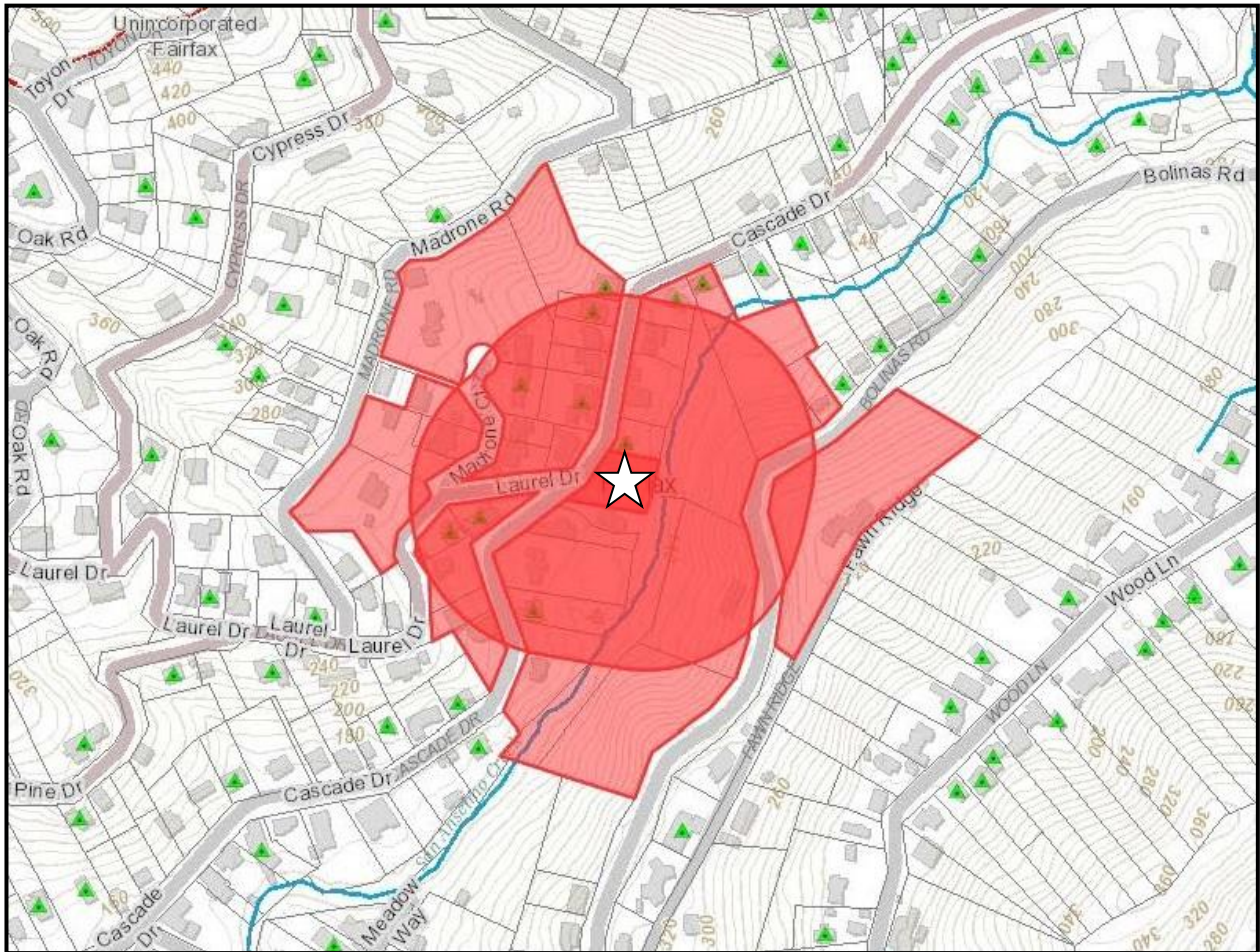


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Planning Commission
DATE: August 25, 2022
FROM: Kara Spencer, Assistant Planner
LOCATION: 217 Cascade Drive; APN # 003-134-04
ZONING: RS-6 Single-Family Residential Zone
PROJECT: Remodel/Bathroom Addition
ACTION: Conditional Use Permit; Application # 22-15
APPLICANT: James Irving
OWNER: James Irving and Trudy Totty
CEQA STATUS: Categorically exempt, § 15301(a)



217 CASCADE ROAD

AGENDA # 1

DESCRIPTION

The project proposes to remodel an existing 2,206 square-foot, three-bedroom, two-bathroom, single-family residence on an 11,767 square-foot property by converting an existing room to a full bathroom and a hallway with an exterior door. No expansion of building area would occur.

BACKGROUND

The project site is located within the RS-6 Single-Family Residential Zone (RS-6 zone). The Planning Commission approved a Hill Area Residential Development permit, a Variance, and an Encroachment Permit on September 21, 1989 to allow the construction of the existing home, which was finished in 1992. This 1989 approval included a bathroom in the lower floor in the same location that the proposed bathroom and hallway would be located. However, according to the property owner, the bathroom was never constructed due to financial constraints (see Attachment B).

According to Town Code § 17.028.110 discretionary permits become null and void one year following the date on which the permit(s) approved, which is why the proposed bathroom addition requires approval of a Conditional Use Permit by the Planning Commission. On March 18, 2004, the Planning Commission approved a Setback Variance to construct the existing garage and decks, which were completed in 2005.

REQUIRED DISCRETIONARY APPROVALS

Conditional Use Permit. Town Code Section 17.080.050 requires that a Conditional Use Permit (CUP) be obtained prior to any physical improvement on a property that does not meet the minimum size and width requirements based on the slope of the site. The project site has an average slope of 73 percent. It is 11,767 square feet in area and 121 feet wide. Town Code Section 17.080.050(C) requires a parcel with an average slope of 73 percent to have a minimum area of 65,000 square feet and a minimum width of 239 feet. 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.

DISCUSSION

The project as proposed would not add additional living area, nor would it change existing setbacks, FAR, lot coverage or building height. The conversion of the room to a bathroom and a hallway with an exterior door would not increase the mass or size of the home nor change its exterior appearance with the exception of the addition of an exterior door and concrete landing pad. The location of the bathroom at the side of the home would not decrease nor infringe on neighboring privacy. It would provide an additional amenity for the home and enhance the usefulness of the lower floor. The applicant has stated that the bathroom addition is necessary for aging family members staying in the lower floor bedroom. In addition, the exterior side entrance and bathroom

would also enable him to enter the home from the yard without walking through living areas with soiled clothing or shoes (see Attachment B).

The table below identifies the project’s compliance status with the development standards of the RS-6 zone.

	FRONT SETBACK	REAR SETBACK	COMBINED FRONT/REAR SETBACK	SIDE SETBACKS	COMBINED SIDE SETBACKS	FAR	COVERAGE	HEIGHT
REQUIRED/ PERMITTED	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	35 ft., 3 stories
EXISTING	1.5 ft.	52 ft.	53.5 ft.	13.5 ft. & 5.5 ft.	19 ft.	.19	.20	32.5 ft., 2 stories & storage loft
PROPOSED	No change	No change	No change	No change	No change	No change	No change	No change

The existing home is in scale with the project site and similar in size to other structures in the neighborhood and on similar sized and sloped sites throughout Fairfax. The table below provides a summary of lot and home sizes in the immediate area.

217 Cascade Drive – Neighboring House Comparison						
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	FAR
003-134-04	217 CASCADE DR	11,767	2,206	3	3	.20
003-134-03	207 CASCADE DR	5,950	1,367	2	2	.23
003-134-10	201 CASCADE DR	10,250	2,224	6	2.5	.22
003-142-01	191 CASCADE DR	6,240	1,490	3	1	.24
003-141-14	192 CASCADE DR	6,000	1,314	3	2	.22
003-141-15	196 CASCADE DR	6,000	944	2	2	.16
003-141-16	200 CASCADE DR	6,000	1,237	2	1	.21
003-133-02	206 CASCADE DR	12,000	2,183	5	3	.18
003-133-03	220 CASCADE DR	5,400	1,949	4	3	.36
003-135-01	230 CASCADE DR	7,200	2,355	4	4.5	.33
003-135-07	238 CASCADE DR	10,400	1,288	4	1	.12
003-134-08	241 CASCADE DR	11,000	1,452	3	1.5	.13
003-134-07	237 CASCADE DR	24,200	2,039	3	2	.08
003-134-06	225 CASCADE DR	9,000	2,041	3	2	.23
003-134-12	223 CASCADE DR	42,830	2,347	4	3	.05

Other Agency Comments/Conditions

Staff received no comments or recommended conditions from any agency or department for this project.

RECOMMENDATION

Conduct the public hearing.

Move to approve application # 22-15 by adopting Resolution No. 2022-19 setting forth the findings and the conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 2022-19

Attachment B – Applicant stated project description

RESOLUTION NO. 2022-19

**A Resolution of the Fairfax Planning Commission Approving
Application No. 22-15 for a Conditional Use Permit to Convert an Existing Room
to a Half Bathroom and Hallway with an Exterior Door
at the Residence at 217 Cascade Drive**

WHEREAS, the Town of Fairfax received an application from James Irving to convert an existing room used for storage to a half bathroom and a hallway with an exterior door at 217 Scenic Road on June 1, 2022; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on August 25, 2022, at which time the Planning Commission took public testimony on the project, reviewed the facts of the proposed project and the project plans, and determined that the project complies with the Conditional Use Permit Regulations; 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 discretionary Conditional Use Permit; and

WHEREAS, the Commission has made the following findings:

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

Goal LU-7: Preserve a human-centered scale, mixed use, and sense of community.

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

Conditional Use Permit Findings (Town Code § 17.032.060)

- 1) The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment. The proposed remodeling project complies with all underlying zoning standards such as setbacks (including combined setback), size, and height. It will not encroach any further into the required individual side setback and combined side setback than the existing building.
- 2) The development and use of the property, as approved under the use permit, shall not create a public nuisance, 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, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit. The project will not increase the number of

bedrooms in the structure and will not impact neighboring properties visually or increase the use of public parking.

- 3) Approval of the use permit is not contrary to those objectives, goals, or standards pertinent to the particular case and contained within the RS-6 Single-Family Residential Zone regulations; and
- 4) Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that the approval is in the public interest and for the protection or enhancement of the community.

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

1. The project is approved per the plans prepared by James Irving, received by the Town on 6/1/22.
2. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Department, Marin Municipal Water District and the Ross Valley Sanitary District noting the development conformance with their recommendations.
3. During the construction process the following shall be required:
 - a) 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.
 - b) Any proposed temporary closures of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
4. Prior to issuance of an occupancy permit the Planning Department shall field check the completed project to verify that it has been constructed per the plans that were approved by the Planning Commission.
5. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping them, daily, if necessary.
6. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 22-15. Modifications that do not significantly change the project, the project design, or the approved discretionary permits **may** be approved by the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification

of Application 22-15 by the Planning Commission or the Planning Director will result in the job being immediately stopped and red tagged.

7. Any damages to the public and/or private portions of Cascade Drive or other public or private roadway used to access the site resulting from construction-related activities shall be the responsibility of the property owner.
8. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town of Fairfax, 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.
9. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the 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.
10. In accordance with Town Code §8.20.060(C)(1) and (2), the operation of any tools or equipment used in construction or demolition work or in property maintenance work between the hours of 6:00 PM and 8:00 AM Monday through Friday, or on weekends and holidays between 4:00 PM and 9:00 AM is prohibited.
11. Conditions placed upon the project by outside agencies may be eliminated or amended with that agency's written notification to the Planning Department prior to issuance of the building permit.

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

The approval of the Conditional Use Permit is in conformance with the 2010 – 2030 Fairfax General Plan, the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and

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

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 25th day of August 2022 by the following vote:

AYES:

NOES:

ABSENT:

Chair Norma Fragoso

Attest:

Linda Neal, Principal Planner

217 Cascade Drive, Fairfax, CA 94930

APN: 003-134-04 Zone: RS-6

James Irving/Trudy Totty Residence

Project Description: Conversion of existing spare room to bathroom and the addition of a exterior door.

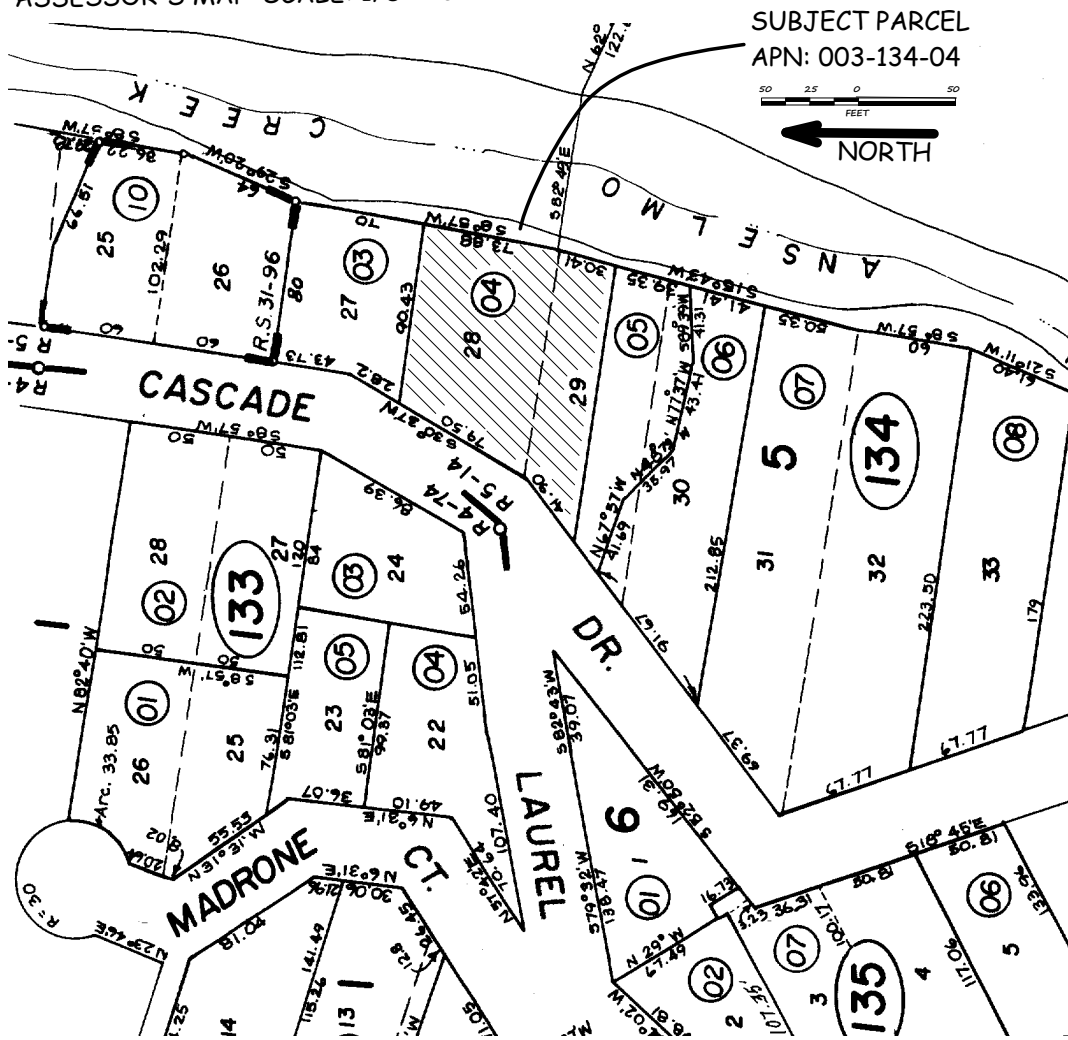
Narrative:

This project is for the conversion of an existing spare room, which was originally designed as a bathroom, into a bathroom. The home was originally designed with a third bathroom. However, due to money constraints, the bathroom was not completed. Instead, the bathroom space was combined with an adjacent utility room to create a spare room for storage.

At this point, we would like to add the bathroom to provide for two purposes. The first is to provide for aging family members staying in the lower bedroom access to a bathroom without having to walk up two sets of stairs. The second purpose is to have a bathroom close to an exterior door to provide access for us while working in the lower yard. This will alleviate having to navigate multiple stairways and having to walk through living areas with soiled clothing or shoes.

ATTACHMENT B

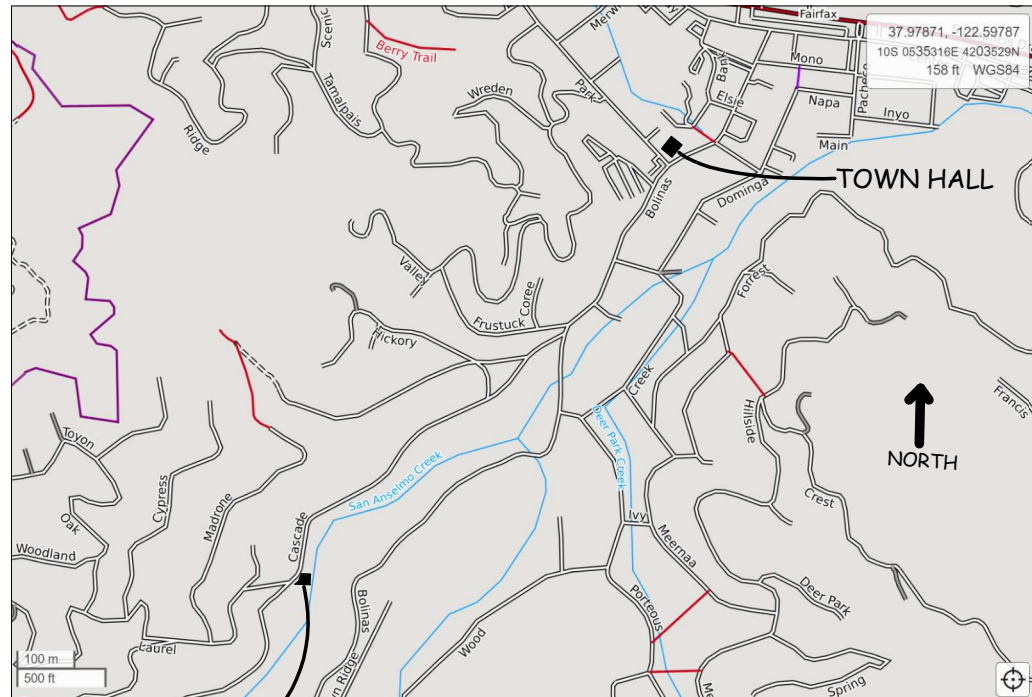
ASSESSOR'S MAP SCALE: 1/8" = 6'



SUBJECT PARCEL
APN: 003-134-04

← NORTH

VICINITY MAP APPROX. SCALE: 1" = 0.1 MILE

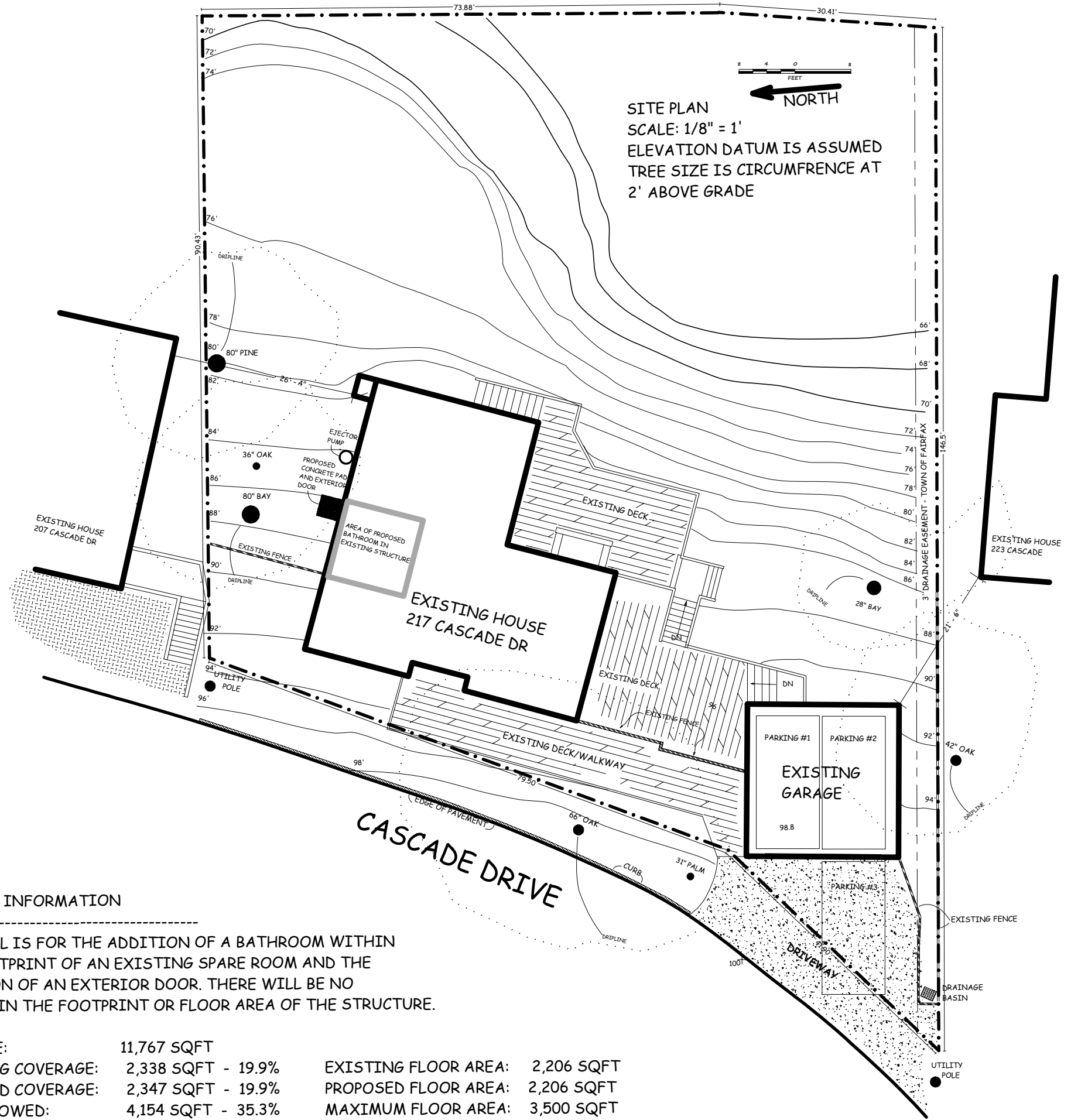


SUBJECT PARCEL
APN: 003-134-04

GENERAL INFORMATION

PROPOSAL IS FOR THE ADDITION OF A BATHROOM WITHIN THE FOOTPRINT OF AN EXISTING SPARE ROOM AND THE ADDITION OF AN EXTERIOR DOOR. THERE WILL BE NO CHANGE IN THE FOOTPRINT OR FLOOR AREA OF THE STRUCTURE.

LOT SIZE:	11,767 SQFT	EXISTING FLOOR AREA:	2,206 SQFT
EXISTING COVERAGE:	2,338 SQFT - 19.9%	PROPOSED FLOOR AREA:	2,206 SQFT
PROPOSED COVERAGE:	2,347 SQFT - 19.9%	MAXIMUM FLOOR AREA:	3,500 SQFT
MAX ALLOWED:	4,154 SQFT - 35.3%		



SITE PLAN
SCALE: 1/8" = 1'
ELEVATION DATUM IS ASSUMED
TREE SIZE IS CIRCUMFERENCE AT
2' ABOVE GRADE

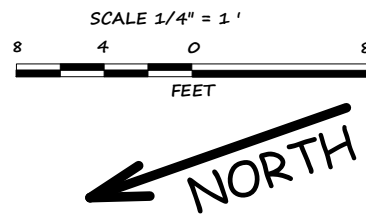
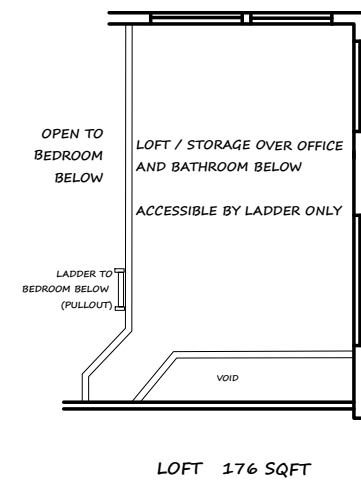
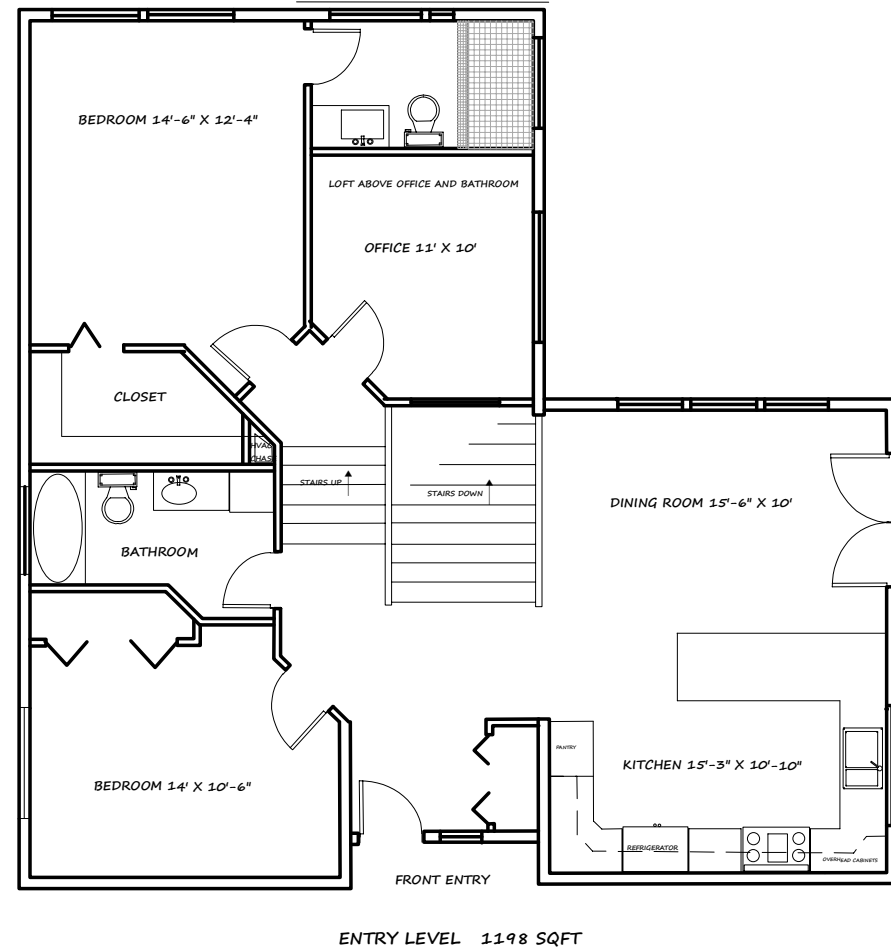
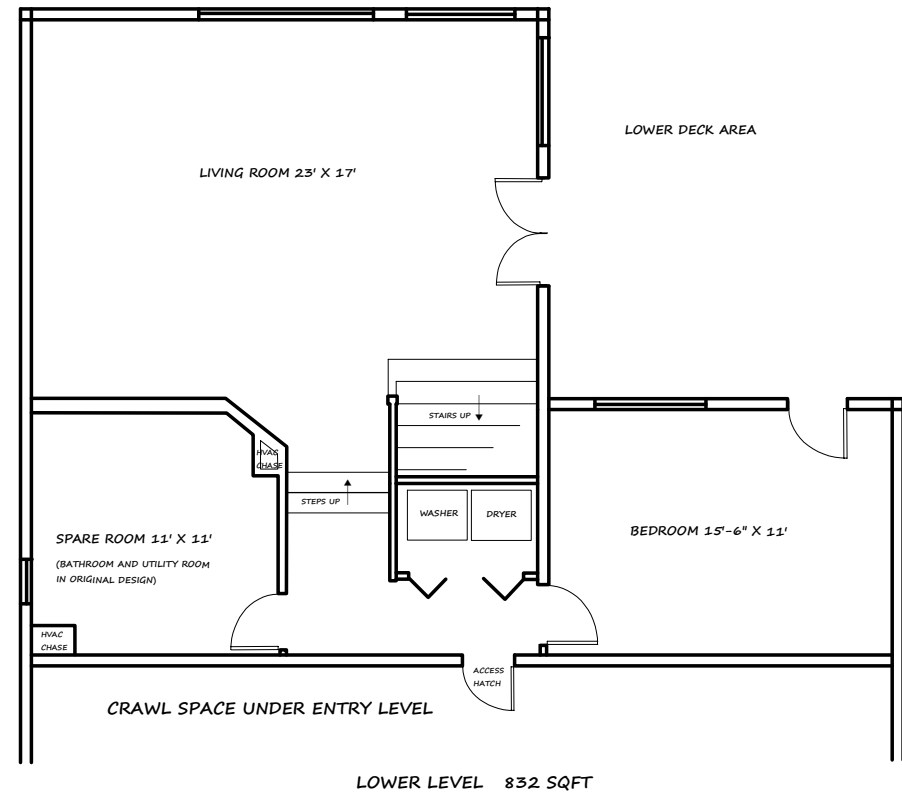
← NORTH

DRAWN BY
JIM IRVING, OWNER
5-24-2022

217 Cascade Dr. Fairfax, CA

IRVING-TOTTY RESIDENCE
BATHROOM ADDITION
APN: 003-134-04 ZONE RS-6

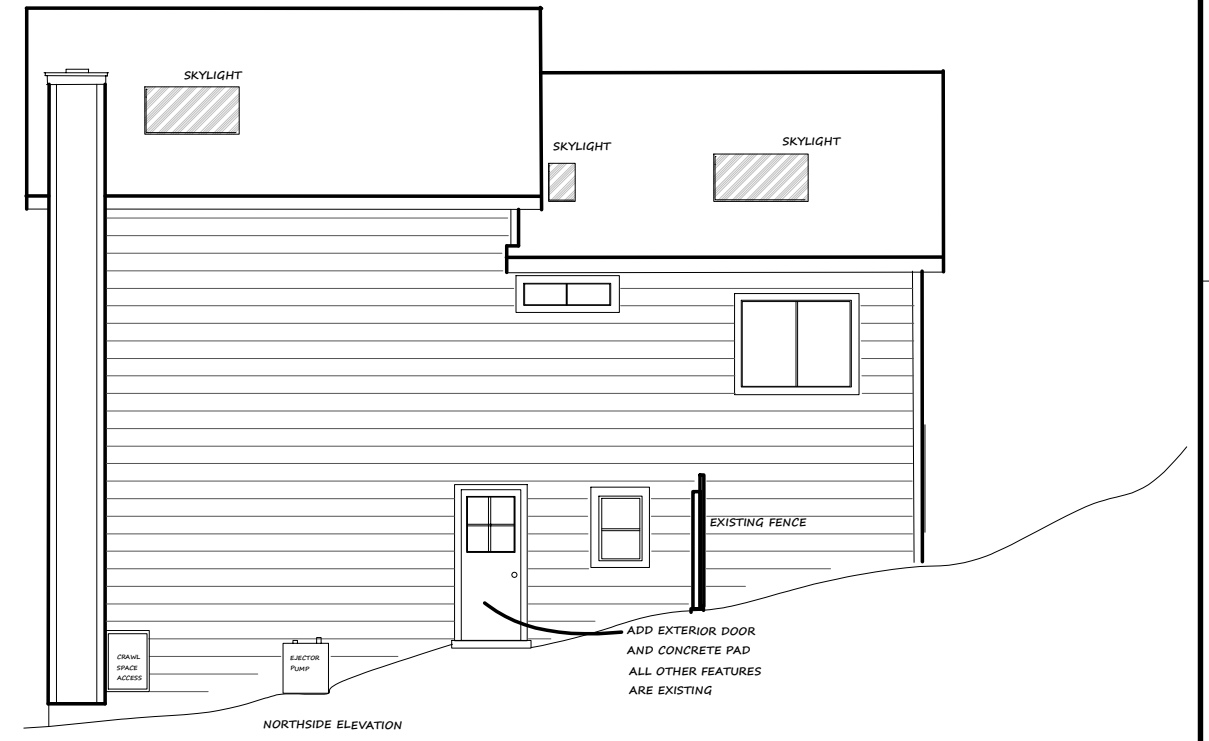
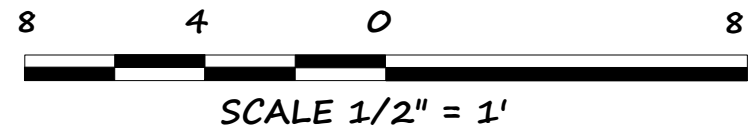
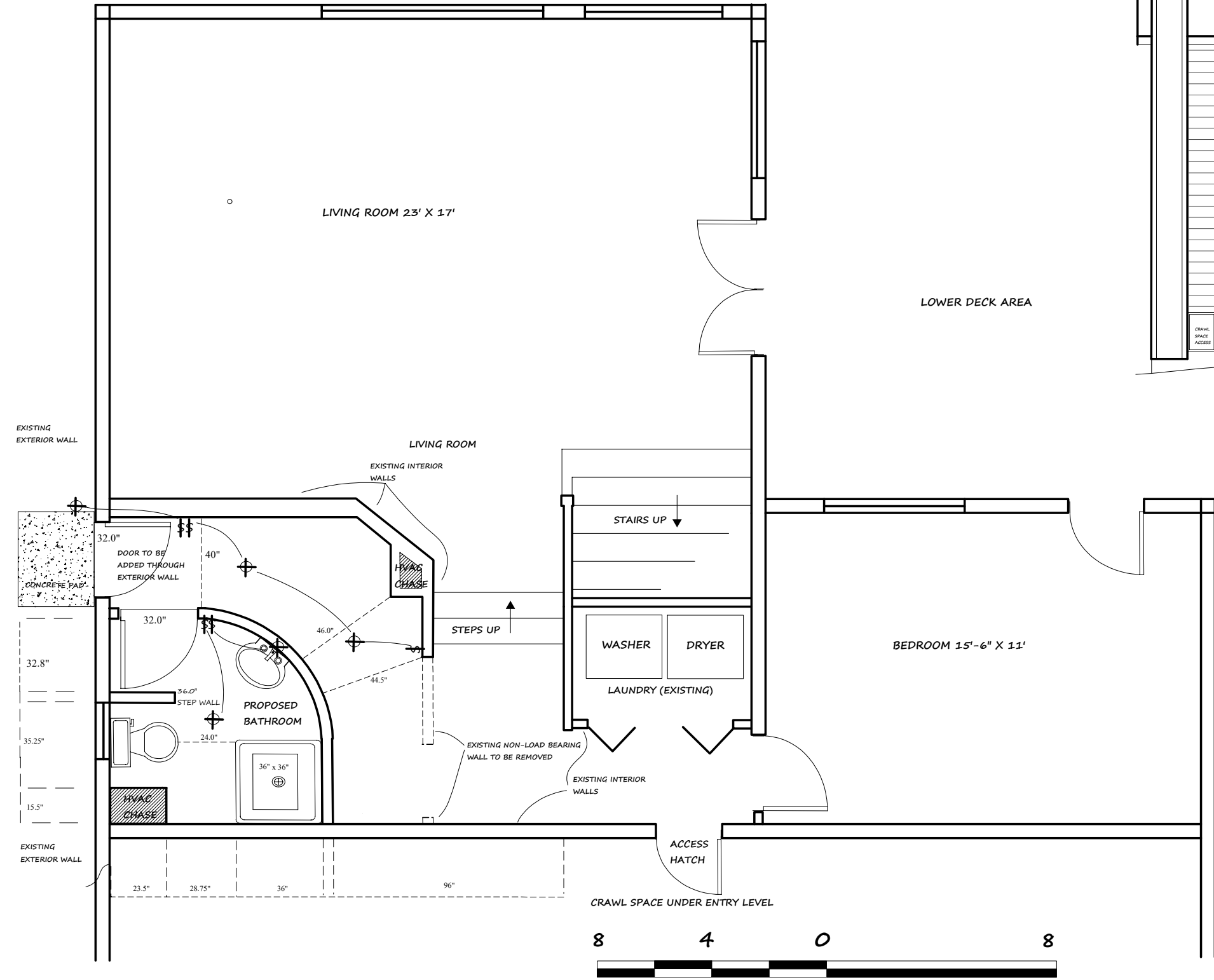
EXISTING FLOORPLAN



GENERAL INFORMATION

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DRAWN BY
JIM IRVING, OWNER
5-24-2022

217 Casacde Dr. Fairfax, CA

IRVING-TOTTY RESIDENCE
BATHROOM ADDITION
APN: 003-134-04 ZONE RS-6

SHEET
A3 OF 3