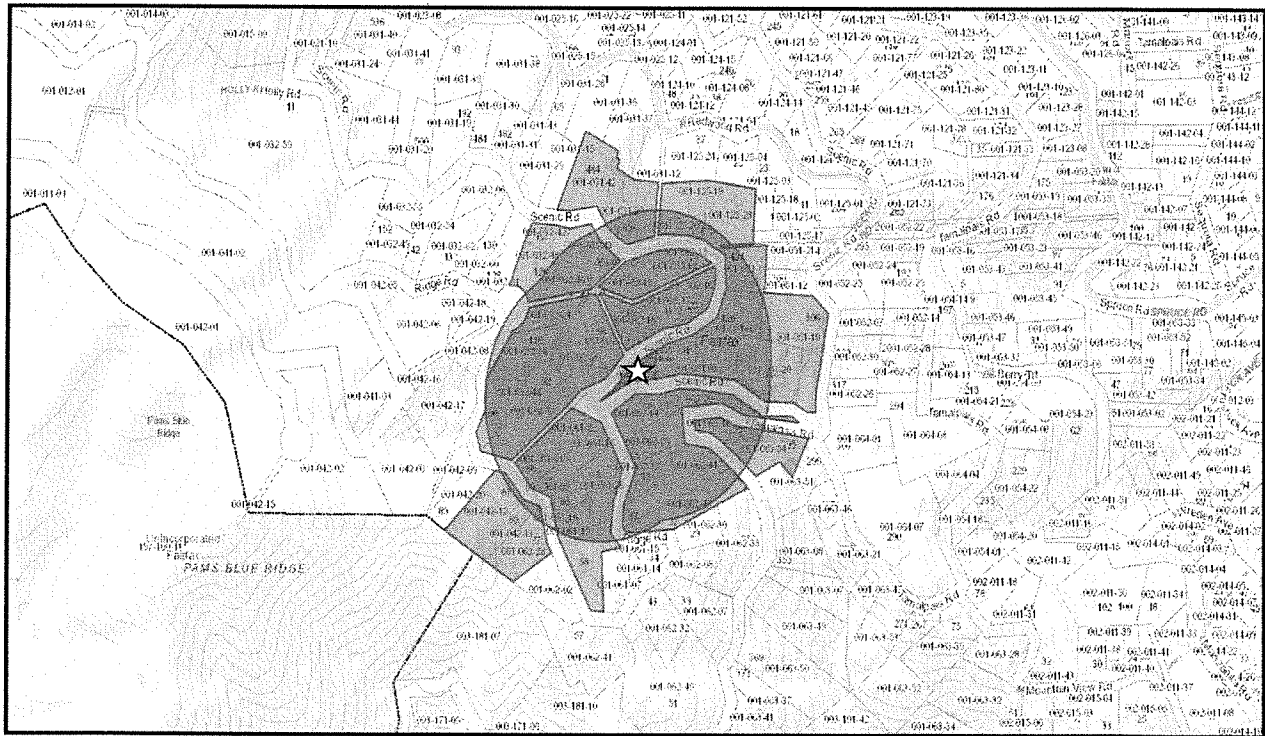


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: July 18, 2019
FROM: Linda Neal, Principal Planner
LOCATION: 402 Scenic Road; Assessor's Parcel No. 001-051-22
PROJECT: Legalization of an addition/remodel and construction of exterior stairway, shower and deck
ACTION: Conditional Use Permit, Setback Variances, Design Review Permit and Parking Variance; Application # 19-09
APPLICANT: Leo den Ouden, Architect
OWNER: Mathew and Jennifer MacDonald
CEQA STATUS: Categorically exempt, §15301(e)(2)(A)



402 SCENIC ROAD

BACKGROUND

The approximately 4,996 square-foot project site is surrounded on 3 sides by Scenic Road. It is very irregularly shaped, made up of 2 parcels and has an average slope of 58%. The site was originally developed with a 700 square-foot, 2 bedroom, 1 bathroom residence in 1961.

A Use Permit, Setback Variances and a Lot Coverage Variance were granted by the Planning Commission in 2014 to allow the carport on the property to be expanded and rebuilt. The plans approved by the Planning Commission did not include a storage room in the area beneath the carport. The storage room was added to the plans submitted to the Fairfax Building Department and a building permit was issued to the owners for the project in 2015 without review by Planning.

The house has been expanded into a 1,070 square-foot, 2 bedroom, 2 bathroom structure. There are no records indicating when the residence was expanded. Given the records that exist for the permitted work, it is clear that the expansion was done without the required planning and building permits.

In 2018, the owners purchased the property to the west and merged it with their developed site into one tax assessment parcel. Staff is in the process of legally merging the sites into one legal parcel under the Subdivision Map Act Regulations, which is why the project does not need to include a side yard setback variance for the proposed western exterior stairs.

DISCUSSION

The applicants are now applying for an after-the-fact Conditional Use Permit, Parking Variance, and Rear and Combined Front/Rear Setback Variances to legalize the unpermitted work and to construct a proposed deck off the lower floor addition beneath and extending the same distance into the rear yard as the existing upper deck. The proposed rear deck would include a narrow walkway deck that extends to the western end of the rear of the carport, to provide access to the storage room beneath the carport and to a new western exterior side stairway leading up to the front of the site. The existing temporary stairway constructed by the contractor who rebuilt the carport to aid in the construction process would be removed as would the access doorway and small roof overhang to the lower level on the east side where the unpermitted bathroom has been constructed.

The storage room that has been added contains 138 square feet, the bedroom and bathroom lower floor addition contains 370 square feet. The proposed lower floor deck would be 425 square feet and include an outdoor shower and stairway to grade on the east side and a narrower 4 ft. wide section that extends westerly along the rear of the carport to provide access to the storage room beneath the carport. What was previously the second bedroom in the residence, on the upper floor, has been

converted into an office/den with the removal of the closet, construction of a built-in wall-to-wall desk and shelving.

The project complies with the Residential Single-family RS-6 Zoning regulations as follows:

	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.	.40	.35	35 ft., 3 stories
Existing	5.5 ft.	4 ft.	9.5 ft.	10 ft. & 3 ft.	13 ft.	.14	.22	21 ft., 2 stories
Proposed	No change	No change	No change	No change	No change	.24	No change	no change

The project requires the approval of the following discretionary permits:

Conditional Use Permit

Town Code § 17.080.050 requires that a Conditional Use Permit or a Hill Area Residential Development Permit be obtained prior to any physical improvement on a property that does not meet the minimum size requirements based on the site slope.

The purpose of the hill area residential overlay zone is to provide review of and standards for development proposed for undeveloped land in hill areas. It is the intent of this chapter to accomplish the following: Encourage maximum retention of natural topographic features, minimize grading in hillside areas, provide safe means for ingress and egress, minimize water run-off and soil erosion, prevent loss of life, injury and property damage and to ensure infill development is of an appropriate size and scale.

In determining whether a project will require either a Conditional Use Permit or a Hill Area Residential Development Permit (HRD), staff evaluates the impacts of the project on the site. If a project involves substantial excavation or includes expansion into areas of the site not already developed or modified, staff might require the applicant go through an HRD process instead of the Conditional Use Permit process. In this case, the additional living space was created within the footprint of the pre-existing structure and required no excavation. The proposed deck and stairs are located in areas of the site already affected by the original construction.

This property has a 58% slope and would have to be 49,000 square feet in size to meet the minimum size requirements [Town Code §17.080.050(C)]. Therefore, the project requires the approval of a Conditional Use Permit.

The existing conversion of a portion of the lower enclosed subfloor area to a master bedroom and bathroom, and new construction of the interior and exterior western stairways, will not change the single-family residential character of the site. The

existing second bedroom on the second floor has been converted into an office/den by the removal of the closet and installation of a desk and shelving system. Therefore, legalization of the remodel/addition will not increase the number of adults that legally inhabit the house beyond the (hypothetical) 4 adults it could accommodate prior to the unpermitted work.

The resulting house is similar in size to other residences on comparably-sized properties in the immediate neighborhood of the Fairfax Manor Subdivision. The site is bounded on 3 sides by Scenic Road. The side of the addition facing to the only adjacent residence (to the east at 408 Scenic Road) has one window, into the bathroom. Since the 408 Scenic house is located at the top of its site, the bathroom window looks into the steep rear yard at 408 Scenic, so the additions have/will have only a minimal impact on the adjacent property.

402 Scenic Rd. – COMPARABLE HOUSE NEIGHBORHOOD HOUSE SIZES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
001-051-04	408 Scenic	3750	1040	1	1	0	.28
001-051-03	412 Scenic	4000	990	2	2	0	.25
001-051-12	300 Scenic	5000	1065	4	2	0	.21
001-052-07	305 Scenic	6050	2665	4	3.5	0	.44
001-052-26	317 Scenic	7420	1419	2	2	0	.19
001-061-16	2 Ridge	4500	1152	2	1	0	.26
001-061-15	34 Ridge	3600	1172	2	2	216	.33
001-061-14	38 Ridge	2400	1248	3	2	360	.52
001-062-26	9 Ridge	5225	1078	2	1	0	.21
001-062-12	13 Ridge	5500	896	3	1.5	0	.16
001-062-30	29 Ridge	7150	1200	2	1	0	.17
001-062-08	35 Ridge	7200	1080	2	2	0	.15
001-032-43	457 Scenic	7125	1700	3	2	460	.24
001-032-17	411 Scenic	4000	1756	3	3	0	.44
001-032-15	435 Scenic	2400	1118	2	2.5	0	.47
001-032-14	12 Park	4000	760	2	1	0	.19
001-031-31	482 Scenic	5500	1680	4	2	0	.31
PROJECT SITE							
001-051-22	402 Scenic	4996	1208	2	2	0	.24

Parking Variance

The project constitutes a 50% remodel due to size of the bedroom/bath and storage additions, and the installation of the interior access stairway connecting the lower floor to the upper great room (which includes the living area, dining area, and kitchen for the residence. Town Code §17.016.040(B)(1) and (2) defines a 50% remodel as project affecting/expanding a structure by more than 50%; or, a project that results in the addition of a bedroom and/or including changes to a structure affecting walls, columns, beams, girders, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components that affect 50% or more of the structure. Town Code § 17.016.040(C) goes on to indicate that 50% or more remodel/expansions can

occur if the parking on the site is either brought into compliance with the current parking regulations, or a variance from those parking requirements is granted by the Planning Commission.

The site currently only accommodates two 9 ft. by 19 ft. standard parking spaces in the carport and the applicants are requesting a variance from the requirement that they provide three 9 foot by 19 foot spaces [or 22 feet in length if the space is parallel to a structure or to the street – Town Code §17.052.040(B)(2)].

An additional third space could be provided in one of two ways: construction of an additional parking deck west of the existing parking deck; or by the construction of a retaining wall along the frontage of the property to create a 9-foot by 22-foot space within the right-of-way adjacent to the paved portion of Scenic Road. Both these options would result in a significant disturbance to the site and significant hardship for the owner, which is contrary to policies contained in the 2010 – 2030 Fairfax General Plan, which indicates that hillside disturbance should be minimized and that traffic and parking concerns related to new and renewed development shall be addressed in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity (General Plan Policies LU-7.2.2 and LU-7.2.3).

Staff visited the site and took measurements of the driveway area in front of the carport and believes that the 3rd guest parking space can be accommodated, and findings can be made to support a variance, to have an 8 ft.19 ft. compact space in the driveway parallel to the front of the carport, if a variance is granted to allow 2 of the required spaces to be compact stalls. This would require a variance to allow one of the main parking spaces in the carport to be compact, and to allow the third guest parking space to be a compact space and in tandem with (in front of) both the main parking spaces for the residence (Attachment B shows a site plan showing parking plan with 2 compact spaces). The code sets the minimum size for parking at 9 ft. by 19 ft. and allows the guest space to be in tandem with only one of the on-site parking spaces [Town Code §17.052.040 (C) and (E)].

Rear, Minimum Side and Combined Front/rear Setback Variance

The project includes the addition of a lower deck, exterior shower, and stairway on the south side of the residence and legalization of the bedroom and bath constructed in the southeast, lower corner of the structure. The proposed deck would be the same depth as the upper deck and would be 425 square feet in size, maintaining the same 4-foot rear setback as the existing upper level rear deck. The bedroom/bath addition are located 3 feet from the east side property, 2 feet within the required 5 foot side yard setback, and 13 feet from the rear property line, 3 feet within the combined front-rear setback.

Town Code § 17.080.070(B)(1) requires that a minimum rear setback of 12 feet and a combined front/rear setback of 35 feet and Town Code § 17.080.070(B)(2) requires

a minimum side-yard setback of 5 feet be maintained by all structures on sloped properties in the Residential Single-family RS-6 Zone District.

The proposed deck requires the approval of a minimum rear setback variance and a combined front/rear setback variance, because it would only maintain a rear setback of 4 feet and a combined front/rear setback of 11 feet.

The property already has a large 332 square-foot upper deck that provides a substantial amount of usable outdoor space for this property. The proposed 425 square-foot lower deck seems excessive and it extends into the required 12-foot rear setback maintaining a rear setback of 4 feet the same as the existing deck above that was originally built in the 1960's when the rear setback requirement was only 3 ft.

Staff is unable to make findings for such a large deck to be constructed within the minimum required 12-foot rear setback area when there is usable level outdoor space on the upper deck and in the small front yard area of the property. Staff is recommending as a condition of approval that the plans submitted for a building permit be modified to only include a small access deck off the back of the carport structure to access the storage area beneath the garage and that the larger portion of the proposed deck, off the lower bedroom and the outdoor shower, be removed. The revised rear deck being recommended by staff to extend only along the rear of the carport structure, would maintain a 14 ft. rear setback in compliance with the minimum rear setback requirements but would still require a combined front/rear setback variance to maintain a combined front/rear setback of 21 feet instead of the required 35 foot combined front/rear setback [Town Code § 17.080.070(B)(A)]. Staff can make findings to support a combined front/rear setback variance for this portion of the deck, as it is the only way to provide access to the storage area. The house is small with very little storage space and the request for additional storage space in the unused area beneath the attached carport is reasonable.

The bedroom and bathroom addition constructed in lower southeast corner of the building only maintains a side-yard setback of 3 feet and a combined front/rear setback of 32 feet but is located within the footprint of the existing original structure. Legalization of this addition complies with 2010-2030 Fairfax General Plan policies that indicate that undisturbed portions of the hillside areas should remain undisturbed. Expansion of the living space within the footprint of an existing structure and requiring no excavation is in keeping with these general plan policies.

Design Review Permit

The project requires a design review permit because it constitutes a 50% remodel and Town Code § 17.020.030(A) requires that project constituting 50% remodels obtain design review approval from the Planning Commission. In reviewing a project for a design review approval the Commission is required to find that the project complies with the design review criteria contained in Town Code § 17.020.040 which include that the project will result in a well composed design that relates harmoniously to other

structures in the vicinity and be of a quality and character that will protect the value of public and private investments in the immediate vicinity.

The staff is not supporting the addition of the second large deck on the south side and lower level of the structure for the reasons described above. The smaller access deck we are recommending that will be minimal and only provide access via a stairway on the western side of the carport to the storage room below the carport, will add articulation to the exterior of the structure while also maximizing the combined front/rear setback maintained by the western portion of the residence. The windows that have been added to the south and east sides of the lower floor also add articulation to the structure and present an architectural façade similar to that of the neighboring residence at 408 Scenic Road. Therefore, the project complies with the design review criteria.

OTHER AGENCY/DEPARTMENT COMMENTS/CONDITIONS

Ross Valley Fire Department (RVFD)

RVFD submitted written requirements which have been incorporated into conditions of approval in the attached resolution and are summarized as follows:

All vegetation and construction materials are to be maintained away from the residence during construction, a fire sprinkler system shall be installed throughout the entire building, smoke detectors shall be installed throughout the entire building and be provided with AC power and be interconnected for simultaneous alarm, carbon monoxide alarms shall be provided outside each sleeping area in the immediate vicinity of the bedrooms and address numbers at least 4 " tall visible from the street and internally illuminated or illuminated by and adjacent light controlled by a photocell and switched off only by a breaker so it will remain illuminated all night.

Marin Municipal Water District (MMWD)

MMWD submitted written requirements which have been incorporated into conditions of approval in the attached resolution and are summarized as follows:

All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with, any landscaping plans must be reviewed and approved by the District, backflow prevention requirements must be met and Ordinance 420, requiring installation of grey water recycling system when practicable, must be incorporated into the project building permit plans or an exemption letter from the District must be provided to the Town, all of the District's rules and regulations if effect at the time service is requested must be complied with.

Ross Valley Sanitary District

Ross Valley Sanitary District submitted written requirements which have been incorporated into the conditions of approval in the attached resolution and are summarized as follows:

The condition of the sewer lateral must be evaluated, the lateral capacity will be evaluated depending on the fixture count calculated during the building permit process, the lateral shall be tested in the presence of the District Inspector who determines if it meets current District requirements or a new lateral must be installed, the project must comply with the District Ordinance 90 relating to sewer connection fees and sewer permit fees and the District will not final the building permit until the District requirements are fulfilled.

Fairfax Police, Public Works and Building Departments

The Fairfax Police, Public Works and Building Departments had no comments on or conditions for the project.

RECOMMENDATION

Conduct the public hearing. Move to approve application # 19-09 as amended to by adopting Resolution No. 2019-10 setting forth the findings and conditions for project approval.

ATTACHMENTS

Attachment A – Resolution No. 2019-10
Attachment B – proposed parking plan
Attachment C- Applicant's supplemental information

RESOLUTION NO. 2019-10

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit, Design Review Permit, Combined front/rear and Minimum Side-yard Setback Variance and Parking Variance for a 370 Square-foot Bedroom/Bathroom, 138 Square-foot Storage Room and an approximately 105 Square-foot Access Deck at 402 Scenic Road

WHEREAS, the Town of Fairfax has received an application from Matthew and Jennifer MacDonald for a Conditional Use Permit, Design Review Permit, Parking Variance and Combined Front/Rear Setback Variance to legalize an unpermitted 370 square-foot, lower floor bedroom/ bathroom addition and to obtain planning permits for a 138 square-foot storage room built with a building permit but without required Planning Commission approval. The submittal included a proposal for a 363 square-foot, lower floor deck and exterior shower which staff is unable to support, so this resolution includes conditions that require the project to be revised to include only a 105 square-foot access deck to the storage area beneath the carport.

WHEREAS, the Planning Commission held a duly noticed Public Hearing on July 18, 2019 at which time all interested parties were given a full opportunity to be heard and to present evidence; and

WHEREAS, based on the plans dated 5/16/19, prepared by Leo den Ouden, Architect, pages A-1 and A-2, modified to eliminate the 363 square-foot deck shown along the entire rear of the residence and replace it with a 105 square-foot deck that only provides access to the storage area beneath the carport, the Planning Commission has determined that the applicants have met the burden of proof required to support the findings necessary for the project's requested discretionary Use Permit, Combined Front/rear and Minimum Side-yard Setbacks and Parking Variance as long as certain conditions that are listed below, are met; and

WHEREAS, the Planning Commission has made the following findings:

The project conforms to the following 2010-2030 Town of Fairfax General Plan Policies:

Policy LU-7.1.5: New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size and mass.

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

Policy LU-7.2.3: Traffic and parking concerns related to new and renewed development shall be addressed in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity.

Conditional Use Permit

1. The 508 square-foot bedroom/bathroom/storage room addition and 105 square-foot storage room access deck are similar in size, mass, design and location on the site to other residential structures in the Scenic Road neighborhood, 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 project will not exceed the Floor Area Ratio or Lot Coverage limitations, will comply with the RS-6 Zone District setback requirements except for the combined front/rear setback which the existing house already does not comply with and the additional living space will maintain a setback from the only adjacent residence at 408 Scenic Road of 14 feet and has only one window facing that property. Therefore, the development and use of the property as approved 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. 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 the 2010 to 2030 Fairfax General Plan and Zoning Ordinance, Title 17 of the Fairfax Town Code.
4. Approval of the use permit will maintain the remainder of the site in its natural state requiring no significant excavation and/or removal of trees or vegetation and will provide the owners with additional living space and storage that is not available on the remainder of the site with its 58% slope. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

Front/rear, Minimum Side-yard Setback and Parking Variances

5. Because of special circumstances applicable to the property, including the small, 4,996 square-foot size, its elongated, somewhat triangular shape, 58% slope and the fact that it is surrounded on three sides by Scenic Road and shares only one property line with another developed residential property, the strict application of both the combined front/rear setback requirement, Minimum Side-yard Setback and parking requirements will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification.
6. With the project revised to reduce the large lower deck to 105 square feet accessing the storage area beneath the carport, the variances 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. A condition of approval is proposed requiring the deck area reduction.

7. The strict application of this title would result in excessive or unreasonable hardship.
8. The granting of the variances will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated because the new living space would be created within the footprint of the existing residence and not project any closer to the one neighboring structure (408 Scenic Road) than the existing residence.
9. Neither present nor anticipated future traffic volumes generated by the conversion of the residence from a 2-bedroom 1-bathroom residence to a 2-bedroom, 2-bathroom residence with an office/deck reasonably require strict or literal interpretation and enforcement of the parking regulations, because the required 3 parking spaces would be provided (2 of the spaces would be compact in size) with the third space in tandem with both of the other spaces.
10. Granting of the variances will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.
11. Granting of the variances will not create a safety hazard or any other condition inconsistent with the objectives of this title

WHEREAS, the Planning Commission has approved the amended project, subject to the following conditions:

1. This approval is limited to the development illustrated on the plans prepared by Leo den Ouden, Architect, pages A-1 and A-2, modified to replace the large 363 square foot proposed rear deck with a 105 square foot deck only providing access to the storage area beneath the carport
2. The applicant shall submit plans and apply for construction permits within 60 days of this approval.
3. The applicant shall pay all applicable planning, building and penalty fees for the legalization of the unpermitted work prior to issuance of the building permit for the project.
4. The 363 square-foot rear deck and exterior shower shall be reduced to approximately 105 square-foot deck accessing the storage room only.
5. Prior to issuance of any of the building permits for the project the applicant or his assigns shall submit a construction plan to the Public Works Department which may 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

6. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction delivery routes (routes must be approved by Public Works Director).
7. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Authority, Marin Municipal Water District and the Ross Valley Sanitary District noting the development conformance with their regulations.
8. During the construction process the following shall be required:
 - a. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.
 - b. 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.
9. Prior to issuance of an occupancy permit the Planning Department shall verify that all planning commission conditions have been complied with prior to issuance of the certificate of occupancy and project final inspection.
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 # 19-09. Modifications that do not significantly change the project, the project design or the approved discretionary permits **may** be approved by the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 19-09 will result in the job being immediately stopped and red tagged.
12. Any damages to the public portions of Scenic Road, or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
13. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, 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, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

14. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act and Best Management Practices for Stormwater Pollution Prevention.
15. Conditions placed upon the project by outside agencies, Town department or by the Town Engineer may be eliminated or amended with that agency's, department's or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.
16. An exterior lighting plan shall be submitted with the building permit application and any new fixtures shall use dark sky compliant fixtures and shall be approved by the Planning Director prior to issuance of the building permit. The plan shall

limit light-spillage beyond the areas necessary to light the rear deck, and shall avoid direct offsite illumination.

Ross Valley Fire Department

17. All vegetation and construction materials are to be maintained away from the residence during construction.
18. The project requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. The system will require a permit from the Fire Department and the submittal of plans and specifications for a system submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
19. 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 1 detector on each story of the occupied portion of the residence.

20. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.
21. Address numbers at least 4 inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
22. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
23. 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)

24. A copy of the building permit must be provided to the district along with the required applications and fees.
25. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
26. Any landscaping plans must be reviewed and approved by the District.
27. Backflow prevention requirements must be met.
28. Ordinance 420., requiring installation of grey water recycling system when practicable, must be incorporated into the project building permit plans or an exemption letter from the District must be provided to the Town.
29. All of the District's rules and regulations if effect at the time service is requested must be complied with.

Ross Valley Sanitary District (RVSD)

30. The condition of the sewer lateral must be evaluated by the District.
31. The lateral capacity will be evaluated depending on the fixture count calculated during the building permit process.

32. The lateral shall be tested in the presence of the District Inspector who determines if it meets current District requirements or a new lateral must be installed.
33. The project must comply with the District Ordinance 90 relating to sewer connection fees and sewer permit fees and the District will not final the building permit until the District requirements are fulfilled.

Planning Commission

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, Combined Front/rear Setback Variance and Parking Variance can occur without causing significant impacts on neighboring residences; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 18th day of July, 2019, by the following vote:

AYES:
NOES:
ABSENT:

Chair, Cindy Swift

Attest:

Ben Berto, Director of Planning and Building Services

SCENIC 1

S62°42'00"W
54.56'

19'-3" AVERAGE

FRONT YARD

(E) FENCE

3.67'

8'x19' PARALLEL COMPACT

4" CONC LANDING

35

30

NRS & GUARDRAIL

25

8'x16' COMPACT

9'x19' FULL SIZED

(E) PARKING DECK

KIT

BR

HOUSE

BA

(N) STAIRS

BR

15'-8"

14" OAK

NEW DECK BELOW

20

12' & 10" OAK

(E) UPPER DECK
332 SF

15

A2 S87°41'00"W

50.01'

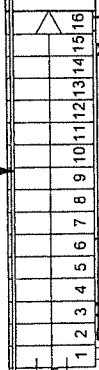
10

10'-0"

AC PAVED ROAD

(E) 6' TO 10' RETAINING WALL

ATTACHMENT B



Use Permit Applications - Additional information required.

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

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

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

- THE ADDITIONAL BEDROOM & BATHROOM ARE IN THE HOUSE FOOTPRINT.
 - THE STORAGE ROOM WAS PERMITTED & BUILT BUT NOT REVIEWED BY PLANNING.
 - THE STAIRS (EXTERIOR) AND DECK IS THE SAME FOOTPRINT AS THE UPPER DECK AND WILL PROVIDE EGRESS FROM BEDROOM BELOW.
- ATTACHMENT C**

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

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

ALL BLDG & DECK ARE UNDER
EXISTING FOOT PRINT EXCEPT
THE EGRESS STAIRS

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

NA

- Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any master plan, development plan or other plan or policy, officially adopted by the town.

NA