

**TOWN OF FAIRFAX
STAFF REPORT**

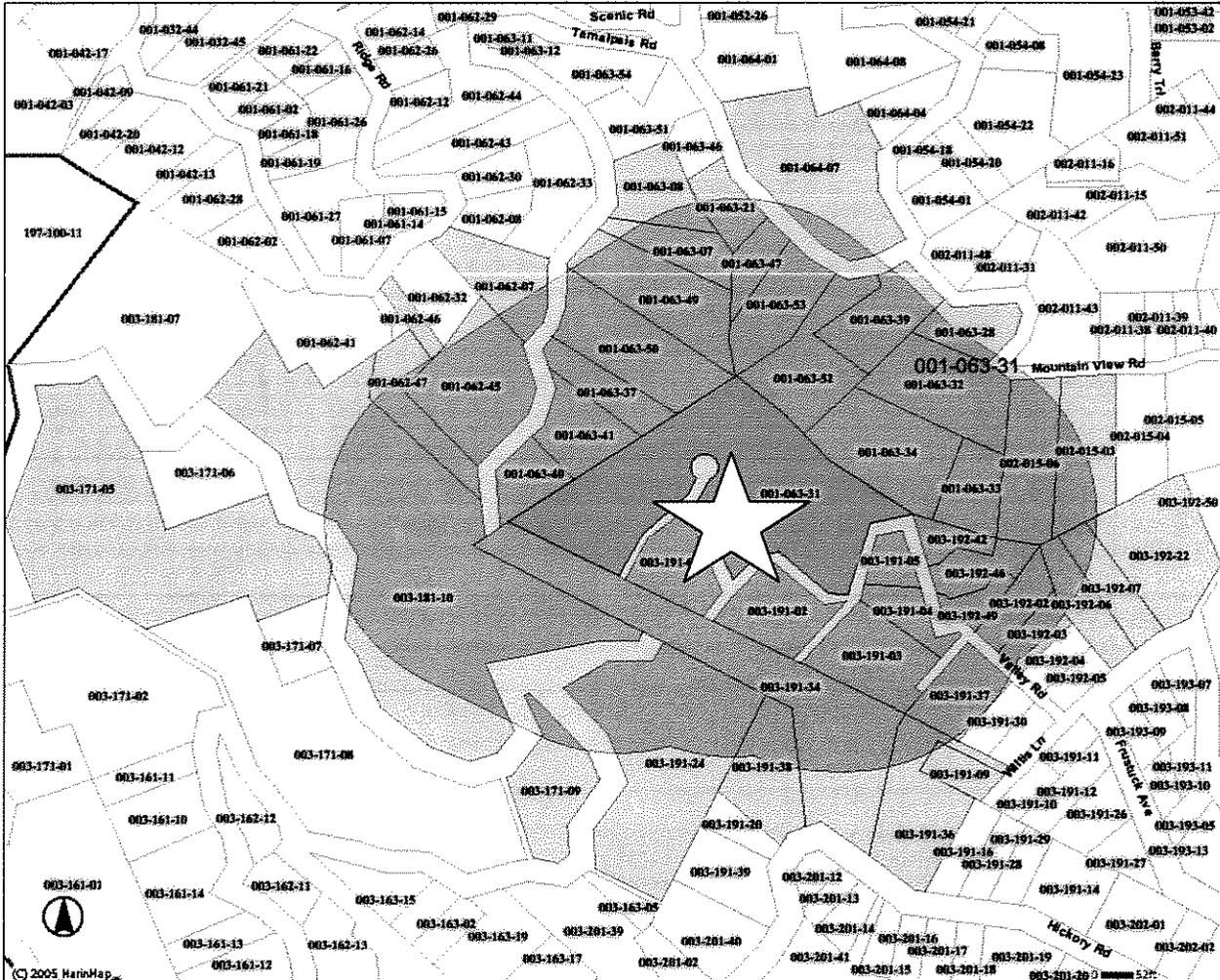
To: Mayor, Members of the Town Council

**From: Michael Rock Town Manager
Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner**



Date: December 7, 2011

Subject: Appeal of staff determination that a planning application for a new residence is incomplete - 62 Valley Road



62 VALLEY ROAD

AGENDA ITEM # 9

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Deny applicants appeal of staff's determination that the application is incomplete; and direct the applicant to provide the requested information as required by Chapter 17.072 Hill Area Residential Development Overlay Zone, Chapter 12.20 Excavations Generally and the Town's Civil Engineer and/or staff.

BACKGROUND

On October 28, 2009 a fire tragically destroyed the Kibbe family home that had been on that site since before the Town of Fairfax was incorporated in 1931. Town records are limited regarding the original size of the home or the size of the home at the time of the fire; however an old site plan shows a residence of 774 square feet with a proposed addition of 404 square feet (date unknown); and there is also a record of two other additions over the years, a 192 square footage addition in 1962 and a 108 square foot addition in 1972 (all totaling an approximately 1,478 square foot single family home when the fire occurred that destroyed it). County tax records indicate that the house was 1,964 square feet in size at the time of its destruction.

The project site is 132,700 square feet (or approximately 3.05 acres) in size and is steeply sloped with an antiquated narrow driveway that begins at the end of Valley Drive and winds up to the more level area where the destroyed house was located – and where the new 2,696 square foot residence is being proposed.

The survey provided by the applicant shows twenty (20) "paper lots" and three Assessor Parcel Numbers (APN's 001-063-31, 003-191-01, 02) comprising the project site, which are being merged into one lot as part of this application so that the access route will remain a "driveway" and not an extension of Valley Drive. The project plans and survey are attached as **Exhibit A**.

The property is located in a high fire danger area of the Single Family Residential RS-6 Zone and within the Hill Area Residential Development Overlay Zone and therefore construction of a new home at this site requires the approval of the following discretionary permits:

- Hill Area Residential Development (HRD) Permit per Town Code Chapter 17.072,
- Excavation Permit per Town Code Chapter 12.20

[Chapters 17.072 for "HRD" and 12.20 for "Excavation Generally" are attached as **Exhibits B**.]

On March 2, 2011 the project Architect submitted a planning application with fees for a HRD permit, grading permit and design review; along with a deposit for the Town's Civil Engineer's review. On June 20, 2011 the project Architect submitted a planning application for a Grading permit.

Subsequently, the planning application and materials submitted have gone through a series of reviews by staff, outside agencies, and the Town's Civil Engineer for "completeness" and to date have failed to provide the necessary information to satisfy code requirements to deem this application "complete". Under state law and the Town Code, an application must be complete before it is referred to the planning commission.

The four letters from staff to the applicant deeming the application incomplete are attached as **Exhibit C**. The Town's Civil Engineers three letters of review are attached as **Exhibit D**. The project has also been reviewed by the Ross Valley Fire District (RVFD) twice and the Ross Valley Sanitary District (RVSD) once with conditions articulated by both outside agencies. The two (2) RVFD review letters and the one (1) RVSD review letter are attached as **Exhibit E & F**.

The following matrix outlines the application & appeal dates, when planning staff received comments from the RVFD and RVSD and the Town's Civil Engineer, and when staff sent out letters to the applicant deeming the application incomplete.

<i>Applications and/or Appeal Date</i>	<i>Outside Agency Letters Received by Staff (RVFD & RVSD)</i>	<i>Town's Civil Eng. Review Letters Received by Staff</i>	<i>Staff Letter(s) of "Incompleteness" Sent to Applicant</i>
March 2, 2011; HRD/DRB Application Rec.	March 17, 2011 (RVSD)		March 31, 2011
		April 28, 2011	April 29, 2011
June 20, 2011; Excavation Permit Application Rec.	June 24, 2011 (RVFD)*	July 18, 2011	July 19, 2011
	September 8, 2011 (RVFD Letter #2)*	September 23, 2011	September 29, 2011
October 6, 2011; Appeal Filed by Applicant			

Town staff has been contacted by the applicant's attorney, Neil Sorensen, on this matter. Staff suggested that there be a working meeting between the applicants' technical consultants and the Town staff and engineer to address and hopefully resolve the issues of incompleteness, but the applicant did not wish to do so and filed this appeal.

DISCUSSION

As of the last letter dated September 29, 2011 from staff to the applicant indicating that the application was still incomplete because the plans submitted lack information on four issues:

- (1) **Driveway:** How is the driveway supported on the downhill portions (particularly with regards to supporting 40,000 lbs. of gross vehicle weight) and how does the uphill portion of the driveway conform to the existing hillside and/or vegetation.
- (2) **Retaining Walls:** How are retaining walls on-site constructed and to what standard.
- (3) **Water:** How will the required fire sprinklers be provided with adequate water-flow (i.e., either by providing information on the location of a new fire hydrant or specifications of an on-site tank system).
- (4) **Sewer:** What is the size of the sewer main, where will it connect to the main sewer line, and how will the joint trench with the water line be constructed.

Items one and three above have to do with insuring that the property be properly protected in the future against fire danger, item two has to do with insuring that the hillside is properly retained (particularly since the applicants Soils Engineer has indicated that the hillside is unstable), and item four has to do with insuring that the old sewer line is adequate to meet the needs of a new house and is constructed properly since it shares a joint trench with the waterline (i.e. ensuring "fire-flow" for fighting fires).

ATTACHMENTS

- Exhibit A – Project Plans and Survey
- Exhibit B – Town Code Chapters 17.072 for "HARD" and 12.20 for "Excavation Generally"
- Exhibit C – Four Staff "Letters of Incompleteness" to Applicant
- Exhibit D – Town's Civil Engineer's Three Review Letters
- Exhibit E – RVFD Two (2) Letters of Review
- Exhibit F – RVSD Letter of Review
- Exhibit G – County Records of Kibbe Home that burned on 10/28/09
- Exhibit H - Appeal Form and Attachments from the Appellant

CHAPTER 17.072: HILL AREA RESIDENTIAL DEVELOPMENT OVERLAY ZONE

Section

17.072.010	Purpose	(2) Minimize grading of hillside areas;
17.072.020	Applicability	
17.072.030	Development permit required	(3) Provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas;
17.072.040	Development permit; procedural requirements	
17.072.050	Uses permitted without a development permit	(4) Minimize water runoff and soil erosion problems during and after construction;
17.072.060	Referral to Design Review Board	
17.072.070	Design review procedures	
17.072.080	Development permit application; contents	(5) Prevent loss of life, reduce injuries and property damage and minimize economic dislocations from geologic hazards; and
17.072.090	Development standards	
17.072.100	Planning Commission action	
17.072.110	Development permit; required findings for approval	(6) Ensure that infill development on hillside lots is of a size and scale appropriate to the property and is consistent with other properties in the vicinity under the same zone classification. (Prior Code, § 17.38.010) (Ord. 352, passed - -1973)
17.072.120	Appeal	
17.072.130	Reapplication	
17.072.140	Expiration	
17.072.150	Extension	

§ 17.072.020 APPLICABILITY.

Properties zoned RS-6, RS-7.5, RD 5.5-7, RM or SF-RMP fall into the HRD overlay zone if they have any of the following characteristics:

(A) The slope of the property is in one of the following categories as shown on Exhibit A of the Open Space Element, General Plan Maps, and development of the lot requires movement of more than the corresponding amount of excavation and/or fill or replacement of earth with foundation materials:

(1) Zero to five percent slope: 200 cubic yards.

§ 17.072.010 PURPOSE.

(A) It is the purpose of the hill area residential development overlay zone to provide review of and standards for development proposed for undeveloped land in hill areas.

(B) It is the intent of this chapter to accomplish the following:

(1) Encourage maximum retention of natural topographic features such as drainage ways, streams, slopes, ridgelines, rock outcroppings, vistas, natural plant formation and trees;

(2) Five to 15 percent slope: 200 cubic yards.

(3) Fifteen to 30 percent slope: 100 cubic yards.

(4) Thirty-one percent slope: 50 cubic yards.

(B) The property falls within a landslide hazard zone as shown on Exhibit 3, Open Space Element of the Fairfax General Plan;

(C) Access to the property is via a private or public undeveloped roadway; and (An undeveloped roadway is an unpaved or paper road which must be improved.)

(D) The property does not meet the minimum building site requirements defined in Chapters 17.076 through 17.088 of this code.
(Prior Code, § 17.38.020) (Ord. 352, passed - -1973)

§ 17.072.030 DEVELOPMENT PERMIT REQUIRED.

Except for uses listed in § 17.072.050, land in the HRD overlay zone may not be used or developed until plans for development have been approved by the town and a hill area residential development permit is issued.
(Prior Code, § 17.38.030) (Ord. 352, passed - -1973)

§ 17.072.040 DEVELOPMENT PERMIT; PROCEDURAL REQUIREMENTS.

The procedural requirements for obtaining the hill area residential development permit are as follows:

(A) Submission of a development plan to the Planning Commission;

(B) Public hearing before the Planning Commission, with notice thereof given pursuant to the provisions of § 17.004.070; and

(C) Approval of the hill area residential development permit pursuant to § 17.072.110 of this chapter, subject to appeal to the Town Council under § 17.072.120.

(Prior Code, § 17.38.040) (Ord. 352, passed - -1973; Am. Ord. 628, passed - -1994)

§ 17.072.050 USES PERMITTED WITHOUT A DEVELOPMENT PERMIT.

The following uses are permitted outright in the HRD overlay zone:

(A) Additions to existing structures provided that the addition is not a 50 percent remodel, as defined in § 17.016.040 of this title;

(B) Accessory structures under 200 square feet in area;

(C) Fences and retaining walls (under four feet); and

(D) Maintenance and repair of existing structures.
(Prior Code, § 17.38.050) (Ord. 352, passed - -1973)

§ 17.072.060 REFERRAL TO DESIGN REVIEW BOARD.

(A) Projects requiring a hill area residential development permit shall be reviewed by the Planning Commission prior to being referred.

(B) The Design Review Board shall address the following issues:

(1) The visual impact of the structure upon view corridors found to be significant;

(2) The size, scale, siting and design of the proposed structure;

(3) Materials and color of the structure; and

(4) Landscaping.

(Prior Code, § 17.38.060) (Ord. 352, passed - -1973; Am. Ord. 605, passed - -1991; Am. Ord. 693, passed 7-16-2002)

§ 17.072.070 DESIGN REVIEW PROCEDURES.

(A) Projects shall be reviewed pursuant to the procedures set forth in Chapter 17.020 of this title.

(B) A separate application for design review shall be required.

(Prior Code, § 17.38.070) (Ord. 352, passed - -1973)

§ 17.072.080 DEVELOPMENT PERMIT APPLICATION; CONTENTS.

The submittal shall include the following information:

(A) Completed application made by owner or owners of the land involved, or any agent thereof, on forms prescribed by the town accompanied by fees established by resolution of the Town Council;

(B) Topographical and boundary survey signed by a licensed surveyor showing:

(1) Contours at five-foot intervals;

(2) Property lines and dimensions;

(3) Native vegetation (freestanding trees over six inches in diameter and all stands); and

(4) Existing structures including fences and retaining walls.

(C) Site plan showing:

(1) Location of structures including fences, driveways and retaining walls;

(2) New on-site drainage facilities and necessary off-site improvements;

(3) Easements existing and proposed; if none exist, a notation of this must be made;

(4) Sanitary sewer, water and storm drainage lines labeled with their sizes; and

(5) Points of access.

(D) Fairfax Tree Committee report and permit if tree removal is requested;

(E) Report by a registered civil engineer specializing in soils and foundations, including:

(1) Site soil drainage;

(2) Relevant watershed boundaries;

(3) Relationship of the proposed construction to drainage patterns in the vicinity and the cumulative effects of runoff;

(4) Site geology and the safety of proposed construction; and

(5) Foundation adequacy.

(F) A grading and erosion control plan;

(G) Elevations, floor plans and roof plans;

(H) Exterior finishes and materials;

(I) Landscape plan delineating natural and planted areas and generic types of landscape materials to be used; and

(J) Profiles showing relationship between proposed structures and adjacent off-site improvements.

(Prior Code, § 17.38.080) (Ord. 352, passed - -1973)

§ 17.072.090 DEVELOPMENT STANDARDS.

The following standards shall apply to new development in the HRD overlay zone:

(A) *Fire management.* Projects must comply with the town's Fire Code.

(B) *Geologic hazards.* Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, or on identified fault zones, without approval from the town engineer, based on acceptable soils and geologic reports. Development shall be prohibited in areas determined by the Town Engineer to be geotechnically unstable based on a report by a licensed soils engineer where the Planning Commission determines that the corrective work would be inconsistent with the purpose and the intent of this chapter.

(C) *Topographical.*

(1) Graded slopes shall be sculptured and contoured to blend with natural terrain. Cuts and fills shall not exceed one foot or rise for each one and one-half feet of run without the approval of the Town Engineer.

(2) The grading plan shall include preventative measures to reduce dust generation, protection of trees and other significant natural features.

(3) Retaining structures shall be shown in plan and elevation. Height of retaining structures shall be minimized. Planting and choice of materials shall be used to visually integrate the structures with natural surroundings.

(4) Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the Town Engineer or other staff designated by the Town Engineer to avoid failure during construction. No initial grading shall be done during the rainy season, from October 1 through April 1.

(D) *Ecological.* Projects shall be designed to minimize disruption of existing ecosystems. Removal,

changes or construction which will destroy important or rare vegetation and/or wildlife habitats shall be avoided.

(1) Removal of any tree, as the term is defined in § 8.28.020, shall be subject to issuance of a tree removal permit as required by Chapter 8.28 of this code.

(2) In areas of diverse wildlife habitat as delineated on the General Plan Wildlife Habitat and Diversity Map, disruption of trees, shrubs and natural vegetative cover shall be minimized.

(3) No development is permitted 50 feet either side of high water centerline measured perpendicular to the high-water mark away from the centerline. Water quality and natural conditions shall be maintained.

(E) *Landscaping.* Landscaping shall minimally disturb natural areas and shall be compatible with native plant settings. Where appropriate use is determined by the Planning Commission, fire-resistant and drought-resistant species shall be utilized. Planting shall not obstruct views or alter solar energy access of nearby properties.

(F) *Circulation.*

(1) Roads shall be designed to meet the requirements of the Town Engineer, as set forth in the Subdivision Ordinance, and the Fire Department as set forth in the Fire Code.

(2) The Planning Commission may require parking areas to accommodate public and guest parking in addition to off-street parking for dwelling units.

(3) Off-street parking shall conform to the provisions of Chapter 17.052 of this title.

(G) *Design.* Projects shall be designed to meet the criteria set forth in § 17.020.040 of this title. (Prior Code, § 17.38.090) (Ord. 352, passed - -1973; Am. Ord. 605, passed - -1991)

§ 17.072.100 PLANNING COMMISSION ACTION.

(A) An application for a hill area residential development permit shall be acted upon by the Planning Commission within 180 days of the date the application is considered complete by the town.

(B) Failure of the Planning Commission to act on the application within 180 days constitutes denial unless a continuation is agreed to by the Planning Commission and applicant.
(Prior Code, § 17.38.100) (Ord. 352, passed - -1973)

§ 17.072.110 DEVELOPMENT PERMIT; REQUIRED FINDINGS FOR APPROVAL.

Approval of a hill area residential development permit shall be pursuant to the following findings:

(A) The proposed development is consistent with the general plan, other adopted codes and policies of the town and is consistent with the purpose and intent of this title;

(B) The site planning preserves identified natural features;

(C) Based on the soils report finding, the site can be developed without geologic, hydrologic or seismic hazards;

(D) Vehicular access and parking are adequate; and

(E) The proposed development harmonizes with the surrounding residential development, meets the design review criteria and does not result in the deterioration of significant view corridors.
(Prior Code, § 17.38.110) (Ord. 352, passed - -1973)

§ 17.072.120 APPEAL.

Appeal of the Planning Commission action to the Town Council is provided as per the procedures in Chapter 17.036 of this title.
(Prior Code, § 17.38.120) (Ord. 352, passed - -1973)

§ 17.072.130 REAPPLICATION.

In the case of denial, six months must lapse before a new application may be submitted for review.
(Prior Code, § 17.38.130) (Ord. 352, passed - -1973)

§ 17.072.140 EXPIRATION.

A hill area residential development permit shall lapse and become null and void one year following the date on which it became effective unless prior to the expiration of the one-year period a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the application.

(Prior Code, § 17.38.140) (Ord. 352, passed - -1973)

§ 17.072.150 EXTENSION.

A hill area residential development permit may be renewed one time for an additional period of one year; provided that, prior to the expiration of one year from the date when the permit originally became effective, an application for renewal is filed with the Planning Department. The Planning Director may grant an application for renewal where no change in the original application for or any condition of approval thereof is requested, but an application for renewal involving any change from the original application or approval conditions shall be treated as a new application and shall be subject to all applicable provisions of this chapter. At the expiration of the renewal period a new application will be required if a building permit is not issued for the project.

(Prior Code, § 17.38.150) (Ord. 352, passed - -1973)

CHAPTER 12.20: EXCAVATIONS GENERALLY

Section

- 12.20.010 Definitions
- 12.20.020 Permit required to excavate or fill; exceptions
- 12.20.030 Permit application; contents; filing
- 12.20.040 Permit application; filing fee
- 12.20.050 Application; investigation; permit issuance or denial
- 12.20.060 Investigation; criteria
- 12.20.070 Investigation; use of services of Town Engineer; additional fees
- 12.20.080 Permit to move over 100 cubic yards; required findings for approval
- 12.20.090 Permit; notice of issuance or denial; appeal
- 12.20.100 Appeal; hearing
- 12.20.110 Bond and certificate of insurance
- 12.20.120 Conditions and requirements; generally
- 12.20.130 Slope of sides of excavation or fill
- 12.20.140 Permit suspension or revocation
- 12.20.150 Permit expiration; issuance of supplemental permits
- 12.20.160 Compliance with other code provisions
- 12.20.170 Enforcement; appointment of deputies

§ 12.20.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EXCAVATION. The cutting, grading, digging or removal of earth or natural materials in a manner as to change natural or existing terrain.

FILL. The placing, carrying or depositing of earth or natural materials in a manner as to change the natural or existing terrain.

OWNER. Any person who owns the fee simple title, equitable interest or easement rights to real property.
(Prior Code, § 12.20.010)

§ 12.20.020 PERMIT REQUIRED TO EXCAVATE OR FILL; EXCEPTIONS.

It is unlawful for any person to make or cause or permit to be made any excavation or fill in the town, except in accordance with a permit issued as specified in this chapter; provided that, no permit shall be required to fill or excavate:

(A) By any public utility;

(B) Where less than two cubic yards of earth or material are moved; and

(C) Where grading for a building site is being made for the purpose of immediate construction of a building or improvements thereon, for which a building permit has been issued, if, in the opinion of the Building Inspector, evidenced by a statement on the aforementioned building permit, no hazard to property rights of the town or of adjoining land owners will be encountered or created by the work of excavation.

(Prior Code, § 12.20.020)

**§ 12.20.030 PERMIT APPLICATION;
CONTENTS; FILING.**

(A) An application for a permit to excavate or fill must be signed by the owner of the land upon which the fill or excavation is to be made or by his or her authorized agent, and filed in duplicate with the Town Clerk, who shall forthwith deliver one copy to the Superintendent of Streets for action by him or her or his or her deputy.

(B) The application, in addition to any information required by the Superintendent of Streets, shall set forth the following:

- (1) The name, identity and address of the owner;
- (2) The name, identity and address of the contractor or other person who is to perform the work of excavation or fill;
- (3) A description and the location of the property involved;
- (4) A statement of the exact nature of the proposed excavation or fill, indicating the slope of the sides and the level of the finished surface, the type of earth or material to be moved, the method, manner and equipment to be used in the accomplishment of the work and the disposition of material of the site;
- (5) A proposed time of commencement of work after issuance of the permit, and estimated date of completion;
- (6) An agreement on the part of the applicant, to be effective for a period of two years from and after the date of completion of the excavation or fill, to indemnify the town and hold the town harmless against all damages which may arise out of or by virtue of any such excavation or fill, including any damage to public streets or equipment, and containing a covenant that the applicant will forthwith remove from and clean any public streets of

any dirt, rock, debris or other material from any excavation or fill that may be carried down by rainwater or other means to and upon public streets. In the event of the sale of the property involved, during the period of the aforementioned contract, the applicant shall require the new owner to subscribe to all obligations under the contract;

(7) A description of all easement rights in the land to be excavated or filled, with names and addresses of each owner of any rights in and to the land, and proof of service upon each of the owners of notice of pendency of application for excavation or fill;

(8) An agreement to indemnify and hold harmless every owner of any interest in land to be excavated or filled against any loss or damage by reason of the excavation or fill, by completion bond or other security or agreement satisfactory to the owners of other interests or to the Superintendent of Streets; and (Upon demand of the owner of any interest in property affected or upon the demand of the Superintendent of Streets, a completion bond, in an amount to be fixed by the Superintendent of Streets, shall be made a part of the application.)

(9) An agreement that if the excavation or fill is not completed in accordance with plans and specifications therefor and the permit issued, then the work may be completed by the Superintendent of Streets and the cost thereof to be paid by owner applicant and until paid the costs shall constitute a lien upon the real property of the applicant.
(Prior Code, § 12.20.030)

**§ 12.20.040 PERMIT APPLICATION; FILING
FEE.**

At the time of filing the application for a permit to excavate or fill, the applicant shall pay a filing fee in accordance with the schedule of fees fixed and adopted from time to time by resolution of the Town Council.
(Prior Code, § 12.20.040) (Ord. 443, passed - -1978)

§ 12.20.050 APPLICATION; INVESTIGATION; PERMIT ISSUANCE OR DENIAL.

Within ten days after the filing of the application for a permit to excavate or fill, the Superintendent of Streets shall cause an investigation to be made, and shall either issue the permit upon the conditions expressed in the permit as he or she deems necessary to comply with all the provisions of this chapter, or deny the application.

(Prior Code, § 12.20.050)

§ 12.20.060 INVESTIGATION; CRITERIA.

(A) Before final action is taken by the Superintendent of Streets on any application for a permit to excavate or fill, he or she shall consider all pertinent matters concerning the proposed excavation or fill and its possible effect upon the public health, safety and general welfare, and shall exercise a reasonable and sound discretion in the premises.

(B) The application shall be denied if it appears to the Superintendent of Streets from his or her investigation that the excavation or fill would:

- (1) Unlawfully remove the lateral or subjacent support of the adjacent land;
- (2) Result in a dangerous topographic condition;
- (3) Cause seepage or slides;
- (4) Improperly divert the flow of drainage waters;
- (5) Create a nuisance; or
- (6) Otherwise in any manner endanger the health, safety or property of any other person, despite all precautions which the applicant might be ready, willing and able to take.

(Prior Code, § 12.20.060)

§ 12.20.070 INVESTIGATION; USE OF SERVICES OF TOWN ENGINEER; ADDITIONAL FEES.

(A) Whenever an application for a permit to excavate or fill appears to the Superintendent of Streets to require the services of the Town Engineer for technical help and advice, the Superintendent of Streets may consult with the Town Engineer and require the Town Engineer to make inspections of the work in progress.

(B) Prior to the issuance of the permit, the Superintendent of Streets shall notify the applicant of the necessity for engineering inspection, and the applicant shall pay, prior to starting work, reasonable engineering fees in accordance with the schedule therefor fixed and adopted from time to time by resolution of the Town Council, and to be determined in advance of the issuance of the permit.

(Prior Code, § 12.20.070) (Ord. 443, passed - -1978)

§ 12.20.080 PERMIT TO MOVE OVER 100 CUBIC YARDS; REQUIRED FINDINGS FOR APPROVAL.

(A) Notwithstanding any of the provisions of this chapter, no permit to excavate or fill shall be granted, where the application shows the excavation or fill to involve the movement of over 100 cubic yards of material, unless and until approval of the application is given by action of the Planning Commission of the town.

(B) The application, upon receipt, shall be referred to the Planning Commission for investigation and action, and before action of approval may be given, the Planning Commission must find:

- (1) The health, welfare and safety of the public will not be adversely affected;
- (2) Adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work;

(3) Adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work;

(4) The amount of excavation or fill proposed is not more than is required to allow the property owner substantial use of his or her property;

(5) The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary;

(6) Natural landscaping will not be removed by the project more than is necessary;

(7) The time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes.
(Prior Code, § 12.20.080)

§ 12.20.090 PERMIT; NOTICE OF ISSUANCE OR DENIAL; APPEAL.

The Superintendent of Streets shall forthwith notify the applicant of his or her action on the application and, if the applicant is dissatisfied therewith, he or she may appeal to the Town Council by filing a written notice of appeal with the Clerk within 30 days after notice from the Superintendent of Streets, and shall, at the same time, deliver to the Town Clerk a list of the names and addresses of all owners of property within a 300-foot radius from the exterior boundaries of the proposed excavation or fill.
(Prior Code, § 12.20.090)

§ 12.20.100 APPEAL; HEARING.

The appeal from the ruling on the application by the Superintendent of Streets shall be heard at the first succeeding regular meeting of the Town Council held more than 20 days after filing of the appeal. The Town Clerk shall mail notice of the hearing, at least ten days prior thereto, to all property owners within

the radius of 300 feet of proposed boundaries of the excavation or fill. The hearing on the appeal may be continued from time to time. At the conclusion of the hearing, the Town Council may deny the application or issue a permit therefor under the terms and conditions as it deems necessary to conform to the provisions of this chapter. The action of the Town Council shall be final and conclusive and no similar application may be filed by the applicant for the same property for a period of 12 months.

(Prior Code, § 12.20.100)

§ 12.20.110 BOND AND CERTIFICATE OF INSURANCE.

(A) The Superintendent of Streets may require, as a condition of the granting of any permit under this chapter, that the applicant deposit with the Town Clerk a completion and maintenance bond, in an amount to be fixed by the Superintendent of Streets, not exceeding the sum of \$50,000, inuring to the benefit of the town and of the general public, guaranteeing that the applicant will faithfully perform all of the conditions and requirements specified in the permit, and will maintain the completed work in good condition for a period of two years from date of completion.

(B) The bond shall be executed by sureties approved by the Town Clerk as being sufficient in number and in financial responsibility. The Superintendent of Streets may also require, as a condition to the granting of any such permit, that the applicant deposit with the Town Clerk a certificate of a responsible insurance company, showing that the applicant is insured in an amount not less than a sum certain, to be fixed by the Superintendent of Streets, not to exceed \$100,000, against any loss or damage to persons or property arising directly or indirectly from the operations of the applicant or any person acting in his or her behalf in carrying on any operation connected directly or indirectly with the making of the excavation or fill for which the permit is issued.
(Prior Code, § 12.20.110)

§ 12.20.120 CONDITIONS AND REQUIREMENTS; GENERALLY.

Any person to whom a permit to excavate is issued shall also comply with the following requirements.

(A) The bottom of an excavation shall not be made lower than the level specified in the permit to excavate.

(B) If, in the opinion of the Superintendent of Streets, any excavation will create or aggravate a dangerous condition if left open, the excavation shall be enclosed by a fence sufficiently high, tight and strong to eliminate the dangerous condition.

(C) Any rock, earth or other material which may be dropped or deposited on any public street or place from any vehicle transporting such materials from any such excavation shall be immediately removed in a manner and to an extent satisfactory to the Superintendent of Streets, at the expense of the person to whom the permit to excavate was issued.

(D) The applicant shall agree to save, indemnify and hold harmless the town and its agents against all liabilities, judgments, costs and expenses which may in any wise accrue against the town in consequence of the granting of the permit.
(Prior Code, § 12.20.120)

§ 12.20.130 SLOPE OF SIDES OF EXCAVATION OR FILL.

(A) In order to minimize the danger of slides onto or from adjacent lands, the Superintendent of Streets may specify in the permit the permissible angle of slope of the sides of the excavation or fill. No side of the excavation or fill may be made steeper at any point than the angle so specified in the permit, unless supported by a substantial, permanent retaining wall of sufficient strength to permanently support the sides of the excavation or fill and constructed in accordance with a permit to do so, as provided in this chapter.

(B) The retaining wall shall be of concrete, brick, stone or other material, not subject to rapid deterioration, and shall extend the full height and length of each side of the excavation or fill which is at any point made steeper in slope than the angle specified in the permit to excavate or fill.

(C) (1) If the applicant desires to make any side of the excavation or fill steeper than the angle specified in the permit, he or she shall so state in a supplemental application, and shall file therewith, in duplicate, detailed plans and specifications for the retaining wall.

(2) One copy of the plans and specifications shall be forthwith delivered to the Building Inspector, who shall examine the same and shall promptly report to the Superintendent of Streets whether the retaining wall, if built according to the plans and specifications, will satisfy the requirements of the Building Code of the town and the requirements of this section.

(D) Upon the approval of the plans and specifications by the Building Inspector and the issuance of a building permit therefor, the Superintendent of Streets shall include in the permit to excavate or fill, or in a supplemental permit to excavate or fill, a provision allowing the sides of the excavation or fill to be made steeper than the angle of slope specified therein, if supported by a retaining wall constructed according to the plans and specifications.

(Prior Code, § 12.20.130)

§ 12.20.140 PERMIT SUSPENSION OR REVOCATION.

(A) (1) Any permit granted under this chapter may be revoked or suspended by the Superintendent of Streets, for any reason for which the issuance of the permit might lawfully be denied, or for any failure to comply with any of the terms of this chapter or of the permit.

(2) Revocation of the permit shall be made only upon a hearing granted to the person to whom the permit was issued, held before the Superintendent of Streets.

(3) Written notice, deposited in the United States mail at least five days before the date set for hearing, addressed to the person at his or her business or residence address as stated in his or her application for the permit, shall be sufficient notice.

(B) In the event of the revocation or suspension, the applicant may appeal to the Town Council in the manner prescribed in § 12.20.050.

(C) If, in the opinion of the Superintendent of Streets, the public health, safety or welfare requires it, the Superintendent of Streets may suspend any permit granted under this chapter, pending the hearing for the revocation of the permit.

(D) The revocation or suspension shall be in addition to any other penalties provided in this code. (Prior Code, § 12.20.140)

§ 12.20.150 PERMIT EXPIRATION; ISSUANCE OF SUPPLEMENTAL PERMITS.

(A) In the event that any excavation or fill for which a permit has been granted under this chapter is not commenced within six months from the date of issuance of the permit, or in the event that work on the excavation or fill is, at any time, abandoned for a period of six consecutive months, the permit shall automatically terminate, without notice, and no further excavation or fill shall be made; however, the conditions expressed in the permit shall remain binding upon the person to whom the permit was issued, and all legal and equitable remedies shall be available against him or her for any breach thereof.

(B) (1) When the amount of material excavated or filled equals the number of cubic yards authorized by the permit, no further excavation or fill may be

made until a new or supplemental permit has been issued.

(2) An application for a supplemental permit to continue or enlarge the excavation or fill may be filed, setting forth all the information required in the original application.

(3) If the supplemental permit is issued, the applicant shall pay an additional fee in accordance with the schedule of rates referred to in § 12.20.040. (Prior Code, § 12.20.150)

§ 12.20.160 COMPLIANCE WITH OTHER CODE PROVISIONS.

Nothing in this chapter, or in any permit granted under this chapter or Chapter 12.24, shall be deemed to authorize the doing or the commission of any act contrary to any term or provision of any other provision of this code.

(Prior Code, § 12.20.160)

§ 12.20.170 ENFORCEMENT; APPOINTMENT OF DEPUTIES.

The Superintendent of Streets may appoint the Building Inspector or other competent persons to serve as his or her deputies or assistants to assist in carrying out the provisions of this chapter.

(Prior Code, § 12.20.170)



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

September 29, 2011

Jeff Kroot
Jeff Kroot Architect and Associates
P.O. Box 246
San Anselmo, CA. 94960

Re: 62 Valley Road; Planning Application; construction of a 2,313 square foot, 3 bedroom 2 ½ bath, three story residence to replace a two bedroom, 2 bath, 2 story residence damaged by fire.

Dear Mr. Kroot,

The Department of Planning and Building Services has completed its third review of the above described planning application and we regret to inform you that it is still incomplete. The following represents our findings and request for additional information (see Town Engineer memorandum's dated 4/28/11, 7/18/11, 9/23/11 and staff letter dated 7/19/11):

The project site is located in an area of Fairfax where the soils are unstable, the area is designated a Wildland Urban Interface (fire) Zone, and the slopes reach 30%. Therefore, the project is subject to Town Code Chapters 12.20, Excavations Generally, and 17.072, Hill Area Residential Development Overlay Zone. Both Chapters require that adequate information be provided regarding proposed drainage, excavation, and the project in general before the Planning Commission takes action to approve the development. These regulations are in place to protect the Town and the general public and to: a) provide safe means of ingress and egress for vehicular and pedestrian traffic, including emergency vehicle access; b) prevent loss of life, reduce injuries and property damage and minimize economic dislocations from geologic hazards; and c) minimize water runoff and soil erosion problems during and after construction (Chapter 12.20 and Town Code sections 17.072-010(B) and 17.072.080).

The following previously incomplete issues have been addressed by the most recent submittal including revised engineering page C-2, submitted August 31, 2011:

- Items 8, 9 and 10 of the July 19, 2011 letter by Lawrence P. Doyle address the requirement for additional drainage design/information required by Town Code

sections 12.20.060(B)(3), (4) and (5), Excavations Generally, and of Town Code sections 17.072.010(B)(4) and 17.072.080(C), Hill Area Residential Development.

The following items are still outstanding:

NUMBER OF LOTS/PARCELS

A mechanism shall be proposed by the applicant's attorney, subject to review and approval by the Town Attorney, to ensure that the County Assessor's Map of the site is revised to show only one parcel prior to the Commission taking action on the proposal which includes a variance for substandard access width and slope.

UNSUPPORTED CUT BANKS

Design solutions for addressing unsupported cut banks: the plans have been revised to show longer and taller walls along the driveway but they are still not high enough to completely support the cut banks. The 6/16/11 Salem Howes letter seems to suggest that this unstable cut will be graded back up the hillside, away from the driveway, to a 2:1 slope but this grading is not shown on the plans for all the unsupported cut areas and will extend up the hill more than 20 feet and require the removal of a number of trees. The cuts, when shown, may not satisfy Town Code § 17.072.010(B)(2) to minimize grading. If unsupported cuts, including the one west of the proposed residence, are to be un-retained, the grading plan and grading quantities must be revised as required by Town Code § 17.072.080 and 17.072.090. Note that the applicant's own geotechnical report indicates that unsupported cuts and fills are generally not recommended for this site. The Town Engineer has indicated that he will not support the proposed 2:1 slope to the Commission if the grading plan is not revised to show the 2:1 slope and if written clarification is not provided from the project Geotechnical Engineer addressing his contradictory statements as follows:

Unsupported cuts and fills are generally not recommended for this site (project geotechnical report by Salem Howes dated 2/4/11, page 10, paragraph 5).

If un-retained cuts in the soils cannot be sloped back at 2:1 they will be retained (Salem Howes letter dated 6/16/11).

No solution has been provided for how to support the unsupported cut banks and to prevent their erosion to the west (rear of the proposed residence).

RETAINING WALLS

Item 4 of the July 19, 2011 letter from Lawrence P. Doyle indicates that all retaining walls will be of pressure treated lumber and does not address the Town Engineer's concern that retaining walls must be constructed of "concrete, brick, stone or other material not subject to rapid deterioration" as required by Town Code § 12.20.130(B),

Excavations Generally. If the applicant is deciding to request an exception to this section of the code, the request must be in writing and must indicate that an exception to the Town regulations is being requested.

DRIVEWAY/EMERGENCY ACCESS

The plans do not address the safety issue of the drop-off and unsupported pavement edge of the (memorandums dated 4/28/11, page 3, paragraph 2 and 7/18/11, page 3, paragraph 3, and 9/23/11, page 3, paragraph 2).

An alternative is to revise the plans to show retaining walls and guard rails where all unsupported pavement edges exist.

The plans shall be revised to indicate the driveway will be able to support 60,000 gross vehicle weights (Ross Valley Fire memorandum dated 9/8/2011).

Plans shall show that where driveway grades exceed 18% paving shall be shown to be of concrete kerf-cut to allow for water run-off and traction (Ross Valley Fire memorandum dated 9/8/11, page 2, item 3 and Town Engineer's memorandum dated 9/23/11, page 3, paragraph, 3).

SANITARY SEWER

The sanitary sewer main location and size must be shown as required in Town Engineer memorandum dated 4/28/11, 7/18/11 and 9/23/11 and as required prior to Planning Commission action on the Hill Area Residential Development permit by Town Code § 17.072.080(C)(4).

GRADING QUANTITIES

The Grading Quantities on page C-2 of the plans must be updated to address; a) Fire Department required pavement width; b) the fire suppression system proposed; and c) the revised excavation amounts to achieve 2:1 slopes for all unsupported cuts or the construction of retaining walls for the unsupported cuts, whichever option the applicant chooses. The work must comply with her geotechnical report recommendations.

FIRE SUPPRESSION SYSTEM VS UPGRADED HYDRANT

The applicant must indicate which fire suppression method they will be utilizing per the Ross Valley Fire Department 9/8/11 memorandum and show either:

1) The location of a new fire hydrant that will comply with fire protection regulations so that all portions of the new structure will be no greater than 350 feet from the hydrant. The existing closest hydrant does not meet this requirement; or

2) Show the location for the new water service line that will be necessary to provide adequate flow to the new fire sprinkler system. The extension of the water line to the new meter and to the water main at the connection point on the existing water main must be shown prior to Commission action (Town Code 17.072,090(C)(4) and Town Engineer's memorandums dated 4/28/11, 7/18/11 and 9/23/11 and staff letter dated 7/19/11).

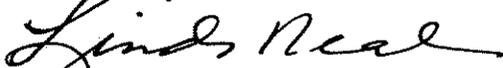
Note for a complete description of outstanding items/information see the attached Town Engineer's memorandums dated 4/28/11 and 7/18/11 and staff letter dated 7/19/11.

OUTSTANDING CONTRACT ENGINEER BILL

There is also an outstanding engineering bill for this project in the amount of \$1,037.00. Please note that this does not include the Town Engineer's time spent completing the most recent review and memorandum.

Once the above information is provided and is approved by the Department of Planning and Building Services and the Town Engineer the project will be scheduled for the first available Planning Commission and Design Review Board meetings. If you have any questions, please do not hesitate to contact the Department of Planning and Building Services in writing.

Sincerely,



Linda Neal
Senior Planner

cc. Jim Karpiak, Town Attorney
Jim Moore, Director of Planning and Building Services
Frances Kibbe
Neil Sorensen, Attorney at Law

Enclosures: Town Engineer's memorandums dated 4/28/11, 7/18/11, 9/23/11, Ross Valley Fire Department memorandum dated 9/8/11, page 10 of Salem Howes Geotechnical report dated 2/4/11, letter from Salem Howes dated 6/16/11, Town Code Chapters 12.20 and 17.072



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

July 19, 2011

Jeff Kroot
Jeff Kroot Architect
P.O. Box 246
San Anselmo, CA. 94960

Re: 62 Valley Road; planning application

Dear Mr. Kroot,

The Department of Planning and Building Services has completed its second review of the above referenced application and we regret to inform you that it is still incomplete. The following information was previously requested in the 4/28/11 Town Engineer's memorandum and has yet to be provided and/or be adequately addressed. See the attached previous 4/28/11 memorandum and the recent 7/18/11 Town Engineer's memorandum for a complete description of the requested information:

1. Provide a copy of the unrecorded Map of Fairfax Park Tract the surveyor has indicated was the basis for the interior boundaries shown on sheet C-1 of the submittal.
2. No evidence has been provided by the applicant showing that Assessor's Parcel Numbers 003-191-01 and 02 satisfy the requirements of the Subdivision Map Act as required by section 66410 of the California Government Code.
3. The requested information defining Valley Road and the lane shown on the site has not been provided. The applicant is also proposing a driveway slope that the Town Engineer will not accept. If the applicant wants to move forward with the access to the site being considered a driveway that exceeds the permitted 25% slope and does not meet minimum roadway width requirements, Assessor's Parcel Numbers 003-191-01, 02 and 31 should be merged into one property.
4. The plans shall show the uphill driveway retaining walls being constructed of concrete, brick or other material not subject to rapid deterioration as required in Town Code § 12.20.130(B). These walls shall be shown at a height that complies with the project geotechnical report which does not recommend unsupported cuts and fills on this site. The 2 to 3 foot walls proposed will not retain the existing nearly vertical cut banks 2 to 4 feet above the proposed wall. The geotechnical engineer shall propose a retention method for these slopes above the proposed walls or the walls shall be redesigned at a height to retain the hillside.

5. The edge of the driveway is unstable and the project geotechnical engineering report acknowledges that fill slopes should not be more than 50% and he does not recommend fill slopes. The slope below the driveway is 80%. The project geotechnical engineer must provide design criteria for the edge of the driveway so it will support heavy wheel loads. If the design criteria will require the construction of retaining walls, placement of guardrails, shifting of the driveway, etc. to comply with the geotechnical report the Planning Commission needs to know that and the plans must be revised to show these changes.
6. Show where the new driveway pavement sections will be placed.
7. Add a note to the plans stating "the pavement design satisfies the Fire Department requirement for All Weather Surface that will support 40,000 (lbs.) gross vehicle weight.
8. Show how the high speed flow on the steep driveway will be caught by the proposed drain inlets [Town Code § 17.072.080(C)(2)].
9. Relocate the lower drain inlet so that it does not interfere with the driveway for 33 Valley Road and redesign the plans to direct storm water towards the inlet.
10. The design of the driveway must resolve the erosion and drainage collection issues in the areas above, in back and westerly of the proposed house.
11. As required by the Town Code show sewer, water and storm drain lines labeled with their sizes [Town Code § 17.072.080(C)(4)].
12. Show the grading quantities and the debris removal quantities on the plans.
13. Sheet C-3 must either be revised to show all the "Minimum Erosion/Sediment Control Measures for Small Construction Projects" or add a note to the erosion control and storm water pollution prevention plan stating, "See page two details of the Marin County Storm water Pollution Prevention Program – Minimum Erosion/Sediment Control Measures for Small Construction Project – for additional information".
14. The Ross Valley Fire Department has indicated that a 10 foot clearance must be maintained along either side of the driveway. Please show the area where vegetation would have to be removed on the downhill neighbor's property to comply with this requirement and provide a letter from the neighboring indicating willingness to allow the clearing to occur. The requirement for a vegetative removal easement will be made a condition of approval once the neighbor indicates they are willing to allow removal. If the neighbor is unwilling to allow trespass for the removal an alternative mitigation measure that is agreeable to the Ross Valley Fire Department will need to be provided.
15. The deposit paid to date for this application engineering review is \$2,135.00. The Town Engineer has spent 26 hours reviewing the plans, consulting with the project surveyor, performing site visits and providing written comments on the project at a rate of \$96.00 per hour. Therefore, before any further review of the project can occur, the outstanding \$361.00 engineering balance must be paid and an additional deposit of \$1,067.00 must be submitted for future review of the plans.

Once the above information is provided the staff will again review this application for completeness. Partial submittals will not be accepted. If you have any questions, please do not hesitate to contact the Department of Planning and Building Services.

Sincerely,



Linda Neal
Senior Planner

cc. Frances Kibbe
62 Valley Road
Fairfax, CA. 94930



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

April 29, 2011

Jeff Kroot
P.O. Box 246
San Anselmo, CA. 94978

Re: 62 Valley Road; planning application

Dear Mr. Kroot,

The Department of Planning and Building Services has completed its review of the above referenced application now that all the items required for a first review have been submitted. We regret to inform you that the application is incomplete. The following represents our findings and requires for additional information:

The final configuration, width, slope and location of the roadway/driveway/fire truck turn around still have not been provided to the Town. A final review of the project will not be possible until the issues with the driveway have been settled and plans have been provided showing a conforming roadway/driveway/fire truck turn around or one that is acceptable to both the Ross Valley Fire Department and the Town Engineer. The impacts of the project cannot be assessed until the driveway specifications have been agreed upon.

Provide the project engineer with a copy of the enclosed Town Engineer's memorandum that explains the items he has found to be incomplete. Once the project engineer has reviewed the memorandum he should contact me and I will have the Town Engineer call him or set up an appointment so they can meet to discuss any questions he may have.

Once the above issues have been addressed and final plans and reports including the outstanding information are submitted, staff will again review this application for completeness. Please submit all the outstanding material at the same time. Incomplete or partial submittals will not be accepted.

If you have any questions, please do not hesitate to contact the Department of Planning and Building Services.

Sincerely,

Linda Neal
Senior Planner

cc. Frances Kibbe



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

March 31, 2011

Jeff Kroot
Jeff Kroot Architect and Associates
P.O. Box 246
San Anselmo, CA 94978

Re: 62 Valley Road; planning application

Dear Mr. Kroot,

The Department of Planning and Building Services has completed its review of the above referenced application and we regret to inform you that it has been deemed incomplete. The following represents our findings and request for additional information:

1. We had previously informed by you by e-mail on March 4, 2011 that the review of the project by the Town Engineer could not be completed without the provision of the property Title Report and a recorded copy of the property survey. As of the date of this letter, neither the document nor the recorded survey has been provided and the application will remain incomplete until they are submitted.
2. Provide a title report for the property.
3. Provide 3 copies of the recorded record of survey for the property.
4. Please make sure the architectural plans match the topographical survey plan. On the topographical survey the driveway is shown almost entirely within the public easement while it is just the opposite on page 1 of the architectural plans. It may be that the property line location is off on one of the pages referenced. This inconsistency results in the Ross Valley Fire Department and the Town being unable to review the access driveway. The existing driveway does not comply with the minimum State or local Fire Code requirements for slope, width or grade breaks.
5. Provide an approved vegetative management plan from the Ross Valley Fire Department.
6. Submit the required landscaping plan or address why one is not being provided in writing.
7. Provide an exterior lighting plan for the structure including details for proposed fixtures and illumination information.
8. Provide 8 color elevations and 8 material boards/sheets.

9. Show the location of the two uncovered parking spaces on the site plan.
10. Label the elevations north, south, east and west.
11. The proposed driveway extends onto Assessor's Parcel Number 003-191-01 which has been merged with APN # 003-191-02 but has not been merged with APN # 001-063-31 where the residence is proposed. One of the following must occur: a) the driveway must be relocated into the public easement or onto APN # 001-063-31; b) an easement document must be recorded for the location of the driveway on the adjacent parcel including enough area to allow for maintenance; or, c) APN # 001-063-31 must be voluntarily merged with APN #'s 003-191-01 and 02.
12. Verify that the calculated amount of excavation and fill includes the excavation for a new side sewer being required by the Ross Valley Sanitary District (see enclosed letter dated 3/16/11).
13. Finally, please advise your client to remember that the story poles must be erected on the site no fewer than 10 days prior to the meeting that the project is scheduled for once the application is determined complete.

Once the above issues have been addressed and the required information has been submitted to the Town, the project will be reviewed for completeness. If you have any questions, please do not hesitate to contact the Department of Planning and Building Services.

Sincerely



Linda Neal
Senior Planner

cc. Frances Kibbe



TOWN OF FAIRFAX

142 BOINAS ROAD, FAIRFAX, CALIFORNIA 94930

PHONE (415) 453-1584 / FAX (415) 453-1585

SEP 27 2011

MEMORANDUM

RECEIVED

To: Linda Neal – Senior Planner

Date: September 23, 2011

From: Ray Wrynski
Town Engineer

Page 1 of 5

Subject: Proposed Residence
62 Valley Road
Fairfax, CA

A.P. 001-063-31, 003-191-01 & 02

I have reviewed the plans and documents that were enclosed with your transmittals of 8/23/11 and 9/1/11 and your 8/24/11 e-mail. The items reviewed included a plan set, dated 8/22/11, four sheets, by Lawrence Doyle Land Surveyor and Civil Engineer, a transmittal, dated 8/23/11, from Jeff Kroot Architect, that identified submitted items, a letter dated 8/19/11, by Neil Sorensen Attorney, a letter, dated 8/11/11 by Lawrence Doyle, a letter, dated 6/16/11, by SalemHowes Associates Geotechnical Engineer, a map dated March 29, 1926, titled Fairfax Park Tract, by C. H. Towle Civil Engineer and Surveyor, a Ross Valley Fire Department Plan Review, dated 6/24/11 and a set of plans, 10 sheets, from Jeff Kroot Architect, dated 5/31/11, with five plan sheets from Lawrence Doyle as part of that set. The sheet C-2 in that set is dated 8/30/11. 9/8/11, a Ross Valley Fire Department Plan Review Approval, dated 9/8/11, was received.

This review is to check for completion of requirements in the 4/28/11 and 7/18/11 Town Engineer Memorandums, engineering requirements noted in your 7/19/11 letter to Jeff Kroot and engineering related Ross Valley Fire Department requirements.

The Item 1, in the 7/19/11 letter required submittal of the Fairfax Park Tract Map. Related to that map were maps, identified in earlier documents, noted in the 7/18/11 Town Engineer Memorandum that were required to be submitted. The 8/11/11 Doyle letter states "The Map is enclosed". Only the Fairfax Park Tract Map was received. It would be a better approach to the review process if all the required documents were submitted or that a clear explanation was given for the exclusion of certain documents from the submittal. It may not be necessary, with the information we have, to get the other maps. The maps not received may or may not exist. We don't have an answer on their existence. If any of them are unrecorded maps, it is unknown if copies can be obtained. Those maps have been used, in documents we have received, to describe some of the parcels in this project and land adjoining this project. The 8/19/11 Sorensen letter states that this building site is only one parcel of land. That letter states a willingness by the owner to ask the Marin County Assessor to assign one parcel number to this building site and thereby eliminate the existing multiple Assessor's parcel numbers. It is my opinion that if there is a project condition, requiring the completion of the change by the County Assessor to show one parcel number, for this site, prior to a building permit being issued, the Town would have a good resolution to the questions involving multiple parcels indicated in earlier submitted documents. If the Assessor will not assign a single parcel number, I suggest obtaining advice from the Town Attorney on how to close this issue.

EXHIBIT #

D

The Item 2. of the 7/19/11 letter discusses the status of the parcels related to State Subdivision Map Act requirements. The 8/11/11 letter states "See the letter by Neil Sorensen". The 8/19/11 Sorensen letter states it is their "understanding that the property is one legal lot". It is my opinion that the statement in the Sorensen letter is the best one to follow and if the Assessor shows this site as one parcel, as suggested in the 8/19/11 letter, the question of other existing parcels will be reasonably well resolved. I hope the Assessor will show it as one parcel without the lot lines, lane lines and apparent road area lines shown on the recorded record of survey, Marin County Recorder's Book 2011 of Maps at Page 48. Those lines perpetuated the appearance that there are additional boundary breakdowns inside this property which is in opposition to the Sorensen letter.

The Item 3. of the 7/19/11 letter identifies required information on Valley Road and the Lanes that are shown on the property. It identifies the 25% driveway slope problem including how that slope is a major obstacle to approval if the possible existence of more than one parcel remains a question. The 8/11/11 letter states "A.P. 03-191-01 & 02 are one parcel (see the letter by Neil Sorensen)". The 8/19/11 Sorensen letter indicates there is only one parcel and suggests getting the Assessor to show it that way as noted above. I recommend that the Town obtain that change by the Assessor as the resolution to this problem with consideration of the supporting 8/19/11 Sorensen and 8/11/11 Doyle letters. With that boundary problem resolved, the issue of the driveway 25% slope can be considered for resolution by the Planning Commission as described in the 7/18/11 Town Engineer Memorandum, page 2, last paragraph.

Item 4. of the 7/19/11 letter covers the retaining walls deterioration and unsupported cuts and fills. The 8/11/11 Doyle letter responds that "The uphill walls will be made of pressure treated lumber, County Standard Type "C" retaining wall. Pressure treated lumber will last for many decades and meets the code requirements". There was no response on the unsupported cuts issue.

The retaining walls have been shown to extend along more of the driveway than they did on the 6/2/11 submittal. They also are a little higher than shown on the previous submittal. The issue of unsupported cut banks has not been resolved. The wood walls do not satisfy the Code requirement for material not subject to rapid deterioration. The Code notes "concrete, brick, stone or other material not subject to rapid deterioration". Typical pressure treated wood structures, exposed to weather, may lose needed structural strength in 15 to 20 years or they may provide service life of a little more than 40 years, based on my experience with repairing wood retaining walls. The service life of pressure treated wood is extremely variable. A plain rock wall will last for hundreds of years if it is originally built to withstand all of the forces that will affect it. Reinforced concrete can be expected to easily last more than 75 years. The 6/2/11 submittal identified pressure treated wood walls so their lack of compliance with the code was reviewed with that submittal. The plans must show a change in the retaining walls material to one that satisfies the Town Code or a request for an exception to the Code to allow wood walls must be made to the Planning Commission. Also, Section 2, sheet C-2, notes walls built to UCS Drawings 255 (gallery) and 235 (catch basin) which need to be revised to a retaining wall specification.

In the area of the uphill side of the driveway between elevations 230 and 240, there is an existing cut bank that is shown on the plans to slope at about 100% to 150%. The proposed retaining wall height leaves approximately two feet to four feet, in height, of this bank above the top of the wall, unsupported. This unsupported cut, as seems to be suggested in the 6/16/11 SalemHowes letter, will be cut up the hill at a 2:1 maximum slope. This cut grading is not shown. If that is the intended design, the cut bank must be shown. If it is shown accurately, it will extend up the hill more than 20', horizontally in some areas

because the existing hillside extends uphill steeply at almost a 2:1 slope which will cause the 2:1 (50%) cut to slowly rise to the line of intersection with the existing slope. This cut will require the removal of a number of trees and that tree removal must also be shown on the plan if this cut is proposed. If the wall height will not be shown high enough to support the existing cut bank, the needed 2:1 grading of the hillside must be shown. It should be kept in mind that page 10/15, of the 2/4/11 project geotechnical investigation, states that "Unsupported cuts and fills are generally not recommended for this site". That appears to be contradicted by the suggestion in the 6/16/11 Geotechnical Engineer's letter that 2:1 cuts be made. I am recommending that the 2:1 cuts not be approved by the Planning Commission, if they are shown without submittal, to the Town, of written clarification from the Geotechnical Engineer regarding the report recommendation against cuts and fills and the letter stating "If unretained cuts in the soils section cannot be sloped back at 2:1 they will be retained ---". Retaining the cuts tends to be a more conservative design that considers the "inherent risk of instability associated with all hillside construction" as stated on page 14/15 of the 2/4/11 geotechnical report.

Item 5. of the 7/19/11 letter discusses the unstable edge of the existing driveway. This issue was described in the 4/28/11 and in the 7/18/11 Town Engineer memorandums. The 8/11/11 Doyle letter stated "see the letter from Salem Howes dated June 16, 2011". The 6/16/11 letter states "A detail on the drawing has been provided for the downslope edge of the driveway". The detail referred to is on sheet C-2 of the plans received by the Town 6/20/11 and that detail was reviewed and considered in the 7/18/11 Town Engineer Memorandum and in the 7/19/11 Senior Planner letter. The same detail is on the plans the Town received 8/31/11 so no new information was provided after the submitted information was found to be not resolving the issue. The C-2 detail states "Salem Howes Associates may require installing Mirafi 500x when the subsoil is inspected". This does not resolve the required (4/28/11) one foot wide compacted earth shoulder outside the edge of pavement. It does not solve the safety issue of the drop-off at the edge of pavement and it does not resolve the impossibility of building the detail shown due to the difference between what the plans show as existing topography and what the existing ground conditions actually are. The consultants should go back and look at the requirements and field conditions and provide information and details that can be built and that will resolve the issues. Four photos are attached, for reference, that show the edge of pavement area at about elevation 248 to 252 where the slope and pavement support problem is most severe. Related to this, there was a requirement to show, on the plans, that the pavement design will satisfy the requirement that the pavement will support the Fire Department required gross vehicle weight of 40,000 pounds (Fire Department Standard 210). In the Fire Department Approval (9/8/11) that load requirement was made to be 60,000 pounds for this driveway so the note on the plans (sheet C-2) must show 60,000 pounds instead of 40,000 pounds.

Item 6. of the 7/19/11 letter notes the requirement to show where the new driveway pavement sections will be placed. The 7/18/11 memorandum required that the plan show the pavement section and that the pavement must be able to support the Fire Department Standard 40,000 pound gross vehicle weight. The recently received Fire Department Approval specifies 60,000 pound gross vehicle weight for this driveway. The 8/11/11 letter states "See the sections on sheet C-2". The note 6. on sheet C-2 must be changed to show 60,000 pounds gross vehicle weight support capacity. The current plan sheet C-2 shows two driveway sections and they show repaving with 2" A.C. minimum. This must be revised to satisfy the Fire Department requirement of concrete kerf-cut so as to allow for water run-off and traction in areas of pavement slope greater than 18% (this includes the inside of curves that exceed 18%) and A.C. paving in areas sloping up to 18%. The locations of the required concrete and A.C. paving must be shown. The

steep areas in the lower driveway, upper driveway and turning area must show the limits of concrete pavement placement.

Item 7. of the 7/19/11 letter identifies the required note about the pavement all weather surface that will support 40,000 (lbs.) gross vehicle weight. The 8/11/11 letter states "see the note on sheet C-2". The note is on sheet C-2 but must be revised to show it will support a 60,000 pound gross vehicle weight as required in the recent Fire Department approval.

This project should be given a condition to require that the Civil Engineer and the Geotechnical Engineer shall provide letters that they checked the driveway construction and find that it satisfies Fire Department Requirements.

Item 8. of the 7/19/11 letter addresses the requirement to show how the high speed flow on the steep driveway will be caught by the proposed drain inlets. The 8/11/11 letter states "The catch basins are County Standard Type "C" catch basins with gallery inlets as noted on sheet C-2". The lower catch basin has been moved, from the previous location, and the pavement cross-slope, now shown, will direct the stormwater toward the inlet. The grated inlets with galleries, shown, should do a good job of collecting the high speed stormwater flow on the driveway which resolves that issue.

Item 9. of the 7/19/11 letter identifies the lower inlet, near elevation 218, being in the #33 Valley Road driveway and that it must be set so the stormwater will go to it. The 8/11/11 letter states "The catchbasin is relocated on the sheet C-2". The inlet has been moved to the northerly side of the pavement. With the new inlet type with a gallery and the 2% pavement cross-slope going down to the uphill side, the driveway blockage and flow direction issues are resolved.

Item 10. of the 7/19/11 letter states the requirement to resolve the erosion and drainage issues above, in back of and westerly of the proposed house. The 8/11/11 letter states "See sheet C-2". Water ponds in the flat area next to the west side of the existing house. The C-2 plan shows grading a drainage swale through that area. A properly constructed drainage swale will resolve the drainage issue next to the house in that area.

Westerly of the existing house there is a steep cut bank that slopes up from the house at about 80%. It is sloughing and eroding. A design was required, in the 4/18/11 Town Engineer Memorandum, to resolve this issue. No design was provided. Some of the cut bank extends off the top of the sheet C-2 so the full extent of it can't be seen. This cut bank was discussed with the project Civil Engineer, by phone, 8/12/11. A design solution was to be shown along with a clear letter from the Geotechnical Engineer that described how to resolve the sloughing, erosion and stability issues for this cut bank. The Geotechnical report states "cuts and fills are generally not recommended for this site". Four photos of this cut bank are attached for reference. This issue must be resolved.

Item 11. of the 7/19/11 letter identifies the requirement to show sewer, water and storm drain lines with their sizes. This was noted in the 4/28/11 and 7/18/11 Town Engineer Memorandums. The 8/11/11 letter states "The storm drain lines are labeled with their sizes as shown on the sheet C-2". The sanitary sewer main location and size are not shown and must be shown. Since the absence of Valley Road has been stated, the sewer main easement, shown, indicates there is no easement to get the sewer to the lower boundary of this site. The completion of the sewer easement, to the satisfaction of the Sanitary District.

should be a condition of the final on the building permit.

The Architect's site plan shows a utility trench with sewer water and gas going to the building location. There will probably be several trenches for these utilities. Sewer and gas and water are not typically in the same trench. There will be a new water service line to provide the needed flow to the new fire sprinkler system. The extension of that water line to the new meter and to the water main at the connection point on the existing water main must be shown. The size of that existing water main must be shown. The placement of the new fire hydrant and the connection of that hydrant to the water main must be shown.

Item 12. of the 7/19/11 letter requires showing the grading quantities and debris removal quantities. The 8/11/11 Doyle letter states "The grading quantities and the debris quantities are noted on sheet C-2 "Grading Quantities". The grading quantities shown on sheet C-2, received 8/31/11, are the same as the grading quantities on sheet C-2, received 6/20/11, while the driveway has gotten wider. An increase in excavation should have been shown. The driveway design will get somewhat wider, still, to satisfy the width required by the Fire department so the related excavation increase must be shown.

Item 13. of the 7/19/11 letter notes the requirement to show a note identifying the County Erosion/Sediment Control details or show the details. Item 10 of the 7/18/11 memorandum required adding the note to the plans. The 8/11/11 letter states "See the note on sheet C-3". The note says "See Page Two Details --- etc." which seems to refer to the details on page two. The requirement (7/18/11 memo) was to identify the two pages of details "see the two page details --- etc." or perhaps see the two pages of details ---". The note must be changed so it will be clear to a contractor.

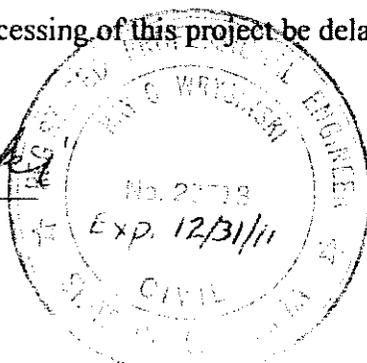
Item 14. of the 7/19/11 letter identifies a requirement for a 10' vegetation clearance along the driveway. The 8/11/11 Doyle letter states "See the letter by Neil Sorensen". This issue will have to be resolved with the Fire Department and the Town Senior Planner.

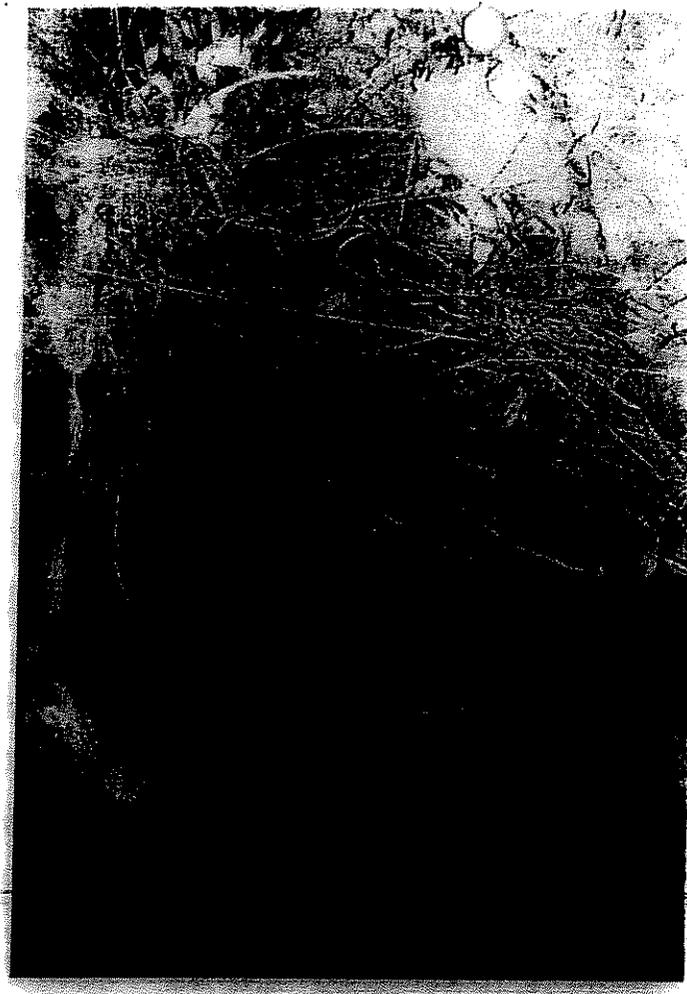
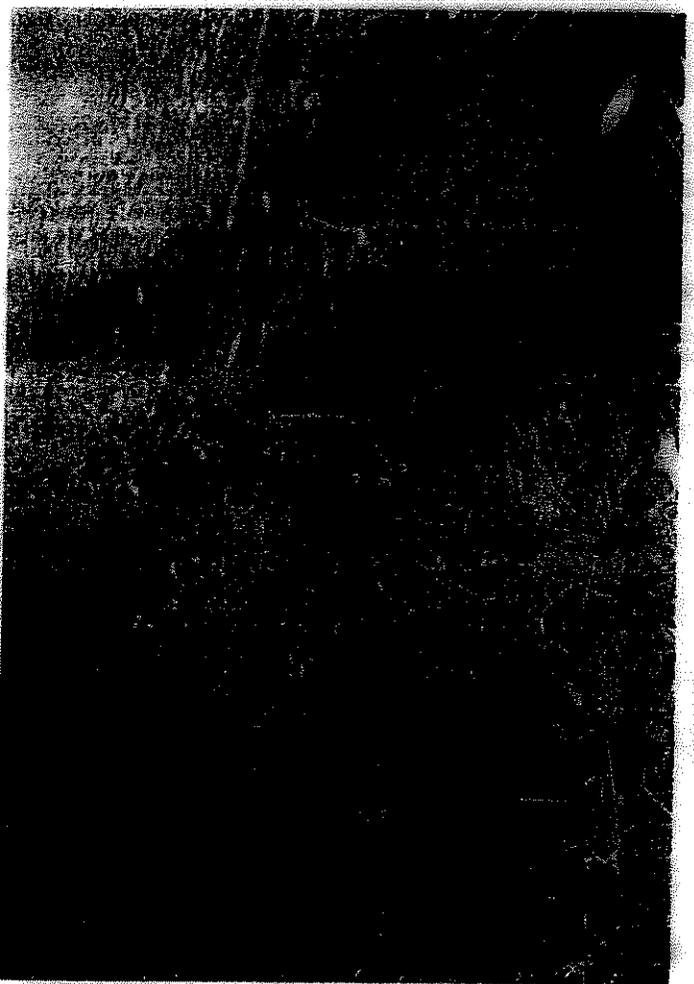
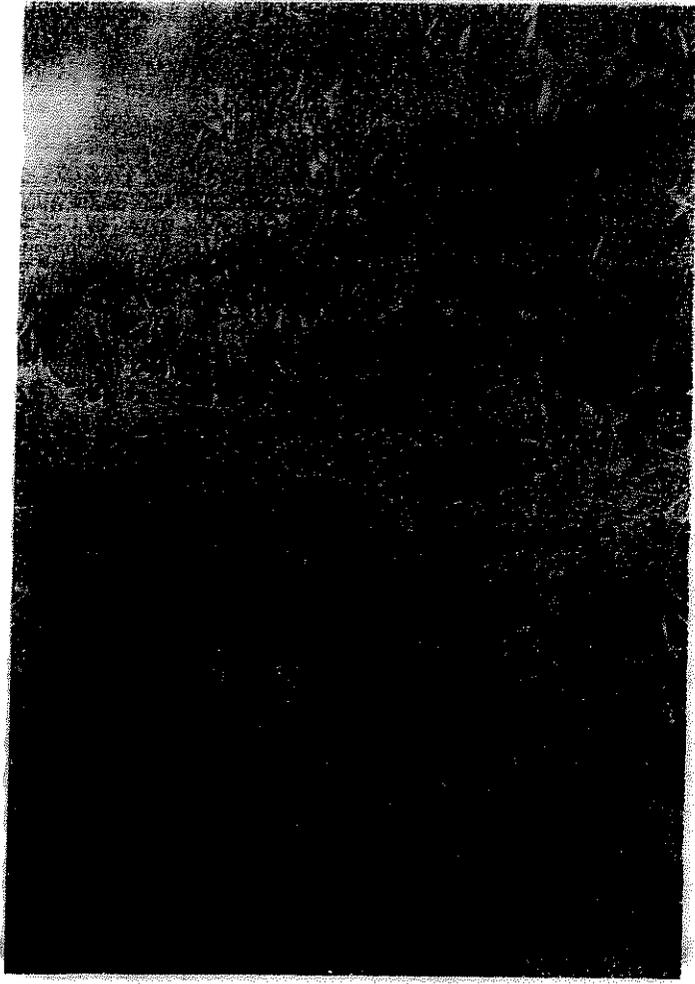
Item 15. of the 7/19/11 letter identifies review fee deposits to be made. That must be resolved with the senior planner.

The 9/8/11 Fire Department Approval includes required minimum driveway widths of 14' through the curves and 12' through the straight areas. The plan sheet C-2 shows some dimensions of 14' in curved areas and shows a 12' dimension in a straight area. The plan scales about a 12' width for the driveway in angle point locations. All the angle point areas must be shown as a minimum 14' driveway width in the angle point areas for the same distance that a minimum 27' radius tangent curve would occupy in those areas. To make the requirement clear for a contractor, the plan must show a note stating the minimum driveway width of 12' in straight areas and a minimum width of 14' in curved areas and in angle point areas along with a minimum inside curve radius of 27', all as shown in the Fire Department Approval.

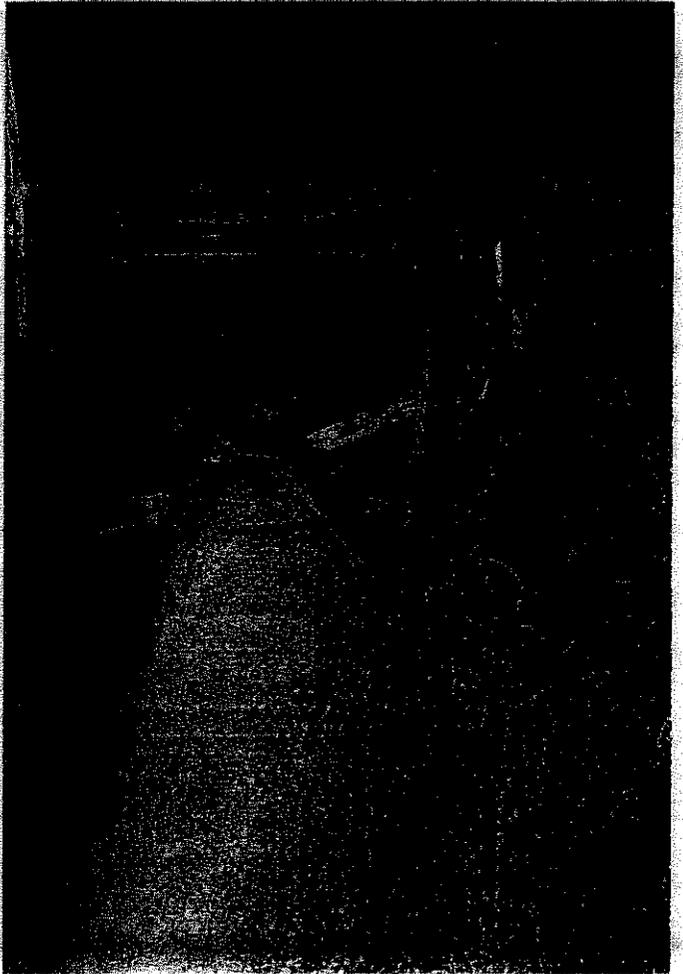
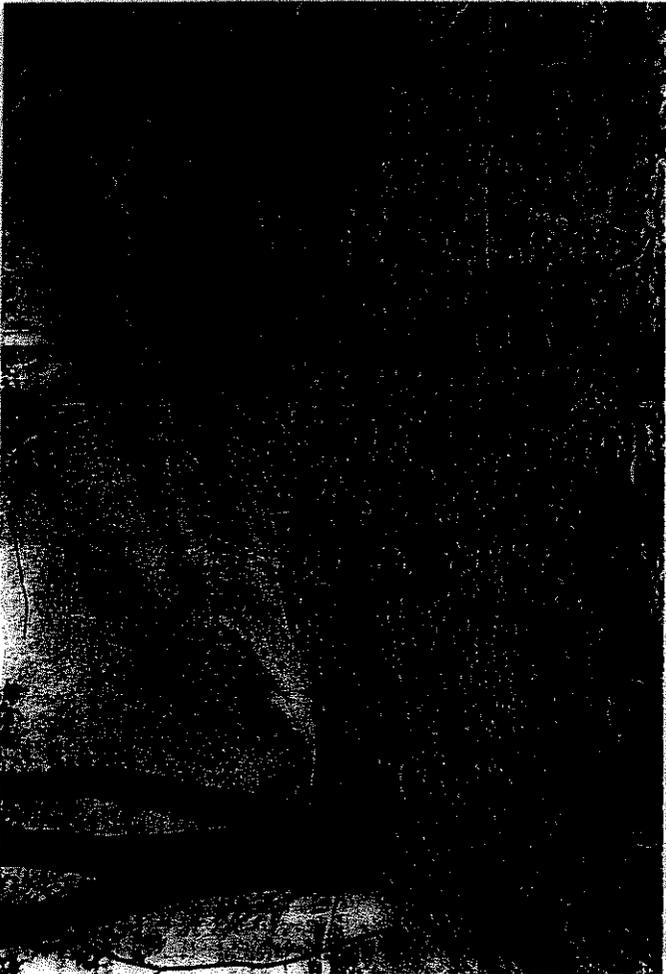
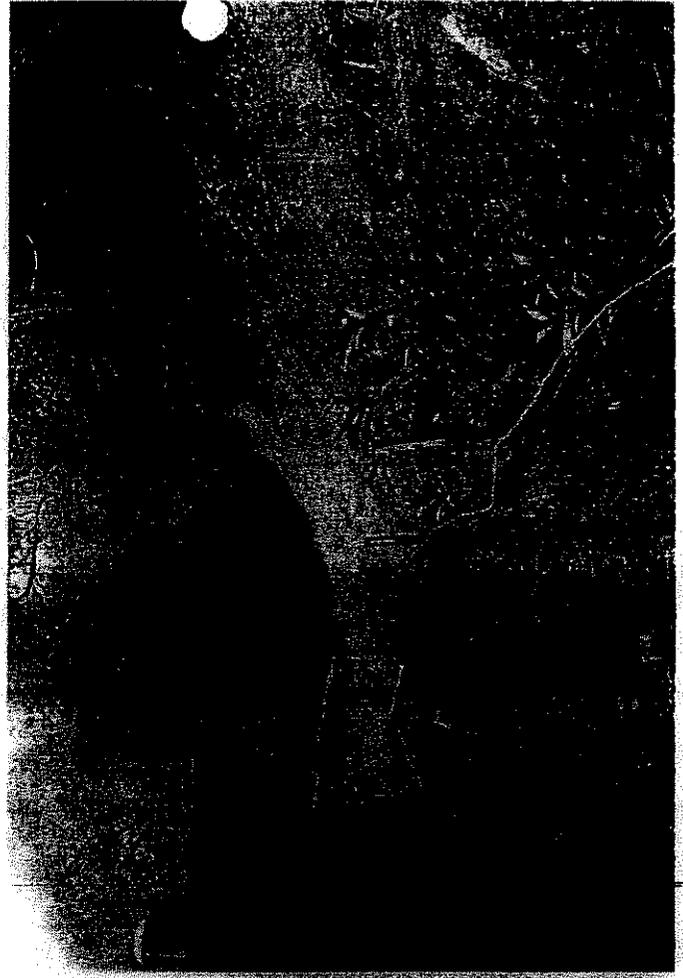
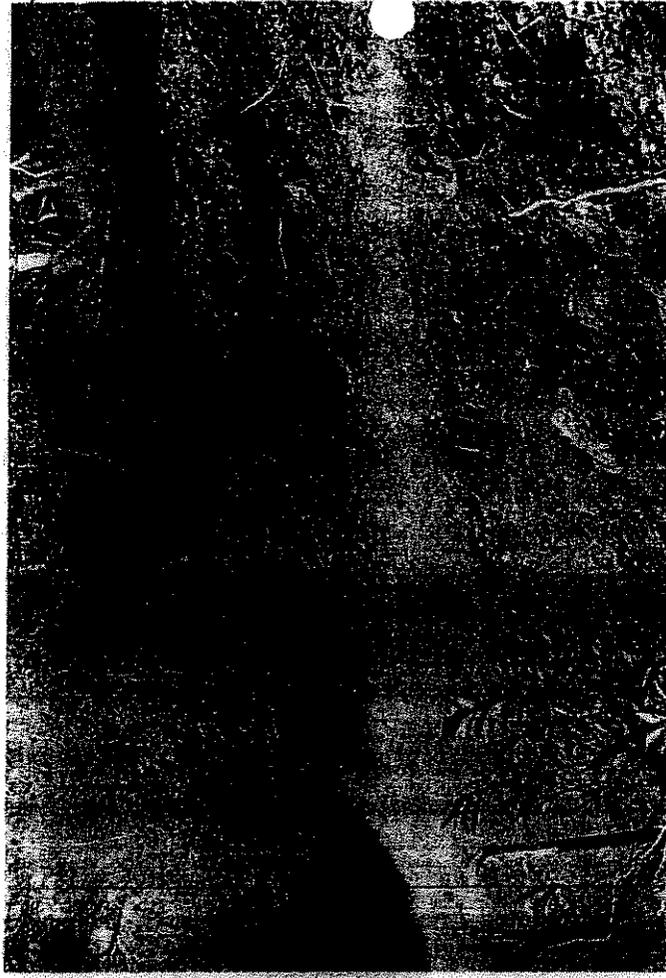
I recommend that the processing of this project be delayed until the above required information is provided.


Ray Wrynski, P. E.
Town Engineer





PHOTOS OF 62 VALLEY ROAD DRIVEWAY DOWNHILL SIDE EDGE OF PAVEMENT AND BANK NEAR ELEVATION 248 TO 252.
9/23/11 PROJECT REVIEW



PHOTOS OF CUT BANK WEST OF EXISTING 62 VALLEY ROAD HOUSE. 9/23/11 PROJECT REVIEW



TOWN OF FAIRFAX

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MEMORANDUM

To: Linda Neal – Senior Planner

Date: July 18, 2011

From: Ray Wrynski
Town Engineer

RECEIVED
JUL 21 2011

Page 1 of 4

Subject: Proposed Residence
62 Valley Road
Fairfax, CA

TOWN OF FAIRFAX

A.P. 001-063-31, 003-191-01 & 02

I have reviewed the plans and documents that were enclosed with your transmittals of 6/2/11 and 6/21/11. The items reviewed included a 10 sheet plan set from Jeff Kroot Architect, dated 5/31/11, with one sheet (C-2) dated 6/16/11, a 6/1/11 letter from Lawrence P. Doyle, civil engineer, an 11/18/05 deed (ser. No. 2005-0088285) for this subject property, a sanitary sewer easement deed, dated 10/6/1950, a 6/24/11 Fire Department Review (3 pgs.), 6/28/11 e-mails regarding 31% driveway slope approval and fire hydrant placement, from the Fire Department, and a 7/1/11 e-mail from Lawrence Doyle with two 1984 lot merger documents.

A site check, to review details of the recent submittal, was done 7/14/11.

This review involves checking for resolution of requirements given in the 4/28/11 Town Engineer review memorandum and checking new information related to Town Code requirements. Items required in the Town Engineer memorandum will be reviewed in the numbered items below.

1. A topographic survey, signed by a licensed surveyor, showing a dimensioned boundary with easements and all existing structures was required. The submitted sheets C-1 and C-1.1 show this information as well as can be done. The required copies of the fee title deed and the sewer easement were submitted as noted above.

A recorded record of survey was submitted 3/31/11 and that map provided the dimensioned boundary for this single parcel of land where the existing house was and where the proposed house will be built. The originally submitted topographic survey with boundary and the originally submitted site plan agreed with the record of survey. During the review process, the surveyor pointed out that there were two parcels of land (based on the noted merger documents). Those parcels, with possible boundaries and a possible road right of way are shown on sheet C-1.1 of the recent submittal. The surveyor has indicated that the interior boundaries shown are based on the unrecorded Map of Fairfax Park Tract. A copy of that map must be submitted for Town file records and for review of this project proposal. The merger documents indicate Assessor's Parcels 3-191-01 & 02 are lots 280-282 of Fairfax Park (which may be the same as Fairfax Park Tract). The merger documents indicate Assessor's Parcel 1-063-31 is lots 263 through 279 of the Amended Map of Fairfax Manor, Block H. A copy of that map must be submitted for Town records and review of this project. The merger documents show some recognition by the Town that

there are two separate parcels in the property shown on the record of survey but there is no evidence, at this time, that the parcels satisfy requirements of the Subdivision Map Act of the State of California (Section 66410 et seq. of the California Government Code). Satisfying the Map Act is required prior to development of Assessor's Parcels 003-191-01 & 02. The dimension lines shown on the sheet C-1.1 on the interior of the property are subject to compliance with the Map Act requirements. That compliance process appears to be separate from this house construction approval application process.

2. Information was required to be submitted that defined the Valley Road and the Lane shown on the site. That information was not received. It will be assumed that the existing driveway that is outside of and easterly of the property line in the Valley Road area, has access rights to be there. It appears that resolving the Road and Lane should be left to the Map Act compliance process noted above. The driveway to the site was noted to be encroaching on the adjoining property at the easterly end of the site. That encroachment has been resolved on the plan by showing an extension of the pavement northerly for a 14' width inside the Valley Road area.

The 4/28/11 review memorandum gave discussion of the Valley Road area on this site. For this proposal, I do not consider the Valley Road area a street right of way. I recommend that clarification of the use of the Valley Road area be done as a part of the above noted Map Act compliance process. The vehicle access for this proposal should be considered a driveway that will only serve the existing building site. To serve more than the existing building site, an access and utility right of way should be created and the existing paved access should be modified or completely replaced to meet Town and Fire Department standards.

The 4/28/11 memorandum gave Town requirements for a driveway as a maximum 25% slope and minimum 12' width (the existing paved driveway is as narrow as 9'). This does not supersede Fire Department requirements. The Fire Department indicates, in their 6/24/11 plan review, that they will accept the proposed 14' wide driveway. The 6/28/11 Fire Department e-mail states they are aware of the 31% slope and states that additional measures are included in the engineering to minimize this. The sheet C-2 plan shows pavement contours that could slightly lessen the slope but no particular slope or vertical curve requirements are specified on that plan. The 14' wide driveway is shown, on sheet C-2 as having a minimum width of 12'. We have been told that the Fire Department has approved the design. A copy of that approval must be provided for Town review.

Regarding the driveway slope, I have been told, by the project civil engineer, that the driveway has been used by the owner and has been traveled by Fire Trucks. Allowing it to remain close to the way it is will help control the cost, for the owner, of replacing the house lost to fire. I will not recommend a finished driveway slope steeper than 25% for a new house as will be placed here. If the Planning Commission wishes to allow slopes of this driveway to follow the existing condition (up to 31% slope) or follow what the Fire Department will accept, I would view that as a special effort to assist in the replacement of the house that was lost. During my 7/14/11 site check, I observed a car coming uphill to the upper driveway of #33 Valley Road. This is the first house below the 62 Valley Road property. That part of the paved road has slopes of about 28% to 30% on the inside of the paved curve. The tires on that car were losing traction and spinning a little when it passed over that steep pavement. Loss of traction is one of the problems with steep vehicle access ways. The poor condition of Valley Road in the #33 frontage area contributes to traction problems there.

The 12' wide area on the driveway must be confirmed to satisfy the Fire Department/s 14' width requirement or it must be widened to 14' and the related grading and retaining wall work must be shown.

3. The proposed widened driveway shows 2' to 3' high wood retaining walls along the uphill side where the existing bank will be cut. The Town Code (12.20.130) requires retaining walls to be of concrete, brick, stone or other material not subject to rapid deterioration. The 2' to 3' proposed wall height leaves existing near vertical cut banks 2' to 4' high above the wall. These banks are sloughing and will continue to be a problem unless they are stabilized. As previously noted, the geotechnical report states "unsupported cuts and fills are not recommended for this site". Higher retaining walls or some other bank stabilization must be shown. As previously noted, specific geotechnical engineer's recommendations must be provided for proposed cut and fill slopes.
4. The 4/28/11 memorandum noted, in the area of driveway elevations 248 to 264, the driveway downslope edge is supported by a steep slope of about 80% with some vertical areas at the edge of pavement. Fill slopes should not be steeper than 50% and, for this site, the geotechnical engineer does not recommend cut or fill slopes. A typical 50% fill slope could not be built, on an 80% existing slope, to support the road even if it was approved by the geotechnical engineer. The proposed design shows a small fill of unspecified slope to support the new edge of pavement where the existing edge is. ~~This edge location would create a drop off point safety problem for wheels that got off the edge of pavement.~~ A minimum one foot earth shoulder was required (4/28/11 memo) beyond the edge of pavement to reduce the drop off problem. That is not shown. A retaining wall and a guard rail may be needed to provide adequate support for the edge of road for heavy wheel loads and to provide protection from the drop off at the pavement edge for the design shown. Some of the existing slope below this area of the driveway is soft and easily displaced when walked on and is not suitable for placing compacted fill without some specialized engineering design to make a stable fill. The existing concrete and rock rip rap shown, in this area below the road, is supported, at its base by steel fence posts and rebar driven into the slope. That material has shifted away from the edge of pavement and so is not providing support. As previously noted, the project geotechnical engineer must provide design criteria for the edge of driveway, so it will support heavy wheel loads, at this top of slope area. Shifting the driveway northerly in this area, away from that steep downhill slope, may be one of the least difficult solutions to that steep weak slope problem. The driveway information on the plan suggests there will be new pavement placed. The pavement section must be clarified so it shows what pavement section will be placed. The existing driveway pavement is badly broken and rutted and not suitable to carry heavy wheel loads. To clarify the pavement load carrying strength, a note must be added to the plan stating "The pavement design satisfies the Fire Department requirement for All Weather Surface that will support 40,000 (lbs.) gross vehicle weight".
5. The 4/28/11 memorandum required some additional drainage design. Drainage inlets are shown on the driveway as suggested. The construction plans design must show how the high speed flow on the steep driveway will be caught by the proposed drain inlets. The lower inlet is shown to be set in the existing driveway to #33 Valley Road. That inlet must be moved so it does not interfere with that driveway. That inlet (near elevation 218) is shown to be on the high side of the 2% driveway pavement cross-slope so water will not flow to it. The design must show directing the stormwater toward the inlet. The 4/28/11 memorandum required the design to resolve the erosion

and drainage collection issues in the area above, in back of and westerly of the proposed house.

6. The area directly in back of the house is a ponding area. Drainage must be shown for it.
7. The existing wood retaining walls westerly of the house are shown to be replaced which resolves that issue.
8. The 4/28/11 memorandum required showing sewer, water and storm drain lines labeled with their sizes. The water service line to the house must be shown. The existing sanitary sewer line in areas of construction such as the driveway, near the east edge of the property, must be shown. The fire hydrant, required by the Fire Department, and the water line to serve the hydrant must be shown.
9. The 4/28/11 memorandum required the grading quantities and debris removal quantities to be shown. The excavation quantity is shown as 270 cubic yards to be removed from the site. The debris removal, from the site, is shown to be 100 cubic yards. This quantity of material movement requires Planning Commission approval as required by Code Section 12.20.080.
10. The 4/28/11 memorandum required the submittal of an erosion control and stormwater pollution prevention plan. The sheet C-3 provides most of what is needed for that plan. Some items in the noted "Minimum Erosion/Sediment Control Measures for Small Construction Projects" are not on the C-3 sheet. A note must be added stating "See the two page details of the Marin County Stormwater Pollution Prevention Program – Minimum Erosion/Sediment Control Measures for Small Construction Projects – for additional information".

I recommend that the processing of this project be delayed until the above information is provided.

Ray Wrynski
Ray Wrynski, P. E.
Town Engineer





TOWN OF FAIRFAX

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MEMORANDUM

MAY -2 2011

To: Linda Neal – Senior Planner

TOWN OF FAIRFAX
Date: April 28, 2011
Page 1 of 5

From: Ray Wrysinski
Town Engineer

Subject: Proposed Residence
62 Valley Road
Fairfax, CA

A.P. 001-063-31, 003-191-01 & 02

I have reviewed the documents that were enclosed with your transmittals of 3/4/11, 4/1/11, 4/8/11 and 4/19/11. The items reviewed included plans titled Floor Plans and Elevations, two sheets, by Jeff Kroot Architect, dated 4/8/10, plans by Jeff Kroot, eight sheets, dated February, 2011, including an unsigned topographic survey (2/25/11) by Lawrence Doyle Land Surveyor Civil Engineer, an unrecorded record of survey (01/2011) by Lawrence Doyle and an unsigned Partial Topographic Survey (5/13/10) by Lawrence Doyle, a Geotechnical Report, dated 2/4/11, by SalemHowes Associates, Inc., a Site Plan, dated 3/22/11, by Jeff Kroot, a signed Topographic Survey, dated 3/29/11, by Lawrence Doyle, a signed Grading and Drainage Plan, dated 3/29/11, by Lawrence Doyle, a Vegetation Management Plan, dated 3/22/11, by Jeff Kroot, a recorded Record of Survey, dated 01/2011, an unrecorded reservation of easement document, dated 4/11/11, a preliminary title report, dated 3/11/10, a letter by Lawrence Doyle to the Ross Valley Fire Department, dated 3/29/11, and a letter by Jeff Kroot to the Senior Planner, dated 4/7/11.

A site review was done 3/21/11.

Town Code Section 17.072.080 provides a list of submittal requirements for Hill Area Residential Development. Submittal requirements include providing a topographic and boundary survey signed by a licensed surveyor. The survey must include boundary lines, dimensions and easements. If there are no easements a notation on the survey must be included stating that there are no easements. It is noted on the submitted topographic survey "Lot May Be Subject to Easements Not Shown". The survey must show easements including those existing and proposed. To resolve the easement question, a note such as "Based on a review of the title report for this property (give report date and source) and this surveyor's knowledge of this site, all easements are shown" must be added to the topographic survey. The submitted recorded record of survey satisfies the need for that document. A plan sheet must be submitted that shows the entire boundary with the easements and the topography information. This sheet will probably need to be a scale of 1" = 40' or 1" = 50' to get all the information on it and to scale. It will include the submitted topography survey at a reduced size to fit the smaller scale. Sometimes large parcels like this have storage sheds or other structures scattered over their area. The topographic survey must have a note added to it that states "All existing structures, on the site, are shown". The easement proposed in the reservation of easement document must be shown on the topographic survey and on the site plan and grading plan. The boundary information shown on the recorded Record of Survey must be

reflected on the topographic survey and on the project site plan and grading plan. The Architect's Site Plan, the Topographic Survey and the Grading and Drainage Plan must have the dimensions for the most easterly line on the boundary added. Information must be submitted, in addition to the above record of survey for use in the Town Engineer review of the above topographic survey. A copy of the current fee title deed for this property must be submitted. The title report shows easements and other recorded restrictions on the site title, copies of those recorded documents must also be submitted for use in review of the survey. A recorded copy of the document that created the sewer easement must be submitted.

The Assessor's maps and the property description in the preliminary title report ~~for Valley Road as a separate parcel~~. The title report describes an exception to coverage in item 4. "Rights of the Public as to any portion of the land lying within the area commonly known as Valley Road". The topographic survey (3/29/11) indicates that the westerly side of Valley Road, easterly of the building site, is a 10' easement. The lane southerly of this 10' easement is not shown and must be shown. The submitted recorded Record of Survey seems to show Valley Road and the southerly lane as a separate parcel along the easterly side of the easterly line of the Kibbe site property line. ~~_____~~

~~_____~~ Are they a separate parcel dedicated as a Road or are they an easement on the Kibbe site and on the adjoining sites just easterly of Kibbe? If they are an easement on the easterly side of the Kibbe easterly line, ~~_____~~

~~_____~~ The existing driveway is shown to extend easterly of the easterly property line and to be there it must be in an existing road right of way or in a suitable existing easement.

The existing driveway, to this site adjacent to the easterly line of the site (S 29° 34' 30" W, 13.50'), extends outside of the Valley Road right of way and encroaches on the adjoining property. It looks like there is about 12' of width from the utility pole there to the edge of the Valley Road right of way. If 12' is determined to be an acceptable width for the paved access, a resolution to the encroachment problem must be shown if that is possible.

It has been the Town policy to require a minimum private road standard in public street right of way. This is a 20' wide pavement at a maximum 20% slope. If Valley Road is a public street right of way, the fact that it appears to be 20' wide makes it unfeasible to construct a 20' usable pavement width. The apparent alignment of the right of way does not look adaptable to keeping the road inside the right of way in all places. Additional right of way grants may be needed to keep the finished road inside the public right of way. The road width requirement has been reviewed in the past and a 14' wide pavement was approved in several cases where only a single dwelling would be served. The maximum slope is a problem for this site since the upper part of the existing driveway has slopes up to about 30% based on my field measurements and on the submitted topographic survey. The maximum allowable slope for a new single family residence driveway is 25%. The 25% slope may be too steep for emergency vehicles so that issue must be resolved. The Ross Valley Fire Department roadway standard 210 is addressed in the 3/29/11 letter by Lawrence Doyle to the Fire Department. A 12' driveway width is requested in place of the 16' minimum standard and the maximum slope of 18% to 22% is requested to be waived. If there is no public right of way and only this single dwelling will be served, I would recommend, as satisfying Town requirements, a 12' minimum pavement width and a maximum 25% driveway slope with the needed vertical curves to prevent the underside of vehicles from hitting the pavement. This is not intended to supersede Fire Department Requirements. We must find out what the Fire Department is going to require for paved width and slope before I can check the driveway design.

The driveway grading that is suggested on the Grading and Drainage Plan appears to show 100% cut slopes. 50% maximum cut and fill slopes are allowed unless there is a special approval based on a specific Geotechnical Engineer's report that justifies the steeper slope. The submitted Geotechnical Engineer's report states "Unsupported cuts and fills are not recommended for this site". Steep cuts in rock can be stable but those cuts often leave unsupported soil overburden above the rock and that soil often becomes a source of surface landslides. Any unsupported cut recommendations must provide a solution that results in the stability of the soil over rock that will be exposed in the cuts.

The driveway typical section or sections must be shown. On the downslope side of the driveway there must be a minimum one foot wide compacted earth shoulder beyond the edge of pavement. In the area of about elevation 248 to elevation 264 the edge of driveway is supported or partly supported by an existing very steep slope of about 80%. In some areas there is a small vertical drop from the top outside edge of pavement to the earth slope below. This is an unsupported pavement edge and it can be expected to break and fail to support wheel loads that get near this edge of pavement. This edge of pavement may need to be supported by a designed retaining wall so that it will have enough strength to bear normal wheel loads and the occasional heavy wheel load such as an emergency vehicle. The project geotechnical engineer must provide design criteria for the downslope edge of driveway design so that it will provide sufficient support for heavy wheel loads.

The Town Code requires the submittal of a Soils or Geotechnical Engineer's report for the project. The submitted report satisfies most of that requirement. The additional information noted above must be submitted to complete the requirement for a Geotechnical Engineer's report.

The existing driveway, on the site, diverts stormwater flow down onto the lower part of Valley Road creating a drainage problem in that area. The excessively wet pavement problem was observed during my 3/21/11 site check. This drainage problem must be corrected by a design shown on these plans. I suggest modifying the driveway pavement cross-slope so that it drains to the uphill side of the driveway. Stormwater collection drainage inlets in the area of elevation 250 and elevation 220 could then be provided. The stormwater collected at those locations could be taken in a storm drain pipe to the nearby natural drainage channels and discharged to those channels in an area with designed erosion protection placed to prevent washout of the soil in the discharge area. The drainage pipes will traverse steep slopes and so the design and construction of the pipe routes and discharge area erosion protection must be approved by the project geotechnical engineer.

The site drainage is shown on the Grading and Drainage Plan. That plan shows some drainage to be taken to the driveway and discharged as surface flow. The driveway stormwater flow will be collected in the driveway drainage system noted above. Some of the roof drainage is shown to go to splash blocks. The Geotechnical Report recommends that roof gutter downspouts discharge into a solid drain line. The Report also recommends controlling drainage from flat areas. The drainage design must be revised to satisfy the Geotechnical Engineer's requirements. There is significant hillside runoff area that drains to uphill back of the house and the adjoining side yards in that area. That area also has existing cut banks that are being eroded by that flow. Drainage design must be shown to resolve the erosion and drainage collection issues in the area above, in back of and westerly of the house and the house side yards.

There are wood retaining walls in the back, westerly, side of the house and easterly of the house that are in poor condition but are shown to remain. These walls must be replaced with retaining walls satisfying the Geotechnical Report design requirements or they must be removed and the retaining function must be resolved with a grading design or other solution.

The Code Section 17.072.080 requires that the project site plan must show existing and new on site drainage facilities and necessary offsite improvements, easements, sanitary sewer, water and storm drain lines labeled with their sizes including in the Valley Road frontage at the bottom of the site. Utility connection points must be shown including utility trenches in the street. The water service will most likely have to be replaced with a lateral that will satisfy fire flow requirements so the water service line location must be shown.

Trees will be removed so a Fairfax Tree Committee report and permit must be obtained.

The Grading and Drainage Plan shows that there will be a relatively small increase in hard surface area from the condition of the existing house and the new house. I find that no special drainage mitigation design is needed to mitigate the increased flow from the increased hard surfaces since that flow will be ~~such a small increase to the overall drainage flow from this site.~~

The grading quantities for excavation, compacted fill and soil removed from the site must be shown. The excavation quantities must include a reasonable estimate for excavation needed to place foundation and retaining wall footing and excavation from drilling foundation piers. Additionally, this site will have a substantial quantity of debris from the existing structures and paving that will be removed from the site. The estimated cubic yards of that debris to be removed from the site must be provided so that an estimate can be made of the number of truck trips that will be made into and out of the site for the purpose of removing that debris.

A condition of approval should be placed on the work that pavement damage to Valley Road by the project construction traffic will be repaired. The Town Director of Public Works should review the condition of the pavement before work begins and review the condition of the pavement after work is finished and determine what, if any, pavement damage caused by the construction traffic, must be repaired.

An erosion control and stormwater pollution prevention plan must be submitted. The plan must, at a minimum, must specify erosion control and stormwater pollution prevention improvements comparable to the Marin County Stormwater Pollution Prevention Program – Minimum Erosion/Sediment Control Measures For Small Construction Projects – as shown on the two pages of details provided by the Marin County Stormwater Pollution Prevention Program. These details can be seen on the County web site www.mcstoppp.org.

A construction management plan must be submitted to show that the Town Code Section 12.28 prohibition of obstructing roads can be satisfied.

I recommend that the processing of this project be delayed until the above information is provided.

A handwritten signature in cursive script that reads "Ray Wrynski". The signature is written in black ink and is positioned above a horizontal line.

Ray Wrynski, P. E.
Town Engineer



Ross Valley Fire Department

777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: New Single Family Dwelling
ADDRESS: 62 Valley Road
Fairfax CA, 94960

Page: 1 of 4
Date: 09/08/2011
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning

E-mail: Rbastianon@rossvalleyfire.org

Bldg. Dept. #

Date Stamp # 08/31/11

Fire Dept. # 11-0033

Review No. 3

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

Applicant*: Fairfax Planning
Address: Town Hall
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: YES	Fire Alarm Required: NO
Bldg Area: 2696sf:	Turn-Around Req: YES	Permits Required: Sprinkler
Stories: 2	Fire Flow Test Required: NO	Vegetation Management Plan
Height: 35ft.	Wildland Urban Interface: YES	

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.

ROSS VALLEY FIRE DEPT.
REVIEWED

DATE: 9/8/11

Inspections required:

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

EXHIBIT # E



Ross Valley Fire
Department

777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: New Single Family Dwelling
ADDRESS: 62 Valley Road
Fairfax CA, 94960

Page: 2 of 4
Date: 09/08/2011
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning

E-mail: Rbastianon@rossvalleyfire.org

Bldg. Dept. #

Date Stamp # 08/31/11

Fire Dept. # 11-0033

Review No. 3

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

ITEM #	SHEET	COMMENTS	Corr. Made
1		This project has been reviewed by the Ross Valley Fire Department to ensure compliance with the intent of the Fire Code. RVFD cannot waive Fire Code requirements for projects. Applicants may request alternate material or methods when the letter of the code cannot be met. Sufficient evidence or proof shall be submitted to substantiate any claims that may be made regarding its use to ensure compliance with the intent of the code. Approved alternate forms shall be included as part of the plan submittal for building permit. Please note that additional review by other departments may be required to ensure compliance with other Town regulations.	
		Submitter's Response: Correction has been completed. See Sheet _____ of Plans Calculations.	
2		The scope of this project is to replace a single family dwelling destroyed by fire, with a new 2696sf single family dwelling. Project is located in the Wildland Urban Interface area of Fairfax. Projects within the Wildland-Urban Interface are required to meet the requirements in Chapter 7A of the California Building Code and the 2006 International Wildland-Urban Interface Code as amended and adopted by the Town of Fairfax.	
		Submitter's Response: Correction has been completed. See Sheet _____ of Plans Calculations.	
3		Fire apparatus access shall be provided to within 150 feet of all portions of 1st floor exterior walls. Fire access exceeding 150 feet in length shall have an approved turnaround designed to Ross Valley Fire Department Standards. Sheet C-2 date stamped August 31, 2011, by the Town of Fairfax is approved with the following conditions. <ol style="list-style-type: none"> 1. Minimum driveway width for this project shall be no less than 12 feet in the straights and 14 feet through the curves. 2. Minimum inside turning radius shall be 27 feet. 3. Driveway shall be constructed with an all weather surface. All weather surfaces shall mean A/C paving, or concrete capable of supporting 60,000 gross vehicle weights. 4. Grades up to and including 18% may be of A/C paving. Grades greater than 18% shall be of concrete curb-cut so as to allow for water run-off and traction. 	



Ross Valley Fire
Department

777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: New Single Family Dwelling
ADDRESS: 62 Valley Road
Fairfax CA, 94960

Page: 3 of 4
Date: 09/08/2011
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning
Bldg. Dept. #

E-mail: Rbastianon@rossvalleyfire.org

Date Stamp # 08/31/11

Fire Dept. # 11-0033

Review No. 3

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

ITEM #	SHEET	COMMENTS	Corr. Made
		<p>5. All roadways, turnarounds, and turn outs are designated Fire Lanes. Parking is not permitted within the required clearance widths and shall be posted in accordance with Ross Valley Fire Department Standard #204.</p> <p>6. Grading shall extend a minimum 6 feet beyond the paved portion of the turnaround as shown on the plans. This will allow the tailboard to hang over and comply with minimum RVFD standards.</p>	
		<p>Submitter's Response: Correction has been completed. See Sheet _____ of () Plans () Calculations.</p>	
4		<p>CFC Section 4903.7 requires removal of flammable and combustible vegetation within 10 feet of driveways. Remove the vegetation within the easement areas only and on your property. Do not remove vegetation outside of the easement without first obtaining permission from adjoining property owners.</p>	
		<p>Submitter's Response: Correction has been completed. See Sheet _____ of () Plans () Calculations.</p>	
5		<p>A fire protection sprinkler system shall be installed which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and as modified in the approved alternate materials request. 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>Submitter's Response: Correction has been completed. See Sheet _____ of () Plans () Calculations.</p>	
6		<p>A fire hydrant shall be provided so that all portions of the buildings shall be no greater than 350 feet from the closest hydrant. Distance is measured along the actual path of travel. The hydrant is required to be a Jones Model # 3740 with 1 - 2.5" outlet and 1 - 4.5" outlet.</p> <p>A modified 13D fire sprinkler system is approved as an alternate to relocating or adding an additional fire hydrant. Upgrading the existing hydrant body per by Section 508.5.1.1 of the Fire Code to a Jones model #3740 is required as a condition of approval for this project.</p>	
		<p>Submitter's Response: Correction has been completed. See Sheet _____ of () Plans () Calculations.</p>	
7		<p>A Vegetation Management Plan (VMP) shall be required for this project and shall be designed in accordance with RVFD Standard #220. A</p>	



Ross Valley Fire
Department

777 San Anselmo Ave
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FIRE DEPARTMENT PLAN REVIEW

PROJECT: New Single Family Dwelling
ADDRESS: 62 Valley Road
Fairfax CA, 94960

Page: 4 of 4
Date: 09/08/2011
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning

E-mail: Rbastianon@rossvalleyfire.org

Bldg. Dept. #

Date Stamp # 08/31/11

Fire Dept. # 11-0033

Review No. 3

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

ITEM #	SHEET	COMMENTS	Corr. Made
		separate permit is required.	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
8		Alternate materials or method are approved for this project. All approval documents shall be copied onto the permit set of construction plans. Any changes to the scope of work for this project will require further review to ensure the entire intent of the fire code is in compliance.	

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



Ross Valley Fire
Department

777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: New Single Family Dwelling
ADDRESS: 62 Valley Road
Fairfax CA, 94960

Page: 1 of 3
Date: 06/24/2011
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning
Bldg. Dept. #

E-mail: Rbastianon@rossvalleyfire.org

Date Stamp # 06/21/11

Fire Dept. # 11-0033

Review No. 2

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

Applicant*: Fairfax Planning
Address: Town Hall
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: YES	Fire Alarm Required: NO
Bldg Area: 2696sf.	Turn-Around Req: YES	Permits Required: Sprinkler
Stories: 2	Fire Flow Test Required: NO	Vegetation Management Plan
Height: 35ft.	Wildland Urban Interface: YES	

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.

**ROSS VALLEY FIRE DEPT.
REVIEWED**

DATE: _____

[Handwritten Signature]
06/24/11

Inspections required:

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



Ross Valley Fire
Department

777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: New Single Family Dwelling
ADDRESS: 62 Valley Road
Fairfax CA, 94960

Page: 2 of 3
Date: 06/24/2011
Reviewed by: Rob Bastianon
(415) 258-4673

TYPE OF REVIEW: Planning
Bldg. Dept. #

E-mail: Rbastianon@rossvalleyfire.org

Date Stamp # 06/21/11

Fire Dept. # 11-0033

Review No. 2

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

ITEM #	SHEET	COMMENTS	Corr. Made
1		<p>This project has been reviewed by the Ross Valley Fire Department to ensure compliance with the intent of the Fire Code. RVFD cannot waive Fire Code requirements for projects. Applicants may request alternate material or methods when the letter of the code cannot be met. Sufficient evidence or proof shall be submitted to substantiate any claims that may be made regarding its use to ensure compliance with the intent of the code. Approved alternate forms shall be need to be included as part of the plan submittal for building permit. Please note that additional review by other departments may be required to ensure compliance with other Town regulations.</p>	
		<p>Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/>Plans <input type="checkbox"/>Calculations.</p>	
2		<p>The scope of this project is to replace a single family dwelling destroyed by fire, with a new 2696sf single family dwelling. Project is located in the Wild-land Urban Interface area of Fairfax.</p> <p>Projects within the Wild-land Urban Interface are required to meet the requirements in Chapter 7A of the California Building Code and the 2006 International Wild-land Interface Code as amended and adopted by the Town of Fairfax.</p>	
		<p>Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/>Plans <input type="checkbox"/>Calculations.</p>	
3		<p>Fire apparatus access shall be provided to within 150 feet of all portions of 1st floor exterior walls. Fire access roads shall have a minimum unobstructed width of 20 feet. Access driveways shall be a minimum 16 feet in width. Fire access exceeding 150 feet in length shall have an approved turnaround designed to Ross Valley Fire Department Standards. Fire access road and driveways shall be designed in accordance with RVFD Standard #210 or equivalent.</p> <p>Existing driveway conditions are between 9 and 12 feet wide with an inadequate turnaround for fire apparatus. The proposed 14 foot driveway and turnaround are approved for this project. CFC Section 4903.7 requires removal of flammable and combustible vegetation within 10 feet of driveways. Plans do not show existing vegetation along the lower part of the driveway.</p>	
		<p>Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/>Plans <input type="checkbox"/>Calculations.</p>	



Ross Valley Fire Department
777 San Anselmo Ave
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TYPE OF REVIEW: Planning
Bldg. Dept. #

E-mail: Rbastianon@rossvalleyfire.org

Date Stamp # 06/21/11

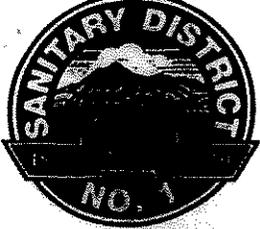
Fire Dept. # 11-0033

Review No. 2

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

ITEM #	SHEET	COMMENTS	Corr. Made
4		A fire protection sprinkler system shall be installed which complies with the requirements of the National Fire Protection Association (NFPA) 13-D. 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. Noted on plans.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
5		A fire hydrant shall be provided so that all portions of the buildings shall be no greater than 350 feet from the closest hydrant. Distance is measured along the actual path of travel. The hydrant is required to be a Jones Model # 3740 with 1 - 2.5" outlet and 1 - 4.5" outlet. Applicant may request alternate material or methods. Sufficient evidence or proof shall be submitted to substantiate any claims that may be made regarding its use.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
6		A Vegetation Management Plan (VMP) shall be required for this project and shall be designed in accordance with RVFD Standard #220.	
		Submitter's Response: Correction has been completed. See Sheet _____ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	

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



ROSS VALLEY SANITARY DISTRICT

Serving the Greater Ross Valley Area for 111 Years

2960 Kerner Boulevard San Rafael, Ca 94901

Ph: 415.259.2949 Fax: 415.460.2149

WWW.RVSD.ORG

Brett N. Richards ~ General Manager

Directors: Marcia Jonson, President ~ Peter Wm Sullivan, M.D., Secretary ~ Patrick Guasco, Treasurer ~ Pam Meigs ~ Frank Egger

March 16, 2011

Ms. Linda Neal
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

TOWN OF FAIRFAX

MAR 17 2011

RECEIVED

SUBJECT: 62 VALLEY ROAD, FAIRFAX, APN 001-063-63, 003-191-01 AND 02

Dear Ms. Neal:

We are in receipt of your transmittal dated March 4, 2011 concerning the above-referenced project. (District) has no objection in general, but has the following comments and requirements if the project is approved:

We have been informed that a building permit is pending for the above-referenced demo-rebuild. Sanitary District No. 1 requires that a sewer connection permit be issued for new buildings. The fee for this permit will depend on the number of fixture units in the new house, and can be calculated from the enclosed Requirements to Obtain a Sewer Permit information sheet. Additionally, enclosed for your use is another informational sheet regarding the side sewer connection permit and inspection process.

Sanitary District No. 1 will be placing a hold on said property once the building permit has been issued. This hold will prevent the new house from being released for occupancy until the District's permit and sewer requirements are fulfilled. It is the owner's responsibility to obtain a sewer connection permit from this office and meet all District requirements pertaining to the private side sewer/lateral.

Should you require additional information, please do not hesitate to contact this office.

Sincerely,


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

Attachments:

1. Side Sewer Connection Permit & Inspection Process.
2. Requirements to obtain a sewer connection Permit.

Sanitary District No. 1 of Marin County Side Sewer Connection Permit & Inspection Process

1. Applicant obtains a building permit from the building department of jurisdiction.
2. Prior to connecting the building to the public sewer and prior to the final inspection of the building by the building department of jurisdiction, applicant must pay the applicable connection fee.
3. If installation of the side sewer requires digging in a street or public right-of-way, applicant must obtain the necessary encroachment permit from the city, town, or county having jurisdiction over the street or right-of-way.
4. The sewer contractor must arrange a District inspection prior to performing any work. The contractor can begin the sewer work on the date of the scheduled inspection. It is the responsibility of the sewer contractor to arrange for the necessary District inspections as the work progresses. Forty-eight hour notice to the District is required for all inspections. Work performed without inspection will be required to be exposed and tested.
5. When the side sewer work is completed, a District inspector will provide a final inspection upon 48-hour notification by the sewer contractor.
6. Inspection of partial installations of side sewers may be requested prior to obtaining the sewer connection permit, but the building cannot be connected to the sewer main until the permit fees have been paid and the permit has been issued. "Connecting" to the sewer main requires the side sewer to be connected to both the sewer main and the structure, so the following scenarios could exist for inspection of partial installations of side sewers without a permit:
 - a. Side sewer is connected to the sewer main, but not to the structure; or
 - b. Side sewer is connected to the structure but not to the sewer main.

SKETCH/AREA TABLE ADDENDUM

Parcel No: 801-823-31

Property Address: 82 Valley Drive

City: Fairfax

State:

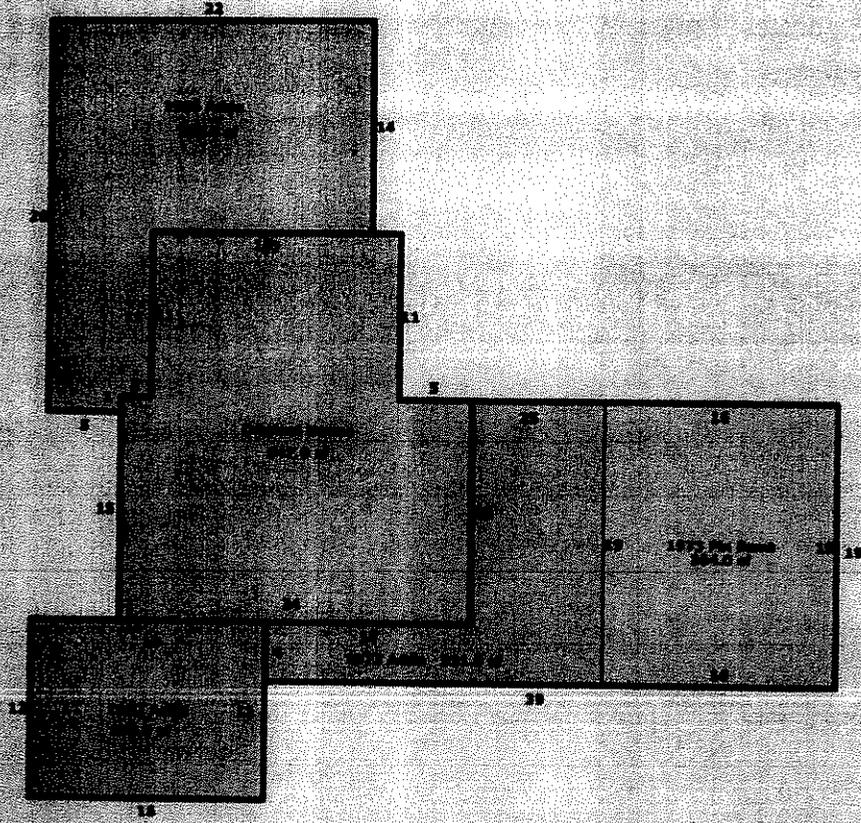
Zip:

County:

Chart:

Appraiser Name: Fisher

Inspection Date: Redrawn from 830, 11/26/11



Comments:

Scale: 1" = 10'

CALCULATIONS SUMMARY				
Area	Description	Area (sq ft)	Permit	Per Value
Area 1	1973 Pit Base	1.00	547.0	100.0
Area 2	1973 Pit Base	1.00	192.0	55.0
Area 3	1973 Pit Base	1.00	390.0	98.0
Area 4	1973 Pit Base	1.00	923.0	118.0
Area 5	1973 Pit Base	1.00	304.0	70.0
Total			1660.0	304.0

Common Table		Common Table	

Total Usable Area (rounded w/ factors) **1064**

EXHIBIT # **G**

OCT 06 2011

RECEIVED



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

NOTICE OF APPEAL

FOR STAFF USE

Date: 10/6/11 Fee: \$ 945.00
Appl.# _____
Receipt# 1-35570
Recvd. By: J. Water
Action: _____

The purpose of the appeal procedure is to provide recourse in case it is alleged that there is an error in any order, requirement, permit, decision or determination by any administrative official, advisory body or commission in the administration or enforcement of the City Ordinances. Any person aggrieved by the action of any administrative official, advisory board or commission in the administration or enforcement of any ordinance in the Town Code may make verified application to the Town Clerk in the manner prescribed by the Town Council within ten (10) days of action that is appealed.

FEE: Fees are set by resolution of the Town Council. See fee schedule for current application fees.

PLEASE PRINT

Appellant's name Frances Kibbe

Mailing address 62 Valley Road Zip: 94930 Day phone 606-1744

Property Address: 62 Valley Road

I appeal the decision of: (list board, commission, or department and decision, for example: Planning Commission denial of variance) application # _____

Planning Department's determination of incompleteness per letter dated 9-29-11.

The following are my reasons for appeal:

See Exhibit "A" attached.

hereby declare that I have read the foregoing Notice of Appeal and know the contents thereof. I further declare under penalty of perjury that the information supplied by me is true and correct.

Executed this 6 day of October, 2011

SIGNATURE OF APPELLANT: Frances Kibbe

(4/94)

Exhibit "A"

**Kibbe Appeal of Planning Department's Determination of Incomplete Application
as Contained in Letter Dated September 29, 2011 (the "Letter")**

This appeal is filed pursuant to Chapter 2.44 of the Fairfax Town Code and Government Code Section 65943. The grounds for the appeal are as follows:

1. General Statement. This is an application to rebuild Ms. Kibbe's family home that tragically burned in October 2009. This property has been in Ms. Kibbe's family for over 58 years and her family home was built on it in the 1950's. She proposes to rebuild the home in the same location using the same driveway that has existed for more than 50 years.

She is filing this appeal after attempting for over eight months to get the Planning Department to declare her application "complete" so that it can proceed to the Planning Commission for hearing. During that time, she has resubmitted her application numerous times, only to be told again and again that additional information must be submitted. As will be explained more fully at the appeal hearing, the information demanded by staff is not required by any applicable codes, is excessive for this stage of the process and for the rebuild of a pre-existing home.

2. Number of Parcels. The Letter improperly requires the applicant to "merge" parcels. There is no need to merge the applicant's property into one parcel because the applicant's property has never been subdivided and has always consisted of one parcel. See deeds submitted to Town. Moreover, the applicant has no control over the County Assessor and the County maps. The County Assessor routinely assigns separate assessor parcel numbers to real property owned by a single owner. This action is not a subdivision under the Government Code. See 62 Cal.Op. Attorney Gen. 147 (1979).

3. Unsupported Cut Banks. The letter requires the applicant to remedy pre-existing unsupported cut banks (cut banks that existed on the property for 50 years or more and will not be changed as part of this application). The application proposes that all new cut banks will not exceed 2:1 slope (as recommended by the geotechnical engineer). There is no evidence that pre-existing cut banks that are not proposed to be altered need to be reduced to a slope of less than 2:1.

4. Retaining Walls. The application proposes retaining walls made out of pressure treated lumber, which routinely lasts for 30 years. The applicant and her engineer believe that this is a "material not subject to rapid deterioration," as required by Town Code. Moreover, standard construction practices (County Type "C" retaining wall) allow pressure treated lumber on private property. Most jurisdictions do not even require a building permit for retaining walls less than four feet in height (such as proposed here). The Town should have no concern over a retaining wall located on private property that

will not be subject to maintenance by the Town, and which will be solely maintained by the property owner. If an exception is required to allow this type of wall, the applicant hereby applies for one.

5. Driveway. There is no requirement that the driveway be able to support 60,000 gross vehicle weight. The standard from the Ross Valley Fire Department (Fire Protection Standard 210) provides that driveways shall "be capable of supporting 40,000 pounds gross vehicle weight." See page 3 of Standard 210.

6. Guard Rail. There is no Town standard or ordinance requiring a guard rail along a private driveway. Moreover, this private driveway has existed and provided access to a single family dwelling for more than 50 years without incident. Accordingly, there is no evidence to suggest that a guard rail is needed in this situation.

7. Sanitary Sewer. With respect to the sanitary sewer, this is a rebuild of a pre-existing single family dwelling that tragically burned. There is an existing sewer lateral and an existing sewer main in the street.

8. Grading Quantities. The grading quantities shown on sheet C-2 are accurate and include the grading work from the foundation for the structure, the retaining walls, the driveway grading and the fire truck turnaround. All work will comply with the recommendations of the geotechnical report.

9. Fire Suppression System. The applicant has advised the Town that a fire sprinkler system will be installed in the house. It will be a modified 13d system with full attic and under deck protection and the sprinkling of all appendages of over four feet (including the entry porch and porch roof). This meets the fire department requirements.

10. Excessive Fees. The fees charged by the Town Engineer are excessive and exceed the reasonable cost to provide the service. Additionally, the Town is attempting to charge a 30% administrative fee, when the application form signed by the applicant specified a 20% fee.

Conclusion. It is requested that the Town Council find the application complete and take appropriate action to approve the permits to rebuild the house at 62 Valley Road, Fairfax.