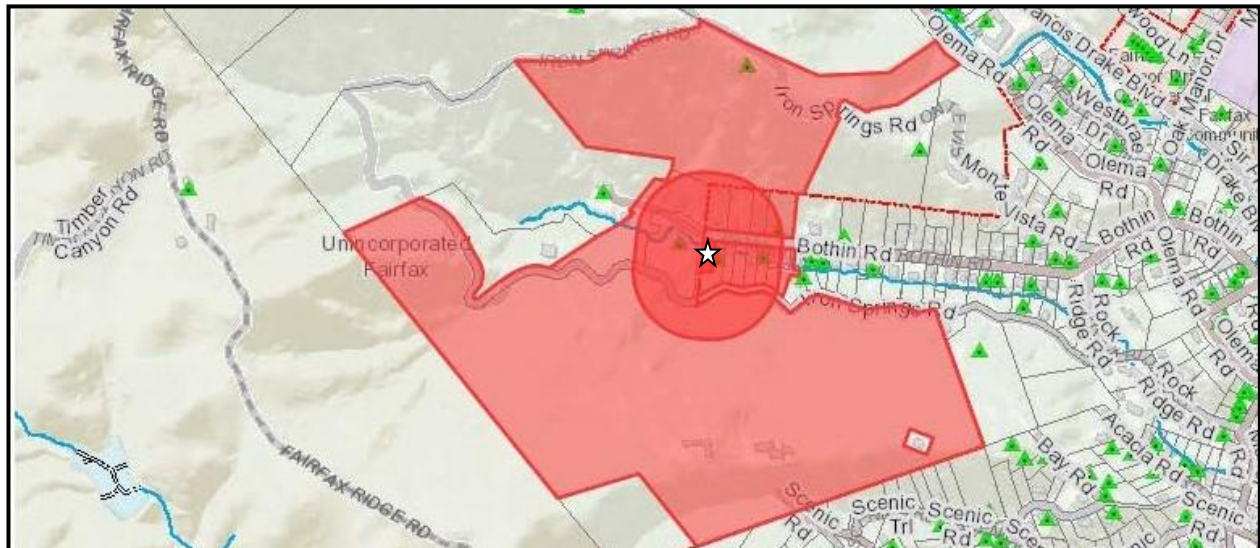


# TOWN OF FAIRFAX STAFF REPORT

## Department of Planning and Building Services

**TO:** Fairfax Planning Commission  
**DATE:** January 26, 2023  
**FROM:** Kara Spencer, Assistant Planner  
**LOCATION:** 197 Bothin Road; APN 001-082-46  
**ZONING:** RS-6 Single-family Residential Zone  
**PROJECT:** Fifty percent remodel and addition to a single-family residence; new detached garage; and, site improvements  
**ACTION:** Conditional Use Permit, Combined Side-yard Setback Variance, and Design Review Permit, Application # 23-01  
**APPLICANT:** John Clarke Architects  
**OWNER:** Mike Tzortzis and Shannon Snyder  
**CEQA STATUS:** Categorically exempt, § 15301(e)(1) and § 15303(e).



## 197 BOTHIN ROAD

### PROJECT DESCRIPTION

The project proposes to (1) remodel over 50% of an existing 1,425 square-foot, two-story, three-bedroom, two and a half bathroom, single-family residence; (2) add approximately 483 square feet for a total living space of 1,908 square feet; and, (3) construct a new, approximately 302 square foot, 12'-10.5" tall, detached garage to replace the existing attached garage, which is proposed to be converted into an approximately 392 square foot junior accessory dwelling unit (JADU). The JADU does not require discretionary permits but is noted for descriptive purposes only. Proposed roofing, siding, trim, and windows would match the existing house.

Site work involves the minor modification and reconstruction of two existing decks located behind the house; removing existing brick stairs that connect the two decks and replacing the stairs with a new wooden stairway; the construction of a new deck adjacent to the back of the house as well as a new stairway that would connect the new deck to one of the reconstructed decks; and, the construction of a new deck in front of the house adjacent to the proposed JADU. The existing concrete driveway would be removed and replaced with brick pavers in a slightly different configuration. A few new native shrubs, perennials, and groundcovers are also proposed.

**BACKGROUND/EXISTING CONDITIONS**

The project site is approximately 10,696 square feet in size. It is irregularly shaped with a relatively narrow (approximately 20 foot wide), approximately 3,600 square foot “panhandle” that extends from the southwestern corner for approximately 180 feet to Iron Springs Road. The portion of the site fronting Bothin Road is mostly flat with the back portion sloping steeply up to Iron Springs Road for an average slope of approximately 37 percent. A portion of Bothin Creek traverses under the front yard. However, the site is not within a FEMA flood hazard zone. According to maps prepared by Marin County Parks in conjunction with the Marin Audubon Society, the project site is within a quarter mile of a known Northern Spotted Owl nesting site.

The following table illustrates the project’s compliance with the regulations of the RS-6 Single-family Residential Zone, High-Density District where the property is located:

**Table 1: 197 Bothin Road Compliance with RS-6 Regulations**

	Front Setback	Rear Setback	Combined Front/Rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
<b>Required/ Permitted</b>	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	28.5 ft., 3 stories
<b>Existing</b>	58 ft.	17 ft.	75 ft.	5'-7" & 1 ft.	6'-7"	.13	.18	21'-8.5" 2 stories
<b>Proposed</b>	35 ft.	17 ft.	52 ft.	5'-7" & 4 ft.	9'-7"	.18	.19	No change

As indicated in the table above, the existing property meets, the FAR, lot coverage, height, individual front and rear setbacks, combined front and rear setbacks, and one of the individual side setbacks (western side). There is a deck located to the rear of the house (that was present when the current owners purchased the property) that is approximately one foot from the eastern property boundary, encroaching approximately four feet into the individual side setback and approximately 13'-5" feet into the combined side setback.

## **DISCUSSION**

### **Required Discretionary Permits**

Town Code § 17.080.050 specifies that improvements or modifications to any site that does not meet the minimum size and width requirements based on its slope require approval of either a Conditional Use Permit (CUP) or a Hill Area Residential Development (HRD) Permit. Based on an average slope of approximately 37 percent, the project site would need to be 29,000 square feet in area to conform to the size requirements of § 17.080.050(C). At approximately 10,696 square feet in area, the project site does not meet the minimum size requirements of the code. Because the project would result in minimal site disturbance and requires approximately 37 cubic yards (cy) of excavation that would occur within the existing development footprint, the HRD permit [Town Code § 17.072.020(A)(4)] is not applicable. Therefore, the project requires approval of a CUP by the Planning Commission.

In addition, the project proposes to remodel over 50% of the existing house, which requires Planning Commission approval of a Design Review Permit [Town Code § 17.020.030(A)]. Finally, the project requires Planning Commission approval of a Variance to the Combined Side-yard Setback requirement [Town Code § 17.080.070(B)(2)] to maintain a combined side-yard setback of 9'-7". The reconstructed deck would also maintain a minimum side-yard setback of four feet. However, Town Code § 17.044.070 allows decks to project two feet into a required side-yard without Planning Commission approval of a Variance, as long as the deck does not come closer than three feet to a property line. Therefore, the project does not require a Variance to the minimum side-yard setback requirement. The project would meet the Town's parking requirements [Town Code § 17.052.030(A)(1)] with one 9' by 19' covered space in the proposed detached garage; one 9' by 19' off-street, uncovered parking space proposed in front of the house; and, a third guest space proposed along the property frontage.

### **Conditional Use Permit**

As previously stated, the project proposes to add approximately 483 square feet to the approximately 1,425 square foot, single-family dwelling to create a new total living space of approximately 1,908 square feet. The proposed addition would marginally increase the floor area ratio by 0.05 percent, from 0.13 to 0.18. Table 2 below illustrates that residences and properties in the neighborhood range from a 1,090 square-foot, three-bedroom, one and a half-bathroom, single-family residence on a 10,250 square-foot lot with a Floor Area Ratio (FAR) of 0.11 to a 2,434 square-foot, three-bedroom, three-bathroom, single-family residence on a 20,000 square foot lot with a FAR of 0.12. The proposed approximately 1,908 square-foot, three bedroom, two and a half-bathroom, two-story, single-family residence with FAR of 0.18 would not be out of scale or character with the surrounding neighborhood.

**Table 2: 197 Bothin Road – Neighboring House Comparison**

APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	Floor Area Ratio
001-082-78	201 Bothin Road	57,934 SF	1,976 SF	3	2.5	0.03
174-280-05	200 Bothin Road	104,544 SF	2,465 SF	4	3	0.02
001-082-55	196 Bothin Road	20,000 SF	1,518 SF	3	2	0.08
001-082-56	188 Bothin Road	20,000 SF	2,434 SF	3	3	0.12
001-082-57	180 Bothin Road	15,000 SF	2,354 SF	5	2	0.16
001-082-36	183 Bothin Road	9,500 SF	1,765 SF	3	2	0.19
001-082-35	187 Bothin Road	10,250 SF	1,090 SF	3	1.5	0.11
001-082-44	191 Bothin Road	9,500 SF	1,637 SF	2	2	0.17
001-082-47	195 Bothin Road	14,000 SF	1,292 SF	3	2.5	0.09
Project Site – Proposed						
001-082-46	197 Bothin Road	10,696 SF	1,908 SF	3	2.5	0.18

The proposed addition would expand the existing house to back, in compliance with the individual rear setback, the combined front and rear setbacks, the individual and combined side-yard setbacks, the FAR, lot coverage and height requirements of the RS-6 zone. In addition, the new approximately 302 square foot detached garage proposed in front of the existing house would meet all required setbacks, as well as lot coverage and height requirements. [At less than 500 square feet, the floor area of the garage does not count toward the property’s FAR (Town Code § 17.136.030(A)]. The new deck proposed in front of the house as well as the deck proposed to be reconstructed adjacent to the new rear addition would meet setback and lot coverage requirements. The existing deck behind the house that is approximately one foot from the eastern property boundary would be reconstructed in roughly the same location, but with a new setback of approximately four feet from the eastern property boundary. This one-foot encroachment into the required five-foot individual side-yard setback is allowed by Town Code § 17.044.070. However, this reconstructed deck would result in the property maintaining a combined side-yard setback of 9’-7. The project applicant seeks a Variance to combined side-yard setback requirement, as discussed below.

The approximate 37 cy of excavation would be hauled off site is necessary to construct the proposed addition; and, is well under the 100 cy of excavation that requires approval of an excavation permit by the Planning Commission. The replacement of the existing concrete driveway with brick pavers would decrease the impervious surface area on the property and slightly offset the increase in impervious surface area resulting from the addition. The moderate amount of new landscaping would include native species planted to complement existing vegetation.

The project would maintain a similar size, floor area ratio, and setbacks as other properties in the immediate neighborhood; comply with the regulations set forth in the RS-6 Residential Single-family Zone District (with the exception of the combined side-yard setback, which the applicant seeks a Variance to, as discussed below); provide the required onsite parking; install sprinklers and a new type “A” fire rated roof; and, relocate an existing deck three feet further away from a side property boundary. Therefore, the project would not create a public nuisance, or cause excessive or

unreasonable detriment to adjoining properties or premises, and the project would result in better development of the site than would otherwise be the case.

### **Combined Side-yard Setback Variance**

As described above, the project seeks a variance to (1) allow the construction of a new stairway and a portion of new deck that would encroach approximately 9'-5" into the 20-foot combined side-yard setback and (2) permit a reconstructed deck behind the house to encroach approximately 10'-5" into the required 20-foot combined side-yard setback. Adding a portion of a deck and a wooden stairway within the combined side-yard setback would increase the amount of structures within the combined side yard setback. However, this seems to be a reasonable request due to the narrowness of the site and its approximate 37 percent slope. Furthermore, the new deck and stairway would meet the minimum five-foot side-yard setback requirement and would not encroach into the combined side-yard setback any further than the existing house. The reconstructed deck would encroach one-foot into the minimum five-foot side-yard setback, which is allowed by Town Code § 17.044.070 (Town Code § 17.044.070 allows up to two feet of encroachment into a setback for a deck). Additionally, the reconstructed deck would encroach three feet less than the existing deck. Consequently, the proposed reconstruction of the existing deck behind the house at the eastern side of the property would be an improvement over the existing condition.

The portion of the new deck, the new stairway, and the portion of the reconstructed deck within the combined side-yard setback would not impact the privacy of the next-door neighbor at 195 Bothin Road over existing conditions. The deck to be reconstructed is already existing and is not proposed to increase in height and would in fact be moved further from the next-door neighbor than it currently is. The new deck would be no more than three feet off the ground while the steps connecting it to the reconstructed deck would follow the existing grade. Due to the wooden fence between the properties, intervening vegetation, and the slope, views between 197 and 195 Bothin Road would not increase over what is existing and the current level of privacy would be maintained. The project would maintain similar setbacks from the property lines as other developed properties in the vicinity and would not be a grant of special privilege. Because the improvements would be located behind the existing house, they would not have a detrimental impact on the public.

### **Design Review**

The proposed project complies with the design review criteria contained in Town Code § 17.020.040, which include the requirement of a well composed design that relates harmoniously to other structures in the vicinity and that is of a quality and character that will protect the value of public and private investments in the immediate vicinity. The 483 square foot addition at the back of the house on the western side of the property would not substantially change the appearance of the house. All proposed siding, roofing materials, downspouts, and window and door trim etc., would match the existing, brown-stained shingled house with the light tan painted trim. The proposed addition would be visible to the neighbor next door at 195 Bothin Road and potentially visible to passersby on Iron Springs Road behind the house. However, the earth toned colors and materials, intervening slope, and existing tree cover and other vegetation would ensure

the addition blends into its surroundings, minimizing its visual impacts. Matching materials, colors, and a gable roofline would bring the proposed detached garage into design harmony with the house.

Plan pages A4.0 through A4.3 and CR.0 through CR.3 show the proposed exterior light fixture locations. All the proposed exterior light fixtures would be “dark sky friendly,” shielded to direct light downward in a manner that prevents light spillage beyond the project area. Replacing the existing concrete driveway with brick pavers would increase its visual interest, while slightly offsetting the increase in impervious surface area resulting from the addition. The new native landscaping would complement existing vegetation. Ross Valley Fire Department approved the proposed Vegetative Management Plan on June 20, 2022. Existing natural site features would be preserved, including the site grade, slope, existing trees, and the Bothin Creek drainage channel.

The proposed changes will not substantially change the architectural style of the structure and the resulting house and garage will comply with the Design Review Criteria set forth in Town Code § 17.020.040. In addition, minimal site disturbance is proposed and consequently, the site would not look much different after project implementation.

### **Northern Spotted Owl**

The site is within quarter mile of a known Northern Spotted Owl nesting site so construction shall be prohibited during the Northern Spotted Owl nesting season from February 1st through July 31st, unless a plan for allowing construction activities during this period is submitted by a qualified biologist and approved by the State Department of Fish and Wildlife, with documentation of the approval provided to the Town, prior to initiation of any construction activities. All requirements listed in the plan, including potential onsite monitoring, must be met by the applicants at all times.

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

No agencies or Town of Fairfax Departments had any comments or project specific conditions of approval. 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. 2023-01 and can be viewed in their entirety in that document.

### **RECOMMENDATION**

Move to approve Application # 23-01 by adopting Resolution No. 2023-01 setting forth the findings and conditions for the project approval.

### **ATTACHMENTS**

Attachment A – Resolution No. 2023-01

## RESOLUTION NO. 2023-01

### **A Resolution of the Fairfax Planning Commission Approving Application No. 23-01 for a Conditional Use Permit, Combined Side-yard Setback Variance, and a Design Review Permit for a 50 Percent Remodel and 483 Square Foot Expansion of the Existing Single-Family Residence, the Construction of a New Detached 302 Square Foot Garage, and Site Improvements at 197 Bothin Road**

**WHEREAS**, the Town of Fairfax received an application from Mike Tzortzis and Shannon Snyder for the following: a 483 square foot addition and 50 percent remodel of a single-family residence, the construction of a new detached 302 square foot garage, and site improvements at 197 Bothin Road; and

**WHEREAS**, after holding a duly noticed public hearing on January 26, 2023, on the project, the Planning Commission determined that the project complies with the Conditional Use Permit Regulations, the Combined Side-yard Setback Variance Regulations, and the Design Review Ordinance and findings can be made to grant the requested Conditional Use Permit, the requested Combined Side-yard Setback Variance, and the Design Review Permit at 197 Bothin Road; 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, Combined Side-yard Setback Variance, and Design Review Permit; and

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

#### General Plan Compliance

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;

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-7.2.1: New and renewed development shall be compatible with the general character and scale of structures in the vicinity; and

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.

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

1. While proposed project would result the reconstruction of a portion of a deck within the required 20-foot combined side-yard setback, as well as the construction of a portion of a new deck and stairway with the required 20-foot combined side-yard setback, it would conform to the rest of the required setbacks, Floor Area Ratio, and Lot Coverage Limitations of the RS 6 Single-family Residential Zone and would not decrease the combined side-yard setback already being maintained by the existing residence. The project would result in development of the site similar to development seen throughout the Bothin Park Subdivision and would not be a grant of special privilege.
2. The project would not project closer to the front or side property lines than the existing structure and the addition would maintain the existing height of the residence. The number of bedrooms in the existing house would not increase. The project would not impact neighboring properties visually, nor would it increase the use of public parking. Therefore, the development and use of the property, as approved under the conditional 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 conditional 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, development plan or other plan or policy, officially adopted by the town; and
4. Approval of the conditional use permit will result in equal or better development of the premises than would otherwise be the case, and that the approval to accommodate the existing residents changing needs is in the public interest and for the protection or enhancement of the community.

### Combined Side-yard Setback Variance (Town Code § 17.028.070)

1. The project would maintain similar setbacks from the property lines to other properties in the vicinity. Therefore, the strict application of the 20-foot Combined Side-yard Setback regulations will deprive the applicants of privileges enjoyed by other property owners in the vicinity.
2. The variance to maintain a combined side-yard setback of 9'-7" is consistent with the limitations upon other properties in the vicinity and in the RS-6 Single-family Residential Zone and the granting of the variance is consistent with the objectives of Title 17, Zoning.
3. The strict application of this title would result in excessive or unreasonable hardship.



4. 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.

Design Review (Town Code § 17.020.040)

1. The project depicted in the plans submitted 1/12/23 complies with the Design Review Criteria set forth in Town Code § 17.020.040.

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

1. The project is approved per the architectural plans by John Clarke Architects received by the Town of Fairfax on January 12, 2023.
2. Prior to issuance of any of the building permits for the project the applicant or his assigns shall:
  - a) Submit a construction management plan subject to approval of the Public Works Director. The plan shall include but is not limited to the following:
    - i. Construction delivery routes approved by the Department of Public Works;
    - ii. Construction schedule (deliveries, worker hours, etc.);
    - iii. Notification to area residents;
    - iv. Emergency access routes;
    - v. Construction worker staging area; and,
    - vi. Contractor employee parking locations.
3. 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 to be approved by Public Works Director).
4. 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 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.
5. The foundation elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Structural Engineer.

6. 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.
7. During the construction process the following shall be required:
  - a) Prior to the concrete form inspection by the building official, the project Structural Engineer shall field check the forms of the foundations and provide written certification to Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans.
  - b) The Building Official shall field check the concrete forms prior to the pour.
  - c) 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.
  - d) 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.
8. Prior to issuance of an occupancy permit the Planning Department and Building Official shall field check the completed project to verify that any and all Planning Commission conditions and required engineering improvements have been complied with.
9. Excavation shall not occur between October 1st and April 1<sup>st</sup> of any year. The Town Engineer has the authority to waive this condition depending upon the weather.
10. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
11. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 23-01. Modifications that do not significantly change the project, the project design or the approved discretionary permits **may** be approved by the Planning Director or Planning Commission. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 23-01 will result in the job being immediately stopped and red tagged.

12. Any damages to the public and/or private portions of Bothin Road, or other public or private roadway used to access the site resulting from construction-related activities shall be the responsibility of the property owner.
13. 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.
14. 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 and Best Management Practices for Stormwater Pollution Prevention.
15. 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.
16. Conditions placed upon the project by outside agencies, Town departments or by the Town Engineer may be eliminated or amended with that agency's, department's, or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.

### **Ross Valley Fire Department Conditions**

17. All vegetation and construction materials are to be maintained away from the residence during construction.
18. 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.
19. A class A roof assembly is required.
20. The project 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.
21. 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.
22. 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.
23. 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.
24. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
25. 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 (MMWD) Conditions**

26. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
27. Backflow prevention requirements must be met.

28. Any landscaping plans must be reviewed and approved by the District.
29. Ordinance 420, requiring installation of a 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.
30. Comply with California Water Code – Division I, Chapter 8, Article 5, Section 537; which requires individual metering of multiple living units within newly constructed structures.
31. All the District's rules and regulations in effect at the time service is requested must be complied with.

### **Ross Valley Sanitary District (RVSD)**

32. The project triggers RVSD's testing and lateral certification requirements. The project applicant shall: hire a licensed contractor to perform a video inspection of the sewer lateral/s to determine the condition; obtain a permit from Ross Valley Sanitary District; pay applicable Capacity and Permit fees; pressure test the sewer laterals in the presence of a District Inspector prior to backfill; and, obtain a Certificate of Compliance for the lateral from RVSD.

### **Miscellaneous Conditions**

33. The site is within ¼ mile of a known Northern Spotted Owl nesting site so construction shall be prohibited during the Northern Spotted Owl nesting season from February 1st through July 31st, unless a plan for allowing construction activities during this period is submitted by a qualified spotted owl biologist and approved by the State Department of Fish and Wildlife, with documentation of the approval provided to the Town, prior to initiation any construction activities. All requirements listed in the plan, including potential onsite monitoring, must be met by the applicants at all times.
34. 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. The fixtures to be mounted on the garage front wall must be reviewed and approved by the Planning Department prior to submittal of the building permit.

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

The Conditional Use Permit, Combined Side-yard Setback Variance, and Design Review Permit for the 483 square foot addition and 50 percent remodel of the single-family residence, the construction of a new detached 302 square foot garage, and site improvements at 197 Bothin Road are approved and the findings have been made to grant the requested discretionary permits. Therefore, the project is in conformance with the 2010 – 2030 Fairfax General Plan, the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and, project construction 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 26th day of January 2023 by the following vote:

AYES:

NOES:

ABSENT:

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Chair Cindy Swift

Attest:

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David Woltering, Interim Planning Director