are forward and the middle section that is set back and increases the articulation of the façade.
- They eliminated the awnings.
- They are not doing anything to the areas below.
- The revisions represent a more appropriate modulation of the façade.
- This has always been a simple structure.
- This is a repair project.

Chair Rodriguez asked the reason for the color choice given the colors in the downtown. Leyla Hilmi stated they did not think they had to match those colors and thought they should go with a warmer tone.

Chair Rodriguez referred to the three business names and asked if there was a master sign program. Leyla Hilmi stated it would be up to the individual occupants.

Norma Lydon made the following comments

- She inherited the building from her parents.
- They have prospective local tenants along with long-time tenants.

Richard Hamer made the following comments

- He used to be a tenant in this building and has construction knowledge.
- This is the antithesis of “preserving the funky Fairfax look”.
- The mansard roof was installed in 1982 and was repaired in 1997.
- Making this a flat expanse of whatever color they choose will take the character out of Bolinas Road.

Chair Rodriguez closed the meeting to public comments.

Commissioner Swift provided the following comment:

- She supports the changes to the color and the replacement of the mansard roof.

Commissioner Newton provided the following comment:

- She is not concerned about the removal of the mansard roof or the color.

Commissioner Gonzalez-Parber provided the following comments:

- She asked if the siding was Hardi plank. Leyla Himli stated they decided on the fiber cement siding since it mimics the wood paneling. It is spark resistant and fire safe.
- This is an improvement over what existed years ago.
- Initially she wanted exterior changes to include breaking up the horizontal plane of the facade but does not have any specific recommendations for how to do this.
- The project is addressing safety issues.
- The colors are fine.
- She supports the project.

Commissioner Newton provided the following comments:

- She suggested the following changes to the resolution: 1) On page 1, under the 4<sup>th</sup> “Whereas”, it should read: “The proposal complies with...”; 2) On page 2, the 5<sup>th</sup> “Whereas” should read “.. time of the lead agency’s...”; 3) On page 1, under the 6<sup>th</sup> “Whereas” there are two applicants and this change should also be reflected in #5 on page 2 and throughout; 4) On page 2, #5, the last sentence should say: “... subject to the Town’s promptly *notifying the applicants of any said claim, action, or proceeding*”.

M/s, Newton/Swift, motion to adopt Resolution No. 2021-01 with the following amendments: 1) On page 1, under the 4<sup>th</sup> “Whereas”, it should read: “The proposal complies with...”; 2) On page 2, the 5<sup>th</sup> “Whereas” should read “.. time of the lead agency’s...”; 3) On page 1, under the 6<sup>th</sup> “Whereas” there are two applicants and this change should also be reflected in #5 on page 2 and throughout; 4) On page 2, #5, the last sentence should say: “... subject to the Town’s promptly *notifying the applicants of any said claim, action, or proceeding*”.

AYES: Gonzalez-Parber, Newton, Swift, Chair Rodriguez

ABSENT: Fragoso, Green

Chair Rodriguez stated there is a 10-day appeal period.

**3. 51 Belle Avenue; Application #20-17  
Request for a Conditional Use Permit, Minimum and Combined Side Yard Setback Variance, and Parking Variance to construct a new 330 square foot, single-car garage addition to a 1,017 square foot home; Assessor’s Parcel No. 002-214-11; RD 5.5-7 Residential Zone, High Density District; Peter Brandelius applicant/owner; CEQA categorically exempt per section 15031(e)(1).**

Planning Director Berto presented the staff report. Staff worked with the applicant last week and it was determined that this item should be continued to a date uncertain.

Chair Rodriguez asked if anyone in the audience would like to speak about this application. No hands were raised.

Planning Director Berto presented the staff report. He noted there was a discrepancy between the architectural plans and the survey.

Chair Rodriguez opened the meeting to public comments.

There were no comments.

Chair Rodriguez closed the meeting to public comments.

Commissioner Newton provided the following comments:

- She referred to the potential to turn an accessory structure into an Accessory Dwelling Unit (ADU) and asked how that might impact this project. Planning Director Berto stated the Commission would be looking at an application for a garage.

Commissioner Gonzalez-Parber provided the following comments:

- She asked if the neighbor to the left (west) has commented on the project. Planning Director Berto stated the project has been modified in response to the neighbor’s concern. He is not aware of the neighbor’s current position.
- She is concerned about access to the rear yard by emergency personnel.
- There are no openings or articulation on the west side of the garage. It presents and flat unbroken and blank wall towards the neighboring property.
- They are getting close to the neighbors on the west.



- She asked if they have explored putting the garage in the back.
- The lot is very narrow.

Commissioner Swift provided the following comment:

- She will make comments when the application comes back with revisions.

Chair Rodriguez provided the following comments:

- She asked about the standard width and depth for a single parking space (8' X 16", or 9' X 18')
- This is significantly longer and given the stairway she is confused about what is going on.

M/s, Newton/Swift, motion to continue this application to a date uncertain.

AYES: Gonzalez-Parber, Newton, Swift, Chair Rodriguez

ABSENT: Fragoso, Green

#### **4 88 Toyon Road; Application #21-04**

**Request for a design modification of a previously approved Hill Area Residential Development and Design Review Permit to remodel/expand an existing 1,530 square-foot, 3-bedroom, 2-bathroom, 2-story single family residence into a 2,319 square-foot, 3-bedroom, 2 ½ bathroom, 2-story, single-family residence; Assessor's Parcel No. 003-081-39; Residential Single-family RS-6 Zone; Gregg Foster, owner; Kenneth Holder, Architect; CEQA categorically exempt per Section 15301(e)(1).**

Principal Planner Neal presented the staff report. She summarized the proposed changes to the project and the revisions to the resolution as indicated in the staff report (redline) plus the additional conditions: 1) On page 1, the 1<sup>st</sup> "Whereas" is missing an "e"; 2) On page 1, elimination of the reference to a Tree Permit and an Excavation Permit in the 3<sup>rd</sup> "Whereas"; 3) On page 8, the addition of Condition #37, "The second story roof deck privacy screen shall be 3 feet six inches in height and structurally extend out from the northeast corner of the building eight feet and the north window in bedroom #2 shall have a lower sill height of six feet above the floor level"; 4) On page 8, addition of Condition #38, "A revised Vegetative Management Plan must be obtained prior to issuance of the Building Permit to include the vegetative headlight screen at the front of the property and if the Ross Valley Fire Department is unable to approve the vegetation at the front then a fencing screen shall be placed in that same location."

Commissioner Swift had a question about Condition #38.

Commissioner Newton asked if there would be a change in the landscaping plan due to the retention of the swimming pool. Principal Planner Neal stated "yes". Commissioner Newton asked if the Floor Area Ratio (FAR) would be 0.14 or 0.16. Principal Planner Neal stated it would be the latter.

Commissioner Gonzalez-Parber asked about the location of the additional square footage. Principal Planner Neal stated they were extending out into the existing upper floor deck area on the second floor and shifting the lower floor living space out underneath the upper floor deck. The only space proposed not in the existing footprint of the house is a small area at the southeast corner where the existing deck jogs in towards the house – this area has been filled in with living space. Commissioner Gonzalez-Parber asked where the excavation was eliminated. Principal Planner Neal stated they were going to excavate under the house. Commissioner Gonzalez-Parber asked about the color change.

Chair Rodriguez opened the meeting to public comments.

Gregg Foster made the following comments:

- He has been working on the headlight screening with his neighbor whose house is 20 feet lower than the subject property's driveway.

- The proposal is for a wood screening which would eliminate the fence height issue.

Chair Rodriguez closed the meeting to public comments.

Commissioner Gonzalez-Parber provided the following comments:

- She appreciated the extra effort.
- The project looks a lot better.

Commissioner Newton provided the following comment:

- “Good fences make good neighbors”!

Commissioner Swift provided the following comments:

- She supports the modified project.

M/s, Swift/Newton, motion to adopt Resolution No. 2021-06 with the following amendments:

1) On page 1, the 1<sup>st</sup> “Whereas” is missing an “e”; 2) On page 1, elimination of the reference to a Tree Permit and an Excavation Permit in the 3<sup>rd</sup> “Whereas”; 3) On page 8, the addition of Condition #37, “The second story roof deck privacy screen shall be 3 feet six inches in height and structurally extend out from the northeast corner of the building eight feet and the north window in bedroom #2 shall have a lower sill height of six feet above the floor level”: 4) On page 8, addition of Condition #38, “A revised Vegetative Management Plan must be obtained prior to issuance of the Building Permit to include the vegetative headlight screen at the front of the property and if the Ross Valley Fire Department is unable to approve the vegetation at the front then a fencing screen shall be placed in that same location”: 5) Toyon Road throughout; 6) On page 2, 1<sup>st</sup> “Whereas”, elimination of the reference to the TPP plan dated 2/22/21: 7) On page 8, #35, the date should be 3/9/2020: 8) On page 4, (i) should read *Commissions*’.

AYES: All

ABSENT: Fragoso, Green

Chair Rodriguez stated there was a 10-day appeal period.

## **5. Housing Element Status Update**

Planning Director Berto presented a staff report. There is Joint Meeting with the Town Council scheduled for April 21<sup>st</sup>.

Chair Rodriguez asked about the Ad Hoc Subcommittee. Planning Director Berto stated he met with the subcommittee and had a discussion concentrating on the current Housing Element’s major Policies and Goals. There is another subcommittee meeting scheduled. Chair Rodriguez stated these meetings should be open to the public with a posted agenda.

Chair Rodriguez had a question about the rescheduling of the joint meeting. Commissioner Newton discussed her understanding of the reason for the Council’s decision

Chair Rodriguez opened the meeting to public comments.

Michael McIntosh made the following comments:

- The Commission should work on the Housing Element and bring it to the Council
- The State is now mandating what should be done.
- The same consultant should be hired to make a presentation to both the Planning Commission and Town Council at the same time.
- Everybody should be on the same page with the paid consultant.

Chair Rodriguez closed the meeting to public comments.

**6 Discussion/consideration of draft Ordinance for recommendation to the Town Council for adoption amending Town Code Chapter 17.020, Section 17.020.030 to include a Subsection (C) requiring a design review permit for exterior color changes or significant design changes to any buildings or other structures on commercially zoned properties.**

Principal Planner Neal presented a staff report.

Chair Rodriguez stated the Commissions' original concern was the preservation of the historic value of the downtown. She asked what zones this proposal applies to, if any of the Planned Development District (PDD) Zones have a commercial overlay, and about the definition of "significant" is in terms of alterations. Principal Planner Neal stated the original ordinance applied to all commercial zones and PDD Zones and she pointed them out. She stated new construction changes in the PDD are covered in another section.

Planning Director Berto stated this applies to the Highway Commercial (CH), Central Commercial (CC), Service Commercial (CS), and Limited Commercial (CL). Chair Rodriguez asked about the Commercial Recreation (CR) Zone.

Commissioner Newton stated they had the old version of the ordinance and it was difficult to look at this holistically. She suggested the first attachment to the proposed ordinance should be the existing language of the code with the current language and a "redline" to show the addition of Section (C). They should not look at this section in a vacuum.

Commissioner Swift stated they need to figure out the Commissions' intent. She noted there are five Commercial Zones (CH, CL, CR, CC, and CS) each of which has a Design Review Section. They are all basically the same. This issue started out with a concern about the downtown area. She asked about the Design Review language in each of the Commercial Zones as opposed to the Design Review Section language itself. She reiterated that they need to discuss intent.

Chair Rodriguez agreed with the comments made by Commissioner Swift.

Principal Planner Neal stated she was sure that this was originally intended to apply to all the Commercial Zones. The 1986 Design Review Board wanted to review the changes to Deer Park and School Street Plaza.

She is also of the opinion that the Design Review Board wanted this to apply to apartment buildings and multi structure residential developments (Multiple Residential- RM and PDD – condominium projects).

Chair Rodriguez opened the meeting to public comments.

There were no comments.

Chair Rodriguez closed the meeting to public comments.

Commissioner Swift provided the following comments:

- She asked if the RM Zone talks about Design Review. Principal Planner Neal stated "no" but it is included in the Senior Master Plan.
- The Commission started this discussion with the downtown corridor area in mind.

Commissioner Newton provided the following comments:

- She wondered if the intent was to require something that was formerly commercial but is now residential to go through this. Principal Planner Neal stated residences on commercially zoned properties should be subject to Design Review.
- She asked if they add the word “commercial” to the proposal.

Chair Rodriguez provided the following comment:

- They started with a review of the commercial properties downtown and now they are looking at all commercial properties in Town and maybe multi-family. Planning Director Berto stated staff believes this can be a fairly simple change. Principal Planner Neal agreed and stated she see this as being somewhat urgent.

Commissioner Swift provided the following comment:

- She had a question about the UR Zones. Principal Planner Neal stated Design Review Board approval is required in the Ridgeline Scenic Corridor.

Chair Rodriguez provided the following comments:

- She would like to continue this item and ask staff to come back the following: 1) Clarity on the goal; 2) A side by side comparison of the Design Review Ordinance and Section 17.020.030; 3) The triggers (i.e. \$2,500 of improvements, substantial change, etc.); 4) An analysis of the residential zoning.

Commissioner Newton provided the following comments:

- She would like to see in the proposed resolution something that reflects why this is coming forward and a reference made to the error made in 2002.
- She would like to restore it to what it was.

Commissioner Gonzalez-Parber provided the following comments:

- She likes staff’s idea of restoring the code to what it was before and adding the new language at the end regarding the 50% remodel criteria.
- The \$2,500 value is outdated.

Chair Rodriguez opened the meeting to public comments.

Frank Egger made the following comments:

- Somehow a simple amendment to the code to put all the commercial zones back into the Design Review code has gotten off track.
- This should be simple.
- An error was made in 2002 by the codification company.
- The purpose and intent is to cover the color schemes of commercial buildings.

Chair Rodriguez closed the meeting to public comments.

M/s, Swift/Newton, motion to continue this item to the next Planning Commission meeting for deliberation.

AYES: Gonzalez-Parber, Newton, Swift

NOES: Chair Rodriguez

ABSENT: Fragoso, Green

## **DISCUSSION**

### **7. Discussion of zoning ordinance regarding the boundaries of Ridgeline Scenic Corridors**

Planning Director Berto presented the staff report.

Commissioner Newton asked the Commission to imagine standing at the highest point of that Fairfax Ridge and dragging a piece of string 100 feet long and walking down that red line- everything in that area is caught up in that vertical distance.

Commissioner Swift stated if they go down that path they leave the code alone and the Visual Resources Map No. 9 alone. She never agreed to the approach of what that 100-foot vertical meant and that it would go beyond the 150-foot horizontal. It is more the point of what is within 35 feet of the ridgeline when looking at an application. They are really looking at what pokes above that 35-foot measurement.

Planning Director Berto stated the intent is to avoid structures that penetrate the plane of the ridge and to address the increased visual sensitivity of these properties.

Commissioner Newton stated the language in the ordinance talks about the 150-foot horizontal and 100-foot vertical, whichever is greater. This is a tool for staff to advise people whose properties fall within the distance of the ridge that they could potentially build and break that ridge plane.

Commissioner Gonzalez-Parber asked if this is going to be an overlay on the GIS map. Planning Director Berto stated "yes". Commissioner Gonzalez-Parber asked if they could add a cross-hatch in the location of the prohibited areas. Planning Director Berto stated the "no-build" zone will be made clear. Commissioner Gonzalez-Parber stated she loves the map and the colors.

Chair Rodriguez opened the meeting to public comments.

There were no comments.

Chair Rodriguez closed the meeting to public comments.

M/s, Gonzalez-Parber/Swift, motion to direct staff to complete the mapping of the 35-foot vertical and to combine it with the other two maps to come up with a cumulative Ridgeline Scenic Corridor Map for use by the Town.

AYES: Gonzalez-Parber, Newton, Swift

NOES: Chair Rodriguez

ABSENT: Fragoso, Green

Chair Rodriguez stated she voted "no" because she did not think this is the intent of the code and it does not provide adequate protection.

## **MINUTES**

### **8. Minutes from the January 21, 2021 and February 18, 2021 Planning Commission meeting**

M/s, Rodriguez/Newton, motion to approve the minutes from the February 18, 2021 meeting as corrected.

AYES: Gonzalez-Parber, Newton, Swift, Chair Rodriguez

ABSENT: Fragoso, Green

M/s, Rodriguez/Newton, motion to continue the minutes from the January 21, 2021 meeting.

AYES: Gonzalez-Parber, Newton, Swift, Chair Rodriguez

ABSENT: Fragoso, Green

## **Planning Director's Report**

Planning Director Berto reported the Climate Action Committee (CAC) gave a presentation to the Council at its last meeting and he asked the Commission if they would like to receive a similar presentation. Assistant Planner Kara Spencer is moving on and he wished her well in her future endeavors. Staff welcomes comments and questions from the Commission but would prefer that they be sent prior to the meeting date - the earlier the better.

Chair Rodriguez liked the idea of a CAC presentation. The other Commissioners agreed.

### **Commissioner Comments and Requests**

Chair Rodriguez asked if there was room in the 2021 League of California Cities Commissioners' Training session. Planning Director Berto stated "yes"- it is a virtual conference. Chair Rodriguez encouraged Commissioners to "attend".

Commissioner Swift asked about the status of the Annual Update to the Housing Element Report. Planning Director Berto stated the State has pushed the due date back to June. Commissioner Swift asked staff to send the spreadsheet.

Commissioner Gonzalez-Parber stated including paint samples on plans is very helpful.

### **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:40 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary

**From:** [Robert Bastianon](#)  
**To:** [Kara Spencer](#)  
**Subject:** Re: FW: 51 Belle Avenue Fairfax Planning Application  
**Date:** Thursday, October 1, 2020 7:07:14 AM

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Hi Kara, this project meets or exceeds minimum fire code requirements. Standard conditions apply

On Wed, Sep 30, 2020 at 4:44 PM Kara Spencer <[kspencer@townoffairfax.org](mailto:kspencer@townoffairfax.org)> wrote:

Hi Rob,

If you could send me any comments on this or let me know if I can use some standard comment language, I'd really appreciate it.

Kara

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**From:** Kara Spencer  
**Sent:** Monday, September 28, 2020 6:12 PM  
**To:** Robert Bastianon <[rbastianon@rossvalleyfire.org](mailto:rbastianon@rossvalleyfire.org)>  
**Subject:** FW: 51 Belle Avenue Fairfax Planning Application

Hi Rob,

Do you have any comments on this project?

Thanks,

Kara

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**From:** Kara Spencer  
**Sent:** Thursday, September 24, 2020 5:58 PM  
**To:** Robert Bastianon <[rbastianon@rossvalleyfire.org](mailto:rbastianon@rossvalleyfire.org)>  
**Subject:** FW: 51 Belle Avenue Fairfax Planning Application

ATTACHMENT D

Hi Rob – Any comments? -Kara

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**From:** Kara Spencer  
**Sent:** Tuesday, September 22, 2020 5:15 PM  
**To:** 'Robert Bastianon' <[rbastianon@rossvalleyfire.org](mailto:rbastianon@rossvalleyfire.org)>  
**Subject:** FW: 51 Belle Avenue Fairfax Planning Application

Hi Rob,

Do you have any comments for me on this garage addition?

Kara

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**From:** Kara Spencer  
**Sent:** Friday, September 11, 2020 6:12 PM  
**To:** Robert Bastianon <[rbastianon@rossvalleyfire.org](mailto:rbastianon@rossvalleyfire.org)>  
**Subject:** RE: 51 Belle Avenue Fairfax Planning Application

Sorry about that. Is this any better?

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**From:** Robert Bastianon <[rbastianon@rossvalleyfire.org](mailto:rbastianon@rossvalleyfire.org)>  
**Sent:** Friday, September 11, 2020 1:04 PM  
**To:** Kara Spencer <[kspencer@townoffairfax.org](mailto:kspencer@townoffairfax.org)>  
**Subject:** Re: 51 Belle Avenue Fairfax Planning Application

Hi Kara, i am not able to open the plans in this format. Can you send differently

On Tue, Sep 8, 2020 at 5:38 PM Kara Spencer <[kspencer@townoffairfax.org](mailto:kspencer@townoffairfax.org)> wrote:



Hi Rob,

I have attached some plans for a garage addition project in Fairfax. Could you please review them and let me know if you have any comments or concerns with the project by September 22nd?

Best Regards,  
Kara Spencer  
Town of Fairfax  
Assistant Planner  
415-453-1584

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