TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO:

Fairfax Planning Commission

DATE:

November 17, 2022

FROM:

Linda Neal, Principal Planner

LOCATION: ZONING:

101 San Gabriel Drive; APN 001-261-25 RS 7.5 Residential Single-family Zone

PROJECT:

Addition to a single-family residence

ACTION:

Conditional Use Permit; Application No. 22-26

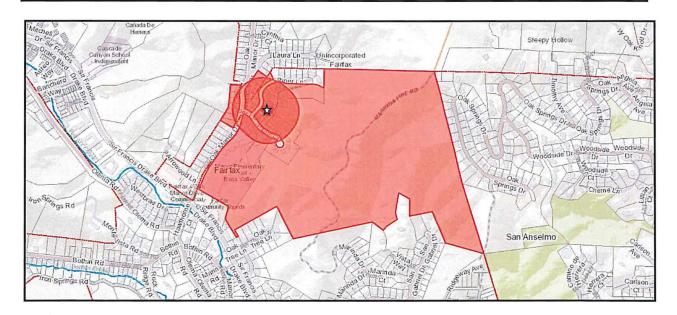
APPLICANT:

CEQA STATUS:

Mohamed Sadrieh, Architect

OWNER:

Sujatha Sankaran and Bobby Singh Categorically exempt, § 15301(e)(1)



101 SAN GABRIEL DRIVE

PROJECT DESCRIPTION

The project encompasses a 640 square-foot first floor, partially below grade, addition of a media room, study and ½ bathroom to a two story, 4-bedroom, 3-bathroom, 2,113 square-foot single-family residence with an attached 470 square-foot, one car (meeting legal 9-foot by 19-foot minimum dimensions) garage. The addition will be constructed beneath the second floor, behind the garage, excavated into the slope to create the new space. The construction will require the excavation and off-haul of 67 cubic yards of material and will result in a residence with 2,783 square-feet of living space (2,783 does not include 470 square-foot garage).

BACKGROUND

The 7,600 square-foot corner lot slopes up from San Gabriel Drive with an average slope of 22%. The residence was constructed with three bedrooms and 2½ bathrooms in 1955 with two 9-foot by 19-foot parking spaces in the garage and two uncovered parking spaces in the driveway accessing the garage on the south side of the site from Vista Way. A pool was constructed on the west side of the house in 1959. In 1962, an additional fourth bedroom, bathroom and study were constructed over the garage and a stairway was built to the new addition providing access to the first floor of the house and directly to the upstairs rooms from the garage. Installation of the garage stairway within the original garage space decreased one of the garage parking spaces to 8-feet by 16-feet (a compact parking space).

The existing and proposed residence setback, floor area ratio (FAR), lot coverage, and height, comply with the RS 7.5 Residential Single-family Zone regulations as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Coverage	Height
Required/ Permitted	6 ft.	15 ft.	40 ft.	10 ft. & 10 ft.	25 ft.	.40	.35	28.5 ft., 3 stories
Existing	31 ft.	19 ft.	50 ft.	5 ft. & 18 ft.	23 ft.	.28	.40	22 ft., 2 stories
Proposed	No change	No change	No change	No change	No change	.37	.35	No change

DISCUSSION

The construction of the addition will require the excavation of 67 cubic yards of material, the site has a 22% slope, and is located in an area susceptible to landslides as shown in Fairfax 2010-2030 Fairfax General Plan, Figure 3, Areas Susceptible to Landslides map. However, the project is not a 50% remodel and is not subject to the Hill Area Residential Development Permit process in accordance with Town Code § 17.072.050(A). As a modification to a site failing to meet the minimum lot size and width requirements based on its 22% slope, the project is subject to a Conditional Use Permit (CUP) in accordance with Town Code § 17.076.050(C).

The proposed addition is not a 50% remodel, so the project does not require the approval of a Design Review Permit (Town Code § 17.020.030(A). The addition also complies with the required minimum and combined setbacks and the Floor area Ratio limit as shown in the table above and due to its location beneath the existing house, it will not change the 35% lot coverage currently maintained by the property improvements. The 67 cubic yards of excavation does not require the approval of the Planning Commission [Town Code § 12.20.080(A) requires an excavation permit issued by the Planning Commission to excavate over 100 cubic yards of material]. Therefore, the project does not require the approval of any discretionary planning permits except a

Conditional Use Permit (CUP).

The location of the addition below grade means that it will have no discernable impact on neighboring properties. The only change proposed to the exterior of the building is the addition of four windows to the front of the house, just above the existing grade, where the structure maintains a 30-foot setback from the front property line and San Gabriel Drive is between the property line and the nearest residence to the east at one hundred San Gabriel Drive. The distance between the addition and 100 San Gabriel Drive is approximately seventy-eight feet.

The addition results in a residence that is similar in size and mass to other structures in the immediate and surrounding Marinda Oaks Subdivision (see table below).

101 San Gabriel Drive – COMPARABLE NEIGHBORING SITES HOUSE SIZE COMPARISONS							
APN#	ADDRESS	LOT	HOUSE	# BEDROOMS	#	GARAGE	FAR
		SIZE	SIZE		BATHS		
001-261-11	57 San Gabriel Dr.	6,600	1,618	3	2	0	.25
001-261-16	7 Vista Way	6,630	2,106	3	2	380	.32
001-261-45	44 San Gabriel Dr.	6,050	1,485	3	2	483	.25
001-261-49	12 San Gabriel Ct.	8,648	2,002	3	2	460	.23
001-261-79	4 San Gabriel Ct.	9,540	1,362	2	2	0	.14
IMMIDIATELY	ADJACENT SITES HOU	SE SIZE C	OMPARISON	IS			
001-261-15	81 San Gabriel Dr.	6,500	2,279	3	2	832	.40
001-261-24	8 Vista Way	8,680	1,850	3	2	350	.21
001-261-26	105 San Gabriel Dr.	7,140	2,189	3	2	567	.32
001-261-34	100 San Gabriel Dr.	9,490	1,523	3	2	500	.16
001-261-35	96 San Gabriel Dr.	9,815	1,887	4	2	460	.19
101 SAN GABRIEL DRIVE - PROJECT SITE							
001-261-25	101 San Gabriel Dr.	7,600	2,783	5	3.5	470	.37

To approve a CUP, the Commission must be able to make the following findings with respect to the project to support their granting of the permit (recommended findings follow the specific finding language in bold and italicized font):

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.

The addition maintains the required setbacks, does not result in the residence exceeding the permitted FAR and results in a residence similar in size and mass to other residential structures in the Marinda Oaks Subdivision Neighborhood. Therefore, approval of the CUP shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

2. The development and use of property as approved under the 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 thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

The partially subgrade addition will only be visible from the east side of the addition which is located 78-feet from the adjacent neighboring residence east of the site across San Gabriel Drive at 100 San Gabriel Drive.

Therefore, granting the CUP will not cause excessive or unreasonable detriment to adjoining properties or premises.

3. Approval of the 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 City.

The proposed 640 square-foot addition complies with the setback and FAR regulations for the RS 7.6 Zone and will not project beyond the footprint of the existing structure. The addition does not change the residential character of the property. Therefore, the granting of the CUP is not contrary to those objectives, goals or standards contained in the Zoning Ordinance or the 2010-2030 Fairfax General Plan.

4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety, or welfare of the community.

The addition has been located beneath the existing residence with the only changes to the exterior four windows on the east side of the building where they will be located approximately seventy-eight feet from the nearest structure to the east at 100 San Gabriel Drive. Therefore, approval of the CUP will result in equal or better development of the premises than would be the case if the addition were proposed as an expansion of the structure to the north, west or south outside of the existing structure footprint.

OTHER AGENCY/DEPARTMENT COMMENTS/CONDITIONS

No agencies or Town of Fairfax Departments had any comments or conditions for the project. The standard conditions of approval for all projects from the Ross Valley Fire Department, Marin Municipal Water District and Ross Valley Sanitary District have been included in the attached Resolution No. 2022-34 and can be viewed in their entirety in that document.

RECOMMENDATION

Conduct the public hearing.

Move to approve application No. 22-26 by adopting attached Resolution No. 2022-34 setting forth the findings and the conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 2022-34

Attachment B – Project Plan Set

RESOLUTION NO. 2022-34

A Resolution of the Fairfax Planning Commission Approving Application No. 22-26 for a Conditional Use Permit to Construct a 640 Square-foot, Media Room, Study and Half Bathroom Addition to the Existing Single-family Residence at 101 San Gabriel Drive

WHEREAS, the Town of Fairfax has received an application from the Sujatha Sankaran and Bobby Singh for a 640 square-foot, partially below grade, addition to a single-family residence at 101 San Gabriel Drive on ; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on November 17, 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

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 discretionary Conditional Use Permit; and

WHEREAS, the Planning Commission has made the following findings:

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

Policy LU-1.2.3: New and renewed development shall be designed and located so as to minimize the visual mass. The Town will require exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape, allowing for architectural diversity; and

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.

Conditional Use Permit Findings

The addition maintains the required setbacks, does not result in the residence exceeding the permitted FAR and results in a residence similar in size and mass to other residential structures in the Marinda Oaks Subdivision Neighborhood. Therefore, approval of the CUP shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

The partially subgrade addition will only be visible from the east side of the addition which is located approximately 78 feet from the adjacent neighboring residence east of the site across San Gabriel Drive at 100 San Gabriel Drive. Therefore, granting the CUP will not cause excessive or unreasonable detriment to adjoining properties or premises.

The proposed 640 square-foot addition complies with the setback and FAR regulations for the RS 7.5 Zone and will not project beyond the footprint of the existing structure. The addition does not change the residential character of the property. Therefore, the granting of the CUP is not contrary to those objectives, goals or standards contained in the Zoning Ordinance or the 2010-2030 Fairfax General Plan.

The addition has been located beneath the existing residence with the only changes to the exterior four windows on the east side of the building where they will be located approximately 78 feet from the nearest structure to the east at 100 San Gabriel Drive. Therefore, approval of the CUP will result in equal or better development of the premises that would be the case if the addition were to be proposed as an expansion of the structure to the north, west or south outside of the existing structure footprint.

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

- The project is approved per the following plans and documents: Architectural Plans by Mohamed Sadrieh received by the Town of Fairfax on September 21, 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 need not be limited to the following:
 - i. Construction delivery routes approved by the Department of Public Works; and
 - ii. Construction schedule (deliveries, worker hours, etc.); and
 - iii. Contractor employee parking locations
- b) The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public and private 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 (including emergency damage) to public or private roadways. The applicant shall submit contractor's estimates for any grading, site weatherization, and improvement plans for approval by the Town Engineer. 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.

- 3. 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.
- 4. 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.
- 5. 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.
- 6. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
- 7. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application No. 22-26. Modifications that do not significantly change the project, the project design or the approved discretionary permits *may* be approved by the Planning Commission or Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 22-26 will result in the job being immediately stopped and red tagged.
- 8. Any damages to the public and/or private portions of San Gabriel 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.
- 9. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town and 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.

- 10. 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.
- 11. 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.
- 12. 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.

Ross Valley Fire Department

- 13. All vegetation and construction materials are to be maintained away from the residence during construction.
- 14. Smoke detectors shall be installed throughout the entire building and be provided with AC power and be interconnected for simultaneous alarm.
- 15. Carbon monoxide alarms shall be provided outside each sleeping area in the immediate vicinity of the bedrooms.
- 16. Address numbers at least 4" tall visible from the street and internally illuminated or illuminated by and adjacent light controlled by a photocell and switched off only by a breaker so it will remain illuminated all night shall be installed.

Marin Municipal Water District (MMWD)

- 17. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
- 18. Backflow prevention requirements must be met.
- 19. 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 MMWD must be provided to the Town, all of MMWD's rules and regulations if effect at the time service is requested must be complied with.

Ross Valley Sanitary District (RVSD)

20. The project may trigger the District testing and lateral certification requirements. All work on the sewer lateral must be done with a Ross Valley Sanitary District (RVSD) permit, after the payment of applicable fees, must be inspected by RVSD Inspectors prior to backfill and must comply with District Codes including Ordinance 100.

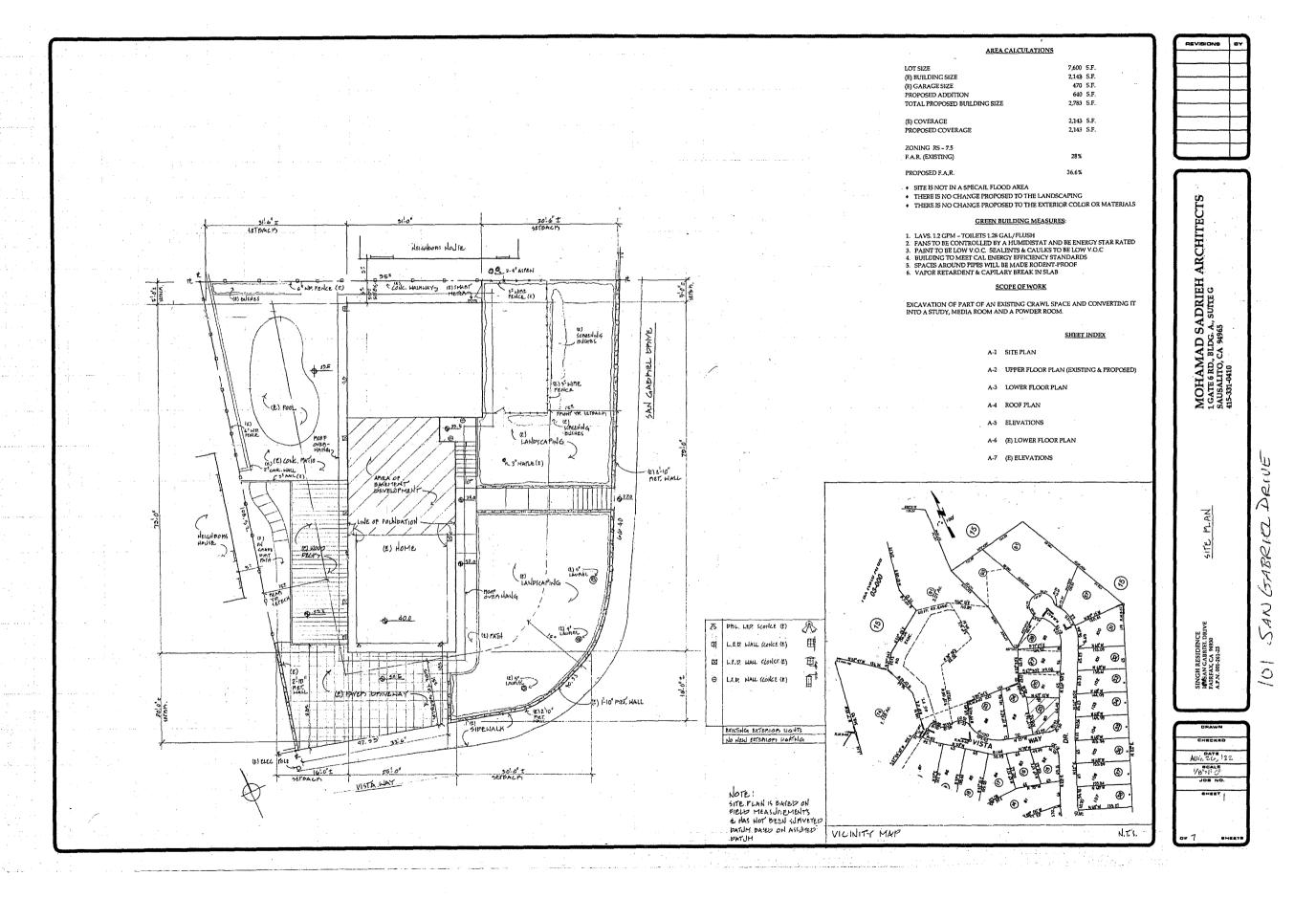
NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

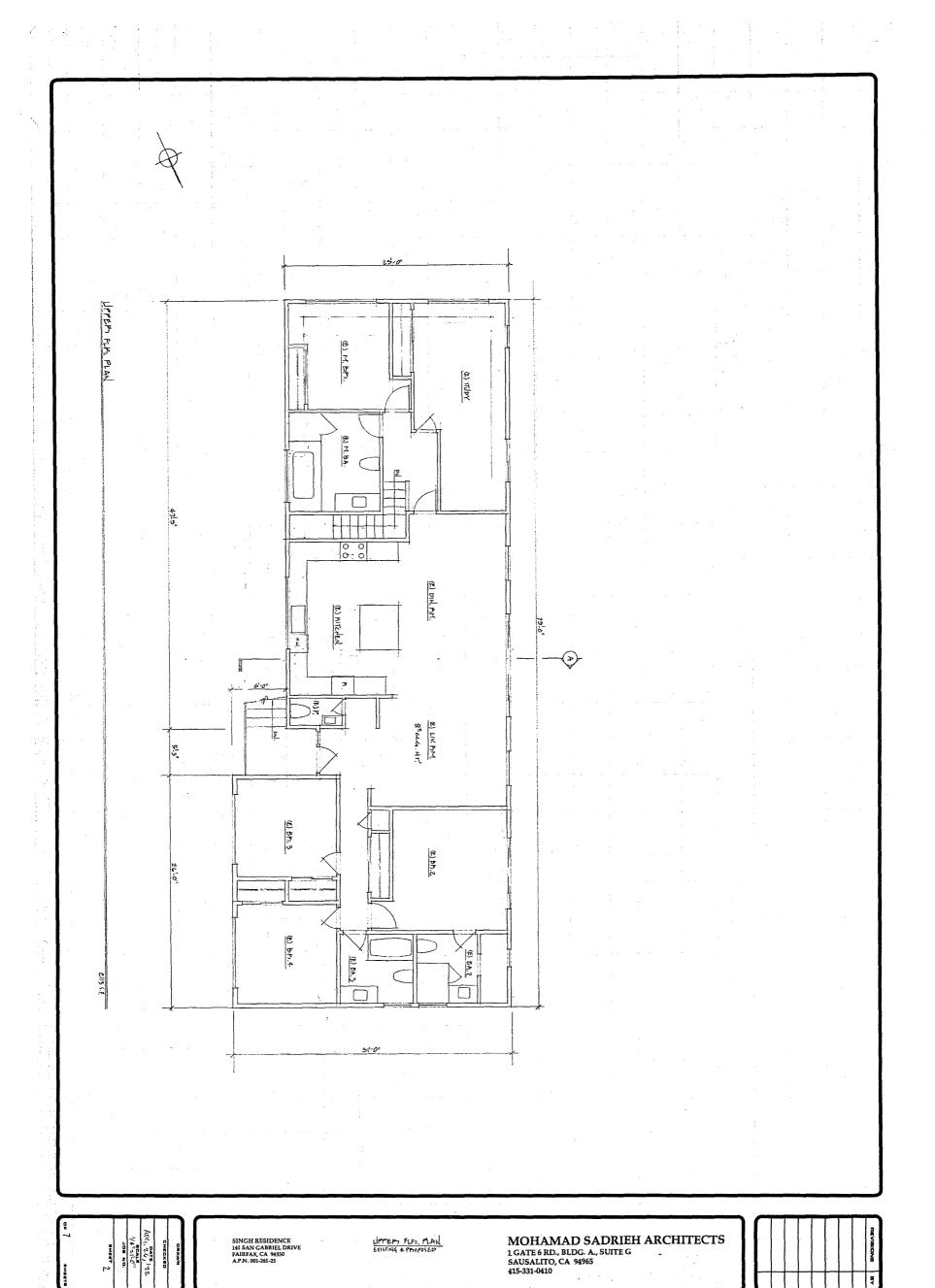
The approval of the Conditional Use Permit is in conformance with the 2010 – 2030 Fairfax General Plan, the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and

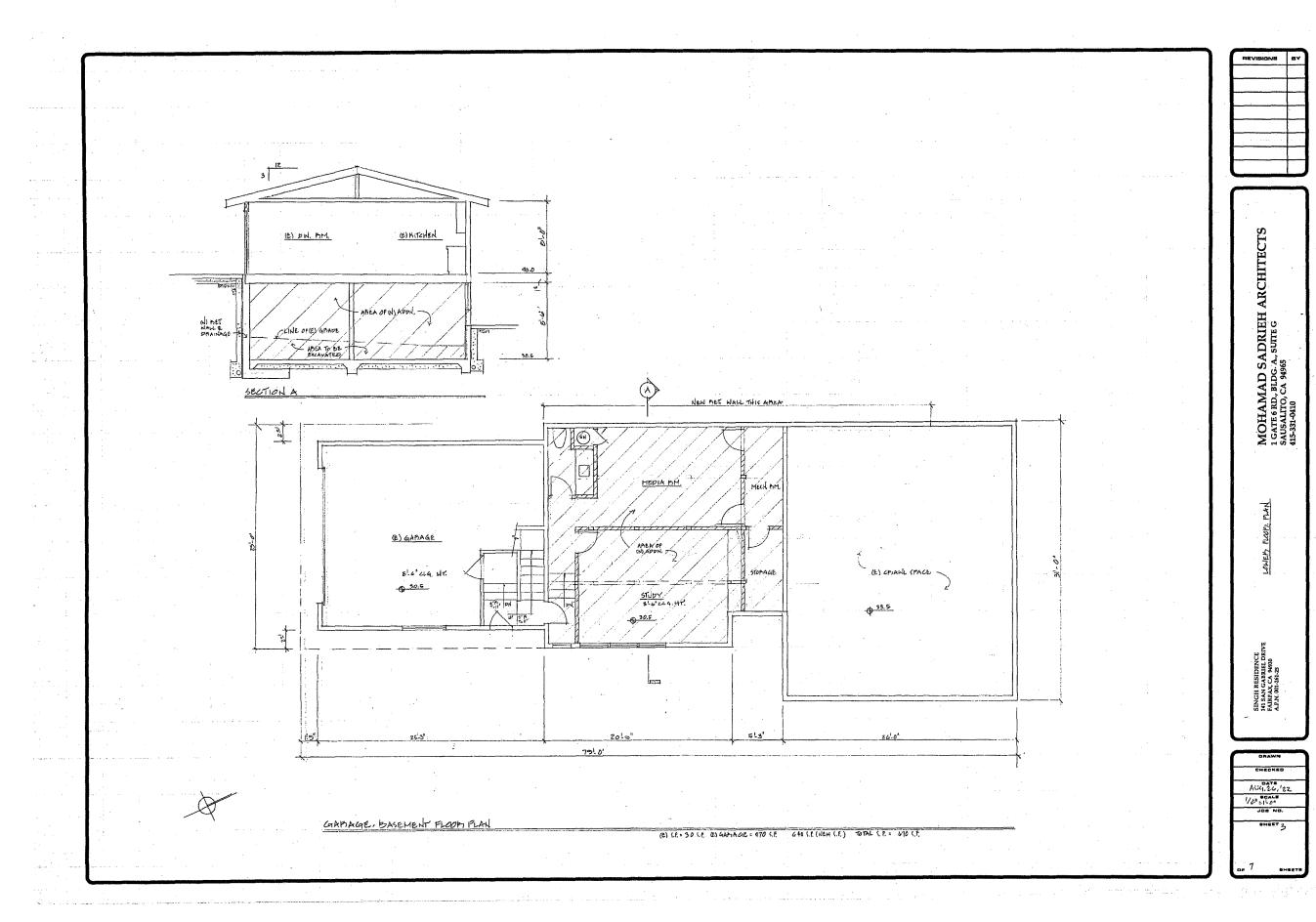
Construction of the project can occur without causing significant impacts on neighboring residences and the environment.

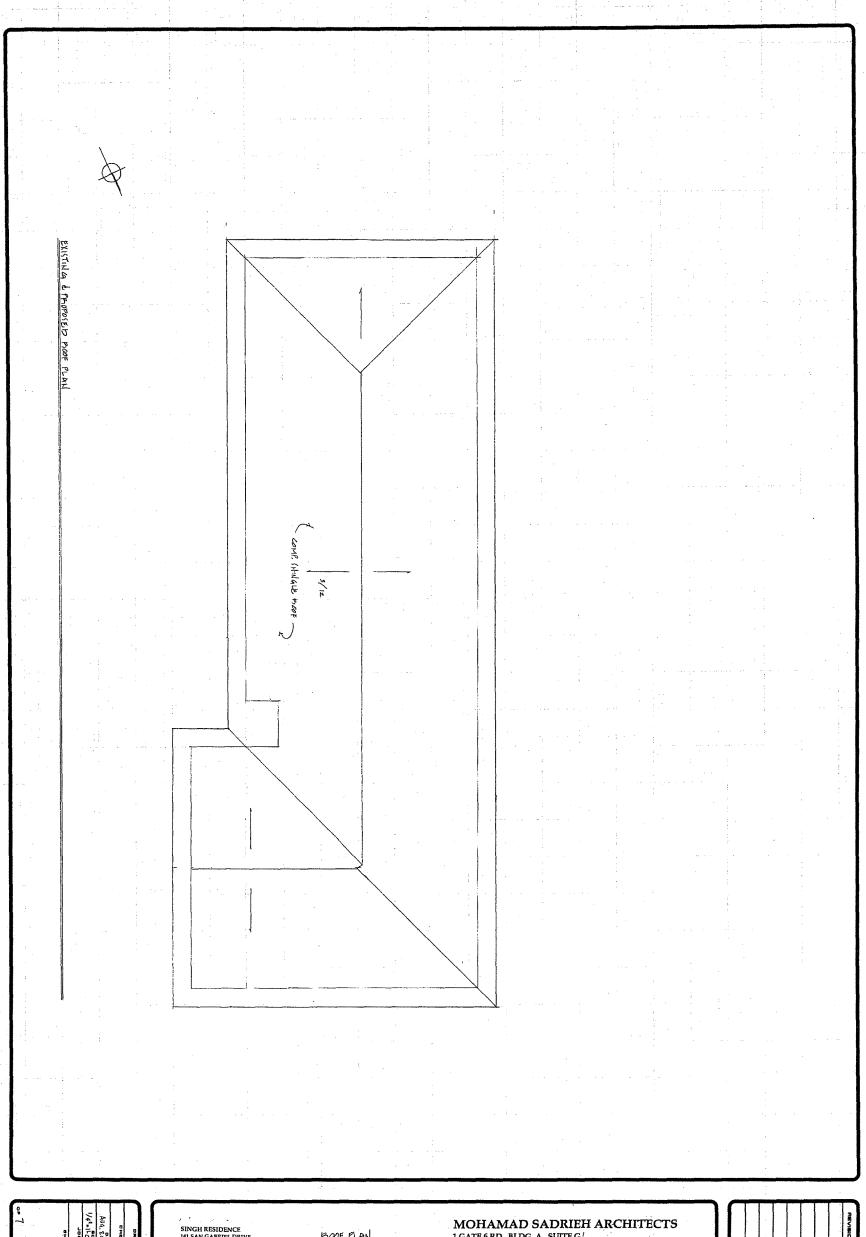
The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17th day of November 2022 by the following vote:

AYES: NOES:		
	Chair Norma Fragoso	
Attest:		
David Woltering, Interim Plan	nning Director	









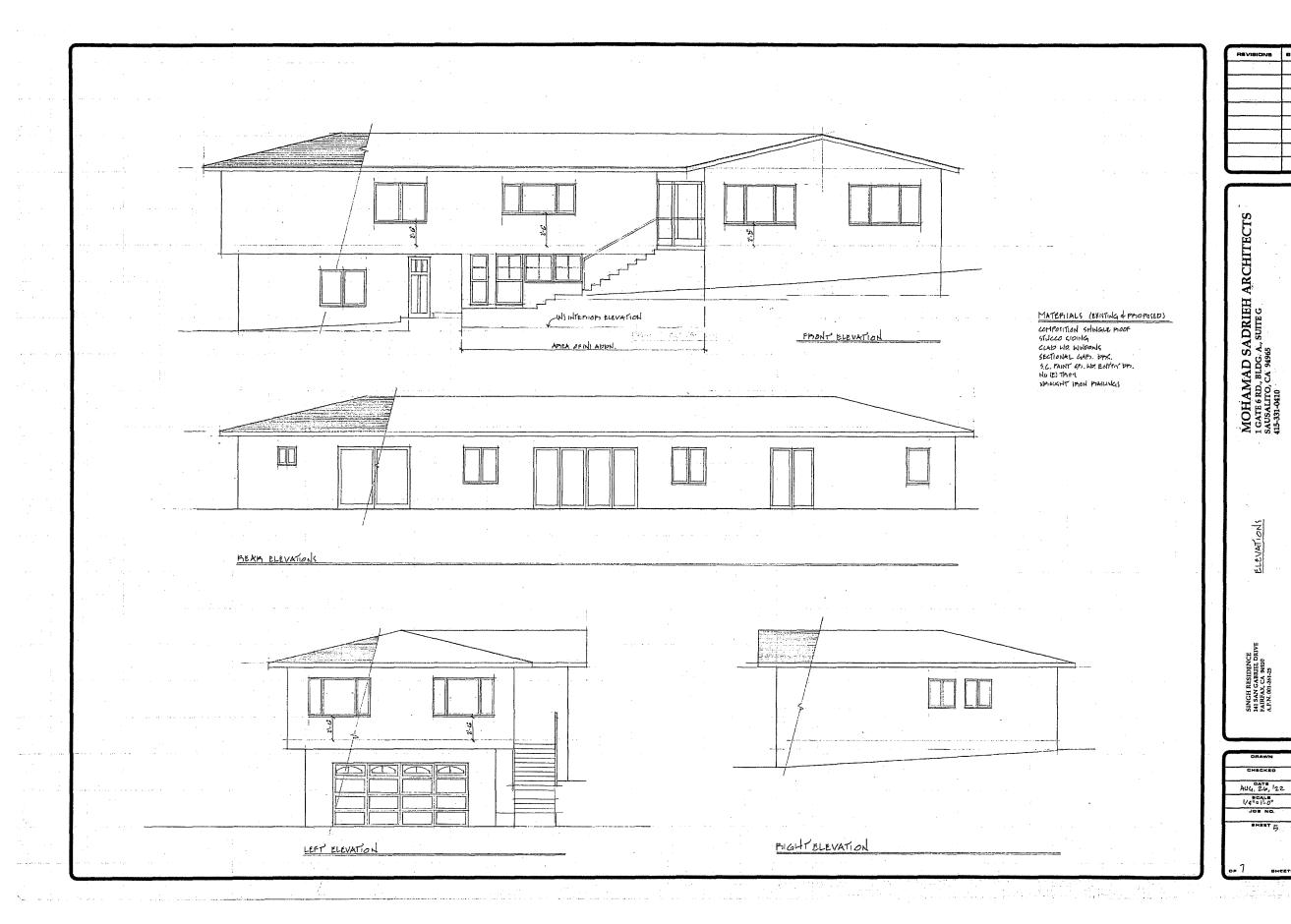
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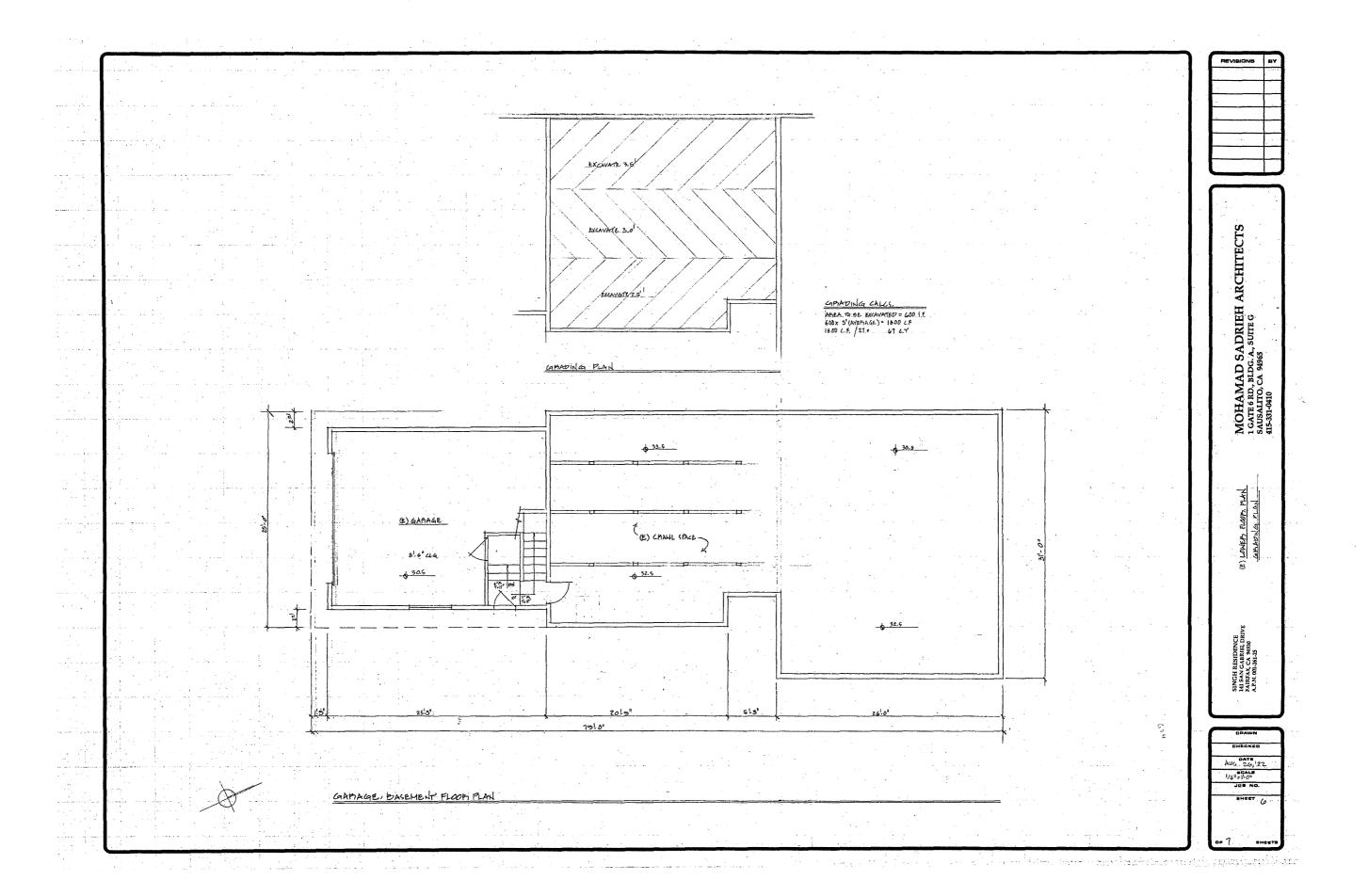
SINGH RESIDENCE 141 SAN GABRIEL DRIVE FAIRFAX, CA 94930 A.P.N. 001-261-25

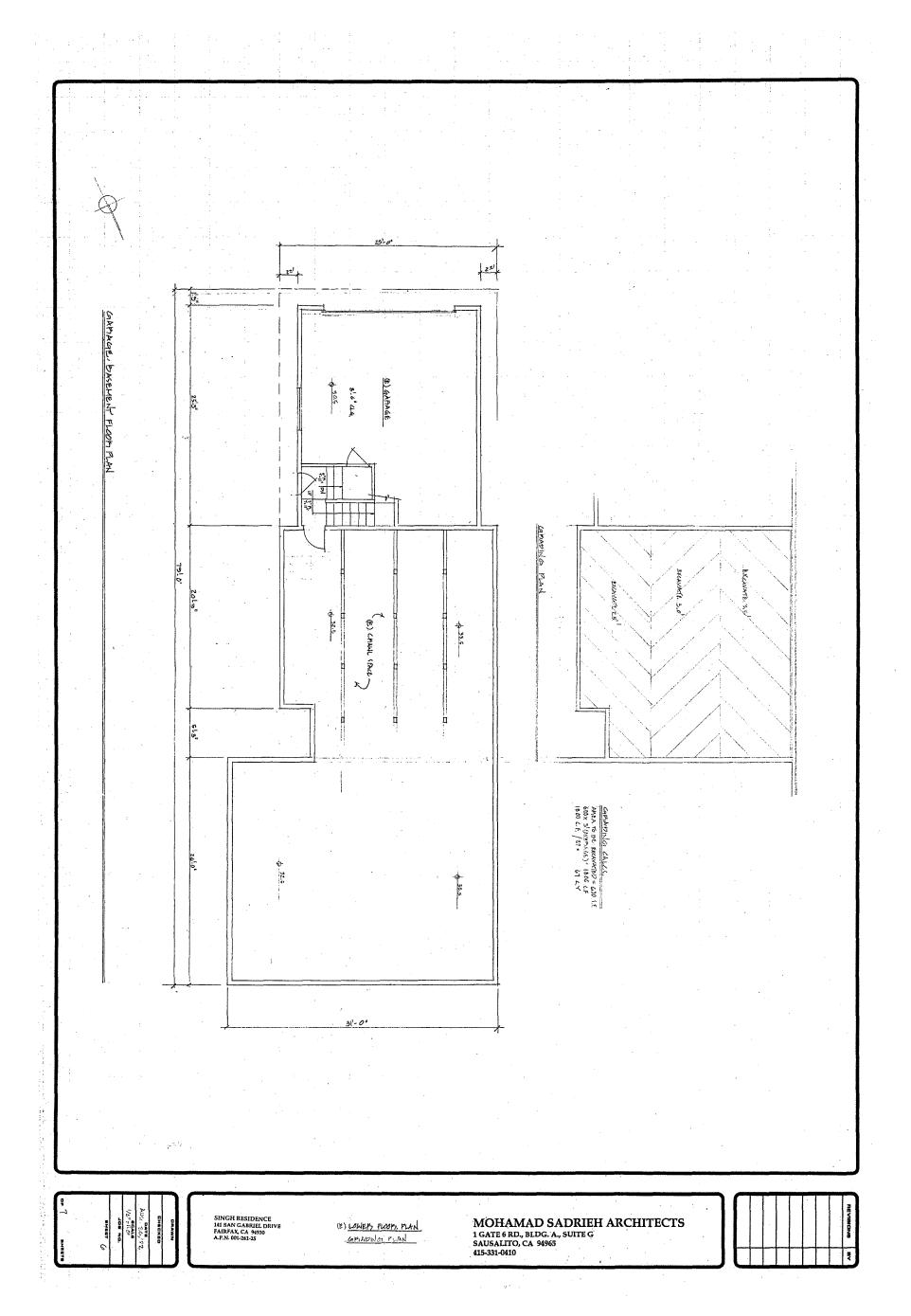
BOOF PLAN

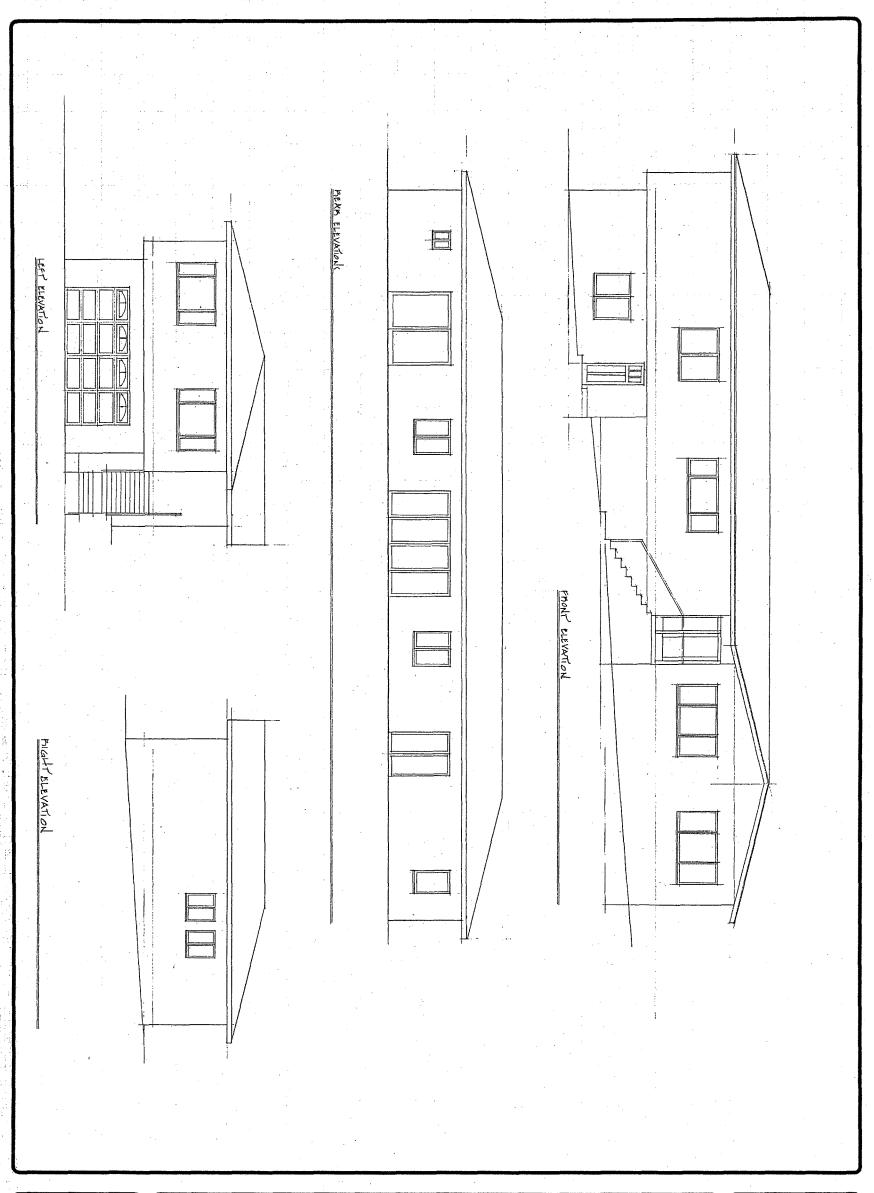
1 GATE 6 RD., BLDG. A., SUITE G / SAUSALITO, CA 94965 415-331-0410











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SINGH RESIDENCE 141 SAN GABRIEL DRIVE FAIRFAX, CA 94930 A.P.N. 001-261-25

(E) ELEVATIONS

MOHAMAD SADRIEH ARCHITECTS

1 GATE 6 RD., BLDG. A., SUITE G
SAUSALITO, CA 94965
415-331-0410



3 a course barker (E) POOL . (e) cook. Parlo 2 (E) HOME 0

AREA CALCULATIONS

LOT SIZE	7,600 S.F.
(E) BUILDING SIZE	2,143 S.F.
(E) GARAGE SIZE	470 S.F.
PROPOSED ADDITION	640 S.F.
TOTAL PROPOSED BUILDING SIZE	2,783 S.F.
(E) COVERAGE	2,143 S.F.
PROPOSED COVERAGE	2,143 S.F.

SCOPE OF WORK

EXCAVATION OF PART OF AN EXISTING CRAWL SPACE AND CONVERTING IT INTO A STUDY, MEDIA ROOM AND A POWDER ROOM.

PEVIBIONS	BY

MOHAMAD SADRIEH ARCHITECTS 1 GATE 6 RD., BLDG. A., SUITE G SAUSALITO, CA 9965 415-331-0410

SINGH RESIDENCE

144 SAN GABRIEL DRIVE
FAIREAX, CA 94330
A.P.N. 901-261-25

101

SITE PLAN

CHECKED

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BEALE

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JOB NO.