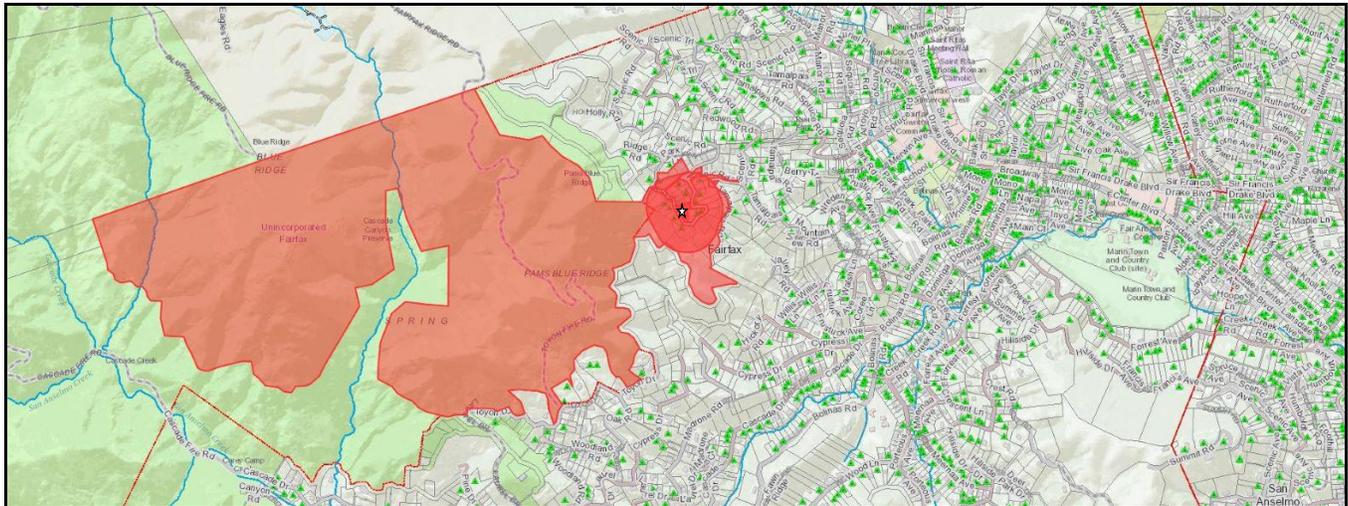


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: October 17, 2024
FROM: Kara Spencer, Associate Planner
LOCATION: 58 Ridge Road; APN: 001-061-27
ZONING: RS-6 Single-Family Residential Zone
PROJECT: Expansion, remodel, and partial roof modification of a single-family residence
ACTION: Conditional Use Permit (CUP); Application No. 24-13
APPLICANT: Laura Kehrlein
OWNER: Erica Smith
CEQA STATUS: Categorically exempt, §§ 15301(a) and (e)(1)



58 RIDGE ROAD

PROJECT DESCRIPTION

The project proposes to (1) internally connect the approximately 1,181 square foot main (upper) floor to the lower floor with an approximately 41 square foot stairway addition to the northern side of the house; (2) enclose the approximately 68 square foot covered front entry porch on the southwestern side of the house and remodel the existing front entry to create a new front entry and dining room; (3) construct an approximately nine square foot bay window addition along the southern side of the house in the new dining room; (4) add a new approximately 20 square foot covered front entry porch adjacent to the new front entry at the southwestern corner; and, (5) modify and raise an approximately eight foot tall portion of the living room roof on the western side of the house and replace that portion of the existing gable roof with a new approximately 12 foot tall shed (butterfly) roof.

The existing floor area includes approximately 1,181 square feet in the upper floor and approximately 210 square feet in the lower floor that meets the building code ceiling height requirement, resulting in a total existing floor area of approximately 1,391 square feet. Therefore, the proposed 118 square feet of additions would result in a new floor area of approximately 1,509 square feet.

Additional work consists of replacing the existing brick chimney with new brick veneer; demolishing an at grade concrete stairway at the southern side of the house; new/replaced windows on the upper floor; and, re-roofing the balance of the roof with a new class A roof. Approximately three cubic yards of soil would be excavated and hauled offsite for the new foundation footings at the two additions.

BACKGROUND

The approximately 13,700 square foot property is irregularly shaped with an average slope of approximately 32 percent. As depicted on the Site Plan on page A1 of the project plan set, due to the winding nature of Ridge Road, the property has frontage along two separate portions of Ridge Road; and generally slopes down from an upper portion of Ridge Road to a lower portion of Ridge Road. It is developed with an approximately 1,391 square foot, two-bedroom, one and a half bathroom, two-story, single-family house that was originally constructed in 1926. There is approximately 1,181 square feet of living area in the upper floor and approximately 210 square feet of living area in the lower floor. The northwestern portion of the yard contains an approximately 101 square foot detached shed with no utilities. There are numerous trees, shrubs, and other plants scattered throughout the property.

The project site is located within the RS-6 Single-Family Residential Zone (RS-6 Zone). It is within a Wildland Urban Interface (WUI) Zone according to the Ross Valley Fire Department “Town of Fairfax Wildland-Urban Interface Zones” Map. It is also within a quarter mile of a known Northern Spotted Owl (NSO) nesting site according to NSO nesting data from the Marin Audubon Society.

DISCUSSION

As indicated in Table 1, the existing property meets all setback, FAR, lot coverage, and building height requirements and would continue to do so with project implementation.

Table 1: 58 Ridge Road Property Compliance with Zoning Standards

	Front Setback	Rear Setback	Combined Front/Rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	0.40	0.35	35 ft., 3 stories
Existing	17 ft.	68 ft.	85 ft.	5 ft. & 25 ft.	30 ft.	0.10	0.15	19.5 ft., 2 stories
Proposed	13 ft.	No change	81 ft.	No change	No change	0.11	No change	No change

Required Discretionary Approvals

Town Code § 17.080.050 specifies that any physical improvement on a property in the RS-6 zone that does not meet the minimum size or width requirements based on its slope requires approval of either a Conditional Use Permit (CUP) or a Hill Area Residential Development (HRD) Permit. Based on the approximate 32 percent slope of the project site, it would need to be 24,000 square feet in area and 116 feet wide to conform to the size and width requirements of Town Code § 17.080.050(C). The approximately 13,700 square foot property has a width of approximately 103 feet and does not meet the minimum size or width required by the Town Code. The project requires approximately three cubic yards of excavation and would result in minimal site disturbance. Therefore, the HRD permit is not applicable and the proposed project requires the approval of a CUP.

Conditional Use Permit Required Findings [Town Code Section 17.032.060]

The following determinations and findings are required to approve a CUP:

- (A) The location, size, design, and operating characteristics of the use conform to the General Plan and the land use designations for the project site and to the objective zoning standards and objective design standards that apply to the proposed use at the proposed location;
- (B) 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;
- (C) The development and use of property, as approved under the use permit, shall not create a public nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions or applicable performance standards, or cause significant adverse physical or environmental effects to abutting or adjoining properties and the surrounding neighborhood, 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;
- (D) Approval of the use permit is not contrary to those objectives, goals or objective standards pertinent to the particular use and location and contained or set forth in the General Plan, this title, any master plan, development plan or other plan or policy, officially adopted by the town; and
- (E) Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that the approval is in the public interest and for the protection or enhancement of the community.

Determinations and Findings in Support of the CUP

- (A) The proposed location, size, design, and operating characteristics of the additional and remodeled floor area, new front entry porch, and partial roof modification conform to the General Plan and the General Plan land use designation for the project site.

A total of approximately 118 square feet of floor area would be added with approximately 41 square feet added to the northern side, approximately 68 feet added to the southwestern corner, and approximately nine square feet added to the new dining room on the southern side. The proposed approximately 20 square foot front entry porch would be added adjacent to the new front entry at the southwestern corner. A portion of the gable roof over the living room on the western side of the house would be modified with a new shed (butterfly) roof that would raise the height of the roof in that area from approximately eight feet to approximately 12 feet, but would not increase the overall height of the approximately 19.5 foot tall house. New siding would be brown shingles to match the existing siding. A new class "A" roof would be added to the entire structure. The various smaller additions to different portions of the house and the minor four foot increase in a portion of the roof, which would not increase the overall height of the roof, would add articulation to the structure's exterior, minimizing the visual mass of the project. The proposed brown shingle siding would match the existing siding and a new class "A" roof for the entire structure would help the additions and partial roof modification blend in with the existing house and natural surrounding landscape. Therefore, the proposed project would be consistent with General Plan Land Use Policy LU-1.2.3¹.

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

Houses in the immediate neighborhood are generally one or two story structures built on sloped lots with wood or shingle siding painted various colors. The proposed project would retain the house's existing two levels and height, as well as its brown wood shingle siding, similar in design and height to other structures in the vicinity. As indicated in Table 2 below, with project implementation, the project property would maintain a floor area and FAR similar to comparably sized neighboring properties. Consequently, project implementation would result in the project property being compatible with the general design and scale of structures in the vicinity, consistent with General Plan Land Use Policy LU-7.2.1².

Table 2: 58 Ridge Road Neighborhood Comparison

APN #	ADDRESS	LOT SIZE	FLOOR AREA	# BEDROOMS	# BATHS	FLOOR AREA RATIO
001-061-26	6 Ridge Road	10,785 SF	1,983 SF	4	2.5	0.18
001-062-44	17 Ridge Road	14,200 SF	1,219 SF	2	2	0.09
001-062-43	27 Ridge Road	13,000 SF	1,668 SF	3	2	0.13
001-061-15	34 Ridge Road	3,600 SF	1,172 SF	2	2	0.33
001-061-14	38 Ridge Road	2,400 SF	1,248 SF	3	2	0.52
001-062-32	43 Ridge Road	12,620 SF	1,630 SF	2	2	0.13
001-061-07	50 Ridge Road	8,300 SF	1,614 SF	4	3	0.19
001-062-41	57 Ridge Road	19,821 SF	1,656 SF	2	2	0.08
001-062-28	77 Ridge Road	12,750 SF	440 SF	1	1	0.03
001-061-19	78 Ridge Road	4,500 SF	1,740 SF	3	2	0.39
001-061-18	80 Ridge Road	4,900 SF	1,556 SF	2	1.5	0.32
001-061-02	84 Ridge Road	4,275 SF	1,723 SF	3	2	0.40
001-042-13	85 Ridge Road	6,300 SF	2,241 SF	3	3	0.36
001-042-12	87 Ridge Road	15,300 SF	1,570 SF	3	2	0.10
001-061-27	58 Ridge Road	13,700 SF	1,509 SF*	2	1.5	0.11*

*Proposed floor area and FAR

The construction of the new foundation footings at the two additions would require approximately three cubic yards of excavation. However, the existing grade, natural features, mature trees, and vegetation would be preserved, consistent with General Plan Land Use Policy LU-7.2.2³.

The project proposes an expansion, remodel, and partial roof modification of an existing single-family house to connect the upper floor to the lower floor, create more living space, and create a new front entry porch, consistent with the General Plan residential land use designation for the site.

As documented above in Table 1, the proposed project would comply with all applicable objective setback, FAR, lot coverage, and building height standards of the Fairfax Zoning Ordinance. Please note that objective design standards do not apply to the proposed project (Town Code Section 17.020.030).

- (B) Approval of the CUP to allow the property owner to expand, remodel, and modify a portion of the roof of an existing single-family residence to connect the upper floor to the lower floor, create more living space, and create a new front entry porch would not constitute a grant of

² Policy LU-7.2.1: New and renewed development shall be compatible with the general design and scale of structures in the vicinity.

³ Policy LU-7.2.2: To the extent feasible natural features including the existing grade, mature trees, and vegetation shall be preserved for new and renewed development.

special privilege nor contravene the doctrines of equity and equal treatment. Project implementation would decrease the front setback from approximately 17 feet to approximately 13 feet and the combined front/rear setback from approximately 85 feet to approximately 81 feet as well as slightly increase the FAR from approximately 0.10 to 0.11. However, the proposed decreases in the front and combined front/rear setbacks and the slight increase in FAR would comply with the setback and FAR requirements of the RS-6 zone. The resulting residence would continue to maintain similar setbacks, FAR, lot coverage, and height as other single family residential properties found in the immediate neighborhood and throughout the Fairfax Manor Subdivision. Moreover, the project property would comply with the General Plan and the General Plan residential land use designation for the site.

- (C) While the proposed bay window addition would be located approximately 53 feet from the duplex to the southeast at 50 Ridge Road, the southeast side of the existing house is approximately 15 feet closer to the duplex with a distance of approximately 38 feet. Other portions of the existing house are also closer to the residences at 78 Ridge Road to the northwest and 6 and 8 Ridge Road to the northeast than the proposed stairway addition would be. The northwestern side of the existing house is approximately 48 feet from the single-family house at 78 Ridge Road and the proposed stairway addition would be approximately 55 feet from the house at 78 Ridge Road. The existing deck is approximately 146 feet from the two residential units to the northeast at 6 and 8 Ridge Road and the proposed stairway addition would be approximately 158 from 6 and 8 Ridge Road. Thus, the proposed additions would not be expected to have any negative effects on adjoining properties. The new front entry porch would be approximately 20 feet from the edge of Ridge Road paving and is not expected to create any negative effects for the neighborhood or public use of Ridge Road.

Ross Valley Sanitary District (RVSD) commented that there appears to be a ten foot wide sanitary sewer easement on the project property; refer to Attachment B. To ensure that no negative impacts occur on sewer infrastructure that may be present within the project property, staff included condition of project approval 2, which requires the project site plan to be modified to include the location of the sewer line and easement prior to submittal for building permits. If there is no intersection between the additions and the sewer easement, the applicant shall obtain a letter from RVSD advising the Town that RVSD reviewed the plans and the project can proceed. Otherwise, if the additions intersect with the sewer easement, the project shall be redesigned. Any minor modification may be approved by the Planning Director. However, if the changes are substantial, they shall be approved by the Planning Commission with a modification of this CUP.

With the implementation of condition of approval 2, the proposed project would not create a public nuisance or cause significant adverse physical or environmental effects on abutting or adjoining properties or the surrounding neighborhood.

- (D) Refer to the response to paragraph (A) above; the proposed additional and remodeled floor area, new front entry porch, and partial roof modification are not contrary to the objectives, goals or standards set forth in either the 2023 – 2031 Fairfax General Plan or Title 17, the Fairfax Zoning Ordinance.
- (E) The proposed additions, remodeling, and roof modification would connect the upper floor to the lower floor, create more living space, and create a new front entry. The proposed improvements along with implementation of condition of project approval 2, which ensures that no construction would occur within a public sewer easement, if one exists on the project property, would result

in equal or better development of the premises than would otherwise be the case, which is in the public interest and for the enhancement of the community.

OTHER DEPARTMENT/AGENCY COMMENTS/CONDITIONS OF APPROVAL

No comments or project specific conditions were received from the Marin Municipal Water District (MMWD) or the Town of Fairfax Police, Building, or Public Works Departments. Project specific conditions from RVSD and RVFD are listed below and included in Resolution No. 2024-16. All standard conditions of approval from RVSD, RVFD, and MMWD are also included in Resolution No. 2024-16.

Ross Valley Sanitary District Project Specific Conditions

1. The project requires RVSD sewer lateral permit, testing, and certification.
2. RVSD records indicate RVSD has a 10 foot wide public sewer easement on the property, centered over the pipe, which requires field location. All structures must be designed and installed well outside the easement. Contractors are responsible for preserving and protecting this pipe in place.
3. Have a contractor video all laterals serving the property.
4. After the applicant has obtained their building permit for the project, they must contact RVSD for sewer capacity and permit fee calculations, and have the contractor submit a complete application packet with the sewer permit fee payment.

Ross Valley Fire Department Project Specific Conditions

Fire apparatus access shall extend to within 150ft of all portion of first floor exterior walls. A 20-foot-wide fire lane shall be provided, if one is not already provided. Driveways that serve as a fire lane may be reduced to 16 feet wide. The fire lane turnout shall comply with RVFD Standard 210 and shall be marked in accordance with RVFD Standard 204. The project applicant shall provide a site plan showing how minimum fire code requirements will be met. The fire lane shall be installed and made serviceable prior to start of construction.

A Vegetation Management Plan (VMP) permit form RVFD is required based on the total scope of the project. The VMP plan shall meet the requirements of Ross Valley Fire Standard 220.

The project requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. A separate deferred permit shall be required for this system from RVFD. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems.

RECOMMENDATION

Move to approve application No. 24-13 by adopting attached Resolution No. 2024-16 setting forth the findings and the conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 2024-16

Attachment B – RVSD Comments on Proposed Project

RESOLUTION NO. 2024-16

A Resolution of the Fairfax Planning Commission Approving Application No. 24-13 for a Conditional Use Permit for the Expansion, Remodel, and Partial Roof Modification of the Single-Family Residence at 58 Ridge Road

WHEREAS, the Town of Fairfax received an application from Laura Kehrlein for the expansion, remodel, and partial roof modification of the approximately 1,391 square foot, two-story, two bedroom, one and a half bathroom single-family residence at 58 Ridge Road, which would convert it into an approximately 1,509 square foot, two-story, two bedroom, one and a half bathroom single-family residence; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on October 17, 2024 at which time the Planning Commission determined that the project complies with the 2010-2030 Fairfax General Plan and with the Fairfax Zoning Ordinance; and

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission determined that the applicant met the burden of proof required to support the findings necessary to approve the Conditional Use Permit; and

WHEREAS, The project is exempt from the California Environmental Quality Act per Categorical Exemption § § 15301(a) and (e)(1); and

WHEREAS, the Planning Commission made the following findings:

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

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

Policy LU-7.2.1: New and renewed development shall be compatible with the general design and scale of structures in the vicinity.

Policy LU-7.2.2: To the extent feasible natural features including the existing grade, mature trees, and vegetation shall be preserved for new and renewed development.

Conditional Use Permit Findings (Town Code § 17.032.060)

- (A) The various smaller additions to different portions of the house and the minor four foot increase in a portion of the roof, which would not increase the overall height of the roof, would add articulation to the structure's exterior, minimizing the visual mass of the project. The proposed brown shingle siding would match the existing siding and a new class "A" roof for the entire structure would help the additions and partial roof modification blend in with the existing house and natural surrounding landscape. Therefore, the proposed project would be consistent with General Plan Land Use Policy LU-1.2.3

The proposed project would retain the house's existing two levels and height, as well as its brown wood shingle siding, similar in design and height to other structures in the vicinity. The project property would maintain a floor area and FAR similar to comparably sized neighboring properties. Consequently, project implementation would result in the project property being

compatible with the general design and scale of structures in the vicinity, consistent with General Plan Land Use Policy LU-7.2.1.

The existing grade, natural features, mature trees, and vegetation would be preserved, consistent with General Plan Land Use Policy LU-7.2.2.

The project proposes an expansion, remodel, and partial roof modification of an existing single-family house to connect the upper floor to the lower floor, create more living space, and create a new front entry porch, consistent with the General Plan residential land use designation for the site.

The project would comply with all applicable objective setback, FAR, lot coverage, and building height standards of the Fairfax Zoning Ordinance. Per Town Code Section 17.020.030 objective design standards do not apply to the proposed project.

Therefore, the location, size, design, and residential use of the additional and remodeled floor area, new front entry porch, and partial roof modification conform to the General Plan and the residential land use designation for the project site and to the applicable objective zoning standards of the Fairfax Zoning Ordinance.

- (B) Approval of the CUP to allow the property owner to expand, remodel, and modify a portion of the roof of an existing single-family residence to connect the upper floor to the lower floor, create more living space, and create a new front entry porch would not constitute a grant of special privilege nor contravene the doctrines of equity and equal treatment. The proposed project would comply with the setback, FAR, lot coverage, and height requirements of the RS-6 zone. The project property would continue to maintain similar setbacks, FAR, lot coverage, and height as other single family residential properties found in the immediate neighborhood and throughout the Fairfax Manor Subdivision. Moreover, the project property would comply with the General Plan and the General Plan residential land use designation for the site.
- (C) The proposed bay window addition would be located approximately 53 feet from the duplex to the southeast at 50 Ridge Road and the proposed stairway addition would be located approximately 55 feet from the house at 78 Ridge Road and approximately 158 from 6 and 8 Ridge Road. Other portions of the existing house are currently closer to those neighboring houses than all proposed additions would be. Thus, the proposed additions would not be expected to have any negative effects on adjoining properties. The new front entry porch would be approximately 20 feet from the edge of Ridge Road paving and is not expected to create any negative effects for the neighborhood or public use of Ridge Road.

To ensure that no negative impacts occur on sewer infrastructure that may be present within the project property, staff included condition of project approval 2 (listed below), which requires the project site plan to be modified to include the location of the sewer line and easement prior to submittal for building permits. If there is no intersection between the additions and the sewer easement, the applicant shall obtain a letter from Ross Valley Sanitary District (RVSD) advising the Town that RVSD reviewed the plans and the project can proceed. Otherwise, if the additions intersect with the sewer easement, the project shall be redesigned. Any minor modification may be approved by the Planning Director. However, if the changes are substantial, they shall be approved by the Planning Commission with a modification of this CUP.

With the implementation of condition of approval 2, the proposed project would not create a public nuisance or cause significant adverse physical or environmental effects on abutting or adjoining properties or the surrounding neighborhood.

- (D) Refer to the response to paragraph (A) above; the proposed additional and remodeled floor area, new front entry porch, and partial roof modification are not contrary to the objectives, goals or standards set forth in either the 2023 – 2031 Fairfax General Plan or Title 17, the Fairfax Zoning Ordinance.
- (E) The proposed additions, remodeling, and roof modification would connect the upper floor to the lower floor, create more living space, and create a new front entry. The proposed improvements along with implementation of condition of project approval 2, which ensures that no construction would occur within a public sewer easement, if one exists on the project property, would result in equal or better development of the premises than would otherwise be the case, which is in the public interest and for the enhancement of the community.

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

1. The project is approved pursuant to the plans prepared by Fredric C. Divine, Associates, Architects, dated received by the Town of Fairfax on October 9, 2024.
2. Prior to submittal for building permits, the project site plan shall be modified to include the location of the sewer line and easement. If there is no intersection between the additions and the sewer easement, the applicant shall obtain a letter from Ross Valley Sanitary District (RVSD) advising the Town that RVSD reviewed the plans and the project can proceed. Otherwise, if the additions intersect with the sewer easement, the project shall be redesigned. Any minor modification may be approved by the Planning Director. However, if the changes are substantial, they shall be approved by the Planning Commission with a modification of this CUP.
3. Prior to issuance of any of the building permits for the project the applicant or his assigns shall submit a detailed construction management plan subject to approval of the Public Works Director. The plan shall include but is not limited to the following:
 - a. Construction delivery routes approved by the Department of Public Works;
 - b. Construction schedule (deliveries, worker hours, etc.);
 - c. Notification to area residents;
 - d. Emergency access routes;
 - e. Construction worker staging area; and,
 - f. Contractor employee parking locations.
4. The applicant shall prepare and file with the Public Works Director a video of the roadway conditions on the public construction delivery routes (routes to be pre-approved by the Public Works Director).
5. Submit a cash deposit, bond, or letter of credit to the Town in an amount that will cover the cost of grading, weatherization, and repair of possible damage to public roadways. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plan for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.
6. The foundation elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Structural Engineer.

7. During the construction process the following shall be required:
 - a. Prior to the concrete form inspection by the building official, the project Structural Engineer shall field check the forms of the foundation and provide written certification to Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans.
 - b. The Building Official shall check the concrete forms prior to the foundation pour.
 - c. All construction-related vehicles shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.
 - d. Any proposed temporary closures of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
8. The Building Official shall field check the completed project to verify compliance with the approved plans and building code requirements.
9. Excavation shall not occur between October 1st and April 1st of any year. The Town Engineer has the authority to waive this condition depending upon the weather.
10. The roadways shall be kept free of dust, gravel, and other construction materials by sweeping them, daily, if necessary.
11. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application No. 24-13. Modifications that do not significantly change the project, the project design or the approved discretionary permits may be approved by either the Planning Commission or the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 24-13 will result in the job being immediately stopped and red tagged.
12. Any damages to the public portions of Ridge Road or other public roadway used to access the site resulting from construction-related activities shall be the responsibility of the property owner.
13. The applicant and their heirs, successors, and assigns shall, at their sole cost and expense, defend with counsel selected by the Town of Fairfax, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay

directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

14. The applicant shall comply with all applicable local, county, state, and federal laws and regulations. Local ordinances which must be complied with include but are not limited to the following: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32, and the Americans with Disabilities Act.
15. In accordance with Town Code §8.20.060(C)(1) and (2), the operation of any tools or equipment used in construction or demolition work or in property maintenance work between the hours of 6:00 PM and 8:00 AM Monday through Friday, or on weekends and holidays between 4:00 PM and 9:00 AM is prohibited.
16. Conditions placed upon the project by outside agencies may be eliminated or amended with that agency's written notification to the Planning Department prior to issuance of the building permit.
17. All the exterior fixtures must be Dark Sky compliant (fully shielded and emit no light above the horizontal plane with no sag or drop lenses, side light panels or uplight panels) as well as compliance with color temperature to minimize blue rich lighting.

Ross Valley Sanitary District (RSVD) Conditions

18. The project triggers RVSD's testing and lateral certification requirements. The project applicant shall: hire a licensed contractor to perform a video inspection of all the sewer lateral/s to determine the condition; submit a complete application packet and fee payment to RVSD; and, schedule an RVSD final inspection.
19. RVSD records indicate RVSD has a 10 foot wide public sewer easement on the property, centered over the pipe, which requires field location. All structures must be designed and installed well outside the easement. Contractors are responsible for preserving and protecting this pipe in place.

Ross Valley Fire Department (RVFD) Conditions

20. All vegetation and construction materials are to be maintained away from the residence during construction.
21. A class A roof assembly is required.
22. Fire apparatus access shall extend to within 150ft of all portion of first floor exterior walls. A 20-foot-wide fire lane shall be provided, if one is not already provided. Driveways that serve as a fire lane may be reduced to 16 feet wide. The fire lane turnout shall comply with RVFD Standard 210 and shall be marked in accordance with RVFD Standard 204. The project applicant shall provide a site plan showing how minimum fire code requirements will be met. The fire lane shall be installed and made serviceable prior to start of construction.
23. A Vegetation Management Plan (VMP) permit form RVFD is required based on the total scope of the project. The VMP plan shall meet the requirements of Ross Valley Fire Standard 220.

24. The project requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. A separate deferred permit shall be required for this system from RVFD. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
25. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of each sleeping room in a central location in the corridor, and over the center of all stairways with a minimum of one detector on each story of the occupied portion of the residence.
26. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms.
27. Address numbers at least four inches tall shall be installed. The address numbers shall be visible from the street and internally illuminated or illuminated by an adjacent light controlled by a photocell that switches off only by a breaker so it will remain illuminated all night.
28. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 103.3 of the Fire Code.
29. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

Marin Municipal Water District (MMWD) Conditions

30. All indoor and outdoor requirements of District Code Title 13, Water Conservation must be complied with.
31. Backflow prevention requirements must be met.
32. All the District's rules and regulations in effect at the time service is requested must be complied with.

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

The approval of the Conditional Use Permit is in compliance with the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and

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

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17th day of October 2024 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair Robert Jansen

Attest:

Jeffrey Beiswenger, Director of Planning and Building Services

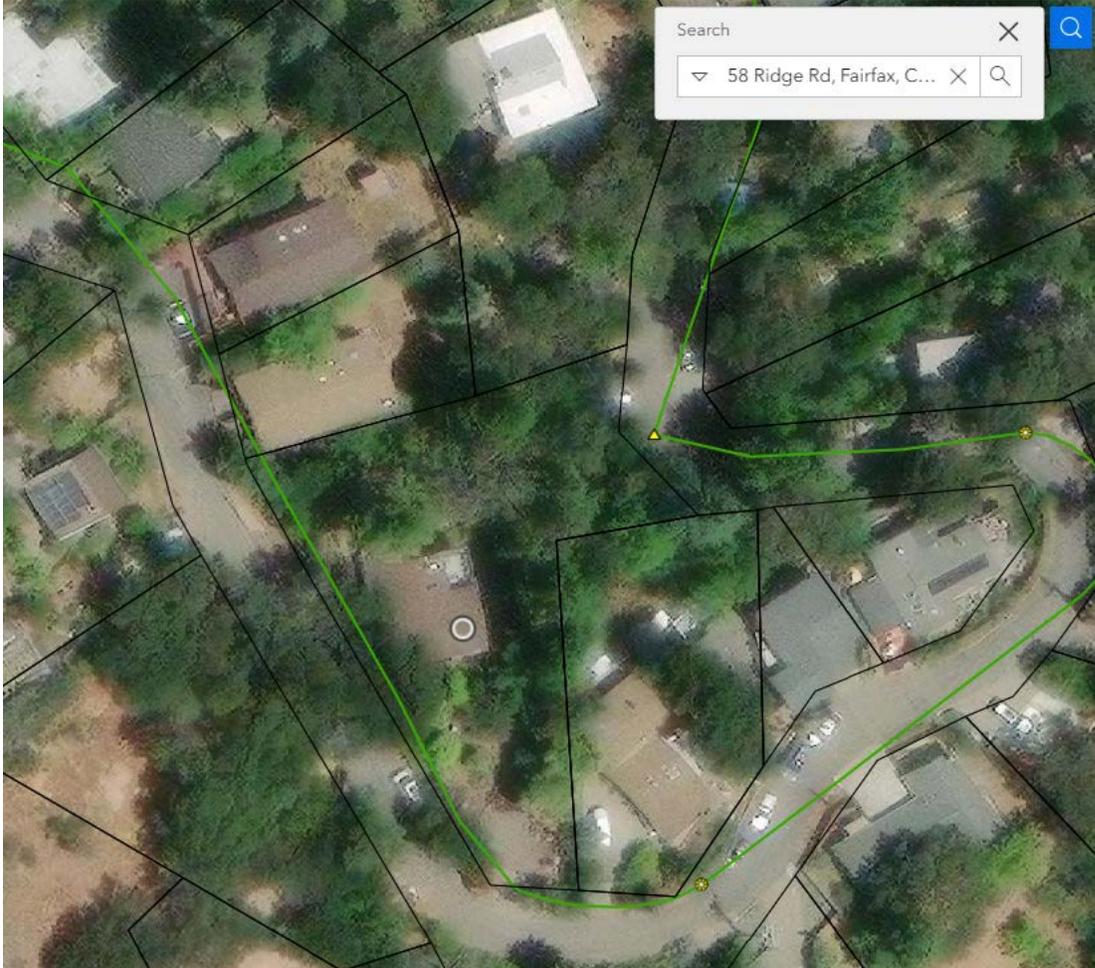
From: [Cristina Velazquez](#)
To: [Kara Spencer](#); [plans](#)
Cc: [Katie Gardner](#); [Loralee Bergdall](#); [Philip Benedetti](#)
Subject: RE: 58 Ridge Road Fairfax Plan Review
Date: Thursday, October 3, 2024 11:24:31 AM
Attachments: [image001.png](#)

Hi Kara,

Many of our easements are prescriptive in nature, and we do not keep copies of easement recordings. Typically, our easements are 10 feet wide, centered over the pipe.

We have illustrative maps that show the general vicinity of our infrastructure; however, the contractor is responsible for field location. Our illustrative maps can be utilized by searching an address [here](#).

Below is an image showing our infrastructure in green:



Hope this helps!

Best,

ATTACHMENT B

Cristina Velazquez

From: Kara Spencer <kspencer@townoffairfax.org>
Sent: Thursday, October 3, 2024 9:28 AM
To: Cristina Velazquez <cvelazquez@rvsd.org>; plans <plans@rvsd.org>
Cc: Katie Gardner <kgardner@rvsd.org>; Lorelee Bergdall <lbergdall@rvsd.org>; Philip Benedetti <pbenedetti@rvsd.org>
Subject: RE: 58 Ridge Road Fairfax Plan Review

Hi Everyone,

The Town and the applicant do not have any records that indicate the location of the pipe or easement. Do you have a specific document that identifies the sewer line and easement on the property?

Kara

From: Cristina Velazquez <cvelazquez@rvsd.org>
Sent: Monday, September 30, 2024 2:56 PM
To: Kara Spencer <kspencer@townoffairfax.org>; plans <plans@rvsd.org>
Cc: Katie Gardner <kgardner@rvsd.org>; Lorelee Bergdall <lbergdall@rvsd.org>; Philip Benedetti <pbenedetti@rvsd.org>
Subject: RE: 58 Ridge Road Fairfax Plan Review

Hello,

Thank you for sending plans for the remodel and addition. Please pass along the comments:

1. **Compliance Requirement:** The property must meet RVSD's Ordinance requirements. The project requires RVSD sewer lateral permit, testing, and certification.
2. **Easement Requirements:** Our records indicate RVSD has a 10' wide public sewer easement on the property, centered over the pipe, which requires field location. All structures must be designed and installed well outside the easement. Contractors are responsible for preserving and protecting this pipe in place.
3. **Video Requirement:** Have a contractor video all laterals serving the property.
4. **Next Steps:** Once you have obtained your Building Permit, contact plans@rvsd.org for fee calculations and next steps to obtain your sewer permit.
5. **RVSD Final Inspection:** After obtaining your sewer permit, schedule an RVSD final inspection before backfilling.

Contact 415-259-2949 with any questions.

Best,

Cristina Velazquez

From: Kara Spencer <kspencer@townoffairfax.org>

Sent: Thursday, September 26, 2024 12:57 PM

To: Cristina Velazquez <cvelazquez@rvsd.org>; plans <plans@rvsd.org>

Cc: Katie Gardner <kgardner@rvsd.org>; Lorelee Bergdall <lbergdall@rvsd.org>; Philip Benedetti <pbenedetti@rvsd.org>

Subject: 58 Ridge Road Fairfax Plan Review

Hi there,

Please find attached plans for approximately 502 square feet of remodeling and approximately 118 square feet of additions to an approximately 1,391 square foot, two bedroom, 1.5 bathroom single-family residence. Floor area would increase to approximately 1,509 square feet. The number of bedrooms and bathrooms would remain unchanged.

Please let me know if you have any comments or concerns with the project by October 9, 2024.

Kara Spencer
Associate Planner
Town of Fairfax
415-453-1584

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