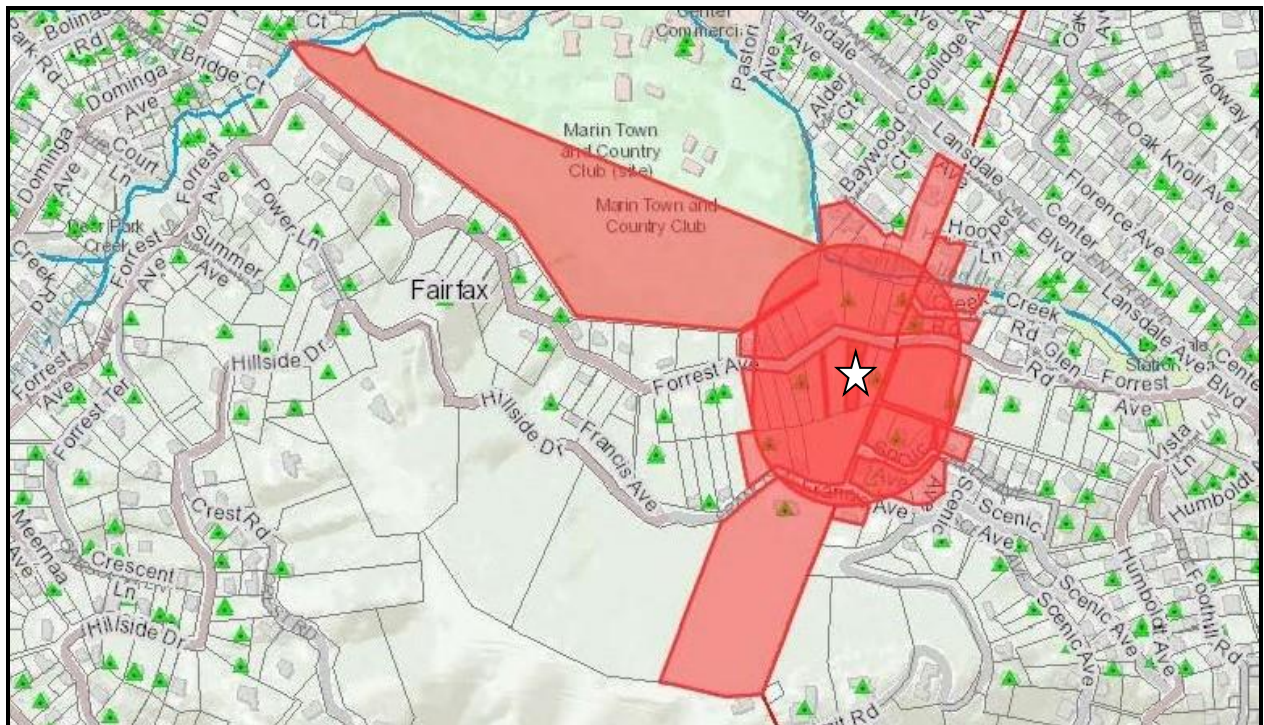


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: April 20, 2023
FROM: Kara Spencer, Assistant Planner
LOCATION: 97 Forrest Avenue; Assessor's Parcel Number 002-192-23
ZONING: RS-6 Single-family Residential Zone
PROJECT: Fifty percent remodel and two-story addition to a single-family residence
ACTION: Hill Area Residential Development Permit, Design Review Permit, Combined Side-yard Setback Variance, and a Compact Parking Space Variance; Application # 23-09
APPLICANT: Jay Sherlock, Architect
OWNER: Zak Cordisco and Zoe Pearl
CEQA STATUS: Categorically exempt, § 15301(e)(1)



97 FORREST AVENUE

BACKGROUND/EXISTING CONDITIONS

The approximately 9,447 square-foot project site slopes up from Forrest Avenue at an average rate of approximately 41%. The project site is developed with the existing house; a large concrete carport; a shed; concrete patios, stairs, and walkways; and, several retaining walls. The existing carport is a legally, non-conforming structure partially constructed within the Forrest Avenue right-of-way. It contains three 8'-16' compact parking spaces. A variety of native and non-native vegetation is scattered throughout the site. There is a tall fence and gate at the front

of the property (approximately ten feet high) that exceeds the six-foot height limit for fences [Town Code § 17.044.080(A)]. Staff included a condition of project approval, that all fencing shall comply with the requirements for fences contained in Town Code § 17.044.080.

The property owner has already implemented some project components but was stopped in process. In October 2020, the Fairfax Tree Committee granted the property owner approval to remove three trees from the property. All three trees have been removed. A fourth tree proposed for removal (a California black oak behind the planned addition) was not removed pending Planning Commission approval of the project. However, the property owner was able to successfully trim and limb the tree, eliminating the need to remove it and it is no longer proposed for removal.

Table 1 demonstrates the project’s compliance with the regulations of the RS-6 Single-family Residential Zone, High-Density District where the property is located. As indicated in Table 1, the existing property meets the rear setback, the combined front and rear setback, one of the individual side setbacks (western side), the FAR, lot coverage, and the building height requirement. The existing, legally, non-conforming carport encroaches into the Forrest Avenue right-of-way and it has an approximately one-foot setback from the eastern property boundary.

Table 1: 97 Forrest Avenue Compliance with RS-6 Regulations

	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	28.5 ft., 3 stories
Existing	> 0 ft.	134 ft.	134 ft.	1 ft. & 12 ft.	13 ft.	.12	.21	25'-5" 3 stories
Proposed	> 0 ft.	129 ft.	129 ft.	1 ft. & 9	10 ft.	.18	.21	25'-6" 3 stories

PROJECT DESCRIPTION

The project proposes to expand and remodel the existing approximately 1,179 square foot, two-bedroom, one-bathroom three-story house. Approximately 251 square feet would be added to the “main” floor and approximately 321 square feet would be added to the “upper” floor, while approximately 42 square feet have been removed from the “lower” floor for a total net expansion of approximately 530 square feet and a resulting house size of approximately 1,709 square feet. The new building footprint would be roughly the same as what had existed with a minor expansion to the back and a slight reduction on the eastern back side that would move the house further from the eastern property boundary and increase the setback on this side of the house. An existing retaining wall would remain in place at the eastern back side.

Over 50 percent of the existing house would be remodeled including reconfiguring all three floors. A second bedroom and full bathroom would be added to the main floor and a full bathroom and office would be added to the upper floor. The stairway connecting the main floor to the upper floor would be removed and relocated. The project proposes a new gable roof with a dormer located at the back of the house over the upper floor. The new roof would consist of either dark gray composite shingles that would match the existing roof or dark gray (“burnished slate”) standing seam metal. New siding would consist of Wildland Urban Interface (WUI) compliant horizontal Hardie boards with board and batten Hardie siding proposed at the front

entry and ADU entry inset walls. The project also includes legalizing the already constructed improvements.

Storm water from the roof and sheet flows from the back of the site would be directed to and captured in a four-inch perforated pipe located behind the house. That pipe would connect to an eight-inch solid pipe that would be located along the western side of the site that would direct stormwater to an existing drop inlet in the street.

No new plant material, irrigation, or landscape features are proposed. Existing vegetation would be trimmed and pruned or removed (all existing trees would be retained) in compliance with the approved Vegetative Management Plan (VMP). The Fairfax Tree Committee granted the property owner approval to remove three trees from the property in October 2020. All three trees have been removed. A fourth tree proposed for removal (a California black oak behind the planned addition) was not removed pending Planning Commission approval of the project. However, the property owner was able to successfully trim and limb the tree, eliminating the need to remove it and it is no longer proposed for removal.

The project proposes to meet the Town's required number of off-street parking spaces [Town Code § § 17.052.030(A)(1)(d) and (2)] with three 8' by 16' covered spaces located in the existing legally, non-conforming carport. All three spaces meet the minimum size required for a compact space, but not the minimum size required for a standard space (9' by 19'). All three existing spaces are partially located within the Forrest Avenue right of way and the front yard setback. One space is partially located within the minimum side yard setback on the eastern side.

DISCUSSION

Required Discretionary Approvals

The project requires the approval of a Hill Area Residential Development Permit, a Design Review Permit, Combined Side-yard Setback Variance, and a Parking Variance.

Because the project site has a slope of approximately 41 percent and the project requires the excavation and/or fill of over 50 cubic yards of material, approval of a Hill Area Residential Development (HRD) Permit is required [Town Code § § 17.072.020(A)(3) and 17.072.030]. The project proposes to remodel over 50 percent of the house. Therefore, Planning Commission approval of a Design Review Permit [Town Code § 17.020.030(A)] is required. A portion of the proposed addition would encroach into the 20-foot combined side-yard setback requiring Planning Commission approval of Combined Side-yard Setback Variance [Town Code § 17.080.070(B)(2)]. The project requires a Parking Variance to allow parking in a required side yard and to allow the spaces to be compact rather than standard.

The new front porch and stairway are in the same general location as the previous stairway. The previous stairway encroached approximately one foot into the five-foot minimum side setback along the eastern side of the property. The new stairway would also encroach approximately one foot into the five-foot minimum side setback. Town Code § 17.016.040(A) allows a non-conforming structure, such as the encroaching stairway to be reconstructed without approval of a Variance by the Planning Commission as long as the reconstruction does not increase the amount of encroachment. Since the new stairway would not encroach into the individual side setback any further than the previous stairway, the project does not require a Variance to the minimum side-yard setback requirement.

Hill Area Residential Development

The purpose of the Hill Area Residential Development Permit is to encourage the maximum retention of natural topographic features, minimize grading of hillside areas, provide a safe means of ingress and egress to and within hillside areas, minimize water run-off and soils erosion during and after construction, prevent loss of life, reduce injuries and property damage and minimize economic dislocations from geologic hazards, and to ensure that infill development on hillside lots is of a size and scale appropriate to the property and is consistent with other properties in the vicinity under the same zone classification [Town Code sections 17.072.010(A) and (B)].

In 2020 the Town Engineer performed a site inspection and reviewed project plans and supporting documentation for a different project to remodel and expand the house. The Town Engineer's comments on this project were summarized in a letter dated August 12, 2020. The project has been substantially revised since then. The Town Engineer reviewed the following currently proposed project plans and supporting documentation:

- Dave Olnes (2020), "Geotechnical Memorandum, Supplemental Geotechnical Investigation, Proposed Residential Improvements, 97 Forrest Avenue, Fairfax", dated September 25, 2020.
- Seri Ngernwattana (2022), "Residence Addition & Remodel, 97 Forrest Ave., Fairfax, CA 94930" (Preliminary Structural Plans), Sheets S1 through S3 and SD1 through SD2, Project No. Misc. 65-10-1, dated October 20, 2022.
- Studio J Architecture (undated), "Zak Cordisco & Zoe Pearl, 97 Forrest Avenue, Fairfax, CA, 94930" (Architectural Plans), Sheets A0.0 through A7.0.

After completing the review of the above-mentioned plans and reports, the Town Engineer determined that the supplemental geotechnical report is adequate to facilitate the code-compliant design of the proposed improvements (see Attachment B – the Town Engineer's Second Project Review Report). It should be noted that subsequent to the Town Engineer's second project review, the project applicant revised the project plans to show a grading and erosion control plan along with proposed retaining wall drain outfall alignments, existing utilities, and proposed surface drainage improvements (Project Plans page A-1.1). In the Town Engineer's Second Project Review Report, he indicated that these items can be submitted and reviewed as part of the building permit submittal. Resolution 2023-07 includes a condition of project approval that the proposed retaining wall drain outfall alignments, existing utilities, proposed surface drainage improvements, a construction management plan, and a grading and erosion control plan shall be provided with the building permit plans for review and approval by the Town Engineer (See Attachment A).

Table 2 below provides a summary of lot and home sizes in the immediate area. The proposed house is similar in size and mass to other residences in the neighborhood and is in scale with the size of the 9,447 square-foot site.

Table 2: 97 Forrest Avenue Neighborhood Comparison

APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	Floor Area Ratio
002-192-24	95 Forrest Ave	12,331 SF	1,992 SF	3	2.5	0.16
002-192-25	91 Forrest Ave	6,254 SF	1,352 SF	2	2	0.22
007-021-30	65 Forrest Ave	55,615 SF	2,452 SF	4	3	0.04
007-013-11	80 Forrest Ave	5,100 SF	2,246 SF	4	2	0.44
002-191-31	94 Forrest Ave	5,500 SF	1,464 SF	2	2	0.27

APN #	ADDRESS	LOT SIZE	HOUSE SIZE	# BEDROOMS	# BATHS	Floor Area Ratio
002-191-23	96 Forrest Ave	9,054 SF	3,194 SF	4	3.5	0.35
002-191-38	102 Forrest Ave	19,320 SF	1,488 SF	3	2	0.07
002-191-36	110 Forrest Ave	30,745 SF	2,151 SF	4	2	0.07
002-191-17	114 Forrest Ave	7,250 SF	1,186 SF	3	2	0.16
002-192-21	111 Forrest Ave	10,640 SF	1,733 SF	3	2	0.16
002-192-22	105 Forrest Ave	13,585 SF	2,229 SF	3	3	0.16
002-192-23	97 Forrest Ave	9,447 SF	1,709 SF	3	3	0.18

Design Review

The house would be clad in light gray/off-white (“List Mist”) WUI compliant horizontal Hardie boards with “Arctic White” board and batten Hardie siding proposed at the front entry and ADU entry inset walls. Wood eaves, fascia, and trim would be painted “Arctic White.” The new roof would consist of either dark gray composite shingles that would match the existing roof or dark gray (“burnished slate”) standing seam metal. The proposed addition would add mass and dimension to the back of the house. The new stairway and front entry create a more minimalist exterior. The new gable roof with the dormer over the upper floor at the back of the house would create a more uniform and balanced appearance. The site would be retained in its existing state as no new plant material, irrigation, or landscape features are proposed as part of the project, nor are any trees proposed for removal. Existing vegetation would be trimmed and pruned or removed in compliance with the approved VMP; refer to page A-1.1 of the project plan set.



Staff included the following condition of approval in the resolution approving the project (Attachment A):

The site must be maintained in compliance with the VMP approved by the Ross Valley Fire Department (RVFD) on 2/3/23. Any future landscaping must comply with Fire Safe Marin's "Fire-Resistant Plants Common to Marin County, CA." list and Marin Municipal Water District's (MMWD's) "Landscape Your Lawn, Turf Replacement Program" which includes low and very low water use plants and trees from the University of California at Davis "Water Use Classification of Landscape Species (WUCOLS)" list.

The project proposes one new exterior light fixture that would be located on the western side of the house at the back adjacent to an exterior door (plan page A-3.0). An existing light source would be used to illuminate the reconfigured front porch. A new overhead light fixture was installed within the ADU inset entrance when it was constructed. To ensure the compliance of the new exterior lighting with the Town's "Dark Sky" requirements, the resolution approving the project (Attachment A) includes the Town's standard Dark Sky lighting condition as a condition of project approval.

Combined Side-yard Setback Variance

The project property is required to have a 20 foot combined side-yard setback [Town Code § 17.080.070(B)(2)]. It has a combined side-yard setback of approximately 13 feet. The existing house was constructed in 1923, prior to the Town's incorporation and the combined side-yard setback requirement. When the Town's Zoning Ordinance was amended in 1973 to include a combined side-yard setback requirement, the project property, along with many other properties in the vicinity and under identical zone classification became legally non-conforming with respect to the combined side-yard setback requirement. The proposed addition would result in the property maintaining a combined side-yard setback of approximately ten feet. The proposed addition would expand the house to the back, past the existing footprint at the back of the house but would follow the line of the existing structure along the sides. The property has an irregular trapezoidal shape and it tapers as it goes upslope at an average rate of 41 percent from Forrest Avenue. It ranges in width from approximately 50 to 47 feet where addition is proposed. The irregular shape, steep slope, and relatively narrow width of the property make it difficult to comply with the combined side-yard setback requirement.

The approximate three-foot reduction in the combined side-yard setback is minimal. It would result in the property maintaining similar setbacks from the property lines as other developed properties in the vicinity, many of which have structures within the combined side-yard setback. The strict application of this title would deprive the property owner of privileges enjoyed by other property owners in the vicinity and under identical zone classification. Granting of the variance would not create a safety hazard or any other condition inconsistent with the objectives of the Zoning Ordinance.

Parking Variance

Town Code requires the project property to have two 9' by 19' off-street parking spaces [§ 17.052.030(A)(1)(d)], one of which must be covered [§17.052.010(D)] and one additional off-street parking space for guests [§17.052.030(A)(2)]. The property has three 8' by 16' covered off-street parking spaces located in the existing, legally, non-conforming carport. All three spaces meet the minimum 8' by 16' size required for a compact space, but not the minimum 9' by 19' size required for a standard space. All three existing spaces are partially located within the Forrest Avenue right of way and the front yard setback. One space is partially located within the individual side yard setback on the eastern side. There is no building permit in the property file for the construction of the carport. A building permit was issued in 1986 for its repair, dating the structure to at least 35 years in age.

Historically, parking was allowed in the front and side yard setbacks in hillside areas, and parking and parking structures can be found in these locations throughout the Town. Many properties in the project vicinity have compact parking spaces in parking structures located within the front and side yard setbacks. The carport has been on the property for at least 30 years. Allowing the carport to remain in its current location would not change the character of the neighborhood nor have a significant negative impact on the neighbors or the neighborhood. A parking variance to allow the three 8' by 16' compact spaces in the carport to count toward the required spaces would formalize the use of the existing carport for parking that has existed for at least 35 years. It would allow the area to continue to provide parking for the residents of 97 Forrest Avenue without negatively impacting neighboring properties.

The irregular shape, steep slope, and relatively narrow width of the site make it difficult to comply with the Town's parking requirements without causing further site disturbance and/or requiring the construction of new parking improvements. The strict application of the setback and parking regulations would result in increased and unnecessary site disruption, which would be an unreasonable hardship for the owner.

OTHER DEPARTMENT/AGENCY COMMENTS/CONDITIONS OF APPROVAL

The only agency that commented on the project was the Ross Valley Fire Department. RVFD did not have any specific conditions or comments on the project. The Fire Department standard conditions of project approval have been included and can be reviewed in the attached Resolution No. 2023-07.

Marin Municipal Water District (MMWD)/ Ross Valley Sanitary District (RVSD)/Fairfax Public Works, Police, and Building Departments

Ross Valley Sanitary District, Marin Municipal Water District, Fairfax Police, Public Works, and Building Departments had no comments on the project or project specific conditions of approval. Standard conditions of approval from the Ross Valley Sanitary District and Marin Municipal Water District apply and have been incorporated as conditions of approval.

RECOMMENDATION

Move to approve application # 23-09 by adopting the attached Resolution No. 2023-07 setting forth the findings and conditions of project approval.

ATTACHMENTS

Attachment A – Resolution No. 2023-07

Attachment B – Town Engineer's Second Project Review Letter Dated December 6, 2022

Attachment C – Ross Valley Fire Department Project Review and VMP Comments

RESOLUTION NO. 2023-07

A Resolution of the Fairfax Planning Commission Approving Application # 23-09 for a Hill Area Residential Development Permit, Design Review Permit, Combined Side-yard Setback Variance, and a Compact Parking Space Variance for a 50 Percent Remodel and Two-story Addition at 97 Forrest Avenue

WHEREAS, the Town of Fairfax received an application from Zak Cordisco and Zoe Pearl to remodel and expand a single-family residence at 97 Forrest Avenue; and

WHEREAS, after holding a duly noticed public hearing on April 20, 2023, on the project, the Planning Commission determined that the project complies with the Hill Area Residential Development Overlay Ordinance, the Design Review Ordinance and the Setback and Parking Variance regulations and that findings can be made to grant the requested Hill Area Residential Development Permit, the Design Review Permit, the requested Combined Side-yard Setback Variance, and the Parking Variance at 97 Forrest Avenue; and

WHEREAS, the Planning Commission has made the following findings:

The project is consistent with the 2010-2030 Fairfax General Plan as follows:

Policy LU-1.2.3: New and renewed development shall be designed and located to minimize the visual mass. The Town will require exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape, allowing for architectural diversity.

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

Policy LU-7.2.1: New and renewed development shall be compatible with the general character and scale of structures in the vicinity.

Hill Area Residential Development (Town Code § 17.072.110)

1. The proposed development is consistent with the General Plan (see above) and consistent with the purpose and intent of the Zoning Ordinance, Title 17, of the Fairfax Town Code.
2. The site planning preserves identified natural features as much as possible. Grading is minimal and very little disturbance will occur to the project site.
3. Based on the geotechnical report findings, the site can be developed without geologic, hydrologic, or seismic hazards, as long as the recommendations in the

geotechnical report and standard Marin County hill construction practices are followed.

4. Vehicular access and parking are adequate. The project site has three off-street, 8' by 16', covered parking spaces.
5. The proposed development harmonizes with the surrounding residential development, meets the design review criteria, and does not result in the deterioration of significant view corridors. The addition has been designed to be in scale with the project site and similar in size to other structures in the neighborhood and on similar sized and sloped sites throughout the hillsides of Fairfax.

Design Review (Town Code § 17.020.040)

1. The project depicted in the plans submitted 4/14/23 complies with the Design Review Criteria set forth in Town Code § 17.020.040.

Combined Side-yard Setback Variance (Town Code § 17.028.070)

1. The project will maintain similar setbacks from the property lines to other properties in the vicinity. Therefore, the strict application of the 20-foot Combined Side-yard Setback regulations will deprive the applicants of privileges enjoyed by other property owners in the vicinity.
2. The variance to maintain a combined side-yard setback of ten-feet is consistent with the limitations upon other properties in the vicinity and in the RS-6 Single-family Residential Zone and the granting of the variance is consistent with the objectives of Title 17, Zoning.
3. The strict application of the required 20-foot combined side-yard setback will result in unreasonable hardship for the owner since they would not be able to expand their house following the line of the existing structure along the sides, which would result in more disruption to the site.
4. The location of the addition at the back of the house ensures the project will not be detrimental to the public.

Parking Variance [Town Code § 17.052.040(B)]

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the parking space size regulation as long as the proposed covered spaces meet the minimum size for a compact parking stall of eight feet by 16-feet.
2. Granting 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 Forrest Avenue.

3. The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this Title (Zoning Ordinance Town Code Title 17).

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

1. The project is approved based on the following plans and reports:
 - a) Project Plan Set received by the Town on April 14, 2023 and the colors and materials board received by the Town on April 14, 2023; Geotechnical Reports by Dave Olnes dated December 6, 2019 and September 25, 2020; and the Town Engineer's second project review report dated December 6, 2022. Fully dimensioned as built drawings and elevations shall be submitted with the building permit application.
2. The project is subject to the following conditions of approval:
 - a) Prior to issuance of any of the building permits for the project the applicant or his assigns shall submit a detailed construction management plan subject to approval of the Public Works Director. The plan shall include but is not limited to the following:
 - i. Construction delivery routes approved by the Department of Public Works;
 - ii. Construction schedule (deliveries, worker hours, etc.);
 - iii. Notification to area residents;
 - iv. Emergency access routes;
 - v. Construction worker staging area; and,
 - vi. Contractor employee parking locations.
3. The applicant shall prepare and file with the Public Works Director, a video of the roadway conditions on the public construction delivery routes (routes to be pre-approved by the Public Works Director).
4. Submit a cash deposit, bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible damage (including emergency damage) to public roadways. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a cash deposit, bond or letter of credit equaling 100% of the estimated construction costs.
5. The foundation and retaining elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Structural Engineer.

6. The grading, foundation, and drainage elements shall be stamped and signed by the project geotechnical engineer as conforming to the recommendations made by the project Geotechnical Engineer.
7. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Department, Marin Municipal Water District, and the Ross Valley Sanitary District noting the development conformance with their recommendations.
8. Submit three (3) copies of the recorded record of survey with the building permit plans.
9. The project applicant shall submit three copies of the following: the grading and erosion control plan; the construction management plan; and the site plan showing the retaining wall drain outfall alignments, location/alignment of site utilities, and proposed surface drainage improvements with the building permit plans for review and approval by the Town Engineer.
10. During the construction process the following shall be required:
 - a) Prior to the concrete form inspection by the building official, the Civil Engineer shall field check the forms of the foundations and retaining elements and provide written certification to Town staff that the work to this point has been completed in conformance with the geotechnical report recommendations and the approved building plans.
 - b) The Building Official shall field check the concrete forms prior to the pour.
 - c) 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.
 - d) 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.
11. Prior to issuance of a certificate of occupancy the following shall be completed:
 - a) The geotechnical engineer shall field check the completed project and submit written certification to Town Staff that the foundation, retaining, grading and drainage elements have been installed in conformance with the approved building plans and the recommendations of the geotechnical

reports. Additionally, the project engineer shall review the construction schedule and plans at each phase of the project construction to determine the best order for each phase to occur.

- b) The Planning Department and Town Engineer shall field check the completed project to verify that all Planning Commission conditions and required engineering improvements have been complied with. Planning Department Staff and the Town Engineer shall also review the construction schedule and plans at each phase of the project construction to determine the best order for each phase to occur.

12. Excavation or fill shall not occur between October 1st and April 1st of any year. The Town Engineer has the authority to waive this condition depending upon the weather.
13. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them daily, if necessary.
14. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 23-09. Modifications that do not significantly change the project, the project design or the approved discretionary permits **may** be approved by the Planning Director or the Planning Commission. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 23-09 will result in the job being immediately stopped and red tagged.
15. Any damages to the public portions of Center Boulevard, Forrest Avenue or other public or private roadway used to access the site resulting from construction-related activities shall be the responsibility of the property owner.
16. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town and 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 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.

17. 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.
18. In accordance with Town Code §8.20.060(C)(1) and (2), the operation of any tools or equipment used in construction or demolition work or in property maintenance work between the hours of 6:00 PM and 8:00 AM Monday through Friday, or on weekends and holidays between 4:00 PM and 9:00 AM is prohibited.
19. Conditions placed upon the project by outside agencies, Town departments or by the Town Engineer may be eliminated or amended with that agency, department, or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.

Town Engineer Conditions

20. The site plan shall be updated showing proposed retaining wall drain outfall alignments, existing utilities, and proposed surface drainage improvements shall be reviewed and approved by the Town Engineer prior to the issuance of a Building Permit.
21. A detailed Construction Management Plan showing planned access routes, staging areas, and proposed construction and post-construction erosion-control improvements shall be provided for review and approval by the Building Official/Public Works Manager prior to the issuance of a Building Permit.

Ross Valley Fire Department Conditions

22. All vegetation and construction materials are to be maintained away from the residence during construction.
23. A class A roof assembly is required.
24. 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.

25. 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 one detector on each story of the occupied portion of the residence.
26. 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.
27. 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 shall be installed.
28. Alternative materials or methods may be proposed for any of the above conditions in accordance with Section 104.9 of the Fire Code.
29. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.
30. All vegetation within the 30 foot zone shall be irrigated. Seasonal grasses within the 30 foot zone are not permitted unless regularly irrigated. If not kept as green grass the area shall be covered in a weed barrier which should be covered in a layer of mulch.
31. The approved Vegetative Management Plan (VMP) is to last the life of the property. Any changes to the VMP now or in the future will require Fire Department review. It is recommended that if the applicant has plans to landscape in the future that those plans be intermingled into the approved VMP.
32. Vegetation shall be maintained to ensure address numbers are visible from both angles of approach.
33. Minimum standards shall be in place prior to final fire clearance.

Marin Municipal Water District (MMWD) Conditions

34. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.

35. Backflow prevention requirements must be met.
36. Any landscaping plans must be reviewed and approved by the District.
37. Ordinance 420, requiring installation of a 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.
38. Comply with California Water Code – Division I, Chapter 8, Article 5, Section 537; which requires individual metering of multiple living units within newly constructed structures.
39. All the District's rules and regulations in effect at the time service is requested must be complied with.

Ross Valley Sanitary District (RVSD)

40. The sewer lateral serving the property is exempt as of 12/8/16, and this lateral will not require testing so long as there are no new sewer lateral additions/changes. Lateral exemption lasts for 20 years since the last passed lateral inspection date.

Miscellaneous Conditions

41. All the exterior fixtures must be dark sky compliant (fully shielded and emit no light above the horizontal plane with no sag or drop lenses, side light panels or uplight panels) as well as compliance with color temperature to minimize blue rich lighting. The lighting plan shall be submitted with the building permit application and be approved by the Planning Department prior to issuance of the project building permit. The lighting shall not emit direct offsite illumination and shall be the minimum necessary for safety. The fixtures to be mounted on the garage front wall must be reviewed and approved by the Planning Department prior to submittal of the building permit.
42. The site must be maintained in compliance with the VMP approved by the Ross Valley Fire Department (RVFD) on 2/3/23. Any future landscaping must comply with Fire Safe Marin's "Fire-Resistant Plants Common to Marin County, CA." list and Marin Municipal Water District's (MMWD's) "Landscape Your Lawn, Turf Replacement Program" which includes low and very low water use plants and trees from the University of California at Davis "Water Use Classification of Landscape Species (WUCOLS)" list.
43. All fencing on the project property shall comply with the requirements for fences contained in Town Code § 17.044.080. Any fence located along a rear lot line or along a side lot line ten feet to rear of the front setback line shall be no taller than

six feet in height. Any existing fencing that exceeds six feet in height and is located along a rear lot line or along a side lot line ten feet to rear of the front setback line shall be reduced to six feet in height.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The Hill Area Residential Development Permit, Design Review Permit, Combined Side-yard Setback Variance, and a Compact Parking Space Variance to remodel and expand the house at 97 Forrest Avenue are approved, and the findings have been made to grant the requested discretionary permits. Therefore, the project is in conformance with the 2010 – 2030 Fairfax General Plan, the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17; and, construction of the project can occur without causing significant impacts on neighboring residences and the environment.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 20th day of April 2023 by the following vote:

AYES:

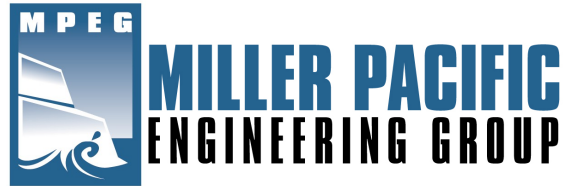
NOES:

ABSENT:

ABSTAIN:

Chair Cindy Swift

Attest: Linda Neal, Principal Planner



December 6, 2022
File: 201.190bltr.doc

Town of Fairfax
Planning and Building Services Department
142 Bolinas Avenue
Fairfax, California 94930

Attn: Ms. Kara Spencer

Re: Second Planning-Level Geologic, Geotechnical, and Civil Engineering Review
Expansion and Remodel of Existing Single-Family Residence
97 Forrest Avenue (APN 002-192-23)
Fairfax, California

Introduction

In response to your request and in accordance with our agreement dated March 20, 2018, this letter summarizes our second planning-level review of project plans and supporting documentation for the proposed construction of a new single-family residence and associated improvements at 97 Forrest Avenue (APN 002-192-23) in Fairfax, California. We previously reviewed project materials and summarized our First Review comments in a letter dated August 12, 2020.

The purpose of our services is to review the submitted documents, comment on the completeness and adequacy of the submittal in consideration of Town requirements, and to provide a recommendation to Town Planning and Building staff regarding project approval.

The scope of our services includes:

- A site reconnaissance to observe existing conditions and review proposed development features;
- Review of provided project documents for conformance to the Town of Fairfax Hill Area Residential Development Ordinance, specifically Town Code Sections 17.072.080(C), (E), and (F), and Section 17.072.110 (C).
- Development of opinions regarding project compliance with applicable Town Code requirements; and
- Development of recommendations to Town staff as to whether the project may be safely constructed in consideration of any geologic, hydrologic, or geotechnical hazards.

It should be noted that the scope of our review is limited solely to geologic, geotechnical, and civil portions of the project, and does not include review of land surveying, structural, architectural, mechanical, or other items beyond the scope of our qualifications. We recommend that non-geotechnical aspects of the plans be reviewed by suitably qualified professionals.

ATTACHMENT B

Project Description

The project has been substantially revised since our First Review. Current documents indicate the project generally includes constructing a 592 square-foot, two-story addition to the rear/upslope side of the existing two-story residence. The existing ground-floor second unit will be modified to accommodate a new office and revised entryway. The new ground- and second-floor additions will be accommodated by new retaining walls up to about 6.5-feet high at the main (middle) floor elevation. Ancillary improvements appear limited to new exterior stairs and retaining walls, along with demolition of an existing concrete retaining wall behind the house.

We note that, in contrast to the plans submitted at the time of our First Review, no work is currently shown to be proposed within the Forrest Avenue right-of-way.

Project Review

We performed a brief site reconnaissance on July 30, 2020 to observe existing conditions at the site, and reviewed the following documents for our First Review, as summarized in our August 2020 letter.

- Fidelity National Title Company (2017), "Preliminary Report, 97 Forrest Avenue, Fairfax, CA, Title No. FMNA-MTO1701305", dated October 23, 2017.
- Stephen Flatland (2019), "Topographic and Boundary Survey, For: Zak Cordisco, 97 Forrest Avenue, Fairfax, California", Sheet 1 of 1, dated November 2019.
- Dave Olnes (2019), "Geotechnical Reconnaissance, Proposed Residential Improvements, 97 Forrest Avenue, Fairfax", dated December 6, 2019.
- Stephen Flatland (2020), "Record of Survey, Lands of Cordisco/Pearl, D.N. 2017-46789", Sheet 1 of 1, recorded May 8, 2020.
- Jarvis Architects (2020), "Addition and Remodel at 97 Forrest Avenue, Fairfax", Sheets 1 through 9 (9 Sheets total), Job No. 1929, dated June 8, 2020.

More recently, we reviewed the following documents as part of this Second Review:

- Dave Olnes (2020), "Geotechnical Memorandum, Supplemental Geotechnical Investigation, Proposed Residential Improvements, 97 Forrest Avenue, Fairfax", dated September 25, 2020.
- Seri Ngernwattana (2022), "Residence Addition & Remodel, 97 Forrest Ave., Fairfax, CA 94930" (Preliminary Structural Plans), Sheets S1 through S3 and SD1 through SD2, Project No. Misc. 65-10-1, dated October 20, 2022.
- Studio J Architecture (undated), "Zak Cordisco & Zoe Pearl, 97 Forrest Avenue, Fairfax, CA, 94930" (Architectural Plans), Sheets A0.0 through A7.0

Conclusions

Based on our site reconnaissance and document review, the following submittal items required by the Town of Fairfax Hill Area Residential Development Ordinance remain outstanding.

Hill Area Residential Development Ordinance

- Section 17.072.080(C) – Site Plan

- 1) The Site Plan indicates new site drainage facilities will be constructed, but does not show existing utilities or any proposed drainage improvements. Although we interpret that no substantive utility or site work is proposed beyond the limits of the structural addition at the rear of the house, we anticipate that subdrains associated with the proposed retaining walls will need to be extended to daylight near the front of the house.

Per Town Code, the Site Plan should be revised to show and label existing electrical, gas, sanitary sewer, and water services with their sizes. The proposed alignment of any new site drainage improvements should also be shown on the Site Plan. However, given the nature of the project and generally limited potential for significant Planning-level conflicts with existing utilities, we judge these Site Plan revisions may be reviewed at the Building submittal level.

- 2) The Site Plan indicates that an existing concrete retaining wall and steps will be demolished upslope of the house, while several other existing wood walls will remain. We note that, where prior plans proposed a new debris wall upslope of the house, no such wall is shown on current plans, nor is a replacement retaining wall shown. We interpret from the plans that no other site work is proposed upslope of the residence.

The Supplemental Geotechnical Report confirms the Engineer's opinion that a debris wall is not required; however, that report also refers to a concrete ditch that is not shown on the current plan. The plans should either be revised to show the ditch referred to by the Engineer, or the Engineer should confirm that no new surface drainage improvements are required for safe construction and performance of the proposed addition, since none are currently shown.

- 3) The Architectural plans (Sheet A4.0) show one new retaining wall located at the upslope edge of the new structure along Gridline 0. The same sheet includes a detail for a site retaining wall, but does not appear to include detailing or any other reference to the structural framing shown attached to the top of the wall in the architectural section.

The Structural Plans that were submitted do not make reference to or show a new retaining wall, but do indicate (Sheet S2) "new concrete stem wall over existing retaining wall footing". Notably, the structural plans postdate the structural detail shown on Sheet A4.0 of the architectural plans, which was prepared by Barrilleaux Engineers.

Given the above, it is currently unclear the extent to which new structural elements (walls and foundations) are proposed, exactly where they are proposed, and which design professional is responsible. The plans should be revised such that the actual extent of the

proposed structural work may be interpreted and clearly understood. However, we note that these coordination/structural details will likely have no net effect on construction means/methods and will not be visible when the work is complete. As such, for engineering purposes, we judge that these items may be reviewed at the Building submittal level.

- Section 17.072.080(E) – Geotechnical Report

The original project Geotechnical report was prepared in 2019 by Dave Olnes, P.E, G.E. The report provides detailed description of existing site conditions and construction history, specifically noting an assortment of older, variably distressed retaining walls, a variety of existing foundation conditions and ages, along with floor-level survey results indicating up to 10-inches of differential settlement across the structure's footprint. The report provided brief hazards evaluation and geotechnical recommendations for the work on the basis of 4 hand-auger borings.

More recently, Olnes performed a Supplemental Geotechnical Investigation for the project in response to our First Review comments and as summarized in his letter dated September 25, 2020. The Supplemental Investigation included performance of 2 additional soil borings using powered auger equipment to maximum depths of about 20-feet below the ground surface and provides detailed boring logs, blow counts, and laboratory plasticity index and grain-size distribution data.

The report provides supplemental discussion to address many of our previous comments, including identification of risks associated with landsliding and slope creep (low), recommended Cal-OSHA soil type classifications, geotechnical shoring design criteria, and a conceptual shoring plan, all of which we judge are appropriate and sufficiently-detailed as to substantially address those First Review comments.

- Section 17.072.080(F) – Grading and Erosion-Control Plan

A Grading and Erosion-Control Plan was not provided for our review. We note that, although excavation/offhaul quantities appear substantially reduced versus previous iterations of the plans, no earthwork quantities are shown. Additionally, we expect that excavation for the main floor addition will require equipment to access the work area via slopes on either side of the house.

- 4) We judge that, if no site work (site retaining walls, new flatwork, etc.) is proposed beyond the structural addition and associated subdrain outfalls, a standalone Grading and Drainage Plan is not essential. However, the plans should be updated to clearly indicate the planned earthwork quantities, and a Construction Management Plan should be provided to show proposed staging areas, haul routes, and other details given the relatively limited access and parking along Forrest Avenue. We judge that these items may be reviewed at the Building submittal level.

- Section 17.072.110(C) – Geotechnical Report Adequacy

It is our opinion that the Supplemental Geotechnical report adequately addresses our First Review comments and is adequate for the currently-proposed scope of work.

Recommendations

We recommend that project processing be continued at the Planning level. We should review the following materials prior to issuance of a Building Permit:

- 1) Updated Site Plan showing proposed retaining wall drain outfall alignments, existing utilities, and proposed surface drainage improvements (if any);
- 2) Construction Management Plan showing planned access routes, staging areas, and proposed construction and post-construction erosion-control improvements.

We trust that this letter contains the information you require at this time. If you have any questions, please call. We will directly discuss our comments with the applicant's consultants if they wish to do so.

Yours very truly,
MILLER PACIFIC ENGINEERING GROUP

REVIEWED BY:



Mike Jewett
Town of Fairfax Contract Geologist
Engineering Geologist No. 2610
(Expires 1/31/23)



Scott Stephens
Town of Fairfax Contract Engineer
Geotechnical Engineer No. 2398
(Expires 6/30/23)



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

FIRE DEPARTMENT PLAN REVIEW

PROJECT: Remodel
ADDRESS: 97 Forrest Ave
Fairfax, CA.

Page: 1 of 3
Date: 3/4/2022
Reviewed by: Derrick Shaw
(415) 258-4674

TYPE OF REVIEW: Planning
Building Dept. 3/4/223

Email: dshaw@rossvalleyfire.org
Fire Dept. # 23-0043 Review No. 1
Fire Department Standards can be found at: www.rossvalleyfire.org

Applicant*:
Address:

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

Occupancy Class: R-3	Fire Flow Req: 500 GPM	Sprinklers Required: YES
Type of Construction: V-B	On-site Hyd. Req: NO	Fire Alarm Required: NO
Bldg Area: sf + 1830	Turn-Around Req: NO	Permits Required: SPR, VMP on File
Stories: + 2	Fire Flow Test Required: YES	
Height:	Wildland Urban Interface: YES	

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

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

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

ROSS VALLEY FIRE DEPT

_____ **Approved**

_____ **Approved with Conditions**

_____ **Not Approved – need revision**

_____ **Incomplete**

Date: 3/4/23

Inspections required:

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



Ross Valley Fire Department
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FIRE DEPARTMENT PLAN REVIEW

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TYPE OF REVIEW: Planning
Building Dept. 3/4/223

Email: dshaw@rossvalleyfire.org
Fire Dept. # 23-0043 Review No. 1

Fire Department Standards can be found at: www.rossvalleyfire.org

ITEM #	SHEET	COMMENTS	Corr. Made
1		Project appears to be a substantial remodel, alteration, and addition. A Substantial Remodel shall mean the renovation of any structure, which combined with any additions, alterations, or modifications to the structure, affects a floor area which exceeds 50% of the floor area of the structure. When any changes are made in the building, such as walls, columns, beams, or girders, floor or ceiling joists and covering, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of the all rooms affected by such changes shall be included in computing floor areas for the purpose of applying this definition.	
		Submitters Response: Correction has been completed. See Sheet ___ of ___ Plans ___ Calculations	
2		Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth. Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan is available online @ Rossvalleyfire.org to assist the applicant in meeting the minimum defensible space requirements.	
		Submitters Response: Correction has been completed. See Sheet ___ of ___ Plans ___ Calculations	
3		A Class A Roof Assembly is required.	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
4		A fire sprinkler system shall be installed throughout both buildings which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. Separate deferred permits shall be required for these systems. Plans and specifications for the systems shall be submitted by an individual or firm licensed to design and /or design-build sprinkler systems. Shall be noted on plans as a deferred permit to RVFD.	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
5		All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	



Ross Valley Fire Department
777 San Anselmo Ave
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FIRE DEPARTMENT PLAN REVIEW

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Fire Department Standards can be found at: www.rossvalleyfire.org

ITEM #	SHEET	COMMENTS	Corr. Made
6		Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition exceeds one thousand dollars. CO alarms shall be located outside of each dwelling unit sleeping are in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit including basements.	
		Submitter's Response: Correction has been completed. See Sheet ____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
7		Address numbers at least 4" tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed to a light or be reflective numbers. If your project is a new house or substantial remodel, they may only be internally illuminated or illuminated an adjacent light controlled by a photocell and switched only by a breaker so it will remain illuminated all night. If not currently as described, they must be installed as part of this project.	
		Submitter's Response: Correction has been completed. See Sheet ____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
8		Applicant may propose alternate materials or method in accordance with Section 103.3. All approved alternates requests and supporting documentation shall be included in the plans set submitted for final approval.	

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



Ross Valley Fire Department

777 San Anselmo Avenue, San Anselmo, CA 94960

Mark Mills
FIRE CHIEF

February 3, 2023

Address: 97 Forrest Ave, Fairfax
Applicant: Marnie Lerner
Application #: 23-0016

The Vegetation Management Plan submitted for review by the Ross Valley Fire Department is approved with the following conditions:

Please do not remove any tree that requires a permit from the town without first securing such permit.

Please note that all vegetation within the 30 foot zone shall be irrigated. Seasonal grasses within the 30 foot zone are not permitted unless regularly irrigated. If not kept as green grass the area shall be covered in a weed barrier which should be covered in a layer of mulch.

Every effort shall be taken to ensure erosion control efforts are in compliance with standards established by Town regulations.

The approved plan is to last the life of the property. Any changes to the plan now or in the future will require Fire Department review. It is recommended that if the applicant has plans to landscape in the future that those plans be intermingled into this plan.

Vegetation shall be maintained to ensure address numbers are visible from both angles of approach.

Minimum standards shall be in place prior to final fire clearance.

If you have any questions about any of the items listed above please call me. I am available to meet with you on site to help you develop a plan. Please contact me to schedule (415) 453-1289 Ext 21 if you desire my assistance.

Sincerely,

Derrick Shaw
Fire Inspector

Committed to the protection of life, property, and environment.

SAN ANSELMO • FAIRFAX • ROSS • SLEEPY HOLLOW