



# TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930  
(415) 453-1584 / FAX (415) 453-1618

August 6, 2009

John Owens and Diana Dullaghan  
177 Frustuck Avenue  
Fairfax, CA. 94930

## NOTICE OF TOWN COUNCIL ACTION

RE: Adoption of a Resolution of the Town Council of the Town of Fairfax making findings for the denial of the appeal for 177 Frustuck Avenue.

Dear Mr. Owens and Ms. Dullaghan,

On August 5, 2009, the Fairfax Town Council adopted the above referenced Resolution denying the appeal of the Planning Commission's denial of application # 09-02 for a setback variance, encroachment permit, height variance and second unit use permit.

Town Code § 17.028.120 indicates that following the denial of a variance application, no application for the same, or substantially the same variance on the same or substantially the same site shall be filed within six (6) months of the denial unless the denial was made without prejudice.

If you have any questions regarding the Town Council action please do not hesitate to contact the Fairfax Department of Planning and Building Services.

Sincerely,

Linda Neal  
Senior Planner

cc. Jim Moore, Director of Planning and Building Services

John Owens and Diana Dullaghan  
177 Frustuck Avenue, Fairfax CA 94930  
Tel: 456-8064 / Cell: 717-7621 / E-mail [johnoph@aol.com](mailto:johnoph@aol.com)  
August 28, 2009

Judy Anderson CMC  
Town Clerk  
Town of Fairfax  
142 Bolinas Road  
Fairfax CA 94930

Re: Adoption of a resolution by the Town Council on August 5<sup>th</sup> 2009 to deny the appeal of the Planning Commission denial of a second unit at 177 frustuck.

Dear Judy,

It is my understanding that as a public elected official, and the Custodian of Records for the Town of Fairfax it is your duty to authenticate official records. I would like you to review the discrepancies listed below in the Town's resolution to deny our second unit. I would like a written response by September 15<sup>th</sup>. If that is not possible please let me know in writing.

We disagree with the Council's resolution denying the appeal of a second unit at 177 Frustuck. This resolution does not reflect what took place at the Planning Commission meeting February 19<sup>th</sup>, the Council meeting May 6<sup>th</sup>, or the Council meeting July 1<sup>st</sup>. This is clearly evident from reviewing the three audiotapes of the meetings. We received no prior notification that this resolution was to be passed, and it was passed on the consent calendar without public review. We want the resolution to be amended to reflect what actually happened at the three meetings.

"WHEREAS the Planning Commission on the basis of substantial evidence in the record before it made findings for denial based on the project not complying with the requirements set forth in Section 17.048.040 (D) and (E) and 17.080.060A of the Town Code".

On the contrary

The only evidence presented at the meeting was in support of the project. The evidence was in the form of the Town Staff Report, and the submittals from the Owens's. Ordinances 17.048.040D and 17.048.40E were not part of the motion to deny the application. The motion to deny was based on 17.080.060A alone. The motion also included Four Stories, and Piece Mealing which are not actually Town Ordinances. Comments were made by some Planning Commissioners against the project that had no supporting evidence, and were in direct opposition of the Second Unit Ordinance, the Second Unit Amnesty Program, and the Town Housing Element ( all documents created and adopted by the Planning Commission).

On the contrary

17.048.040D deals with onsite parking requirements for second units. The only evidence presented was in the Town Staff report which was in favor of granting the parking variance. A neighbor who had not viewed the plans, mistakenly thought we were applying for the second unit without additional parking. He was in favor of the project. The only other comment was from Chairman Laques who had reviewed the wrong property, trespassed on the wrong property, and could not read the plans or the Staff Report to see we were actually providing twice the required parking for the second unit, and that the second unit parking was not located in the Town right of way or side yard setback. Two previous second units have been granted

variances with parking in the side yard setback, and in the Town right of way without any fanfare.

On the contrary

17.048.040E deals with development standards of second units as to how they fit with the character of the neighborhood. The Staff Report was the only evidence presented on ordinance 17.048.040E. The staff report spoke to how the unit would not be detrimental to the neighborhood, and effectively would have zero visual impact. Opinions were expressed by some Commissioners without supporting evidence in direct opposition of the Second Unit Ordinance, the Second Unit Amnesty Program, and the Town Housing Element (all documents created and adopted by the Planning Commission).

On the contrary

17.080.060A Height regulations. There was no evidence presented by the Planning Commission to oppose the granting of a height / third story variance. Opinions were expressed by some Commissioners in direct opposition of the Second Unit Ordinance, the Second Unit Amnesty Program, and the Town Housing Element (all documents created and adopted by the Planning Commission).

"NOW THEREFORE, the Town Council of the Town of Fairfax does hereby find and determine as follows: "

1. There is substantial evidence on the record to support the findings and decision of the Planning Commission on this project.

The resolution quotes three Town ordinances as reasons for denial by the Planning Commission, 17.048.040A 17.048.040E, and 17.080.060A. Two of the ordinances quoted were not discussed or part of the motion to deny the project at the Planning Commission. There was no evidence or discussion of items 17.048.040D or 17.048.040E at the 5.6.09 and the 7.1.09. Council meetings. The above statement is untrue.

2. There is no special circumstances applicable to this property to justify exceeding the height limit of 35 feet and three stories in Section 17.080.060A of the Town Code.

Our property including the second unit fully complies with ordinance 17.080.060A. There is no need of a variance. We are within the 35 feet height limit. The limit of three stories only applies to houses situated on the uphill side of the street.

3. The variance to allow a four (4) story structure to permit a second unit would be a grant of special privilege which would be without precedent in the Town.

The Town of Fairfax does not have a fourth story ordinance, and we did not apply for a fourth story variance. The above statement cannot apply to the approved resolution.

4. The construction of a Residential Second Unit on the premises would cause excessive or unreasonable detriment to adjoining properties or premises because the parking for the unit would be located almost entirely within the public right of way. The future use of the right of way for public improvement would eliminate the required parking for the unit and for the guest parking space for the main residence and render the site non conforming with regard to the parking requirements.

This item was not on the audiotapes of the 5.6.09. or the 7.1.09. Council meetings. The only evidence presented on this subject was the original Planning Commission Staff Report which was in favor of granting a parking variance, and the examples of the two second unit parking variances approved to date. Contrary to the statement the primary parking space for the second unit is located on private property in the garage as clearly shown on the application plans. The variance was to locate a compact space for the main house in the Town right of way. We currently have two parking spaces in the Town right of way. The three adjacent houses on the down hill side of our home, and the two adjacent houses on the uphill side of our home each have two parking spaces in the Town right of way. Two of the three second units approved were granted parking variances for parking spaces in the Town right of way. I have spoken with one of the previous applicants regarding the variance for their parking in the side yard setback, and there was never any mention of future road widening or detriment to the neighborhood. This statement is not just fictitious. It is yet again a blatant show of extreme bias against the Owens's.

5. Approval of the three discretionary permits, the Height variance, Setback Variance, and Encroachment Permit to facilitate the creation of a Residential Second Unit would not be in the public interest or the protection or enhancement of the safety or welfare of the community because the increased density cannot be accommodated in compliance with the Town Code.

There was no evidence presented that the creation of this Second Unit would not be in the public interest, or be detrimental to the safety or welfare of the community. 140 signatures were presented from the public in favor of the unit. It is absolutely in the public interest to create affordable housing. The Town is currently being mandated by ABAG to create 128 units. To which it has completed zero. The building of Second Units within existing structures is absolutely in keeping with the Second Unit Ordinance, the Second Unit Amnesty Program, and the Town Housing element adopted in 2006. The square footage of our house with the Second Unit would still be less than the two adjacent single family residences, and the footprint of the building would not change. The approval of three previous second units all with variances in similar neighborhoods evidences that the above statement is untrue.

After my review of the audio tapes I found the Planning Commission made one finding for denial without evidence to support their finding. The denial was on ordinance 17.080.060A Height Regulations. On July 1<sup>st</sup> at the Council Meeting a motion to deny the project was made without any findings. Councilmember Tremaine instructed staff to create findings after the meeting to support the denial. There was no evidence presented at the July 1<sup>st</sup> Council Meeting to support denial of this project. The above findings are incorrect, and fictitious.

The May 5<sup>th</sup> Council meeting was spent almost entirely discussing false claims of bullying, and Councilmember Tremaine recollecting a deed restriction for a second unit back in 2004 that never existed. The essence of the July 1<sup>st</sup> meeting was Mayor Weinsoff clearly stating on the record " I have to say Mr. Owens there is a clear choice here. Which do you want more, the parking structure and the benefits it affords you, or do you want affordable housing on the side of your property so much that you would sacrifice the parking structure for the affordable housing ? It hangs in the balance here! " No evidence was presented to support this statement. Our Attorney rebutted the statement saying that 80% of the neighborhood had covered parking, and our garage was already approved, and supported by the neighborhood.

The resolution should read ;

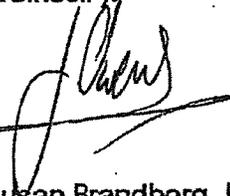
"WHEREAS the Planning Commission on the basis of no evidence in the record before it made findings for denial based on the project not complying with the requirements set forth in Section 17.080.060A of the Town Code".

" NOW THEREFORE, THE Town Council of the Town of Fairfax does hereby find and determine as follows: "

1. There is no special circumstances applicable to this property to justify exceeding the height limit of 35 feet and three stories in Section 17.080.060A of the Town Code ( as discussed by Councilmember Tremaine ).
2. Mr. Owens was not willing to sacrifice his parking structure for affordable housing ( as proposed by Mayor Weinsoff ).

Yours sincerely,

John Owens



cc. Lew tremaine, Larry Bragman, Susan Brandborg, Mary Anne Maggiore, David Weinsoff



**RICHARDS | WATSON | GERSHON**

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RICHARD RICHARDS  
(1916-1988)

September 2, 2009

GLENN R. WATSON  
(RETIRED)

HARRY L. GERSHON  
(1922-2007)

- STEVEN L. DORSEY
- WILLIAM L. STRAUSS
- MITCHELL E. ABBOTT
- GREGORY W. STEPANICICH
- ROCHELLE BROWNE
- QUINN M. BARROW
- CAROL W. LYNCH
- GREGORY M. KUNERT
- THOMAS M. JIMBO
- ROBERT C. CECCON
- STEVEN H. KAUFMANN
- KEVIN G. ENNIS
- ROBIN D. HARRIS
- MICHAEL ESTRADA
- LAURENCE S. WIENER
- STEVEN R. ORR
- B. TILDEN KIM
- SASKIA T. ASAMURA
- KAYSER O. SUME
- PETER M. THORSON
- JAMES L. MARKMAN
- CRAIG A. STEELE
- T. PETER PIERCE
- TERENCE R. BOGA
- LISA BOND
- JANET E. COLESON
- ROXANNE M. DIAZ
- JIM G. GRAYSON
- ROY A. CLARKE
- WILLIAM P. CURLEY III
- MICHAEL F. YOSHIBA
- REGINA N. DANNER
- PAULA GUTIERREZ BAEZA
- BRUCE W. GALLOWAY
- DIANA K. CHUANG
- PATRICK K. BOBKO
- NORMAN A. DUPONT
- DAVID M. SNOW
- LOLLY A. ENRIQUEZ
- KIRSTEN R. BOWMAN
- BILLY D. DUNSMORE
- AMY GREYSON
- DEBORAH R. HAKMAN
- D. CRAIG FOX
- SUSAN E. RUSNAK
- G. INDER KHALSA
- GINETTA L. GIOVINCO
- TRISHA ORTIZ
- CANDICE K. LEE
- DAVID G. ALDERSON
- MELISSA M. CROTHWAITE
- MARICELA E. MARROQUIN
- GENA M. STINNETT
- JENNIFER PETRUSIS
- STEVEN L. FLOWER
- CHRISTOPHER I. DIAZ
- DEBBIE Y. CHO
- GEOFFREY WARD
- ERIN L. POWERS
- TOUSSAINT S. BAILEY
- WHITNEY G. McDONALD
- SERITA R. YOUNG
- VERONICA S. GUNDERSON
- SHIRI KLIMA
- DIANA H. VARAT
- KATRINA C. GONZALES

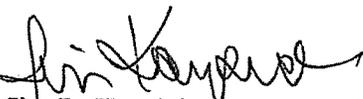
Mr. John Owens  
177 Frustuck Avenue  
Fairfax, CA 94930

RE: Appeal of Zoning Matter – Town of Fairfax

Dear Mr. Owens:

Fairfax Town Clerk Judy Anderson referred your August 28, 2009 letter to me for response. Neither the Fairfax Town Clerk nor any other official has the legal authority to revise the findings or text of a resolution passed by the Town Council in an appeal of a zoning matter. Under applicable law, the decision of the Council becomes final when it adopts its resolution containing findings, which the Council did on August 5, and thereafter the Town cannot take any further action on the appeal. If you wish to challenge the Town's decision on the appeal, your only option is through the courts. You also have the right, under the Town Code, to submit a new application for consideration of a new project.

Sincerely,

  
Jim R. Karpiak  
Town Attorney

cc: Judy Anderson, Town Clerk  
Michael Rock, Town Council

OF COUNSEL  
MARK L. LAMKEN  
SAYRE WEAVER  
JIM R. KARPIAK

LOS ANGELES OFFICE  
TELEPHONE 213.626.8484

ORANGE COUNTY OFFICE  
TELEPHONE 714.990.0901

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, August 5, 2009

The regular meeting was preceded by a special meeting closed session regarding labor negotiations, pending litigation and property negotiations.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Larry Bragman  
Susan Brandborg  
Mary Ann Maggiore  
Lew Tremaine  
David Weinsoff

**STAFF MEMBERS PRESENT:** Michael Rock, Town Manager  
Jim Moore, Planning Director  
Ken Hughes, Police Chief  
Laurie Ireland-Ashley, Finance  
Mark Lockaby, Building Official  
Jim Karpiak, Town Attorney  
Roger Meagor, Ross Valley Fire Chief  
Yvonne Roberts, Management Analyst  
Judy Anderson, Town Clerk

Mayor Weinsoff called the meeting to order at 7.40 pm.

Approval of Agenda and Affidavit of Posting

M/S, Bragman/Tremaine, Motion to approve the agenda and the affidavit of posting.

AYES: All

Announcement of Closed Session Action

Mayor Weinsoff announced that information was received from the Town Manager and Legal Counsel on labor negotiations, pending litigation and property negotiations and that direction had been given.

Announcements

Mayor Weinsoff announced the final performances of Sam Parry's musical Relativity – the Musical! on August 6, 7 and 8 and the Good Festival to be held on Saturday, August 8<sup>th</sup>, 11:00 a.m. to 6:00 p.m., in Bolinas Park.

Open Time for Public Expression

Cindy Ross, Lansdale Ave., stated that she had been laid off from a job in the public schools and was trying to establish an after school tutoring and homework club, voiced her support for the witch Joey at the Farmers Market and extended happy birthday wishes to Lew Tremaine.

Reverend Joey Telly, stated that she gave readings at "Yeah Baby" at the corner of Taylor and Sir Francis Drake and reported that she had witnessed many near accidents at that intersection and suggested that a blinking light crosswalk be installed at that location to improve safety. She suggested that placing a police officer at the intersection to issue citations would help.

Councilmember Maggiore stated that she had discussed the problem with the Town Manager the previous year and suggested that there could be ways to slow down the traffic.

Town Manager Rock stated that there were things that could be done to the crosswalk to make it safer.

Mimi Newton, Mono Ave., expressed concern about a retaining wall in the creek near Egger Grove.

Councilmember Brandborg expressed concern about the crosswalk at Park and Bolinas; stated that it was especially important to make it safe since it was a main route to the playground and to school; and asked that the crosswalk be included on any list of crosswalks needing attention.

Interview and appointment of candidate to serve on the Parks and Recreation Commission for a full four-year term to August 31, 2013

The candidate was not present. The item was continued.

Presentation of Resolution of Commendation to Karen Arnold for her service to the Town as a Parks and Recreation Commissioner

Mayor Weinsoff presented the Resolution to Karen Arnold in recognition of her many contributions to the Town as a Parks and Recreation Commissioner.

Presentation on the Street Smarts Campaign by Deborah Cole, Parisi Associates Transportation Consulting – Public Works

On behalf of the Transportation Authority of Marin (TAM), she presented an overview of the Street Smarts Campaign aimed at improving traffic safety with banners and outdoor signs to emphasize enforcement and the rules of the road. She stated that they were working with public works to find the most critical places for the signage that would be up for six weeks and that there would be a Web site with a survey to allow for input on the program.

Update on Marin Energy Authority by Jamie Tuckey, County of Marin

Ms. Tuckey presented an update on Marin Energy on what they had been doing since formation in 2008. She reviewed grant proposals, the results of the Request for Proposals received and stated that the final contract would go back to the member cities for final approval in December or January.

**CONSENT CALENDAR (Members of the audience may address any item on the Consent Calendar at this time)**

**Approval of Town Council minutes of June 20 and July 1, 2009 – Town Clerk**

**Accept and File Monthly Finance Reports for April and May, 2009 – Finance**

**Adoption of a Resolution of the Town Council of the Town of Fairfax making findings for the denial of the appeal for 177 Frustuck Avenue – Planning**

**Adoption of a Resolution of the Town Council of the Town of Fairfax Accepting Upper Scenic Road as a Town-maintained road – Public Works (continued from June 3 and July 1 meetings)**

**Authorization to release plans and specifications to bidders and to award the contract to the lowest qualified bidder for Sir Francis Drake Resurfacing funded through the American Recovery and Reinvestment Act – Public Works**

**Authorization to release plans and specifications to bidders and to award the contract to the lowest qualified bidder for the Glen Drive Culvert FEMA project – Public Works**

**Adoption of a Resolution of the Town Council of the Town of Fairfax in opposition to a statewide proposition sponsored by PG&E to require local governments to obtain a 2/3 vote of the electorate before providing a community choice electricity program - Bragman**

**Approval of request from Parks and Recreation Commission (PARC) to draft an ordinance for Council consideration to prohibit music from being played on the tennis courts – PARC, Town Manager**

Mayor Weinsoff noted that getting Upper Scenic to be accepted as a Town-maintained road had taken years and was a collaborative effort with the cooperation of the neighbors and stated that it wouldn't have happened without the Public Works Director.

Councilmember Bragman requested a correction to the minutes of June 20<sup>th</sup> to reflect that Vice Mayor Tremaine was appointed as the representative to TAM and Councilmember Bragman as the alternate.

Councilmember Bragman ascertained that striping would be done from curb to curb on Sir Francis Drake as part of the resurfacing project.

Councilmember Brandborg asked that the final costs for the projects listed be given to the Council at some point.

Town Manager Rock stated that the cost of the projects would be presented to the Council before the projects began.

Councilmember Brandborg asked that the approval of the findings for 177 Frustuck be removed from the Consent Calendar so that she could vote against the adoption of the resolution.

SB/LT, Motion to approve the Consent Calendar with the requested correction to the minutes of June 20<sup>th</sup> and with a "no" vote for Councilmember Brandborg and an indication that Councilmember Bragman recused himself on the adoption of findings for the denial of the appeal for 177 Frustuck.

AYES: All

Request that the Town Council determine that the keeping of livestock, fowl and a recreational vehicle on an undeveloped parcel of property in Fairfax be declared a public nuisance and direct Town Attorney to begin nuisance abatement proceedings against the property owner; Residential Single-family RS 6 Zone District; Adoption of a Resolution of the Town Council of the Town of Fairfax declaring a nuisance, Patrice Phillips, property owner – Planning

Senior Planner Neal presented the staff report.

Councilmember Bragman ascertained that the complaints were all from County residents, not Fairfax residents, and that the property owner could apply for a use permit and later apply to build a house on the property.

Mayor Weinsoff opened the public hearing.

Patrice Phillips, property owner, stated that she intended to build a single family home when she purchased the property; that she had begun to apply for a use permit in 1996; that it was a cumbersome and confusing process and she had withdrawn the application; that it had been her intention to build the house first and then

put the animals on the property, but that financial difficulties had prevented her; that she had done a survey and a soils survey and that civil engineering work had been done – all prerequisites for building a single family home; that she understood that she had to have all the work done before applying for a building permit; that she had gotten rid of the pigs and still had six small sheep, four goats, and two guard dogs, and would like to keep those animals; that she paid in excess of \$18,000 in property taxes on the property; that she had her motor home on the property; that she didn't think the code prohibited her from keeping her motor home there; and that nobody could see it where it was located unless they trespassed on her property. She stated that Planning Director Moore had started working for the Town in April; that she had received a letter that the animals weren't allowed shortly after he started; that the letter quoted the number of feet from neighbors' windows required for livestock in the code; that Planning Director Moore and Senior Planner Neal had both asked that she apply for a use permit; that, meanwhile, there had been complaints from the Homeowners Association; that she didn't want to apply for the use permit; that she wanted to keep the sheep and goats on the property; that there had been a fire on the property two years previous; that the animals kept the grasses down; that classes from local schools had visited the animals; that she wanted to keep the animals; and that the animals were not there to be an annoyance to the Town.

Steve Frappiere, 575 Oak Manor, stated that his property bordered the subject property, below where the animals were kept; that he had lived there for ten years; that he loved the beauty of the property, but, in the last 3 years the quality of their lives had changed; that their bedroom was in the back of the house with the neighbor's fence about 45 feet from their bedroom windows; that the noise at six a.m. on a Saturday morning made it difficult for them; that the dogs, "Percy" and "Mojo", were taking care of the other animals but that they had problems with the dogs barking; that the dogs had electric shock collars, but the dogs started barking again when the batteries ran out; that sometimes an animal got caught in the fence or was attacked by other animals; that the property owner, Patrice, responded to their complaints, but because she didn't live on the property it became their problem. Mr. Frappiere further reported that, over the last few years, he had used earplugs and had put in double paned windows to muffle the noise; that it was a tough situation; and that livestock and a residential neighborhood didn't mix.

Glen Dal Porto, 595 Oak Manor, stated that he lived next to the road through the subject property; that he had a wife and two children; that they shared a back and side property line; that he was surprised that the farm did not have a tenant on the property; and that the pigs had gotten out about 5 times in the last year. He described an incident on May 21<sup>st</sup>, when six very large pigs entered their yard from the back. He stated that he had called animal control and the Sheriff's office; that the pigs had destroyed their yard and had broken lights in their driveway; and had also damaged the deck which was made unsafe to walk on. He further stated that pools of water on the walkway from his watering attracted them; that the pigs had seemed desperate for water; that the Sheriff's officers didn't do anything but were shocked by the incident; that Patrice had promised to get rid of the pigs and take care of the damage done by the pigs; that they had never been contacted by Patrice; that she had told them that because she got rid of the pigs didn't mean she wouldn't get more pigs in the future; told them that the insurance company would be contacting them but the company never did; that they sent a registered letter that was not picked up; that it smelled like manure when you entered his property; that he was concerned about the runoff from the animals into the creek; and it was unsafe, unsanitary and unrealistic to expect animals to fend for themselves.

Nancy Finston, 14 Von Court for 29 years, on the hilltop directly opposite where the animals were kept. She stated that she had taken her neighbor to court because of the barking and the crowing of the rooster; that she spent \$22,000 on double-paned windows but could still hear the crowing of the rooster; that she was upset by the acquisition of another rooster; thanked the FX police for listening to her complaints; that the owner wasn't there and didn't hear the noise; that the owner wasn't there when the animals got out and created a hazard on the road; that she didn't take care of the problem; and that it had been incredibly difficult over the years.

Amy Gussman, 243 Oak Manor Drive, 12-year resident, stated that Patrice had made her and her family very welcome on her farm and that they had enjoyed the animals.

Jon Marchant, Oak Manor, stated that he had two children who had enjoyed the animals, and that he hoped something could be worked out to keep the animals.

Sheila Cain, 8 Gregory Drive, the property across from Patrice Phillip's residence, stated that the Phillip

residence also smelled bad; that the property looked terrible; that the yard looked like a vacant lot; and that her inability to sell her own house may have been due to the poor condition of the Phillip's property.

Robert Clayder, 440 Oak Manor Drive, stated that the 50 acres provided a buffer from nature, that he sympathized with the neighbors, and that Ms. Phillips had been a responsive and a good neighbor to him.

Kristin Dommen, 545 Oak Manor Drive, expressed concern about the livestock manure, erosion, and surface water; submitted a picture of a landslide that affected her property; stated that it could alter the future stability of her property; and stated that she would like restoration and appropriate management of the soil.

Frank Egger, Meadow Way, stated that land annexed by the Town and not zoned would automatically become R-1 zoning; that there was a court-ordered settlement in the Fairfax Hills v. Fairfax case where 20 homes were approved with specific locations and that he didn't know if the property in question was part of that development; described pig damage at his winery that was very destructive; and stated that it was a tough decision for the Council to make.

Rita York, 520 Oak Manor, 25-year resident, stated that she had been walking on the property all that time; that it started with 4 goats and a watchdog; that she had received permission to walk the owner's dogs; that she had enjoyed it immensely; that she would hate to see the animals leave; that she liked the pigs but agreed that it was not a good place for pigs; that she would hate to see the dogs leave; and that many of the neighbors were fond of the dogs.

Anne Wilson, owner of the last house at the top of Oak Manor, stated that it had been a joy to see the transformation with the gate and the fence that kept the kids out on the weekends; that she knew that the pigs were a problem; and reported that she asked that the camper be moved and Patrice moved it.

Ed Hurd, 550 Oak Manor since 1997, stated that he was sympathetic to the concerns expressed by the other neighbors about the runoff and the noise and that he preferred that it be kept a residential neighborhood.

Mark Lubamersky, 530 Oak Manor, stated that two houses were taken off their foundations on Julian Crest Drive in the past due to slide activity; that water spilling over in the slide area could cause land slippage; that livestock in the area compromised the slide area; and that he was a downhill neighbor deeply concerned about the area.

Patrice Phillips, responded and stated that the old landslide was on County property; that the County had built an overhead culvert above where the slide occurred; that she hadn't been aware of the slide and the culvert when she bought the property but that the County had maintained the culvert and had installed swales above it that did work; that the County was maintaining the entire area above the slide; that her property was a 50-acre parcel with views of Tamalpais, San Francisco and the bay; that there were 7-acre minimum properties around her; that she was trying to build a house; that she had lived in FX for 16 years on Tamalpais and Gregory; and that she would like to build a house and keep some animals on the land.

Mayor Weinsoff closed the public hearing.

Vice Mayor Tremaine, directed his comments to the property owner and stated that it was pretty clear that she needed to complete the Town process and needed to move the animals away from the neighbors; and that she couldn't be allowed to continue to have a negative impact on the neighbors. He further stated that he was inclined to not pass the resolution declaring the nuisance but instead was willing to direct staff to work with Ms. Phillips to get something before the Planning Commission. He stated that he didn't object to the animals as long as the neighbors weren't negatively impacted.

Councilmember Brandborg stated that building a house and pursuing a use permit were two different issues; that a use permit process would allow for conditions to be placed on the use; that there had to be some kind of control of the situation; and that the use permit process should be started right away.

Councilmember Maggiore stated that the Town was giving her more and more chances and that the delays didn't solve the problems; that the property owner had said she would do better but hadn't; that she wasn't paying attention to her neighbors; that there shouldn't be any animals on the property; that the nuisance

should be abated and the property owner fined.

Councilmember Bragman stated that it was clear that there was an ongoing nuisance at the property; that people were suffering and had tried to work with the property owner; that the neighboring community had been very tolerant but the conditions had become intolerable; that hopefully something could be worked out but that it had to be tracked closely; that part of the compliance had to be moving the animals away from the neighbors; that the testimony seemed to be from people who had acted responsibly to protect themselves; that if the matter were continued to the next meeting, a use permit application would have to be made and the animals would have to be moved. He expressed concern about the runoff of animal waste; noted that a similar problem had been mitigated at the Marin Stables but that such measures would take an investment of money and effort to move forward; that he was willing to continue it for one month; that the property owner was responsible for damage caused by her animals; and stated that he didn't understand the delay in making restitution for the damage done to the neighbors.

Councilmember Brandborg expressed concern about the animals and the absent owner; cautioned the property owner that she needed to pay attention to her animals; and stated that she wasn't willing to wait for thirty days.

Mayor Weinssoff stated that there were three concerns: noise, smell, and the soil and water impact; that we all had to be sensitive to our neighbors; that the problems on the site were not minimal; that it would take an investment to rectify the problems; and that he was willing to continue the matter for 30 days.

Motion by Councilmember Maggiore to approve the resolution declaring a nuisance died for lack of a second.

No second.

M/S, Bragman/Tremaine, Motion to continue the public hearing to the September meeting to have Ms. Phillips submit a use permit application with mitigation measures to bring the property into compliance with the Town Code and all applicable codes.

AYES: Bragman, Brandborg, Tremaine, Weinssoff  
NOES: Maggiore

Mayor Weinssoff adjourned the meeting for a break from 9:30 to 9:40 p.m.

Introduction and First Reading of Ordinance No. 742, 50% Remodel Ordinance (continued from June 3 and July 1) – Planning

Senior Planner Neal presented the staff report.

Mayor Weinssoff opened the public hearing.

Pam Meigs, Planning Commissioner, stated that the change was long overdue, that she was in favor of moving ahead with it, and that the Planning Commission supported it.

M/S, Tremaine/Bragman, Motion to waive further reading and to read the title only of Ordinance No. 742, the 50% Remodel Ordinance.

AYES: All

M/S, Tremaine/Bragman, Motion to introduce Ordinance No. 742, the 50% Remodel Ordinance.

AYES: All

M/S, Weinssoff/Bragman, Motion to hear the item regarding the garbage contract next on the agenda.

AYES: All

Discussion of contract for solid waste and recycling services with Marin Sanitary Service – Solid Waste Subcommittee; Bragman, Brandborg

Town Manager Rock presented the staff report and noted that the suggested changes to the contract were outlined in the report with work still being done on a couple of other points.

Councilmember Bragman explained the wording he wanted to change in the contract, apologized for missing a couple of meetings that caused the delay, and emphasized the need to set goals for greenhouse gas reduction and zero waste and to set a process for joint review of our progress in meeting those goals. He noted that the contract would be in effect for the next ten years and that landfill & greenhouse gas issues would be paramount during that time.

There was a consensus of the Council to continue the item.

Report on status of State Budget and impact on the Town of Fairfax – Town Manager

There was a consensus of the Council to continue this item.

Report on the status of the General Plan and Specific Plan – Planning

There was a consensus of the Council to continue this item.

Acceptance of response to Grand Jury report entitled, "Saving Marin Major Crimes Task Force" – Police Department

Police Chief Hughes presented the staff report.

Councilmember Maggiore confirmed that the Fairfax contribution amount was \$32,000.

Chief Hughes noted that our share would have been much higher without the restructuring and confirmed that San Rafael was no longer a member of the Task Force.

M/S, Brandborg/Tremaine, Motion to accept the response to the Grand Jury report.

AYES: All

Acceptance of the Town of Fairfax 2005 Greenhouse Gas Emissions Inventory and setting of an emissions reduction target for 2020 of 15% below 2005 levels – Town Manager

Management Analyst Roberts presented the staff report and stated that the inventory presented a baseline report for the year 2005 to determine the Town's emissions; that the report differentiated between government and community emissions; that the government operations produced miniscule emissions in comparison to the community's emissions; that the public needed to be educated and to be firmly involved; and requested that the Council accept the report and set an emission reduction goal of 15%.

Vice Mayor Tremaine stated that the Council had already set a goal of 20% by resolution and that he did not want to reduce that goal.

M/S, Tremaine/Maggiore, Motion to accept the report with an emission reduction goal of 20%.

AYES: All

Discussion/Consideration of endorsement of Pilot Low Income Elderly and Disabled Cable Discount – Bragman

Councilmember Bragman explained that the low income, elderly and disabled customers used to get a discount on cable services but that the newly negotiated agreement didn't include that policy; that the Marin Telecommunications Authority (MTA) had made an effort to have a discount program on their own in

partnership with other agencies in the community like the Center for Independent Living and Marin Housing to provide the same discount as before; that Fairfax probably had 30 or 40 people eligible for the discount; that it would cost Fairfax about \$200/year and would be done on a pilot basis to track the costs. He asked for the Council's endorsement of the program.

M/S, Tremaine/Maggiore, Motion to endorse the program as presented.

AYES: All

Discussion/Consideration of traffic issues on Mono Lane – Tremaine

Vice Mayor Tremaine presented the report. He stated that the range of speed detected on Mono Lane with the new police department device was 10 to 19 mph. He concluded that perhaps the speed was exaggerated by the owner of the Fairfax Inn who had complained about speeding; that he would keep an eye on the situation; that the Council might want to consider some type of traffic calming device in the future; and suggested the installation of a stop sign at Pacheco and Mono.

Adoption of a Revised Resolution of the Town Council of the Town of Fairfax, California, Calling for the Holding of a General Municipal Election to be Held on November 3, 2009, for the Election of Certain Officers and for the Submission to the Voters of a Question Relating to the Renewal of a Special Municipal Services Tax for Five (5) years, Requesting the Marin County Board of Supervisors to Consolidate with any other Election Conducted on that Date, and Requesting Election Services of the County Clerk, and Setting the Ballot Language – Town Clerk

Councilmember Bragman requested that the Clerk provide the Council with a calendar of deadlines for arguments and rebuttals.

Councilmember Brandborg objected to the "revitalize youth services" wording and stated that she had a problem committing to a program that hadn't been developed and that didn't have a dollar amount.

Councilmember Bragman stated that the Council had heard the same argument five years ago and that he wanted to support youth programs with \$18,000 from their six million dollar budget.

Councilmember Maggiore stated that the youth commission met four times per year and had events that they had trouble funding and that Police Sergeant O'Callaghan had spoken at a meeting five years previous about the need for youth programs.

M/S, Tremaine/Maggiore, Motion to adopt the Revised Resolution of the Town Council of the Town of Fairfax, California, Calling for the Holding of a General Municipal Election to be Held on November 3, 2009, for the Election of Certain Officers and for the Submission to the Voters of a Question Relating to the Renewal of a Special Municipal Services Tax for Five (5) years, Requesting the Marin County Board of Supervisors to Consolidate with any other Election Conducted on that Date, and Requesting Election Services of the County Clerk, and Setting the Ballot Language.

AYES: All

Introduction and First Reading of Ordinance No. 745, an Ordinance of the Town Council of the Town of Fairfax Establishing an Administrative Enforcement Mechanism for Violation of the Town Code – Building/Planning

Building Official Lockaby presented the staff report. He explained the process and how it would be handled, with appeals going first to the Planning Director, then the appointed Hearing Officer, then the Town Council, and finally to court if necessary. He noted that the Hearing Officer was to be appointed by the Town Manager or could be the Town Manager.

M/S, Brandborg/Tremaine, Motion to waive further reading of Ordinance No. 745, an Ordinance of the Town Council of the Town of Fairfax Establishing an Administrative Enforcement Mechanism for Violation of the Town Code.

AYES: All

M/S, Brandborg/Tremaine, Motion to introduce Ordinance No. 745, an Ordinance of the Town Council of the Town of Fairfax Establishing an Administrative Enforcement Mechanism for Violation of the Town

AYES: All

Adoption of a Resolution of the Town Council of the Town of Fairfax Adopting Mission, Vision and Core Values for the Town – Town Manager

Town Manager Rock presented the staff report.

Councilmember Brandborg suggested some alternate language and Councilmember Maggiore suggested the elimination a repeated phrase.

M/S, Tremaine/Brandborg, Motion to adopt the Resolution adopting Mission, Vision and Core Values for the Town as amended.

AYES: All

Designation of Voting Delegates and Alternates for the League of California Cities Annual Conference, September 16-18, 2009, San Jose – Town Clerk

Town Clerk Anderson presented the staff report and it was determined that no Council member would be in attendance so that no designation was necessary.

Authorization for Town Manager to execute a Memorandum of Understanding with the Town of San Anselmo for Jointly Sponsored Recreation Programs – Town Manager

Town Manager Rock presented the staff report and introduced Dave Donnery, the new San Anselmo Director of Community Services who described the hiring of someone from the community, Camille Esposito, to work on programs in Fairfax.

There was a discussion about the revenue split for the Fairfax programs. It was confirmed that 35% would go to San Anselmo and 15% to Fairfax, with 50% of the net profit to the contractor. Fairfax residents would get a special resident rate for classes in Fairfax and the other changes were outlined in the report.

M/S, Bragman/Tremaine, Motion to authorize the Town Manager to execute a Memorandum of Understanding with the Town of San Anselmo for Jointly Sponsored Recreation Programs.

AYES: All

Authorization for Mayor Weinsoff to sign a letter to Marin County Supervisor Brown requesting funding for various projects in Fairfax – Town Manager

There was a consensus of the Council to have the mayor work with the manager to craft the language and send the letter out.

Reports from Town Officials

No reports were given.

Council reports and comments

No Reports were given.

ADJOURNMENT in memory of Alex Forman, MMWD Board Member at 11:00 p.m.

Respectfully submitted,

Judy Anderson, Town Clerk

6/27/13

**PLANNING APPLICATION FORM**  
Town of Fairfax Planning Department

<p><b>For PLANNING COMMISSION action:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Annexation</li> <li><input type="checkbox"/> General Plan Amendment from _____ to _____</li> <li><input type="checkbox"/> Design Review (hillside*, commercial*, multi-family*, 5'-8' residential setback additions to existing dwellings)</li> <li><input type="checkbox"/> Precise Development Plan**</li> <li><input checked="" type="checkbox"/> Second Unit Use Permit *</li> <li><input type="checkbox"/> Sign Review *</li> <li><input type="checkbox"/> Parcel Map/ Tentative Map/ Vesting</li> <li><input type="checkbox"/> Tentative Map, Lot Line Relocation</li> <li><input type="checkbox"/> Use Permit *</li> <li><input checked="" type="checkbox"/> Variance</li> <li><input type="checkbox"/> Zone Change from _____ to _____</li> <li><input checked="" type="checkbox"/> Encroachment</li> <li><input type="checkbox"/> Certificate of Compliance</li> <li><input type="checkbox"/> Hill Area Residential Development</li> <li><input type="checkbox"/> Other: _____</li> </ul> <hr/> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental Review*</li> </ul>	<p><b>For ADMINISTRATIVE action</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Admin. Sign Review (commercial)*</li> <li><input type="checkbox"/> Admin. Design review (hillside)*</li>   <li><input type="checkbox"/> Admin. Lot Line relocation</li> <li><input type="checkbox"/> Other</li> </ul> <hr/> <p><b>For Office Use Only</b> Application # _____ Receipt # _____</p>
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\* Please complete the appropriate Supplemental Questionnaire.

\*\* See special submittal requirements.

~~~~~ Please see fee schedule for required application fees. ~~~~~

|                                          |                                           |                           |
|------------------------------------------|-------------------------------------------|---------------------------|
| Job Site Address:<br><b>177 FRUSTUCK</b> | Assessor Parcel No.:<br><b>003-193-02</b> | Zone:<br><b>RS 6 ZONE</b> |
|------------------------------------------|-------------------------------------------|---------------------------|

|                                                                  |                                                                  |                                |
|------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------|
| Property Owner(s) Name:<br><b>JOHN OWENS<br/>DIANA DULLABHAN</b> | Phone Numbers:<br>Home: <b>456 8064</b><br>Work: <b>717 7621</b> | Fax Number:<br><b>456 9017</b> |
| Mailing Address:<br><b>SAME</b>                                  | City:<br><b>FAIRFAX</b>                                          | State/Zip:                     |
| Applicant(s) Name (contact person): <b>SAME</b>                  | Phone Numbers:<br>Home:<br>Work:                                 | Fax Number:                    |
| Mailing Address:<br><b>SAME</b>                                  | City:                                                            | State/Zip:                     |

PROJECT DESCRIPTION: INFILL AFFORDABLE  
SECOND UNIT WITHIN THE EXISTING  
STRUCTURE.

GENERAL INFORMATION (if applicable):

| Item                                                   | Existing | Proposed                  |
|--------------------------------------------------------|----------|---------------------------|
| Lot size                                               | 8943     | 8943                      |
| Size of structure(s) or commercial space (square feet) | 2093     | 2653                      |
| Height and No. of stories                              | 35' - 3  | 35' - 3                   |
| Lot coverage                                           | 1424     | 1424                      |
| No. of dwellings units                                 | 1        | 2                         |
| Parking <sup>1</sup> No. of spaces                     | 4        | 5                         |
| Size of spaces                                         | 9' x 19' | 4 x 9' x 19' 1 x 8' x 16' |

|                                        |                |          |
|----------------------------------------|----------------|----------|
| Amount of proposed excavation and fill | Excavation = 0 | Fill = 0 |
|----------------------------------------|----------------|----------|

Estimated cost of construction \$ 60,000

Lot Coverage is defined as the land area covered by all buildings and improvements with a finished height above grade and all impervious surfaces except driveways.

<sup>1</sup>Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they?

DEED RESTRICTION - THAT THE EXISTING  
STORAGE AREA ON THE LIVING LEVEL CAN  
NOT BE RESIDED IN.

[Signature]  
 Signature of Property Owner  
6.24.13.

\_\_\_\_\_  
 Signature of Applicant  
 \_\_\_\_\_  
 Date

Date  
 Planning Department staff is available by appointment between 8:30 a.m. and 12:00 noon and 1:00 p.m. and 5:00 p.m. Monday through Thursday at 142 Bolinas Road, Fairfax, CA. (415) 453-1584

## FLOOR AREA RATIO (FAR) AND LOT COVERAGE STATISTICS

The following information will be used to verify application FAR and lot coverage amounts. **Applications will not be considered complete until the following table is complete.**

|                                               | Existing    | Proposed    |
|-----------------------------------------------|-------------|-------------|
| Footprint square footage for all structures   | 1424        | 1424        |
| Living space square footage                   |             |             |
| First floor                                   | 1069        | 1069        |
| Second floor                                  | 1024        | 1024        |
| Third floor                                   | 0           | 560         |
| <b>Total</b>                                  | <b>2093</b> | <b>2653</b> |
| Accessory structure square footages           |             |             |
| Sheds                                         |             |             |
| Pool houses                                   |             |             |
| Studios/offices                               |             |             |
| Second units                                  |             |             |
| Miscellaneous (specify use)                   | STORAGE 370 | STORAGE 370 |
| <b>Total</b>                                  | <b>370</b>  | <b>370</b>  |
| Square footage of impervious surfaces         |             |             |
| Walkways                                      |             |             |
| Patios                                        | 195         | 195         |
| Impervious decks                              | 717         | 717         |
| Miscellaneous (specify use)                   |             |             |
| <b>Total</b>                                  | <b>913</b>  | <b>913</b>  |
| Garage/carport square footages (specify type) |             |             |

\* All square footage measurements must be the sum of all interior floor area measured from the exterior faces of the exterior walls for structures (Town Code § 17.008.020).

**FLOOR AREA:** Fairfax Town Code § 17.008.020, Definitions, defines "floor area" as the sum of all interior floor area measured from the exterior faces of the exterior walls. The "floor area" of any accessory structures on the same lot shall be included. The "floor area" of any garage in excess of 500sf in size for single-family residences and 800sf in size for duplexes shall also be included.

**LOT COVERAGE:** Fairfax Town Code § 17.008.020, Definitions, defines "lot coverage" as the percentage of the lot area that is occupied by the ground area of a building, any accessory building(s), as well as any impervious surface areas such as patios (other than driveways) adjacent to the building or accessory structure.

## Submittal Requirements Checklist

- Title report for the project property is required for all submittals. A copy of the current fee title deed must also be submitted for commercial projects, new residences and 50% remodels.

### For Administrative actions (Sign permits that comply with the Sign Ordinance, lot line adjustment or certificates of compliance.)

- Two (2) sets of site plans and floor plans (elevation plans for new construction)
- Completed Application form(s)
- Fee (see "Fee Schedule")

### For Planning Commission and Design Review Board actions

- Fourteen (14) full size sets of site plans, floor plans and elevation plans
- One set of plans reduced to 8 ½ inches by 11 inches (*larger sets will not be accepted*)
- Completed Application forms(s)
- 14 sets of photographs of the project site
- Fee (see "Fee Schedule")
- Environmental Initial Study Questionnaire (if applicable)
- An approved Vegetative Management Permit from the Ross Valley Fire Department for new homes and 50% remodels

- Note: You must include a completed "Applicant Affidavit for Property Owners Mailing List" along with the required materials for Planning Commission or Design Review actions.

### \*\*\*ALL PROJECT PLANS MUST INCLUDE\*\*\*

A Site Plan that is fully dimensioned and drawn to scale, collated and folded with other pages of the project, including the following:

1. Property boundaries and easements.
2. Foundation and roof lines of all existing and proposed structures located on the property; differentiate between proposed and existing structures.
3. Foundation lines of all neighboring structures.
4. On-site drives, parking, loading spaces, landscaped areas, patios, etc.
5. Street right-of-way lines, curb line or pavement edge, sidewalks, and parkways.
6. The location and species of all trees on site, showing trunk circumferences (measured 4 1/2ft above natural grade) and driplines.
7. Fences and walls, existing and proposed.
8. Yards and open space areas.
9. Storage areas and screening.
10. Topographic features: streams, drainage channels, ditches, rock outcroppings, etc. If the project is adjacent to a watercourse a cross section of the watercourse channel must also be provided.
11. Existing visible landmarks (utility poles, street lights, fire hydrants).
12. Accurate contour lines:
  - Slopes below 5% - contours not required
  - Slopes between 5% and 15% - contour interval must be two feet
  - Slopes exceeding 15% - contour interval must be five feet
13. Other information deemed necessary to evaluate this application.
14. Flood Zone and flood elevation certificate if property is located in an A' zone or B' zone.

**Floor Plans**

1. Provide existing and proposed floor plan for all structures on the site.
2. Provide proposed floor plans separately from existing floor plan.
3. Other information deemed necessary to evaluate this application.

**Building Elevations must include:**

1. Existing and proposed ground line, wall height, floor height, and ridge height, roof pitch, as well as the appearance of the structure(s).
2. Cross section drawings of existing and proposed structures.
3. For Design Review:
  - Color rendering of proposed exterior addition including exterior finish/color, window trim, roof material, siding materials, etc. (14 copies).
  - Color and materials board (11" x 17") to include exterior finish/color, window trim, roof material, siding materials, etc. (one board and 14 copies of the board)
  - Photographs of the existing property and abutting neighbors (14 sets)
4. Other information deemed necessary to evaluate this application.

**Landscape Plans are required for all new residences, 50% remodels and all commercial projects and must include:**

1. The type, size, and spacing of plants, and maintenance provisions. (Maintenance information includes: type of irrigation system, location of clocks, sprinkler heads and areas to be drip irrigated.)
2. Retaining walls, lighting, slopes, if applicable.
3. Other information deemed necessary to evaluate this application.

Within 30 days of submittal, Town staff will review this application for completeness of required information and/or fees, and a notice of completeness or non-completeness will be mailed to the applicant. Applications cannot be processed until accepted as complete. Further revisions of completed material may be necessary after the 30 day period.

All plans must be fully dimensioned and drawn to scale, collated, and folded.

| <b>OTHER IMPORTANT DEPARTMENT/AGENCIES:</b>                                                                                                                                                                                                                                                                           |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>Ross Valley Fire Service:</b> You must provide a vegetative management plan to the Fire Dept. and receive approval prior to submitting your application to the Planning Department. It is your responsibility to contact the Fire Marshal for Fire Department requirements (e.g., sprinklers, hydrants, turnouts). | Contact Fire Marshal @<br>415/258-4686    |
| <b>Building Department:</b> If you are increasing the occupancy (number of people) and/or altering the structural character of a building, you may trigger seismic, Fire and other Building requirements.                                                                                                             | Contact Building @<br>415/453-2263        |
| <b>Marin Municipal Water District:</b> Your project may generate the need for additional water.                                                                                                                                                                                                                       | Contact MMWD @<br>415/924-4600 ext. 335   |
| <b>Ross Valley Sanitary District:</b> If you are adding on or building new, you may need to upgrade or install a lateral sewer line.                                                                                                                                                                                  | Contact RVSD @<br>415/461-1122            |
| <b>Ross Valley School District:</b> If adding on or building a house, school fees will likely be charged. Contact school district for the dollar amount.                                                                                                                                                              | Contact School District @<br>415/454-2162 |

## SUPPLEMENTAL QUESTIONNAIRE & DRB APPLICABILITY

### DESIGN REVIEW

For Commercial, Planned Developments, Hillside Residential and Multiple Family Design Review: (Include brand and number for all finish and/or paint colors.)

1. Exterior finish: Same no change
2. Proposed exterior wall color(s): Same no change
3. Proposed exterior trim color: Same
4. Proposed exterior window color: Same
5. Proposed roof material and color: Same - no roof
6. Special features: \_\_\_\_\_
7. Lot Coverage: Same no change
8. Number of existing parking spaces and their sizes: 4 - 9' x 19'
9. Number of proposed parking spaces and their sizes: 5 - extra 8' x 16' compact for main house.

### DESIGN REVIEW APPLICABILITY

#### 1. Hillside Design Review (in a ridge line)

All new dwellings located on hillside properties and all additions on properties located in a ridgeline scenic corridor (which include deck and stairway structures) shall require design review.

Additions and accessory structures may be exempt from design review where the applicant demonstrates, through the use of story poles, plans and photo montages, that an accessory structure or addition will have no impact on significant view corridors due to the proposed location of the structure in relation to existing improvements. Project exemption shall be determined by the Fairfax Planning Director.

#### 2. Multiple family Design Review

Multiple family residential units of three (3) or more and additions to structures located in the Multiple Family RM Zone.

#### 3. 50% remodels of additions to residential properties

#### 4. Commercial Design Review

The Design Review Board must approve any minor modifications to existing buildings, structures or improvements such as awning, canopies, window, doors, color changes, automated teller machines, or other modifications similar to the above for properties located in the Commercial Zones.

#### 5. Signs

Signs complying with the Sign Ordinance can be approved by staff. Other signs require the approval of the Fairfax Design Review Board.

#### Design Review Application - Additional information required.

- 14 complete sets of plans are required for design review applications. If your project requires design review you will need to prepare the additional information described below in addition to the information required in pages 3 and 4 of the planning application.
- Exterior elevations from all sides. If multiple buildings are proposed, composite elevations for the entire street frontage are required.
- Cross section through project, showing project and existing adjacent features.
- Lighting plan - detail of exterior fixtures, location and illumination (amount of light).
- Utility entrance location, trash storage location, mechanical equipment location.
- Detail of fascias, trim, railing, trellis.
- Specify irrigation systems to be used on the landscaping plan.
- 14 color elevations.
- 14 sets of color samples (copies of color samples are not accepted).
- Projects in the Downtown Area are required to submit a drawing at 1" = 40'.

We would like you to put in your own words how the project meets the design review criteria set forth in section #17.020.040 of the Fairfax Zoning Ordinance. This will help you and the Planning Commission focus on the ordinance requirements.

**NOTE:** In order to visualize the dimensions and location of the proposed structure, the Town review process requires story poles for new structures, second story additions and 50% remodels. Story poles must be erected 10 days prior to the first public hearing for a project. Poles shall be erected at all proposed building corners (rising to the proposed height of the building at that corner), and at the highest point of the proposed roof-line. Also the front corners of undeveloped land must be staked and tagged in the field. You, the applicant, will have to maintain the poles and corner flags in good condition until all public hearings on the project are over and appeal periods have lapsed. Avoid unnecessary delays to your project by maintaining the poles through out the review process.

SUPPLEMENTAL QUESTIONNAIRE

VARIANCE

VARIANCE (S) REQUESTED:

\_\_\_\_\_ foot front yard variance to construct a \_\_\_\_\_ within \_\_\_\_\_ feet of the front property line.

\_\_\_\_\_ foot rear yard variance to construct a \_\_\_\_\_ within \_\_\_\_\_ feet of the rear property line.

5 foot side yard variance to construct a PARKING SPACE within \_\_\_\_\_ feet of the side property line.

\_\_\_\_\_ foot creek setback variance to construct a \_\_\_\_\_ within \_\_\_\_\_ feet of the top of the creek bank.

Other (fence height, building height, parking number or size, etc.) HEIGHT — NO PHYSICAN CHANGE — TECHNICALLY ONE MORE STORY.  
FINDINGS:

- 1. List below special circumstances applicable to the property, including size, shape, topography, location, or surroundings, to show why the variance should be granted; and why the granting of the variance will not be a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone (you may attach a statement).

PROVIDE OFF STREET PARKING FOR THE SECOND UNIT SAME VARIANCE GRANTED TO THREE PREVIOUS SECOND UNITS, THE ONLY UNITS APPLIED FOR THAT I AM AWARE OF.

- 2. List below your reasons why the variance will not materially adversely affect the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood (you may attach a statement).

ALMOST ZERO VISUAL IMPACT MOST PEOPLE WOULD WALK BY AND NOT NOTICE ANY CHANGE

- 3. Explain why complying with the Town Ordinance requirements will be a hardship for the owner.

DENIAL OF THE SECOND UNIT WOULD BE AN EXTREME FINANCIAL HARDSHIP TO THE OWNERS. WE DESERVE THE SAME VARIANCES GRANTED TO PREVIOUS SECOND UNIT ~~VARIANCE~~ APPLICANTS. THE SAME SECOND UNIT VARIANCES ADDRESSED IN THE TOWN HOUSING ELEMENT.

Variance - Additional information required.

- Include a cross section through the proposed project depicting the project and the relationship of the proposal to existing features and improvements on adjacent properties. — ~~NA~~ — NO CHANGE TO BUILDING
- Lot coverage calculation including all structures and raised wooden decks.

In order to approve your project, the Planning Commission must make findings of fact which state that 1) there is a special feature of the site (such as size, shape or slope) which justifies an exception; 2) that the variance is consistent with the treatment of other property in the neighborhood; 3) that strict enforcement of the ordinance would cause a hardship; and 4) that the project is in the general public interest.

In the space below, please provide any information which you feel is relevant to ~~these issues and which further explains your project.~~

1. — No physical change to structure.

2. Variances are consistent with variances granted for previous second units.

3. Financial hardship — previous 2nd unit applications were approved affording the applicants income from their units.

4. Fairfax is required to provide 108 housing units by 2014. This unit would be an affordable housing unit to house a needy person.

### Hill Area Residential Development (HRD) - Additional information required.

- Amount of excavation and fill required for development (in cubic yds.) \_\_\_\_\_  
If the excavation and fill amounts exceed 100 cubic yards it must be reviewed and approved by the Planning Commission. Please submit an excavation application and fee as well.
- If any public roads will need to be extended to access the residence plans must include the existing and proposed type of surface, the length and width of roadway to be improved, slope of roadway, elevations of any retaining walls that will need to be constructed, locations of curbs, gutter and drainage improvements and identification of emergency vehicle turn arounds (if required).
- Locate all trees within the right-of-way easement and any trees that will need to be removed (must include size and species of trees). An application for a tree permit and approval by the tree committee is required for the cutting or trimming of trees with a trunk circumference as set forth in Town Code Chapter 8.36.  
 Check if a tree permit is required.
- List any notable physical features of the site, such as creeks, drainage channels, rock outcroppings, tree stands, etc.:

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➤ Lot size \_\_\_\_\_ square feet      Lot frontage \_\_\_\_\_ ' \_\_\_\_\_ "

➤ Name and address of Licensed Surveyor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

➤ Name and address of Registered Civil Engineer: \_\_\_\_\_  
\_\_\_\_\_

**NOTE:** In order to visualize the dimensions and location of the proposed structure, the Town review process requires story poles. Story poles must be erected prior to an application being filed with the Planning Department. Poles shall be erected at all proposed building corners (rising to the proposed height of the building at that corner), and at the highest point of the proposed roof-line. Also the front corners of undeveloped land must be staked and tagged in the field. You, the applicant, will have to maintain the poles and corner flags in good condition until all public hearings on the project are over and appeal periods have lapsed. Avoid unnecessary delays to your project by maintaining the poles through out the review process.

- Show existing and proposed on-site and off-site drainage facilities and necessary improvements on the site plan.
- Provide a signed and sealed report by a registered civil engineer specializing in soils and foundations, containing the following information:
  - site soil drainage
  - relevant watershed boundaries (hydrologic units)
  - relationship of proposed construction to drainage patterns in the vicinity, and the cumulative effects of run-off, necessary drainage improvements, on and offsite foundation adequacy, site geology, and the safety of proposed construction
- Include an erosion control plan with the grading plan, including a re-vegetation program.
- Floor plans should include finished floor elevations for all living levels including attic, basement and loft areas. If the residence has multiple floor elevations (a split level residence), finished floor elevations should be included for all rooms.
- A summary table including the following square footages; footprint, total living space, subtotals for each floor, garage, decks and any accessory buildings.
- Profiles depicting the relationships between proposed structures on the project site and structures existing on neighboring properties (i.e. neighboring homes, parking structures).
- Elevations of all proposed retaining walls including a description of construction materials.
- Report from Ross Valley Fire Authority.

Indicate in writing how the project has been designed to comply with the HRD OVERLAY ZONE DEVELOPMENT STANDARDS, Chapter 17.072 of the Fairfax Zoning Ordinance.

## Use Permit Applications – Additional information required.

AD00000

- A written description of the proposed use, major activities, hours of operation, number of employees on the premises during the busiest shift and when the busiest shift is expected and other information pertinent to the application.
  
- Floor plans must include location of any special equipment.
  
- Designate customer, employee and living areas.
  
- If different uses are included in this activity, for example storage, retail, living space, etc. Indicate square footage of each proposed use.

In order to approve your project, the Planning Commission must make findings of fact which state that the project will not have a negative impact on the general public welfare, conforms with the policies of the Town, does not create excessive physical or economic impacts on adjacent property and provides for equal treatment with similar properties in Town.

In the space below, please provide any information which you feel is relevant to these issues and which further explains your project.

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The final disposition of each use permit shall be in accordance with the facts of the particular case, and such facts must support the following determinations and findings before a use permit may be approved. Indicate how the findings below can be made:

- The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

Same privileges granted to previous  
second unit applicants

- The development and use of property, as approved under the use permit, shall not create a public nuisance, cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

Just the opposite to the above statement,  
Beneficial to town, neighborhood, and parking in  
Town.

- 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, development plan or other plan or policy, officially adopted by the town.

Meets all guidelines in the Town Housing  
Element for affordable, sustainable, energy  
efficient housing. Meets the ABAB guidelines  
for affordable, energy efficient housing.

**TOWN OF FAIRFAX**  
**PUBLIC NOTICE REQUIREMENTS**  
**FOR ALL LAND USE ENTITLEMENTS**

Public notice is sent to property owners, residents and businesses for all land use entitlements including the following:

Zoning Change Amendments, Design Review, Variance, Use Permit, and Hill Area Development Permits. The area to be noticed is any parcel within 300 feet of the boundary line of the property that is the subject of the application.

When filing your application include a Notification Map and a Mailing List and Mailing Labels and stamps for property owners and residents to be notified as described below.

The applicant is responsible for the accuracy of these materials.

Erroneous information may require re-mailing or re-scheduling of the public hearing. When you file your application please sign and submit the attached affidavit stating that the required map, mailing list and labels have been prepared following these instructions.

The applicant prepares and provides the following:

1. A neighborhood notification map, mailing list and mailing labels
2. Postage stamps for each label
3. Completes the affidavit certifying the accuracy of the mailing list
4. Posts the site with an 11 inch x 17 inch Notice Form provided by the Planning Department.

If the approval of an application is delayed by unresponsiveness of an applicant, the address list and labels may have to be redone to ensure their accuracy.

Once Planning staff determines that an application is complete, they send a notice of completeness and provide the poster for the applicant. The poster is to be filled out by the applicant to describe the project. The poster is to be waterproofed and posted in a clearly visible location along the street frontage of the property at least 10 days prior to the public hearing.

The Planning Department provides the notices, reviews the mailing information provided by the applicant, and mails the notice.

**Mailing List:**

List the Assessor's Block and Lot Numbers for all lots within the Notification Map with the Names and Mailing Addresses of all the property owners and the Mailing Address for all residents and businesses. Include yourself and anyone else you wish notified. Please count the addresses and provide a stamp for each label.

Submit self-adhering **Mailing Labels** with this information, one name and address per label. For property owners, use the names. For residents and businesses, you may use either their name or "Occupant". Property Owners are those in the latest Assessors Tax Roll, available at the Marin County Assessor's Office

For Residents or Businesses you can get the number of dwellings or businesses on a lot from the property owner or building manager, or by counting the mail boxes, doorbells and any businesses. You may also use the reverse telephone directory at the library, use addresses shown on the mailbox, doorbell or reverse telephone directory, including any letter suffixes (134, 134A) or fractions (249, 249 1/2). If a doorbell or mailbox has a name but no separate street or apartment number, use that name for the mailing labels. There is usually a Resident anytime the Property Owner in the Town wide Tax Roll has a different mailing address.

In addition, a list of apartment/ multifamily renters is available on disk or in hard copy from the Planning Department. This list is an additional resource for creating the mailing list. Where the address of the owner differs from the location address of the property to be noticed, labels should be created for both owners and residents.

**Affidavit of Preparation of Notification Map,  
Mailing List and Mailing Labels for Public  
Notification for Land Use Public Hearing**

I, \_\_\_\_\_, do hereby declare as follows:  
(print name)

1. I have prepared the **Notification Map, Mailing List and Mailing Labels for Public Notification for** in accordance with Planning Department guidelines.
2. I understand that I am responsible for the accuracy of this information, and that erroneous information may require re-scheduling the public hearing.
3. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, \_\_\_\_\_, 201\_\_ in the Town of Fairfax,  
California.

\_\_\_\_\_  
Signature

Application No: \_\_\_\_\_

Project Location: \_\_\_\_\_

**Authorization for Engineering Review**

I, \_\_\_\_\_, as owner / applicant on the above application and property hereby authorize the Town Engineer to review the application plans and subject site and agree to reimburse the Town for any and all charges. I understand this includes the actual cost charged by the Town Engineer, plus 30% to cover the cost of staff review, coordination and general overhead. I am making a deposit of \$ \_\_\_\_\_ toward such charges. Should the cost of the review exceed this deposit, an additional deposit to cover overages must be made before processing the application continues or prior to the issuance of respective permits and entitlements.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

---

Property Owner / Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: (H) \_\_\_\_\_ (W) \_\_\_\_\_

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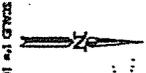
Deposit Amount: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

Date: \_\_\_\_\_



**BASIS OF BEARINGS**

Basis of Bearing is between two found Wood Hills on Property corners along Frustuck Ave as shown, as per 10 RS 39.



**REFERENCES**

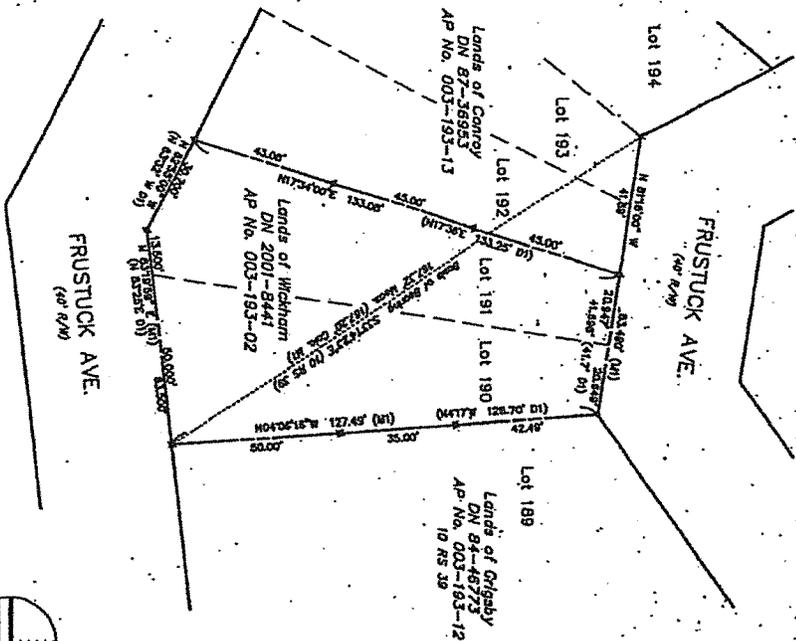
DB: 8801-8441  
 No. 10 RS 39

**LEGEND**

- ROAD 1/2" shown as 1/2"
- ROAD 3/4" shown as 3/4"
- 1/4" shown as 1/4"
- 1/8" shown as 1/8"
- ( ) PROPERTY CORNER MARK

City of Anaheim, 2000/2000-143/Anaheim

NOTED: Distances are in feet and decimals thereof

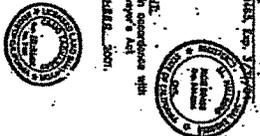


**RECORD OF SURVEY**  
 Also Being Lots 180 & 181 upon an unrecorded Map No. 2 of Fairfax Park Tract, Fairfax, Wash County, California  
 Scale: 1" = 16' Date: July, 2001

**J.L. ENGINEERING**  
 Civil Engineers - Land Surveyors  
 San Rafael, California

**RECORD OF SURVEY**  
 Filed this 20th day of August, 2001, at 1:00 p.m. in Book 2001, of Maps of Page 477, of the records of the North County Public Works, said Map, to-wit: See 1742.

*James L. Duggan*  
 County Registrar



Shed 1 of 3 Pages  
 See Map No. 2001-1177

**A1.2**  
 DATE: JANUARY 4, 2004  
 SHEET NO.  
 CADD FILE: M420010177

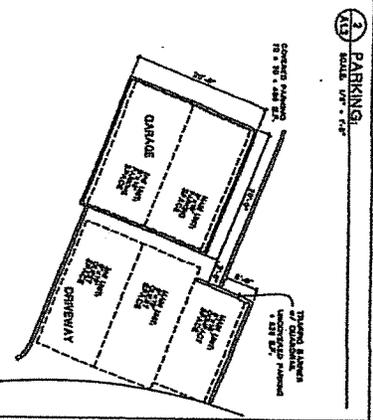
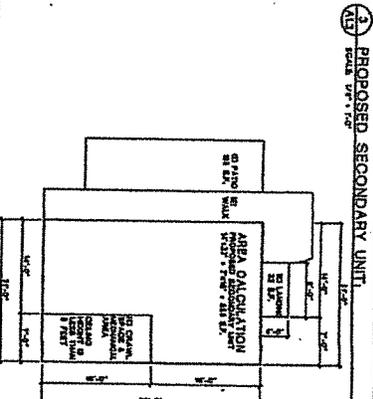
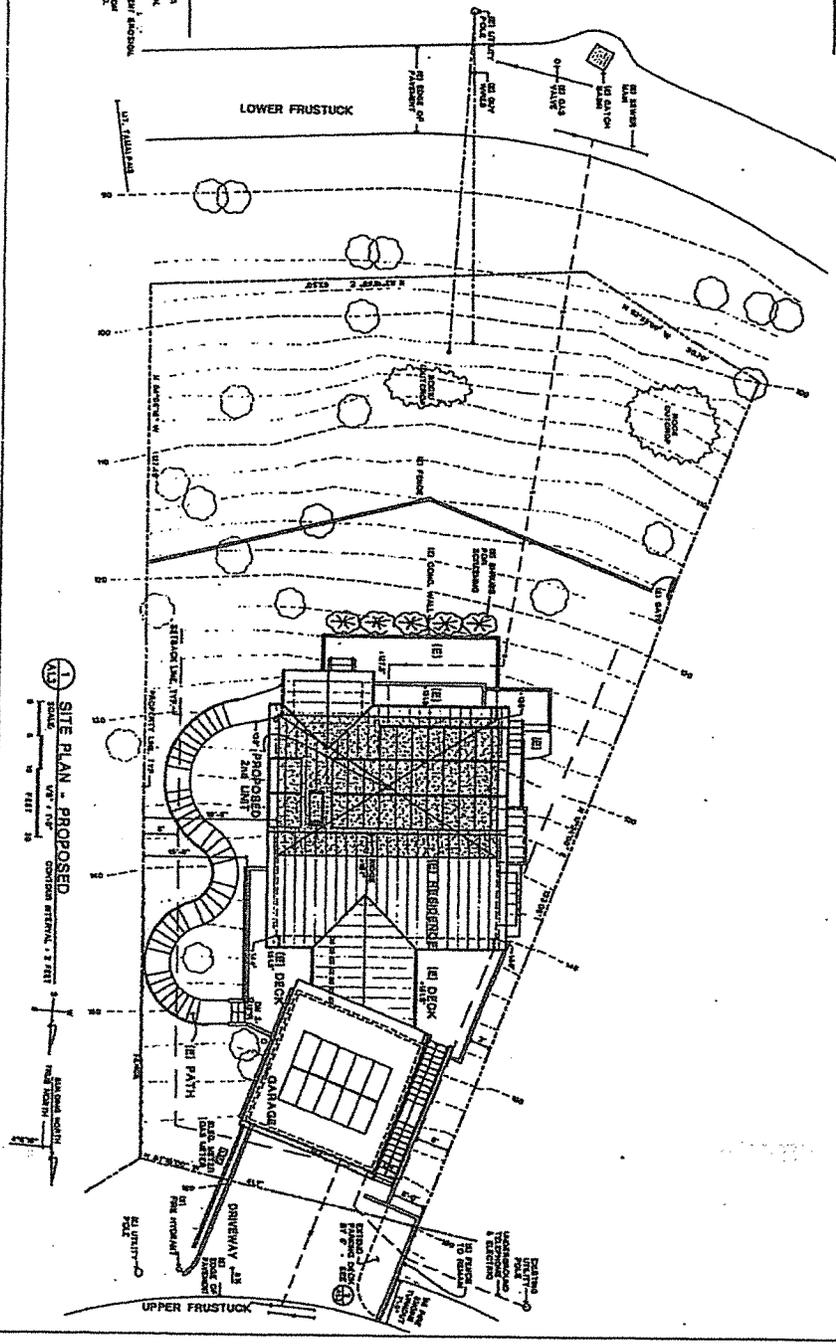
Proposed Secondary Unit  
**Owens-Dullaghan Residence**  
 177 Frustuck Avenue  
 Fairfax, CA 94930  
 APN: 003-193-02

**SUSTAINABLE BUILDING FEATURES:**

- PROPOSED SECONDARY UNIT:**
- 1. All construction shall meet or exceed local, state, and federal codes.
  - 2. All construction shall be in accordance with the International Building Code (IBC) and the International Residential Code (IRC).
  - 3. All construction shall be in accordance with the California Building Code (CBC) and the California Residential Code (CRC).
  - 4. All construction shall be in accordance with the California Green Building Code (CGBC) and the California Green Building Code (CGBC).
  - 5. All construction shall be in accordance with the California Green Building Code (CGBC) and the California Green Building Code (CGBC).
  - 6. All construction shall be in accordance with the California Green Building Code (CGBC) and the California Green Building Code (CGBC).
  - 7. All construction shall be in accordance with the California Green Building Code (CGBC) and the California Green Building Code (CGBC).
  - 8. All construction shall be in accordance with the California Green Building Code (CGBC) and the California Green Building Code (CGBC).
  - 9. All construction shall be in accordance with the California Green Building Code (CGBC) and the California Green Building Code (CGBC).
  - 10. All construction shall be in accordance with the California Green Building Code (CGBC) and the California Green Building Code (CGBC).

**EROSION CONTROL / DRAINAGE NOTES:**

1. Erosion control shall be in accordance with the California Building Code (CBC) and the California Residential Code (CRC).
2. Erosion control shall be in accordance with the California Building Code (CBC) and the California Residential Code (CRC).
3. Erosion control shall be in accordance with the California Building Code (CBC) and the California Residential Code (CRC).
4. Erosion control shall be in accordance with the California Building Code (CBC) and the California Residential Code (CRC).
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7. Erosion control shall be in accordance with the California Building Code (CBC) and the California Residential Code (CRC).
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9. Erosion control shall be in accordance with the California Building Code (CBC) and the California Residential Code (CRC).
10. Erosion control shall be in accordance with the California Building Code (CBC) and the California Residential Code (CRC).

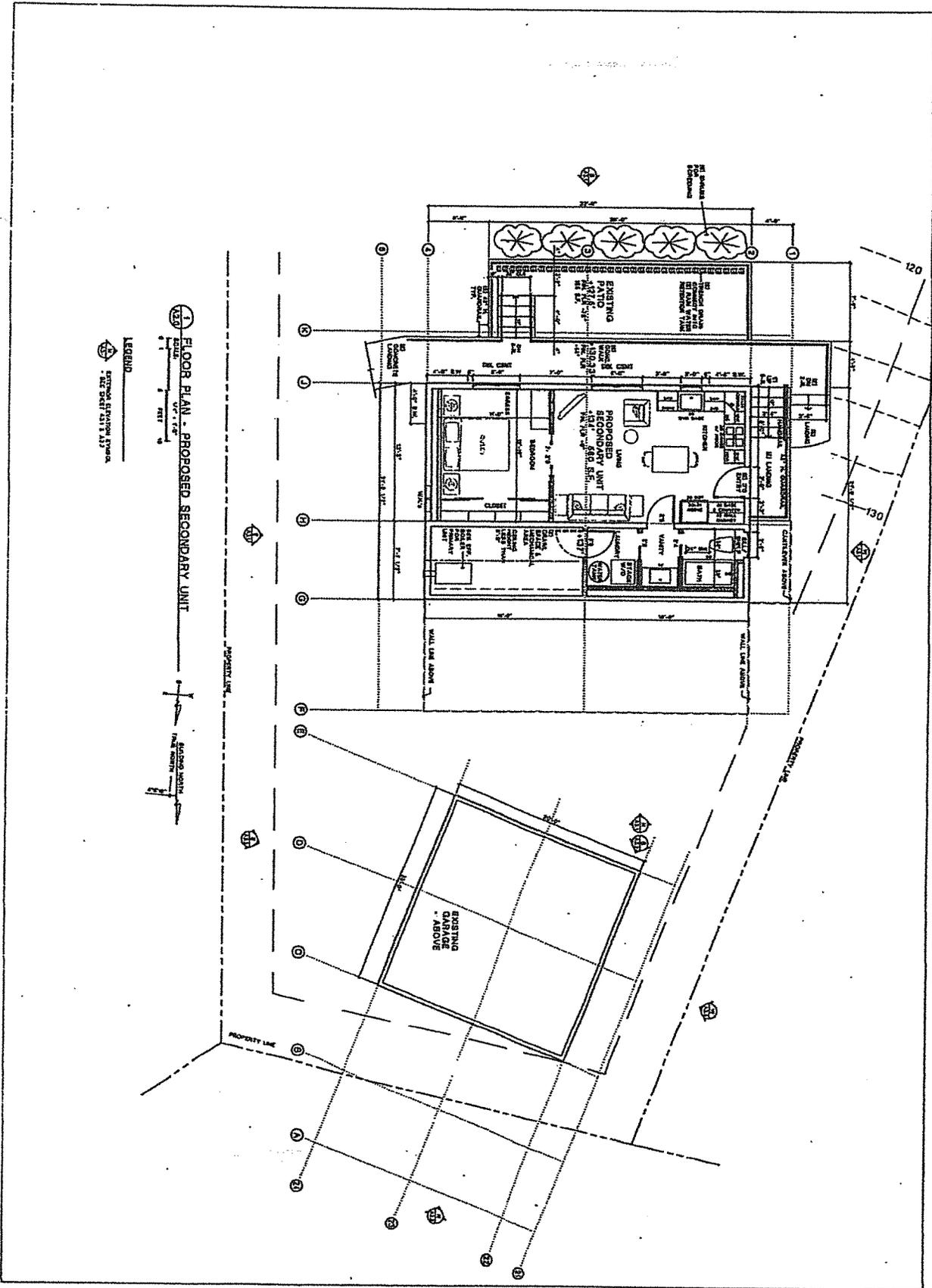


**A1.3**

DATE: JAN 2 2013  
 SHEET NO. 1 OF 1

**A New 2nd Residential Unit**  
**Owens-Dullaghan Residence**  
 177 Frustuck Avenue  
 Fairfax, CA 94930  
 APN: 003-193-02

DESIGNED BY:  
 ARCHITECTURAL FIRM  
 177 FRUSTUCK AVENUE  
 FAIRFAX, CA 94930  
 APN: 003-193-02  
 DRAWN BY:  
 CIVIL ENGINEER  
 177 FRUSTUCK AVENUE  
 FAIRFAX, CA 94930  
 APN: 003-193-02

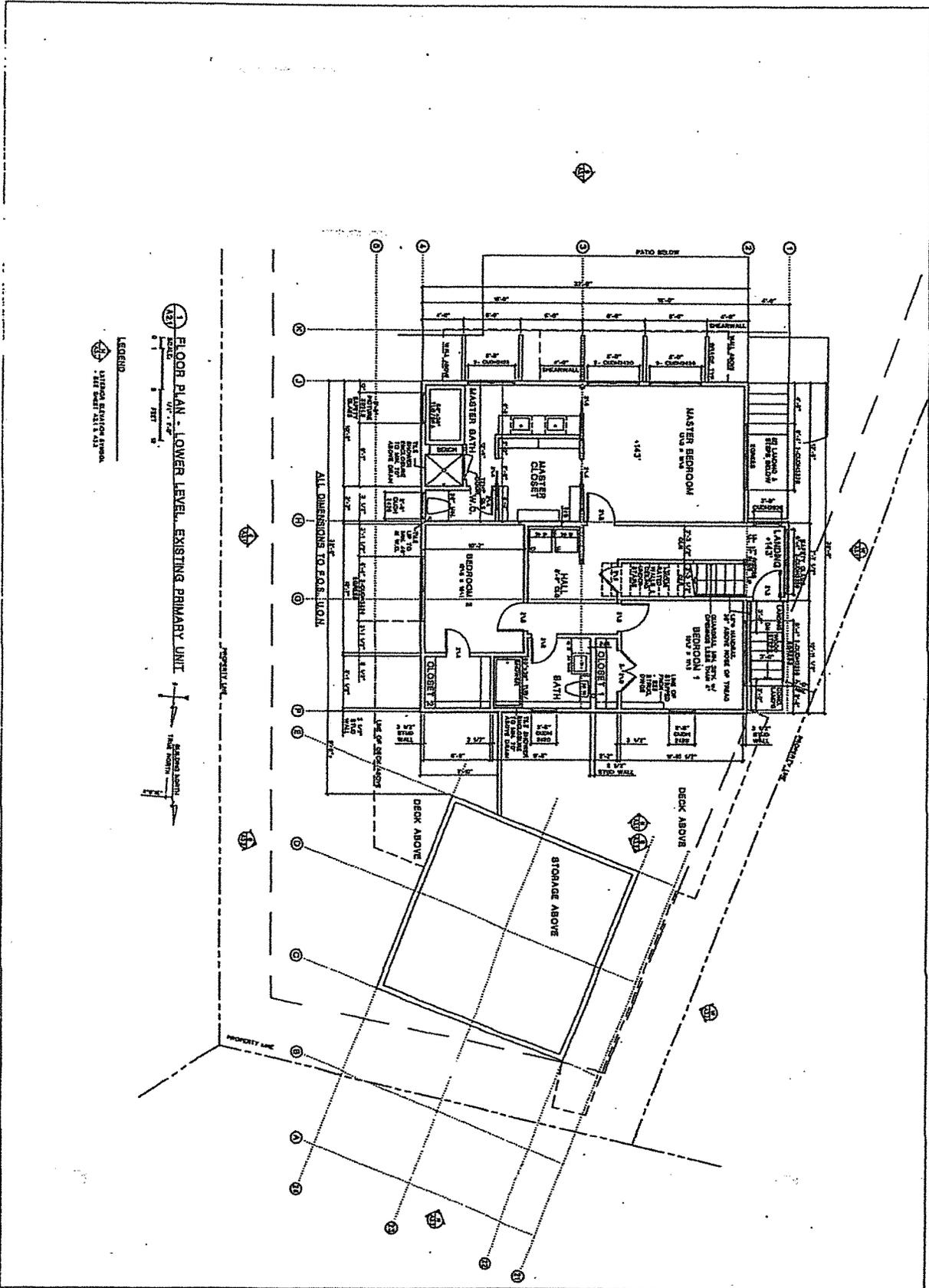


**A New 2nd Residential Unit**  
**Owens-Dullaghan Residence**  
 177 Frustuck Avenue  
 Fairfax, CA 94930  
 APN: 003-193-02

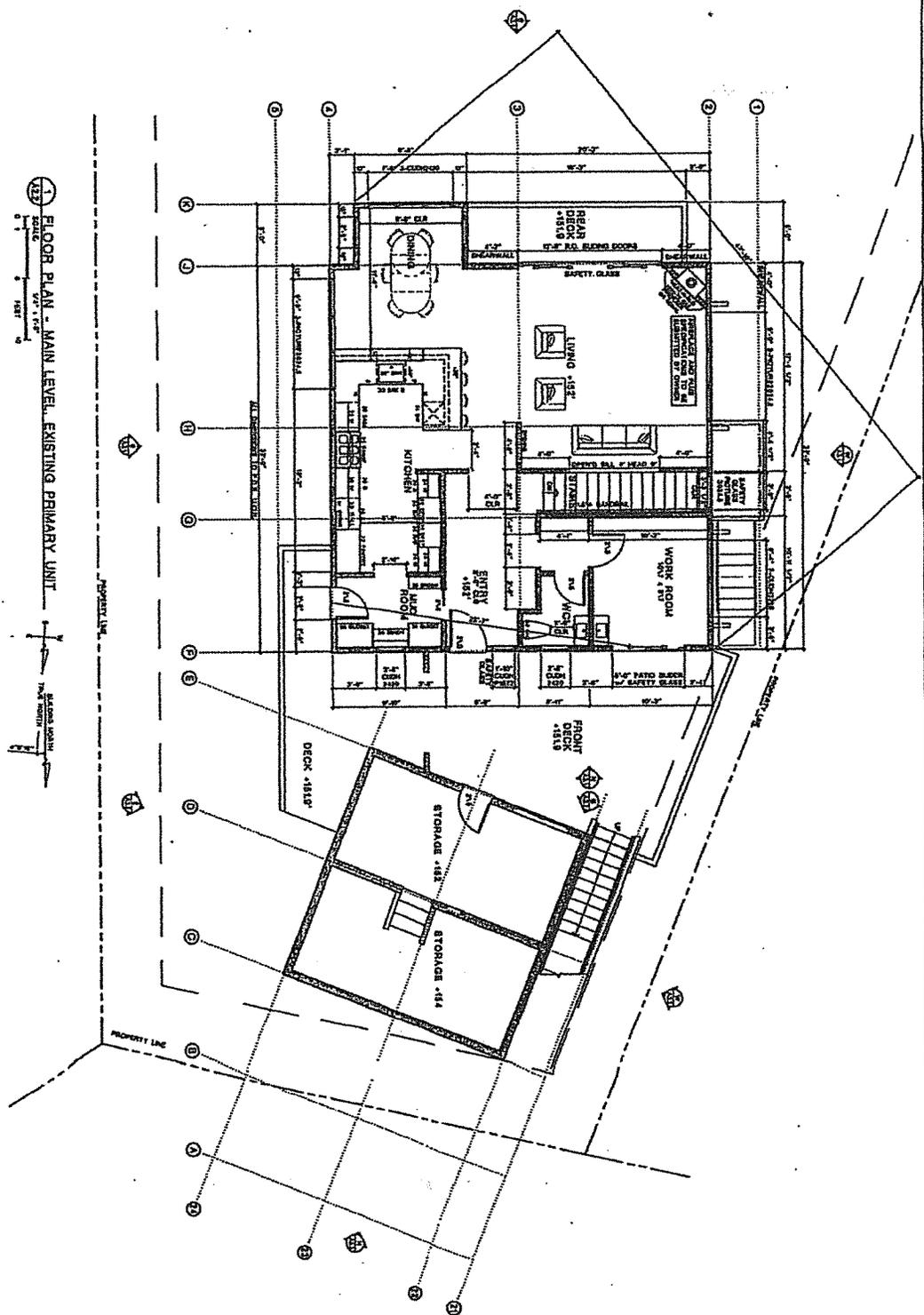
SHEET CONTAINS:  
 FLOOR PLAN -  
 PROPOSED  
 SECONDARY UNIT

DATE: JUN 3 1992  
 SHEET NO.: A2.0  
 CAD FILE: A2.0.DWG

DRAWING BY:  
 J. D. OWENS  
 ARCHITECT  
 177 FRUSTUCK AVENUE  
 FAIRFAX, CA 94930  
 PHONE: 415-991-1111  
 FAX: 415-991-1112  
 WWW: WWW.OWENS-DULLAGHAN.COM  
 STEVE & JOYCE OWENS



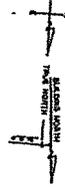
SHEET NO. **A2.1**  
 DATE: **APR 1 1993**  
 DRAWN BY: **...**  
 CHECKED BY: **...**  
 PROJECT NO. **...**  
 TITLE: **FLOOR PLAN - LOWER LEVEL, EXISTING PRIMARY UNIT**  
 BEST COPY AVAILABLE  
**A New 2nd Residential Unit**  
**Owens-Dullaghan Residence**  
 177 Frustuck Avenue  
 Fairfax, CA 94930  
 APN: 003-193-02  
 CONSULTANT: **...**  
 ARCHITECT: **...**  
 ENGINEER: **...**  
 CONTRACTOR: **...**  
 SUBMITTER: **...**



FLOOR PLAN - MAIN LEVEL, EXISTING PRIMARY UNIT

LEGEND  
 EXISTING  
 NEW  
 REMOVE

SCALE  
 1/4" = 1'-0"

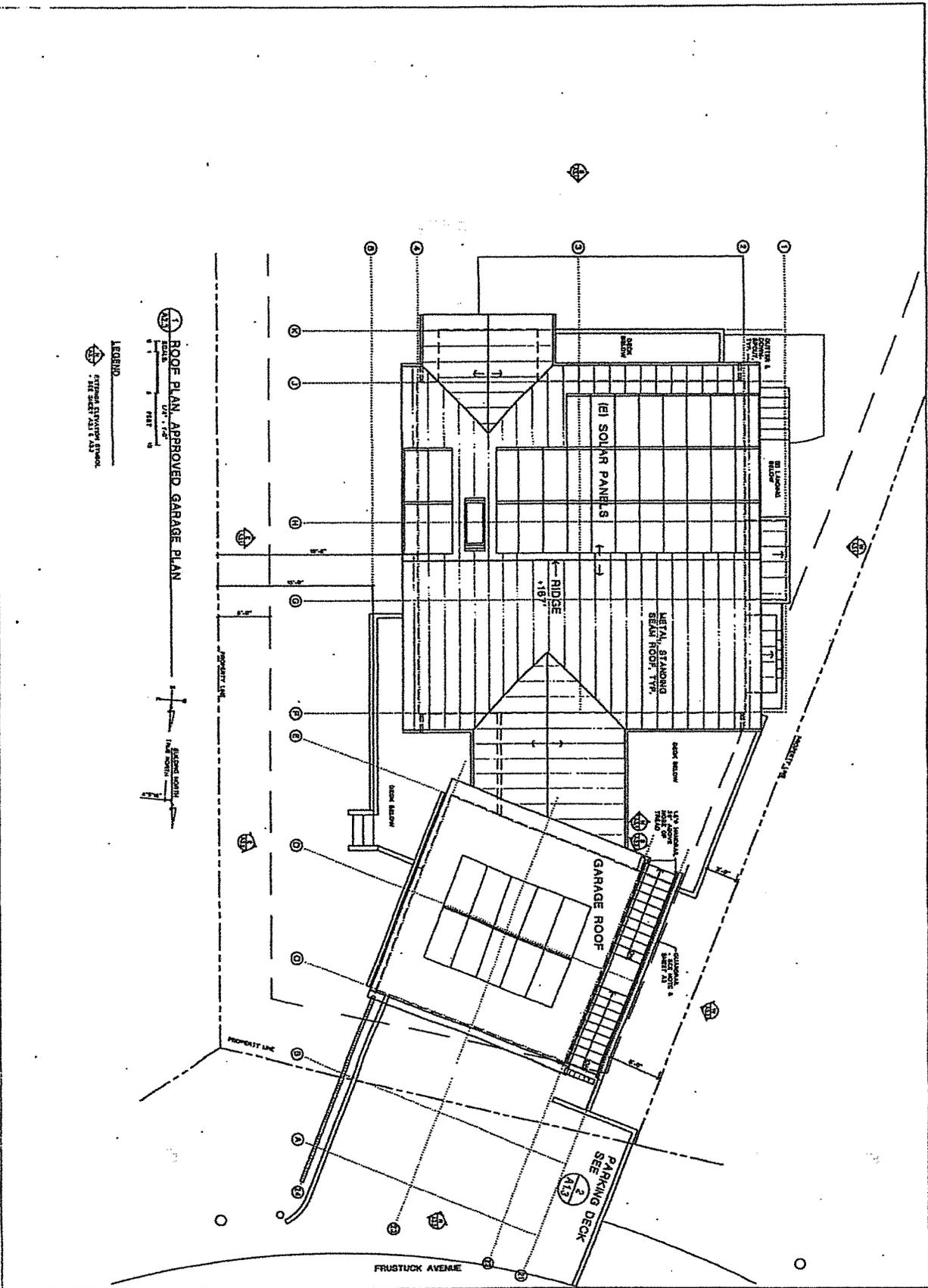


DATE: JAN 3 2010  
 SHEET NO. **A2.2**  
 DWG. NO. 100-100-100

OWNER: OWENS-DULLAGHAN RESIDENCE  
 ARCHITECT: [Faint text]  
 CONTRACT NO. [Faint text]

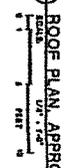
A New 2nd Residential Unit  
**Owens-Dullaghan Residence**  
 177 Frostuck Avenue  
 Fairfax, CA 94930  
 APN: 003-193-02

DATE: 01/28/10  
 DRAWN BY: [Faint text]  
 CHECKED BY: [Faint text]  
 APPROVED BY: [Faint text]



ROOF PLAN, APPROVED GARAGE PLAN

LEGEND  
 SYMBOLS FOR MATERIALS AND FINISHES



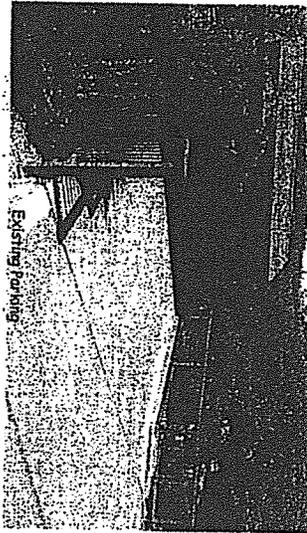
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 CAD FILE: A2.3.DWG

SHEET CONTENTS:  
 ROOF PLAN

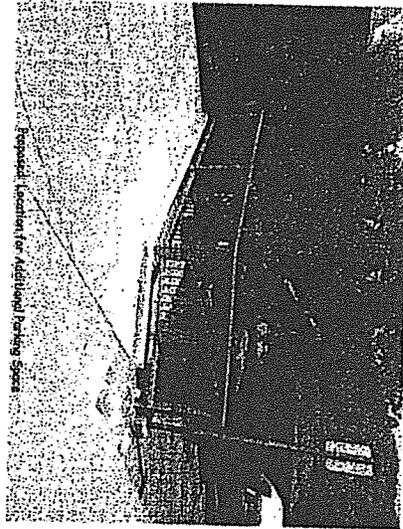
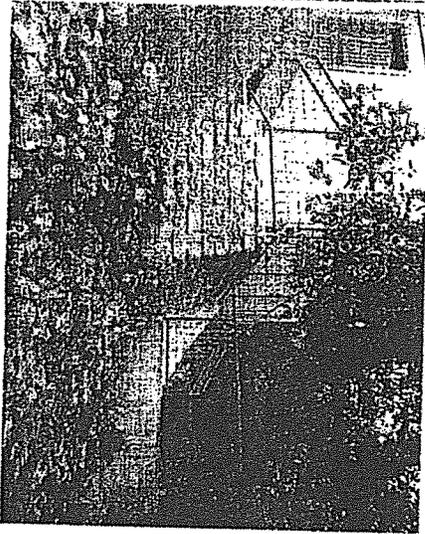
A New 2nd Residential Unit  
**Owens-Dullaghan Residence**  
 177 Frustuck Avenue  
 Fairfax, CA 94930  
 A/FN: 003-193-02

DRAWING BY:  
 STEVE DULLAGHAN  
 ARCHITECT  
 177 FRUSTUCK AVENUE  
 FAIRFAX, CA 94930  
 TEL: 415-353-1111  
 WWW.DULLAGHAN.COM  
 9/9/02

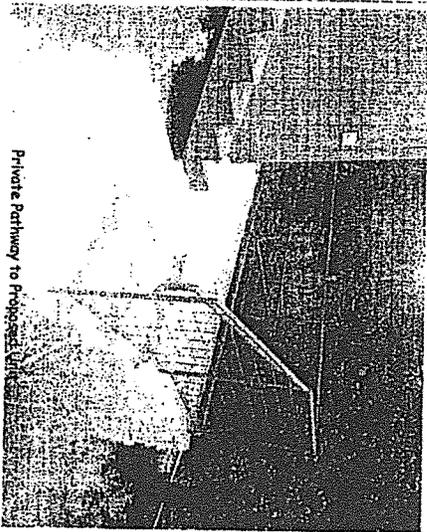




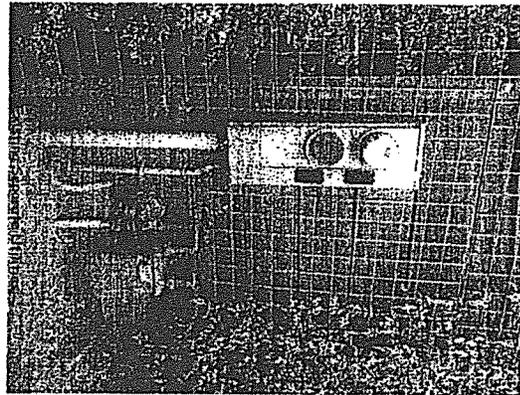
Existing Parking



Proposed Location for Additional Parking Space



Private Pathway to Proposed Unit



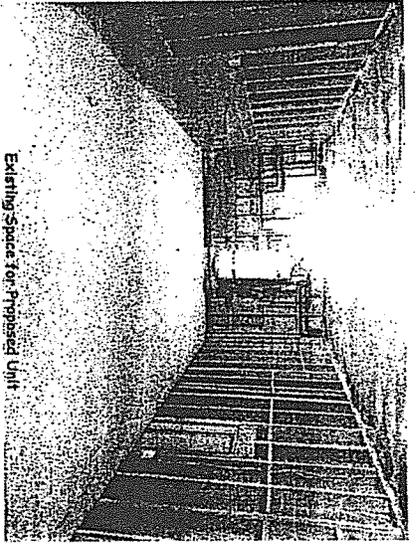
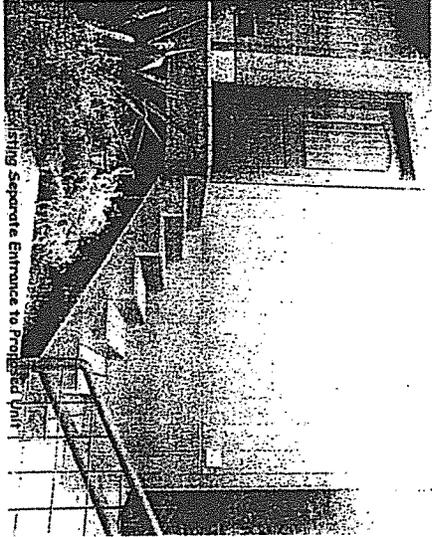
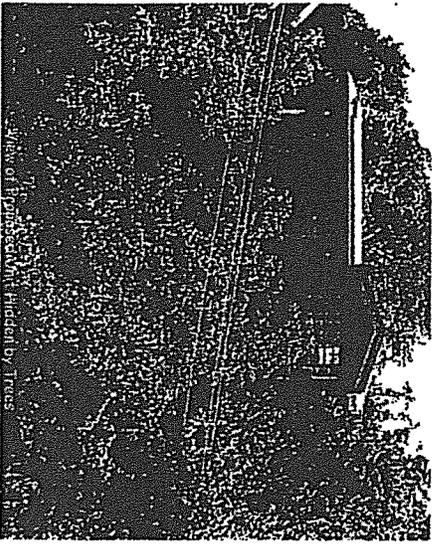
Document ID:  
P.1  
Date: 01/11/2011  
Time: 10:00 AM  
Page: 1 of 1

A New 2nd Residential Unit  
**Owens-Dullaghan Residence**  
177 Frusuck Avenue  
Fairfax, CA 94930  
APN: 003-193-02

Insert Documents  
PHOTOS

Date: Jan 3 2011  
Time: 10:00 AM

P.1  
000 000 0000000000



Existing Separate Entrance to Proposed Unit

Garage Roof is Ready for Solar Electric for Unit

Existing Space for Proposed Unit

Existing Space for Proposed Unit

Existing Space for Proposed Unit

DATE: JAN 3 2008  
 SHEET NO: **P.2**  
 JOB FILE: 000000000000

SHEET CONTENTS:  
 PHOTOS

A New 2nd Residential Unit  
**Owens-Dullaghan Residence**  
 177 Frustuck Avenue  
 Fairfax, CA 94930  
 APN: 003-193-02

Drawn by:  
 STEVE ALVARADO  
 LANDINGS, CA 94133  
 415-353-3300  
 415-353-3300



John Owens <johnowensservices@gmail.com>

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## 177 frustuck

1 message

---

**John Owens** <johnowensservices@gmail.com>

Wed, Jul 31, 2013 at 9:45 AM

To: Linda Neal <lneal@townoffairfax.org>

I have not looked up the addresses. They were mentioned in our previous application and appeal to the council.

One was the unit on Dominga near the cleaners. 130 Mono Peter Ramsay. The third is in the previous application.

If you are noting exceptuons and variances the Town altered or did not adopt part of the State Fire Code so the Ramsays could get approval without fire spribkling their second unit

Let me know if you need more on the side yard set back second units.

John



John Owens <johnowensservices@gmail.com>

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## Resubmitting plans for second unit 177 Frustuck

2 messages

---

**John Owens** <johnowensservices@gmail.com>

Mon, Jun 24, 2013 at 7:58 AM

To: Linda Neal <lneal@townoffairfax.org>

Hi Linda,

How many sets of plans do we need ? It looks like the check list is out of date from when there was design review.

Thanks,

John

John Owens

---

**Linda Neal** <lneal@townoffairfax.org>

Tue, Jun 25, 2013 at 8:08 AM

To: John Owens <johnowensservices@gmail.com>

: Jim Moore <jmoore@townoffairfax.org>

Hi John,

You need to submit 14 sets plus 1 reduced set for the file. Also, the project requires a second unit use permit application, variances and an encroachment permit if the design has not changed from the previous submittal.

Linda

[Quoted text hidden]

TO: Town of Fairfax  
FROM: John Owens & Diana Dullaghan  
DATE: June 27, 2013  
RE: Submittal of Planning Application for 2nd Unit  
177 Frustuck Avenue  
APN 003-193-02

Enclosed are the following:

1. Planning Application Form;
2. 14 Sets of full size plans;
3. 1 letter-sized set of plans;
4. Mailing list, radius map, labels, and 51 stamps for 51 addresses;
5. Check for \$3,685.00.

**We request that all full-size sets of plans which are to be distributed to the Planning Commission or other agencies for review be returned to the owners due to the high cost of reproducing plans.**

**Thank you.**

OUR COPY

For Residents or Businesses you can get the number of dwellings or businesses on a lot from the property owner or building manager, or by counting the mail boxes, doorbells and any businesses. You may also use the reverse telephone directory at the library, use addresses shown on the mailbox, doorbell or reverse telephone directory, including any letter suffixes (134, 134A) or fractions (249, 249 1/2). If a doorbell or mailbox has a name but no separate street or apartment number, use that name for the mailing labels. There is usually a Resident anytime the Property Owner in the Town wide Tax Roll has a different mailing address.

In addition, a list of apartment/ multifamily renters is available on disk or in hard copy from the Planning Department. This list is an additional resource for creating the mailing list. Where the address of the owner differs from the location address of the property to be noticed, labels should be created for both owners and residents.

**Affidavit of Preparation of Notification Map,  
Mailing List and Mailing Labels for Public  
Notification for Land Use Public Hearing**

I, Diana Dullaghan, do hereby declare as follows:  
(print name)

1. I have prepared the **Notification Map, Mailing List and Mailing Labels for Public Notification** for in accordance with Planning Department guidelines.
2. I understand that I am responsible for the accuracy of this information, and that erroneous information may require re-scheduling the public hearing.
3. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, 6/26/13, 201\_\_ in the Town of Fairfax, California.

Diana Dullaghan  
Signature