

**TOWN OF FAIRFAX  
STAFF REPORT**

**TO:** Fairfax Planning Commission  
**FROM:** Jim Moore, Director of Planning and Building Services  
Linda Neal, Senior Planner  
**DATE:** May 16, 2013  
**LOCATION:** 696 Cascade Drive; Assessor's Parcel No. 003-011-24  
**PROJECT:** Conversion of a portion of a single-family residence to a residential second living unit  
**ACTION:** Use Permit and Encroachment Permit; Application # 13-03  
**APPLICANT:** Brian and Terry Jones  
**OWNER:** Same  
**CEQA:** Categorically exempt, 15301(e)



**696 CASCADE DRIVE**

## **BACKGROUND**

The 20,170 square foot site slopes up from Cascade Drive at an average rate of 33%. The 1,534 square foot single-family residence was originally constructed in 1956 and had three bedrooms and 2 bathrooms and a 1 car garage below the second living space story of the residence. A two car garage is also located at the rear of the house attached to the upper living area of the home and accessed by a second gravel driveway that encroaches into a 10 foot wide public easement "alley" right-of-way.

## **DISCUSSION**

In early June of 2012, after receiving a complaint, the owners allowed staff to inspect the property and staff verified that the residence had been converted to two living units. After the inspection, staff notified the owners that the second living unit would either have to be abated or be legalized by the Planning Commission.

The owners are now applying for a use permit and an encroachment permit to legalize the second unit. Legalization will not require any additions to the existing structure because the unit was created by sheet rocking over the pocket door between the original kitchen and the living room of the residence and installation of a kitchenette in what was the living room. These improvements effectively converted the living room, bedroom and bathroom on the West side of the residence into a one bedroom 558 square foot living unit with its own separate entrance off of the front deck.

Approval of the second unit will require the approval of the following discretionary permits:

### **A Residential Second Unit Use Permit:**

#### **A Variance of the size limit:**

A Variance of the size limit: Town Code § 17.048.040(B) limits second units to 1-bedroom or studio units only not to exceed 700 square feet or 30% of the size of the main living unit whichever is more restrictive. However, the second unit shall not be less than 320 square feet in size. The main unit has two bedrooms, a kitchen, bath and living room and is 713 square feet in size. A unit that was only 30% of the size of the main unit would be 214 square feet which is less than the minimum 320 square foot size limit. The proposed unit is 1-bedroom and 558 square feet in size and requires an exception to the 30% of the size of the main unit since it is over 214 square feet. However, the size is still small enough to ensure the unit remains affordable.

**An Encroachment Permit:** Town Code § 12.28.030 indicates that it is unlawful for any person to obstruct any easement dedicated for public use. A portion of the access driveway to the two car garage at the rear of the residence encroaches into a 10 foot wide public easement "alley". The alley leads to a paper portion of Pine Drive which fronts a large 38 acre parcel owned by

Marin County Open Space and known as the Elliot Nature Preserve. The easement does not provide utility access to any privately owned parcels and will never be needed to provide private access to run sewer, water or power to a private building site. Also the topography of the northern portion of the easement is very steep and improving the area for public access would be very difficult if not impossible. However, if the driveway was to remain partially in the easement and the Open Space ever had to develop this area for public access improvements, the encroachment permit is revocable. Therefore, the staff is recommending that the Commission approve the requested encroachment.

### **Parking**

The Town Code requires that any property developed with a second unit must provide 1-space for the unit and all the required parking for the main unit on private property [Town Code § 17.048.040(D)].

Town Code § 17.052.030(A)(1) and (2) require that a single-family residence be provided with three parking spaces, and section 17.052.010(D) requires that one of the spaces be covered.

The site has three covered spaces, 1-space in the garage beneath the residence living space, a 2-spaces in the attached garage at the rear of the structure. The site accommodates the third guest parking space for the main residence in front of the 1-car garage. An additional 2 spaces are provided in the circular driveway. Therefore, the site provides parking that exceeds the code requirements.

### **Other Agency/Department Requirements (Exhibit B)**

#### **Marin County Environmental Health Department**

The property must pass a septic inspection by a qualified professional addressing the following:

1. The location of the septic tank, pump tank (if applicable), and the disposal field. A site plan providing this information and the parcel boundaries, structure footprints, and any nearby wells, springs, or watercourses must be provided. The number and dimensions of the leach lines must also be provided.
2. The tank material must be identified. If the tank is not constructed of approved materials a permit must be obtained from the Environmental Health Department and the tank must be replaced.
3. Verification that the tank has watertight risers and effluent filter.
4. Verification that the water level is at the expected level.
5. If the system is within 100 feet of the creek or other water body, the system must pass a hydraulic load test with a satisfactory rating.

6. Whether or not there are apparent signs of septic system malfunction or failure.

If the system does not pass the inspection, a permitted septic repair or replacement may be required (Exhibit B).

### **Marin County Parks Department**

The Parks Department does not have any concerns about the driveway remaining partially within the path area as long as they can still use the area and can require removal of the driveway in the future if they ever need to use the area.

### **Ross Valley Fire Department**

1. A fire suppression system will be required throughout the structure which requires a permit from the Ross Valley Fire Department.
2. An interconnected smoke detector system shall be installed in both units that comply with Ross Valley Fire Department requirements.
3. Carbon Monoxide alarms shall be installed throughout the building as required by the Building Code.
4. Address number shall be at least 4 inches tall must be placed adjacent to the front door. If not clearly visible from the street, additional numbers are required. Numbers must be internally illuminated, placed next to a light or be reflective.
5. An effective fire break must be maintained around the structure by removing and clearing all flammable vegetation and/or other combustible growth within the defensible space zone of 30 to 100 feet (see Ross Valley Fire Department Fire Protection Standard 220).

### **Marin Municipal Water District**

1. A connection fee must be paid to the Marin Municipal Water District (MMWD).
2. A High Pressure Water Service application must be submitted.
3. A copy of the building permit must be provided.
4. Fees and charges must be paid.
5. All the District's rules and regulations must be complied with including indoor and outdoor requirements of District Code Title 13, Water Conservation.
6. Compliance with the District's backflow regulations must be verified by a District Inspector.

## **Building Department**

The second unit will have to comply with building and housing codes.

## **Police Department**

The Fairfax Police Department had no comments.

## **RECOMMENDATION**

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve application # 13-3 based on the following findings and subject to the following conditions:

### **Recommended Findings**

1. Conversion of a portion of the residence to a second unit will not change the exterior of the structure and the site has more than the required number of parking spaces for the main residence and unit. Therefore, 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.
2. The legalization of the unit will not require any additional construction and will not increase the number of bedrooms in the residence. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
3. The Zoning Ordinance allows for the development of conforming second units throughout Fairfax's residential areas and the General Plan indicates that second units are to be encouraged because they provide affordable housing opportunities. Therefore, approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.
4. The proposed unit will comply with the requirements of the Ross Valley Fire Department and the Building Code. Therefore, said approval is in the public interest and will protect general health, safety and welfare of the community.

5. The 558 square foot size of the unit does not exceed the maximum 700 square feet or minimum of 320 square allowed by the Code and the unit is one bedroom as allowed by the Residential Second Unit Ordinance. Therefore, approval of the Unit Size Variance, exceeding the maximum of 30% of the original unit, is not granting the owners a privilege that is not enjoyed by other owners of properties with second units.
6. Other exceptions to the second unit size limitation have been granted by the Commission in the past (17 Vista Way, 35 Forrest Terrace, and 130 Mono Avenue to cite a few). Therefore, the variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.
7. The additional density and alteration of the use of the property will not change the parking patterns of the site or neighborhood and will not change the exterior of the existing structure in a manner that will change the character of the single-family residentially zoned neighborhood.
8. The Commission also finds that the unit is consistent with the following General Plan Policies:
  - General Plan Land Use Policy LU-8.1.2 which indicates that the Town shall permit construction of well-designed second units consistent with state law, zoning requirements and building codes, parking requirements and street capacity. The unit, after meeting the conditions of approval, will comply with all state and local codes. The site has three covered parking spaces in the garages, the required guest parking space in the driveway adjacent to the lower garage and three additional extra uncovered spaces in the two driveways and exceeds the required second unit parking.
  - General Plan Land Use Policy LU-8.1.3 indicates that the Town of Fairfax will limit the size of new second units maintain affordability. The proposed unit is a 558 square foot, 1 bedroom unit and the limited size and number of bedrooms will help to keep the unit affordable.

### **Recommended Conditions**

1. **Owner occupancy.** Either the primary residence or the second unit shall be owner-occupied.
2. **Construction and Fire Code compliance.**

All new construction (including structural modifications to existing facilities) shall conform to the requirements of the Uniform Building Code as currently adopted by the town. The owner shall obtain a building permit for the work that was un-permitted.

Existing facilities shall conform to the requirements of the Uniform Housing Code to assure minimum health and safety standards for the occupants of the structures.

A central smoke/fire detection system shall be installed in each primary and approved second unit, of a type acceptable to the local fire and building officials. The system shall provide simultaneous warning to residents of both units of a fire in either unit. The installation of smoke/fire detectors in each unit is required at all times; however, this requirement for a common wiring of detectors between units may be waived by the local fire and building officials if the system is deemed unnecessary.

3. **Utilities.** Adequate utility service shall be available for sewage, water, telephone, gas and electricity.

4. **Negative impacts.** The second unit shall not cause excessive noise, traffic/parking congestion or overloading of public facilities, nor change the character of the neighborhood.

5. **Metering requirements.** The main unit and the second unit shall be provided with separate meters. A statement shall be provided of how the utilities are to be metered.

6. **Sanitary service requirements.** If an existing septic system is to be utilized, the applicant must provide written confirmation from the Marin County Environmental Health Department that the existing sanitary system is adequate to handle the unit(s) it serves.

7. All conditions of agencies with jurisdiction over the project must be complied with unless that agency waives one or more of them in writing to the Town.

8. The owner must sign, notarize and record a "Revocable Encroachment Permit" at the Marin County Recorder's Office.

9. The owner must comply with all the required conditions of approval before the Residential Second Unit Use Permit will be in effect.

#### Ross Valley Fire Department

1. A fire suppression system will be required throughout the structure which requires a permit from the Ross Valley Fire Department.

2. An interconnected smoke detector system shall be installed in both units that comply with Ross Valley Fire Department requirements.

3. Carbon Monoxide alarms shall be installed throughout the building as required by the Building Code.

4. Address number shall be at least 4 inches tall must be placed adjacent to the front door. If not clearly visible from the street, additional numbers are required. Numbers must be internally illuminated, placed next to a light or be reflective.

5. An effective fire break must be maintained around the structure by removing and clearing all flammable vegetation and/or other combustible growth within the defensible space zone of 30 to 100 feet (see Ross Valley Fire Department Fire Protection Standard 220).

#### Marin County Environmental Health Department

The property must pass a septic inspection by a qualified professional addressing the following:

1. The location of the septic tank, pump tank (if applicable), and the disposal field. A site plan providing this information and the parcel boundaries, structure footprints, and any nearby wells, springs, or watercourses must be provided. The number and dimensions of the leach lines must also be provided.
2. The tank material must be identified. If the tank is not constructed of approved materials a permit must be obtained from Environmental Health Services Department and the tank must be replaced.
3. Verification that the tank has watertight risers and effluent filter.
4. Verification that the water level is at the expected level.
5. If the system is within 100 feet of the creek or other water body, the system must pass a hydraulic load test with a satisfactory rating.
6. Whether or not there are apparent signs of septic system malfunction or failure.
7. If the system does not pass the inspection, a permitted septic repair or replacement may be required (Exhibit B).

#### Marin Municipal Water District

1. A connection fee must be paid to the Marin Municipal Water District (MMWD).
2. A High Pressure Water Service application must be submitted.
3. A copy of the building permit must be provided.
4. Fees and charges must be paid.
5. All the District's rules and regulations must be complied with including indoor and outdoor requirements of District Code Title 13, Water Conservation.
6. Compliance with the District's backflow regulations must be verified by a District Inspector.



## **ATTACHMENTS**

Exhibit A – Applicant’s supplemental information

Exhibit B - Other agency/department comments

## Description of Proposed Use- Second Unit at 696 Cascade Drive

The proposed use of 696 Cascade Drive is to provide low-cost, affordable residential housing for individuals or couples who enjoy Marin Open Space land use and nature.

The dwelling had been redesigned and added to many years ago to include living space for a friend of the previous owner, such that both 'halves' of the dwelling had separate entry doors, living rooms, bedrooms, bathrooms and storage areas, but only one kitchen.

The proposed change is to simply fill in a pocket door between the living spaces and add a minimal kitchen to the northwestern of the two spaces consisting of a cooktop and sink. This change accommodates individuals and/or couples who may not even know each other living within one dwelling but with privacy. No additional construction or expansion is involved.

Hours of operation: 24 hours, 7 days a week residential.

Number of employees: none

Shifts: none

No special equipment is involved.

No customers or employees are involved, and the living areas are described in the floor plans.

Storage: Incidental storage for personal use only. No commercial or retail use of the property is permitted.

This usage will have no physical or economic impacts on adjacent properties. The owners believe that it is consistent with the Town's objectives and is similar in nature to many other properties in the Town and the Cascade neighborhood in particular.

**EXHIBIT #**     **A**

No special privilege is being requested or expected by the owners of the property applying for the permit. We believe that the Town is very interested in low-cost housing, and we find ourselves that the 696 Cascade proposed usage meets those needs in a legitimate way, and is adjacent to Open Space land that might not be readily available to low-income renters. Our tenants pay less than average prices, because we want to be both equitable and find trustworthy, responsible tenants. We treat all applicants with equal screening and background checking, but believe in non-discriminatory screening.

We don't believe that the adjacent properties will be affected at all by the proposed usage, since from the exterior one will not notice (even from a distance or up close) any change at all. The proposed changes will be entirely within the existing structure, and the number of tenants is not allowed to change very much at all because of that. We have had no complaints from our neighbors about any of our tenants or property use since we purchased it.

As far as we know, the proposed usage is very much within the objectives, goals and standards of the Town. We would not apply for this use permit if we believed otherwise. For example, we have spent thousands of dollars to obtain a survey, which seems to us to completely support our demonstration of the fact that our proposal meets the Town standards. We believe that there was recently a significant effort put forth by the Town to help provide affordable housing here, and we fully support that concept and the basis for the effort made by the Town.

PROJECT DESCRIPTION: Second Unit - 696 Cascade Dr.

- ① Fill in door between living spaces,
- ② Add small kitchen to one living space,

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	Approx. 200' x 100'	200' x 100'
Size of structure(s) or commercial space (square feet)	1497	1497
Height and No. of stories	19', 2 stories	19', 2 stories
Lot coverage	Approx. 10%	Approx. 10%
No. of dwellings units	04F	4UO
Parking <sup>1</sup> No. of spaces	3 covered, 2 uncovered	3, 2
Garages: Size of spaces	12 1/2' x 23', 2 @ 11' x 12'	12 1/2' x 23', 2 @ 11' x 22'
Uncovered	18' x 20'	18' x 20'
Amount of proposed excavation and fill	Excavation = None	Fill = None

Estimated cost of construction \$ 800.00

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?  
1. Gravel driveway in public road right-of-way,  
2. Gravel driveway in alley to 2-car garage.  
3. Sewer, electrical, water at south east property line

[Signature]  
 Signature of Property Owner

[Signature]  
 Signature of Applicant

Jan. 10, 2013  
 Date

Jan. 10, 2013  
 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	1497	1497
Living space square footage		
First floor	0	0
Second floor	1257	1257
Third floor	N/A	N/A
<b>Total</b>	1257	1257
Accessory structure square footages		
Sheds	240	240
Pool houses	N/A	N/A
Studios/offices	N/A	N/A
Second units	0	585 of 1257*
Miscellaneous (specify use)	none	none
<b>Total</b>	240	240
Square footage of impervious surfaces		
Walkways	298	298
Patios	Brick/sand 600	600
Impervious decks	0	0
Miscellaneous (specify use)	898 0	898 0
<b>Total</b>	898	898
Garage/carport square footages (specify type)	Garages 664	664

*\* Not actually an Accessory Structure, part of main.*

\* 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.

## Linda Neal

---

**From:** Mullin, Janet [Jmullin@marincounty.org]  
**Sent:** Tuesday, January 29, 2013 10:32 AM  
**To:** Linda Neal  
**Subject:** 696 Cascade Drive, Fairfax

Hello Linda,

Marin County EHS has reviewed the proposed legalization of the conversion of existing area in the residence to a second unit. The legal entitlement per the County tax record is three bedrooms. Even with the internal addition of a second unit, the total number of bedrooms remains at three. Therefore, EHS would look at the proposal as a "minor internal remodel".

EHS would find the project "acceptable as presented" based on a passing septic inspection by a qualified professional. The applicant can contact EHS (415-473-6907) for a list of professionals who typically work in Marin County. The professional's report must address the following:

1. Because EHS does not have a record of the existing septic system, the inspector will need to locate the septic tank, pump tank (if applicable), and the disposal field. A plot plan providing this information and also including parcel boundaries, structure footprints, and any nearby wells, springs, or watercourses must be submitted. Provide information regarding the number and dimensions (lengths and depths) of leach lines.
2. Identify the tank material (typically concrete or fiberglass). If the tank is not constructed of approved materials (e.g. redwood), EHS will require a permitted tank replacement.
3. Tanks are required to have watertight risers and effluent filter.
4. Indicate if the water level is at the expected level (invert of the outlet).
5. If the system is within 100 feet of a water body, the system must pass a hydraulic load test with a "satisfactory" rating.
6. Indicate whether or not there are apparent signs of septic system malfunction or failure.

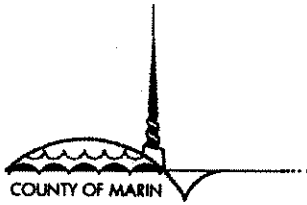
If the system does not pass the inspection, a permitted septic repair may be required.



*Janet Mullin, R.E.H.S.*  
Senior Environmental Health Specialist

County of Marin Environmental Health Services  
3501 Civic Center Drive, Suite 236  
San Rafael, CA 94903  
415-473-6273 Phone 415-473-4120 FAX  
[jmullin@marincounty.org](mailto:jmullin@marincounty.org)

Email Disclaimer: <http://marincounty.org/nav/misc/EmailDisclaimer.cfm>



COMMUNITY DEVELOPMENT AGENCY  
ENVIRONMENTAL HEALTH SERVICES  
MARIN COUNTY CIVIC CENTER  
3501 CIVIC CENTER DRIVE, ROOM 236, SAN RAFAEL, CA 94903  
(415) 473-6907 FAX: (415) 473-4120  
[www.marincounty.org/ehs](http://www.marincounty.org/ehs)

March 7, 2013

RECEIVED

Linda Neal, Senior Planner  
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930

MAR 12 2013

TOWN OF FAIRFAX

RE: 696 Cascade Drive, Fairfax APN 003-011-24

Dear Ms. Neal:

I reviewed your letter with attachments requesting Marin County's opinion on the property owner's right to utilize the easement west of the property line. I am in the well and septic program and my expertise in these matters is somewhat limited, so I took your letter to one of our planners who is a property description specialist. I have enclosed a copy of the Grant Deed with property description.

The planner indicated that based on "Exhibit One", the ten foot wide easement is not owned by the owners of 696 Cascade Drive and therefore, they would not have rights to develop the area, unless they acquired the property.

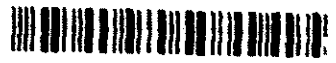
Regarding your request for information about recent or past use of the easement to access Open Space, I am also forwarding copies of your letter to Marin County Parks and Open Space.

Sincerely,

Janet Mullin, R.E.H.S.

c: Linda Dahl, Director and General Manager of Marin County Parks and Open Space.

encl: Grant Deed



2002-0090569

NOTHING REQUESTED BY:

Recorded	REC FEE	10.00
Official Records	TAX	687.50
County Of	SURVEY	10.00
Marin		
JOAN C. THAYER		
Recorder		
	SI	
02:38PM 11-Oct-2002	Page 1 of 2	

5.

When Recorded Mail Document  
and Tax Statement To:  
Mr. and Mrs. Brian Jones  
696 Cascade Drive  
Fairfax, CA 94930

APN: 003-011-18 & 17

GRANT DEED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned grantor(s) declare(s)  
Documentary transfer tax is \$687.50

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- Unincorporated Area City of Fairfax

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Winifred C. Valens, A Married Woman as Sole and Separate Property

hereby GRANT(S) to Brian Jones and Therese Jones, husband and wife, as joint tenants

the following described real property in the City of Fairfax  
County of Marin, State of California:  
SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

DATED: October 9, 2002

STATE OF CALIFORNIA  
COUNTY OF Marin

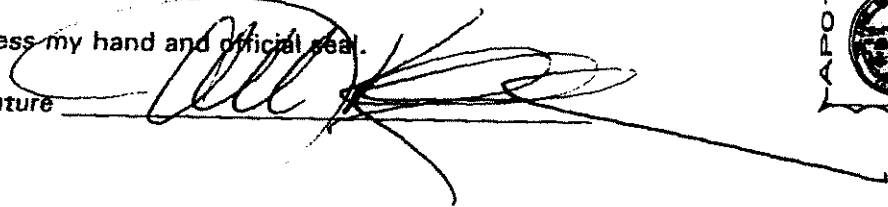
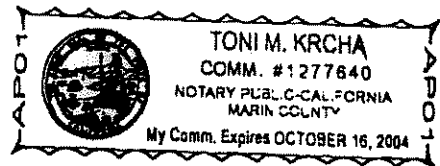
ON 10/10/02 before me,  
Toni M. Krcha personally appeared  
Winifred C. Valens

Winifred C. Valens  
Winifred C. Valens

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature

MAIL TAX STATEMENTS AS DIRECTED ABOVE



## EXHIBIT ONE

### PARCEL ONE:

LOTS M, N, O, P and 13, in Block No. 10, as said lots and blocks are described and delineated upon a Map entitled "Map No. 1 of the Cascades Estates", filed for record May 24, 1926 in Book 5 of maps at page 42.

### PARCEL TWO:

BEGINNING at the Northeast corner of Lot N, Block 10, as shown on said map, thence North  $29^{\circ}40'$  East 103.00 feet to the Northerly line of Lot 11; thence North  $29^{\circ}10'$  West 29.415 feet to the Northeast corner of Lot 13; thence Southerly along the Easterly line of said Lot 13, 118.12 feet to the Northeast corner of Lot O; thence Easterly along the Northerly line of Lot N, 25 feet to the point of beginning.

### PARCEL THREE:

BEGINNING at the Southwest corner of Lot M, Block 10, map above referred to, thence North  $29^{\circ}40'$  East 201.19 to the Northerly line of Lot 11, map above referred to; thence South  $29^{\circ}10'$  East 29.02 feet to the most Northwest corner of Lot 9, map above referred to; thence leaving said corner and running South  $29^{\circ}40'$  West 190.28 feet to the Southeast corner of Lot M, map above referred to; thence North  $50^{\circ}46'$  West 25.3 feet to the point of beginning.

**Linda Neal**

---

**From:** Sanford, Brian [BSanford@marincounty.org]  
**Sent:** Wednesday, April 24, 2013 3:23 PM  
**To:** Linda Neal  
**Subject:** RE: Fairfax Scanner

That is correct. Sorry for the confusion.  
Thanks

-----Original Message-----

**From:** Linda Neal [<mailto:lneal@townoffairfax.org>]  
**Sent:** Wednesday, April 24, 2013 2:57 PM  
**To:** Sanford, Brian  
**Subject:** RE: Fairfax Scanner

Hi Brian,

Just so I am clear, the County does not oppose the Town granting a revocable encroachment permit to allow the driveway to remain where it is as long as the County still retains the right to use the path for its own purposes and to require the owners to remove the driveway from the path in the future should the need arise.

Correct?

Thanks  
Linda

-----Original Message-----

**From:** Sanford, Brian [<mailto:BSanford@marincounty.org>]  
**Sent:** Wednesday, April 24, 2013 1:51 PM  
**To:** Linda Neal  
**Cc:** Szawarzenski, Carl; Golan, Ari; Paolini, Ronald  
**Subject:** FW: Fairfax Scanner

Ms. Neal,

After speaking with James Raives, I have decided that we would still want rights (revocable encroachment permit) to use the driveway. Thank you.

Brian Sanford  
SUPERINTENDENT

Marin County Parks  
3501 Civic Center Drive. Suite 260  
San Rafael, CA, 94903  
415 473 7473 T  
415 473 7192 F  
[BSanford@co.marin.ca.us](mailto:BSanford@co.marin.ca.us)  
[www.marincountyparks.org](http://www.marincountyparks.org)

Follow us on Facebook and Twitter

-----Original Message-----

From: Linda Neal [mailto:lneal@townoffairfax.org]  
Sent: Wednesday, April 24, 2013 9:17 AM  
To: Sanford, Brian  
Subject: FW: Fairfax Scanner

Hi Brian,

James Raives suggested I contact you regarding the attached project. The owners are trying to legalize a second unit that has been created within an existing building. No construction is proposed except for installation of a second kitchen. We ran into trouble when they obtained a survey which showed that the driveway to their garage, which has existed and been in use since the construction of the house in 1956, turned out to be partially located with a 10 foot wide possible public path easement. We were going to process the application including a revocable encroachment permit for the small portion of the driveway in the path when one of our Planning Commissioners became concerned that Marin County which maintains the Elliot Nature Preserve, might be opposed to the approval of the revocable encroachment permit because it might limit their future use of the path.

We hope that the County, who rumor has it used to use the same driveway to access a water tank that has since been removed, will not be opposed to the granting of the encroachment permit. It is a revocable permit that gets recorded at the Recorder's Office so that in the future, if any agency or other entity that has a legal right to use the path is unable to use it due to the existence of the driveway, the permit can be revoked. I have attached maps and drawings that should help you assess the situation and get back to me with the County's position on the matter.

Call me if you have any questions.

Linda Neal  
Senior Planner

-----Original Message-----

From: Linda Neal  
Sent: Tuesday, April 23, 2013 10:38 AM  
To: 'JRAIVES@MARINCOUNTY.ORG'  
Subject: FW: Fairfax Scanner

Dear Mr. Raives,

The Town of Fairfax Planning Department sent the attached letter dated March 4, 2013 to your department and has yet to receive a response regarding the pathway easement adjacent to the residence at 696 Cascade Drive. Does the Marin County Parks Department have any objection to the owners continuing to keep their driveway in its current location, partially within the path easement where it has existed since the homes construction in 1956?

They are requesting an encroachment permit to legalize the driveway in its currently location.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Linda Neal  
Senior Planner

-----Original Message-----

From: [Copier@townoffairfax.org](mailto:Copier@townoffairfax.org) [mailto:[Copier@townoffairfax.org](mailto:Copier@townoffairfax.org)]

Sent: Tuesday, April 23, 2013 11:38 AM

To: Linda Neal

Subject: Fairfax Scanner

Scanned image from scanner

Email Disclaimer: <http://marincounty.org/nav/misc/EmailDisclaimer.cfm>



Ross Valley Fire  
Department  
777 San Anselmo Ave  
San Anselmo, Ca 94960  
Ph. 415-258-4686

### FIRE DEPARTMENT PLAN REVIEW

PROJECT: Residence  
ADDRESS: 696 Cascade  
Fairfax CA, 94930

Page: 1 of 3  
Date: 02/06/2013  
Reviewed by: Rob Bastianon  
(415) 258-4673

TYPE OF REVIEW: Planning  
Bldg. Dept. 01/14/13

E-mail: [Rbastianon@rossvalleyfire.org](mailto:Rbastianon@rossvalleyfire.org)

Fire Dept. # 13-0015

Review No. 1

Fire Department Standards can be found at: [www.rossvalleyfire.org](http://www.rossvalleyfire.org)

Applicant\*: Planning Dept  
Address:

**\*Applicant is responsible for distributing these Plan Review comments to the Design Team.**

Occupancy Class: R-3	Fire Flow Req: 1000 GPM	Sprinklers Required: YES
Type of Construction: V-B	On-site Hyd. Req: NO	Fire Alarm Required: NO
Bldg Area: sqft:	Turnout Req: NO	Permits Required: Sprinkler
Stories: 2+	Fire Flow Test Required: NO	
Height: +ft.	Wildland Urban Interface: NO	

The project listed above has been reviewed and determined to be:

- APPROVED (no modifications required)
- COMPLETE AS NOTED (minor modifications required - review attached comments)
- NOT APPROVED (revise per attached comments and resubmit)
- INCOMPLETE (provide additional information per attached comments and resubmit)

**NOTE:** Please review the comments and make corrections and/or add notes as required. Changes and/or additions shall be clouded and referenced by date on a legend. Approval of this plan does not approve any omission or deviation from the applicable regulations. Final approval is subject to field inspection. Approved plans shall be on site and available for review at all times.

ROSS VALLEY FIRE DEPT.  
REVIEWED  
DATE: 2/6/13

Inspections required:

- Access/Water Supply prior to delivery of combustibles
- Defensible Space/Vegetation Management Plan
- Sprinkler Hydro/Final
- Final



Ross Valley Fire  
Department

777 San Anselmo Ave  
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Bldg. Dept. 01/14/13 Fire Dept. # 13-0015

Review No. 1

*Fire Department Standards can be found at: [www.rossvalleyfire.org](http://www.rossvalleyfire.org)*

ITEM #	SHEET	COMMENTS	Corr. Made
1		A fire sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and /or design-build sprinkler systems. <b>Requirement shall be noted as deferred submittal on plans submitted for permit.</b>	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
2		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 sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
3		Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition exceeds one thousand dollars. CO alarms shall be located outside of each dwelling unit sleeping are in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit including basements.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
4		Address numbers at least 4" tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed to a light or be reflective numbers. If your project is a new house or substantial remodel, they may only be internally illuminated or illuminated an adjacent light controlled by a photocell and switched only by a breaker so it will remain illuminated all night. If not currently as described, they must be installed as part of this project.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
5		Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth within the defensible space zone of 30-100 feet. Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan is available online @ <a href="http://Rossvalleyfire.org">Rossvalleyfire.org</a> to assist the applicant in meeting the	



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777 San Anselmo Ave  
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Page: 3 of 3  
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TYPE OF REVIEW: Planning  
Bldg. Dept. 01/14/13 Fire Dept. # 13-0015  
E-mail: [Rbastianon@rossvalleyfire.org](mailto:Rbastianon@rossvalleyfire.org)  
Review No. 1  
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ITEM #	SHEET	COMMENTS	Corr. Made
		minimum defensible space requirements.	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	

*If re-submittal is required, all conditions listed above shall be included in revised drawings.  
Fire and life safety systems may require a separate permit. Fire permits may be noted as deferred.*



Ross Valley Fire Department  
777 San Anselmo Avenue, San Anselmo, CA 94960

Roger Meagor  
FIRE CHIEF

# Memo

**To:** Linda Neil, Senior Planner

**From:** Rob Bastianon, Fire Inspector

**Date:** 3/22/2013

**Re:** 696 Cascade Dr, Fairfax

The Ross Valley Fire Department has reviewed the request for a revocable encroachment permit. This easement may be used during emergency operations to gain access to the structure and the wild lands beyond. Any use of this easement shall not restrict operations during an emergency.

Committed to the protection of life, property, and environment.  
SAN ANSELMO • FAIRFAX • SLEEPY HOLLOW

HEADQUARTERS: 777 San Anselmo Avenue, San Anselmo, CA 94960 TEL: (415) 258-4686 FAX: (415) 258-4689 [www.rossvalleyfire.org](http://www.rossvalleyfire.org)





# MARIN MUNICIPAL WATER DISTRICT

220 Neellen Avenue Corte Madera CA 94925-1169

January 28, 2013 [www.marinwater.org](http://www.marinwater.org)  
Service No. 32183

RECEIVED  
JAN 29 2013  
TOWN OF FAIRFAX

Linda Neal  
Town of Fairfax Planning Dept  
142 Bolinas Rd  
Fairfax CA 94930

RE: **WATER AVAILABILITY** – Second Unit - Attached  
Assessor's Parcel No.: 003-011-24  
Location: 696 Cascade Dr., Fairfax

Dear Ms. Neal:

There has not been a water entitlement established for the proposed second living unit. Although the parcel is currently supplied, the purpose and intent of existing Service No. 32183 is to serve a single family dwelling. Payment of a connection fee is required prior to granting (legalizing) water service to the second unit. The installation of a separate meter for the second unit is optional. Water service required for the second unit will be available upon request and fulfillment of the requirements listed below.

1. Complete a High Pressure Water Service Application.
2. Submit a copy of the building permit.
3. Pay appropriate fees and charges.
4. Comply with the District's rules and regulations in effect at the time service is requested.
5. Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Plans shall be submitted, and reviewed to confirm compliance. The following are required:
  - Verification of indoor fixtures compliance
  - Landscape plan
  - Irrigation plan
  - Grading planAny questions regarding District Code Title 13 – Water Conservation should be directed to Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at [www.marinwater.org](http://www.marinwater.org).
6. Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559.

If you have any questions regarding this matter, please contact me at (415) 945-1531.

Sincerely,

Joseph Eischens  
Engineering Technician

JE: mp

cc: Town of Fairfax Building Dept

**Linda Neal**

---

**From:** Stanley Graham [sgraham@marinwater.org]  
**Sent:** Wednesday, March 20, 2013 2:18 PM  
**To:** Linda Neal  
**Cc:** Joseph Eischens; Jon LaHaye; Paul Morrison  
**Subject:** 696 Cascade Drive, Fairfax, CA - APN 003-011-24  
**Attachments:** Graham, Stanley.vcf

Linda,

In reference to your letter dated march 4, 2013, our Engineering staff has confirmed that MMWD has neither any current nor future interest in the lane located along the western border of the subject property.

If you have any questions, please give me a call.

Sincerely,

STANLEY GRAHAM  
Real Property Agent

Marin Municipal Water District  
220 Nellen Avenue  
Corte Madera CA 94925  
Office 415-945-1584  
FAX 415-945-1599

[sgraham@marinwater.org](mailto:sgraham@marinwater.org)  
[www.marinwater.org](http://www.marinwater.org)

ATTN: SERGEANT STUART BAKER

TOWN OF FAIRFAX  
DEPARTMENT OF PLANNING AND BUILDING SERVICES

142 Bolinas Road, Fairfax, California 94930  
Phone (415) 453-1584 FAX (415) 453-1618

LETTER OF TRANSMITTAL

From: Fairfax Planning and Building Services Department

Date: January 17, 2013

To:  Town Engineer  Fairfax Police Dept.  Marin County Open Space Dist.  
 Town Attorney  Sanitary Dist. 1  Other – Building Official  
 MMWD  Public Works Dept. Marin County Environmental Health  
 Ross Valley Fire  Marin County Health Dept.

Address and Parcel No: 696 Cascade Drive; Assessor's Parcel No. 003-011-24

Project Description: legalization of the conversion of 585 square feet of an existing 1,257 square foot single-family residence into a residential second living unit.

These plans are being transmitted for review either: a) prior to public hearings on discretionary permits before the Fairfax Design Review Board and Planning Commission; or, for review prior to issuance of a building permit. Please provide your comments on the completeness and adequacy of the submittal for your agencies reviewing purposes within 10 days.

1	12/19/12	Survey by Bradley Thomas, surveyor, page 1 of 1
1	Received 1/14/13	Preliminary development plans drawn by Brian Jones, owner

REMARKS No PD CONCERNS. (Signature)

Please respond by January 31, 2013. Thanks

If you have any questions please contact: Linda Neal, Senior Planner

Attn: Mark Eickaby, Building, Official & Public Works Manager  
**TOWN OF FAIRFAX**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
 142 Bolinas Road, Fairfax, California 94930  
 Phone (415) 453-1584 FAX (415) 453-1618

**LETTER OF TRANSMITTAL**

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**Date: January 17, 2013**

- To:  Town Engineer       Fairfax Police Dept.       Marin County Open Space Dist.  
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1	Received 1/14/13	Preliminary development plans drawn by Brian Jones, owner

**REMARKS** SECOND LIVING UNIT WILL REQUIRE CONFORMANCE WITH CURRENT CODES, SUCH AS AREA SEPARATION, GFCI'S ETC.  
 Please respond by January 31, 2013. Thanks

If you have any questions please contact: Linda Neal, Senior Planner