EXHIBIT "A"

CONDITIONS OF APPROVAL

General Conditions

1.	General Compliance. The applicant and owner, including all successors in interest
	(collectively "Permittee") shall comply with each and every condition set forth in this Permit.
	Tentative Parcel Map No, Excavation Permit No, Design Review Permit
	No, and Traffic Impact Permit No (collectively "Permit") shall have
	no force or effect and no building permit shall be issued unless and until all things required by
	the below-enumerated precedent conditions have been performed or caused to be performed
	and this Resolution has been recorded by the Permittee with the Marin County's Recorder
	Office.

- 2. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the Town for review and obtain the approval of the Town Manager or (if so authorized by the Town Manager) the Director of Planning and Building Services ("Director"). If it is determined that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.
- 3. <u>Mitigation Monitoring</u>. The project shall comply with all applicable mitigation measures from the Mitigation Monitoring and Reporting Program adopted by the Town Council in Resolution No. _____, and attached hereto as Exhibit 'B.' At the time of building permit submittal, Permittee shall submit a written report demonstrating how the Project complies with these mitigation measures to the satisfaction of the Director.
- 4. <u>Effective Date</u>. Unless there is a timely appeal filed in accordance with the Fairfax Town Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit.
- Acceptance of Permit. Should Permittee fail to file a timely appeal within ten (10) days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
- 6. <u>Permit Expiration</u>. This Permit shall become null and void if the activity permitted by this Permit is not commenced within the time limits of the approved tentative map or any approved extension thereof. An activity permitted by this Permit shall be deemed to have commenced when the project:
 - a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
- 7. <u>Time Extension</u>. Pursuant to Section 16.08.110 of the Fairfax Town Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval.

- 8. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the Town of Fairfax to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).
- 9. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the Town. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to Town at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to Town. There is no vesting of any fees or charges with the adoption of this Resolution.
- 10. <u>Conditions.</u> Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution.
- 11. <u>Compliance with Laws</u>. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies.
- 12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the Town's choosing, and hold harmless Town, its Town Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims. demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) Town's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act. and/or the Town's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the Town, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant. Town, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the Town for all of Town's costs, attorneys' fees, and damages which Town incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the Town upon demand or, as applicable, to counsel of Town's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.
- 13. <u>Revocation, Suspension, Modification</u>. This Permit may be suspended, revoked, or modified in accordance with the Fairfax Town Code.
- 14. <u>Severability</u>. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
- 15. Permittee shall develop the approved project in conformance with the approved plans approved by the Town Council on ______, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the Town for review and obtain the approval of the Town Manager or the Director (if so authorized by the Town Manager) Director, if so designated by the Town Manager. If it is determined that the deviation is significant, Permittee shall be required to apply for review and obtain approval of the Planning Commission or Town Council, as applicable, in accordance with the Fairfax Town Code.

- 16. Response to Conditions of Approval. Permittee shall provide a written response to all conditions of approval upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet.
- 17. <u>Fire</u>. The project/development shall comply with the requirements of the Ross Valley Fire Department and the California Fire Code, as may be amended by the Town of Fairfax. Changes to the site plan and/or internal circulation shall be reviewed and approved by the Ross Valley Fire Department.
- 18. <u>Easements</u>. Permittee shall dedicate on the final map necessary public service utility easements, street easements, public access easement (over private streets and walkways) and easements for water and sanitary sewer purposes.
 - Prior to recordation of the parcel map, Permittee shall provide all necessary easements for construction, access, and maintenance of the debris barriers called for in the Geotechnical Site Investigations prepared by Herzog Geotechnical (December 2012, May 2016 and August 12, 2016, as attached to and incorporated into the MND) and the tentative map.
- 19. <u>Geotechnical Report</u>. Prior to issuance of a building permit, Permittee shall provide a final summary report by the project geotechnical engineer providing that all necessary inspections were completed and that the project work was found to satisfy the requirements of the geotechnical reports identified above, as well as the requirements of the project's licensed geotechnical engineer.
- 20. <u>Utilities Undergrounded</u>. With the exception of any transformers, television boxes, and cable boxes, Permittee shall underground all above-ground wire utilities on the property.
- 21. <u>Parkland Dedication</u>. Prior to recordation of the final map, Permittee shall dedicate no less than 0.32 acres to the Town in satisfaction of the project's parkland dedication requirements set forth in the Fairfax Town Code § 16.24.100.
- 22. Construction Storm Water Quality. Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) as a part of the improvement plan submittal. The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the guidance provided by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), and the Town's storm water and urban runoff pollution control standards and guidelines (Town's Clean Water Program). Permittee shall ensure that all contractors and subcontractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the Fairfax Town Code, and the Town's Clean Water Program.

- 23. <u>Construction General Permit Compliance</u>. Permittee shall comply with the requirements of the Construction General Permit as administered by the State and Regional Boards. Permittee shall obtain a Construction Activities Storm Water General Permit (State Permit) from the State Board. Prior to any construction activities and prior to the issuance of any building, demolition, or grading permit, Permittee shall submit:
 - A. a complete Storm Water Pollution Prevention Plan (SWPPP) with the project Waste Discharge Identification Number (WDID) displayed on the cover,
 - B. a copy of the approved Notice of Intent (NOI) from the State Board, and
 - C. an erosion control plan and a site monitoring plan meeting the satisfaction of the Town Engineer.

Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all storm water quality control measures as required by the approved SWPPP, the approved erosion control plan, the MMC, and the Town's Clean Water Program. Permittee shall provide a copy of the SWPPP to the Town (directed to the attention of the Director) upon issuance.

Prior to final occupancy, Permittee shall submit an approved Notice of Termination (NOT). For phased occupancy, Permittee shall submit a Change of Information (COI) or an NOT approved by the State Board that removes each phase of occupancy from the boundaries of the State Permit prior to the issuance of Certificate of Occupancy for that phase. Contact the State and Regional Boards for questions regarding your specific project.

- 24. The Permittee shall comply with the Construction General Permit and any successor permits or orders for post-construction provisions for new development and redevelopment regulated projects storm water treatment requirements, and National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009—0009 NPDES No. CAS000002 or as required by the Regional Board at the time Permittee submits the NOI for the project for preconstruction storm water treatment requirements.
- 25. The tentative map shall be prepared in accordance with state and local laws, as set forth in Fairfax Town Code Chapter 16 ('Subdivisions').
- 26. <u>Tree Removals</u>. Any tree removal for which permission of the Town is required shall be reviewed and subject to approval by the Fairfax Tree Committee, per Fairfax Town Code Chapter 8.36 ('Trees').
- 27. Prior to recordation of the parcel map, the final storm drain improvements needed for the site 100 year storm drain storm flow capacity shall be certified in a form acceptable to the Town Engineer.
- 28. Density Bonus. Approval of the project is issued in compliance with the state density bonus law (California Government Code § 65915). The project qualifies for said density bonus based on its provision of 53 dwelling units affordable to households of certain income levels. Permittee shall enter into and cause to be recorded in the official records of Marin County a density bonus agreement with the Town to document the provision of dwelling units that are rent-restricted as to qualifying candidates under California Government Code § 65915. Said agreement shall guarantee the affordability of 53 of the project dwelling units as required by

California Government Code § 65915 and shall likewise set forth the concessions and/or waivers granted to the project.

Prior to Construction Plan Submittals

The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director. Town reserves the right to reject any plan check submittal if any of the following conditions are not met.

- 29. <u>Modifications:</u> The Site Plan dated ______ is subject to change during the plan check stage based upon Town's previous comments and conditions stated herein.
- 30. Solid Waste and Recycling Handling Plan: Permittee shall submit a final solid waste and recycling handling plan for Town's review and approval. The plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; and procure sufficient service frequency.
- 31. Stormwater Control Plan: Permittee shall submit a Storm Water Control Plan that incorporates best management practices (BMPs) for treatments of storm water run-off from all parcels. The Storm Water Control plan shall incorporate source control, site design and storm water treatment requirements consistent with Marin County requirements with BMPs such as the use of bio-treatment areas into the landscape design elements and the use of permeable pavement BMPs compliant with the current Bay Area Stormwater Management Agencies Association (BASMAA) handbooks. The site plan shall be consistent with the final Storm Water Control plan to the satisfaction of the Town Engineer.
 - a. Permittee shall submit a final Storm Water Control Plan package for review and approval with the building permit submittal.
 - b. The Plan shall be prepared by a licensed Civil Engineer qualified and trained professional with storm water treatment process and certifies that measures specified in the report meet the MRP requirements.
 - c. Prior to final occupancy, Permittee shall submit an approved Notice of Termination (NOT) to the Town.
 - d. Prior to issuance of Certificate of Occupancy, the Permittee shall submit a Storm Water Control Operation and Maintenance (O&M) Plan, acceptable to the Town, describing operation and maintenance procedures needed to insure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The storm water control operation and maintenance plan shall include the Permittee's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.
 - e. Permittee shall provide the Town with an annual inspection report of the Storm Water Control Plan post-construction compliance with the National Pollutant Discharge Elimination System (NPDES) requirements.

- f. Prior to final occupancy, the Permittee shall execute and record an Operations and Maintenance Agreement with the Town for the operation, maintenance and annual inspection of the C.3 treatment facilities.
- 32. <u>Submittal Requirements</u>: Permittee shall ensure that all plan check submittals are in accordance with Town's submittal check list for each permit type.

PRIOR TO FINAL MAP APPROVAL/RECORDATION

The following conditions shall be addressed during the final map plan check process and shall be met **prior to** any final approval/recordation (except demolition permit and rough grade permit), unless otherwise approved by the Town Engineer.

- 33. <u>Dedication on the Final Map</u>: Permittee shall dedicate necessary emergency vehicle access easements, public service utility easements, and other public easements deemed necessary for the project.
- 34. <u>Abandonment/Quitclaim Easements</u>: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.
- 35. <u>Easements on the Final Map</u>: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on the final map.
- 36. <u>Concurrent Off-site Plan Reviews</u>: Permittee shall submit separate off-site improvement plans for review and approval by the Town Engineer.
- 37. <u>Utility Company Approval</u>: Permittee shall obtain approval letters from utility companies (PG&E, AT&T, AT&T Broadband, et cetera, as may be the case) for abandonment of existing and dedication of new public service utilities easements, if needed.
- 38. <u>Demolition of Existing Buildings/Facilities</u>: Permittee shall demolish any existing buildings/facilities that are in conflict with the new property lines.
- 39. <u>Subdivision Improvement Agreement and Securities</u>: Permittee shall execute a Subdivision Improvement Agreement and provide public improvement securities in accordance with the Fairfax Town Code, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance). The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor and materials.
- 40. <u>Grading</u>: Site grading work shall comply with Fairfax Town Code requirements, including those set forth in Chapter 12.20 ('Excavations Generally'), and shall be certified in a form acceptable to the Town Engineer prior to recordation of the map.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Town Engineer.

- 41. <u>Public Improvement Design Standards</u>: All public improvements shall be designed and constructed in accordance with current Marin County design guidelines, drawings and specifications, as well as with Americans with Disabilities Act (ADA) requirements, where applicable.
- 42. <u>Domestic Water and Fire Service Calculations</u>: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Town Engineer and the Ross Valley Fire Department.
- 43. <u>Curb Drain Maintenance Agreement</u>: Permittee shall record a Maintenance Agreement for perpetual maintenance of any new curb drains as approved by the Town.
- 44. <u>Water Service Agreement</u>: Permittee shall complete a water service agreement to obtain water service from the Marin Municipal Water District and to provide fire hydrants per the requirements of the Ross Valley Fire Department. Permittee shall provide a letter from the Ross Valley Sanitary District demonstrating that arrangements have been made with the Ross Valley Sanitary District to provide sewer mains and individual sewer connections.
- 45. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Town.

PRIOR TO BUILDING PERMIT ISSUANCE

The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer.

- 46. <u>Final Map Recordation</u>: Permittee shall submit all documents, in forms acceptable to the Town Engineer, necessary for the Town to record the final map.
- 47. <u>Water Efficient Landscapes</u>: Permittee shall comply with Fairfax Town Code Chapter 17.32 ('Water Conservation') for landscape design.
- 48. <u>Dewatering</u>. If dewatering is needed during construction, Permittee shall obtain any permits required by law for discharging groundwater to a sanitary sewer system.
- 49. <u>Solid Waste and Recycling Facility Design</u>: Permittee shall comply with all applicable Town design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, and storage areas.
- 50. <u>Construction Demolition and Debris</u>. Permittee shall comply with the provisions of Fairfax Town Code Chapter 8.14 ('Collection, Recycling, and Disposal of Waste Generated From Construction, Demolition, and Renovation Projects').
- 51. <u>Development Fees.</u> Prior to issuance of any building permit, Permittee must pay all applicable Town of Fairfax development fees, including but not limited to building permit fees, at the rates in effect at the time of building permit application. These fees are collected at the timing of submission of an application for a building permit.

Permittee shall pay the following development fees. The information listed in items "a" through "d" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.

- a) General Plan Maintenance fee at 5% of building permit over \$10,000
- b) Technology Improvement fee at 5% of building permit fee
- c) Infrastructure fee at 5% of building permit fee
- d) Road impact fee at 1% of building valuation over \$5.000

Permittee shall be solely responsible for the payment of any fees assessed by any other agencies, districts, or governmental bodies with regulatory authority over the project.

DURING CONSTRUCTION

The following conditions shall be complied with at all times <u>during</u> the construction phase of the project, unless otherwise approved by the Town Engineer.

52. <u>Construction Staging and Employee Parking</u>: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

The following conditions shall be met <u>prior to</u> first building occupancy on either lot, unless otherwise approved the Town Engineer.

- 53. <u>Completion of Public Improvements</u>: Permittee shall complete all public improvements, including but not limited to all Sir Francis Drake and Mitchell Drive frontage improvements, as shown on Town-approved plans, as well as all improvements for soil hazard protection.
- 54. <u>Left Turn Lane</u>: In order to avoid traffic congestion on Sir Francis Drake Boulevard, Permittee shall install a dedicated left turn lane on the Eastbound approach to the project along Sir Francis Drake Boulevard in accordance with the requirements of the Parisi Transportation Consultants study dated ______. Said left turn lane shall meet the requirements of the Town Engineer.
- 55. <u>Record Drawings</u>: Permittee shall submit record drawings, including site plans and all building improvement plans, in pdf format for Town records.

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Dated:		
	Signature of Permittee	

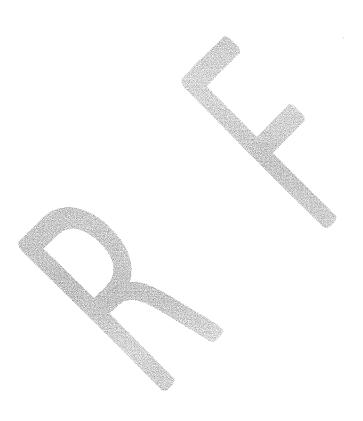


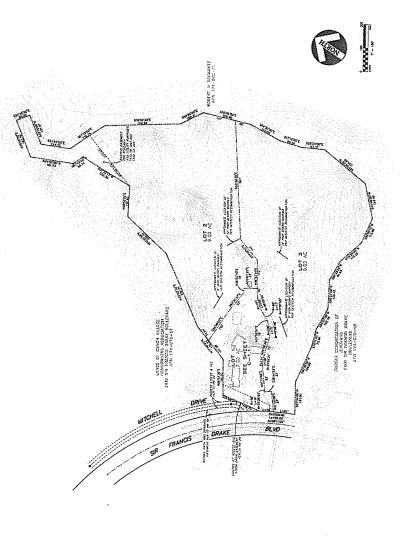
EXHIBIT 'B'

MITIGATION MONITORING PROGRAM

TO BE PROVIDED PRIOR TO THE APRIL 20^{TH} , 2017 PLANNING COMMISSION MEETING

EXHIBIT 'C'

PARCEL MAP

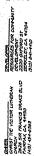




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Fairfax, California | 10/17/2016 | Resources for Community Development | # 1429

Fairfax Senior Housing





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WILLIAMS POLLACK!!