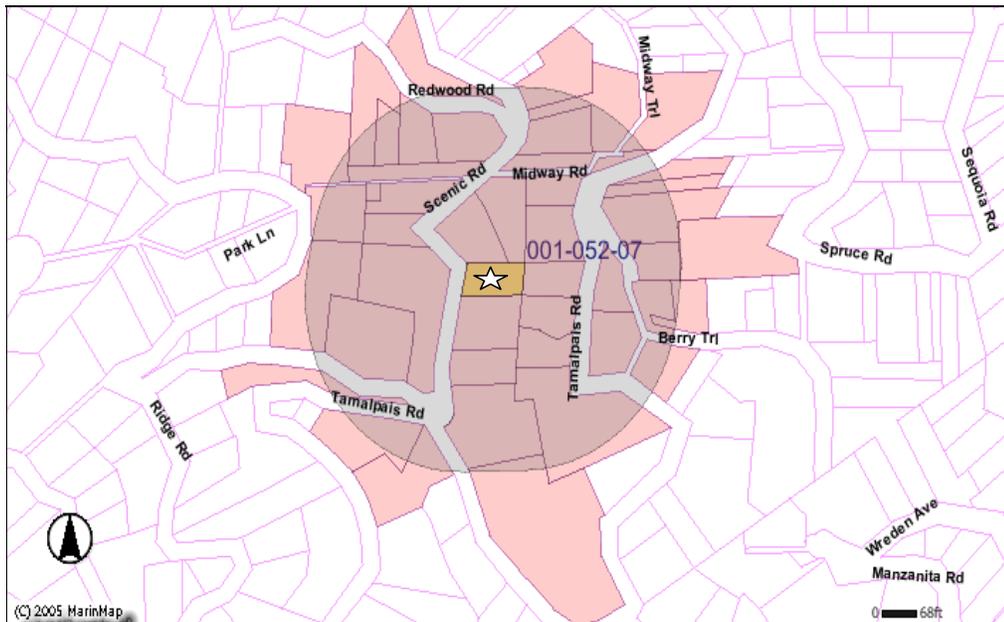


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: October 21, 2010
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 305 Scenic Road; Assessor's Parcel No. 001-052-07
PROJECT: Single-family residence and carport
ACTION: Hill Area Residential Development Permit, Encroachment Permit,
Parking Variance for Compact Covered Parking Space and
Excavation Permit; Application # 10-28
ZONING: Residential single-family RS 6 Zone District
APPLICANT: Onju Updegrave, architect
OWNER: Michael McLennan
CEQA STATUS: Categorically exempt, § 15303(a), 15305(a) and 15305(b)



305 SCENIC ROAD

BACKGROUND

The 6,410 square foot site is 55.89 feet wide and slopes down from Scenic Road at a rate of 57%. It is currently developed with a condemned 1,397 square foot residence that was constructed in 1920. There was also previously a one car garage on the property. The collapsing retaining wall holding up the public road in the area of the garage was replaced in 1986. The dilapidated garage was demolished in 2005 after the Town began receiving complaints from the neighbors.

The site is also developed with a small pond and various rock retaining walls stairs and pathways.

DISCUSSION

The applicant is now proposing to demolish the condemned residence to construct a 2,563 square foot single-family residence with an attached 447 square foot carport and fire truck pull out that is being required by the Ross Valley Fire District.

The existing rock walls on the site will be replaced with engineered concrete walls as required by the Town Engineer. The rocks will be retained on site and be used to build planters around the property.

The structure complies with the requirements of the RS 6 Zone District as follows:

	Front setback	Rear setback	Combined Front/rear setback	Minimum side setbacks	Combined side setback	Floor Area Ratio (FAR)	Lot coverage Limitation	Height limit
Required/ permitted	6 ft	12 ft	35 ft	5 ft & 5 ft	20 ft	.40	.35	35 ft & 3 stories
proposed	6.5 ft	48 ft	54.5 ft	5 ft & 18 ft	23 ft	.39	.30	35 ft & 3 stories

The project requires the approval of the following discretionary permits:

Hill Area Residential Development Permit: Town Code § 17.072.020 requires that projects located in the Hill Area Residential Development Overlay Zone obtain a Hill Area Residential Development Permit from the Planning Commission if the properties they are located on have any of the following features:

- The slope of the property is over 31 % and the project will entail the excavation of 50 cubic yards of material or more.
- The property falls within a landslide hazard zone as shown on Exhibit 3, Open Space Element of the Fairfax General Plan.

- The property does not meet the minimum building site requirements defined in Town Code § 17.080.050(C).

A Variance of the 9 foot by 19 foot covered parking space size minimum: Town Code § 17.052.020 exempts steeply down-sloping lots from complying with the covered parking requirement while Town Code § 17.052.040 sets the minimize size for parking spaces at 9 feet by 19 feet. This application includes a proposed carport but the carport does not meet the minimum required 9 foot by 19 foot parking space size requirement. The cover only measures 9 feet by 16 feet, but does comply with the size requirement for a compact covered space. The other half of the carport only covers a 9 foot by 13.5 foot area of the second parking space while also providing a covered area for a trash enclosure.

An Excavation Permit: Town Code § 12.20.080 requires that no permit shall be issued for the movement of over 100 cubic yards of excavation/fill without the approval of the Planning Commission. The project will require the excavation/fill of 123 cubic yards of material.

An Encroachment Permit: Town Code § 12.32.010 allows the use of the public right-of-way for private parking improvements as long as the area is not being used for vehicular or pedestrian traffic and if approved for private use by the Planning Commission. Portions of the proposed guest parking space improvements will be located within the right-of-way. Also, the Fire Department is requiring a fire truck pull out as a condition of approval of redevelopment of the site and this improvement will be in the public right-of-way but will be maintained by the property owner.

Hill Area Residential Development and Excavation Permit

The project requires both a Hill Area Residential Development Permit and an Excavation Permit because it meets the above criteria as follows:

- The project site has a 57% slope and the project will require the excavation of 123 cubic yards of material.
- The project site falls into a landslide hard zone as exhibited on the referenced Open Space Element map.
- In order to meet the minimum size and width requirements set forth in this section of the Town Code the site would have to be 49,000 square feet in size and 191 square feet in width. As indicated above, the site is only 6,410 square foot and 55.89 feet wide.

It is the purpose of the hill area residential overlay zone to provide review of and standards for development proposed in hillside areas.

It is the intent of this chapter to accomplish the following:

1. Encourage maximum retention of natural topographic features such as drainage ways, streams, slopes, ridgelines, rock outcroppings, vistas, natural plant formation and trees;
2. Minimize grading of hillside areas;
3. Provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas;
4. Minimize water runoff and soil erosion problems during and after construction;
5. Prevent loss of life, reduce injuries and property damage and minimize economic dislocations from geologic hazards; and
6. 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.

In order to approve a hill area residential development permit the Commission must be able to make the following required legal findings:

1. The proposed development is consistent with the General Plan, other adopted codes and policies of the Town of Fairfax, and is consistent with the purpose and intent of this ordinance.
2. The site planning preserves identified natural features.
3. Based on the soils report finding, the site can be developed without geologic, hydrologic or seismic hazards.
4. Vehicular access and parking are adequate.
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.

In order to approve an Excavation Permit the Commission must be able to make the following required findings:

The health safety and welfare of the public will not be adversely affected;

1. Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work;
2. Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work;
3. The amount of the excavation or fill proposed is not more than is required to allow the property owner substantial use of his or her property;

4. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;
5. Natural landscaping will not be removed by the project more than is necessary;

The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes.

The Town Engineer has reviewed the following reports, letters and plans regarding the site hydrology and geology with respect to the proposed development:

- 8/28/09 original geotechnical investigation by Darius Abolhassani, Professional and Geotechnical Engineer
- 5/21/10 geotechnical review addendum from Darius Abolhassani, Professional and Geotechnical Engineer
- The 11/13/2009 recorded survey by J.L. Hallberg, Civil Engineer/Land Surveyor
- The September 2010 topographic survey by J.L. Hallberg, Civil Engineer/Land Surveyor
- The development architectural plans, pages A1.0, A1.1, A2.1, A2.2, A2.3, A3.1 and A32.
- The proposed site grading and drainage plans, pages C-1 and C-2, revision date 5/21/10, by Darius Abolhassani , Professional and Geotechnical Engineer

After reviewing the above information and performing site inspections the Town Engineer has determined that the Planning Commission now has enough information to determine that this project site can be developed without negatively impacting the public right-of-way or adjacent residential properties (Exhibit C – Town Engineer's memorandum dated October 4, 2010).

A review of the story poles has revealed that the proposed project will not significantly impact any view corridors for persons traveling along Scenic Road. The neighboring residence to the north at 297 Scenic Road maintains a setback from the proposed structure of over 80 feet. The duplex at 309 Scenic Road, 12 feet to the south, has no windows facing the proposed residence except for several opaque windows located almost at ground level. There is a deck off the rear of 309 Scenic Road where the neighbor's privacy could be impacted by the new structure but the applicant proposes to erect privacy screens on the south side of all the rear decks (see development plans pages 2.1 and 2.2).

The new residence will be located in roughly the same area as the existing residence and therefore, disturbance to the site by excavation and the removal of vegetation has been minimized. One bay will need to be removed to accommodate the rear deck. The plans indicate that another large bay located 6 feet away from the rear deck will also have to be removed. Both trees will require the approval of a tree removal permit prior to issuance of the building permit for the project. Staff has included as a condition of approval that the applicant provide a report from an ISA certified arborist on the larger Bay explaining why it needs to be removed to the Tree Committee. If the ISA Certified arborist indicates the tree does not need to be removed, the report shall include recommended mitigation measures to ensure the continued health of the tree during and after construction.

Variance

The proposed variance of the size of the proposed carport will not result in the reduction of the number of required parking spaces but it does not meet the required 9 foot by 19 foot size for a standard one car carport.

As indicated above, covered spaces are not required on steeply down-sloping lots. However, if covered spaces are proposed they should meet the minimum size requirements if they are going to be considered covered parking.

The proposed carport cover does provide conforming covered parking for one compact 8 foot by 16 foot parking space.

Substandard open carports are often converted into garages after construction which then are used for storage and not parking because of their substandard size. Therefore, included in the recommended conditions of approval is the condition that the carport not be approved for a conversion to a garage unless the spaces are brought into compliance with the Parking Ordinance minimum size regulations or unless a variance modification is granted by the Planning Commission.

The granting of the requested size exception will not be a grant of special privilege because the site is exempt from the covered space requirement altogether. A review of the story poles in the field indicated that the proposed covered space will not block any significant views for passersby using Scenic Road.

Encroachment Permit

The setback of the property line 9 feet from the edge of the paved roadway makes it impossible to construct an entry to the required parking area without building retaining walls and the driveway approach in the public right-of-way. However, the parking spaces have been set 1 foot back from the front property line and the project includes the provision of an 8 ½ foot by 40 foot fire truck turn out along the property frontage so the project does not narrow the right-of-way and provides a staging area for a fire truck in case of an emergency.

Adjacent Home Sizes

One of the objectives of the Hill Area Residential Development Ordinance is 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.

Homes in the adjacent neighborhood range in size from 642 square feet on a 5,830 square foot site to 2,584 square feet on a 7,800 square foot site. There is no available information on the square footage of the duplex at 309 Scenic Road. Therefore, the proposed residence, while one of the larger homes in the neighborhood, would not be largest.

Other Agency or Department Requirements

Ross Valley Fire Department -

For a complete list of Fire Department requirements see the attached Ross Valley Fire Department Fire Lane Protection Standards 204 and Ross Valley Fire Department memorandum dated November 30, 2009 (Exhibit D). All the requirements listed therein are incorporated as conditions of approval.

The Fire Department has indicated that the Vegetative Management Plan does not comply with their requirement for 50 feet of defensible space for down-sloping lots and is in conflict with the proposed landscaping plan. Prior to the project being reviewed by the Design Review Board the landscaping plan must be revised to comply with the Vegetative Management plan, the vegetative management plan must comply with the Ross Valley Fire Department requirements, and 8 copies of the revised plan must be provided to the town. The Ross Valley Fire Inspector has indicated that the Vegetative Management plan does accurately depict the trees that will need to be removed to allow construction (Rob Bastianon, phone conversation with Senior Planner, 10/13/10).

Marin Municipal Water District

1. All landscaping and irrigation plans must be designed in accordance with the District's Ordinance #414 for water conservation and landscaping.
2. Should backflow protection be required, said protection shall be installed as a condition of water service.

Ross Valley Sanitary District

1. A sewer connection permit is required for the new residence and may be issued upon payment of the applicable fees after the building permit is issued.
2. If the sewer lateral is not used or replaced, it must be plugged off per District specifications.

3. In order to use the existing sewer lateral the later must be tested in the presence of a District Inspector. If the later passes, it must be equipped with the appropriate backwater relief device. If it fails, it must be replaced with a new sewer lateral.
4. All alterations to the sewer lateral must meet District specifications and be inspected by a District Inspector before it is covered.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to adopt Resolution No. 10-06, to approve application # 10-28 based on the findings and conditions contained in the resolution.

ATTACHMENTS

- Exhibit A – Photographs and Excavation calculations
- Exhibit B – Project engineer's reports
- Exhibit C – Town Engineer's reports
- Exhibit D – Other Agency Comments

**RESOLUTION NO. 10-06
APPLICATION NO. 10-28**

TOWN OF FAIRFAX PLANNING COMMISSION

305 Scenic Road, Assessor's Parcel No. 001-052-07

WHEREAS, the Town of Fairfax has received an application for 305 Road to construct a single-family residence; and

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

Whereas the project is Categorically Exempt from the Environmental Quality Act (CEQA) pursuant Section 15303(a), One single-family residence in a residential zone, Class 3, of the Public Resources Code (CEQA). This exemption allows for the construction of new small structures in an urbanized area; and

WHEREAS, the applicant has met the burden of proof required to support said application for Planning Commission approval, and the following findings have been determined:

1. The proposed development is consistent with the General Plan, other adopted codes and policies of the Town of Fairfax, and is consistent with the purpose and intent of the Hill Area Residential Development Ordinance as follows:

Goal 4.1.2: All new development shall be required to preserve some of the natural landscape.

The new residence is proposed in roughly the same location as the existing residence and the trees that are not subject to removal as required by the Ross Valley Department defensible space regulations have been preserved. Therefore, the project preserves the much of the natural features on the site.

Goal 5.1.0: The basic goal of the Town of Fairfax in adopting the Environmental Safety Element is to prevent loss of life, to reduce injuries and property damage

and to minimize economic and social dislocations which may result from earthquakes, other geologic hazards, fires and floods.

The Town Engineer, based on a significant body of engineering information and architectural plans as described above, has determined that the project can be built in a manner that will prevent loss of life, reduce injuries and minimize property damage and dislocations from earthquakes or other geologic hazards, fires and floods.

Goal 5.7.0: It is the goal of the Town of Fairfax to reduce height levels of risk in fire prone areas.

The project site is located within the Wildland-Urban Interface zone which is prone to wildfires. The project incorporates the development of a fire truck turn-out and comply with the requirements for defensible space to comply with the Wildland-Urban Interface Code requirements.

Goal 5.9.0: It is the goal of the Town of Fairfax to minimize flooding in areas prone to inundation.

1. The Town Engineer has reviewed the project plans, topographic and boundary survey information, the hydrology and geologic reports and other miscellaneous engineering information listed and has determined the following:

- The health safety and welfare of the public will not be adversely affected by the development;
- Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work;
- Adjacent properties are adequately protected by project design from drainage, seismic and erosion problems as a result of the work;
- The 123 cubic yards of excavation and fill necessary to construct the residence and the required on-site parking is the minimum necessary to allow the owners use of their property.

3. The residence will only project 11.5 feet above the Scenic Road roadway and will maintain the minimum required 5ft side yard setback from the duplex at 309 Scenic and over an 80 foot setback from the neighboring property at 297 Scenic Road. Privacy screens have been included in the design of the structure on the southern side of the rear decks between the structure and the neighboring duplex. The residence is not located in a significant view corridor as defined by Town Code §17.060.020. Therefore, the visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;

4. Construction of the residence will require the removal of 1 Bay tree and further

vegetation removal will be subject to the approval of a defensible space plan by the Ross Valley Fire Department as required. Therefore, the natural landscaping will not be removed by the project more than is necessary;

5. Town Code § 17.072.090(C)(4) prohibits grading during the rainy season from October 1st through April 1st. Therefore, the time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff or prolonged exposure of unstable excavated slopes.

6. The project provides two on-site parking spaces and a guest parking space as required by Town Code §§ 17.052.(A)(1) and (2). The project also includes a fire-truck turn out to provide a fire truck staging area and improve emergency vehicle access to the site and the surrounding Scenic Road neighborhood. Therefore, vehicular access and parking are adequate.

10. The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated because the compact carport cover will not change the single-family character or the development density of the neighborhood.

11. The proposed development is consistent with the General Plan and Zoning Ordinance which have designated the property for development with a single-family residence.

12. The proposed 2,563 square foot, three story, residence is of a similar square footage to other development in the area, harmonizes with the surrounding residential development, and does not result in the deterioration of significant view corridors.

Now, THEREFORE, the Planning Commission of the Town of Fairfax does hereby resolve as follows:

Section 1. After careful consideration of the site plan, architectural drawings, plans and other exhibits submitted in connection with this matter, approval of the application by Michael McLennan for a single-family residence, is hereby granted subject to the following conditions:

Community Development

1. This approval is limited to the development illustrated on the plans prepared by Onju Updegrave Architect, pages A1.1, A2.1 to A2.3 and A3.1 revision date 5/21/10; site improvements, grading and drainage plans by Darius Abolhassani Consultant and Associates, professional engineer and geotechnical engineer, pages C1 and C1, dated 5/21/10; record of survey by J.L. Engineering recorded November 13, 2009 and discussed in the following project engineering reports:

From the Geotechnical Engineer, Darius Abolhassani Consultant and Associates

- 8/28/09 original geotechnical investigation by Darius Abolhassani, Professional and Geotechnical Engineer
- 5/21/10 geotechnical review addendum from Darius Abolhassani, Professional and Geotechnical Engineer
- The 11/13/2009 recorded survey by J.L. Hallberg, Civil Engineer/Land Surveyor
- The September 2010 topographic survey by J.L. Hallberg, Civil Engineer/Land Surveyor
- The development architectural plans, pages A1.0, A1.1, A2.1, A2.2, A2.3, A3.1 and A32.
- The proposed site grading and drainage plans, pages C-1 and C-2, revision date 5/21/10, by Darius Abolhassani , Professional and Geotechnical Engineer

2. Prior to issuance of a building permit the applicant or his assigns shall:

- a) Submit a construction plan to the Public Works Department which may include but is not limited to: a) Construction delivery routes approved by the Department of Public Works; b) Construction schedule (deliveries, worker hours, etc.); c) Notification to area residents; and d) Emergency access routes.
- b) Submit a letter of credit or bond to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. 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 or letter of credit equaling 100% of the estimated construction costs.
- c) 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 and retaining elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Engineer.
- d) The grading, foundation, retaining, and drainage elements shall also be stamped and signed by the site geotechnical engineer as conforming to the recommendations made by the project engineer.
- e) Prior to issuance of the building permit the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations and provide evidence of the approval to the Building Department.
- f) The applicant shall secure a tree cutting permit from the Town prior to removal of any on-site trees over 24 inches in circumference measured 24 inches from the ground. Any trimming of trees shall be supervised by a licensed arborist. The

applicant shall provide to the Tree Committee a report from an ISA certified arborist indicating why the large oak 6 feet from the rear of the proposed structure has to be removed. If the ISA Certified arborist indicates the tree does not need to be removed, the report shall include recommended mitigation measures to ensure the continued health of the tree during and after construction.

- g) Submit two copies of a record of survey subject to review by the Town Engineer and the Public Works Director prior to issuance of the building permit.

3. During the construction process the following shall be required:

- a) The geotechnical engineer shall be on-site each day during the grading process and shall submit written certification to the Town staff that the grading has been completed as recommended prior to installation of foundation and retaining forms and piers.
- b) Prior to the concrete form inspection by the building official, the geotechnical and structural engineers shall field check the forms of the foundations and retaining elements and provide written certification to the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans. 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) Additionally, any proposed temporary closure 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.

4. Prior to issuance of an occupancy permit the following shall be completed:

- a) The geotechnical engineer shall field check the completed project and submit written certification to the 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 soils report.
- b) The Town Engineer shall field check the completed project to verify that the work has been installed as per his recommendations to the Planning Commission.

- c) The Planning Department shall field check the completed project to verify that all design review and planning commission conditions have been complied with including installation of landscaping and irrigation.
5. Excavation shall not occur between October 1st and April 1st. The Town Engineer has the authority to waive this condition depending upon the weather.
 6. The roadways shall be kept clean and the site free of dust by watering down the site if necessary. The roadways shall be kept free of dust, gravel and other construction materials by sweeping the roadway, daily, if necessary.
 7. During construction, developer and all employees, contractor's and subcontractor's must comply with all requirements set forth in Ordinance # 637 (Chapter 8.26 of the Town Code), "Storm Water Management and Discharge Control Program."
 8. Notwithstanding section # 17.38.050(A) of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Resolution # 10-06 and application # 10-28 by the Planning Commission. Any construction based on job plans that have been altered without the benefit of an approved modification of Resolution # 10-06 and application # 10-28 will result in the job being immediately stopped and red tagged.
 9. Any damages to the roadway resulting from construction activities shall be the responsibility of the property owner. The owner or contractor shall videotape or otherwise document as approved by the Public Works Director, the existing condition of the roads in the vicinity of the site prior to starting construction of the residence. Road closures, if necessary, shall be coordinated with the Fairfax Police Department and the Ross Valley Fire Department.
 10. The applicant or owner shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.
 11. The applicants shall obtain Design Review Board approval prior to submitting an application for a building permit. A minimum of 20 days prior to the Design Review meeting the applicant shall submit revised defensible space plans and a landscaping plan that do not contradict each and that comply with the Ross Valley Fire Department regulations.

13. The applicants shall submit a \$2,000 payment for the Town Engineer's services prior to issuance of the building permit. The monies will be used to review the building permit plans and to perform required site inspections to determine compliance with his requirements. Any unused monies will be refunded.

ROSS VALLEY FIRE DEPARTMENT

1. The fire truck turn-out shall be constructed in conjunction with the house and the residence and a meter release will not be granted and a certificate of occupancy will not be issued until the fire turn out is completed.
2. A vegetative management plan shall be prepared and submitted to the Fire Department complying with RVFD Fire Protection Standard 220 Vegetation/fuels Management Plan.
3. A sprinkler system shall be installed that complies with the requirements of the National Fire Protection Association 13-D.
4. Smoke detectors are required and all detectors shall be interconnected and provided with AC power. Detectors shall be located in compliance with the requirements of the Ross Valley Fire Department.
5. All roof coverings shall be Class A rated assemblies as defined in the Uniform Building code.
6. The property address shall be posted with illuminated numerals at least 4" high in a location visible from the street.
7. During Construction, combustible debris shall not be accumulated within the building or around the exterior of the building.
8. Access to building for the purpose of firefighting shall be provided. Construction materials shall not block access to buildings, hydrants or fire appliances.

TOWN ENGINEER

1. The building plans shall be reviewed by the Town Engineer for compliance with his requirements, prior to issuance of the building permit. The applicant shall pay for the Town Engineer's time to review the plans and perform inspections at a rate of \$96.00 per hour.
2. The applicants shall comply with any and all requirements of the Town Engineer prior to issuance of the building permit, during construction and prior to the project final.
3. The applicant shall comply with any and all other requirements placed upon the project

by the Town Engineer prior to issuance of the building permit and during construction.

MARIN MUNICIPAL WATER DISTRICT

1. Comply with the backflow prevention requirements if warranted.
2. All landscaping and irrigation plans must comply with Water District Ordinance # 385.

ROSS VALLEY SANITARY DISTRICT

1. A sewer connection permit is required and may be issued by the District after the building permit is obtained and all appropriate fees have been paid.
2. If the sewer lateral is not used or replaced, it must be plugged off per District specifications.
3. In order to use the existing sewer lateral the later must be tested in the presence of a District Inspector. If the later passes, it must be equipped with the appropriate backwater relief device. If it fails, it must be replaced with a new sewer lateral.
4. All alterations to the sewer lateral must meet District specifications and be inspected by a District Inspector before it is covered.

PUBLIC WORKS DEPARTMENT

A recorded copy of the "License Agreement to Permit Revocable Encroachment on Town Property" for the improvements in the public right-of-way shall be provided to the Town Prior to issuance of the building permit.

PASSED AND ADOPTED by the Town of Fairfax Planning Commission, State of California, this 21st day of October by the following roll call vote:

AYES:
NOES:
ABSTAIN:

Chair, Planning Commission

ATTEST:

Jim Moore, Director of Planning and Building Services

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the Applicant, and Property Owner or Authorized Agent. The undersigned hereby acknowledges the approved terms and conditions and agrees to fully conform to and comply with said terms and conditions within the recommended time frames approved by the City Planning Commission.

Michael McLennan
Property Owner

Date