



## **BACKGROUND**

The 5,814 square foot site slopes down from Crest Road at an average rate of 47%. The residence was 2,109 square foot, four bedroom, two bath residence was constructed in 1964 with an attached two car garage.

The Planning Commission approved a Variance to allow the expansion of the residence living room and one of the bedrooms within the required combined side yard setback in 1988.

## **DISCUSSION**

The applicant is proposing to replace the carport which has a flat roof with a structurally sound garage with a gabled roof that complies with the Building Code regulations and compliments the architecture of the existing residence. The garage will have a new 156 square foot storage room underneath it

The application also includes a variance for an accessory structure that was originally constructed by the owner as a play house within the last five (5) to ten (10) years. The structure is too small to require a building permit and the owner also thought it was exempt from setback regulations as well which is a common misconception.

The property and proposed project comply with the Residential Single-family RS 6 Zone District where the property is located as follows:

	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Combined Front/rear Setback</b>	<b>Side Setbacks</b>	<b>Combined Side Setbacks</b>	<b>FAR</b>	<b>Lot Coverage</b>	<b>Height</b>
<b>Required/ Permitted</b>	<b>6 ft</b>	<b>12 ft</b>	<b>35 ft</b>	<b>5 ft &amp; 5 ft</b>	<b>20 ft</b>	<b>.40</b>	<b>.35</b>	<b>35 ft, 3 stories</b>
<b>Existing</b>	<b>0 ft</b>	<b>4 ft (shed), 20 ft (rear deck of house)</b>	<b>4 ft</b>	<b>5 ft &amp; 6.5 ft</b>	<b>11.5 ft</b>	<b>.37</b>	<b>.30</b>	<b>31 ft, 3 stories</b>
<b>Proposed</b>	<b>Same</b>	<b>Same</b>	<b>Same</b>	<b>Same</b>	<b>Same</b>	<b>.40</b>	<b>.30</b>	<b>same</b>

The project requires the approval of the following discretionary permits:

### **A Use Permit:**

In 1973 the Town of Fairfax adopted new Zoning Regulations that increased the required parcel size and width and setback significantly for sloped properties. It resulted in most of the properties in Town becoming legal non-conforming and 42 Crest Road was one of those properties. Based on the revised slope regulations the proposed site, with its 47% slope, would

have to be 39,000 square feet in size and 161 feet wide to conform to the Zoning Ordinance. Town Code § 17.080.050 indicates that a Use Permit must be obtained from the Planning Commission for any use, occupancy or physical improvement on a property failing to meet the minimum size and/or width requirements. Therefore, this project requires a Use Permit.

**Combined Front/Rear Setback and Combined Side Setback Variances:**

The proposed new storage room underneath the garage will maintain a combined side yard setback of only 14 feet 4 inches while Town Code § 17.080.040(B)(2) requires a combined side setback of twenty (20) feet. The storage room maintains a 7 foot 11 inch minimum setback from the northern side property line in excess of the minimum required 5 foot setback [Town Code § 17.080.050(B)(2)].

The play structure is located 4 feet from the rear property line. The parking access deck crosses the front property line to attach to the paved portion of Crest Road and therefore has a zero setback. Therefore, the combined front/rear setback maintained by all the structures on the site is 4 feet while the code requires 35 feet [Town Code 17.080.050(B)(1)]. Please note that the house itself, without taking the play house into consideration, maintains a combined front/rear setback of 20 feet. The playhouse is currently not in use and even if it is put to some future permitted use such as storage, it will not generate a lot of foot traffic or intense use because of its small size, design, and location down the hill on the lower portion of the property.

**OTHER AGENCY/DEPARTMENT COMMENTS/CONDITIONS**

**Ross Valley Fire Department Conditions**

1. Vegetative management on the site must comply with Ross Valley Fire Department Fire Protection Standard 220.
2. Address numbers that are at least 4 inches in height must be in place adjacent to the front door and if not clearly visible from the street additional numbers are required where they are clearly visible from the street. The numerals must be illuminated so they are visible at night.
3. All smoke detectors shall be provided with AC power and be interconnected for simultaneous alarm and be located as required by the Building Code.
4. Carbon monoxide detectors must be installed in compliance with the Building Code.

**Marin Municipal Water District Conditions**

1. All landscaping and irrigation plans must be designed in accordance with the District's indoor and outdoor requirements set forth in District Code Title 13, Water Conservation.
2. Backflow protection shall be provided as a condition of water service if required and not already provided.

## **Ross Valley Sanitary District Conditions**

1. If not already installed the side sewer be equipped with a backwater prevention device.
3. After the project is approved, the owner or contractor should contact the District to arrange for a District Inspector to approve the existing installation and to make a record of the backwater prevention device for the District's files.

## **RECOMMENDATION**

Move to approve application # 12-29 based on the following findings and subject to the following conditions of approval:

### Recommended Findings –

1. The proposed reconstructed garage with a 156 square foot storage room beneath it will not encroach any closer to the northern side property line than the existing structure and the new storage room will exceed the minimum required 5 foot setback by over 2 feet with a setback of 7 feet 11 inches. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The two car garage, small storage room and play house are typical of improvements found on other residentially zoned properties in the neighborhood and throughout Fairfax. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
3. The Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any Master Plan, or other plan or policy, officially adopted by the City.
4. The garage will be rebuilt with a gabled roof, improved structural support in compliance with existing building codes and the play structure will be legalized in its existing location. Therefore, approval of the use permit will result in equal development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.
5. The property is steep with a 47% slope and small, only 5,418 square feet. These are the

special circumstances applicable to the property that warrant the requested setback exceptions.

6. When Ordinance 362, Zoning, was adopted February 13, 1973 and rendered many of the residential properties in Fairfax non-conforming with respect to size and setbacks. 41 Crest Road is one of these properties that had conforming setbacks under the previous Ordinance 230 in effect from 9/11/61 through 3/12/73. Therefore, the variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.
7. The strict application of this title would result in excessive or unreasonable hardship because the owner would not be able to reconstruct his garage or legalize an accessory structure that is so small it does not require a building permit and which does not generate a high intensity of use.
8. The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated because the structures maintain setbacks from the closest neighboring properties at 114 and 120 Hillside Drive and 36 Crest Road.

**Recommended Conditions -**

1. This approval is limited to the development illustrated on the plans prepared by Rich Rushton, Rushton Chartock Architects, pages A1.1, A4.1, A4.2 and A7.1 dated 9/10/12.
2. Prior to issuance of a building permit the applicant or his assigns shall:

Submit a construction plan to the Public Works Department which may include but is not limited to the following:

- Construction delivery routes approved by the Department of Public Works.
  - Construction schedule (deliveries, worker hours, etc.)
  - Notification to area residents
  - Emergency access routes
3. The applicant shall prepare, and file with the Public Works Manager, a video of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Manager/ the Public Works Manager or Town Engineer can waive this requirement).
  4. The applicant shall submit a 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 upon approval of the contract costs, the applicant shall submit a

bond or evidence of a letter of credit equaling 100% of the estimated construction costs and pay for the Town Engineer's time to review and confirm the contractor's estimate.

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 and retaining elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Engineer. The Town Engineer's time will be paid for by the applicant prior to issuance of the building permit.
6. 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.
7. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.
8. During the construction process the following shall be required:
  - The geotechnical engineer shall be on-site during the grading process (if there is any grading to be done) 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.
  - 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.
  - 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.
  - 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.
9. Prior to issuance of an occupancy permit 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.
10. Excavation shall not occur between October 1st and April 15st. The Town Engineer has the authority to waive this condition depending upon the weather.
  11. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.
  12. During construction developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".
  13. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 12-29. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 12-29 will result in the job being immediately stopped and red tagged.
  14. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.
  15. 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.
  16. Construction hours are limited to between 8 AM and 5 PM, Monday through Friday, 9 AM to 5 PM on Saturdays and that there be no noise generating construction on Sundays.
  17. Noise from construction worker's radios shall be controlled so that they are not audible at residences adjacent to the project site.
  18. All internal combustion engine-driven equipment shall be equipped with mufflers which are in good condition and appropriate for the equipment.
  19. Quiet models of air compressors and other stationary noise sources shall be utilized where technology exists.

20. Noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
21. Unnecessary idling of internal combustion engines shall be prohibited.
22. Applicant shall notify adjacent residents to the project site of the construction schedule in writing.
23. Conditions placed upon the project by outside agencies may be eliminated or amended with that agencies written verification of the eliminated or modified condition(s) to the Planning Department prior to issuance of the building permit.

### **Ross Valley Fire Department Conditions**

1. 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.
2. All smoke detectors shall be provided with AC power and be interconnected for simultaneous alarm and be located as required by the Building Code.
3. Carbon monoxide detectors must be installed in compliance with the Building Code.
4. The site shall comply with Ross Valley Fire protection Standard 220 Vegetative and Fuels Management Plan.

### **Marin Municipal Water District Conditions**

1. All landscaping and irrigation plans must be designed in accordance with the District's Ordinance #385 for water conservation and landscaping.
2. Backflow prevention shall be installed and inspected by the Water District as a condition of water service if required.

### **Ross Valley Sanitary District Conditions**

1. If not already installed the side sewer be equipped with a backwater prevention device.
2. After the project is approved, the owner or contractor should contact the District to arrange for a District Inspector to approve the existing installation and to make a record of

the backwater prevention device for the District's files.

**ATTACHMENTS**

Exhibit A – applicant's supplemental information

Exhibit B – Other Agency/Department comments/conditions

Exhibit C - Neighbor's letters of support

**PLANNING APPLICATION FORM**  
Town of Fairfax Planning Department

For PLANNING COMMISSION action:	For ADMINISTRATIVE action
<input type="checkbox"/> Annexation <input type="checkbox"/> General Plan Amendment from _____ to _____ <input type="checkbox"/> Design Review (hillside*, commercial*, multi-family*, 5'-8' residential setback additions to existing dwellings) <input type="checkbox"/> Precise Development Plan** <input type="checkbox"/> Second Unit Use Permit * <input type="checkbox"/> Sign Review * <input type="checkbox"/> Parcel Map/ Tentative Map/ Vesting <input type="checkbox"/> Tentative Map, Lot Line Relocation <input checked="" type="checkbox"/> Use Permit * 813 <input checked="" type="checkbox"/> Variance 1,125 - <input type="checkbox"/> Zone Change from _____ to _____ <input type="checkbox"/> Encroachment <input type="checkbox"/> Certificate of Compliance <input type="checkbox"/> Hill Area Residential Development <input type="checkbox"/> Other: <hr/> <input type="checkbox"/> Environmental Review*	<input type="checkbox"/> Admin. Sign Review (commercial)* <input type="checkbox"/> Admin. Design review (hillside)* <div style="text-align: center; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="text-align: center; font-weight: bold; font-size: 1.2em;">SEP 18 2012</div> <input type="checkbox"/> Admin. Lot Line relocation <input type="checkbox"/> Other <hr/> For Office Use Only Application # _____ Receipt # _____

\* Please complete the appropriate Supplemental Questionnaire.

\*\* See special submittal requirements.

~~~~~ Please see fee schedule for required application fees. ~~~~~

|                                            |                                           |                      |
|--------------------------------------------|-------------------------------------------|----------------------|
| Job Site Address:<br><b>42 Crest Road.</b> | Assessor Parcel No.:<br><b>002-094-13</b> | Zone:<br><b>RS6.</b> |
|--------------------------------------------|-------------------------------------------|----------------------|

|                                                                |                                                          |                                  |
|----------------------------------------------------------------|----------------------------------------------------------|----------------------------------|
| Property Owner(s) Name:<br><b>Robert Castle.</b>               | Phone Numbers:<br>Home: <b>456-3634.</b><br>Work:        | Fax Number:<br>_____             |
| Mailing Address:<br><b>42 Crest Road</b>                       | City:<br><b>Fairfax</b>                                  | State/Zip:<br><b>94930.</b>      |
| Applicant(s) Name (contact person):<br><b>Richard Rushton.</b> | Phone Numbers:<br>Home:<br>Work: <b>457-2802 ext 205</b> | Fax Number:<br><b>457-2873.</b>  |
| Mailing Address:<br><b>PO Box 173</b>                          | City:<br><b>Fairfax</b>                                  | State/Zip:<br><b>94978-0173.</b> |

PROJECT DESCRIPTION: Existing garage is substandard & in need of repair. Existing footings will be reinforced, shear walls added below the garage, concrete floor & driveway slab will replace wood deck, as per code, & leaky flat roof replaced with gable form compatible with existing house. Required shear walls enclose additional storage space for owner.

GENERAL INFORMATION (if applicable):

| Item                                                   | Existing           | Proposed           |
|--------------------------------------------------------|--------------------|--------------------|
| Lot size                                               | 5,814 SF           | 5,814 SF.          |
| Size of structure(s) or commercial space (square feet) | 2,173              | 2,329.             |
| Height and No. of stories                              | 31', 2 stories     | 31', 2 stories     |
| Lot coverage                                           | 1,785 SF, 30.7%    | 1,785 SF, 30.7%.   |
| No. of dwellings units                                 | 1                  | 1                  |
| Parking <sup>1</sup> No. of spaces                     | (2) 9x19 covered + | (2) 9x19 covered + |
| Size of spaces                                         | (1) 8x16 compact   | (1) 8x16 compact.  |

|                                        |                    |              |
|----------------------------------------|--------------------|--------------|
| Amount of proposed excavation and fill | Excavation = 6 cy. | Fill = 6 cy. |
|----------------------------------------|--------------------|--------------|

Estimated cost of construction \$ 50,000.

Lot Coverage is defined as the land area covered by all buildings and improvements with a finished height above grade and all impervious surfaces except driveways.

<sup>1</sup>Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? NA.

Robert S. White  
Signature of Property Owner

Richard Duran  
Signature of Applicant

9-12-2012

9/12/12.

Date

Date

Planning Department staff is available by appointment between 8:30 a.m. and 12:00 noon and 1:00 p.m. and 5:00 p.m. Monday through Thursday at 142 Bolinas Road, Fairfax, CA. (415) 453-1584

## FLOOR AREA RATIO (FAR) AND LOT COVERAGE STATISTICS

The following information will be used to verify application FAR and lot coverage amounts.  
Applications will not be considered complete until the following table is complete.

|                                               | Existing | Proposed |
|-----------------------------------------------|----------|----------|
| Footprint square footage for all structures   | 1,785 SF | 1,785    |
| Living space square footage                   |          |          |
| First floor                                   | 865      | 865      |
| Second floor                                  | 1,244    | 1,244    |
| Third floor                                   |          |          |
| Total                                         | 2,109    | 2,109    |
| Accessory structure square footages           |          |          |
| Sheds                                         | 64       | 64       |
| Pool houses                                   |          |          |
| Studios/offices                               |          |          |
| Second units                                  |          |          |
| Miscellaneous (specify use)                   | -0-      | 156 ✓    |
| storage room.                                 |          |          |
| Total                                         | 64       | 220      |
| Square footage of impervious surfaces         |          |          |
| Walkways                                      | 0        | 0        |
| Patios                                        | 0        | 0        |
| Impervious decks                              | 0        | 0        |
| Miscellaneous (specify use)                   |          |          |
| Total                                         |          |          |
| Garage/carport square footages (specify type) | 362      | 362 ✓    |

\* All square footage measurements must be the sum of all interior floor area measured from the exterior  
 in accordance with Code § 17.0

### FAR

### LOT COVERAGE

|                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>EXIST</b></p> <p style="text-align: right;">865<br/>1244<br/>64</p> <hr style="width: 50%; margin-left: 0;"/> <p style="text-align: right;">2173</p> <hr style="width: 50%; margin-left: 0;"/> <p style="text-align: right;">5814 = .37</p> | <p><b>PROP</b></p> <p style="text-align: right;">865<br/>1244<br/>64<br/>156</p> <hr style="width: 50%; margin-left: 0;"/> <p style="text-align: right;">2329</p> <hr style="width: 50%; margin-left: 0;"/> <p style="text-align: right;">5814 = .40</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

08.020, Definition of impervious surfaces of the lot included. The maximum lot coverage in size for duplicate applications shall be 17.008.020, Definition of the ground area including patios (other than

|                                                                                                                                                                                                                                                              |                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>EXIST</b></p> <p style="text-align: right;">1785<br/>64</p> <hr style="width: 50%; margin-left: 0;"/> <p style="text-align: right;">362</p> <hr style="width: 50%; margin-left: 0;"/> <p style="text-align: right;"><del>3814</del><br/>6814 = .38</p> | <p><b>PROP</b></p> <p style="text-align: right;">1785<br/>64<br/><del>156</del><br/>362 =</p> <hr style="width: 50%; margin-left: 0;"/> <p style="text-align: right;">5814 = .38</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Submittal Requirements Checklist

- Title report for the project property is required for all submittals. A copy of the current fee title deed must also be submitted for commercial projects, new residences and 50% remodels.

For Administrative actions (Sign permits that comply with the Sign Ordinance, lot line adjustment or certificates of compliance.)

- Two (2) sets of site plans and floor plans (elevation plans for new construction)
- Completed Application form(s)
- Fee (see "Fee Schedule")

For Planning Commission and Design Review Board actions

- Fourteen (14) full size sets of site plans, floor plans and elevation plans
- One set of plans reduced to 8 ½ inches by 11 inches (*larger sets will not be accepted*)
- Completed Application forms(s)
- 14 sets of photographs of the project site
- Fee (see "Fee Schedule")
- Environmental Initial Study Questionnaire (if applicable)
- An approved Vegetative Management Permit from the Ross Valley Fire Department for new homes and 50% remodels

- **Note:** You must include a completed "Applicant Affidavit for Property Owners Mailing List" along with the required materials for Planning Commission or Design Review actions.

**\*\*\* ALL PROJECT PLANS MUST INCLUDE \*\*\***

**A Site Plan that is fully dimensioned and drawn to scale, collated and folded with other pages of the project, including the following:**

1. Property boundaries and easements.
2. Foundation and roof lines of all existing and proposed structures located on the property; differentiate between proposed and existing structures.
3. Foundation lines of all neighboring structures.
4. On-site drives, parking, loading spaces, landscaped areas, patios, etc.
5. Street right-of-way lines, curb line or pavement edge, sidewalks, and parkways.
6. The location and species of all trees on site, showing trunk circumferences (measured 4 1/2ft above natural grade) and driplines.
7. Fences and walls, existing and proposed.
8. Yards and open space areas.
9. Storage areas and screening.
10. Topographic features: streams, drainage channels, ditches, rock outcroppings, etc. If the project is adjacent to a watercourse a cross section of the watercourse channel must also be provided.
11. Existing visible landmarks (utility poles, street lights, fire hydrants).
12. Accurate contour lines:
  - Slopes below 5% - contours not required
  - Slopes between 5% and 15% - contour interval must be two feet
  - Slopes exceeding 15% - contour interval must be five feet
13. Other information deemed necessary to evaluate this application.
14. Flood Zone and flood elevation certificate if property is located in an A' zone or B' zone.

## Use Permit Applications - Additional information required.

- A written description of the proposed use, major activities, hours of operation, number of employees on the premises during the busiest shift and when the busiest shift is expected and other information pertinent to the application.
- Floor plans must include location of any special equipment.
- Designate customer, employee and living areas.
- If different uses are included in this activity, for example storage, retail, living space, etc. Indicate square footage of each proposed use.

In order to approve your project, the Planning Commission must make findings of fact which state that the project will not have a negative impact on the general public welfare, conforms with the policies of the Town, does not create excessive physical or economic impacts on adjacent property and provides for equal treatment with similar properties in Town.

In the space below, please provide any information which you feel is relevant to these issues and which further explains your project.

See cover letter on drawings.

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The final disposition of each use permit shall be in accordance with the facts of the particular case, and such facts must support the following determinations and findings before a use permit may be approved. Indicate how the findings below can be made:

- The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

See variance findings, Item 1.

- The development and use of property, as approved under the use permit, shall not create a public nuisance, cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

Use is typical in Fairfax & immediate neighborhood.

- Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any master plan, development plan or other plan or policy, officially adopted by the town.

Typical in residential use.

**Linda Neal**

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**From:** Richard Rushton [rushtonchartock@gmail.com]  
**Sent:** Wednesday, October 03, 2012 4:33 PM  
**To:** Linda Neal  
**Subject:** Re: Castle play house

Bob built the playhouse in 1992. It is 8x8 and 12' high at the ridge. He says that at the time it was his understanding that such a small accessory structure did not require a permit.

Rich

On Wed, Oct 3, 2012 at 3:55 PM, Richard Rushton <[rushtonchartock@gmail.com](mailto:rushtonchartock@gmail.com)> wrote:

The shed at the rear of the Castle property was built by Bob Castle as a play house for his daughter. I believe it was done within the last 5-10 years. He thought the rules allowed the construction of an accessory structure not exceeding 100 sf without a permit. I will stop by tomorrow morning to discuss this further.

If we need to obtain a variance for the structure, we would like to add this onto the current application. Thanks.

Rich



# MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169  
www.marinwater.org

September 24, 2012  
Service No. 06712

Linda Neal  
Town of Fairfax Planning Dept  
142 Bolinas Rd  
Fairfax CA 94930

**RECEIVED**  
SEP 26 2012  
TOWN OF FAIRFAX

**RE: WATER AVAILABILITY - Single Family Dwelling**  
Assessor's Parcel No.: 002-094-13  
Location: 42 Crest Rd., Fairfax

Dear Ms. Neal:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a single family dwelling. The proposed garage reconstruction will not impair the District's ability to continue service to this property.

Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 – Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at [www.marinwater.org](http://www.marinwater.org).

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559.

If you have any questions regarding this matter, please contact me at (415) 945-1531.

Very truly yours,

Joseph Eischens  
Engineering Technician

JE:mp

cc: Town of Fairfax Building Dept

**EXHIBIT # B**



**ROSS VALLEY SANITARY DISTRICT**  
2960 Kerner Blvd  
San Rafael, CA 94901  
(415) 259-2949 ~ [rvsd.org](http://rvsd.org)

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September 19, 2012

Linda Neal, Senior Planner  
Town of Fairfax  
Dept of Planning and Building Services  
142 Bolinas Road  
Fairfax, CA 94930

**RECEIVED**  
SEP 24 2012  
TOWN OF FAIRFAX

**SUBJECT: 42 CREST ROAD FAIRFAX; APN: 002-094-13.**

Dear Ms. Neal:

We are in receipt of your transmittal letter dated September 19, 2012 concerning the above-referenced project. The District has no objection in general, but has the following comments and requirements if the project is approved:

1. If not already installed, the District requires that the side sewer be equipped with an appropriate backwater prevention device (e.g., Contra Costa valve as warranted by the individual site conditions).
2. After the project is approved, the owner or contractor should contact the District to arrange for a District inspector to approve the existing installation (or approve the plans for the proposed installation) of the backwater prevention device and any work done on the side sewer lateral in order to make a record for the District's files.

If you need further information regarding this matter, please contact the office.

Sincerely,

A handwritten signature in cursive script that reads "Randell Y. Ishii".

Randell Y. Ishii, M.S., P.E.  
District Engineer







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

### FIRE DEPARTMENT PLAN REVIEW

PROJECT: Garage/Storage  
 ADDRESS: 42 Crest Rd  
 Fairfax, CA 94930

Page: 1 of 2  
 Date: 10/10/2012  
 Reviewed by: Rob Bastianon  
 (415) 258-4673

TYPE OF REVIEW: Planning  
 Bldg. Dept. 09/18/12 Fire Dept. # 12-0305  
 E-mail: [Rbastianon@rossvalleyfire.org](mailto:Rbastianon@rossvalleyfire.org)  
 Review No. 1  
 Fire Department Standards can be found at: [www.rossvalleyfire.org](http://www.rossvalleyfire.org)

Applicant\*: Planning  
 Address:

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

|                           |                               |                         |
|---------------------------|-------------------------------|-------------------------|
| Occupancy Class: R-3      | Fire Flow Req: 1000 GPM       | Sprinklers Required: NO |
| Type of Construction: V-B | On-site Hyd. Req: NO          | Fire Alarm Required: NO |
| Bldg Area: sf:            | Fire Lane Req: NO             | Permits Required:       |
| Stories: 2                | Fire Flow Test Required: NO   |                         |
| Height: +ft.              | Wildland Urban Interface: YES |                         |

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

- ( ) APPROVED (no modifications required)
- ( X ) APPROVED AS NOTED (minor modifications required - review attached comments)
- ( ) NEEDS REVISION (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.  
**REVIEWED**  
 DATE: 10/10/12

Inspections required:

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



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| ITEM # | SHEET | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Corr. Made |
|--------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1      |       | 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:<br>Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |
| 2      |       | 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:<br>Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |
| 3      |       | Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth within the defensible space zone of 30-100 feet. Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan is available online @ <a href="http://Rossvalleyfire.org">Rossvalleyfire.org</a> to assist the applicant in meeting the minimum defensible space requirements.                                                                                                                                  |            |
|        |       | Submitter's Response:<br>Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |
| 4      |       | 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:<br>Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |

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.

**Linda Neal**

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**From:** Borenstein, Issie [Issie.Borenstein@warnerbros.com]  
**Sent:** Wednesday, October 10, 2012 12:16 PM  
**To:** Linda Neal  
**Subject:** 42 Crest Road - Application # 12-29

Hello Linda,

My name is Issie Borenstein. My wife Renee and I live at 36 Crest Road in Fairfax. Our property is adjacent (to the north) to the Castle's property and we are closest to the garage reconstruction project. I am writing you to state that we have no problem whatsoever with the location of either the garage or the playhouse and that we fully support the Castle's application with the Planning Commission which includes both the garage reconstruction and the playhouse. If you have any questions, you can either reply back to this email or contact us at 454-2616.

Thanks much,

Issie

**Linda Neal**

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**From:** j.yoss@comcast.net  
**Sent:** Wednesday, October 10, 2012 1:23 PM  
**To:** Linda Neal  
**Subject:** Re: 42 Crest Road - Application # 12-29

To whom it may concern,

We are Jim and Jayne Yoss and live at 114 Hillside Drive, Fairfax. Our property is adjacent (to the west) to the Castle's and we are closest to the "accessory structure" that we know as "the playhouse". We have no problem with the location of the playhouse. We are writing to support the Castle's application with the Planning Commission which includes both the garage reconstruction and the playhouse. If you have any questions, you can reach us at 485-5488.

Sincerely,

Jim and Jayne Yoss