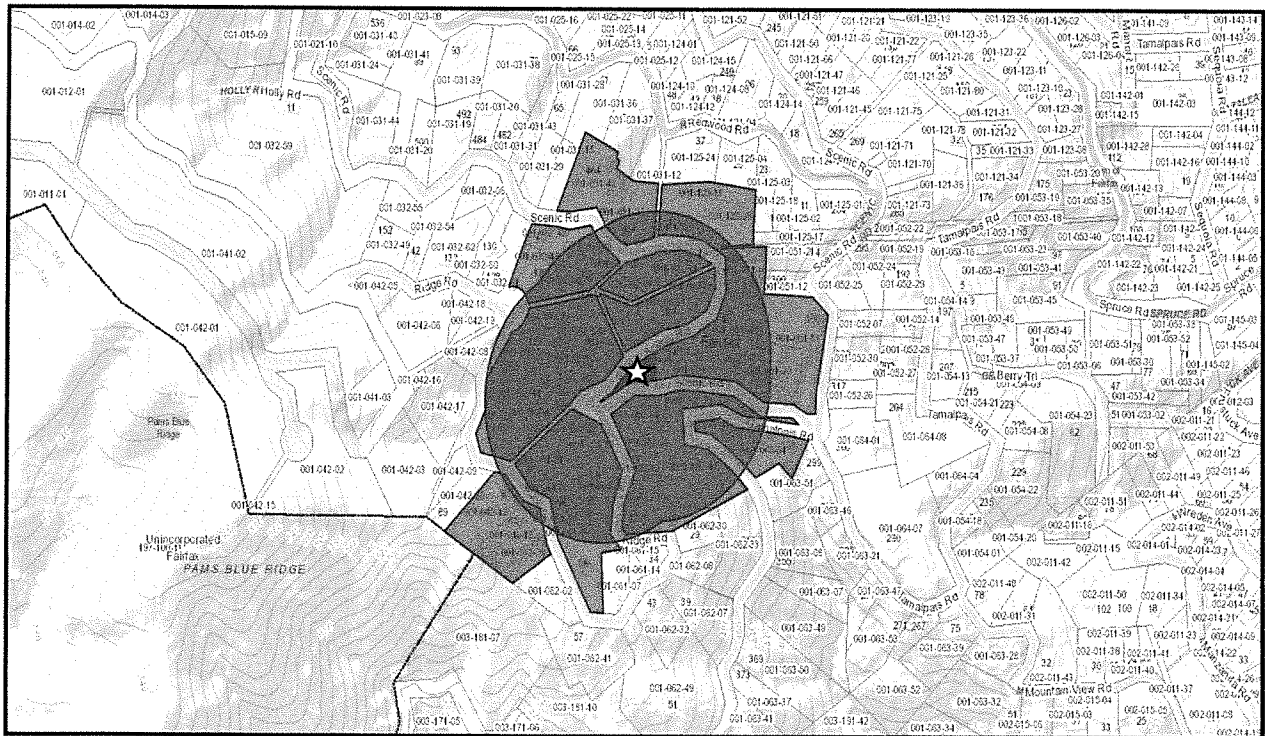


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: September 19, 2019
FROM: Ben Berto, Director of Planning and Building Services
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.
ACTION: Use Permit, Setback Variances, Design Review and Parking Variance; Application # 19-09
APPLICANT: Leo den Ouden, Architect
OWNER: Mathew and Jennifer MacDonald
CEQA STATUS: Categorically exempt, §15301(e)(1)



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 previous parcels and has an average slope of 58%. The site was originally developed with a 700 square-foot, 1 bedroom, 1 bathroom residence that was constructed in 1961.

A Use Permit, Setback Variances, and a Lot Coverage Variance were granted by the Planning Commission to allow the carport on the property to be expanded and rebuilt in 2014. The plans included a significant expansion of the existing upper level pedestrian deck off the rear of the house into the minimum rear, the combined front- rear and the minimum western side yard setbacks, to provide 371 square-feet of usable outdoor living space. The plans previously approved by the Planning Commission did not include a storage room in the area beneath the carport, or a third bedroom below the existing residence. 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 a review by the Planning Department, or approval of a modification of the Use Permit issued in 2014 by the Planning Commission.

The house has now been expanded into a 1,000 square-foot, 2 bedroom, 1 bathroom structure, with the addition of the unpermitted 3rd bedroom on the lower level. There are no records indicating when the residence was expanded but 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 at the Marin County Tax Assessor's Office. The Town has completed the process to merge the sites into one property under the Subdivision Map Act Regulations which has eliminated the need for the side yard setback variance granted in 2014 for the proposed western exterior stairs.

DISCUSSION

The applicants are now applying for a Use Permit, Parking Variance and Minimum Rear and Combined Front/Rear Setback Variance to legalize the lower floor bedroom expansion, to add a new second full bathroom on the lower floor, and to construct a new deck off the lower floor addition that would maintain a minimum rear-yard setback of only 6 feet instead of the required 12-foot minimum rear setback. The new rear deck would include a portion that would extend 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 second bathroom is proposed.

The storage room that has been added is 138 square feet, the bedroom and lower-floor

bedroom and proposed bathroom addition would be 370 square feet. The proposed lower floor deck would be 275 square feet and would include a stairway to grade on the east side. What was previously the residence's second bedroom on the upper floor has been converted into an office/den with the removal of the closet and construction of a built in wall-to-wall desk and shelving.

The project's compliance with the Residential Single-family RS-6 Zoning regulations is 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., 1 story
Proposed	No change	No change	No change	No change	No change	.24	No change	21 ft., 2 stories

The project requires the approval of the following discretionary permits:

Use Permit

Town Code § 17.080.050 requires that a 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 use permit or a hill area residential development permit staff relies on the impacts of the project on the site. If there is substantial excavation or the project includes expansion into areas of the site not already developed or modified, staff might require the applicant go through the HRD process instead of the Use Permit process. In this case, the unpermitted lower bedroom space was created and the new second bathroom is proposed within the footprint of the existing structure and required/requires no excavation. The new deck and stairs are proposed in areas of the site already affected by the original construction so no new site disturbance has or would occur as a result of the project. Therefore, staff has determined that the project is not subject to the Hill Area Residential

Development permit.

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 Use Permit.

The conversion of a portion of the lower enclosed subfloor area to a master bedroom and bathroom and 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 built in, wall-to-wall desk and shelving system. Therefore, legalization of the remodel/addition will not increase the number of adults that legally inhabit the house beyond those it could accommodate after its original construction.

The resulting house is similar in size to other residences on similar-sized properties in the immediate neighborhood of the Fairfax Manor Subdivision. The site is bounded on 3 sides by Scenic Road, and the side of the addition immediately adjacent to the only adjacent residence to the east at 408 Scenic Road has one window into the bathroom. Since the neighboring house at 408 Scenic is located at the top of its site, the bathroom window looks into the steep rear yard at 408 Scenic, so the addition has 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 to the lower floor which connects to the upper great room which includes the living room, dining room 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 ft. by 19 ft. 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)].

The additional third space could be provided in one of the following 2 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. However, both these options would result in a significant disturbance to the site and 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 we believe that the 3rd guest parking space can be accommodated in this area. Therefore, 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 two 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 both the main parking spaces for the residence (Exhibit B – 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 and Combined Front/rear Setback Variance

The project includes the addition of a 275 square-foot lower deck. The proposed deck would extend approximately 8 feet towards the rear property line, 2 feet less than the existing upper deck, and would maintain a 6-foot rear setback projecting 6 feet into the required 12-foot minimum 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 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 6 feet and a combined front/rear setback of 11.5 feet.

The property already has a large 332 square foot upper deck that provides a substantial amount of usable outdoor space for this property. Therefore, this required for another exception to the Town regulations for a second proposed 275 square-foot lower deck seems excessive to staff. 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. A condition is proposed in the resolution recommending approval of the project, that the plans submitted for a building permit be modified to only include a small access deck off the back of the carport extending just beyond the proposed sliding doors off the lower bedroom to the top of stairs leading from the lower deck to the yard, not to exceed 4 feet in width. The deck design being recommended by staff would provide adequate minimum access and egress width to the bedroom, and would maintain a minimum rear setback of 8 feet and could be used to exist the building in emergencies.

Staff can make findings to support a minimum and combined front/rear setback variance for a deck that meets the minimum width requirement for safe exiting from the structure. A deck meeting the previously described minimum width requirements would be approximately 189 square-feet in size.

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 a reasonable one.

Design Review

The project requires the approval of a design review permit because it constitutes a 50% remodel [Town Code § 17.016.040(B) and 17.020.030(A)]. The proposed door to the storage room beneath the carport, the sliding door to the proposed lower bedroom, additional windows to the lower bedroom, and proposed bathroom and proposed rear deck will add articulation to the exterior design of the structure. The proposed (and staff recommended) modifications will not significantly alter the design of the building in the manner that a siding or exterior materials change or roof slope change would. The

project maintains the basic building characteristics and architecture and is similar to residential development found throughout the adjacent neighborhood.

The site is surrounded on three sides by Scenic Road and the one adjacent residence at 408 Scenic Road is located uphill from the proposed addition with the only new window facing that property being the bathroom window which does not face into any of the living spaces of the 408 Scenic Road residence and overlooks that property's steeply sloping rear yard which is unfenced and appears to be little used because of its steep topography.

Therefore, the proposed complies with the design review criteria contained in Town Code 17.020.040 and will not have a significant negative impact on the neighboring developed property.

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 by adopting Resolution No. 2019-10 setting forth the findings and conditions for the project approval.

ATTACHMENTS

Attachment A – Resolution No. 2019-10

Attachment B – Applicant's supplemental information

Attachment C - Proposed parking plan

RESOLUTION NO. 2019-10

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit, Design Review Permit, Combined front/rear Setback Variance and Parking Variance for a 370 Square-foot Bedroom/Bathroom, 138 Square-foot Storage Room and Roughly a 189 Square-foot Access Deck to the Storage Room Beneath the Carport and Lower Bedroom Additions 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; 1) legalize an unpermitted 300 square foot, lower floor bedroom and a 138 square-foot storage room beneath an existing carport and 2) for a 70 square-foot lower floor bathroom and 275 square-foot lower deck and exit stairway to grade (which staff is unable to support). Therefore, this resolution includes conditions that require the project to be revised to include only an approximately 189 square-foot access/egress deck - the minimum size and width that appears to be necessary to meet building code deck width requirements and provide access and egress to and from both the storage area beneath the carport and the lower level bedroom.

WHEREAS, the Planning Commission held a duly noticed Public Hearings on August 15 and September 19, 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 received by the Town of Fairfax on 09/10/19, prepared by Leo den Ouden, Architect, pages A-1 and A-2, modified to eliminate the 275 square-foot deck shown along the entire rear of the residence and replace it with an approximately 189 square-foot deck to provide the minimum access/egress width required by the Building Code to provide access to both the storage area beneath the carport and the lower floor rear deck, 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, Minimum Rear and Combined Front/rear Setbacks and Parking Variances 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 370 square-foot bedroom/bathroom and 138 square-foot storage room additions and approximately 189 square-foot lower 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 Minimum Rear and combined front/rear setback, with which the existing house already does not comply, 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 much needed 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.

Minimum Rear, Front/rear Setback and Parking Variances

Because of special circumstances applicable to the property, including the small, 4,996 square-foot size, its jaggedly 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 the Minimum Rear, Combined Front/rear setback requirement and parking requirements title will

deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification.

Once the project is revised to eliminate the large lower deck and replace it with a 189 square-foot deck providing only access to the storage area beneath the carport and the lower bedroom, 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.

The strict application of this title would result in excessive or unreasonable hardship.

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 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.

Neither present nor anticipated future traffic volumes generated by the conversion of the residence from its previously legal 1 bedroom 1 bathroom residence to a 1 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 and only 2 of the spaces would be compact in size with the guest space in tandem with both the spaces for the main residence.

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.

Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

Design Review

The project complies with the Design Review Criteria contained in Town Code § 17.020.040.

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

1. This approval is limited to the development illustrated on the plans prepared by Leo den Ouden, Architect, and received by the Town on 09/10/19, pages A-1 and A-2, modified to reduce the proposed 275 square-foot rear deck to 189 square feet, only providing access to the storage area beneath the carport and the minimum exiting and entering deck width required by the building code to the lower bedroom.
2. 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
3. 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).
4. 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.
5. 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.
6. Prior to issuance of a certificate of occupancy or final inspection, the Planning Department shall verify compliance with all Planning Commission conditions.
7. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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

14. All vegetation and construction materials are to be maintained away from the residence during construction.
15. 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.
16. 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.
17. 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.
18. 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.
19. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
20. 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)

21. A copy of the building permit must be provided to the district along with the required applications and fees.
22. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
23. Any landscaping plans must be reviewed and approved by the District.
24. Backflow prevention requirements must be met.

25. 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.
26. 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)

26. The condition of the sewer lateral must be evaluated by the District.
27. The lateral capacity will be evaluated depending on the fixture count calculated during the building permit process.
28. 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.
29. 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

30. 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.
31. The proposed 275 square-foot rear deck and exterior shower shall be replaced by an approximately 189 square-foot deck accessing the storage room only.

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, Minimum Rear and Combined Front/rear Setback Variances and Parking Variances 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 19th day of September, 2019, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Cindy Swift

Attest:

Ben Berto, Director of Planning and Building Services

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.

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

SCENIC

S62°42'00"W
54.56'

19'-3" AVERAGE

FRONT YARD

(E) FENCE

UP
DN

3.67'

8'x19'
PARALLEL
COMPACT

4" CONC LANDING

35

30

NRS & GUARDRAIL

25

20

14" OAK

NEW DECK BELOW

15

12" & 10" OAK

10

8'x16'
COMPACT

(E) PARKING DECK

9'x19'
FULL
SIZED

HOUSE

BR

BA

BR

(N) STAIRS

LP

(E) UPPER DECK
332 SF

A2 S87°41'00"W

50.01'

AC PAVED ROAD

(E) 6' TO 10' RETAINING
WALL

ATTACHMENT

C