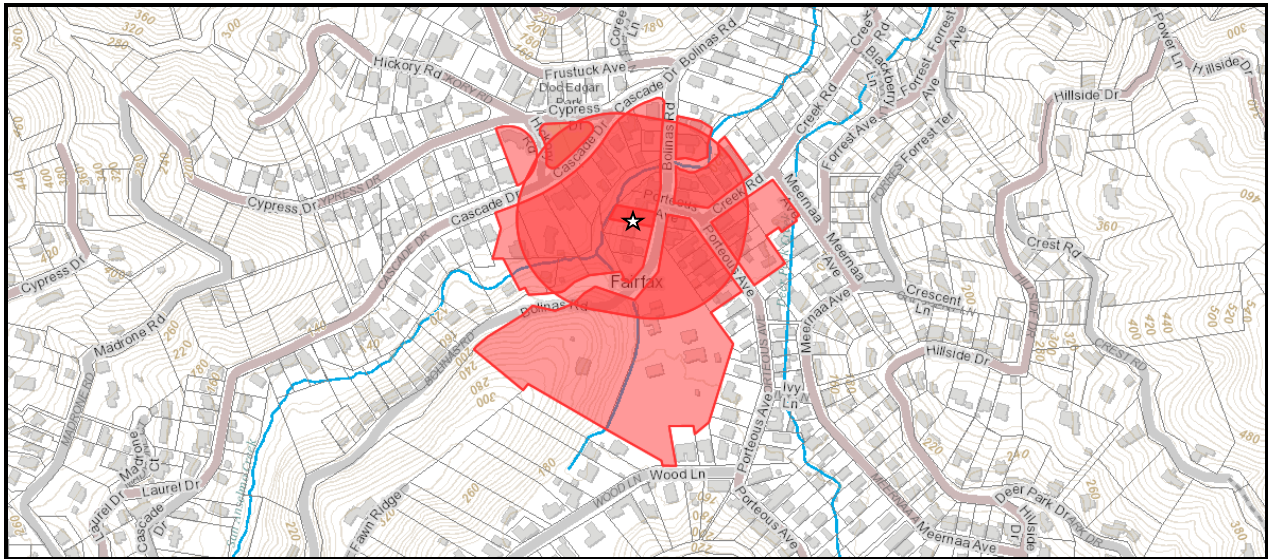


# TOWN OF FAIRFAX STAFF REPORT

## Department of Planning and Building Services

**TO:** Planning Commission  
**DATE:** August 25, 2022  
**FROM:** Linda Neal, Principal Planner  
**LOCATION:** 350 Bolinas Rd.; APN # 002-032-23  
**ZONING:** Residential Single-family RS 6 Zone  
**PROJECT:** Conversion of an existing duplex into a single-family residence with the addition of a two-story garage/accessory dwelling unit  
**ACTION:** Conditional Use Permit, Design Review Permit and Combined Side-yard Setback Variance; Application # 22-16  
**APPLICANT:** Jeff Kroot, Architect  
**OWNER:** Mario Orihuela  
**CEQA STATUS:** Categorically exempt, §15301(e)(1) and §15303(a)



## 350 BOLINAS ROAD

### PROJECT DESCRIPTION

The project encompasses the remodel of an existing, combined, 2,036 square-foot duplex into a 2,036 square foot, four-bedroom, three-bathroom, single-family residence with a living room, dining room, family room, kitchen, bathroom, and laundry/office on the first floor and four bedrooms and two bathrooms on the second floor. Also, a two-story addition is proposed on the east side of the site facing Bolinas Road that will provide a two-car garage on the first floor and a 430 square-foot, studio, accessory dwelling unit (ADU) on the second floor accessed via a stairway and entry located between the main residence and the garage/ADU addition.

The proposed residence compliance status with the development regulations of the RS-6 Zone District as follows:

	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Combined Front/rear Setback</b>	<b>Side Setbacks</b>	<b>Combined Side Setbacks</b>	<b>FAR</b>	<b>Lot Coverage</b>	<b>Height</b>
<b>Required/ Permitted</b>	<b>6 ft.</b>	<b>12 feet</b>	<b>35 ft.</b>	<b>5 ft. &amp; 5 ft.</b>	<b>20 ft.</b>	<b>.40</b>	<b>.35</b>	<b>35 ft., 3 stories</b>
<b>Existing</b>	<b>14 ft.</b>	<b>40 ft.</b>	<b>54 ft.</b>	<b>2 ft. (shed), 8 ft., west side</b>	<b>10 ft.</b>	<b>.30</b>	<b>.22</b>	<b>23.5 ft., 2 stories</b>
<b>Proposed</b>	<b>28 ft.</b>	<b>No change</b>	<b>68 ft.</b>	<b>8 ft. &amp; 5 ft.</b>	<b>13 ft.</b>	<b>.30</b>	<b>.23</b>	<b>20 ft., 2 stories</b>

Note: Town Code § 17.040.040 requires that all structures adjacent to the San Anselmo Creek, such as the project site, maintain a setback from the top of the creek bank of twenty feet or twice the depth of the creek, which every measurement is greater. The creek behind the project site is twenty feet deep which makes the required creek setback forty feet (See ledger sized setback site plan showing the creek setback in red attached to the project plan set). The creek setback runs through the existing duplex building. The remodeling work will be contained within the existing structure and not extend further into the creek setback and the addition is proposed on the east side of the site, outside of the creek setback area. No new construction is proposed within the required creek setback.

#### **EXISTING CONDITIONS/BACKGROUND**

The 6,850 square-foot, approximately fifty foot wide, site slopes down gradually from the street elevation until it drops steeply into Cascade Creek that runs along the west (rear) property line of the site. Marin Map lists the average property slope as 43%.

The 2,036 square-foot, two story, duplex with a 1,018 square-foot, two-bedroom, one bathroom unit on the ground floor and a second 1,018 square-foot, two-bedroom, one bathroom unit on the second floor was constructed in 1965 along with the existing detached 464 square-foot, carport.

#### **CONDITIONAL USE PERMIT (Town Code Chapter 17.032)**

Town Code § 17.080.050 requires that either a Conditional Use Permit or a Hill Area Residential Development Permit must be obtained prior to any use, occupancy, or physical improvement of or on a building site failing to meet the minimum size and width requirements based on its slope. This project site, although relatively level where the existing structure is located and where the addition is proposed, has an average slope of 43% because of the steep creek bank and depth of the watercourse at the rear of the

site. Properties with 43% slopes are required to be a minimum of 35,000 square feet in size and 149 feet wide to comply with the minimum parcel size and width requirement for the RS 6 Zone. The project site is only 6,850 square-feet in size and approximately fifty feet wide. Therefore, the project requires the approval of a Conditional Use Permit. The property is not located within a landslide hazard zone and will only require the excavation of approximately forty cubic yards of material for the addition foundation. Therefore, the project will not require the approval of an HRD permit instead of the Conditional Use Permit [Town Code 17.072.020(A)(4)].

The purpose of the Conditional Use Permit is to allow the proper integration into Fairfax of uses which may be suitable only in certain locations in the Town or in a zone or only if the uses are designed or laid out on the site in a particular manner. In consideration of an application for a conditional use, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures, to the physical environs of the proposed use and to all pertinent aspects of the public health safety and general welfare [Town Code §§ 17.032.010(A) and (B)].

The addition will not project above the height of the existing portion of the two-story structure and the nearest neighboring structures to the north and south consist of two-story structures of similar heights (Attachment B – photographs of neighboring structures). The nearest neighboring duplex to the south, 360-362 Bolinas Road, is fifteen feet away from the proposed addition and the addition projects to the front of the site overlooking the front yard of the adjacent duplex. The neighboring front yard is not enclosed with a fence and is visible to all passersby on Bolinas Road. The new second story ADU will have only two clerestory windows in the south wall. Therefore, the addition will not impact the privacy of the property or the upper duplex unit at 360-362 Bolinas Road.

Although the Town will lose one, two-bedroom, duplex unit through the conversion of the existing duplex at 350 Bolinas Road to a single-family residence, the provision of the studio ADU over the garage means the site will have no net loss in the number of living units.

The site will have the same number of on-site parking spaces that it has now so the project will not impact neighborhood parking.

### **DESIGN REVIEW PERMIT (Town Code Chapter 17.020)**

The project will structurally alter over 50% of the duplex structure to convert it to a single-family residence. Therefore, in accordance with Town Code § 17.020.030(A) the project requires a Design Review Permit because the project constitutes a 50% remodel/expansion.

When considering a project application for action on a Design Review Permit the Commission is directed by the code to consider the Design Review Criteria contained in Town Code § 17.020.040 which include, but are not limited to, the following design review criteria:

1. The proposed development shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
2. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
3. There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance.
4. The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance.
5. The extent to which the structure conforms to the general character of other structures in vicinity insofar as the character can be ascertained and is found to be architecturally desirable.
6. The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.
7. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.

The project will be similar in size and scale to other structures in the vicinity (see table below for comparison).

350 Bolinas Road – COMPARABLE HOUSE NEIGHBORHOOD HOUSE SIZES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
002-032-02	45 Cascade Dr.	9042	1597	3	2	525	.18
002-032-03	39 Cascade Dr.	7440	1778 (duplex)	3	3	264	.24
002-032-04	33 Cascade Dr.	7068	2792	4	3.5	504	.40
002-032-05	19 Cascade Dr.	8832	1428	2		456	.16
002-032-07	1 Cascade Dr.	7920	3212	3	2	0	.41
002-032-15	15 Cascade Dr.	5661	1613	3	2	498	.28
002-032-18	344 Bolinas Rd.	7242	1172	2	1	486	.16
002-032-21	370 Bolinas Rd.	6000	2184	4	2	0	.36
002-032-22	380 Bolinas Rd.	6261	1806	3	2	0	.29
002-032-24	362 Bolinas Rd.	7284	2048 (duplex)	4	2	0	.28
002-033-21	319 Bolinas Rd.	6900	2060 (duplex)	4	2	0	.30
002-033-22	323 Bolinas Rd.	5750	2166 (duplex)	4	3	0	.38
002-033-23	327 Bolinas Rd.	6490	1960	2	2	0	.30
<b>PROJECT SITE</b>							
002-032-23	350 Bolinas Road	6850	2036	3	3	511	.30

Note: the FAR for the project site includes the eleven square feet of the garage that counts towards the FAR per Town Code § 17.136.030(A).

The FAR when you include the 430 square foot ADU is .36, below the permitted .40 FAR.

The addition will increase the articulation of the structure by presenting a two-story façade closer to the street than the rest of the building. The existing structure has a stucco exterior while the addition will have horizontal, Hardi-plank siding painted a grey blue to match the existing duplex structure and will have asphalt shingles in a grey color to also match the existing structure roof. The trim will be painted white, and an arbor structure will be attached over the two-car garage which also adds to the articulation of the structure addition (see colors and materials board below).



Two eyebrow roofs are proposed, one over the entry door to the stairway leading up to the ADU and a second over the side entry door into the garage. These roof features will extend three feet beyond the addition walls and will maintain only a two-foot setback from the southern side property line. Staff is unable to make the required findings to support this encroachment into the side-yard setback. Town Code §17.044.070 allows certain design features to extend two feet into a required setback including eaves but does not allow a three-foot encroachment. Staff has included a condition in Resolution No. 2022-20 that the eyebrow roof projection on the south side of the addition be decreased to the permitted two feet or be removed.

Two wall lights are proposed on either side of the garage door and two exterior lights are proposed on the north side of the structure, one outside the side door into the garage and one outside the front door into the single-family residence. Two fixtures are proposed on the south side of the addition, one to light the path to the ADU and one outside the front door leading to the access stairway to the ADU (see color elevation on pages 1, and pages 4 and 5, of the architectural plan set). The plans indicate the fixtures will all be dark sky compliant. Staff has included the Commission's standard dark sky compliant lighting condition in Resolution No. 2022-20 attached to this staff report.

The project will compliment the design and architecture of the two neighboring structures (See page 4 plan page, the streetscape elevation).

Ross Valley Fire Department approved a Vegetative Management Plan (VMP) for the project on June 20, 2022. No trees will be removed as a result of the project (See plan page 6 and attachment C – 6/20/22 RVFD memorandum).

The project complies with the Design Review Criteria set forth in Town Code § 17.020.040 and staff recommends that the Commission approve the Design Review Permit for the project.

The suggested finding for the Design Review Permit can be viewed in the attached Resolution No. 2022-21.

**Combined Side-yard Setback Variance [Town Code 17.084.070(B)(2)]**

Town Code § 17.084.070(B)(2) requires that structures in the RS 6 Zone that have over a ten percent slope maintain minimum side-yard setbacks of five feet and a combined side-yard setback of 20-feet.

While the proposed addition and existing house will maintain the minimum required five foot, minimum side-yard, setbacks, the attachment of the proposed two story addition to the existing structure and the construction of the ADU and garage up to the five foot minimum required south side property line will result in the house (at one point) maintaining a combined side-yard setback of 13-feet.

Only the connecting wall between the existing structure and the new two-story addition will maintain a combined setback of thirteen feet instead of the required twenty with most of the new addition meeting the required 20-foot, combined side-yard setback.

The small size and narrow width of the site and its proximity to the Cascade Creek are special circumstances applicable to the property that result in the strict application of the combined side-yard setback standards depriving the applicants of privileges enjoyed by the vicinity and under identical zone classification, and is consistent with the objectives of this title.

Shifting the garage/ADU structure over twelve feet to get it out of the twenty-foot combined setback will disrupt relatively undisturbed areas of the site in front yard and block existing windows and doors to the rear portion of the building. Therefore, the strict application of the combined side-yard setback would result in more site disturbance than allowing the garage to be building in essentially the same location as the existing carport and result in excessive or unreasonable hardship for the applicants.

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

The complete findings conditions for the project approval can be viewed in their entirety in the attached Resolution No. 2022-20.

## **OTHER AGENCY/DEPARTMENT COMMENTS/CONDITIONS**

The Ross Valley Fire Department approved a Vegetative Management Plan (VMP) for the property on June 20, 2022, that is to last the life of the property and approved structure.

None of the other agencies with jurisdiction over Fairfax or Fairfax Departments indicated that they had any specific conditions for this remodel/addition project. The agencies standard conditions of approval have been incorporated and can be viewed in Resolution No. 2022-20 which is Attachment A to this staff report.

## **RECOMMENDATION**

1. Open the public hearing and take public testimony.
2. Move to approve Application # 22-16 by adopting Resolution No. 2022-20 setting forth the findings and the conditions for the project approval.

## **ATTACHMENTS**

Attachment A – Resolution No. 2022-20

Attachment B – Photographs of site and neighboring homes

Attachment C – Ross Valley Fire Department VMP approval dated 6/20/22

Attachment D – plans



## **RESOLUTION NO. 2022-20**

### **A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit, Design Review Permit and a Combined Side-yard setback Variance for Remodel and Expansion of the Residential Structure at 350 Bolinas Road**

**WHEREAS**, the Town of Fairfax has received an application from Mario Orihuela to remodel and expand a 2,036 square foot duplex into a 2,036 square-foot, single-family residence with an attached, two story, 511 square foot garage and 430 square foot Accessory Dwelling Unit (ADU); and

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on August 25, 2022, at which time the Planning Commission determined that the project complies with Fairfax General Plan and Town Code; and

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

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

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

Policy LU-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 H-6.1.2: New ADU Approach. Permit construction of well designed ADU's in both new and existing residential neighborhoods, consistent with parking and street capacity standards.

#### **Conditional Use Permit Findings (Town Code § 17.032.060)**

1. The approval of the Conditional Use Permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment because the two-unit use is similar to the previously existing duplex use of the site and to other duplex developments on single-family zoned sites in the immediate area.
2. The development of the property as approved under the Conditional Use Permit shall 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 there, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

3. Approval of the Conditional Use Permit is not contrary to those objectives, goals, or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the Town.
4. Approval of the Conditional Use Permit will result in better development of the property that would otherwise be the case and said approval is in the best interest of the public and for the protection and enhancement the general health, safety, or welfare of the community.

#### **Design Review Permit Findings (Town Code Chapter 17.020)**

The Planning Commission has determined the following with regards to the proposed project and is therefore approving the requested Design Review Permit:

1. The proposed remodel and addition will create a well composed design, harmoniously related to other residences in the immediate area and to the total setting.
2. The project is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
3. The design of the project has sufficient variety and articulation to avoid monotony in the external appearance.
4. Approval of the project is not contrary to the objectives, goals, or standards pertinent to the project and contained within the Zoning Ordinance.

#### **Combined Side-yard Setback Variance (Town Code §17.032.060)**

The narrow 50-foot width of the site, and the fact that due to its location adjacent to a deep section of Cascade Creek it is subject to the larger hillside property setback regulations, are the special circumstances applicable to the property that result in the strict application of the combined side-yard setback regulation, depriving the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification.

The variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title because the development will only maintain a combined side-yard setback less than the required 20-foot combined side-yards setback where the front wall of the existing structure is expanded to allow construction of the two story addition.

The strict application of the combined side-yard setback requirement would result in excessive or unreasonable hardship by forcing the relocation of the addition into the center of the lot where it would result in increased site disturbance.

The granting of the variance 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 has approved the project subject to the applicant's compliance with the following conditions:

1. The approval is limited to the plans prepared by Jeff Kroot, Architect, dated received by the Town on June 22, 2022.
2. Prior to issuance of any of the building permits for the project the applicant or his assigns shall:
  - a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:
    - Construction delivery routes approved by the Department of Public Works.
    - Construction schedule (deliveries, worker hours, etc.)
    - Notification to area residents
    - Emergency access routes
  - b. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction delivery routes (routes must be approved by Public Works Director).
  - c. Submit a cash deposit, bond, or letter of credit to the Town in an amount that will cover the cost of grading, weatherization, and repair of possible damage to public roadways. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs
  - d. The foundation shall be designed by the 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 Building Official.
  - e. The grading and drainage elements shall also be stamped and signed by the project architect.
  - f. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Department, and the Ross Valley Sanitary District noting the developments conformance with their recommendations.

- g. Prior to submittal of the building permit plans 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.
- 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. The project architect shall field check the completed project prior to issuance of the occupancy permit and submit written certification to the Town Staff that the foundation, grading and drainage elements have been installed in conformance with the approved building plans.
- 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 # 22-16. 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 22-16 will result in the job being immediately stopped and red tagged.
- 7. Any damages to the public portions of Forrest Avenue or other public 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, 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. 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. Conditions placed upon the project by outside agencies may be eliminated or amended with that agency's or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.

### **Ross Valley Fire Department**

11. All vegetation and construction materials are to be maintained away from the existing structure during construction.
12. Project has been deemed a "substantial remodel" and as such requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. The system will require a permit from the Fire Department and the submittal of plans and specifications for a system submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
13. The property is located within the Wildland Urban Interface Area for Fairfax and the new construction must comply with Chapter 7A of the California Building Code or equivalent.

14. 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.
15. 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.
16. 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 an adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
17. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
18. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.
19. All vegetation and construction materials are to be maintained away from the residence during construction.

#### **Marin Municipal Water District (MMWD)**

20. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
21. Any landscaping plans must be reviewed and approved by the District.
22. Backflow prevention requirements must be met.
23. Ordinance 420, requiring installation of grey water recycling system when practicable, must be incorporated into the project building permit plans or an exemption letter from the District must be provided to the Town.
24. All of the District's rules and regulations in effect at the time service is requested must be complied with.

#### **Miscellaneous**

22. All the exterior lighting 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 upright 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.

**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, Design Review Permit and Combined Side0-yard Setback Variance is in conformance with the 2010-2023 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 25<sup>th</sup> day of August 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

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Chair Norma Fragoso

Attest:

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Linda Neal, Principal Planner





ATTACHMENT B









# Ross Valley Fire Department

777 San Anselmo Avenue, San Anselmo, CA 94960

Mark Mills  
FIRE CHIEF

June 20, 2022

Address: 350 Bolinas Fairfax CA  
Applicant: Jeff Kroot  
Application #: 22-0124



The Vegetation Management Plan submitted for review by the Ross Valley Fire Department has been approved.

**There shall be zero vegetation within 0-5 feet of structures or under decks and awnings.**

Please do not remove any tree that requires a permit from the town without first securing such permit.

Please note that all vegetation within the 30 foot zones shall be irrigated. Seasonal grasses within the 30 foot zones are not permitted unless regularly irrigated. **If not kept as green grass the area shall be covered in a weed barrier which should be covered in a layer of mulch.**

Driveway and Roadside clearance must be in place at time of final inspection.

Every effort shall be taken to ensure erosion control efforts are in compliance with standards established by Town regulations.

The approved plan is to last the life of the property. Any changes to the plan now or in the future will require Fire Department review. It is recommended that if the applicant has plans to landscape in the future that those plans be intermingled into this plan.

Vegetation shall be maintained to ensure address numbers are visible from both angles of approach.

Minimum standards shall be in place prior to final fire clearance.

If you have any questions about any of the items listed above, please call me. I am available to meet with you on site to help you develop a plan. Please contact me to schedule (415) 258-4674 if you desire my assistance.

Sincerely,

Derrick Shaw  
Fire Inspector

(greater than 1/2" diameter) may be OK.

-100'  
to 100' (or more, if required due to steep slopes, nearby  
r your local fire department). The goal here is not to eliminate  
and keep flames smaller and on the ground. This zone

down to a maximum height of 4 inches.

g between shrubs, trees and vertical spacing between grass,

eedles, twigs, bark, cones, and small branches. However, they may  
of 3 inches if erosion control is an issue.

0'  
rom the edge on either side of the road or driveway.  
ngs shall be fire resistant and shall not extend within the 14 foot

surface of the roadway or driveway, as required for emergency

et the requirements for separation as stated in the Zone 2 above

# PING

w landscaping on the property

## ROSS VALLEY FIRE DEPT

☐ Approved  
☒ Approved with Conditions  
☐ Not Approved •-need revision  
☐ Incomplete  
Date: 6/20/22

# LANDSCAPE VEGETATION M



Conversion of Duplex to Single Family Residence  
With Garage and ADU:

**MARIO ORIHUELA**

350 Bolinas Road Fairfax, CA

APN: 002-032-23

Date NOV 2021

Scale 1/8" = 1'-0"

Drawn DMS

Job ORIHUELA  
RESIDENCE

Sheet 6