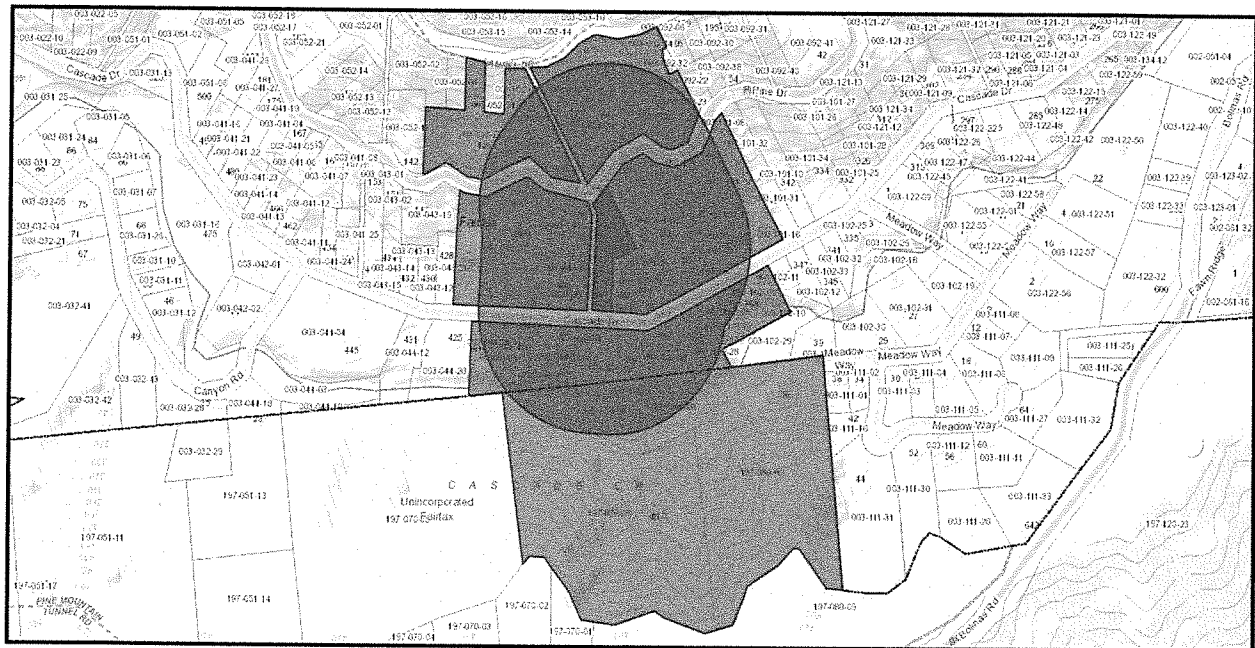


# TOWN OF FAIRFAX STAFF REPORT

## Department of Planning and Building Services

**TO:** Fairfax Planning Commission  
**DATE:** July 18, 2019  
**FROM:** Ben Berto, Director of Planning and Building Services  
 Linda Neal, Principal Planner  
**LOCATION:** 390 Cascade Drive; Assessor's Parcel No.003-101-33  
**PROJECT:** Legalization of an addition to a single-family residence and covered walkway construction and conversion of a second floor storage room over an accessory garage structure to an office with a full bathroom and storage closet  
**ACTION:** Conditional Use Permit, Design Review, Combined Side-yard Setback and Parking Variance; Application # 19-11  
**APPLICANT:** Graham Irwin, Architect  
**OWNER:** Joey and Stacie Shepp  
**CEQA STATUS:** Categorically exempt, §15301(e)(2)(A)



### 390 CASCADE DRIVE

**BACKGROUND**

The 18,538 square-foot site slopes up from Cascade Drive to Pine Drive with an average slope of 42%. The original 2 bedroom, 1 bathroom single-family residence was constructed in 1946 while the 2 story garage/storage structure was constructed later in 1958. There are no plans on file for either the house or the garage structure but it was typical in those days to issue building permits for construction without requiring property boundary surveys. When the current owner had the site surveyed, it revealed that one corner of the garage touches the western side property line, the garage eave projects over the property line into a 10 foot wide public easement path and the driveway to the garage is partially located within the 10 foot wide public easement and has been since the garage construction in 1958.

The current owners purchased the property in 2016. The 2016 Residential Resale Report indicated that the previous owners had converted the room over the garage into 2 rooms and a full bathroom and had constructed an addition onto the rear of the residence and the covered walkway without the required planning and building permits. The rear deck is on grade, is not considered a structure and is therefore, not subject to setback regulations.

**DISCUSSION**

The new owners are now applying to legalize the unpermitted work. The project encompasses legalization of: a) the conversion of the 328 square-foot, storage room over the garage to 2 rooms and a full bath for use as an office; b) the 62 square-foot covered walkway between the house and the garage; c) the 218 square-foot rear deck; and, d) the 370 square-foot living room, hallway, and bathroom addition to the northern side of the residence. The project also includes formalizing the driveway encroachment into the public path easement that runs along the western side of the site and provides access to the garage, and the construction of an additional paved parking space at the front of the residence, within the side yard setback.

The project complies with the regulations set forth in the Residential Single-family RS-6 Zone District as follows:

	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Combined Front/rear Setback</b>	<b>Side Setbacks</b>	<b>Combined Side Setbacks</b>	<b>FAR</b>	<b>Lot Coverage</b>	<b>Height</b>
<b>Required/ Permitted</b>	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	28.5 ft., 2 stories
<b>Existing</b>	18 ft.	187 ft.	205 ft.	5 ft. & 10 ft.	15 ft.	.06	.07	12 feet, 1 story (house), 18 ft., 2 stories, garage

Proposed	No change	No change	No change	No change	No change	.08	.08	No change
----------	-----------	-----------	-----------	-----------	-----------	-----	-----	-----------

The project requires the approval of the following discretionary permits:

### Conditional Use Permit

Town Code § 17.080.050(C) requires that a Conditional Use Permit or a Hill Area Residential Development permit be obtained prior to any physical improvement of or on a building site failing to meet the minimum size and width requirements based on the site slope. 390 Cascade Drive has a 42% slope and would have to be 34,000 square feet in size and 146 feet wide to comply with the Town Code size requirements. The site is only 18,538 square feet in size and 50 feet wide and therefore the project requires a Conditional Use Permit.

Note: the construction did not require any substantial amount of excavation and the front of the property where the structures are located is not identified as a landslide hazard zone in the Fairfax General Plan. Therefore, staff has determined that the project requires the approval of Use Permit and not a Hill Area Residential Development Permit.

Residences in the neighborhood range in size from 808 square-foot on a 7,900 square foot site (360 Cascade Drive) to a 2,503 square-foot on a 8,639 square foot site (428 Cascade Drive). Floor Area Ratios (FAR's) range from .06 to .30. 390 Cascade Drive, the project site, is one of the larger properties in this area of the Cascade Canyon subdivision and the FAR's of other similar sized properties are .12 (425 Cascade Drive), .07 (342 Cascade Drive), .06 (345 Cascade Drive), and .08 (387 Cascade Drive). Legalization of the residence addition and the conversion of the area over the garage to an office would result in the FAR for the project site of .08 which is in keeping with the size of the development found in the immediate neighborhood (see table below).

390 CASCADE DRIVE- COMPARABLE HOUSE NEIGHBORHOOD HOUSE SIZES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
003-043-21	428 Cascade	8639	2503	3	2.5	0	.30
003-044-20	425 Cascade	19200	2298	4	2	0	.12
003-101-10	342 Cascade	18012	1848	4	2	1124	.07
003-101-16	350 Cascade	7900	1801	3	2	247	.23
003-101-17	360 Cascade	7900	808	1	1	252	.10
003-101-18	362 Cascade	7900	1000	2	1.5	288	.13
003-101-23	364 Cascade	7900	1316	3	2	400	.17
003-101-31	348 Cascade	7924	2128	3	1.5	280	.27
003-102-33	345 Cascade	18538	1060	2	2	300	.06
003-102-35	387 Cascade	20833	1745	2	2	542	.08
PROJECT SITE							
003-101-33	390 Cascade	18538	1425	2	2	300	.08

The new living room, bathroom and hallway were constructed in the northwestern

corner of the previously I-shaped residence and the new addition is only visible from the neighboring property at 396 Cascade Drive.

### Design Review

The addition exterior is stucco to match the stucco siding of the adjacent kitchen that was built with the original structure. The architectural style of the house is simple with clean lines and the addition harmonizes with the existing design and is painted to match the original dwelling.

### Combined Side-setback Variance

The new addition and the covered walkway do not maintain the required 20-foot combined side yard setback, with the addition maintaining a combined side setback of 10 feet and the covered walkway a combined side setback of 15 feet.

Reconfiguration of the rear addition to maintain the required 20-foot combined side setback would result in the addition taking up most of the usable private outdoor living space in the rear yard. Therefore, granting a variance of the combined side setback to allow the addition to maintain the setbacks maintained by the original residential structure, is reasonable due to the narrow 50 ft. width of the site and the fact that most of the rear of the property is steeply sloped and unusable.

Staff is unable to support a combined side setback request for the covered walkway between the house and the garage. The owner has indicated that the cover ties the main structure to the accessory structure where he hopes to legalize his home office and it also is the conduit for the electrical and cable supply lines for the office. However, the Building Official has verified that there are other ways of running these supply lines to the office other than within the covered walkway roof structure.

The covered walkway is supported by the new addition and the garage structure and not by any supports that are erected on the ground, so the walkway cover does not obstruct the ability of vehicles to access the garage.

However, there appears to be nothing inherent in the size, slope or natural condition of the site that warrants construction of a covered walkway between the house and garage within a required combined setback. The uses and structural integrity of the two buildings will not be compromised by the removal of the covered walkway from the setback.

Therefore, unless the Commission finds that the lot width and steep slope constitute special circumstances applicable to the walkway cover, staff is recommending approval of the combined side setback variance for the addition only. The resolution recommending approval of the project includes a condition that the covered walkway be removed prior to issuance of the building permit to legalize the addition.

### Parking Variance

Town Code § 17.016.040(B) indicates that, “the aggregate amount of construction, alteration, enlargement or reconstruction on any nonconforming building or structure, or on any building or structure located on a non-conforming property during the life of the building subsequent to October 2, 2009, shall not:

(1) Affect more than 50% of the floor of the building or structure or expand that floor area by more than 50%.”

Town Code §17.016.040(C)(2)(a) indicates that this restriction shall not apply if the parking is brought into compliance with current standards, or a parking variance is granted by the Planning Commission.

The property currently only has 1 conforming parking space, in the existing garage. The applicants propose providing an additional 9 ft. x 19 ft. parking space at the front of the property, within the required 5 foot side yard setback, between the house and the front property line. This results in the project requiring a parking variance for exceptions to the following sections of the parking ordinance:

- Town Code §17.052.010(B) prohibits the location of parking within the side yard setback.
- Town Code § 17.052.030(A)(2) requires that in addition to the 2 parking spaces required for each single-family residence, a third parking space is required when a legal on-street parking space is not available along the property frontage off the travel portion of the roadway.

The existing residence has three bedrooms and the site has only one parking space, in the garage. The addition does not include a bedroom so the addition is not considered to increase the capacity of the structure to house more residents and vehicles than it already accommodates. The provision of the new parking space at the front of the site will increase the number of on-site parking spaces to 2 and bring the property more into compliance with the parking regulations.

There is room for the third required space to be created parallel to the street within the front yard of the residence. Therefore, staff is unable to support the requested parking variance to have only 2 parking spaces on the site after the construction of an expansion that constitutes a 50% remodel. Staff supports the application with the condition that the 3 required parking spaces are provided on the site .

#### Encroachment Permit

There is no way to relocate the driveway out of the pathway easement that runs along the western side of the site to provide access to the existing garage. The 5-foot setback outside the easement is not wide enough to accommodate a vehicle. The southwestern eave of the garage at the rear of the site, built in 1958, also encroaches

into the easement. Unless the Commission is able to make parking variance findings for this property to have only 1 on-site parking space at the front of the site, and finds it is necessary to remove the eave that has projected into the right-of-way since 1958,, staff recommends the Commission formalize the encroachment approval to allow the driveway and eave to remain within the pathway easement subject to the owner signing, notarizing and recording a "Revocable Encroachment" document prior to issuance of the building permit to legalize the unpermitted addition.

## **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:

A fire sprinkler system shall be installed throughout the entire building, the site is located in a Wildland Urban Interface Zone and shall comply with the requirements of Chapter 7A of the 2016 California Building Code including a Class A Roof Assembly, defensible space shall be maintained around the construction with all debris vegetation cleared to within 30 feet of the structures, 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 and all 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)**

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

A copy of the building permit must be provided to the district along with the required applications and fees, 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 and all of the District's rules and regulations in 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 building permit and 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**

1. Conduct the public hearing.
2. Move to approve application # 19-11 by adopting Resolution No. 2019-12 containing the findings and conditions for the project approval.

### **ATTACHMENTS**

Attachment A – Resolution No. 2019-12

**RESOLUTION NO. 2019-13**

**A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit, Combined Side-yard Setback Variance and Parking Variance for a 370 Square-foot Living Room, Hallway and Bathroom Addition, A 62 Square-foot Covered Walkway and a 218 Square-foot Rear Deck at 390 Cascade Drive**

**WHEREAS**, the Town of Fairfax has received an application from Matthew and Jennifer MacDonald for a Conditional Use Permit, Parking Variance and Combined Side-yard Setback Variance to legalize an unpermitted 370 square-foot living room, hallway and bathroom addition, to convert a second story storage room over an existing detached garage into a 315 square-foot office/bathroom/storage area and are seeking Planning Commission approval; and

**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 5/18/19, prepared by Graham Irwin, Architect, pages A0.1, A0.2, A1.0, A2.0, A2.1, A3.0, and A7.0, and August 2018 Boundary Survey and Diagram by Steve Flatland, Lan Surveyor 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 Setback 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 approximately 370 square-foot addition results in a residence that is similar in size, mass, design and location on the site to other residential structures in the



Cascade Drive neighborhood. The addition is at the rear of the existing structure and is not visible from the street while the conversion of the existing storage room over the garage into living space does not result in any exterior changes to that structure. The project has been conditioned upon the applicants providing the 3 on-site parking spaces required by Town Code §§ 17.052.030(A)(1)(D) and (A)(2). 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 nor will it have any visual impacts on neighboring properties.

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 side-yard setback which the existing house is out of conformance with. The addition meets the minimum required side setbacks and follows the setback line of the existing residence as it was established in 1946. The new parking spaces, one of which will be located within the side yard setback has a minimal impact on the closest neighbor to the west due to the location of the driveway and the 10 foot wide public path right-of-way that runs along the western side of the 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 42% slope. Approval of the use permit will result in equal 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.

### **Combined Side Yard Setback and Parking Variances**

5. Because of special circumstances applicable to the property, including the narrow 50 ft. width and 42% slope of the entire rear two thirds of the site, the strict application of both the combined side-yard setback requirement and prohibition of parking within the side yard setback will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification. The additional living space does not include a bedroom addition to the new square footage and will not increase the number of occupants utilizing the residence. A condition of approval has been incorporated into this

resolution requiring that the required 2<sup>nd</sup> and 3<sup>rd</sup> parking spaces be provided on the site as required because the project constitutes a 50% remodel and there is space for the 2 additional spaces within the front and side-yard of the property. The provision of the 3 spaces will bring the property into compliance with the current parking regulations.

6. With the project revised to modify the rear deck, remove the covered walkway so that only the new living space addition is within the combined 20 foot side-yard setback area and the provision of the required 2 additional parking spaces, 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 strict application of this title would result in excessive or unreasonable hardship as there would be no way to add additional living space, including a second bathroom for this 3 bedroom residence.
8. The granting of the variance of adjustment 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 not extend further into the required setbacks than the original development, the addition is only 1 story in height so it will not visually impact the neighbors and the parking is being brought into compliance with the required number of parking spaces for a 3 bedroom residence.
9. Neither present nor anticipated future traffic volumes generated by the conversion of the residence from a 3-bedroom 1-bathroom residence to a 3-bedroom, 2-bathroom residence with an office/storage/bathroom over the garage reasonably require strict or literal interpretation and enforcement of the parking regulations which prohibit parking within a side yard setback.
10. Granting of the variance 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 variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

### **Design Review**

12. The addition has been designed to match the stucco siding, window style and trim of the existing rear portion and western side of the structure and it therefore complies with the Design Review Criteria set forth in Town Code § 17.020.040(A) through (N).

**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 Graham Irwin, Architect, pages A0.1, A0.2, A1.0, A2.0, A2.1, A3.0, and A7.0, and August 2018 Boundary Survey and Diagram by Steve Flatland, Lan Surveyor modified to remove the covered walkway between the garage and the house and the portions of the rear deck located within the combined side yard setback area.
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 62 square foot covered walk way shall be removed and the portion of the approximately 217 square-foot rear deck located within the required 20 foot combined side-yard setback shall be removed prior to issuance of the building permit.
5. The applicant shall sign, notarize and record a Revocable Encroachment document for the portions of the driveway located within the public pathway easement on the western side of the property prior to issuance of the building permit to legalize the unpermitted addition and conversion of the storage room over the garage to living space.
6. 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
7. 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).
8. 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.
9. 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.
10. 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.
  11. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
  12. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 19-11. 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 19-11 will result in the job being immediately stopped and red tagged.
  13. Any damages to the public portions of Cascade Drive, or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
  14. 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.

15. 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,
16. Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act and Best Management Practices for Stormwater Pollution Prevention.
17. 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.
18. 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**

19. All vegetation and construction materials are to be maintained away from the residence during construction.
20. 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.
21. 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.

22. 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.
23. 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.
24. The site is located in a Wildland Urban Interface Zone and shall comply with the requirements of Chapter 7A of the 2016 California Building Code including a Class A Roof Assembly.
25. 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)**

26. A copy of the building permit must be provided to the district along with the required applications and fees.
27. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
28. Any landscaping plans must be reviewed and approved by the District.
29. Backflow prevention requirements must be met.
30. 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.
31. All of the District's rules and regulations in 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 Side-yard 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