

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

**TO:** Fairfax Planning Commission  
**DATE:** October 17, 2019  
**FROM:** Linda Neal, Principal Planner  
**LOCATION:** 80 Crest Road; Assessor's Parcel No. 002-152-32  
**ZONING:** Residential Single-family RS-6  
**PROJECT:** Legalization of unpermitted sitting room and fourth unconditioned story that includes storage rooms, temperature controlled wine cellar, work shop and ½ bathroom  
**ACTION:** Conditional Use Permit and Height Variance: Application # 19-10  
**APPLICANT:** Verle and Marene Sorgen  
**OWNER:** Same  
**CEQA STATUS:** Categorically exempt, §15301(e)(2)(1)



**80 CREST ROAD**

## BACKGROUND

The 33,632 square-foot site slopes down from Crest Road at an average rate of 48%. The site was originally developed with an approximately 2,660 square-foot, 4 bedroom, 2 ½ bathroom residence that was constructed with approved plans in 1973.

Describing the different building levels as they have been approved, subsequently constructed, and variously designated, is extremely difficult and confusing. To assist in describing and comparing the levels as they have been variously referred, please use the following table:

80 CREST ROAD BUILDING LEVEL COMPARISON

1972 PLANS	1973 TO 1978 ASSESSOR RECORDS	2018 PLANS	ORIGINAL SQ. FT.	PROPOSED SQ. FT.
LOFT	LOFT	LOFT	212	NO CHANGE
MAIN FLOOR	FIRST FLOOR	THIRD FLOOR	1,392	NO CHANGE
LOWER FLOOR	BASEMENT	SECOND FLOOR	1,056	1,737
FOUNDATION	NO DESCRIPTION	FIRST FLOOR	0	1,020

A swimming pool was constructed on the site in 1974. The floor level variously described as the second (current application), lower (1972 plans), and basement (Marin County Assessor's records) was expanded, and a new lowest story (variously described as the foundation [1972 plans], first floor [current application], and not described in the Assessor's records), below the lower/basement/second floor was added without permits at some unknown time in the past.

### Building Levels and Historic Height Limits

Ordinance 5, the original Town Code regulating uses and locations of trades, industries and different types of buildings, placed no limits on the height or number of stories for buildings and was in effect from 5/20/31 to 11/10/47.

Ordinance 102, in effect from 11/11/47 to 10/11/61, limited residential structures to 35 feet in height, 2 stories and a finished attic (3 stories).

Ordinance 230, in effect from 10/11/61 to 3/13/73, limited residential heights to 30 feet (referring to the mean height) and contained no limit on the number of stories a single-family residential building could have and also did not define what constituted a story. This is the ordinance in effect when the structure at 80 Crest Road was being built so if the lowest level had been constructed at that time it would have required a height variance because the three living levels shown on the approved permit measure 33 feet and including the lower floor in the height measurement would have resulted in a 50

foot tall structure requiring a height variance.

Ordinance 352 was in effect March 13, 1973 through July 1, 1981 and limited residential structures on sites having over a 10% slope to 45 feet in height and 3 stories. Ordinance 352 included a definition of story, "The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement if subdivided and used for dwelling purposes".

Please note that the second/lower/basement floor would not have qualified as a basement during the above described period when the house was first built and basement was defined as "an area below the first floor having part but not more than ½ its height above grade" and the code indicated that only an area meeting this definition would not be counted as a story. Therefore, enclosing the lower area of the house during this time period would have required a height variance, a use permit and a building permit.

Ordinance 486 was in effect 7/1/1981 through today and limits maximum height of residential structures on downward sloping sites to 35 feet and 3 stories. Whether the section limits houses on downward sloping lots to only 35 feet with no limit on the number of stories has been argued by applicants in the past. In this case, even if you do not consider the increase in the number of stories, the height of the enclosed and improved areas of the structure increased from 33 feet to 50 feet and was an improvement that would have required a use permit, a height variance and a building permit.

Therefore, there is no period in time since the Town's incorporation in 1931, when a 4-story structure with 50 feet in height of structure/dwelling could have been legally built in Fairfax.

There are also no permit records for the construction of structure as it currently exists. The original residential construction plans only show 3 improved levels with an open unimproved foundation beneath. The Marin County Tax Assessor's Records also do not document the existence of a 4<sup>th</sup> story the first time they inspected the property in 1973/74 (Attachment C). The Assessor's Records only document what they call the basement as having 4 bedrooms and 2 bathrooms and what they call the first floor as having an entry hall, living room, dining room, kitchen, den and half bathroom and the loft. These 3 stories described in the Assessor's Records match the 3 stories shown on the original building permit plans approved by the Town (1972 set). There is no mention in Assessor's Records of a ground floor below the basement. The uppermost 3 stories also measure approximately 32 to 33 feet in height which, allowing for the margin of error that seemed to be acceptable back in the early 70's, is close to the 30 foot height limit in effect when the original permit was issued for the house in 1972.

## DISCUSSION

The applicants are requesting that the Planning Commission approve a Conditional Use Permit and Height Variance to legalize the improvements to the residential structure for which the Town has no record of permit approval. The owners have asserted that some of the improvements were constructed with the original dwelling and some were added later, as follows:

**Basement Story (Bedroom level):** The Town's approved 1972 plan set shows 4 bedrooms, 2 bathrooms, a laundry closet and a hallway in what is referred to as the lower floor (basement in the Assessor's records, second floor in the current plans). This level will be referred to as the basement level in this report (Refer to Attachment B- page 2 of 1972 approved set).

The basement now includes 681 square-feet of new, unpermitted, subdivided living space including 509 square-feet conditioned living space including a sitting room, hallway, photo lab and closet and 172 square-feet unconditioned office/storage, and closet (and existing bedroom 4 has been remodeled and subdivided into the office and part of the hallway (see sheets 2 and 4 of the large plan set). The area includes a stairway down to the lowest level of the structure (referred to as the foundation in the 1972 plan set). This access stairway from the basement level to the lowest level is not shown on the original construction plans. See applicant's full sized plan set, page 2, second floor.

**Ground Level Story:** This is shown on the approved 1972 original Town plan set as open area with foundation and support posts for the upper 3 stories (see Attachment B – page 4 of the approved 1972 plan set).

The area is now the lowest (and 4<sup>th</sup>), split level, ground floor (story), and was constructed underneath the existing permitted 3 story structure. Approximately 894 square-feet of this space remains unconditioned while approximately 126 square feet of the ground floor has been converted into a conditioned wine cellar. A toilet and sink have been added into the southwest corner of the area while the center space has been converted into a workshop. Electrical improvements have been made throughout this area. See page 1, exterior side elevation and page 4, first floor, of applicant's full sized plan set. This level will be referred to as the ground floor in the rest of this report.

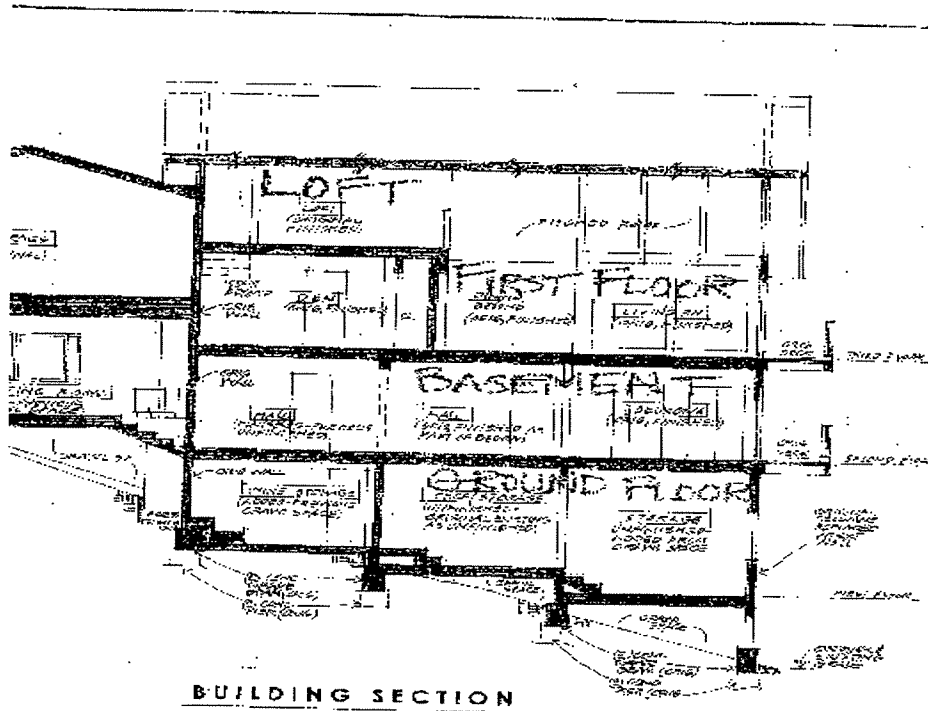
366 square feet of storage area complete with two new windows has been added to the ground floor of the western side of the building, and an access door and stairway have been built into the north side.

To hopefully minimize confusion when discussing this project, staff is utilizing (to the extent possible) the terms used by the Tax Assessor's historic records for the different levels of the house (see below). The level with the bedrooms and 2 bathrooms is referred to as the basement level, the level with the kitchen, dining room, living room and den, as the first floor and the uppermost floor as the loft. The unpermitted lowest

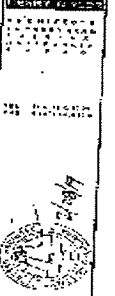
level of the house staff will refer to as the ground level because it is closest to grade. The historical Assessor's records for the property do not include any mention of the ground floor (See below).

<b>RECORD</b>										PARCEL <u>2-152-13</u>																			
80 Crest Rd., W										SHEET _____ OF _____ ST																			
DESCRIPTION OF BUILDING										DATE (M) QUAN QUAL COND																			
LIGHTING					AIR CONDITION					ROOM AND FINISH DETAIL																			
WIRING		Heat			Cool			ROOMS		FLOORS		FLR. FIN.		INTERIOR FINISH															
K.E.T.	B.X.	Forced	Cleanly	Humid	All	B	1	2	Met.	Gr.	Trim	Walls	Gr.	ceiling															
✓ Cable	Conduit	Gravity	Humid	All					W/C			Pl. V Sh.R.P.	A	Pl. 1/2"															
FIXTURES		Wall Unit			ROOM AND FINISH DETAIL																								
Few	Cheap	Floor "	Central	Out.	Ent Hall	1			Car Ti	G		Wood Ply		Cath-Ex															
✓ Many	✓ Spec.	Radiant			Dining	1			Vin Ti	G																			
Reg.	220				Den	1																							
S.P.C. BLT. INS		Elect.			w. Bed			3		Unt																			
✓ B.I. Stove	✓ B.I. Oven	Thermostat			9ed			1																					
✓ B.I. Dishwr.	✓ B.I. Ref.	M-BTU			Kitch			2																					
B.I. Ref.		E.P. Free stand			Kitchen			1		Vin Ti																			
Garb. Disp.		B.B.Q.			1/2" Base cab.			Metal		O.P.		✓ Hwd.		G Gr.		1 W-Hrd													
RATING (E, G, A, F, P)					Drain Bd & Cab. Top					Tile					29 Plastic					Lino.									
Arch. Attr.		Func. Plan.		Con. Form		Storage Sp. Cupb. Closet		Work. Consht		BATH					FINISH					FIXTURES					SHOW				
G	G	G	(E)	E	G	A	1	1	1	Car Ti	Sh Prk	Paint	1	1	Med	Stal													
										1	Vin Lin	Sh Prk	Paint	1	2														
										1				1	1														
SPECIAL FEATURES																													
COMPUTATION																													
unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost

Also please review the following cross section from the applicants 2018 plans that also identifies the various levels of the house using the terminology that will be used throughout the staff report:



REVISION	BY



**SORGEN RESIDENCE**  
 EXISTING RESIDENCE PLANS  
 83 Crest Drive  
 Palmdale, CA 93550

BUILDING SECTION

DATE	5/2/08
SCALE	1/8" = 1'-0"
BY	
NO.	7

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

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
<b>Required/ Permitted</b>	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	35 ft., 3 stories
<b>Existing</b>	7 ft.	61 ft.	67 ft.	65 ft. & 29 ft.	94 ft.	.09	.06	50 ft., 3 stories
<b>Proposed</b>	No change	No change	No change	No change	No change	.11	.06	50 ft., 4 stories

Note: The FAR above is based on the new, improved living space numbers. The FAR including the new unfinished, ground floor storage, basement floor office and ground floor toilet and sink area is 4,371 square-feet/30,632 square-foot (property) = .14

### Required Discretionary Permits

Legalization of the unpermitted improvements requires the Commission approval of the following discretionary permits:

### Height Variance

Town Code § 17.080.060(A) limits the height of residential structures in the RS-6 Zone District on downhill slopes to being 3 stories and 35 feet in height. Therefore, legalization of the 1,020 square-foot ground floor level, with 126 square-foot of space improved as the wine cellar and the remaining 924 square feet as partitioned space with 2 storage rooms, a toilet room, sink and workshop, requires a variance to the height and number of stories limit.

In order for the Planning Commission to make the findings granting a variance to the height limit, there has to be something inherent in the property (land) itself that results in the height limit being difficult to comply with. The owners have not provided compelling evidence that an additional 1,020 square feet of space was necessary for them to have a substantial use of the property or that there was no location on the site where the additional space could be added that would have complied with the height and permitted # of stories limit.

There appear to be additional areas to the north, south and east of the structure where additional space could have been built onto the house as expansions of the basement/bedroom level or 1<sup>st</sup> floor living areas, in compliance with setback regulations and the 3-story and height limits. While creating the 4<sup>th</sup> story minimizes the impacts to the site and is the most economical way to add additional floor area to the structure, the

improvements in this ground floor area – a wine cellar, work shop, storage and a toilet room and sink, do not appear to be crucial to an owners' substantial residential use of the property.

Therefore, staff is unable to recommend findings to the Planning Commission for the approval of a 4<sup>th</sup> ground floor, story on this property. We have included a recommended condition of approval in the Resolution for approval of the basement portion of the application that all unpermitted improvements to the basement level, including all of the flooring, interior dividing walls, and unpermitted electrical improvements in the ground level be removed, except for any walls and/or flooring that a structural engineer certifies are necessary and the Town Engineer agrees are necessary for the stability of the structure as a whole. The unpermitted windows in the west wall of the ground level storage area shall also be removed and the exterior siding installed to match the house.

**Conditional Use Permit**

Town Code § 17.080.050(C) requires that a property with a 48% slope be 40,000 square feet in size and 164 feet wide. The site is only 33,632 square feet in size and 118 feet wide so the project requires the approval of a Conditional Use Permit.

Although the staff is unable to make findings for the approval of the 4<sup>th</sup> ground floor level improvements, we are able to support legalization of the expansion of the basement (third floor level) of the house to include the sitting room, hallway, 2 closets and photo lab. This approximately 681 square feet of additional living space increases the improved living space square footage of the residence from 2,660 square-feet to 3,378 square-feet and requires no variances to the Residential Single-family RS-6 Zone District where 80 Crest Road is located. While the 3,355 square-foot residence is large by Fairfax standards, where most residential structures range from 1,500 square-foot, 2 bedroom, 1 to 2 bathrooms, up to 2,500 square-foot 3 to 4 bedroom, 2 to 3 bathroom residences, it is located on one of the largest properties in the Crest Road neighborhood and does not result in the structure exceeding the permitted FAR or Lot Coverage limits (see table below).



80 CREST ROAD – COMPARABLE HOUSE NEIGHBORHOOD HOUSE SIZES							
APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	GARAGE	FAR
002-152-11	66 Crest Rd.	28,314	3,409	4	3	490	.12
002-152-28	90 Crest Rd.	29,750	3,456	3	2.5	462	.12
002-181-18	97 Crest Rd.	77,618	2,401	3	2.5	506	.03
002-093-08	21 Crest Rd.	71,874	3,941	6	4.5	0	.05
002-093-10	35 Crest Rd.	99,752	1,240	3	1	0	.01
002-094-04	46 Crest Rd.	13,962	1,510	2	2/5	0	.11
Project site – proposed conditioned space (not including wine cellar on the first story)							
002-152-32	80 Crest Rd.	30,632	3,225	4	2.5	433	.11
Project site – proposed floor space – conditioned and unconditioned							
002-152-32	80 Crest Rd.	30,632	4,245	4	2.5	433	.14

Therefore, legalization of the improvements in the basement will not result in a structure that is out of character with the surrounding neighborhood or out of scale with the project site.

**OTHER DEPARTMENT/AGENCY COMMENTS/CONDITIONS**

**Ross Valley Fire Department**

The Ross Valley Fire Department has reviewed the plans, finds them incomplete, and has indicated they will need to be revised to show a 20 foot wide (fire) road width within 150 feet of any portion of the ground floor exterior walls, and will have to indicate how they plan to address the inadequate fire flow pressure which currently does not meet the minimum required 1,000 gallons per minute. These are conditions of approval whether or not the ground level is restored to unimproved underfloor area or not, being also required for approval of the unpermitted improvements to the basement level.

The additional standard fire department conditions have also been incorporated into the resolution recommending approval of a modified set of project plans as summarized as follows: All vegetation and construction materials are to be maintained away from the residence during construction, the project requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards, smoke and carbon monoxide detectors shall be provided as required by fire and building code, 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 and 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, alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code and all approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

**Ross Valley Sanitary District**

A Sanitary District sewer connection permit is required to either replace the existing sewer lateral, or demonstrate to a District Inspector that the existing lateral meets current requirements, prior to the project final inspection and issuance of an occupancy permit for the residence.

**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 in effect at the time service is requested must be complied with.

**Building Department**

The structure has to be provided with a National Fire Protection Agency 13 or 13 R sprinkler system for both/either the legalization of the basement floor expansion and the ground floor improvements. Legalization of the ground floor, improvements will require the provision of a second exit with a building code compliant pathway or stairway leading up to Crest Road.

**RECOMMENDATION**

- 1. Conduct the public hearing.
- 2. Move to approve application #19-10 by adopting attached Resolution # 2019-13 approving a Use Permit for the Basement Improvements while denying the Height Variance for the ground level improvements at 80 Crest Road.

**ATTACHMENTS**

- Attachment A - Resolution No. 2019-13
- Attachment B – Town approved original construction plans
- Attachment C –Marin County historical Tax Assessor's records 1974 and 1976

**RESOLUTION NO. 2019-13**

**A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit Legalizing the Expansion of the Basement Level of the Residence and Denying the Requested Height Variance for the Unpermitted Ground Floor level for the Residential Property at 80 Crest Road**

**WHEREAS**, the Town of Fairfax has received an application from Verle and Marene Sorgen for a Conditional Use Permit and a Height Variance legalize 681 square feet of unpermitted, partitioned living space (509 square feet conditioned living space including a sitting room, hallway, photo lab, closet, 172 square feet unconditioned office/storage, and closet) and for a 1,020 square-foot, 4<sup>th</sup> (ground floor) level underneath the existing permitted 3-story structure that has been subdivided into a conditioned wine cellar, a room with a toilet, another room with a sink and a workshop with minor electrical improvements throughout the entirety of the space, two windows, and an exit door and stairway on the north side; 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**, the plans dated 5/5/18, prepared by Henry Taylor, Architect, pages 1 through 7, are conditioned to be modified to eliminate the following:

The 1,020 square feet of improvements in the ground floor 4<sup>th</sup> level, including all the stairways, flooring, any interior walls not necessary for the structural integrity of the building as recommended by the project structural engineer and verified by the Town Engineer after a peer review, the toilet, sink and wine storage room and any electrical not required to provide minimal visibility when accessing the underfloor area, as well as the 2 windows in the west side of the building.

The Planning Commission has determined that, as amended by the conditions of approval, the applicants have met the burden of proof required to support the findings necessary for the project's requested discretionary Conditional Use Permit to approve the a portion of the unpermitted improvements to the basement/bedroom story of the residence; 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, provided the 4<sup>th</sup> story is abated.

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. negative impacts on properties and infrastructure in the vicinity.

### **Conditional Use Permit**

1. Legalization of the 509 square-foot conditioned living and 172 square feet of unconditioned space including the sitting room, hallway, photo lab and closet, and office/storage closet, are similar in size, mass, design and location on the site to other 3 story residential structures in the Crest 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. Granting approval of the 4 story structure, in this neighborhood of 3 story structures, would result in a structure with a design out of character with the surrounding neighborhood.
2. The project will not exceed the Floor Area Ratio or Lot Coverage limitations, will comply with the RS-6 Zone District setback requirements and once the project is modified to eliminate the 4<sup>th</sup>, ground level story, it will comply with the height regulations reducing the height of the improved area of the structure from 50 to 33 feet in height. 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 Conditional Use permit.
3. Approval of the Conditional Use permit, with the plans modified to eliminate the 4<sup>th</sup> level of the house structure, 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 Conditional 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 48% slope. Approval of the Conditional 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.

### **Height Variance for a 4 Story Residence**

Whereas, the Planning Commission is denying the requested height variance for a 4-story residence based on the following findings:

5. The Town has not granted any height variances for a 4 level residence that staff can find any record of since its incorporation in 1931. Therefore approval of the project with a 4<sup>th</sup> level beneath the permitted 3 story residence would constitute a grant of special privilege; and
6. There are no special circumstances applicable to this 33,632 square-foot site that require additional square footage to be designed only as a 4<sup>th</sup> level, and there are opportunities and it is physically possible to design additional space as extensions of the basement and 1<sup>st</sup> floors of the residence to the north, south, and east of the existing structure. Therefore, denial of the requested height variance for a fourth level will not deprive the applicant of privileges enjoyed by other property owners in the vicinity and in the RS-6 Zone District.
7. The strict application of the 35 foot height limit, would not result in excessive or unreasonable hardship for the owners as the removal of the unpermitted work is physically possible and would bring the property into compliance with the height regulations.
8. The denial of the height variance to allow a 4-story, 50 foot tall residence will protect the public welfare, maintain the site in a compatible manner to the hillside development on Crest Road and will protect the property values of other property in the vicinity where the 3-story height limit is being adhered to and in which the property is situated.

**WHEREAS**, the Planning Commission has approved the project as amended by to the following conditions:

1. This approval is limited to the development illustrated on the plans prepared by Henry Taylor, Architect, pages 1 through 7, to be modified to eliminate the ground floor improvements including the interior walls and floors, except those certified by the project structural engineer and verified by peer review of the Town Engineer, as being necessary for the structural integrity of the building, toilet, sink, two windows in the western wall, the wine storage room, and any electrical improvements not necessary to provide lighting for routine maintenance of the ground floor foundation area.
2. The applicant shall submit plans and apply for construction permits within 120 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 and for the Town Engineer peer review of the abatement/demolition plans for ground floor area.

4. 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
5. 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).
6. 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.
7. 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.
8. 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.
9. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
10. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 19-10. 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 19-10 will result in the job being immediately stopped and red tagged.

11. Any damages to the public portions of Crest Road, or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
12. 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.
13. 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.
14. 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.

### **Ross Valley Fire Department**

15. All vegetation and construction materials are to be maintained away from the residence during construction.

16. 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.
17. 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.
18. 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.
19. 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.
20. Plans submitted for the building permit shall show a 20-foot-wide fire road within 150 feet of any portion of the basement floor exterior walls and will have to indicate how the required 1000 gallons per minute fire flow will be provided.
21. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
22. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.
23. A 20 foot wide (fire) road width must be provided within 150 feet of any portion of the ground floor exterior walls.
24. The inadequate fire flow pressure which currently does not meet the minimum required 1,000 gallons per minute, must be brought up to code as part of the legalization process.

**Marin Municipal Water District (MMWD)**

25. A copy of the building permit must be provided to the district along with the required applications and fees.



26. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.
27. Any landscaping plans must be reviewed and approved by the District.
28. Backflow prevention requirements must be met.
29. 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.
30. 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.

**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 and Height Variance can occur without causing significant impacts on neighboring residences as long as the above conditions are met; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17th day of October, 2019, by the following vote:

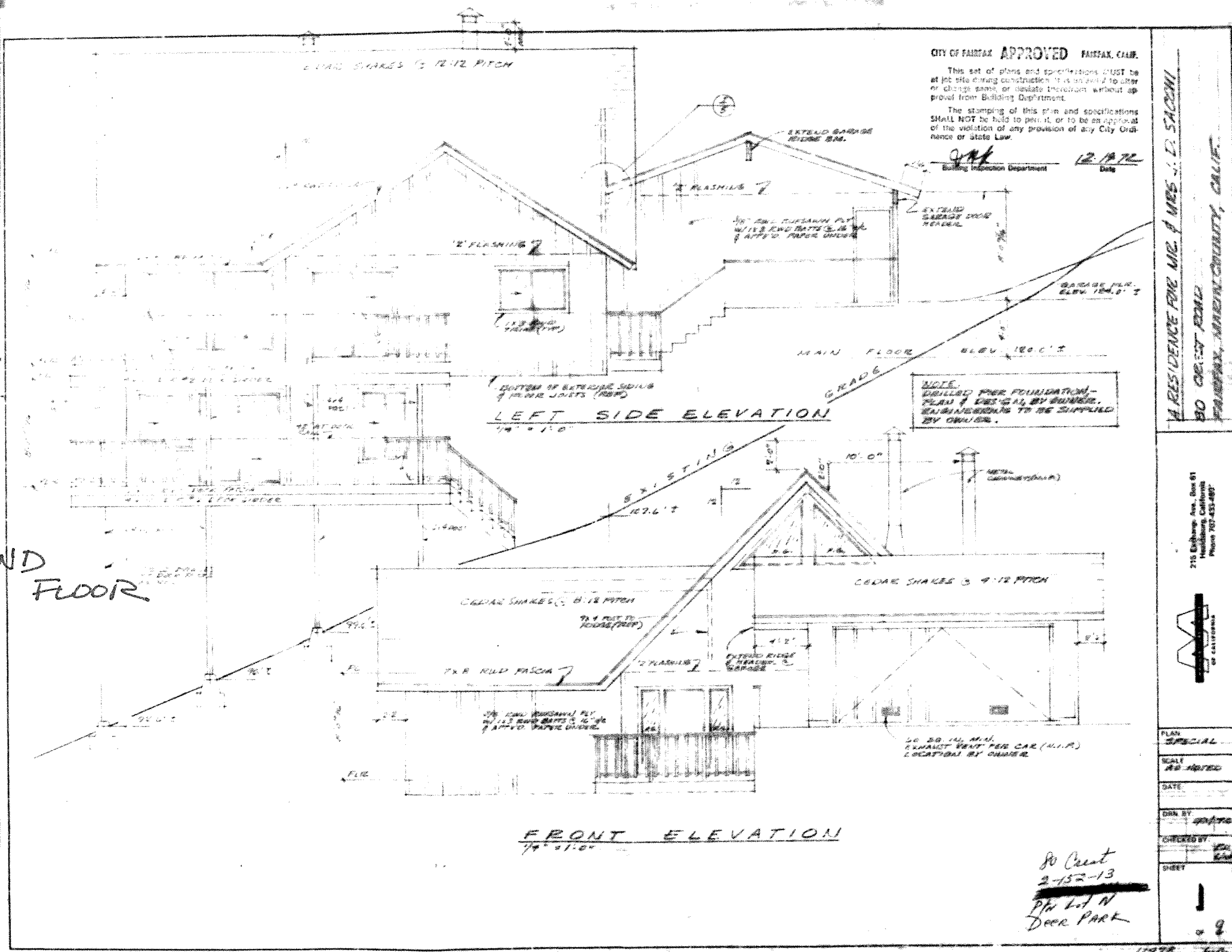
AYES:

NOES:

\_\_\_\_\_  
Chair, Cindy Swift

Attest:

\_\_\_\_\_  
Ben Berto, Director of Planning and Building Services



NO GROUND FLOOR

CITY OF FAIRFAX APPROVED FAIRFAX, CALIF.  
 This set of plans and specifications MUST be at job site during construction. It is intended to offer or change same, or revoke therefrom without approval from Building Department.  
 The stamping of this plan and specifications SHALL NOT be held to permit, or to be an approval of the violation of any provision of any City Ordinance or State Law.

*JAK*  
 Building Inspection Department  
 12/19/72  
 Date

NOTE: DRILLED PIER FOUNDATION - PLAN & DESIGN BY OWNER. REINFORCEMENT TO BE SUPPLIED BY OWNER.

RESIDENCE FOR MR. & MRS. J. D. SACCHI  
 80 CREST ROAD  
 FAIRFAX, ARDEN COUNTY, CALIF.

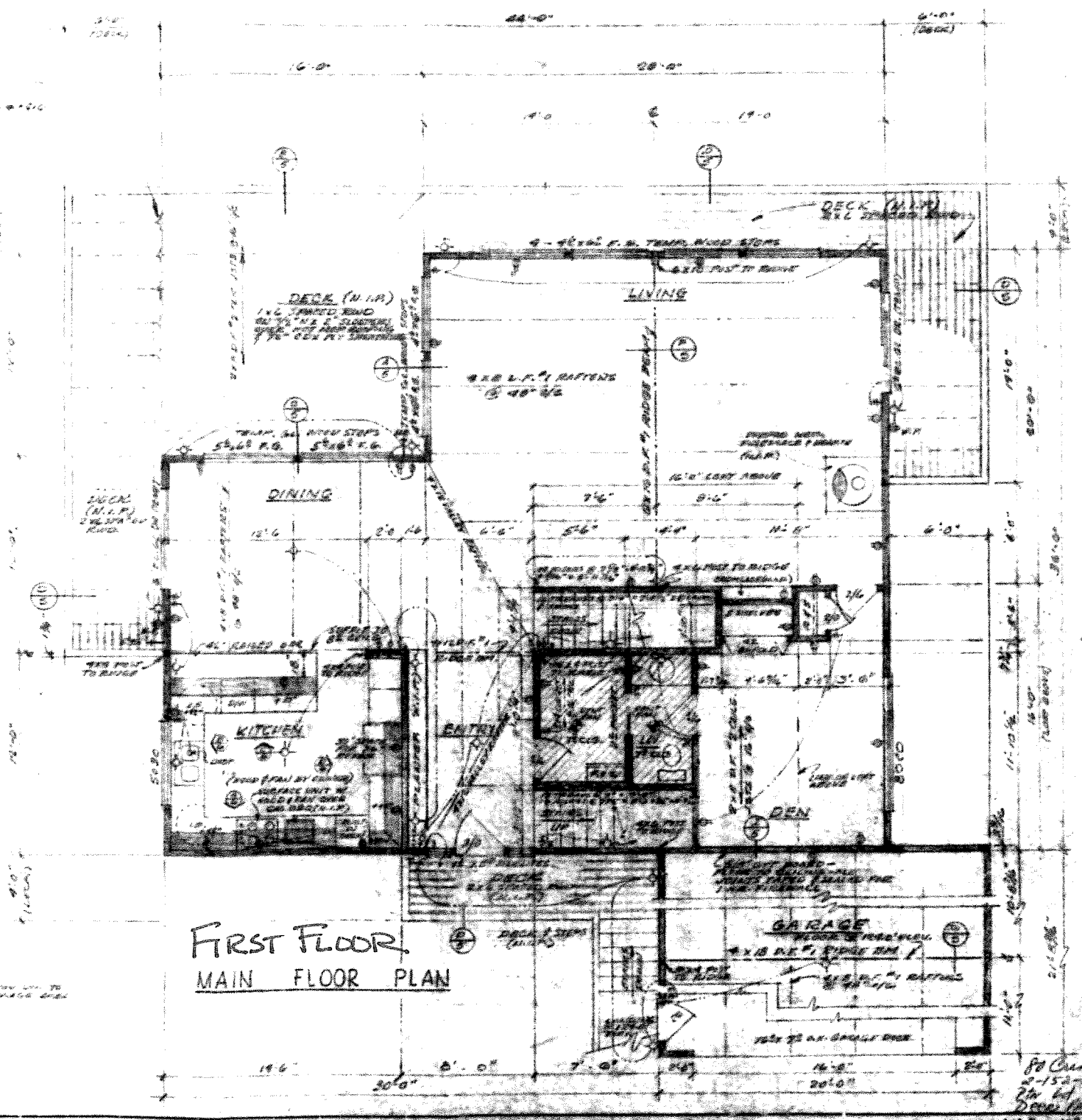
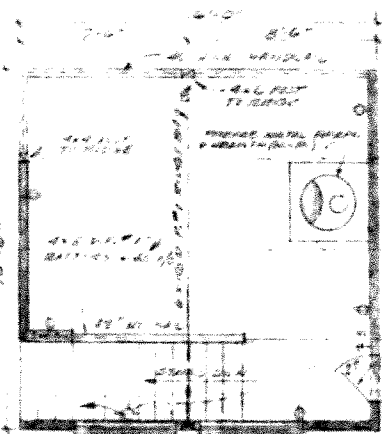
215 Exchange Ave., Box 61  
 Redlands, California  
 Phone 787-4348

PLAN SPECIAL  
 SCALE AS SHOWN  
 DATE  
 DRAWN BY  
 CHECKED BY  
 SHEET

80 Crest  
 2-13-13  
 PH Lot N  
 DEER PARK

APPROVED PLANS  
 1972

NOTES:  
 1. ALL WALLS TO BE CONCRETE  
 2. ALL FLOORS TO BE CONCRETE  
 3. ALL ROOFS TO BE CONCRETE  
 4. ALL CEILING TO BE CONCRETE  
 5. ALL DOORS TO BE 1 1/2" MIN. THICK  
 6. ALL WINDOWS TO BE 1 1/2" MIN. THICK  
 7. ALL STAIRS TO BE CONCRETE  
 8. ALL STAIRS TO BE 1 1/2" MIN. THICK  
 9. ALL STAIRS TO BE 1 1/2" MIN. THICK  
 10. ALL STAIRS TO BE 1 1/2" MIN. THICK



A RESIDENCE FOR: MR. & MRS. J. D. SAGGI  
 80 CREST ROAD  
 FAIRFAX, MARIN COUNTY, CALIF.

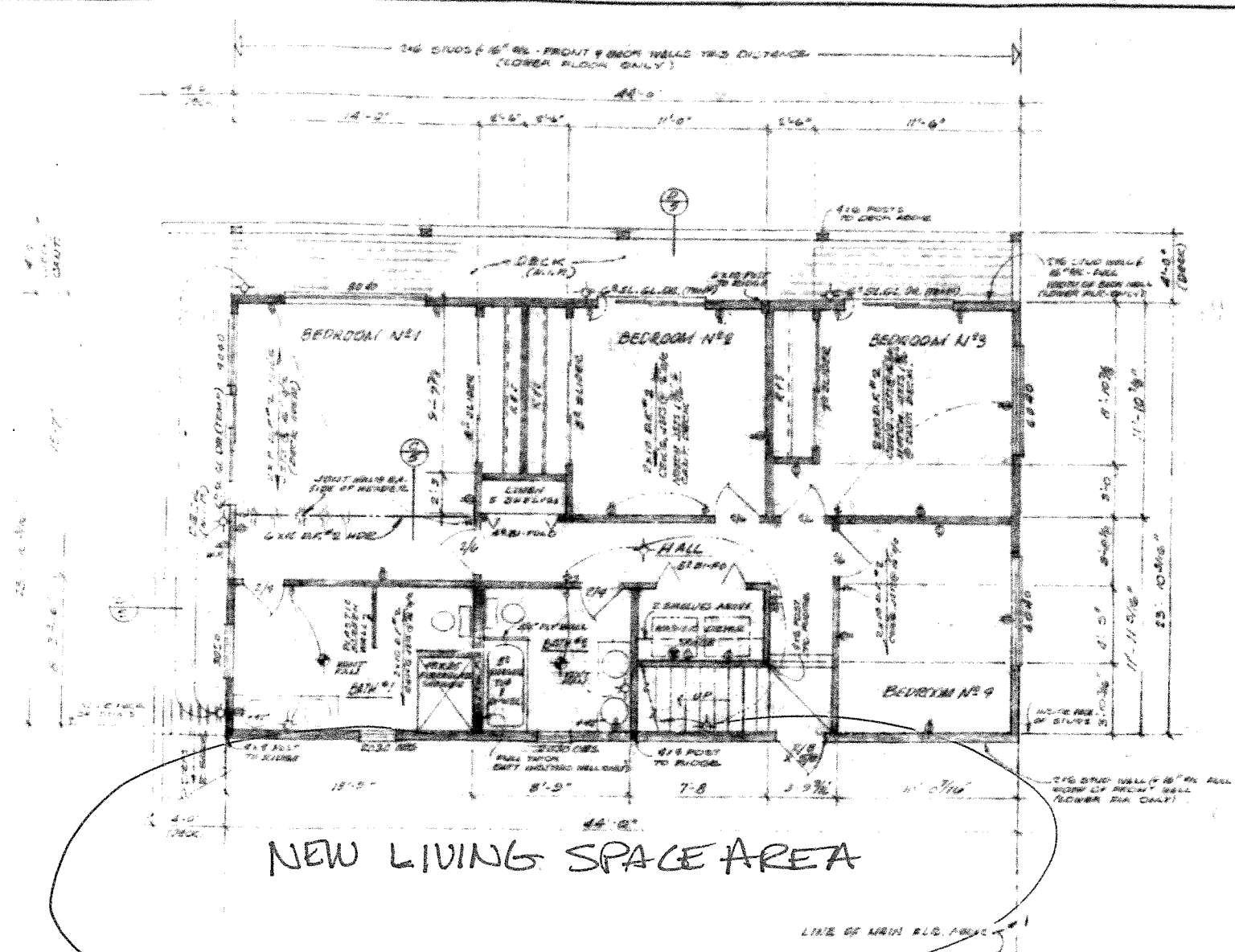
210 Exchange Ave. Box 61  
 Tiburon, California  
 Phone 707-432-4801



LAN	SPECIAL
SCALE	1/4" = 1'-0"
DATE	
DRN BY	J.D.S.
CHKD BY	J.D.S.
DATE	
SHEET	3

80 Crest  
 2-152-13  
 J.D.S.  
 JOB NO. 11478 LK

APPROVED PLANS  
 1972



BASEMENT  
LOWER FLOOR PLAN  
SCALE: 1/4" = 1'-0"

A RESIDENCE FOR: MR. & MRS. J. D. SACCHI  
80 CREST ROAD  
FAIRFAX, MARIN COUNTY, CALIF.

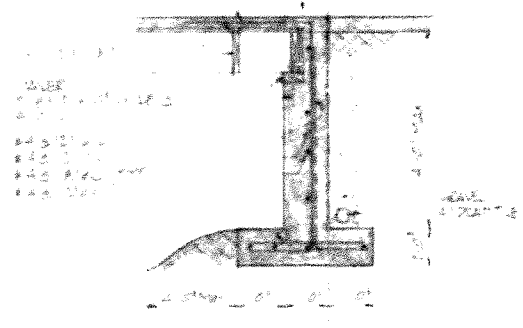
215 Exchange Ave., San Rafael  
Hammill & Co., Inc.  
Phone 707-452-4801



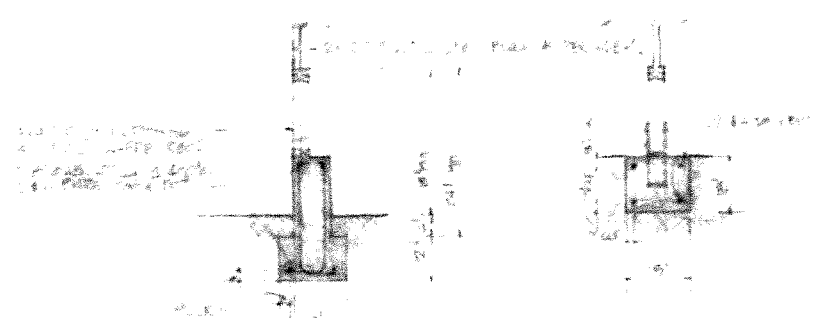
PLAN	SPECIAL
SCALE	AS NOTED
DATE	
DRAWN BY	J.S.
CHECKED BY	J.H.
SHEET	

APPROVED PLANS  
1972

SECTION 1  
 1/4" = 1'-0"  
 1/8" = 1'-0"  
 1/16" = 1'-0"

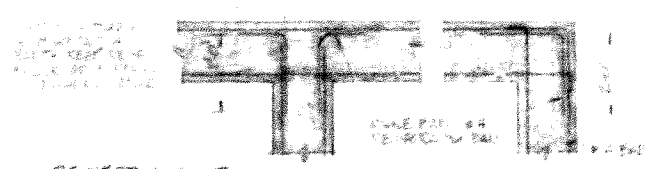


1 HEADWALL DETAIL AT GARAGE

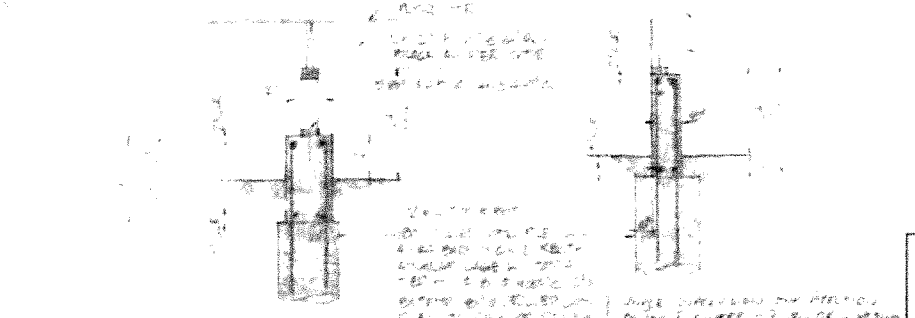


2 TYPICAL FOUNDATION WALL DETAIL

3 GRADE BEAM DETAIL

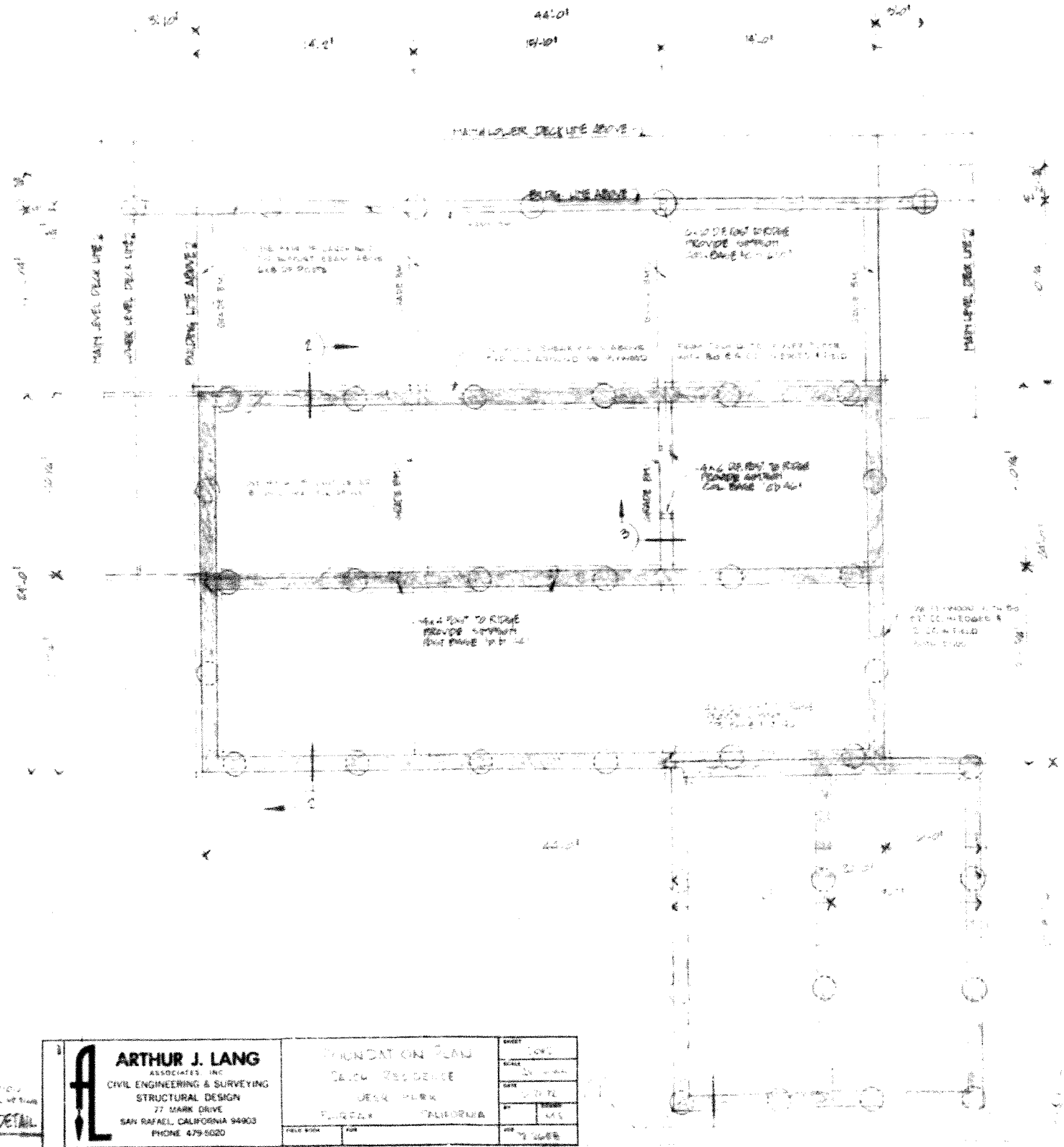


4 REINFORCING PLAN



5 ALTERNATE INTERIOR PIER DETAIL

6 ALTERNATE EXTERIOR PIER DETAIL



	<b>ARTHUR J. LANG</b> ASSOCIATES, INC. CIVIL ENGINEERING & SURVEYING STRUCTURAL DESIGN 77 MARK DRIVE SAN RAFAEL, CALIFORNIA 94903 PHONE 479-5020	FOUNDATION PLAN CASH RESIDENCE OESR PARK FURCA, CALIFORNIA	SHEET NO. 100 SCALE 1/4" = 1'-0" DATE 10/72 DESIGNED BY M.S. CHECKED BY M.S.
	FIELD NO.		SHEET NO.
	DATE		NO. OF SHEETS
	DRAWN BY		TOTAL SHEETS

GROUND FLOOR

APPROVED PLANS  
 1972

Sacchi, Jerry

RESIDENTIAL BUILDING RECORD

ADDRESS 80 Crest Rd., F

PARCEL 2-152-13

SHEET OF SHEETS

DESCRIPTION OF BUILDING HHE - DATE

CLASS & SHAPE	CONSTRUCTION	STRUCTURAL		EXTERIOR	ROOF		LIGHTING		AIR CONDITION		ROOM AND FINISH DETAIL												
		Frame	Box		Stucco	Flat	Pitch	WIRING	Heat.	Cool.	ROOMS	FLOORS			FLR. FIN.		INTERIOR FINISH						
ARCHITECTURE	Sub-Standard	2"x4"	16"	Siding "x"	Gable 1/4	H	K&T	B.X.	Forced	Clean	All	B	1	2	Mat.	Gr.	Trim	Walls	Gr.	Ceilings	Gr.		
D 88	Standard	2"x4"	16"	Siding "x"	Gable 1/4	H	K&T	B.X.	Forced	Clean	All							Pl.	Sh.Rk.	A	Pl.	Sh.Rk.	A
1 1/2 Stories	Above-Standard	Conc. Blk.		B&B T&G	Shed	A			Gravity	Humid.								Hard Ply					
TYPE	Special	B&B	T&G		Cut-Up	Dorm	Few	Cheap	Floor														
USE	DESIGN	FOUNDATION			Brick				Central	Out.													
Single	Concrete	Floor Joist		Stone	Shingle				Radiant														
Double	Reinforced	1st: 2"x10" 16"		Gd. Av. Fr.	Boxed Eaves																		
Duplex	Brick	2 2nd: 8"x8" 16"			Gutters	D.S.			Elect.	w.													
Apartment	Wood	Sub-Floor Ply		Crystal S.F.	Shingle				Thermostat														
Flat-Court	Piers	Conc. Floor		Metal Scrn.	Shake M																		
Motel	Slope			Plate S.F.	Tile	Ti Trim																	
Units	Light	Heavy		Insulated Ceiling	Plate S.F.	T&G	Roll																
				Insulated Walls	Sid. Gl. Dr.	S.F.																	

CONSTRUCTION RECORD

Permit No.	For	Amount	Date	EFFEC. YEAR	APPR. YEAR	NORMAL % GOOD			RATING (E, G, A, F, P)					BATH			FINISH			FIXTURES			SHOWER					
						Age	Remain. Life	Table %	Cond.	Arch. Attr.	Func. Plan.	Con. form	Storage Sp. Cupbd	Sp. Closet	Workmshp	Fl. No.	Floors	Walls	Wc.	La.	Tub	Type	Grade	St.	Q.T.	G.D.	Finish	
2588	Dwell	64,000	12-72	1973	1972	0	60	60-2	100	G	G	G	(F)	E	G	A	1	1	Car Ti	Sh Rk - Paint	1	1	-	Med	Stel	-	-	-
268	Pool	8700	6-74																									
336	Ret wall	4,000	12-74																									

SPECIAL FEATURES

COMPUTATION

Appraiser & Date	Area	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost	unit cost	Cost
Not Started 32-73 Phillips 18078 COMP 21 JAN 3-4-74																	
Berry 3-18-74	1392	19.88	27673														
Fin Bmnt	1056	19.88	20993														
Loft	240	14.90	3576														
AC	2448	.80	1958														
FP			450														
Att Gar DB	440	8.29	3648														
WUP Steps	988	2.50	2470														
Ramp	336	4.00	1344														
Slope Const			2000														
75 Sw. Pool																	
TOTAL	173		64112 +														
NORMAL % GOOD			106														
R.C.L.N.D.			64112 +8000														

ATTACHMENT C

PLAT

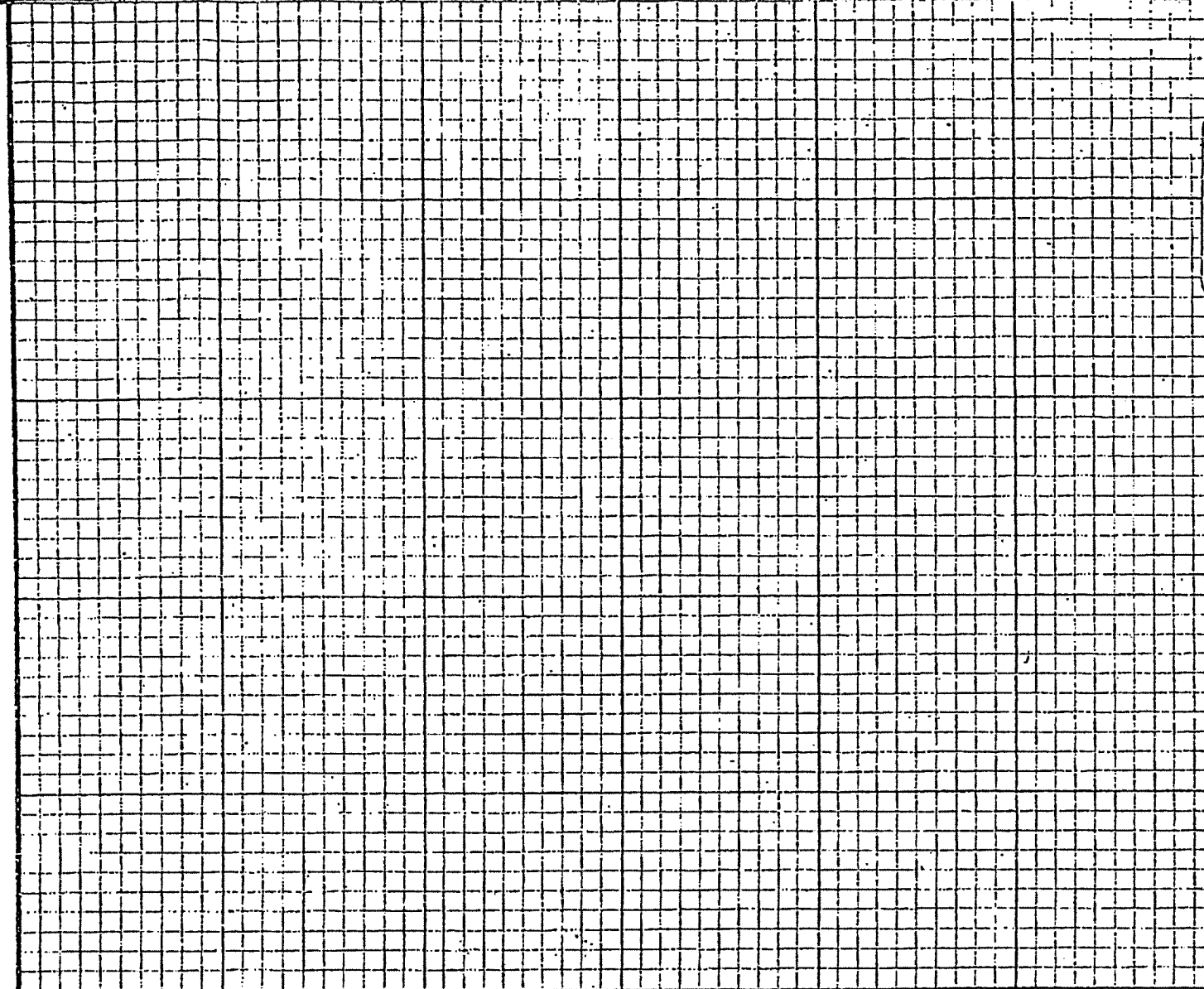
SCALE: 1" = 20'

TRANSACTION RECORD

DATE	STAMPS	SALE PRICE	GRANTEE
10-70	9.90		COOK, ALLEN W. 2412-208
4-72	8.25	7500	SACCHI FERRI DUANE + MARENE 2556-428
1978			Sorgen, Verle W. & L. Marene 3384-533

002-152-13 \$ NA  
 JAN 15 88 \$ 88-02561-WOP(2)  
 SORGEN, VERLE W. & MARENE S. TRS.

002-152-13 \$ NA  
 JAN 5 89 \$ 89-00671-WOP(2)  
 SORGEN, VERLE & MARENE S. TRS.



CONSTRUCTION RECORD

PERMIT NO.	FOR	AMOUNT	DATE	APP. YR
2588	RES			72
268	POOL	8700	6-74	11
336	RET. WALL	4000	12-74	11
9285	PLUMBING - S.P. REEL		9-81	11
P95207	REPLACE DRIVEWAY RAMP	3000	12-95	11
9259618	REPAIR	24744	5-96	11

ROOM FINISH DETAIL

ROOMS	ROOM			FLOOR	WALL	CLIL.
	B	1	2			
TYPICAL				WVC	S.A.	SR.
ENTRY AREA		1		Cer Ti		
LIVING		1				
DINING		1		Vin Ti.		
DINING AREA						
FAMILY						
KITCHEN		1		VIN TI.		
BREAK. AREA						
DEN/LIBRARY		1				
BED		3				
BED		1		UNF		
SUPP. ROOM			2			FX BEAM
BATH		2	1			

BATH FIXTURES

NO. BATHS	W. C.	LAV.	TUB	S.O.T.	ST. SH.	TYPE	GR.
1	1	1				m	5
1	1	2			1		
1	1	2	1	1			

COMPUTATIONS:

REMARKS: ITEM 95: RAMP  
 P95207. REPAIR & REPLACEMENT OF DRIVEWAY RAMP. NO VALUE ADDED 6-10-96 S.U.A.  
 2) P961182 Owner records, repl. chimney; gutters and parts of WUD. D.C. 6-30-96. No added UB, CA permit. 6-18-96

MISCELLANEOUS STRUCTURES

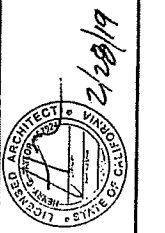
STRUCTURE	CLASS	SIZE	AREA	FNDN	EXT.	INT.	ROOF	FLR.	COST
ATT GAR.	D8	20x20	440	FC	PLV	UNF	SHK.	C.	3648

FOUNDATION		EXTERIOR		ROOF		BUILT-INS	
REINF. CONC.	X	BRICK		COMPO.		RANGE/HOOD	X
CONC. SLAB		STUCCO		TAR & GRAV.		OVEN	X
PIER		SIDING		SHINGLE/SHAKE	X	GARB. DISP.	X
SONOTUBE		SHINGLE/SHAKE		TILE			
		PLY	X				
JOISTS		WINDOWS		SPEC. FEATURES		A. C.	
2 "x 10" - 16 "		D.H.	WOOD	BREAK. BAR		C.F.A.H.	X
STRUC. - WALLS		CSMT.	X METAL	WET BAR		OUTLETS	
WOOD FRAME	X	PLATE	X CRYST.	INTERCOM.		RADIATOR	
STUDS		SL. GLASS DOOR		WARDROBES		RADIANT	
2 "x 4" - 16 "				REFRIG.		FLOOR	
BRICK		LIGHTING		DISHWASHER	X	WALL	
CONC. BLK.		REC.	220			CENT. COOL	



REVISIONS	BY

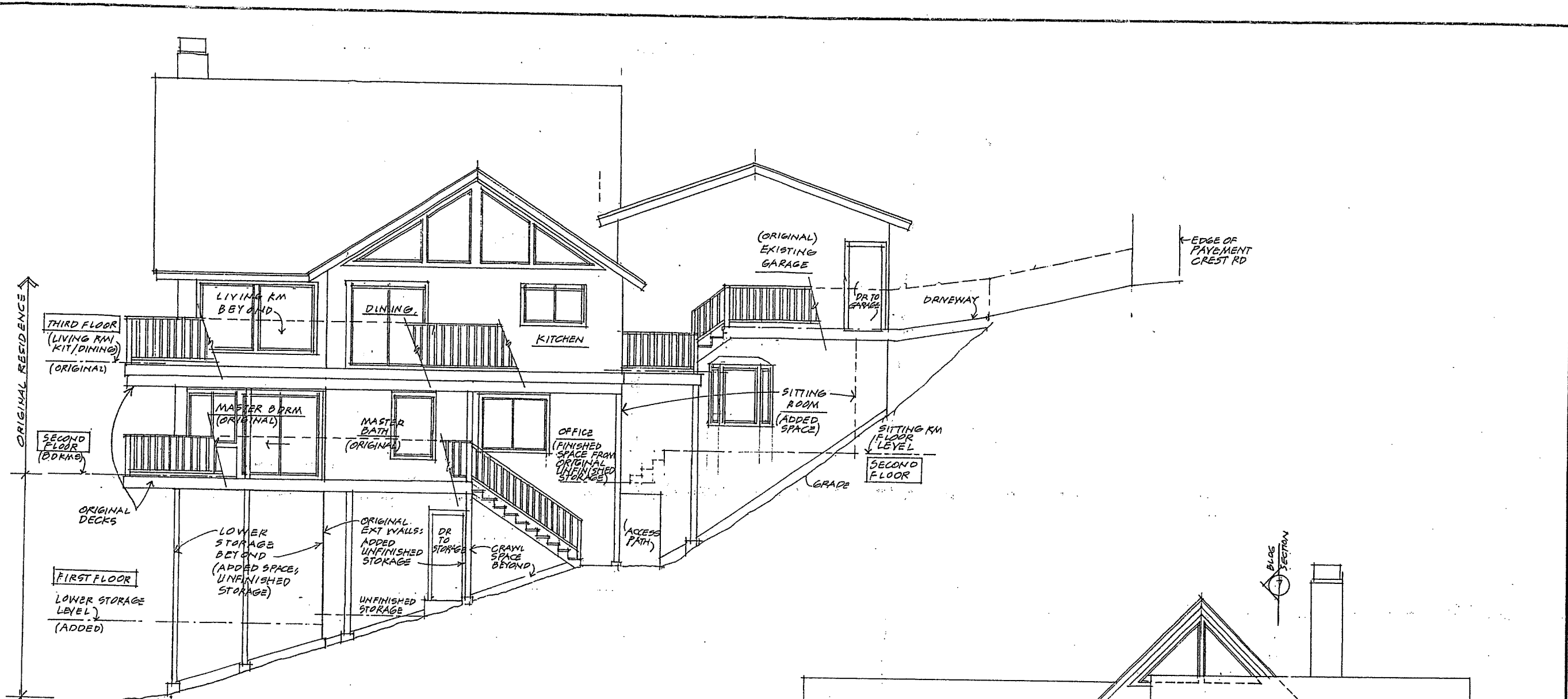
**HENRY TAYLOR**  
 ARCHITECTS  
 10000 BUCKLEBERRY ROAD  
 FAIRFAX, CALIFORNIA  
 94930  
 TEL 415.484.4821  
 FAX 415.484.4828



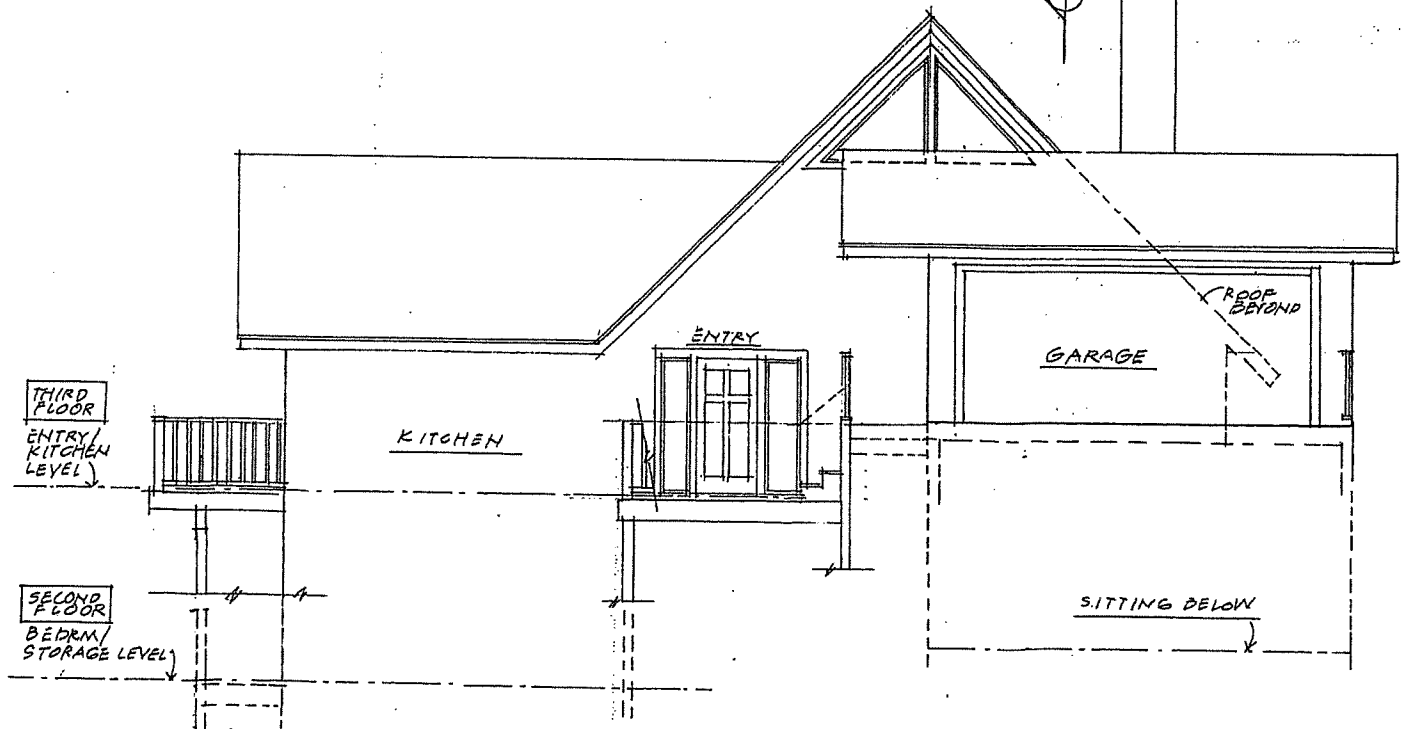
**SORGEN RESIDENCE**  
 EXISTING RESIDENCE PLANS  
 80 Crest Drive  
 Fairfax CA 94930 AP#: 02-152-13

EXTERIOR ELEVATIONS  
 Date 5/5/18  
 Scale 1/4" = 1'-0"  
 Drawn  
 Job  
 Sheet **5**  
 Of 7 Sheets

LOFT  
 FIRST FLOOR  
 BASEMENT  
 GROUND FLOOR



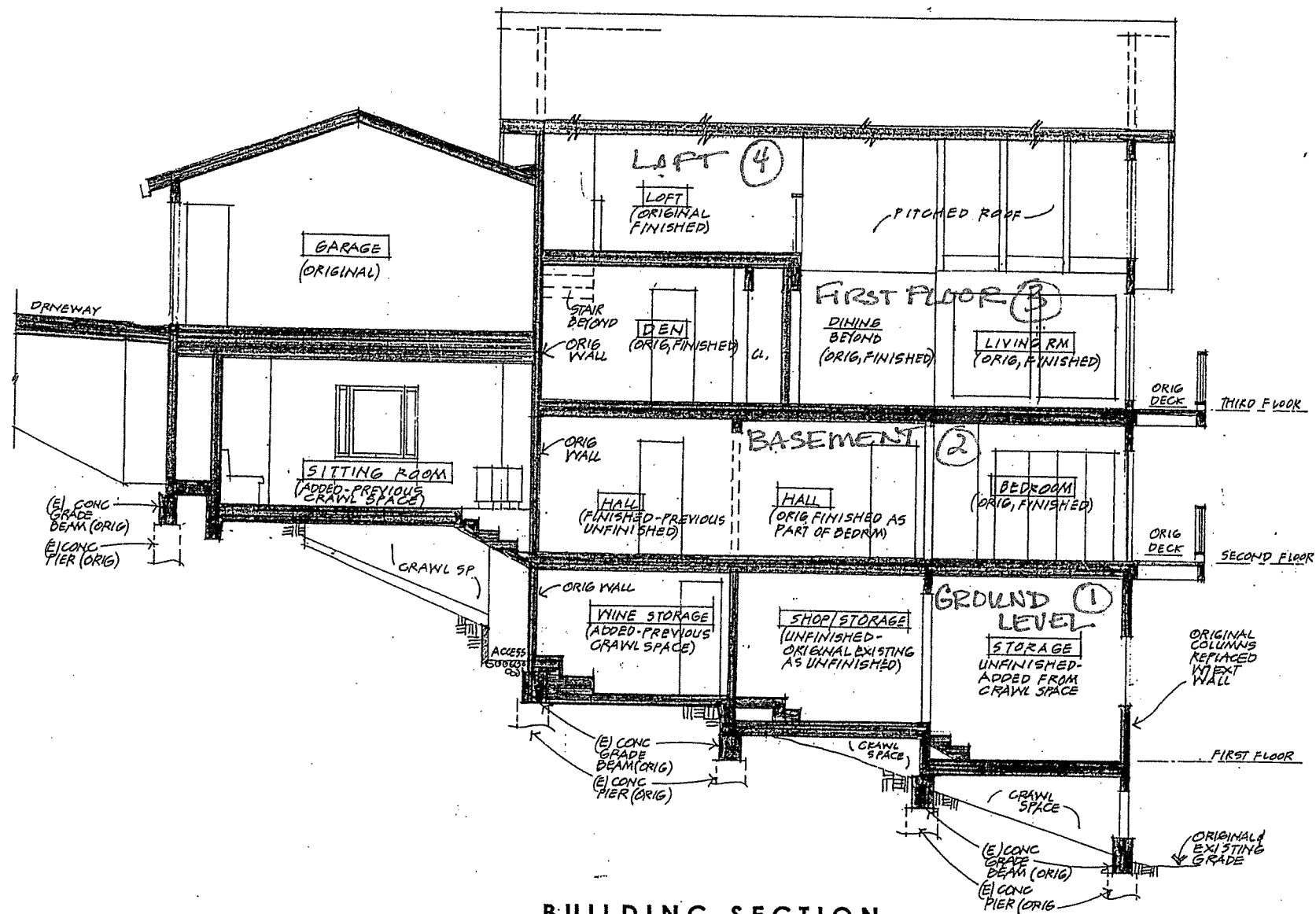
**SOUTHEAST ELEVATION**  
 1/4" = 1'-0"



**NORTHEAST ELEVATION**  
 (STREET VIEW)  
 1/4" = 1'-0"

APPLICANT'S PLANS  
 2018

**ATTACHMENT D**



**BUILDING SECTION**

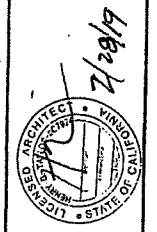
1/4" = 1'-0"

REVISIONS	BY

HENRY TAYLOR

ARCHITECTS  
 22 CREST ROAD  
 FAIRFAX  
 CALIFORNIA  
 94930

TEL 415.484.4821  
 FAX 415.484.4829



**SORGEN RESIDENCE**  
 EXISTING RESIDENCE PLANS  
 80 Crest Drive  
 Fairfax CA 94930 AP#: 02-152-13

BUILDING SECTION

Date 5/5/18

Scale 1/4" = 1'-0"

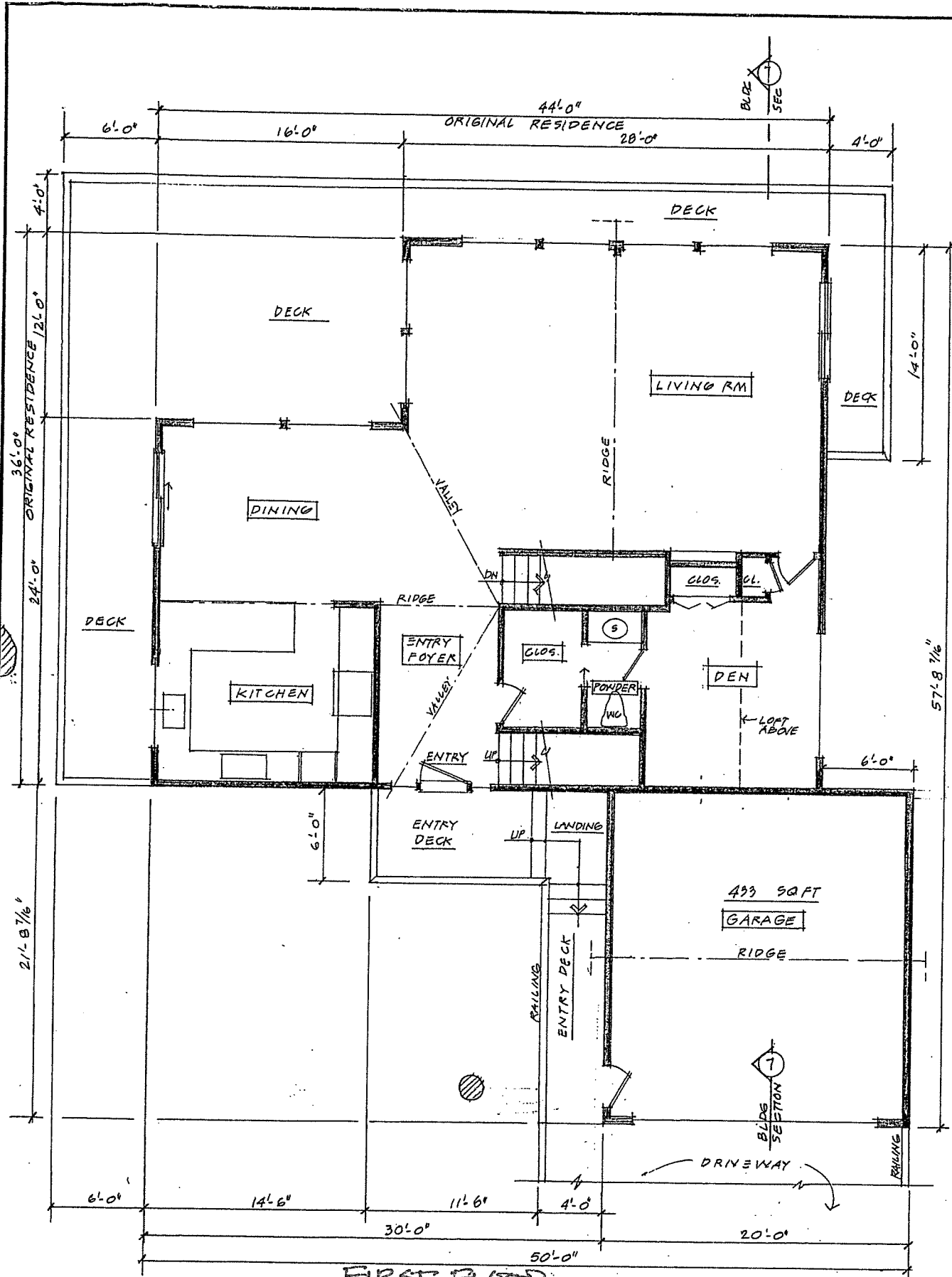
Drawn

Job

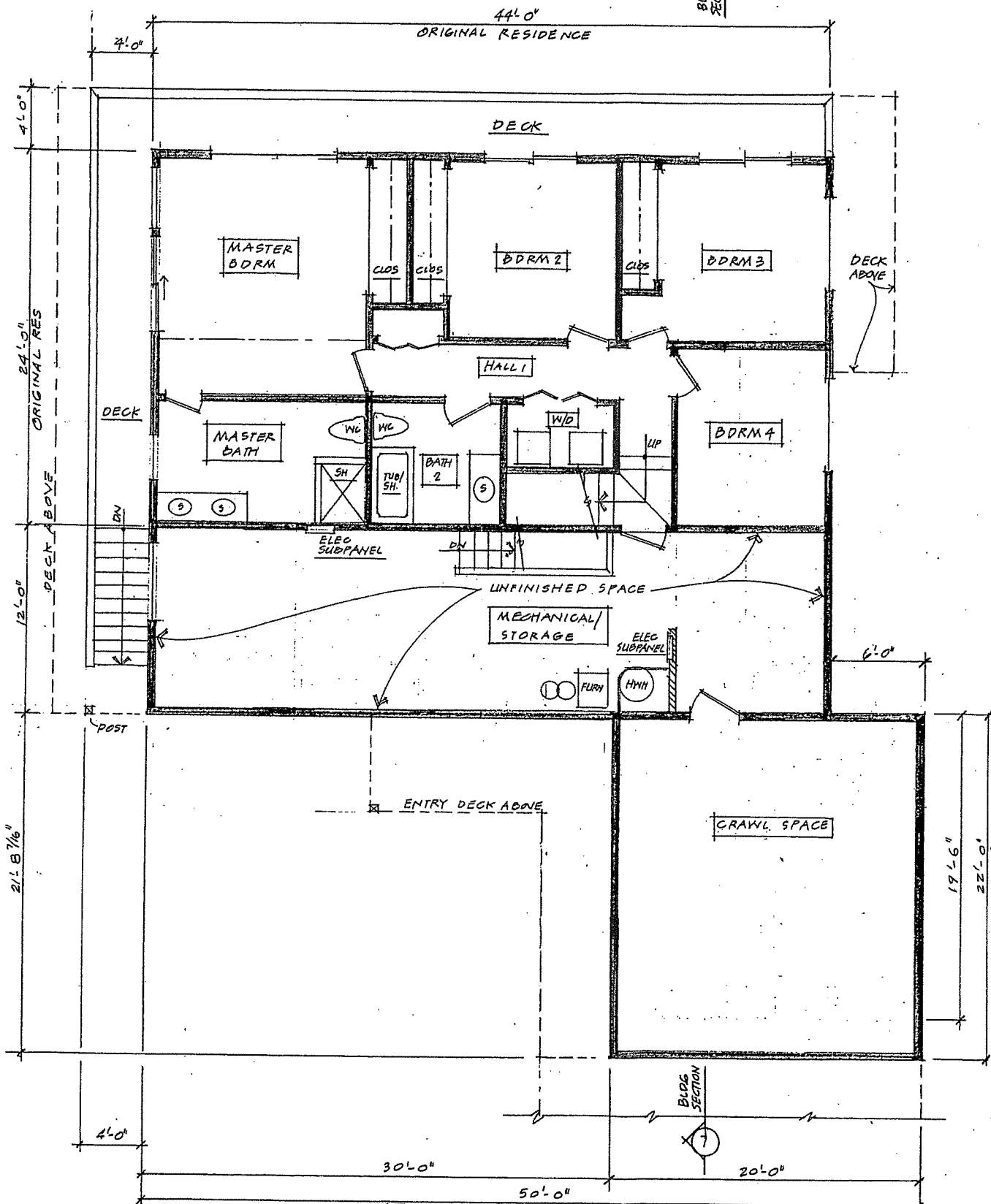
Sheet

7

APPLICANTS PLANS  
 2018



**THIRD FLOOR PLAN**  
 (ORIGINAL AREA-EXISTING-  
 NO AREA ADDED)



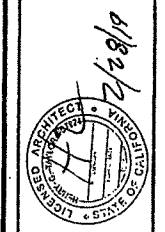
**SECOND FLOOR PLAN**  
 (ORIGINAL AREA)

APPLICANT'S PLANS  
 2018

REVISIONS	BY

HENRY TAYLOR  
 ARCHITECTS  
 66 CREST ROAD  
 FAIRFAX CALIFORNIA  
 94930

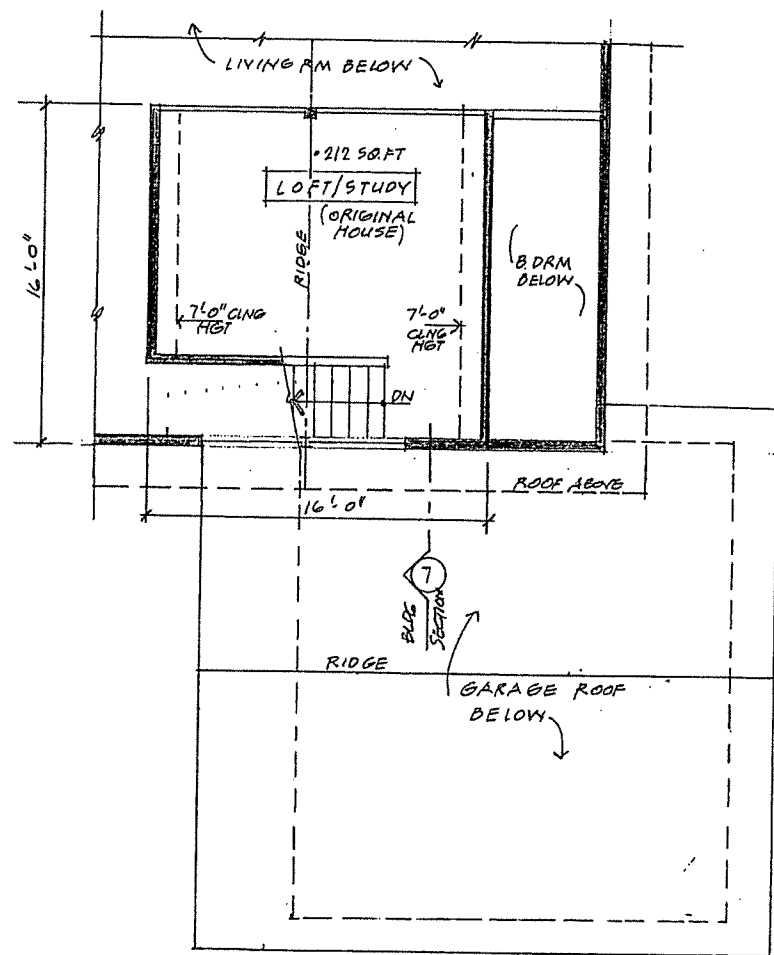
TEL 415.484.4023  
 FAX 415.484.4229



**SORGEN RESIDENCE**  
 EXISTING RESIDENCE PLANS  
 80 Crest Drive  
 FAIRFAX CA 94930 AP#: 02-152-13

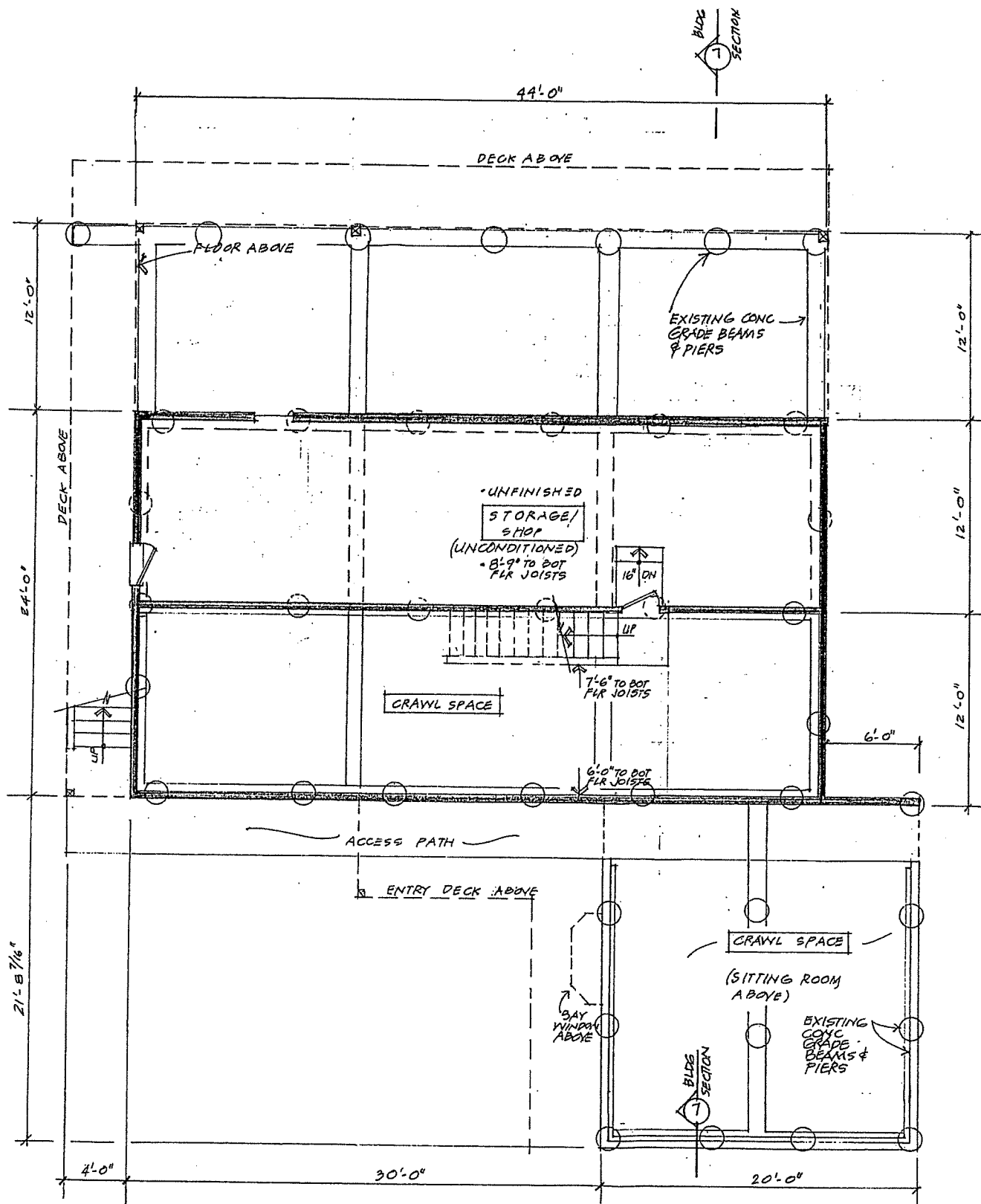
\*ORIGINAL FLOOR PLANS  
 2nd/3rd FLR

Date	5/5/18
Scale	1/4"=1'-0"
Drawn	
Job	
Sheet	2
Of 7	Sheets



**LOFT FLOOR PLAN  
(ORIGINAL-EXISTING)**

1/4" = 1'-0"



**GROUND FLOOR  
FIRST FLOOR PLAN  
(ORIGINAL AREA)**

1/4" = 1'-0"

APPLICANT'S PLANS

2018

REVISIONS	BY

HENRY TAYLOR

ARCHITECTS  
14 CREST ROAD  
FAIRFAX  
CALIFORNIA  
94930

TEL 415.484.4931  
FAX 415.484.4928



**SORGEN RESIDENCE**  
EXISTING RESIDENCE PLANS  
80 Crest Drive  
Fairfax CA 94930 AP#: 02-152-13

ORIGINAL  
FLOOR PLANS  
1<sup>ST</sup> FLR/LOFT

Date 5/5/18

Scale 1/4" = 1'-0"

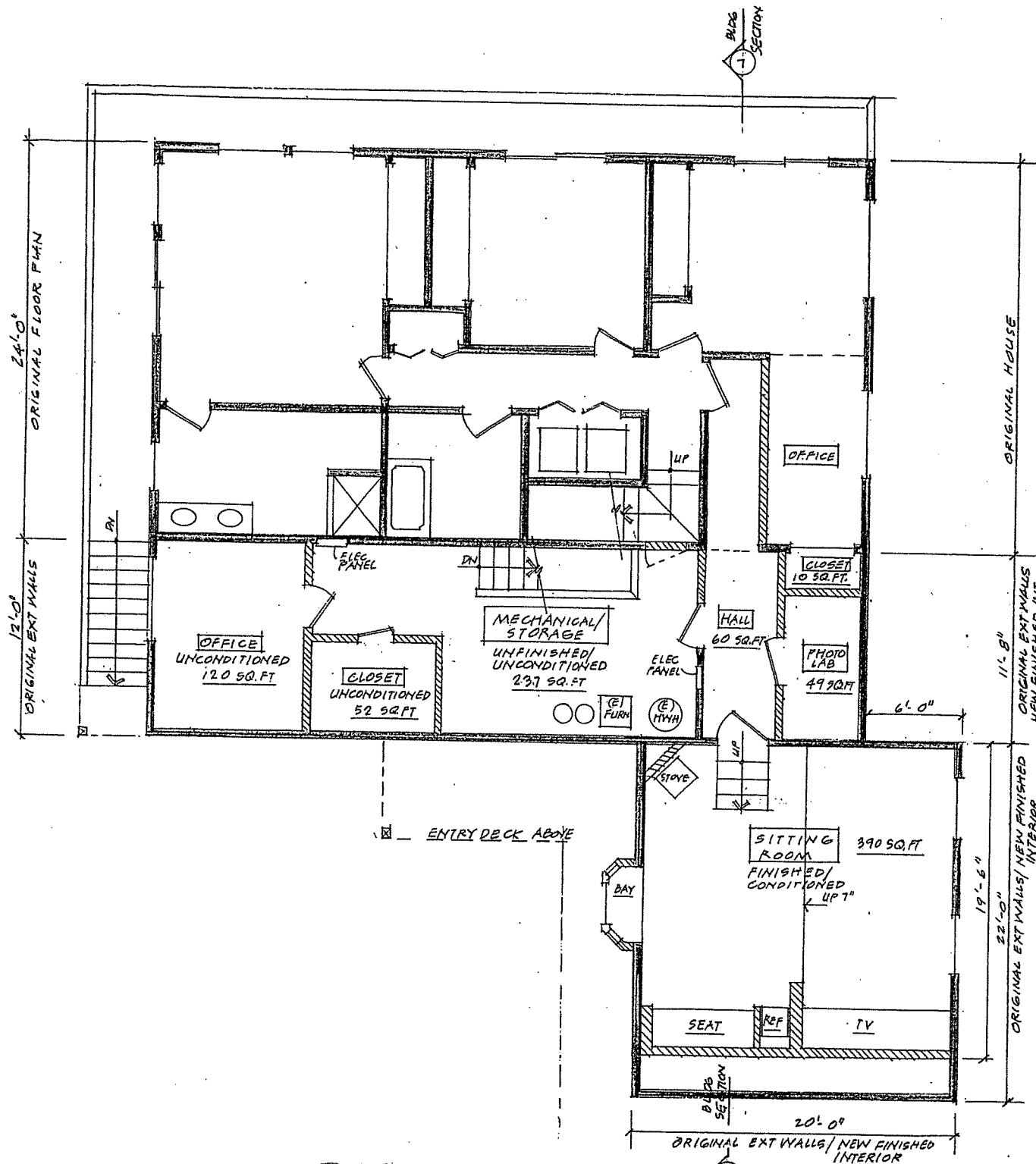
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Job

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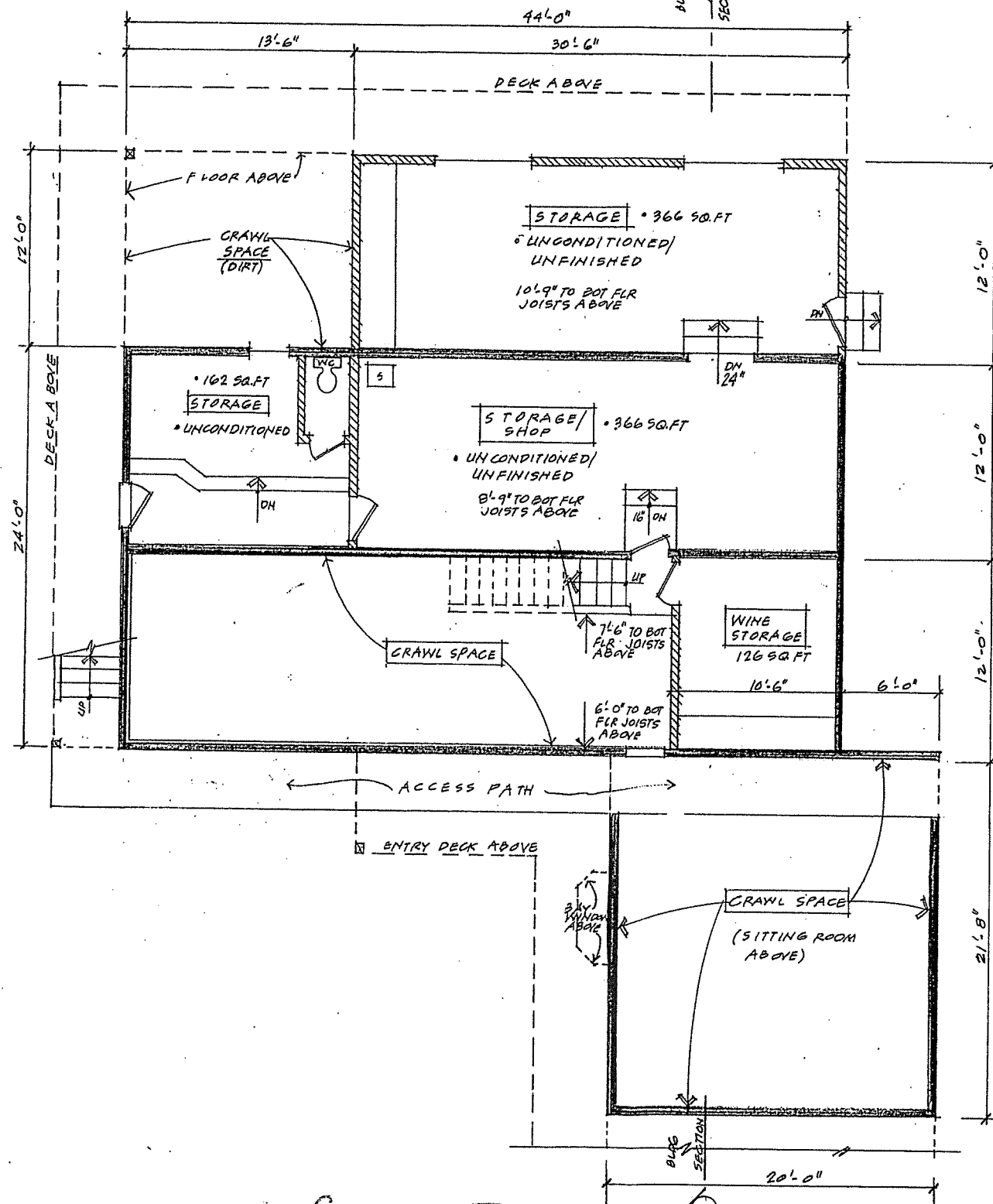
3

Of 7 Sheets



**BASEMENT  
SECOND FLOOR PLAN  
(WITH NEW AREA ADDED)**

1/4" = 1'-0"



**GROUND FLOOR  
FIRST FLOOR PLAN  
(WITH NEW AREA ADDED)**

1/4" = 1'-0"

APPLICANT'S PLANS  
2018

REVISIONS	BY

HENRY TAYLOR

ARCHITECTS  
8808 CREST ROAD  
FAIRFAX, CALIFORNIA  
94930

TEL 415.454.4031  
FAX 415.454.4028



**SORGEN RESIDENCE**  
EXISTING RESIDENCE PLANS  
80 Crest Drive  
Fairfax CA 94930 AP#: 02-152-13

FLOOR PLAN  
ADDITIONS  
1ST/2ND FLRS

Date 5/5/18

Scale 1/4" = 1'-0"

Drawn

Job

Sheet

4

Of 7 Sheets