

3/12/79 Town Council Meeting

ONLY PRINCE RING
COUNCIL M/G
PER WORK
NEAL
3/29/11 MT

App. for Use Permit for Inadequate Parking, Corbett's Antiques, 1621 Sir Francis Drake Boulevard, A.P. #2-211-02, by Gustavo Kubichek.
This application was incomplete and was therefore continued to the next regular meeting of the Town Council on April 9, 1979.

Application for a Use Permit for Uncovered Parking in Front Yard and Side Yard Setbacks, and Nonconforming Front Yard Setback, 9 Scenic Road, A.P. #1-146-04, by Paul R. Lusczynski.
The proposal was for a one-car parking structure to be located five feet from the front property line and ten feet from the side property line. The front elevation showed proposed fill for the existing parking.

M/S, Arnold-Mahoney, to approve the application for a Use Permit at 9 Scenic Road with the condition that covered parking not be required.

AYES: Arnold, Mahoney, Willmann and Mayor O'Connell
NOES: Egger

Application for a Use Permit to Extend a Nonconforming Use, 66 Willow Avenue, A.P. #1-204-20, by Arthur Chartock
Per the request of the applicant, this item was continued to the next regular Council meeting on April 9, 1979.

Appeal re Planning Commission Denial of Application for Use Permits for Re-establishing a Duplex Use and Extension of a Nonconforming Use, 17 Hill Avenue, A.P. #2-213-1, by Gary Henneberry.

The proposal was for conversion of an existing nonconforming garage with a pre-existing room attached into a living unit. The Planning Commission denied the application at their February 15, 1979 meeting.

It was determined that the site was being utilized improperly with the setback being the major issue of concern. Additionally, had the project gone through the appropriate channels, i.e., Planning Commission and Design and Environmental Review Board hearings before the commencement of work, the applicant would have been advised that the location of the unit in question was inappropriate. Finally, conversion of the garage into living space was illegal and there was a problem with the aesthetics of the front facade of the structure.

M/S, Mahoney-Arnold, that the staff recommendation in its entirety be granted.

AYES: All

M/S, Mahoney-Willmann, to modify the use of the garage by Use Permit to exclude any front yard setback approval.

PETITIONS, BIDS, SPECIFICATIONS, AND AGREEMENTS

Adoption of Ordinance No. 445 Amending the Uniform Traffic Ordinance of the Town of Fairfax

M/S, Willmann-Mahoney, to waive Ordinance No. 445 Amending Section 1 Traffic Ordinance of the Town of Fairfax.

AYES: All

M/S, Mahoney-Willmann, to adopt Section 10.9(c) of the Uniform Traffic Ordinance of Fairfax.

AYES: All

Approval of Joint Powers Agreement between the Town of San Anselmo and the Town of San Anselmo for the Ramp Project

M/S, Mahoney-Willmann, to approve the agreement between the Town of San Anselmo and the Town of San Anselmo for the Ramp Project.

AYES: All

Adoption of Resolution No. 1152 Requesting Urban Thorou Side of Sir Francis Drake Improv Marin County Director of Public

RESOLUTION N

A RESOLUTION OF THE TOWN OF FAIRFAX RESCINDING RESOLUTION NO. 1151 REQUESTING URBAN THOROUGH NORTH SIDE OF SIR FRANCIS DRAKE IMPROV PROJECT FROM THE MARIN COUNTY PUBLIC WORKS

M/S, Egger-Mahoney, to approve Resolution N

AYES: All

Adoption of Resolution No. 1153 for the Fiscal Year July 1, 1978 to July 31, 1978
Approved by Resolution No. 1130; Provisions of Budget Appropriations and Transfers

RESOLUTION N

A RESOLUTION OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS TO APPROVE THE FINAL BUDGET OF THE TOWN OF FAIRFAX FOR FISCAL YEAR JULY 1, 1978 - JUNE 30, 1979
Approved by Resolution No. 1130; Provisions of Budget Appropriations and Transfers

M/S, Willmann-Mahoney, to approve Resolution N

EXHIBIT

FAIRFAX PLANNING COMMISSION - REGULAR MEETING, DECEMBER
21, 1978

M/s Arnold, Silmar to recommend approval of a 25' pedestrian-equestrian easement on the portion of the fire road occurrence on Church property; this easement is intended to become one segment in a proposed trail system as shown in Exhibit "A".

AYES ALL

Item 7, Application for use permit for non-covered parking in front and side yards, and a use permit for a nonconforming front yard setback, 9 Scenic Rd., A.P. #1-146-04, Paul R. Lusczynski. App for use permit for uncovered parking, & nonconforming front yard setback.

The applicant, Paul R. Lusczynski, was present.

The staff report for this item to be corrected to read: 24' (instead of) 25', last paragraph, first page.

Commissioner Baker was concerned about the small oak tree close to the property line. Mr. Lusczynski said the proposed house would not affect this oak tree.

The Commission reiterated to the applicant that the existing structure could not be used for residence, and the applicant said he understood.

Commissioner O'Donnell asked the applicant if the house was at all salvageable, and he replied that it was 80% salvageable. Commissioner Arnold suggested moving the proposed parking deck back so that a use permit wouldn't be needed. Mr. Lusczynski said moving the parking deck back would disturb the large oak tree behind it.

Commissioner Baker stated that it was hard for her to visualize that oak tree because it was not clearly drawn on the site plan. She said she had trouble responding to the application because she felt it was incomplete.

M/s Wilson, Arnold to recommend approval of a use permit for zero front yard and side yard setback with the condition that the present existing parking pad be removed to become part of the yard.

AYES: Arnold, Silmar and Wilson

NOES: O'Donnell, Eckles and Baker

Motion Denied.

M/s O'Donnell, Arnold to continue item to the next regular meeting, asking the applicant to bring a new site plan showing the precise location of trees, removal of the existing parking pad, a parking deck with 2 spaces, one covered, and a survey of the site.

FAIRFAX PLANNING COMMISSION - REGULAR MEETING, JANUARY 25, 1979

Item 2, Continuation of application for use permit for non-covered parking in front and side yard, and nonconforming front yard setback, 9 Scenic Road, A.P. #1-146-04, by Paul R. Lusczynski.

Cont. app. for use prmt for noncovered parking & nonconforming setback, 9 Scenic.

The applicant was not present.

Commissioner Arnold said that upon examing the site at 9 Scenic he discovered a garage on the rear of the property.

Commissioner O'Donnell said that he expected a survey to be included in the applicant's new submittals. Planning Technician Hammond explained that a survey had been included in the first submittals which was traced from the survey done by Arthur Lang.

Mr. Charles Grossman of 15 Scenic Road said that his objection to the project was that he beleived that the lot was too small to begin with. He said he felt the existing house is well situated but the addition would not leak good. He also said a plum tree will have to be removed.

M/s Wilson, Arnold to continue the application to the next regular meeting when the applicant is present.

AYES ALL, Baker Absent

Item 3, Application for multiple use permits to convert a single family home into a duplex, 33 Park Rd., A.P. #2-101-03, by Jean B. McCabe.

App. for use prmts. for dup. 33 Park Rd.

The Commission was pleased with the building plans to convert the house into a duplex so that the real issue was the application for tandem parking.

Commissioner Wilson suggested that the applicant turn the area in front of the structure into four parking spaces and create a patio where tandem parking is proposed.

M/s Eckles, O'Donnell to recommend a use permit for a variance of Section 24.30, Ordinance. 352 to allow tandem parking at 33 Park Road.

AYES: Wilson, O'Donnell and Eckles

NOES: Arnold

ABSENT: Baker

FAIRFAX PLANNING COMMISSION, REGULAR MEETING, FEBRUARY 15, 1979.

Commissioners Present: John Arnold
Don O'Donnell
Wendy Baker, (ar. 8:25)
Lee Eckles, Chrmn.

Commissioners Absent: Adelaide Wilson

City Staff Present: Rebecca Hammond, Planning Technician.

Meeting called to order at 8:15 p.m.

Approval of Minutes

January 25, 1979

Approval of minutes

Page 1 - Commissioner O'Donnell requested "The Liquid Lense" in par. 1 be changed to "The Liquid Lens".

Page 2 - Commissioner Arnold requested that in par. 1 the words "a garage on the rear of the property" be deleted and replaced with "that a garage on an adjacent lot projected into the subject property."

M/s Arnold, Eckles to approve the corrected minutes of January 25.

AYES ALL, Baker, Wilson, absent

Item 1, Continuation of application for use permit for uncovered parking in front and side yard, and nonconforming front yard setback, 9 Scenic Road, A.P. #1-146-04, by Paul R. Lusczynski.

Cont. of App. for use permit for uncovered parking in front and side yard, nonconforming frnt yard setback, 9 Scenic, P. Lusczynski.

The applicant was present.

Chairman Eckles stated that the present application is as per the drawing dated 5 Jan. 1979.

At the Jan. 25 Planning Commission meeting three residents living contiguously to 9 Scenic were present who expressed an opposition to the project because it would result in considerably shorter distances between residences. The applicant did not arrive until after his neighbors left. Some concern was evident among the Commission with hearing the application without these neighbors present so the application was continued to the February 15 meeting.

At the February 15 meeting no one but the applicant showed up and again there was concern about hearing the application under these conditions.

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FAIRFAX PLANNING COMMISSION, REGULAR MEETING, FEBRUARY
15, 1979.

Commissioner Arnold stated that those who came to the last meeting were aware that the item was to be heard again at this meeting and apparently chose not to come.

Motion Arnold to recommend use permits to allow 1) two uncovered parking spaces in the front and side yard setbacks and 2) to allow a 24' front and rear combined setback.

Motion died for lack of second.

Commissioner O'Donnell stated that he was concerned not about the uncovered parking, but the small amount of open space that would be left on the site.

Mr. Lusczynski stated that though the zoning ordinance requires that no more than 60% of the building site be covered by buildings, his plan with one covered space would cover only 50% of the site.

M/s Arnold, Baker to recommend approval of a use permit to allow a nonconforming front and rear yard setback at 9 Scenic Road.

AYES: Arnold, Baker, Eckles.

NOES: O'Donnell

ABSENT: Wilson

M/s Arnold, Baker to recommend approval of a use permit to allow parking in the front and side yard setbacks at 9 Scenic Road.

AYES: Arnold, Baker, Eckles.

NOES: O'Donnell

ABSENT: Wilson

Item 2, Continuation of the application for use permit for
inadequate parking, Corbett's Antiques, 1621 Sir Francis
Drake Blvd., A.P. #2-211-02, by Gustavo Kubichek.

The applicant was present.

M/s Baker, Arnold to recommend approval of a use permit for extension of the legal nonconforming use at 1621 Sir Francis Drake Blvd.

AYES ALL, Wilson absent.

Cont. of app.
for inad. park
& ext. of lgl
nonconforming
use, Corbett's
Antiques, 1621
Sir Francis D

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TOWN OF FAIRFAX
BUILDING & PLANNING DIVISION

142 Bolinas Road, Fairfax, California 94930
(415) 453-1584 / Fax (415) 453-1618

September 29, 2010

Dolores Cordell
9 Scenic Road
Fairfax, CA. 94930

Re: 9 Scenic Road, **Fairfax, CA 94930**

Dear: Ms. Cordell,

Attached is the Resale Inspection Report and acknowledgement card, which you requested for the above referenced property. The acknowledgement card must be completed and returned to the building department at the time of sale of the property. Most important is the information pertaining to the party responsible for performing the necessary work to bring the property up to health and safety code requirements. These requirements must be completed within 30 days of the sale of the property unless otherwise specified by this department.

Please contact me at 453-1584 after the work has been completed to arrange for a follow-up inspection or if you have any questions about the report.

Sincerely

A handwritten signature in cursive script, appearing to read "Mark Tuerpe", is written over a horizontal line.

Building Inspector

EXHIBIT 8



TOWN OF FAIRFAX

Department of Planning and Building Services

142 Bolinas Road, Fairfax, California 94930
(415) 453-1584 / Fax (415) 453-1618

Residential Re-Sale Inspection Request

Applicant's Name: DOLORS CORDELL Phone: 415-459-3310 (cell 415-608-3310)

Mailing Address: 9 SCENIC ROAD City: FAIRFAX Zip: 94930

Owner's Name: DOLORS CORDELL Phone: 415-459-3310 (cell 415-608-3310)

Property Address: 9 SCENIC ROAD

Your inspection is scheduled between the hours of 12:30 and 1:30 p.m. on: TUES, SEPT 28, 2010

Fairfax Town Code sec. 15.36.030 requires that prior to the exchange of any residential building a resale inspection report be completed. The Building Official will attempt to provide accurate information in the Residential Resale Inspection Report, however the Town of Fairfax will not warrant the accuracy of such information, and reserves the right to enforce all ordinances and regulations that require the correction of any unsafe or illegal conditions not disclosed. No statement in the report authorizes the use or occupancy of the property contrary to the provisions of any law or ordinance.

On the above scheduled inspection date, the property shall be available for a complete and continuous inspection. The owner or the owner's authorized agent must be present to accompany the Building Official for the entire duration of the inspection. If the owner or the owner's authorized agent is not present at the building on the scheduled date for inspection, a \$87.50 re-inspection fee will be charged.

Type of Building

- Single family Residence(s)
- Duplex
- Multiple Dwellings
- Other

THE TOWN OF FAIRFAX RESERVES THE RIGHT TO ENFORCE ALL ORDINANCES AND REGULATIONS AND TO REQUIRE THE CORRECTION OF ANY UNSAFE OR ILLEGAL CONDITIONS EVEN IF SUCH CONDITIONS ARE NOT DISCLOSED IN THE RESIDENTIAL RESALE INSPECTION REPORT.

Section 4119 of the Public Resources Code, State of California, and Section 2.201(a) of the Uniform Fire Code, requires the department inspect properties for the purposes of ascertaining compliance with State and local Forest and Fire Laws.

If you have any questions regarding the FIRE DEPARTMENT INSPECTION or FEES, PLEASE CALL THE MAIN FIRE STATION at (415) 258-4686.

I am the Legal Owner. Authorized Agent for the Legal Owner, and hereby request that a physical inspection be made of the subject property and agree to furnish the buyer with a copy of the final report.

Signature: *Dolores Cordell*

Date: 9/27/10



TOWN OF FAIRFAX
BUILDING & PLANNING DIVISION

142 Bolinas Road, Fairfax, California 94930
(415) 453-1584 / Fax (415) 453-1618

Residential Re-Sale Inspection Report

Name: Dolores Cordell
(Mailing address)
Address: 9 Scenic Road
City, State, Zip: Fairfax, CA. 94930
Phone: (415) 459-3310

9 Scenic Road
(Property address)

Inspection Date: September 28, 2010

LEGAL REQUIREMENTS

Pursuant to the provisions of Sections 38780 through 38785 of the Government Code of the State of California, it is the intent of the Fairfax Town Council that the grantee of a residential building within the Town be furnished a report of matters of Town record pertaining to the authorized use, occupancy, and zoning classifications prior to sale or exchange. **This report must be obtained by the seller and delivered to the buyer.**

This report is valid for a period not to exceed six months from date of issue. Upon written request of the owner, prior to the expiration date, the Building Official may issue an endorsement to the report, extending the validity for one additional three-month period and showing any change to the information on the original report. The fee for such endorsement shall be one-third the original filing fee. In cases where the Building Official makes a site visit prior to issuing an endorsement, a \$47.00 fee may be charged.

Section 4119 of the Public Resources Code, State of California, and Section 2.201(a) of the Uniform Fire Code, requires the department inspect properties for the purposes of ascertaining compliance with State and local Forest and Fire Laws. If you have any questions regarding the FIRE DEPARTMENT INSPECTION or FEES, PLEASE CALL THE MAIN FIRE STATION at (415) 258-4686.

The Town reserves the right to enforce all ordinances and regulations and to require the correction of any unsafe or illegal conditions even though not disclosed in the Residential Resale Inspection Report. **NO STATEMENTS IN THIS REPORT SHALL AUTHORIZE THE USE OR OCCUPANCY OF ANY RESIDENTIAL BUILDING CONTRARY TO THE PROVISIONS OF ANY LAW OR ORDINANCE.**

ZONING AND PLANNING INFORMATION

The following information represents the zoning and permitted uses of the property according to Town records. Any information not recorded in town records as of the date of this report will be reported as N/A (not available).

Address 9 Scenic Road Assessor's Parcel No. 001-146-04

Present Permitted Use: Single-family residence

Overlay Zones: Flood Zone X

Date Constructed: 1913

Permitted use under previous ordinance: residential

Required parking at time of construction: none

Zoning Designation: Residential RD 5.5.-7 Zone

Encroachment Permit: _____ For _____

Use Permit: 3/12/79 For Uncovered parking and exception to front setback

Variance: _____ For _____

Other: _____ For _____

Illegal non-conforming (Means that the structure and/or uses are not in accordance with existing or prior zoning laws and must be corrected by abatement of the non-conformity.)

Nonconforming Features:

Required Zoning Action:

Report Completed By: *Linda Neal* Date: September 29, 2010

THE LAW REQUIRES THAT, PRIOR TO THE CONSUMMATION OF THE SALE OR EXCHANGE OF PROPERTY, THE SELLER MUST DELIVER THIS REPORT TO THE BUYER (S), AND THE BUYER (S) MUST SIGN AND RETURN THE ATTACHED POSTCARD TO THE FAIRFAX TOWN HALL.

This report will not be considered complete until:

- 1) The postcard is signed and returned to the Town of Fairfax; and**
- 2) The Building Official acknowledges compliances on page 7 signs the report.**

BUILDING CODE INSPECTION REPORT

The purpose of the following inspection is to identify any building deficiencies that are unsafe. It is not the purpose of this inspection to evaluate craftsmanship or require work done under old codes to be brought up to today's codes **unless a safety and/or permit problem(s) exists**. This report does not address termite damage; this problem must be analyzed by a private termite repair service.

This inspection is performed for general compliance to the Uniform Housing Code and does not imply or intend to imply any warranty to the subject structure. This inspection does not cover engineering for soils, geotechnical, drainage, foundation, structural, or any related areas. It is recommended that any party with concerns about these or any other items contact an architect or engineer licensed by the State of California for that specific area of concern.

Building permits issued for: 9 Scenic Rd., Fairfax, CA 94930

Date:	<u>7/20/79</u>	Description:	<u>Single-family dwelling</u>	Number:	<u>1413</u>
Date:	<u>8/1/79</u>	Description:	<u>Electrical/plumbing – new sfd</u>	Number:	<u>1424</u>
Date:	<u>7/29/80</u>	Description:	<u>Accessory building</u>	Number:	<u>1762</u>
Date:	<u>12/12/88</u>	Description:	<u>Misc. insulation/repair</u>	Number:	<u>18929</u>
Date:	<u>12/15/88</u>	Description:	<u>New gas heater</u>	Number:	<u>8945</u>
Date:	<u>9/21/10</u>	Description:	<u>New furnace</u>	Number:	<u>10-243</u>
Date:	<u>9/21/10</u>	Description:	<u>Bathroom remodel</u>	Number:	<u>10-244</u>
Date:	_____	Description:	_____	Number:	_____

PHYSICAL INSPECTION OF PROPERTY

The physical inspection of the property is limited to visual site observation at the time of inspection. Please note that all measurements are estimates and this information is based on a limited investigation.

Present Use

Single Family	<input checked="" type="checkbox"/>	Stories:	<u>2</u>	Structures:	<u>2</u>
Condominium	<input type="checkbox"/>				
Duplex	<input type="checkbox"/>	Parking Open:	<u>2</u>	Covered:	
Second Unit	<input type="checkbox"/>				
Multiple Residence	<input type="checkbox"/>	Parking:	Private	Public	
Commercial	<input type="checkbox"/>	Spaces:	<u>2</u>		
Accessory Structure	<input checked="" type="checkbox"/>				
		Setbacks:	<u>Side</u>	<u>Front</u>	<u>Back</u>
Accessory Use:	<u>room with bath</u>				
			<u>Fencing</u>	<u>Front</u>	<u>Side</u> <u>Rear</u>

Additional Comments: **Construction of the bathroom in the accessory structure was done without permits. The structure is currently approved for use as a workshop/laundry room only. Bathroom must be removed or must be legalized through issuance of a Use Permit and building permit from the Town. There will be penalty fees because the work was done without the required approvals/permits.**

Exterior and Grounds:

Items marked "M" below are the responsibility of the property owner and are noted as safety hazards to be considered harmful and/or dangerous to the occupants and/or pedestrians and should be corrected. "✓" items are recommendations.

- 1) _____ Trim tree limbs over sidewalks to provide 8' overhead clearance for pedestrian travel.
- 2) _____ Trim vegetation from public right of way.
- 3) _____ Replace section of sidewalk that is a hazard.

General:

- 1) _____ Street numbers must be posted on or over the door or gate used as the main entrance or adjacent to the gate so as to be readily seen from the street.
- 2) _____ Stair risers shall be 4" minimum. & 8" maximum; tread shall be 9" minimum. The minimum headroom is 6'-8" and a width of 36". Variation between riser heights shall not exceed 3/8".
- 3) _____ All areas that have a 30" drop such as decks or landings shall be provided with a guardrail 36" in height with intermittent openings not greater than 4".
- 4) _____ Handrails shall be located between 34" and 38" above the tread nosing for front interior and exterior stairs. Guardrails shall be 36" min height, with openings less than 4 in. clear.
- 5) _____ There must be a floor or landing on either side of a door a minimum of 36" deep, by the width of the door opening. The landing shall be a maximum of 1" down from the threshold (8" max. if the door doesn't swing over the landing).
- 6) _____ Common wall between garage and dwelling (from floor to roof sheathing) shall have 5/8" type X sheet rock on garage side, with 1-3/8" solid core, self-closing door to house.
- 7) _____ **M** Smoke detectors are required in each bedroom, outside of each bedroom, and one on each floor level, to include basements. Older dwellings that require smoke detectors may be battery operated.
- 8) _____ No openings are allowed between garage and sleeping areas of a single-family dwelling.
- 9) _____ Pool and/or spas must be provided with an approved pool cover, alarm system, or solid non-climbable fence. Gates leading into the pool area must be self-closing, self-latching and 60" in height.

Electrical:

- 1) _____ GFCI outlets are required for all kitchen receptacles, in bathrooms, utility rooms, under-floor spaces, garages, and exterior outlets.
- 2) _____ Maintain a clearance of 30" wide X 36" deep in front of electrical panels. Breakers and fuses must be clearly and permanently labeled.
- 3) _____ All electrical splices must be within junction boxes.
- 4) _____ All exposed romex wiring must be protected from physical contact if it is located at 8' feet or less in height.

Fixtures/Appliances:

- 1) _____ Dishwashing machines shall be directly connected to a drainage system or food waste disposer with the use of an approved air gap on the discharge side installed above the flood level of the sink.
- 2) _____ Moisture exhaust ducts shall terminate on the outside of the building and be equipped with a back-draft damper. Domestic clothes dryer exhaust ducts shall be metal and shall have smooth interior surfaces.
- 3) _____ Showers and tubs with showers require a non-absorbent surface up to 70" above the drain outlet.
- 4) _____ Fully tempered or laminated safety glass is required in bathtub and shower enclosure doors and panels and window glazing where sill height is less than 5 ft. above floor level.
- 5) _____ Fairfax Town Code requires all water closets (toilets) to be replaced with water conserving toilets not exceeding 1.6 gallons per flush prior to the sale or transfer of the property.
- 6) _____ All new and replacement water heaters, and all existing residential water heaters shall be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion.
- 7) _____ Temperature and Pressure relief valve must be installed on all water heaters and drained full size to the exterior within 6" and 24" above grade. Water heaters installed in enclosed spaces require a minimum. 24" wide door for access.
- 8) _____ Provide anti-siphon valves on all exterior hose bibs.

- 9) Washing machine trap and drain arm have been incorrectly installed. The rough waste height (trap at weir) shall not be less than 6" or more than 18" above finish floor. The standpipe shall not be less than 18" or more than 30", min pipe diameter of 2".

Mechanical:

- 1) Appliances and receptacles installed in garage generating a glow, spark or flame shall be located 18" above floor. Provide protective post or other impact barrier if the appliances are at risk of damage.
- 2) Provide combustion air from exterior or other approved source for all gas-fired appliances as required. See attached Takagi specifications
- 3) Provide a spark arrestor for your chimney with screening, 1/2" openings maximum. Remove tree limbs within ten feet of chimney (tree limbs 24" or more in circumference, require a tree permit be granted).
- 4) Furnaces installed in attics and crawl spaces must have an access platform (catwalk in attics), light, switch and receptacle in the space. Provide a receptacle with fusible link for furnace.
- 5) All flues shall be maintained in good order and not leak at joints or couplings. Repair, secure and/or replace flues as required to ensure proper ducting of appliance.
- 6) The gas service to all appliances must be provided with an epoxy coated, flexible gas connector.

Structural:

- 1) The foundation shows extensive cracking and distress. It is recommended that a licensed professional (architect-engineer) be retained to analyze the structure.
- 2) The foundation mudsill is not attached to the concrete foundation with anchor bolts. It is recommended that a licensed professional (architect-engineer) be retained to analyze the foundation.
- 3) The fireplace and/or chimney show signs of distress due to settlement, defective materials or deterioration. It is recommended that a licensed professional (architect-engineer) be retained to analyze the structure.

Miscellaneous:

- 1) The lot is substandard in size. Any improvement will require the approval of discretionary permits from the Planning Commission (see attached Town Code § 17.084.050(A)).

2) _____

Inspection Summary:

In addition to the items checked above, the following deficiencies shall be corrected.

Construction has been performed for which building permits were not obtained. Review must be made by the Planning and Building Department, and then, if approved, permits may be issued to bring violation to compliance.

Bathroom was installed in accessory structure without Use Permit from the Planning Commission and without a building permit.

No correction required.

The corrections do not require permits from the Building Department.

Building and/or premises require corrections that must be **completed within 30 days**.

M The following permit(s) must be obtained before corrections can be made.

M Building

M Electrical

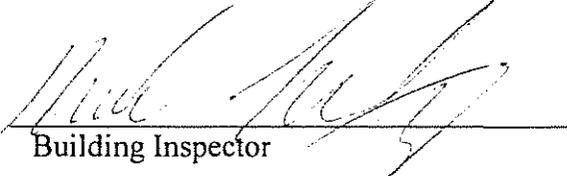
M Plumbing

Mechanical

PLEASE NOTE:

The corrections marked "M" must be made within 30 days. Contact the Building Department to schedule a re-inspection appointment for completed items to be checked off. There is no fee for the re-inspection. However, should the items not be corrected at the scheduled second visit, or should the owner(s) or their representatives fail to be present on site, an additional \$60.00 will be charged for the third visit to the property.

Report Date: September 29, 2010



Building Inspector

Re-Inspection Date: _____

Dolores Cordell

From: Linda Neal <lneal@townoffairfax.org>
Sent: Friday, March 25, 2011 1:36 PM
To: Dolores Cordell
Cc: Jim Moore; Jim R. Karpiak; G. Inder Khalsa
Subject: 9 Scenic Road
Attachments: 3_25_11.letter.docx

Attached is the Town's response to your request for a meeting with staff. We have also sent a copy of the letter to you first class mail.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1204 / Virus Database: 1498/3528 - Release Date: 03/25/11

EXHIBIT 9

March 25, 2011

Dolores Cordell
3030 Bridgeway, # 111
Sausalito, CA. 94965

Re: 9 Scenic Road; Use Permit Application

Dear Ms. Cordell,

The Planning and Building Services staff have discussed your application with the Town Attorney and we have determined that the following are the courses of action you can take with regards to the accessory structure at 9 Scenic Road:

Continue forward with the Use Permit application to try to gain approval of the conversion of the space from a workshop to living space keeping in mind the following;

- The Town Attorney has indicated that the Planning Commission does not have the authority to overturn the staff determinations that the accessory structure at 9 Scenic Road was only approved for a U occupancy. This determination was made in 1979, 1985 and again prior to your purchase of the property in 1994. The fact that the space was not being used only as a workshop, and had been converted to living space without a use permit was verified in 2001 during a resale inspection of the property.
- Zoning Ordinance # 352, adopted in 1973, required that a Use Permit be obtained from the Planning Commission prior to the use of an accessory structure for an R-occupancy (living space use). No Use Permit to convert the accessory building to living space was ever approved.
- The determination that the accessory structure was not a U-occupancy, a workshop, could have been appealed if you felt the space was improved as an R-occupancy, living space, within ten (10) days of the issuance of the 1994 Resale Inspection. That appeal was never filed.
- You also could have appealed the staff telling you a Use Permit was required for the improvements converting the workshop to a bedroom, bathroom and laundry room within 10 days of the September 29, 2010 Resale Inspection if you contested that determination. No appeal was submitted and the deadline for filing that appeal is long past.

If you choose to go forward with the Use Permit, the Town Attorney will make it clear to the Commission that they are only hearing the request to convert the accessory structure from a workshop to living space (from a U-occupancy to an R-occupancy); and, they do not have the authority to overturn the requirements of the Ross Valley Fire Chief that sprinklers are required.

As you know, the determination that sprinklers are required in this structure was upheld by the Ross Valley Fire Board on March 10, 2011.

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For the record, if you do go forward with the Use Permit application and are denied, you can appeal that decision to the Town Council. Appeals must be filed within 10 days and require a fee of \$945.00.

If you have any questions, or would like to schedule a meeting with our Planning Director to discuss this matter further, please do not hesitate to contact me.

Sincerely,

Linda Neal
Senior Planner

cc. Jim Karpiak
Inder Kahlsa
Jim Moore

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9-2



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

FIRE DEPARTMENT PLAN REVIEW

PROJECT: Legalize Conversion
ADDRESS: 9 Scenic Ave
Fairfax, CA 94930

Page: 1 of 2
Date: 10/27/2010
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning
Bldg. Dept. # _____ Date Stamp # _____
Review No. 1

E-mail: Rbastianon@rossvalleyfire.org
Fire Dept. # 10-0238

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

Applicant*: Planning
Address: Fairfax
Fairfax, CA

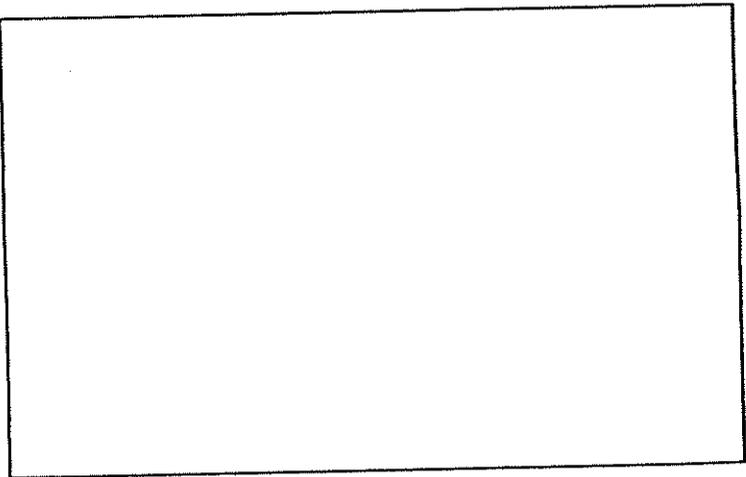
**Applicant is responsible for distributing these Plan Review comments to the Design Team.*

Occupancy Class: R-3	Fire Flow Req: 1000 GPM	Sprinklers Required: YES
Type of Construction: V-B	On-site Hyd. Req: NO	Fire Alarm Required: NO
Bldg Area: sf:	Turn-Around Req: NO	Permits Required: Sprinkler
Stories: 1	Fire Flow Test Required: NO	
Height: ft.	Wildland Urban Interface: NO	

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

- APPROVED (no modifications required)
- APPROVED AS NOTED (minor modifications required - review attached comments)
- NOT APPROVED AS SUBMITTED (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.



Inspections required:

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

EXHIBIT # 10



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

FIRE DEPARTMENT PLAN REVIEW

PROJECT: Legalize Conversion
ADDRESS: 9 Scenic Ave
Fairfax, CA 94930

Page: 2 of 2
Date: 10/27/2010
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning
Bldg. Dept. #

Date Stamp #
Review No. 1

E-mail: Rbastianon@rossvalleyfire.org
Fire Dept. # 10-0238

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

ITEM #	SHEET	COMMENTS	Corr. Made
1		<p>A fire protection sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and /or design-build sprinkler systems.</p> <p>Per Section 903.2 10. A change in use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.</p>	
		<p>Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/>Plans <input type="checkbox"/>Calculations.</p>	
2		<p>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.</p>	
		<p>Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/>Plans <input type="checkbox"/>Calculations.</p>	

*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.*

10-2

Dolores Cordell
3030 Bridgeway
Suite 111
Fairfax, CA 94965

415-289-0800
dcordell@earthlink.net

December 14, 2010

By Hand Delivery

Roger Meagor
Ross Valley Fire Chief
777 San Anselmo Avenue
San Anselmo, CA 94930

Re: 9 Scenic Road, Fairfax, CA 94930
Request for Waiver

Dear Chief Meagor:

I am the former owner of 9 Scenic Road, Fairfax, CA 94930 ("Property") and am writing to request a waiver of the sprinkler requirements of Section 903.2 (3) of the Fairfax fire ordinance. I currently have a petition for a Use Permit for a bathroom which I installed in 1995 in a 400 square foot building ("Studio") which was the original home on the Property. I would also request clarification on whether a Defensible Space/Vegetative Management permit is required since this Property is less than 4,000 square feet and is on the "flats".

The reasons for the waiver request are as follows:

Background: In 1979-80 the original house was reduced from its original size to a 400 square foot structure and became the Studio, while a new Main House was built at the back of the Property. When I purchased the Property in 1994, the Studio had the following amenities:

- Gas wall heater
- Hot water heater (in the basement)
- Washer/dryer hook up
- French doors to the front of the Studio
- Three other exterior doors, 1 front, 2 in back
- Five skylights
- Six exterior windows
- Finished interior

In 1995, I installed a lovely bathroom and closet area (see enclosed photos), and moved the washer/dryer hook up to a corner of the Studio building. These changes impacted less than 25%

EXHIBIT II

of the total building. Enclosed is a copy of the floor plan for the Studio showing the layout of the Studio, including the bath, closet and washer/dryer area. The bathroom itself is open to the ceiling and for the most part the Studio remains an open room with minimal interior walls.

In September of this year I discovered that I should have applied for a Use Permit because – unknown to me – the town of Fairfax had deemed that the Studio was not “living space”. (There is something of a mild dispute between the town and myself regarding whether I received notice of this limitation. I can provide details of this issue if it is relevant.)

My fault was in not applying for a permit for the bathroom in 1995, and I confess to not having done so. However, in connection with my sale of the Property to Ken & Shaun DeMont this year, I did apply for the permit and was informed that I would first have to apply for a Use Permit because the Studio was not supposed to be living space.

Current Status: The application for the Use Permit was filed in October 2010, and after two continuances a hearing is now set before the Planning commission on January 20, 2011. The Fairfax Staff Report supports the granting of the Use Permit. However, as part of the conditions for granting it, the Staff is of course including the Fire Department’s report which states that a built in sprinkler systems and alarm system is required by Section 903.2 because more than 50% of the building use is being changed, i.e. the Studio itself would now be declared “living space.”

Reasons for Request: The cost of installing the sprinkler system, including the plumbing hook ups, electrical, water main connections, etc. is estimated to be as high as \$11,500 .(See enclosed estimate.) The installation will be disruptive to the DeMonts use of the Studio and they do not feel it is necessary (see enclosed email note from the DeMonts.) In addition, installation may be difficult because there is no attic space from which to work and the interior walls are paneled, not plastered, so installation would require cutting into and replacing painted wood panels on both the walls and ceiling.

Due to the unusual placement of the Property on a small “rise”, the Studio is fairly far away from the buildings of its neighbors. In particular, the neighboring house closest to the Studio (on the East side) is approximately 25 -30 feet away and not contiguous to the Studio, i.e. the neighboring house is back farther from the street than the Studio. The Property itself is on the “flats” of Fairfax, and is less than 1 mile from the Fairfax Fire Department.

The roof of both the house and Studio were replaced in 2002-03 with a fire retardant composition “Presidential” roof. The Studio has a smoke alarm and probably more exterior door per square foot than any other building in Fairfax (1 exterior door per 100 square feet). The bathroom has been in continuous use since 1995, without any problems or incident. No neighbors have ever complained about either the Studio or its use.

Neither DeMonts nor I believe that a sprinkler system would materially add to the safety of those using the building nor provide protection to the surrounding properties that is substantial enough

Re: 9 Scenic Road, Fairfax, CA 94930
December 14, 2010

to justify the cost of a sprinkler system (which none of the surrounding properties have as far as I know.)

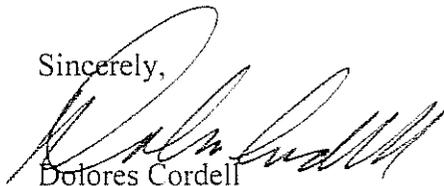
Based on these facts, I would like to request a waiver of the sprinkler and alarm systems for 9 Scenic Road.

In addition, as stated above, I would appreciate being informed as to whether a Defensible Space/Vegetative Management permit is required in view of the Property's size and location.

Thank you very much for your consideration of this request. If you have any further questions, or wish to inspect the Property, please do not hesitate to contact me.

Please note: I will be with my family in Los Angeles from December 22-30, 2010, so if possible, **I would very much appreciate receiving any response by email at the above email address.** Thank you.

Sincerely,



Dolores Cordell

Encl.



Ross Valley Fire Department

777 San Anselmo Ave. San Anselmo, CA 94960 415-258-4686 415-258-4689 – fax
WWW.ROSSVALLEYFIRE.ORG

January 10, 2011

Dolores Cordell
3030 Bridgeway, Suite 111
Sausalito, CA 94965

Re: 9 Scenic Road, Fairfax, Ca 94930

Dear Ms. Cordell,

This letter is in response to your request to waive Fire Code requirements, dated December 14, 2010. You stated the reason for your request is based on cost and your belief that fire sprinklers do not add to the safety of the building enough to justify the cost. Your request to waive Fire Code requirements has been denied.

Fairfax Fire Code Section 903.2 (10) requires the installation of an automatic fire sprinkler system when a change in the use of a structure results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building. Town records indicate the permitted use of this property is one single family dwelling and one accessory structure used as a workshop with washer and dryer hook ups.

As determined by the Fairfax Building Official, the accessory building is permitted as a "U" occupancy. The creation of living space by adding an unpermitted bathroom has resulted in the Building Official reclassifying the building as a "R-3" occupancy. Section 3406 of the Building Code requires no change be made unless the change of occupancy is brought to current code. In addition to the fire sprinkler requirement, the current code requires the installation of interconnected hard wired smoke alarms when the value of a permit is greater than \$1000.

I would like to clarify that a Vegetation Management Plan is not required for this project; however the property is required to remain defensible. Defensible space is created by ensuring vegetation is maintained in a manner as not rapidly transmit a vegetation fire to the building.

With your letter, you included an estimate of \$11,000 to install fire sprinklers. I would suggest that you get additional estimates. You may find that the actual cost for the installation of fire sprinklers and associated work is less than the original quote.

Please do not hesitate to contact me or my staff if you have questions or need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Meagor', with a long horizontal flourish extending to the right.

Roger Meagor
Fire Chief

12-2

Dolores Cordell

From: dcordell@earthlink.net
Sent: Tuesday, January 11, 2011 9:29 AM
To: Roger Meagor
Cc: dcordell@earthlink.net; benedictus@earthlink.net
Subject: Re: 9 Scenic Road, Fairfax

Dear Chief Magor,

Thank you for emailing me your decision. Please provide me with information regarding my right to appeal the decision, the process involved, and the time limits which apply.

Thank you.

Dolores Cordell

-----Original Message-----

From: Roger Meagor
Sent: Jan 11, 2011 7:53 AM
To: dcordell@earthlink.net
Subject: 9 Scenic Road, Fairfax

Please find attached the response to your letter regarding the request to waive the fire code requirement for fire sprinklers. Please do not hesitate to contact me or Inspector Bastianon if you have questions or need further assistance.

Roger Meagor
Fire Chief
Ross Valley Fire Department
777 San Anselmo Avenue
San Anselmo, CA 94960
PH (415) 258-4686
FAX (415) 258-4689

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EXHIBIT 13

Dolores Cordell

From: Robert Bastianon <rbastianon@rossvalleyfire.org>
Sent: Tuesday, January 11, 2011 1:21 PM
To: Dolores Cordell
Subject: Re: Fire Code Appeal Process

Please send all correspondence to Ross Valley Fire Department, 777 San Anselmo Ave, San Anselmo, CA 94960

Robert L. Bastianon
Fire Inspector
Ross Valley Fire Department
Phone 415 258-4686
Direct 415 258-4673
Cell 415 306-1959

On Jan 11, 2011, at 1:15 PM, Dolores Cordell <dcordell@earthlink.net> wrote:

Thanks Rob. What is the address where I send the appeal? Dolores

Sent from my iPhone

On Jan 11, 2011, at 12:35 PM, Robert Bastianon <rbastianon@rossvalleyfire.org> wrote:

Ms. Cordell,

Chief Meagor, asked me to send you the information on the appeals process.
Below is the code section for appeals:

b) Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Directors of the Ross Valley Fire Department within 10 days from the date of the decision. The provision of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in various sections of this Code, or to matters for which an appeal is provided pursuant to Section 8.04.130 (a) above.

Please send all correspondence to Ross Valley Fire Department, 777 San Anselmo Ave, San Anselmo, CA 94960

if you have any questions please don't hesitate to contact me directly 415-258-

13-21

4673

--

Rob Bastianon
Fire Inspector
Ross Valley Fire Department.
777 San Anselmo Ave
San Anselmo, CA 94960
(415) 258-4686 office
(415) 258-4673 direct
(415) 258-4689 fax

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13-3

Dolores Cordell

From: Dolores Cordell <dcordell@earthlink.net>
Sent: Friday, January 14, 2011 1:41 PM
To: 'Robert Bastianon'
Cc: 'Terrence Bennett'
Subject: URGENT! 9 Scenic Appeal

Importance: High

Dear Rob,

I am sorry to seem like a pest, but there is a LOT of information about the appeal to the Board of the Fire Dept which I still do not have, and according to the ordinance section you sent me, I only have 10 days to appeal. Here is what I need ASAP:

- 1) The appeal ordinance that was in effect prior to 1/1/2011. I'm not sure whether the old or the new ordinance applies and I need to look at the prior code section. (Please see my previous email on this.)
- 2) What is the procedure for the appeal?
 - A) Is there a hearing?
 - B) If so, when is it likely to be scheduled?
 - C) Can I submit new information, i.e. information other than that in the letter to Chief Meagor?
 - D) Can I look at the Chief's notes and file on this matter?
- 3) Who is on the Appeal Board and what are their qualifications for ruling on this matter?
- 4) What is the criteria that will be used by the Board to make a decision on the appeal, e.g. do they have any rules or guidelines for what they take into consideration in making their determination? If so, I need either a copy of the Guidelines or information on where I can find them.
- 5) If my appeal is denied, who makes the final decision on whether the sprinklers are required? The Fire Dept or Fairfax? If the final decision making is stated in a code or ordinance, I need a cite to it/them AND where I can find them.

Basically, at this point I am working in the dark on this. I need this information in order to protect my rights and given the extremely tight time frame, it is critical that I know what I am dealing with and what is expected ASAP.

If it would be easier, maybe I should talk to the legal counsel for the Fire Department.

Thanks again for your assistance.

Dolores (Cordell)
415-289-0800

13-4

Dolores Cordell

From: dcordell@earthlink.net
Sent: Tuesday, January 11, 2011 3:07 PM
To: Robert Bastianon
Cc: dcordell@earthlink.net; benedictus@earthlink.net
Subject: Re: Fire Code Appeal Process

Rob - Also: What Code is this section from and where do I find it? All I have here is "b)". Thanks, Dolores

-----Original Message-----

From: Robert Bastianon
Sent: Jan 11, 2011 12:35 PM
To: dcordell@earthlink.net
Subject: Fire Code Appeal Process

Ms. Cordell,

Chief Meagor, asked me to send you the information on the appeals process. Below is the code section for appeals:

b) Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Directors of the Ross Valley Fire Department within 10 days from the date of the decision. The provision of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in various sections of this Code, or to matters for which an appeal is provided pursuant to Section 8.04.130 (a) above.

Please send all correspondence to Ross Valley Fire Department, 777 San Anselmo Ave, San Anselmo, CA 94960

if you have any questions please don't hesitate to contact me directly 415-258-4673

--
Rob Bastianon
Fire Inspector
Ross Valley Fire Department.
777 San Anselmo Ave
San Anselmo, CA 94960
(415) 258-4686 office
(415) 258-4673 direct
(415) 258-4689 fax

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13-5

Dolores Cordell

From: Robert Bastianon <rbastianon@rossvalleyfire.org>
Sent: Tuesday, January 11, 2011 3:33 PM
To: dcordell@earthlink.net
Subject: Re: Fire Code Appeal Process

The following is the Code section requested. Fairfax ordinance #757-U adopted the Fire Code. It is not available online yet as this code went into effect as of January , 2011. You can find the adopted ordinance in the Fairfax Council Minutes from December meeting.

SECTION 8.04.130. APPEALS

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (c) of Section 8.04.120 or a bill for Ross Valley Fire Department) response costs and expenses pursuant to Section 104.12 of the Fire Code, may file within thirty (30) days after the date of mailing the citation or bill, an administrative appeal against imposition of the civil penalty or response costs and expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative hearing on the appeal, after giving the appellant at least ten (10) days' advance written notice of the time and place of the hearing. Within ten (10) days after the hearing the Chief shall give written notice of the decision to the appellant, which decision shall be final. If the appeal is denied in part or full, all amounts due shall be paid within thirty (30) days after the mailing of the notice of the decision of the hearing officer.

(b) Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Directors of the Ross Valley Fire Department within 10 days from the date of the decision. The provision of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in various sections of this Code, or to matters for which an appeal is provided pursuant to Section 8.04.130 (a) above.

Please let me know if i can assist you further.

On Tue, Jan 11, 2011 at 3:07 PM, <dcordell@earthlink.net> wrote:
Rob - Also: What Code is this section from and where do I find it? All I have here is "b)". Thanks, Dolores

-----Original Message-----

From: Robert Bastianon

13-6

Sent: Jan 11, 2011 12:35 PM
To: dcordell@earthlink.net
Subject: Fire Code Appeal Process

Ms. Cordell,

Chief Meagor, asked me to send you the information on the appeals process. Below is the code section for appeals:

b) Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Directors of the Ross Valley Fire Department within 10 days from the date of the decision. The provision of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in various sections of this Code, or to matters for which an appeal is provided pursuant to Section 8.04.130 (a) above.

Please send all correspondence to Ross Valley Fire Department, 777 San Anselmo Ave, San Anselmo, CA 94960

if you have any questions please don't hesitate to contact me directly 415-258-4673

--

Rob Bastianon
Fire Inspector
Ross Valley Fire Department.
777 San Anselmo Ave
San Anselmo, CA 94960
(415) 258-4686 office
(415) 258-4673 direct
(415) 258-4689 fax

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Rob Bastianon
Fire Inspector
Ross Valley Fire Department.
777 San Anselmo Ave
San Anselmo, CA 94960
(415) 258-4686 office
(415) 258-4673 direct
(415) 258-4689 fax

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13-7

Dolores Cordell

From: Roger Meagor <rmeagor@rossvalleyfire.org>
Sent: Wednesday, March 30, 2011 8:42 AM
To: Dolores Cordell
Subject: Re: Fire Board - 9 Scenic

Hi Dolores,

Unfortunately, Ross Valley Fire Board meetings are not recorded. Minutes are taken and draft minutes are sent out with the agenda packet for the next meeting. The next agenda packet will be going out on Monday, April 11. Will this work for you?

Roger

Roger Meagor
Fire Chief
Ross Valley Fire Department
777 San Anselmo Avenue
San Anselmo, CA 94960
PH (415) 258-4686
FAX (415) 258-4689

On Fri, Mar 25, 2011 at 3:03 PM, Dolores Cordell <dcordell@earthlink.net> wrote:
Hi Roger. Say... I need a copy of the tape (or better, the transcript) from the fire board hearing on 9 scenic. How do I get that? Dolores

Sent from my iPhone

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EXHIBIT 14

Dolores Cordell

From: Linda Neal <lneal@townoffairfax.org>
Sent: Wednesday, March 30, 2011 10:17 AM
To: Dolores Cordell
Cc: Jim Moore; Robert Bastianon

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Dolores,

We heard back from Rob Bastianon, the Fire Inspector, this morning. He verified that "if" you were able to connect the accessory structure with the main residence in a manner where common walls were shared, and you can demonstrate that that approach was less than a 50% remodel based on the Fire Code definition, then a fire suppression system would not be required.

However, in order for the Fire Department (and the Town) to make the determination that the addition constitutes a less than 50% remodel, accurate scaled "as-built" plans need to be submitted showing the connection; and showing construction details in a manner that allows the Building Official to determine the project complies with the Building Code. Please note that the plans that you have submitted for planning review purposes are not detailed enough - at this point - to make this determination.

One other point: you might want to get cost estimates on the construction work to connect the buildings and compare those to the cost to sprinklers. It might turn out that sprinklers are less expensive (if sprinklers turn out to still be required).

Let us know how you wish to proceed.

Sincerely,

Linda Neal
Senior Planner

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EXHIBIT 15

Dolores Cordell

From: Robert Bastianon <rbastianon@rossvalleyfire.org>
Sent: Wednesday, March 30, 2011 2:23 PM
To: Dolores Cordell
Cc: rmeagor@rossvalleyfire.org
Subject: Re: 9 Scenic, Fairfax

Hi Ms Cordell,

This is a very good question, one that the Fire Code does not address. Specific construction materials and methods questions should be directed to the Building Official of Fairfax. The Building Official enforces the Building Code.

You are correct, if you were to properly attach both structures and the addition is less than 50% fire sprinklers would not be required by the Fire Code. For calculation proposes divide the accessory structure and the connection square footage by the main residence. This will give you a rough number to go by.

If you have any questions please feel free to contact me.

On Wed, Mar 30, 2011 at 12:53 PM, Dolores Cordell <dcordell@earthlink.net> wrote:

Hi Roger and Rob,

I understand from Linda Neal that if the 9 Scenic studio and main house were attached, the sprinkler requirement wouldn't apply. That would mean closing in the breezeway between the two buildings to make one larger building. That might work, but I'd really appreciate more info on what would constitute "joining" the two buildings at the breezeway. For example:

- Would the breezeway have to have a "permanent" roof, such as composition, or could it just have the Lexan covering that's now on the breezeway?
- Would there have to be an entry door from the studio and one from the house into the area which is now the breezeway? Because of how the two buildings are situated, it could be difficult to put a door out of the house and out of the studio into the breezeway area
- Could the redwood decking be left in the breezeway or would it have to be replaced with an interior type floor?
- Are there any building code sections or other info that would explain what is required to join the two buildings?

EXHIBIT 16

Guess basically what I'm asking is: what would be needed to pass muster as "joining" the two buildings?

Any guidance or info (e.g. codes sections) would be greatly appreciated!

Thanks, Dolores

--

Rob Bastianon
Fire Inspector
Ross Valley Fire Department.
777 San Anselmo Ave
San Anselmo, CA 94960
(415) 258-4686 office
(415) 258-4673 direct
(415) 258-4689 fax

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16-2

ORDINANCE NO. 751

AN ORDINANCE OF THE TOWN OF FAIRFAX AMENDING A SECOND UNIT AMNESTY PROGRAM TO ELIMINATE THE REQUIREMENT FOR FIRE SUPPRESSION SPRINKLERS FOR EXISTING SECOND UNITS QUALIFYING FOR LEGALIZATION

The Town Council of the Town of Fairfax does hereby ordain as follows:

SECTION 1: FINDINGS.

WHEREAS, second dwelling units have been permitted in the Town of Fairfax since 1985 pursuant to the provisions of Chapter 17.048 of the Town Code (the "Second Unit Ordinance").

WHEREAS, the Fairfax Housing Element, adopted June 7, 2006, includes as a goal encouraging residential second units in all residential neighborhoods as a way to meet the Town's required housing needs. General Plan Housing Policy H8.B, "Establish an Amnesty Program for Un-Permitted Accessory Dwelling Units" calls for establishment of an amnesty program for illegal residential second units and providing a period of time for owners of unpermitted units to register and legalize their accessory dwellings.

WHEREAS, the Fairfax Town Council held a public hearing on April 7, 2010, to review the requirement for sprinkler systems by the Ross Valley Fire Department in existing second units created prior to December 31, 2006 as a condition of legalization; and

WHEREAS, The Town Council determined after taking public testimony at the public hearing that the cost of sprinkler systems was hindering the legalization of existing second units which has negatively impacted the ability of the Town to provide affordable housing to meet its housing needs.

SECTION 2: MUNICIPAL CODE AMENDED

The following new wording shall replace the existing wording in Town Code 17.048.180(A)(5) of the Town Code and is in effect for the remaining duration of the Second Unit Amnesty Ordinance 748 for a one-year period ending February 13, 2011;

§ 17.048.180 RESIDENTIAL SECOND UNIT AMNESTY PROGRAM

Existing Residential Second Unit Amnesty Permit

A. 5. The ERSU shall be subject to the requirements of Ross Valley Fire Department fire safety standards and shall be inspected and approved by the Ross Valley Fire Department.

Shall be replaced with:

A. 5. The ERSU granted a conditional use permit for legalization shall not be classified as a "newly created second unit" as described in Section 903.2 subsection 2 of

EXHIBIT 17

the Town Fire Code and an automatic fire sprinkler suppression system shall not be required.

SECTION 3: EFFECTIVE DATE

Copies of the foregoing ordinance shall within fifteen (15) days after its final passage and adoption be posted in three public places in the Town of Fairfax, to wit:

- a. Bulletin Board, Fairfax Town Offices, Town Hall;
- b. Bulletin Board, Fairfax Post Office; and
- c. Bulletin Board, Fairfax Women's Club Building, which said places are hereby designated for that purpose, and shall be in full force and effect thirty (30) days from after its final passage and adoption.

SECTION 4: VOTE

The Foregoing Ordinance No. 751 amending the Fairfax Town Code was duly and regularly introduced at a regular meeting of the Town Council of the Town of Fairfax held in said Town on May 5, 2010 and was duly passed and adopted at a regular meeting held on June 2, 2010 by the following vote to wit:

AYES: Bragman, Hartwell-Herrero, Reed, Tremaine

NOES: Weinsoff

ABSENT: None

MAYOR

ATTEST:

Town Clerk

17-2

December 13th, 2010

To whom it may concern,

This is a statement to confirm that the current owners of 9 Scenic road in Fairfax do not believe that sprinklers are necessary in the cottage that is next to the main house. If you have any questions we would be happy to discuss. If you would like to come and take a look we are happy to have you come by

Thanks

Ken and Shawn DeMont

578-2640

EXHIBIT 18