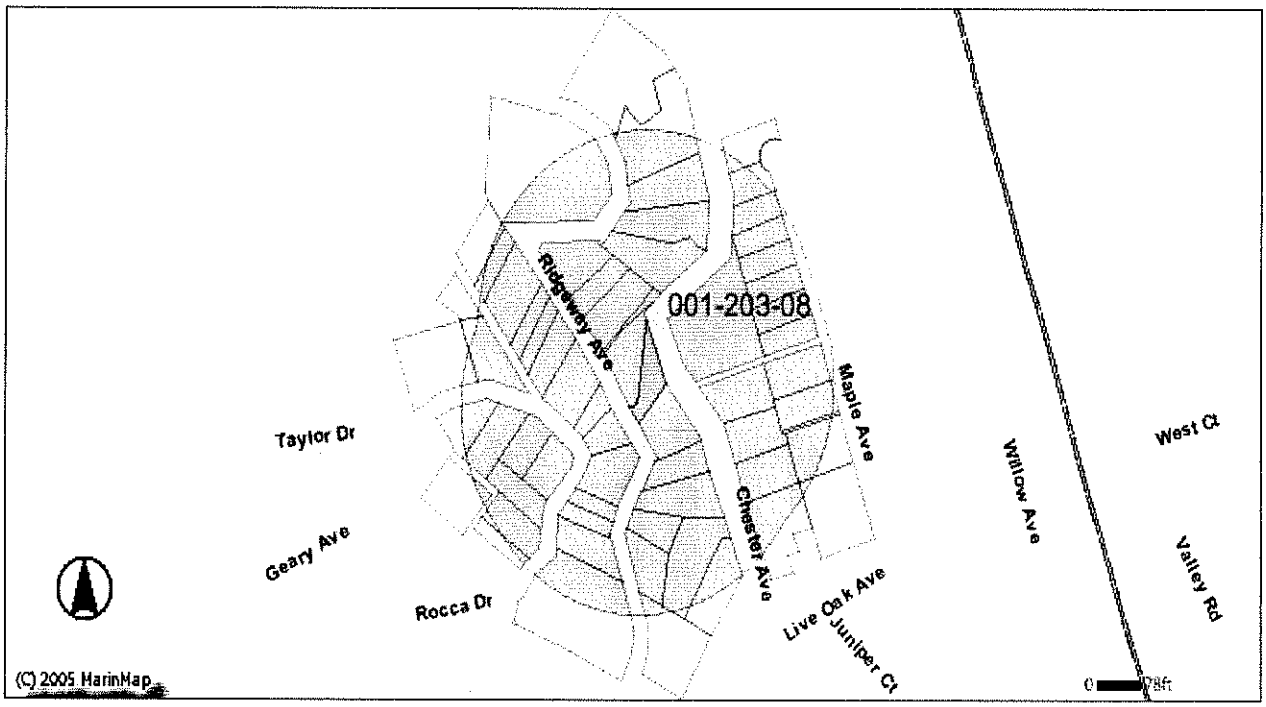
TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services

TO:	Fairfax Planning Commission
DATE:	March 18, 2010
FROM:	Jim Moore, Director of Planning and Building Services Linda Neal, Senior Planner
LOCATION	161 Ridgeway Avenue; Assessor's Parcel No. 001-203-08
PROJECT:	Single-family residence and parking deck
ACTION:	Hill Area Residential Development permit, Setback Variances, Parking Variance and an Excavation permit; Application # 09-30
APPLICANT:	Laura Kehrlein, Fred Devine and Associates, Architect
OWNER:	Charles Pierce
CEQA STATUS:	Categorically exempt, § 15303(a), 15305(a) and 15305(b)



161 RIDGEWAY AVENUE

AGENDA ITEM # 2

PROJECT BACKGROUND AND DECEMBER 17, 2009 PLANNING COMMISSION MEETING

This project was continued from the December 17, 2009 Commission meeting. At that meeting, the Planning Commission requested the presence of the Town Attorney, the Town Engineer, the Ross Valley Fire Department, the applicant's engineer and the applicant's attorney at the next public hearing.

The Commission requested history regarding the Certificate of Compliance issued by the Town on May 2, 2007 for this property. For the Commission's reference, attached to this staff report are a staff report dated May 2, 2007 from a Town Council member, Resolution No. 2485 dedicating and naming Vanni Way, the Certificate of Compliance dated May 2, 2007, and the May 2, 2007 Town Council minutes.

The Subdivision Map Act allows any property owner to request that the Town determine whether their parcel is in compliance with the Subdivision Map Act and Town subdivision regulations; if the Town finds that the lot is legal, the Town must issue a "Certificate of Compliance" pursuant to Government Code § 66499.35.

In 2007, Charles Pierce requested a Certificate of Compliance from the Town. Because the subject parcel was created before the adoption of the Subdivision Map Act or Faifax's subdivision ordinance, the lot was found to be legal pursuant to Government Code § 66412.6, which provides that "any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel, there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels." Section (4) of the Certificate of Compliance confirms the legality of the subject parcel.

In Section (5) of the Certificate of Compliance, Mr. Pierce voluntarily agreed to dedicate the roadway easement for Vanni Way to the Town at the time of issuance of a building permit for development on the parcel, and the Town agreed that "[t]he dedication of said easement shall not render the Parcel illegal or unbuildable." This provision was negotiated by staff and approved by the Town Council.

The building permit, excavation permit, and variance for the proposed residence is before the Planning Commission today. The Town Council is the appropriate body to approve the dedication of the easement for Vanni Lane. However, Town Council approval of this dedication has been made a condition of approval for issuance of a building permit for the residence in order to ensure that the dedication of the easement and the issuance of the permit happen concurrently pursuant to the terms of the Certificate of Compliance.

Several issues were raised by members of the public at the May 2, 2007 Planning Commission meeting. These issues are described below, with Staff's response provided below each item:

- **Sidewalk or Pedestrian Area:** A member of the public asked if a sidewalk or an area for pedestrians to get out of the travel path of vehicles could be made a condition of approval for the project. She indicated that pedestrians often have to move off the road onto the area currently used as the driveway for the duplex at 167 Ridgeway Avenue to avoid traffic.

    - As explained above, the exact parameters of the Vanni Lane easement are not before the Planning Commission at this hearing. However, staff notes this concern and will consider asking that the applicants amend the easement to include an area off the paved roadway, halfway up Vanni Way, that would provide an area for pedestrians to get out of the travel path if it is being used by a vehicle.

- **Parking:** A member of the public also expressed concern that the construction of the residence will eliminate on-street parking currently available for use by the general public.

    - The project has been redesigned with the approval of the Ross Valley Fire Department so that the residence now provides the three parking spaces required by the Town Code for single-family residences [Town Code § 17.052.030(A)(1)(c) and (2)].

- **Setbacks:** Residents also expressed concern that residence will be constructed only 4 feet from the edge of Vanni Way.

    - As decribed above, Vanni Way is located on private property and is not currently a public right-of-way, although it is used by the public. Under the terms of the Certificate of Compliance, a roadway easement will be offered to the Town prior to the issuance of a building permit for development on the parcel. In exchange, the Town agreed that the dedication of this easement will not render the parcel illegal or unbuildable, which precludes the Town from requiring unreasonable setback distances from Vanni Way. Staff feels that the proposed plans provide the maximum setbacks possible given the limitations of this lot. The proposed house is already only 17 feet 18 inches in width and could not be decreased in width while still providing a feasible floor plan.

DESIGN CHANGES TO THE PROJECT

The following changes have been made to the design since the Commission first reviewed the project on December 17, 2009.

- The residence has been moved 2 feet further down the hillside and now maintains a rear yard setback of 1 foot. The relocation has allowed the provision of the required third guest parking space for the residence while still complying

with the roadway requirements of the Ross Valley Fire Department.

- The upper rear deck has been decreased in width by 2 ½ feet.

CONDITIONS RELATING TO VANNI LANE AND THE SLOPE ADJACENT TO THE PROPERTY

As described above, in order to ensure that the dedication of Vanni Lane happens concurrently with the issuance of the building permit as provided in the Certificate of Compliance, staff has added the following Condition #13 be added to the Department of Planning and Building Services Recommended Conditions:

> 13. An easement dedicating Vanni Lane to the Town shall be approved by the Town Council pursuant to the Certificate of Compliance dated May 2, 2007 before the issuance of a building permit.

Based on the understanding that the construction of the proposed residence would result in increased instability on the slope below the residence, which is owned by the Town, staff initially recommended the adoption of Condition # 9 as a condition of approval for the project. This condition read as follows:

> 9. The project geotechnical engineer has indicated in writing that the proposed foundation system will protect the residence from sliding. However, he agrees with the Town Engineer that there is potential for soil instability on the steep slope below the residence due to either earthquake forces or very wet rainy periods. Therefore, the 40 feet below the house and above the edge of the Chester Avenue pavement shall be maintained by the property owner and shall be included in the encroachment permit issued for the project, prior to issuance of the building permit, and subject to recordation at the Marin County Recorder's Office.

At the December 17, 2009 Planning Commission, the applicant questioned whether there was nexus to for the Town to require this condition. At subsequent meetings between the applicants' engineer, the Town Engineer, and Town Planning Department staff, it was determined that the construction of the proposed residence woud *not* adversely impact the stability of the slope below the parcel. Rather, the construction of the proposed residence would increase the stability of the parcel, and would have no effect on the stability of the slope below the parcel. Because the proposed development does not adversely impact the Town's property, there is no nexus to require that the applicant maintain or repair the slope below the property.

However, because the instability of the slope is a known condition, and may result in damage to the applicants' property, staff coordinated with the Town Attorney, the Town Engineer, and applicant's counsel to draft several additional conditions to replace the original Condition # 9. These new conditions require that the applicant (1) expressly disclose the instability of the slope beneath the parcel to any future tenants or owners;

(2) release the Town from liability for damage to their property caused by the unstable slope; and (3) agree to repair the property in the event that there is a slide.

Thus, staff recommends that Condition # 9 be replaced by the following two conditions:

> 9(a) Applicant shall execute a Release of Liability. The Release of Liability shall warrant that the property owner and his successors and assigns are aware of and accept the risk of sliding or slumping of the land located within the public right-of-way of Chester Avenue, adjacent to the Property, and hereby agree to expressly disclose this risk to tenants and potential future property owners. Furthermore, the property owner and his successors and assigns agree to release the Town of Fairfax, its agents, officers and employees, from any liability for damage to the real and personal property at 161 Ridgeway Avenue, Fairfax, caused by the sliding or slumping of the land located within the public right-of-way of Chester Avenue ("Release"). This Release shall apply to the current condition of the Chester Avenue right-of-way and shall not apply to any future changes or alterations made by persons other than the property owner to the land or improvements located in the right-of-way. This Release shall also not apply to damage caused by the active negligence or willful misconduct of the Town, its agents, officers and employees.
>
> 9(b) The Release shall also provide that in the event of a slide or slump within the public right-of-way of Chester Avenue that causes damage to the real and personal property at 161 Ridgeway Avenue, Fairfax, the property owner and his successors and assigns agree, at their cost, to repair the real and personal property at 161 Ridgeway Avenue ("Agreement to Repair"). This Agreement to Repair shall apply to the current condition of the Chester Avenue right-of-way and shall not apply to slides or slumps caused by any future changes or alterations made by persons other than the property owner to the land or improvements located in the right-of-way. This Agreement to Repair shall also not apply to damage caused by the active negligence or willful misconduct of the Town, its agents, officers and employees. In the event of a slide or slump, applicant shall coordinate with the Town Engineer and Town staff in the repair of applicants' property and the repair shall be constructed pursuant to the Town Code..

In addition, planning staff coordinated with the Ross Valley Fire Department and the applicant regarding the removal of Eucalyptus trees on the slope below the proposed residence in order to comply with the Fire Code. These trees will still be removed, but the applicant has agreed to leave the stumps in place in order to limit erosion of the slope caused by the removal of trees. In light of this change, the following recommended Public Works Department condition has also been removed from attached Resolution No. 10-02.

> 1. Provide information from the project geotechnical engineer that the bank below the residence will remain stable after the Eucalyptus trees are removed. If

the tree removal, a condition of the Ross Valley Fire Department, will destabilize the bank, a method of securing the bank must be submitted and be approved by the Public Works Director and the Town Engineer prior to issuance of the building permit.

RECOMMENDATION

1. Open the public hearing and take testimony.

2. Close the public hearing.

3. Move to approve application # 09-30 based on the findings and subject to the conditions listed in Exhibit B, Resolution No. 10-02.

ATTACHMENTS

Exhibit A – Resolution No. 10-02
Exhibit B – Applicant's supplemental information including letters from project engineer dated February 11, 2010 and March 10, 2010
Exhibit C – Information regarding Vanni Way and the Certificate of Compliance
Exhibit D – Minutes and Staff report from the December 17, 2008 Planning Commission meeting

RESOLUTION NO. 10-02
APPLICATION NO. 09-30

TOWN OF FAIRFAX PLANNING COMMISSION
STATE OF CALIFORNIA

161 Ridgeway Avenue; Assessor's Parcel No. 001-203-08

WHEREAS, the Town of Fairfax has received an application for 161 Ridgeway Avenue to construct a single-family residence; and

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

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

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

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

2. The site planning preserves most of the natural topography.

3. Based on the soils report findings in the soils reports dated 4/23/08, 8/26/09, 4/27/09 and 2/11/10 by John C. Hom & Associates, Inc. and the drainage and hydrology plans, pages C1 through C3, by J.L Engineering dated 4/29/09., the Town Engineer has determined that the site can be developed without geologic, hydrologic or seismic hazards while also protecting the health, welfare and safety of the public.

4. The proposal includes the required parking set forth in Town Code Chapter 17.28, Off-street Parking and Loading Requirements and therefore, vehicular access and parking are adequate.

5. The proposed 1,055 square foot residence and attached parking deck is of a similar square footage to other development in the area, it meets the design review criteria and does not result in the deterioration of significant view corridors.

EXHIBIT # A

6. The 125 cubic yards of excavation is the minimum necessary to provide the required parking, construct the residence foundation and provide the required supply line trenches. Therefore, the proposed excavation is the minimum necessary to allow development of the site.

7. The visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary because the residence has been located in the only developable area of the site, west of Vanni Way, and it is only 1,055 square feet in size.

8. The 4,710 square foot area outside the footprint of the residence, the parking deck and associated fire access improvements will be retained in its existing condition. Therefore, most of the site and as much of the natural topography as is possible has been retained.

9. Town Code § 17.38.080(C)(4) prohibits excavation between October 1st and April 1st. Therefore, the time of year during which construction will take place is such that work will not result in excessive siltation from storm run-off or prolonged exposure of unstable excavated slopes.

Hill Area Residential Development Findings

1. The site is located in the Residential Single-family RD 5.5-7 Zone which allows for the construction of a single-family residence on each parcel of 5,500 square feet. The applicant is seeking variances to certain requirements of the Zoning Ordinance and the findings for these exceptions are found below. Therefore, the project is consistent with the adopted codes and policies of the Town of Fairfax and is consistent with the purpose and intent of the Zoning Ordinance.

2. The site slopes down steeply from Ridgeway Avenue to Chester Avenue and the lower portion is vegetated with large Eucalyptus trees. Over 2,800 square feet of the site is developed with Vanni Lane which the applicant agreed to dedicate as a public roadway easement in 2007 if he is approved to develop the property. The remaining developable portion of the site is roughly 2,486 square feet in size. The Eucalyptus trees pose a fire hazard and have to be removed per the regulations of the Ross Valley Fire Department. The Fire Department is also requiring level areas around the structure for fire -fighting purposes. Excavation will only occur in areas of the site which are included in the footprint of the residence and other supporting structures. Therefore, the site planning preserves identified natural features.

3. The Town Engineer has reviewed the following reports, plans and other supporting materials and has determined that the site can be developed without geologic, hydrologic or seismic hazards:

- The architectural plans by Fred Divine, Associates dated 8/31/09, sheets A1.0,

A2.0, A3.1, A3.2, with included plan sheets by J.L. Engineering, pages C1 through C3, dated 4/29/09.

- Landscaping plan by Alfresco Designs, dated 8/24/09 (see the last page of the project plan set).
- Geotechnical Engineering letters by John Hom Associates, Inc. dated 8/26/09 and 4/27/09.
- Original geotechnical report dated 4/23/09
- A letter by Treemasters, dated 7/8/09.
- A letter by J.L. Engineering, dated 8/12/09.

4. The residence is small in size, 1,055sf, and has only two bedrooms. The development maintains an adequate easement width on Vanni Lane for emergency vehicles and the required three on-site parking spaces have been provided. Therefore, vehicular access and parking are adequate.

5. The Willow Avenue neighborhood is composed of structures with widely varying architectural styles and sizes. No one particular dominant style can be identified. Therefore, the proposed development harmonizes with the surrounding residential development in as much as a harmony of design styles can be determined. The structure is not located within a Ridgeline Scenic Corridor and therefore, its construction will not result in the deterioration of a significant view corridor.

Variance Findings

1. The lot is only 5,374 square feet in size, it slopes steeply down between Ridgeway Avenue and Chester Avenue and it is irregularly shaped because a significant portion of it is taken up by Vanni Lane. These are the special circumstances applicable to the property that would result in the strict application of the Zoning Ordinance rendering the property unbuildable. Building a single-family residence on a property zoned for a single-family residence is a privilege that has been enjoyed by other property owners in the vicinity on similar sized lots and under identical zone classifications.

2. The variance or adjustment will not constitute a grant of special privilege because many of the residences throughout the Willow Avenue and Ridgeway Avenue neighborhoods do not maintain the setbacks required for the Residential RD 5.5-7 Zone District.

3. The strict application of the Zoning Ordinance would render this site unbuildable which would be an excessive or unreasonable hardship for the owner.

4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity. The residence will maintain the minimum required 5ft side yard setback from the nearest residence to the south at 167 Ridgeway Avenue and the improvements will not create any vehicular or pedestrian visibility barriers by encroaching into the public right-of-way.

Excavation Findings

1. The Town Engineer has reviewed the following reports, plans and other supporting materials and has determined that the site can be developed without geologic, hydrologic or seismic hazards:

- The architectural plans by Fred Divine, Associates dated 8/31/09, sheets A1.0, A2.0, A3.1, A3.2, with included plan sheets by J.L. Engineering, pages C1 through C3, dated 4/29/09.
- Landscaping plan by Alfresco Designs, dated 8/24/09 (see the last page of the project plan set).
- Geotechnical Engineering letters by John Hom Associates, Inc. dated 8/26/09 and 4/27/09.
- Original geotechnical report dated 4/23/09
- A letter by Treemasters, dated 7/8/09.
- A letter by J.L. Engineering, dated 8/12/09.

2. Compliance with the project plans, all the recommendations listed in the above reports and the Town Engineer's additional conditions listed below will result in the health safety and welfare of the public not be adversely affected by the project.

3. The 125 cubic yards of excavation/fill is not more than is required to allow the property owner substantial use of his or her property;

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

5. The natural landscaping will not be removed by the project more than is necessary;

6. Excavation cannot occur between October 1st and April 1st. Therefore, the time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff or prolonged exposure of unstable excavated slopes.

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

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

Department of Planning and Building Services Recommended Conditions

1. This approval is limited to the development illustrated on the plans prepared by Fred Divine, Associates dated 8/31/09, sheets A1.0, A2.0, A3.1, A3.2, with included plan sheets by J.L. Engineering, pages C1 through C3, dated 4/29/09 and landscaping plan by Alfresco Designs, dated 8/24/09 (see the last page of the project plan set).

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

   a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:
   - Construction delivery routes approved by the Department of Public Works.
   - Construction schedule (deliveries, worker hours, etc.)
   - Notification to area residents
   - Emergency access routes

   b. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Director/ the Public Works Director can waive this requirement).

   c. Submit a bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official/Public Works Director. Upon approval of the contract costs, the applicant shall submit bond or letter of credit equaling 100% of the estimated construction costs.

   d. Prior to issuance of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the development's conformance with their recommendations.

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

   a. The structural engineer shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town staff that the grading has been completed as recommended prior to installation of foundation and retaining forms and piers.

b. The structural engineer shall field check the forms of the foundations and retaining elements and provide written certification to the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans prior to the concrete form inspection by the building official. The building official shall field check the concrete forms prior to the pour.

c. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public
right(s)-of-way and Vanni Way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.

d. Any proposed temporary closure of a public right-of-way, or Vanni Way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

4. Prior to issuance of an occupancy permit and or final inspection the following shall be completed:

a. The structural engineer shall field check the completed project and submit written certification to the Town Staff that the foundation, retaining, grading and drainage elements have been installed in conformance with the approved building plans and the recommendations of the soils report.

b. The Planning Department shall field check the completed project to verify that all Planning Commission conditions have been complied with.

5. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.

6. During construction the developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".

7. Notwithstanding section #17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 09-30. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 09-30 will result in the job being immediately stopped and red tagged.

8. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

9. The applicant shall comply with any and all requirements of the Ross Valley Fire Department, the Ross Valley Sanitary District, the Marin Municipal Water District and the Fairfax Building Official.

10. The applicant or owner shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

11. The project must be reviewed and approved by the Design Review Board prior to issuance of the building permit.

12. The parking deck for the project shall be constructed as the first portion of the project to provide a place for construction vehicles and materials and to minimize the impact of the construction on the neighborhood.

13. An easement dedicating Vanni Lane to the Town shall be approved by the Town Council pursuant to the Certificate of Compliance dated May 2, 2007 before the issuance of a building permit.

Marin Municipal Water District Conditions

1. Landscape and irrigation plans must comply with Landscape Ordinance # 385.

2. Should backflow protection be required it shall be installed as a condition of water service.

Sanitary District Conditions

1. A sewer permit is required after the building permit is obtained.

2. Installation of a private sewer lateral must meet District Specifications and be inspected by a District Inspector before it is covered.

Town Engineer Recommended Conditions

1. The dedicated roadway easement shall be amended to include language such that the dedicated easement shall also be a public utility easement and the document must be recorded prior to the building permit being issued for the project.

2. The final grant deed dedication form shall be subject to review and approval by the Town Attorney at the expense of the applicant.

3. The field layout of the proposed easement must be reviewed and approved by the Director of Public Works, the Department of Planning and Building Services and the Town Engineer prior to issuance of the project building permit.

4. A copy of the Marin Municipal Water District easement shall be recorded and a recorded copy of the document shall be provided to the Town prior to issuance of the building permit. The document must include language relinquishing the old easement which has an undefined location and providing for a new water line easement that will not conflict with the proposed project development.

5. The gas line trench shall be shown on the building permit application plans and shall be reviewed by the Town Engineer prior to issuance of the building permit.

6. The Pine tree located on the side property line between 161 and 167 Ridgeway Avenue shall be removed prior to issuance of the building permit.

7. The 6 inch buried outlet pipe shown near the concrete ditch in Chester Avenue shall be shown on the building permit drainage plan as some other type of outlet that can be cleaned and has some self cleaning ability. The Town Engineer has recommended an anchored, surface, 45 bend directing the discharge flow downstream into the existing concrete lined ditch.

8. The encroachment permit for the project shall include a condition that the property owner maintain the pipe system that is in the Chester Avenue right-of-way.

9(a) Applicant shall execute a Release of Liability. The Release of Liability shall warrant that the property owner and his successors and assigns are aware of and accept the risk of sliding or slumping of the land located within the public right-of-way of Chester Avenue, adjacent to the Property, and hereby agree to expressly disclose this risk to tenants and potential future property owners. Furthermore, the property owner and his successors and assigns agree to release the Town of Fairfax, its agents, officers and employees, from any liability for damage to the real and personal property at 161 Ridgeway Avenue, Fairfax, caused by the sliding or slumping of the land located within the public right-of-way of Chester Avenue ("Release"). This Release shall apply to the current condition of the Chester Avenue right-of-way and shall not apply to any future changes or alterations made by persons other than the property owner to the land or improvements located in the right-of-way. This Release shall also not apply to

damage caused by the active negligence or willful misconduct of the Town, its agents, officers and employees.

9(b) The Release shall also provide that in the event of a slide or slump within the public right-of-way of Chester Avenue that causes damage to the real and personal property at 161 Ridgeway Avenue, Fairfax, the property owner and his successors and assigns agree, at their cost, to repair the real and personal property at 161 Ridgeway Avenue ("Agreement to Repair"). This Agreement to Repair shall apply to the current condition of the Chester Avenue right-of-way and shall not apply to slides or slumps caused by any future changes or alterations made by persons other than the property owner to the land or improvements located in the right-of-way. This Agreement to Repair shall also not apply to damage caused by the active negligence or willful misconduct of the Town, its agents, officers and employees. In the event of a slide or slump, applicant shall coordinate with the Town Engineer and Town staff in the repair of applicants' property and the repair shall be constructed pursuant to the Town Code..

10. The Eucalyptus stumps near the edge of the Chester Avenue pavement shall be left in place with the approval of the Public Works Director.

Ross Valley Fire Department Recommended Conditions

1. The project shall comply with the requirements of the Ross Valley Fire Department as set forth in the attached November 28, 2009 Memorandum including but not limited to the following:

2. A Vegetation Management Plan is required and an approved plan must be provided to the Building Department prior to issuance of the building permit.

3. An effective fire break must be maintained around the structure including the elimination of all the Eucalyptus trees from the site.

4. A fire sprinkler system shall be installed and approved by the Fire Department prior to the project final inspection.

5. The fire hydrant at 167 Ridgeway shall be upgraded prior to the delivery of any combustible materials to the site. An on-site inspection by the Fire Department is required prior to delivery of any such materials.

6. Combustible materials shall be allowed to accumulate on site during construction and shall be removed as often as is possible.

PASSED AND ADOPTED by the Town of Fairfax Planning Commission, State of California, this 18TH day of March by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Chair, Planning Commission

ATTEST:

_____
Jim Moore, Director of Planning and Building Services

ARCHITECTS
FREDRIC C. DIVINE ASSOCIATES

February 22, 2010

TOWN OF FAIRFAX
FEB 22 2010
RECEIVED

Linda Neal
Senior Planner
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Re: 161 Ridgeway Ave.
Application # 09-30

Dear Linda:

Please find attached revised copies of the plans in response to Planning Commission comments. You should have also received separately a copy of John Hom's response to the slope along Chester Ave. I have also included a copy of that letter as part of our response. A summary of the revisions to the plans are:

1. The location of the house has been moved approximately 2'-6" towards Chester Ave. so that a third parking space may be placed in tandem on the driveway off Ridgeway Ave. A one foot minimum setback at the corner of the house will be provided along Chester Ave. instead of the previous three foot setback at this corner. The five foot setback adjacent to the east property line remains the same. Changing this setback to less than five feet will require this wall to be of one hour construction per the building code requirements. By moving the house further down the slope the setback along Vanni Lane has been increased from 2'-0" to 3'-6". A curb has been placed adjacent to the house along Vanni Lane as well.
2. We have met with the Ross Valley Fire Department to discuss whether we could modify the clear paved area which is part of the applicant's property, to help with parking. The fire department has modified its requirements, which are depicted on the site plan, such that in combination with tem 1 above, a third parking space can be provided. The remaining pavement outside of this turnout will be striped for "No Parking".
3. A portion of the driveway retaining wall along the east property line has been adjusted to provide a three foot wide planter at the base of the retaining wall. The planter at the base of the retaining wall will be four feet high, and made of pressure treated wood. This change will reduce the visual height of the retaining wall to six feet, not including the required 42" high guardrail.

Please call if you have any questions or comments regarding these revisions.

Sincerely,

Laura Kehrlein
Project Architect

Cc: Charles Pierce

EXHIBIT # B

1924 FOURTH STREET, SAN RAFAEL, CA 94901 (415) 457-0220 FAX (415) 454-9581

ARCHITECTS
Fredric C. Divine Associates

TOWN OF FAIRFAX
MAR 1 1 2010
RECEIVED

March 10, 2010

Linda Neal
Senior Planner
Town of Fairfax
142 Bolinas Rd.
Fairfax, CA 94930

Re: Application # 09-30
161 Ridgeway Ave.

Dear Linda,

In response to a question raised during the Planning Commission meeting of December 18, 2009 regarding green building compliance, I have prepared the following summary of proposed features. Using the Green Point Rating Checklist, which is attached, the proposed new home at 161 Ridgeway has 91 points targeted, which is 182% better than the minimum required of 50 points. The Green Point Rating Checklist further explains the green building measures that are used. I trust that this should satisfy the inquiry into green building measures planned for the residence.

Sincerely,

Laura Kehrlein
Project Architect

Cc: Charles Pierce

1924 FOURTH STREET, SAN RAFAEL, CA 94901
(415) 457-0220 FAX: (415) 454-9581

JCH
JOHN C. HOM & ASSOCIATES, INC.
1618 Second Street
San Rafael, California 94901-2707
Telephone(415)258-9027 Fax(415) 258-9309

TOW
FEB 2 2 2010
RECEIVED

February 11, 2010

Job Number 1709.1

Chuck Pierce
1601 Second Street
San Rafael, California 94901

Dear Mr Pierce:

Site Visit
Proposed Residence
APN 001-203-08
Ridgeway Avenue
Fairfax, California

This letter documents our site meeting with Laura Kehrlein with Fred Divine Associates, Jim Moore, Planning Director with Town of Fairfax and Ray Wrysinski, Town Engineer. The purpose of the meeting is in response to Linda Neal's email on the Town's position that the proposed project will result in a lesser hillside stability than currently existed. It is the Town Engineer's position that the cut slope below the project property and within the Town of Fairfax's right of way is steep and is potentially unstable and is requiring stabilization of the slope. I agreed that the slope is steep and steeper than todays standard for a cut slope of 2:1. However, there is no evidence of active landsliding, the highest degree of instability. It is our understanding the trees would be cut down but the stumps will remain.

Enclosed are the locations of our test borings along with the logs. The test borings encountered bedrock at about two feet below the ground surface.

I responded to Jim Moore and the Town's position that the project would not adversely affect the stability of the slope. If the proposed project were to be built, the drilled piers would add a degree of stability since the piers are to be designed for lateral loads. The rainwater that used to fall on the slope would be collected by gutters and taken away from the from the slope. Since the piers are designed for lateral loads, the residence would not be affected by the cut slope. The Town Engineer's position is that the sliding could affect the rear yard and the Town of Fairfax would then be named in a lawsuit. My response is that both Ray and I are engineers and the questions regarding liability is best determined by attorneys.

We trust this provides the information you require at this time. If you have any questions, please call.

REGISTERED PROFESSIONAL ENGINEER
JOHN C HOM
NO. 412
EXP 3/31/11
GEOTECHNICAL
STATE OF CALIFORNIA

Yours very truly,

JOHN C HOM & ASSOCIATES, INC

John C Hom
Civil Engineer - 28877
Geotechnical Engineer - 412
Certificates Expire 3/31/11

JCH
three copies submitted
cc Fred Divine and Associates

EXHIBIT #_____

JCH
JOHN C. HOM & ASSOCIATES, INC.
1618 Second Street
San Rafael, California 94901-2707
Telephone(415)258-9027 Fax(415) 258-9309

March 10, 2010

Job Number 1709.1

Chuck Pierce
1601 Second Street
San Rafael, California 94901

Dear Mr Pierce:

Inspection of Retaining Wall
Vanni Lane
161 Ridgeway Avenue
Fairfax, California

This letter summarizes our opinion of the proposed construction of your residence at 167 Ridgeway in Fairfax, California on the existing soldier pile and wood lagging retaining wall located on the upslope side of Vanni Lane. The retaining wall is located across the street and upslope of your proposed residence . An existing residence, 155 Ridgeway, is located above and upslope of this retaining wall. It appears that the retaining wall was constructed at least twenty years ago. The depth of the piers and construction of this wall is not known to us.

Based on our observation of the topography of the area and the structural loading of your residence, it is our opinion that the proposed construction would have no affect on the retaining wall either way.

We trust this provides the information you require at this time. If you have any questions, please call.

Yours very truly,

JOHN C HOM & ASSOCIATES, INC

REGISTERED PROFESSIONAL ENGINEER
JOHN C HOM
NO. 412
EXP 3/31/11
GEOTECHNICAL
STATE OF CALIFORNIA

John C Hom
Civil Engineer - 28877
Geotechnical Engineer - 412
Certificates Expire 3/31/11

JCH

three copies submitted
cc Fred Divine Associates, Neil Sorensen

161 RIDGEWAY
C. Pierce

GreenPoint Rated Checklist: Single Family

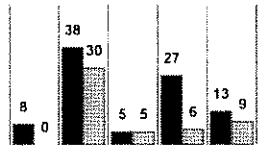
The GreenPoint Rated checklist tracks green features incorporated into the home. A **home is only GreenPoint Rated if all features are verified by a Certified GreenPoint Rater through Build It Green.** GreenPoint Rated is provided as a public service by Build It Green, a professional non-profit whose mission is to promote healthy, energy and resource efficient buildings in California.

The minimum requirements of GreenPoint Rated are: verification of 50 or more points; Earn the following minimum points per category: Energy (30), Indoor Air Quality/Health (5), Resources (6), and Water (9); and meet the prerequisites A.2.a (Divert 50% of Construction & Demolition Waste), H10a. (Compliance with ASHRAE 62.2 Mechanical Ventilation Standards), J.2 (Exceed Title 24 by 15%), K7. (Reduce Formaldehyde in Interior Finish – Meet Current CARB Airborne Toxic Control Measure (ATCM) and N.1 (Incorporate GreenPoint Rated Checklist in Blueprints). Projects meeting measure J4. Obtain EPA Indoor airPLUS Certification will automatically meet the requirements of 29 other measures; when J4 is chosen, these 29 measures will be highlighted in blue for your convenience.

The criteria for the green building practices listed below are described in the GreenPoint Rated Single Family Rating Manual. For more information please visit **www.builditgreen.org/greenpointrated**

GreenPointRATED

Total Points Targeted: **91**



Single Family New Home 4.0 / 2008 Title 24

Enter Project Name		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
A. SITE			Possible Points					
	1. Protect Topsoil and Minimize Disruption of Existing Plants & Trees							
TBD	a. Protect Topsoil and Reuse after Construction	0	1				1	
TBD	b. Limit and Delineate Construction Footprint for Maximum Protection	0					1	
	2. Divert/Recycle Job Site Construction Waste (Including Green Waste and Existing Structures)							
Yes	a. *Required:* Divert 50% (by weight) of All Construction and Demolition Waste (Recycling or Reuse)	Y				R		
TBD	b. Divert 100% of Asphalt and Concrete and 65% (by weight) of Remaining Materials	0				2		
TBD	c. Divert 100% of Asphalt and Concrete and 80% (by weight) of Remaining Materials	0				2		
	3. Use Recycled Content Aggregate (Minimum 25%)							
Yes	a. Walkway and Driveway Base	1				1		
TBD	b. Roadway Base	0				1		
TBD	**4. Cool Site: Reduce Heat Island Effect On Site**	0	1					
TBD	**5. Construction Environmental Quality Management Plan, Duct Sealing, and Pre-Occupancy Flush-Out** [*This credit is a requirement associated with J4: EPA IAP]	0			2			
	Total Points Available in Site = 12	1						
B. FOUNDATION			Possible Points					
≥20%	**1. Replace Portland Cement in Concrete with Recycled Fly Ash and/or Slag (Minimum 20%)**	1				2		
TBD	**2. Use Frost-Protected Shallow Foundation in Cold Areas (CEC Climate Zone 16)**	0				2		
TBD	**3. Use Radon Resistant Construction** [*This credit is a requirement associated with J4: EPA IAP]	0			2			
Yes	**4. Install a Foundation Drainage System** [*This credit is a requirement associated with J4: EPA IAP]	2				2		
TBD	**5. Moisture Controlled Crawlspace** [*This credit is a requirement associated with J4: EPA IAP]	0			2			
	6. Design and Build Structural Pest Controls							
TBD	a. Install Termite Shields & Separate All Exterior Wood-to-Concrete Connections	0				1		
TBD	b. All Plants Have Trunk, Base, or Stem Located At Least 36 Inches from Foundation	0				1		
	Total Points Available in Foundation = 12	3						
C. LANDSCAPE			Possible Points					
15%	*Enter in the % of landscape area. (Projects with less than 15% of the total site area (i.e. total lot size) as landscape area are capped at 6 points for the following measures: C1 through C7 and C9 through C11.*							
TBD	**1. Group Plants by Water Needs (Hydrozoning)**	0					2	

Enter Project Name		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Yes	**2. Mulch All Planting Beds to the Greater of 3 Inches or Local Water Ordinance Requirement**	2					2	
	3. Construct Resource-Efficient Landscapes							
TBD	a. No Invasive Species Listed by Cal-IPC Are Planted	0					1	
TBD	b. No Plant Species Will Require Shearing	0				1		
TBD	c. 75% of Plants Are Drought Tolerant, California Natives or Mediterranean Species or Other Appropriate Species	0					3	
	4. Minimize Turf in Landscape Installed by Builder							
Yes	a. Turf Shall Not Be Installed on Slopes Exceeding 10% and No Overhead Sprinklers Installed in Areas Less than 8 Feet Wide	2					2	
≤10%	b. Turf is Small Percentage of Landscaped Area (2 Points for ≤33%, 4 Points for ≤10%)	2					4	
Yes	**5. Plant Shade Trees**	0	1	1			1	
	6. Install High-Efficiency Irrigation Systems							
Yes	a. System Uses Only Low-Flow Drip, Bubblers, or Sprinklers	0					2	
TBD	b. System Has Smart (Weather-Based) Controller	0					3	
TBD	**7. Incorporate Two Inches of Compost in the Top 6 to 12 Inches of Soil**	0					3	
	8. Rain Water Harvesting System							
TBD	a. Cistern(s) is Less Than 750 Gallons	0					1	
TBD	b. Cistern(s) is 750 to 2,500 Gallons	0					1	
TBD	c. Cistern(s) is Greater Than 2,500 Gallons	0					1	
TBD	**9. Irrigation System Uses Recycled Wastewater**	0					1	
TBD	**10. Submetering for Landscape Irrigation**	0					1	
	11. Design Landscape to Meet Water Budget							
TBD	a. Install Irrigation System That Will Be Operated at ≤70% Reference ET (Prerequisites for Credit are C1. and C2.)	0					1	
TBD	b. Install Irrigation System That Will Be Operated at ≤50% Reference ET (Prerequisites for Credit are C1, C2, and C6a or C6b.)	0					1	
TBD	**12. Use Environmentally Preferable Materials for 70% of Non-Plant Landscape Elements and Fencing** A) FSC-Certified Wood, B) Reclaimed, C) Rapidly Renewable, D) Recycled-Content E) Finger-Jointed or F) Local	0				1		
Yes	**13. Reduce Light Pollution by Shielding Fixtures and Directing Light Downward**	0	1					
	Total Points Available in Landscape = 35	6						

Enter Project Name

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
D. STRUCTURAL FRAME & BUILDING ENVELOPE			Possible Points					
	1. Apply Optimal Value Engineering							
TBD	a. Place Joists, Rafters and Studs at 24-Inch On Center	0				3		
TBD	b. Door and Window Headers are Sized for Load	0				1		
TBD	c. Use Only Cripple Studs Required for Load	0				1		
	2. Construction Material Efficiencies							
TBD	a. Wall and Floor Assemblies (Excluding Solid Wall Assemblies) are Delivered Panelized from Supplier (Minimum of 80% Square Feet)	0				2		
TBD	b. Modular Components Are Delivered Assembled to the Project (Minimum 25%)	0				6		
	3. Use Engineered Lumber							
Yes	a. Engineered Beams and Headers	1				1		
Yes	b. Wood I-Joists or Web Trusses for Floors	1				1		
TBD	c. Engineered Lumber for Roof Rafters	0				1		
TBD	d. Engineered or Finger-Jointed Studs for Vertical Applications	0				1		
Yes	e. Oriented Strand Board for Subfloor	1				1		
TBD	f. Oriented Strand Board for Wall and Roof Sheathing	0				1		
TBD	**4. Insulated Headers**	0		1				
	5. Use FSC-Certified Wood							
≥40%	a. Dimensional Lumber, Studs and Timber (Minimum 40%)	2				6		
TBD	b. Panel Products (Minimum 40%)	0				3		
	6. Use Solid Wall Systems (Includes SIPS, ICFs, & Any Non-Stick Frame Assembly)							
TBD	a. Floors	0				2		
TBD	b. Walls	0				2		
TBD	c. Roofs	0				1		
TBD	**7. Energy Heels on Roof Trusses** (75% of Attic Insulation Height at Outside Edge of Exterior Wall)	0		1				
	8. Install Overhangs and Gutters							
Yes	a. Minimum 16-Inch Overhangs and Gutters	1				1		
TBD	b. Minimum 24-Inch Overhangs and Gutters	0		1				
	9. Reduce Pollution Entering the Home from the Garage [*This credit is a requirement associated with J4: EPA IAP]							
TBD	a. Install Garage Exhaust Fan OR Build a Detached Garage	0			1			
TBD	b. Tightly Seal the Air Barrier between Garage and Living Area (Performance Test Required)	0			1			
	Total Points Available in Structural Frame and Building Envelope = 39	6						
E. EXTERIOR			Possible Points					
Yes	**1. Use Environmentally Preferable Decking**	2				2		
TBD	**2. Flashing Installation Techniques Specified and Third-Party Verified** [*This credit is a requirement associated with J4: EPA IAP]	0				1		
TBD	**3. Install a Rain Screen Wall System**	0				2		
Yes	**4. Use Durable and Non-Combustible Siding Materials**	1				1		
Yes	**5. Use Durable and Fire Resistant Roofing Materials or Assembly**	2				2		
	Total Points Available in Exterior = 8	5						
F. INSULATION			Possible Points					
	1. Install Insulation with 75% Recycled Content							
TBD	a. Walls	0				1		
TBD	b. Ceilings	0				1		
TBD	c. Floors	0				1		
	Total Points Available in Insulation = 3	0						

Enter Project Name

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
G. PLUMBING			Possible Points					
	1. Distribute Domestic Hot Water Efficiently (Max. 5 points, G1a. is a Prerequisite for G1b-e)							
Yes	a. Insulate All Hot Water Pipes [*This credit is a requirement associated with J4: EPA IAP]	2		1			1	
TBD	b. Use Engineered Parallel Plumbing	0					1	
TBD	c. Use Engineered Parallel Plumbing with Demand Controlled Circulation Loop(s)	0					1	
TBD	d. Use Traditional Trunk, Branch and Twig Plumbing with Demand Controlled Circulation Loop(s)	0		1			2	
TBD	e. Use Central Core Plumbing	0		1		1	1	
	2. Water Efficient Fixtures							
TBD	a. High Efficiency Showerheads ≤2.0 Gallons Per Minute (gpm) at 80 psi	0					3	
TBD	b. High Efficiency Bathroom Faucets ≤ 1.5 gpm at 60psi	0					1	
TBD	c. High Efficiency Kitchen and Utility Faucets ≤2.0 gpm	0					1	
TBD	**3. Install Only High Efficiency Toilets (Dual-Flush or ≤1.28 Gallons Per Flush (gpf))**	0					2	
	Total Points Available in Plumbing = 12	2						
H. HEATING, VENTILATION & AIR CONDITIONING			Possible Points					
	1. Properly Design HVAC System and Perform Diagnostic Testing							
TBD	a. Design and Install HVAC System to ACCA Manual J, D, and S Recommendations [*This credit is a requirement associated with J4: EPA IAP]	0		4				
TBD	b. Test Total Supply Air Flow Rates [*This credit is a requirement associated with J4: EPA IAP]	0		1				
TBD	c. Third Party Testing of Mechanical Ventilation Rates for IAQ (meet ASHRAE 62.2)	0		1				
	2. Install Sealed Combustion Units [*This credit is a requirement associated with J4: EPA IAP]							
Yes	a. Furnaces	2			2			
TBD	b. Water Heaters	0			2			
TBD	**3. Install High Performing Zoned Hydronic Radiant Heating**	0		1	1			
TBD	**4. Install High Efficiency Air Conditioning with Environmentally Preferable Refrigerants**	0	1					
	5. Design and Install Effective Ductwork							
TBD	a. Install HVAC Unit and Ductwork within Conditioned Space	0		1				
TBD	b. Use Duct Mastic on All Duct Joints and Seams [*This credit is a requirement associated with J4: EPA IAP]	0		1				
TBD	c. Pressure Relieve the Ductwork System [*This credit is a requirement associated with J4: EPA IAP]	0		1				
TBD	**6. Install High Efficiency HVAC Filter (MERV 6+)** [*This credit is a requirement associated with J4: EPA IAP]	0			1			
Yes	**7. No Fireplace OR Install Sealed Gas Fireplace(s) with Efficiency Rating >60% using CSA Standards** [*This credit is a requirement associated with J4: EPA IAP]	1			1			
TBD	**8. Install ENERGY STAR Bathroom Fans on Timer or Humidistat**	0			1			
	9. Install Mechanical Ventilation System for Cooling (Max. 4 Points)							
TBD	a. Install ENERGY STAR Ceiling Fans & Light Kits in Living Areas & All Bedrooms	0		1				
TBD	b. Install Whole House Fan with Variable Speeds (Credit Not Available if H9c Chosen)	0		1				
TBD	c. Automatically Controlled Integrated System with Variable Speed Control	0		3				
	10. Advanced Mechanical Ventilation for IAQ							
Yes	a. *Required:* Compliance with ASHRAE 62.2 Mechanical Ventilation Standards (as adopted in Title 24 Part 6) [*This credit is a requirement associated with J4: EPA IAP]	Y			R			
TBD	b. Advanced Ventilation Practices (Continuous Operation, Sone Limit, Minimum Efficiency, Minimum Ventilation Rate, Homeowner Instructions)	0			1			
TBD	c. Outdoor Air Ducted to Bedroom and Living Areas of Home	0			2			

Enter Project Name		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
TBD	**11. Install Carbon Monoxide Alarm(s)** (or No Combustion Appliances in Living Space and No Attached Garage) [*This credit is a requirement associated with J4: EPA IAP]	0			1			
	Total Points Available in Heating, Ventilation and Air Conditioning = 27	3						
I. RENEWABLE ENERGY				Possible Points				
TBD	**1. Pre-Plumb for Solar Water Heating**	0				1		
TBD	**2. Install Wiring Conduit for Future Photovoltaic Installation & Provide 200 ft² of South-Facing Roof**	0				1		
0.0%	**3. Offset Energy Consumption with Onsite Renewable Generation (Solar PV, Solar Thermal, Wind)** *Enter % total energy consumption offset, 1 point per 4% offset*	0		25				
	Total Available Points in Renewable Energy = 27	0						
J. BUILDING PERFORMANCE				Possible Points				
	1. Building Envelope Diagnostic Evaluations							
TBD	a. Verify Quality of Insulation Installation & Thermal Bypass Checklist before Drywall [*This credit is a requirement associated with J4: EPA IAP]	0		1				
TBD	b. House Passes Blower Door Test [*This credit is a requirement associated with J4: EPA IAP]	0		1				
TBD	c. Blower Door Results are Max 2.5 ACH_{50} for Unbalanced Systems (Supply or Exhaust) or Max 1.0 ACH_{50} for Balanced Systems (2 Total Points for J1b. and J1c.)	0		1				
TBD	d. House Passes Combustion Safety Backdraft Test	0			1			
15%	**2. *Required:* Building Performance Exceeds Title 24 (Minimum 15%)** *(Enter the Percent Better Than Title 24, Points for Every 1% Better Than Title 24)*	30		≥30				
TBD	**3. Design and Build Near Zero Energy Homes** *(Enter number of points, minimum of 2 and maximum of 6 points)*	0		6				
TBD	**4. Obtain EPA Indoor airPlus Certification** *(Total 42 points, not including Title 24 performance; read comment)*	0			2			
Yes	**5. Title 24 Prepared and Signed by a CABEC Certified Energy Plans Examiner (CEPE)**	1		1				
	6. Participation in Utility Program with Third Party Plan Review							
TBD	a. Energy Efficiency Program [*This credit is a requirement associated with J4: EPA IAP]	0		1				
TBD	b. Renewable Energy Program with Min. 30% Better Than Title 24 (High Performing Home)	0		1				
	Total Available Points in Building Performance = 45+	31						
K. FINISHES				Possible Points				
TBD	**1. Design Entryways to Reduce Tracked-In Contaminants**	0			1			
	2. Use Low-VOC or Zero-VOC Paint (Maximum 3 Points)							
TBD	a. Low-VOC Interior Wall/Ceiling Paints (<50 Gallons Per Liter (gpl) VOCs Regardless of Sheen) [*This credit is a requirement associated with J4: EPA IAP]	0			1			
TBD	b. Zero-VOC: Interior Wall/Ceiling Paints (<5 gpl VOCs Regardless of Sheen)	0			2			
TBD	**3. Use Low-VOC Coatings that Meet SCAQMD Rule 1113** [*This credit is a requirement associated with J4: EPA IAP]	0			2			
TBD	**4. Use Low-VOC Caulks, Construction Adhesives and Sealants that Meet SCAQMD Rule 1168**	0			2			
TBD	**5. Use Recycled-Content Paint**	0				1		
	6. Use Environmentally Preferable Materials for Interior Finish A) FSC-Certified Wood, B) Reclaimed, C) Rapidly Renewable, D) Recycled-Content or E) Finger-Jointed F) Local							
TBD	a. Cabinets (50% Minimum)	0				3		
≥50%	b. Interior Trim (50% Minimum)	1				2		
≥50%	c. Shelving (50% Minimum)	1				2		
≥50%	d. Doors (50% Minimum)	1				2		
TBD	e. Countertops (50% Minimum)	0				2		

Enter Project Name

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Yes	7. *Required:* **Reduce Formaldehyde in Interior Finish – Meet Current CARB Airborne Toxic Control Measure (ATCM) for Composite Wood Formaldehyde Limits by Mandatory Compliance Dates** [*This credit is a requirement associated with J4: EPA IAP]	Y			R			
	8. Reduce Formaldehyde in Interior Finish - Exceed Current CARB ATCM for Composite Wood Formaldehyde Limits Prior to Mandatory Compliance Dates							
TBD	a. Doors (90% Minimum)	0			1			
TBD	b. Cabinets & Countertops (90% Minimum)	0			2			
TBD	c. Interior Trim and Shelving (90% Minimum)	0			1			
TBD	**9. After Installation of Finishes, Test of Indoor Air Shows Formaldehyde Level <27ppb**	0			3			
	Total Available Points in Finishes = 27	3						
L. FLOORING				Possible Points				
≥15%	**1. Use Environmentally Preferable Flooring (Minimum 15% Floor Area)** A) FSC-Certified Wood, B) Reclaimed or Refinished, C) Rapidly Renewable, D) Recycled-Content, E) Exposed Concrete, F) Local. *Flooring Adhesives Must Meet SCAQMD Rule 1168 for VOCs.*	1				4		
TBD	**2. Thermal Mass Floors (Minimum 50%)**	0		1				
TBD	**3. Low Emitting Flooring (Section 01350, CRI Green Label Plus, Floorscore** [*This credit is a requirement associated with J4: EPA IAP]	0			3			
	Total Available Points in Flooring = 8	1						
M. APPLIANCES AND LIGHTING				Possible Points				
Yes	**1. Install ENERGY STAR Dishwasher (Must Meet Current Specifications)**	2		1			1	
	2. Install ENERGY STAR Clothes Washer							
Yes	a. Meets ENERGY STAR and CEE Tier 2 Requirements (Modified Energy Factor 2.0, Water Factor 6.0 or less)	3		1			2	
TBD	b. Meets ENERGY STAR and CEE Tier 3 Requirements (Modified Energy Factor 2.2, Water Factor 4.5 or less)	0					2	
	3. Install ENERGY STAR Refrigerator							
TBD	a. ENERGY STAR Qualified & < 25 Cubic Feet Capacity	1		1				
Yes	b. ENERGY STAR Qualified & < 20 Cubic Feet Capacity	1		1				
	4. Install Built-In Recycling Center or Composting Center							
TBD	a. Built-In Recycling Center	0				1		
TBD	b. Built-In Composting Center	0				1		
	5. Install High-Efficacy Lighting and Design Lighting System							
Yes	a. Install High-Efficacy Lighting	1		1				
TBD	b. Install a Lighting System to IESNA Footcandle Standards or Hire Lighting Consultant	0		1				
	Total Available Points in Appliances and Lighting = 13	8						

Enter Project Name

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
N. OTHER			Possible Points					
Yes	1. *Required:* **Incorporate GreenPoint Rated Checklist in Blueprints** [*This credit is a requirement associated with J4: EPA IAP]	Y				R		
TBD	**2. Pre-Construction Kick-Off Meeting with Rater and Subs**	0	1					
TBD	**3. Homebuilder's Management Staff are Certified Green Building Professionals**	0	1					
Yes	**4. Develop Homeowner Manual of Green Features/Benefits and Conduct Walkthroughs** [*This credit is a requirement associated with J4: EPA IAP]	3		1	1		1	
TBD	**5. Install a Home System Monitor OR Participate in a Time-of-Use Pricing Program**	0		1				
	Total Available Points in Other = 6	3						
O. COMMUNITY DESIGN & PLANNING			Possible Points					
	1. Develop Infill Sites							
Yes	a. Project is an Urban Infill Development	2	1			1		
Yes	b. Home(s)/Development is Located within 1/2 Mile of a Major Transit Stop	2	2					
TBD	**2. Build on Designated Brownfield Site**	0	3					
	3. Cluster Homes & Keep Size In Check							
TBD	a. Cluster Homes for Land Preservation	0	1			1		
TBD	b. Conserve Resources by Increasing Density (10 Units per Acre or Greater)	0	2			2		
	c. Home Size Efficiency	6				6		
1055	i. Enter Average Unit Square Footage							
2	ii. Enter Average Number of Bedrooms/Unit							
	4. Design for Walking & Bicycling							
0	a. Site Has Pedestrian Access Within 1/2 Mile of Community Services: TIER 1: Enter Number of Services Within 1/2 Mile 1) Day Care 2) Community Center 3) Public Park 4) Drug Store 5) Restaurant 6) School 7) Library 8) Farmer's Market 9) After School Programs 10) Convenience Store Where Meat & Produce are Sold							
3	TIER 2: Enter Number of Services Within 1/2 Mile 1) Bank 2) Place of Worship 3) Laundry/Cleaners 4) Hardware 5) Theater/Entertainment 6) Fitness/Gym 7) Post Office 8) Senior Care Facility 9) Medical/Dental 10) Hair Care 11) Commercial Office or Major Employer 12) Full Scale Supermarket							
	i. 5 Services Listed Above (Tier 2 Services Count as 1/2 Service Value)	0	1					
	ii. 10 Services Listed Above (Tier 2 Services Count as 1/2 Service Value)	0	1					
TBD	b. Development is Connected with A Dedicated Pedestrian Pathway to Places of Recreational Interest Within 1/4 mile	0	1					
TBD	c. Install Traffic Calming Strategies (Minimum of Two): - Designated Bicycle Lanes are Present on Roadways; - Ten-Foot Vehicle Travel Lanes; - Street Crossings Closest to Site are Located Less Than 300 Feet Apart; - Streets Have Rumble Strips, Bulbouts, Raised Crosswalks or Refuge Islands	0	2					
	5. Design for Safety & Social Gathering							
Yes	a. All Home Front Entrances Have Views from the Inside to Outside Callers	1	1					
Yes	b. All Home Front Entrances Can be Seen from the Street and/or from Other Front Doors	1	1					
TBD	c. Orient Porches (min. 100sf) to Streets and Public Spaces	0	1					
TBD	d. Development Includes a Social Gathering Space	0	1					
	6. Design for Diverse Households (6a. is a Prerequisite for 6b. and 6c.)							
TBD	a. All Homes Have At Least One Zero-Step Entrance	0	1					
TBD	b. All Main Floor Interior Doors & Passageways Have a Minimum 32-Inch Clear Passage Space	0	1					
TBD	c. Locate Half-Bath on the Ground Floor	0	1					
TBD	d. Provide Full-Function Independent Rental Unit	0	1					
	Total Achievable Points in Community Design & Planning = 35	12						

Enter Project Name

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
P. INNOVATION			Possible Points					
	A. Site							
	1. Stormwater Control: Prescriptive Path (Maximum of 3 Points, Mutually Exclusive with PA2.)							
TBD	a. Use Permeable Paving for 25% of Driveways, Patios and Walkways	0	1					
Yes	b. Install Bio-Retention and Filtration Features	2	2					
Yes	c. Route Downspout Through Permeable Landscape	1	1					
TBD	d. Use Non-Leaching Roofing Materials	0	1					
TBD	e. Include Smart Street/Driveway Design	0	1					
TBD	2. Stormwater Control: Performance Path (Mutually Exclusive with PA1): Perform Soil Percolation Test and Capture and Treat 85% of Total Annual Runoff	0	3					
	C. Landscape							
Yes	1. Meet Local Landscape Program Requirement	2					2	
	D. Structural Frame & Building Envelope							
	1. Design, Build and Maintain Structural Pest and Rot Controls							
TBD	a. Locate All Wood (Siding, Trim, Structure) At Least 12" Above Soil	0				1		
TBD	b. All Wood Framing 3 Feet from the Foundation is Treated with Borates (or Use Factory-Impregnated Materials) OR Walls are Not Made of Wood	0				1		
Yes	2. Use Moisture Resistant Materials in Wet Areas: Kitchen, Bathrooms, Utility Rooms, and Basements [*This credit is a requirement associated with J4: EPA IAP]	2			1	1		
	E. Exterior							
TBD	1. Vegetated Roof (Minimum 25%)	0	2	2				
	G. Plumbing							
TBD	1. Greywater Pre-Plumbing (Includes Washing Machine at Minimum)	0					1	
TBD	2. Greywater System Operational (Includes Washing Machine at Minimum)	0					2	
TBD	3. Innovative Wastewater Technology (Constructed Wetland, Sand Filter, Aerobic System)	0					1	
TBD	4. Composting or Waterless Toilet	0					2	
TBD	5. Install Drain Water Heat-Recovery System	0		1				
TBD	6. Install a Hot Water Desuperheater	0		2				
	H. Heating, Ventilation, and Air Conditioning							
TBD	1. Humidity Control Systems (Only in California Humid/Marine Climate Zones 1,3,5,6,7) [*This credit is a requirement associated with J4: EPA IAP]	0			1			
TBD	2. Design HVAC System to Manual T for Register Design	0		1				
	K. Finishes							
TBD	1. Materials Meet SMaRT Criteria *(Select the number of points, up to 5 points)*	0				5		
	N. Other							
TBD	1. Detailed Durability Plan and Third-Party Verification of Plan Implementation	0				2		
	2. Educational Signage of Project's Green Features							
TBD	a. Promotion of Green Building Practices	0	1					
TBD	b. Installed Green Building Educational Signage	0	1					
	3. Innovation: List innovative measures that meet green building objectives. Enter in the number of points in each category for a maximum of 4 points for the measure in the blue cells. Points achieved column will be automatically fill in based on the sum of the points in each category. Points and measures will be evaluated by Build It Green.							
TBD	Innovation: Enter up to 4 Points at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points at right. Enter description here	0						
	Total Achievable Points in Innovation = 33+	7						

Summary

		Community	Energy	IAQ/Health	Resources	Water
Total Available Points in Specific Categories		35	96+	44	110	56
Minimum Points Required in Specific Categories	50	0	30	5	6	9
Total Points Achieved	**91**	**8**	**38**	**5**	**27**	**13**

Enter Project Name

Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes

Project has met all recommended minimum requirements

TOWN OF FAIRFAX
COUNCILMEMBER REPORT

To: **Mayor and Town Council** **Meeting Date: May 2, 2007**

From: **Councilmember Weinsoff**

Subject: **Resolution for Dedication of Street in honor of the Vanni Family**

***

At the March 7, 2007 Council Meeting, Council discussed Town policy and procedures for the naming of Fairfax streets. Mayor Bragman identified the specific section of the Town Code, § 16.24.050(D), which requires that "[p]roposed names for any public streets shall be referred to the Fairfax Historical Society for its recommendation." I referred the matter directly to the Society's Bill Sagar (Archivist/Historian), asking him whether the currently unnamed street between Chester and Ridgeway Avenues (highlighted on the attached map) could be properly named as "Vanni Lane." He identified no conflicts and by letter (attached) "can recommend" that the Council name the street Vanni Lane.

The naming of the street by Resolution for the Vanni family is appropriate. Mike Vanni and Beverley Vanni took up residence on Chester Avenue in 1950, raising their four children. Mrs. Vanni served as our Town Treasurer from 2000 to 2004, and her son Steve served two terms on this Council, including two years as Mayor. He continues to serve Fairfax as a member of the Measure K Committee. The naming of this street for the Vanni family, however, reflects not only their long history in the greater Willow Street community, but the fact that they played a critical role in the actual preservation of this street. When development pressures threatened to close this unnamed accessway in the 1990s, Mr. and Mrs. Vanni presented evidence to the Town that a paved street at this location existed all the way back to the 1950s. The street was preserved and it continues to provide an important second entrance and exit to Ridgeway Avenue – a critical roadway providing public safety to the many people in this community. In naming this road Vanni Lane, we honor a prominent family in the Willow Street neighborhood as well as the contributions to the quality of life its residents enjoy as a result of their work. And we wish Mr. Vanni a happy 80th birthday on May 8th.

The Resolution is attached and is presented for discussion and adoption.

EXHIBIT # C

RESOLUTION NO. 2485

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DEDICATING AND NAMING THE STREET BETWEEN CHESTER AVENUE AND RIDGEWAY AVENUE AS "VANNI LANE"

Whereas, the Fairfax Town Council would like to recognize people who have made significant contributions to the community by naming streets in their honor; and

Whereas, the Vanni family has served the Fairfax community – Beverly Vanni as our elected Town Treasurer from 2000-2004, Steve Vanni as a two-term councilmember and Mayor during the years 1991-1999, and Mike Vanni as the unelected but affectionately recognized "Mayor of Chester Avenue;" and

Whereas, Mike and Beverly Vanni played a critical role in the actual preservation of the currently unnamed road connecting Chester Avenue and Ridgeway Avenue, a critical connecting street providing enhanced public safety to the residents in the Ridgeway Avenue neighborhood; and

Whereas, this action is in conformance with Fairfax Municipal Code Section 16.24.050(D), which requires proposed street namings to be referred to the Fairfax Historical Society for a recommendation, and said proposed "Vanni Lane" has been recommended by the Fairfax Historical Society; and

Whereas, this action will assist in developing a stronger sense of community by honoring one of the prominent families in Fairfax, creating a connection between past and present, enhancing the history of the community, honoring community role models, and communicating community values.

NOW THEREFORE, it is hereby resolved that the Town street between Chester Avenue and Ridgeway Avenue is named "Vanni Lane." The name shall take effect upon the adoption of this Resolution.

The foregoing Resolution No. 2485 was duly introduced and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 2nd day of May, 2007, by the following vote:

AYES: Bragman, Brandborg, Maggiore, Tremaine, Weinsoff
NOES: None
ABSENT: None

_____
Larry Bragman, Mayor

Attest:

_____
Judy Anderson, Town Clerk

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
May 2, 2007

COUNCILMEMBERS PRESENT: Larry Bragman
Susan Brandborg
Mary Ann Maggiore
Lew Tremaine
David Weinsoff

STAFF MEMBERS PRESENT: Linda Kelly, Town Manager
Ann Welsh, Planning Director
Jim Karpiak, Town Attorney
Mark Lockaby, Building Official
Ian Roth, Finance Director
Judy Anderson, Town Clerk

The regular meeting was preceded by a Special Meeting Closed Session at 7:00 p.m. at the Youth Center, 16 Park Rd. for conference with labor negotiator Town Manager Kelly pursuant to Government Code Section 54957.6, with the Fairfax Police Officers' Association.

Mayor Bragman called the regular meeting to order at 7:35 p.m.

Closed Session Announcement

Mayor Bragman announced that direction had been given to the negotiator, Town Manager Kelly to secure more information.

Approval of Agenda and Affidavit of Posting

M/S, Tremaine/Weinsoff, Motion to approve the agenda and the affidavit of posting.

AYES: Bragman, Brandborg, Maggiore, Tremaine, Weinsoff
NOES: None

Announcements

Mayor Bragman made the following announcements: that new members were welcome on the General Plan Advisory Committee and on the Fairfax Youth Commission; that the Fairfax Farmers Market was scheduled to start on Wednesday, May 9th, 4-8 p.m. in Bolinas Park; that a Special Council Workshop on Waste and Recycling had been scheduled for Wed., May 23rd at 7 p.m., at the Women's Club; that the Town had entered a team in the "Team Bike Challenge" to support the reduction of vehicles on the road and to celebrate "Bike to Work Day" on May 17th; and that applicants were being sought for a new Bicycle and Pedestrian Advisory Committee to assist with coordinating the County-wide Bicycle and Pedestrian Plan Update with respect to Fairfax.

Open Time for Public Expression

Terry Goyan, Open Space Committee Chair, thanked the Town Council and local merchants for their support with their recent fund raising event that was attended by over 300 people. He noted that it was their best fund raiser yet, that a good mix of the community attended, and that they wanted to remain a non-political group.

Mike Swezy, Marin Municipal Water District (MMWD), Vegetation Management Director, gave an update on the District's vegetation management plan designed to reduce fire hazards, etc.; stated that it was likely that the plan would require an EIR; that a Request for Proposals would be sent out shortly; that a wildfire prevention event was in the planning stages; that a vegetation management tour was scheduled for May 5th; and that a workshop was planned for Fairfax on September 17th if space was available.

Stan Schriebman, 51 Hickory, stated that he was critical of bicyclists using single-track trails and not following the rules and asked that Mr. Swezy have MMWD enforce their laws regarding bicycles.

Geoffrey Gale, 2575 Sir Francis Drake Blvd., stated that he would like to meet with the Chief of Police about enforcement policies; related an incident at a 7-11 store during a sting operation there; and stated that the police should cite jaywalkers and speeders and shouldn't hassle people.

Stan Schriebman, 51 Hickory, stated that Town Manager Kelly had referred to a $15 runoff fee and noted that it was a fee that hadn't been approved by the voters and that he also paid $50 a year for a tax that also hadn't been voted on by the people.

Frank Gonzalez invited everyone to attend an event at the Fairfax Library to help construct a giant "peace bird" for the Fairfax Festival parade.

Councilmember Brandborg congratulated Public Works Director Johnson on her second anniversary of employment with the Town of Fairfax and stated that the new Manor Road pedestrian and bicycle bridge had been installed and that Director Johnson had kept the project on track to completion.

Discussion and Consideration of adoption of Resolution No. 2485 naming an unnamed road between Chester Avenue and Ridgeway Avenue "Vanni Lane," Weinsoff

Councilmember Weinsoff presented a report and described his conversation with Bill Sagar of the Fairfax Historical Society who sanctioned the naming of Vanni Lane as required by the Town Code.

Judy Hitchcock, Chester Avenue, expressed her appreciation of the Vanni family as neighbors; stated that Mike Vanni was known as the "Mayor of Chester Avenue" and that the naming of the street was an awesome acknowledgment that she enthusiastically supported.

Stan Schriebman, 51 Hickory, stated that he had supported Steve Vanni when he had run for Council and that the street naming was a well deserved honor.

Keith Silva, 43 Sequoia, stated that the Vanni family was an asset to the community and wished Mr. Vanni a "Happy Birthday."

M/S, Weinsoff/Brandborg, Motion to adopt Resolution No. 2485 naming an unnamed road between Chester Avenue and Ridgeway Avenue "Vanni Lane."

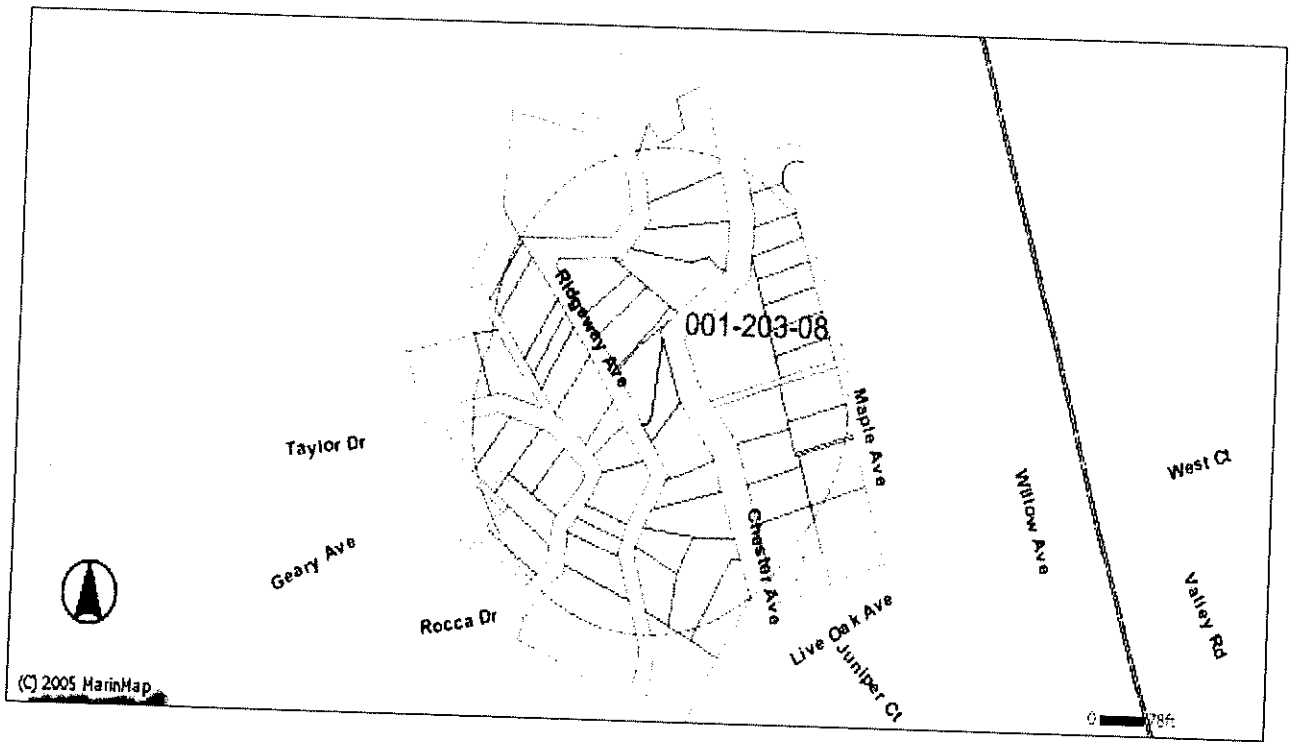
AYES: All

Interview and appointment of candidate(s) to serve on the Fairfax Youth Commission

Vice Mayor Maggiore stated that the candidates were not present and asked that the interviews be done at the next regular meeting. There was a consensus of the Council to continue the item.

TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services

TO:	Fairfax Planning Commission
FROM:	Jim Moore, Director of Planning and Building Services Linda Neal, Senior Planner
DATE:	December 17, 2009
SUBJECT:	Request for a Hill Area Residential Development permit, Variances and an Excavation permit to construct a single-family residence. *Recommend approval of application # 09-30*
LOCATION:	161 Ridgeway Avenue; Assessor's Parcel No. 001-203-08



161 RIDGEWAY AVENUE

EXHIBIT # D

RECOMMENDATION

1. Move to approve application # 09-30 based on the following findings and subject to the following conditions of approval:

RECOMMENDED FINDINGS

Hill Area Residential Development Findings

1. The site is located in the Residential Single-family RD 5.5-7 Zone which allows for the construction of a single-family residence on each parcel of 5,500 square feet. The applicant is seeking variances to certain requirements of the Zoning Ordinance and the findings for these exceptions are found below. Therefore, the project is consistent with the adopted codes and policies of the Town of Fairfax and is consistent with the purpose and intent of the Zoning Ordinance.

2. The site slopes down steeply from Ridgeway Avenue to Chester Avenue and the lower portion is vegetated with large Eucalyptus trees. Over 2,800 square feet of the site is developed with Vanni Lane which the applicant has agreed to dedicate as a public roadway easement in 2007. The remaining developable portion of the site is roughly 2,486 square feet in size. The Eucalyptus trees pose a fire hazard and have to be removed per the regulations of the Ross Valley Fire Department. The Fire Department is also requiring level areas around the structure for fire -fighting purposes. Excavation will only occur in areas of the site which are included in the footprint of the residence and other supporting structures. Therefore, the site planning preserves identified natural features.

3. The Town Engineer has reviewed the following reports, plans and other supporting materials and has determined that the site can be developed without geologic, hydrologic or seismic hazards:

- The architectural plans by Fred Divine, Associates dated 8/31/09, sheets A1.0, A2.0, A3.1, A3.2, with included plan sheets by J.L. Engineering, pages C1 through C3, dated 4/29/09.
- Landscaping plan by Alfresco Designs, dated 8/24/09 (see the last page of the project plan set).
- Geotechnical Engineering letters by John Hom Associates, Inc. dated 8/26/09 and 4/27/09.
- Original geotechnical report dated 4/23/09
- A letter by Treemasters, dated 7/8/09.
- A letter by J.L. Engineering, dated 8/12/09.

(See attached Exhibits G, H and I)

4. The residence is small in size, 1,055sf, and has only two bedrooms. The site is also only 3/10 of a mile, within walking distance, of the Golden Transit bus stops at the intersection of Willow

and Sir Francis Drake Boulevard. The development maintains an adequate easement width on Vanni Lane for emergency vehicles. Therefore, vehicular access and parking are adequate.

5. The Willow Avenue neighborhood is composed of structures with widely varying architectural styles and sizes. No one particular dominant style can be identified. Therefore, the proposed development harmonizes with the surrounding residential development in as much as a harmony of design styles can be determined. The structure is not located within a Ridgeline Scenic Corridor and therefore, its construction will not result in the deterioration of a significant view corridor.

Variance Findings

1. The lot is only 5,374 square feet in size, it slopes steeply down between Ridgeway Avenue and Chester Avenue and it is irregularly shaped because a significant portion of it is taken up by Vanni Lane. These are the special circumstances applicable to the property that would result in the strict application of the Zoning Ordinance rendering the property unbuildable. Building a single-family residence on a property zoned for a single-family residence is a privilege that has been enjoyed by other property owners in the vicinity on similar sized lots and under identical zone classifications.

2. The variance or adjustment will not constitute a grant of special privilege because many of the residences throughout the Willow Avenue and Ridgeway Avenue neighborhoods do not maintain the currently required setbacks and do not provide the three parking spaces required by the Code.

3. The strict application of the Zoning Ordinance would render this site unbuildable which would be an excessive or unreasonable hardship for the owner.

4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity. The residence will maintain the minimum required 5ft side yard setback from the nearest residence to the south at 167 Ridgeway Avenue and the improvements will not create any vehicular or pedestrian visibility barriers by encroaching into the public right-of-way.

Parking Variance Findings

1. Neither present nor anticipated future traffic volumes generated by the use of the two bedroom site or the uses of sites in the vicinity which are already developed require strict or literal interpretation and enforcement of the Parking Ordinance.

2. The parking deck has been located to maintain the required clearances for emergency vehicles as well as passenger vehicles on Ridgeway Avenue and Vanni Lane. Therefore, the granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.

3. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title (see finding 2 above).

Excavation Findings

1. The Town Engineer has reviewed the following reports, plans and other supporting materials and has determined that the site can be developed without geologic, hydrologic or seismic hazards:

- The architectural plans by Fred Divine, Associates dated 8/31/09, sheets A1.0, A2.0, A3.1, A3.2, with included plan sheets by J.L. Engineering, pages C1 through C3, dated 4/29/09.
- Landscaping plan by Alfresco Designs, dated 8/24/09 (see the last page of the project plan set).
- Geotechnical Engineering letters by John Hom Associates, Inc. dated 8/26/09 and 4/27/09.
- Original geotechnical report dated 4/23/09
- A letter by Treemasters, dated 7/8/09.
- A letter by J.L. Engineering, dated 8/12/09.

(See attached Exhibits – G, H, and I).

2. Compliance with the project plans, all the recommendations listed in the above reports and the Town Engineer's additional conditions listed below will result in the health safety and welfare of the public not be adversely affected by the project.

3. The 125 cubic yards of excavation/fill is not more than is required to allow the property owner substantial use of his or her property;

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

5. The natural landscaping will not be removed by the project more than is necessary;

6. Excavation cannot occur between October 1st and April 1st. Therefore, the time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes.

RECOMMENDED CONDITIONS OF APPROVAL

Department of Planning and Building Services Recommended Conditions

1. This approval is limited to the development illustrated on the plans prepared by by Fred Divine, Associates dated 8/31/09, sheets A1.0, A2.0, A3.1, A3.2, with included plan sheets by J.L. Engineering, pages C1 through C3, dated 4/29/09 and landscaping plan by Alfresco Designs, dated 8/24/09 (see the last page of the project plan set).

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

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

- Construction delivery routes approved by the Department of Public Works.
- Construction schedule (deliveries, worker hours, etc.)
- Notification to area residents
- Emergency access routes

b. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Director/ the Public Works Director can waive this requirement).

c. Submit a bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Building Official/Public Works Director. Upon approval of the contract costs, the applicant shall submit bond or letter of credit equaling 100% of the estimated construction costs.

d. Prior to issuance of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the development's conformance with their recommendations.

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

a. The structural engineer shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town staff that the grading has been completed as recommended prior to installation of foundation and retaining forms and piers.

b. The structural engineer shall field check the forms of the foundations and retaining elements and provide written certification to the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans prior to the concrete form inspection by the building official. The building official shall field check the concrete forms prior to the pour.

c. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public

right(s)-of-way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.

d. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

4. Prior to issuance of an occupancy permit and or final inspection the following shall be completed:

a. The structural engineer shall field check the completed project and submit written certification to the Town Staff that the foundation, retaining, grading and drainage elements

have been installed in conformance with the approved building plans and the recommendations of the soils report.

b. The Planning Department shall field check the completed project to verify that all Planning Commission conditions have been complied with.

5. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.

6. During construction the developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".

7. Notwithstanding section #17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 09-30. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 09-30 will result in the job being immediately stopped and red tagged.

8. Any damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

9. The applicant shall comply with any and all requirements of the Ross Valley Fire Department, the Ross Valley Sanitary District, the Marin Municipal Water District and the Fairfax Building Official.

10. The applicant or owner shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

11. The project must be reviewed and approved by the Design Review Board prior to issuance of the building permit.

12. The parking deck for the project shall be constructed as the first portion of the project to provide a place for construction vehicles and materials and to minimize the impact of the construction on the neighborhood.

Marin Municipal Water District Conditions

1. Landscape and irrigation plans must comply with Landscape Ordinance # 385.

2. Should backflow protection be required it shall be installed as a condition of water service.

Sanitary District Conditions

1. A sewer permit is required after the building permit is obtained.

2. Installation of a private sewer lateral must meet District Specifications and be inspected by a District Inspector before it is covered.

Town Engineer Recommended Conditions

1. The dedicated roadway easement shall be amended to include language such that the dedicated easement shall also be a public utility easement and the document must be recorded prior to the building permit being issued for the project.

2. The final grant deed dedication form shall be subject to review and approval by the Town Attorney at the expense of the applicant.

3. The field layout of the proposed easement must be reviewed and approved by the Director of Public Works, the Department of Planning and Building Services and the Town Engineer prior to issuance of the project building permit.

4. A copy of the Marin Municipal Water District easement shall be recorded and a recorded copy of the document shall be provided to the Town prior to issuance of the building permit. The document must include language relinquishing the old easement which has an undefined location and providing for a new water line easement that will not conflict with the proposed project development.

5. The gas line trench shall be shown on the building permit application plans and shall be reviewed by the Town Engineer prior to issuance of the building permit.

6. The Pine tree located on the side property line between 161 and 167 Ridgeway Avenue shall be removed prior to issuance of the building permit.

7. The 6 inch buried outlet pipe shown near the concrete ditch in Chester Avenue shall be shown on the building permit drainage plan as some other type of outlet that can be cleaned and has some self cleaning ability. The Town Engineer has recommended an anchored, surface, 45 bend directing the discharge flow downstream into the existing concrete lined ditch.

8. The encroachment permit for the project shall include a condition that the property owner maintain the pipe system that is in the Chester Avenue right-of-way.

9. The project geotechnical engineer has indicated in writing that the proposed foundation system will protect the residence from sliding. However, he agrees with the Town Engineer that there is potential for soil instability on the steep slope below the residence due to either earthquake forces or very wet rainy periods. Therefore, the 40 feet below the house and above the edge of the Chester Avenue pavement shall be maintained by the property owner and shall be included in the encroachment permit issued for the project, prior to issuance of the building permit, and subject to recordation at the Marin County Recorder's Office.

10. The Eucalyptus stumps near the edge of the Chester Avenue pavement shall be left in place with the approval of the Public Works Director.

Ross Valley Fire Department Recommended Conditions

1. The project shall comply with the requirements of the Ross Valley Fire Department as set forth in the attached November 28, 2009 Memorandum including but not limited to the following:

2. A Vegetation Management Plan is required and an approved plan must be provided to the Building Department prior to issuance of the building permit.

3. An effective fire break must be maintained around the structure including the elimination of all the Eucalyptus trees from the site.

4. A fire sprinkler system shall be installed and approved by the Fire Department prior to the project final inspection.

5. The fire hydrant at 167 Ridgeway shall be upgraded prior to the delivery of any combustible materials to the site. An on-site inspection by the Fire Department is required prior to delivery of any such materials.

6. Combustible materials shall be allowed to accumulate on site during construction and shall be removed as often as is possible.

Public Works Department Recommended Conditions

Provide information from the project geotechnical engineer that the bank below the residence will remain stable after the Eucalyptus trees are removed. If the tree removal, a condition of the Ross Valley Fire Department, will destabilize the bank, a method of securing the bank must be submitted and be approved by the Public Works Director and the Town Engineer prior to issuance of the building permit.

DISCUSSION

Background

On March 1, 1984 the Fairfax Planning Commission approved a Use Permit for a residential second unit at 167 Ridgeway Avenue next door to the project site. At the time, perhaps unknowingly, they approved a driveway over the project site to access the parking for the second unit. Construction of the proposed residence will block access to the parking for the second unit. Originally staff was concerned that the construction would place the adjacent second unit out of compliance with the parking regulations because the public hearing for the project was duly noticed, the current applicant's family did receive notification by mail and they did not protest the project (see Exhibit B). However, the Town Attorney has concurred with the applicant's attorney that this issue should not impact the project going forward (see Exhibit C – letter from Neil Sorenson, April 16, 2009). If the neighbors want to they can contest the matter in court.

In mid 2007, a Councilmember undertook a project to name the then unnamed street that crosses the project site Vanni Lane. During an investigation of the matter, the legality of the site was questioned. The issue of whether or not the road was a public road was also raised. It was determined that the parcel was legally created and that there was no public easement for the roadway across the site. On May 2, 2007, the Town Council voted to name the then unnamed roadway that crosses the project site Vanni Lane after the owner agreed to grant a public easement for the roadway (see Exhibits D and E). In return the owner of the site requested a

certificate of compliance for the site indicating that the site was legally created and could be built upon (see Exhibit F).

By granting the Certificate of Compliance the intent of the Town Council to allow development of the site in return for the granting of the public easement is clear.

Project Discussion

The 5,374 square foot site slopes down from Ridgeway Avenue and has an average slope of 40%. There are 9 large Eucalyptus trees covering the bottom of the site and one oak tree at the upper portion of the site. There is also a large Pine located adjacent to the parking deck for the neighboring property at 167 Ridgeway Avenue.

The project complies with the requirements of the Residential Single-family RS 6 Zone as follows:

	Front setback	Rear setback	Combined front/rear setback	Side setbacks	Combined side setback	FAR	Lot coverage	Height limit
Required/permitted	6ft	~~10ft~~ 12ft	35ft	5ft & 5ft	25ft	.40	.35	35ft, 3 stories
Proposed	0ft	~~23ft~~ 19ft	23ft	5ft & 22ft	27ft	.19	.14	35ft, 2 stories

Fences

Town Code § 17.044.080(B)(1) limits the height of fences anywhere within the required 6ft front setback to 4 feet in height. Town Code § 17.044.080(B)(2) limits fence heights behind the front setback to 6ft in height. A variance is required from the Planning Commission to maintain fences and retaining walls at heights exceeding the permitted heights. Although the plans refer to retaining walls that exceed 6ft in height these walls are actually part of the safety railing and foundation system for the parking deck and residence and are not separate detached retaining walls. Therefore, they do not require retaining wall height variances (see east elevation on sheet 3.1 of the plans).

Trees

All of the trees will need to be removed either as a requirement of the Ross Valley Fire Department (the Eucalyptus) or to allow construction (the Oak and Pine). The Tree Committee approved removal of the Pine tree at their November 23, 2009 meeting. Prior to issuance of the building permit the applicant will have to obtain a tree removal permit for the oak tree.

Front/rear Setback and Side Yard Setback Variances

Town Code § 17.084.070(B)(1) requires that structures in the Residential RD 5.5-7 Zone maintain a combined front/rear setback of 35 feet.
Minimum side yard setbacks of 5ft are required for structures and parking per Town Code sections 17.052.010(B) and 17.084.070(B)(2).

The small size of the site and the location of Vanni Lane that cuts through the site result in the structure maintaining a combined front/rear setback of only 23 feet and the parking structure is

proposed up to the southern side property line (Town Code § 17.052.010(2) allows uncovered parking decks to be located within the 6 foot front yard setback).

The residence itself will maintain the minimum required 5ft side setback and the combined 20foot side yard setback with only the uncovered parking deck proposed within the southern side setback. Therefore the impact on the nearest adjacent residence at 167 Ridgeway Avenue has been minimized.

Parking Variance

Town Code § 17.052.030(A)(1) requires that a two bedroom residence be provided with 2 parking spaces and § 17.052.030(A)(2) requires that an additional third space be provided if an on street guest parking stall is not available along the property frontage.

The small and irregular shape of the site as well as the location of Vanni Lane across its northwestern side make it impossible to provide the third required guest parking space and one is not available along the property frontage either. Therefore, the applicant is requesting a parking variance to provide only the two spaces required on-site. The requested variance is reasonable based on the facts that the structure will only have 2 bedrooms and it is located with 3/10ths of a mile from the public transportation bus stops at the intersection of Willow Avenue and Sir Francis Drake Boulevard.

Hill Area Residential Development Permit

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 area. The intent is to accomplish the following:

1. Encourage maximum retention of natural topographic features such as drainage ways, streams, slopes, ridgelines, rock outcroppings, vistas, natural plant formation and trees;
2. Minimize grading of hillside areas;
3. Provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas;
4. Minimize water runoff and soil erosion problems during and after construction;
5. Prevent loss of life, reduce injuries and property damage and minimize economic dislocations from geologic hazards; and
6. Ensure that infill development on hillside lots is of a size and scale appropriate to the property and is consistent with other properties in the vicinity under the same zone classification.

However, court cases have occurred and have become case law indicating that jurisdictions cannot legally deny a property owner at least some use of a private site unless the jurisdiction can show that development will create a public nuisance or hazard. Denying a property any use of

their land without factual information showing that development will create a public nuisance or hazard is considered a taking.

This site has significant constraints that make it appear smaller than it really is, namely the existence of Vanni Lane which cuts though the site and the proximity of the 167 Ridgeway Avenue parking deck 2 ½ feet from the side property line. However, because the Ridgway Park Subdivision was created in 1907, many of the lots in the area are similar in size to the project site.

The architectural plans, geotechnical information and drainage and grading plans and report submitted for the project have been reviewed by the Town Engineer. After reviewing the documents he has determined that the site can be developed as proposed, utilizing accepted engineering standards, as long as the conditions listed above under "Town Engineer's Recommended Conditions" are complied with (see a complete list of the plans and report under the Findings for Approval above).

ATTACHMENTS

Exhibit A – applicant's supplemental information
Exhibit B – background information on the residential second unit at 167 Ridgeway Avenue
Exhibit C – Letter from Neil Sorensen, Attorney at Law, dated 4/16/09
Exhibit D – 5/2/07 Town Council minutes regarding Vanni Lane
Exhibit E – right-of-way easement grant deed
Exhibit F – Conditional Certificate of Compliance
Exhibit G – Geotechnical information, John Hom and Associates, Inc.
Exhibit H - Other agency reviews/comments
Exhibit I – 7/8/09 Treemasters Arborist Report,
Exhibit J – Town Engineer's memorandum/comments

VARIANCE FINDINGS

APN 001-203-08
RIDGEWAY AVE., FAIRFAX, CA
August 31, 2009

1. Special circumstances applicable to the property:

   The property is small in size, 5,375 SF, irregular in shape and has a 25% slope. An existing roadway with no deeded right-of-way or easement is located on the west side of the property that allows access from Ridgeway Ave. to Chester Ave. below. A deviation is requested from the rear property line of 9'-0". The building is positioned to allow the roadway to remain and provide a parking pad off Ridgeway Ave. A rear deck is also requested six from the rear property line. The rear property line is along Chester Ave., which can also be considered a front setback.

2. Why the variance will not materially adversely affect the health or safety of the neighborhood:

   Although a setback deviation is requested, there is still substantial separation of the residence from the edge of the road at Chester Ave of 16'-0". The proposed home meets other zoning requirements such as floor area, lot coverage, and building height. The proposed floor area, lot coverage, and building height are substantial less than town requirements.

3. Why complying with the Town Ordinance will be a hardship for the owner:

   Due to the small, irregular shape of the lot, there is limited building envelope available. There are other existing homes in the neighborhood which are built on substandard lots, and have a floor area ratio greater than the proposed residence. There is an additional hardship of an existing roadway that further limits building position.

EXHIBIT # A

1924 FOURTH STREET, SAN RAFAEL, CA 94901 (415) 457-0220 FAX (415) 454-9581

FENCE VARIANCE FINDINGS

APN 001-203-08
RIDGEWAY AVE., FAIRFAX, CA
August 31, 2009

1. Special circumstances applicable to the property:

   The property is 5,375 SF in size, irregularly shaped and has a 25% slope. An existing roadway with no deeded right-of-way or easement is located on the west side of the property that allows access from Ridgeway Ave. to Chester Ave. below. Due to this existing roadway there is limited area to place the parking pad for the residence. A retaining wall is required along the east property line for the parking pad to conform to the existing roadway. The retaining wall has a maximum height of 8'-6" near the front of the residence. Additional retaining walls adjacent to the house have been stepped down, to minimize the height of these walls as much as possible. Adjacent to the parking pad, a 3'-6" high guard rail is required by the building code due to the height above grade. The maximum height of the retaining wall and rail is 12'-0" in one location, and a minimum height of 6'-0".

2. Why the variance will not materially adversely affect the health or safety of the neighborhood:

   Retaining walls at parking areas are necessary on hillside lots due to existing roadway conditions. A concrete parking structure was chosen in order to comply with wild land fire requirements. Concrete structures also require less maintenance that wood framed structures. Town code allows uncovered parking decks on lots with a greater than 15% downslope to exceed the height for accessory buildings.

3. Why complying with the Town Ordinance will be a hardship for the owner:

   Due to the small, irregular shape of the lot, there is limited building envelope available. Placing the driveway off of Ridgeway Ave. is preferred as it provides more area for parking. The civil engineer has designed the parking structure retaining walls to be as low as possible. Placing parking below the house would require a deep cut into a steep hillside, and create unattractive large retaining walls.

1924 FOURTH STREET, SAN RAFAEL, CA 94901 (415) 457-0220 FAX (415) 454-9581

A R C H I T E C T S
FREDRIC C. DIVINE ASSOCIATES

PARKING VARIANCE FINDINGS

APN 001-203-08
RIDGEWAY AVE., FAIRFAX, CA
August 31, 2009

1. Special circumstances applicable to the property:

   The property is a small 5,375 SF irregular shaped parcel with a 25% slope. An existing roadway with no deeded right-of-way or easement is located on the west side of the property that allows access from Ridgeway Ave. to Chester Ave. below. Due to this existing roadway there is limited area to place the parking pad for the residence. Only two parking spaces will fit in the remaining area left on the property. A small 1,055 SF two bedroom residence is proposed. Per town code two parking spaces are required for the residence and an additional space for guests. A variance is requested to eliminate the additional guest space.

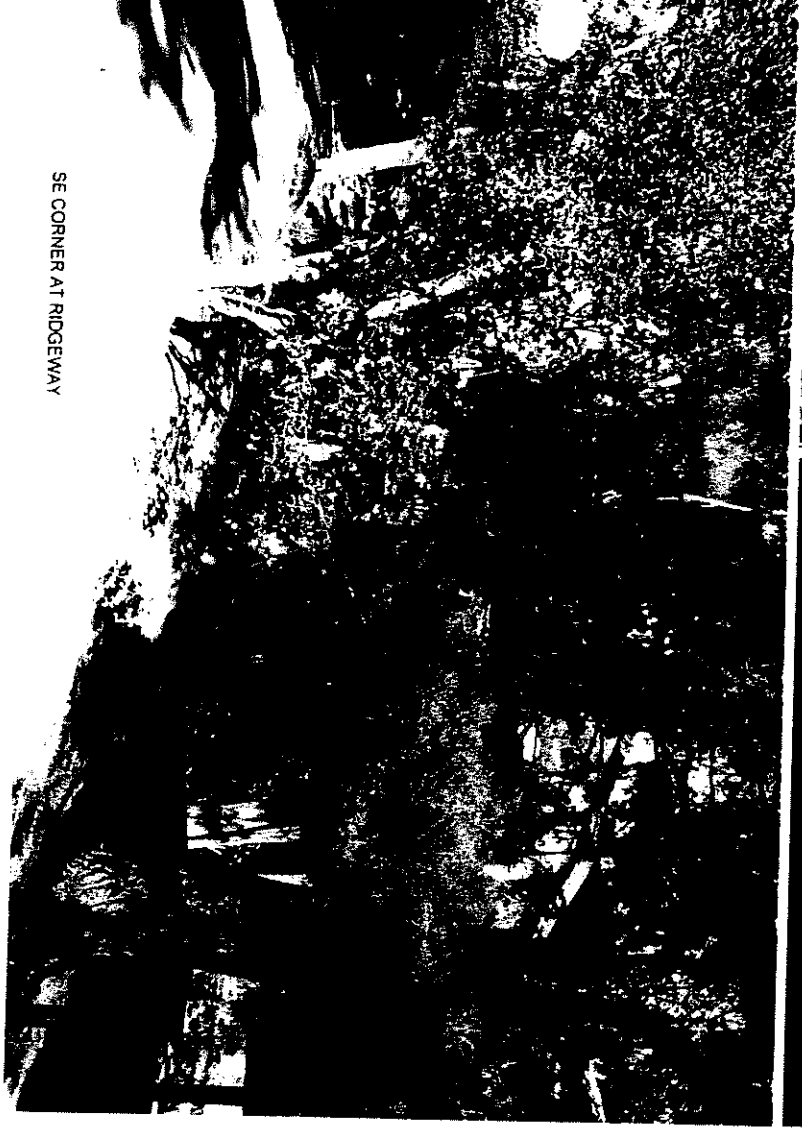
2. Why the variance will not materially adversely affect the health or safety of the neighborhood:

   The proposed residence is accommodating the required number of spaces for the dwelling with two spaces. Alternate arrangements can be made to pick up guests from a designated location away from the residence. Placing parking below the house would require a deep cut into a steep hillside, and create unattractive large retaining walls. Placing the driveway off Ridgeway Ave. also provides better access for fire fighting.

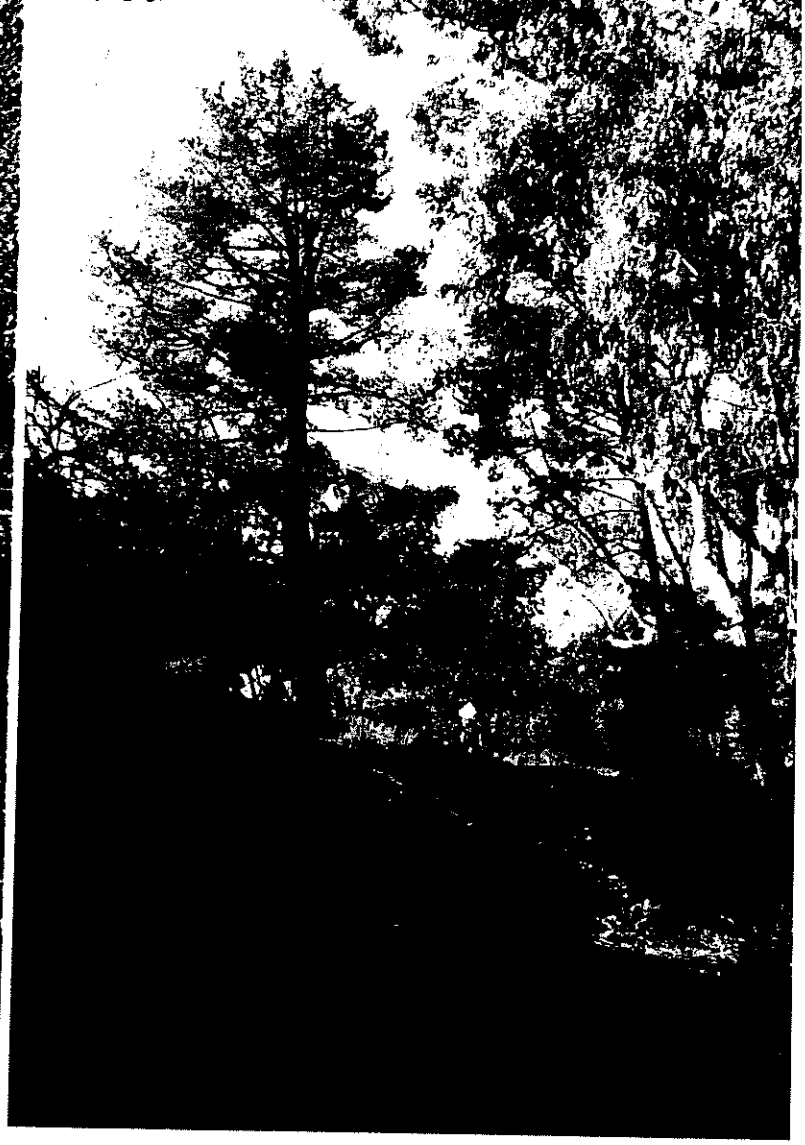
3. Why complying with the Town Ordinance will be a hardship for the owner:

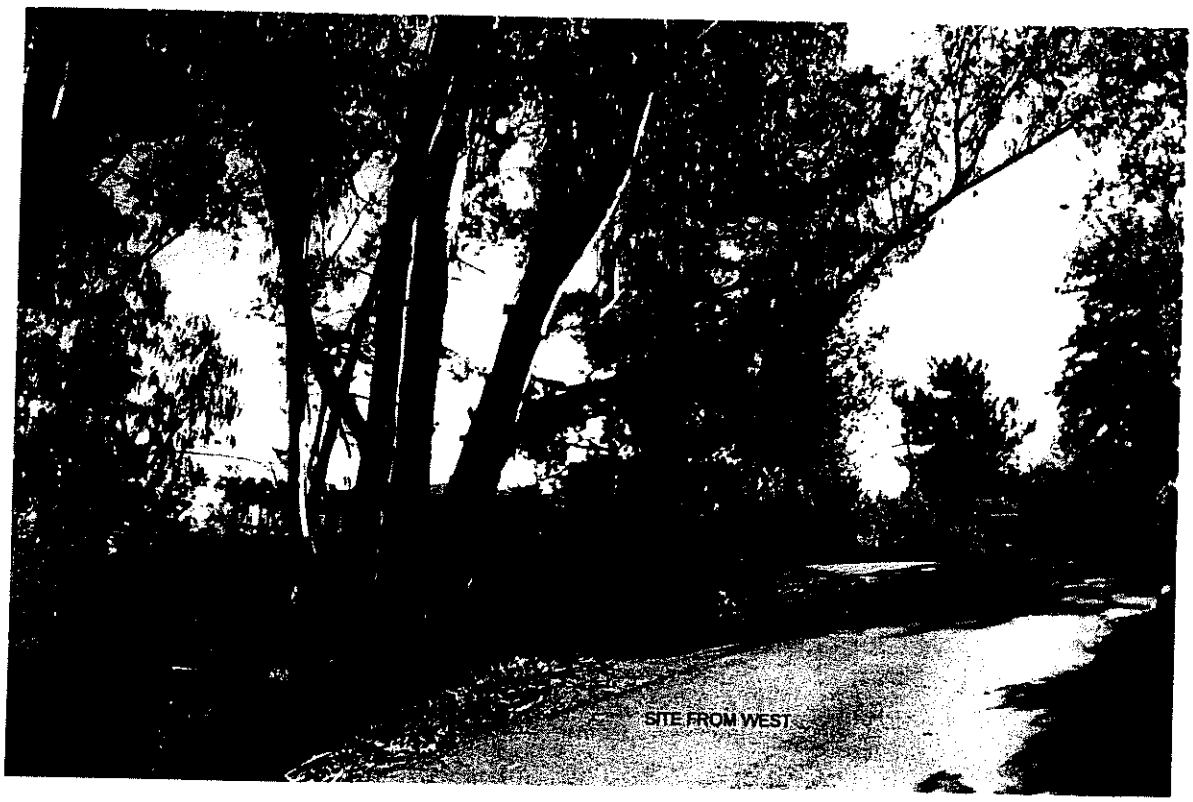
   Due to the small, irregular shape of the lot and slope of the property, there is limited area available for parking. Placing the driveway off of Ridgeway Ave. is preferred as it provides more area for parking, and allows for an uncovered parking deck equal to the town right-of-way.

1924 FOURTH STREET, SAN RAFAEL, CA 94901 (415) 457-0220 FAX (415) 454-9581



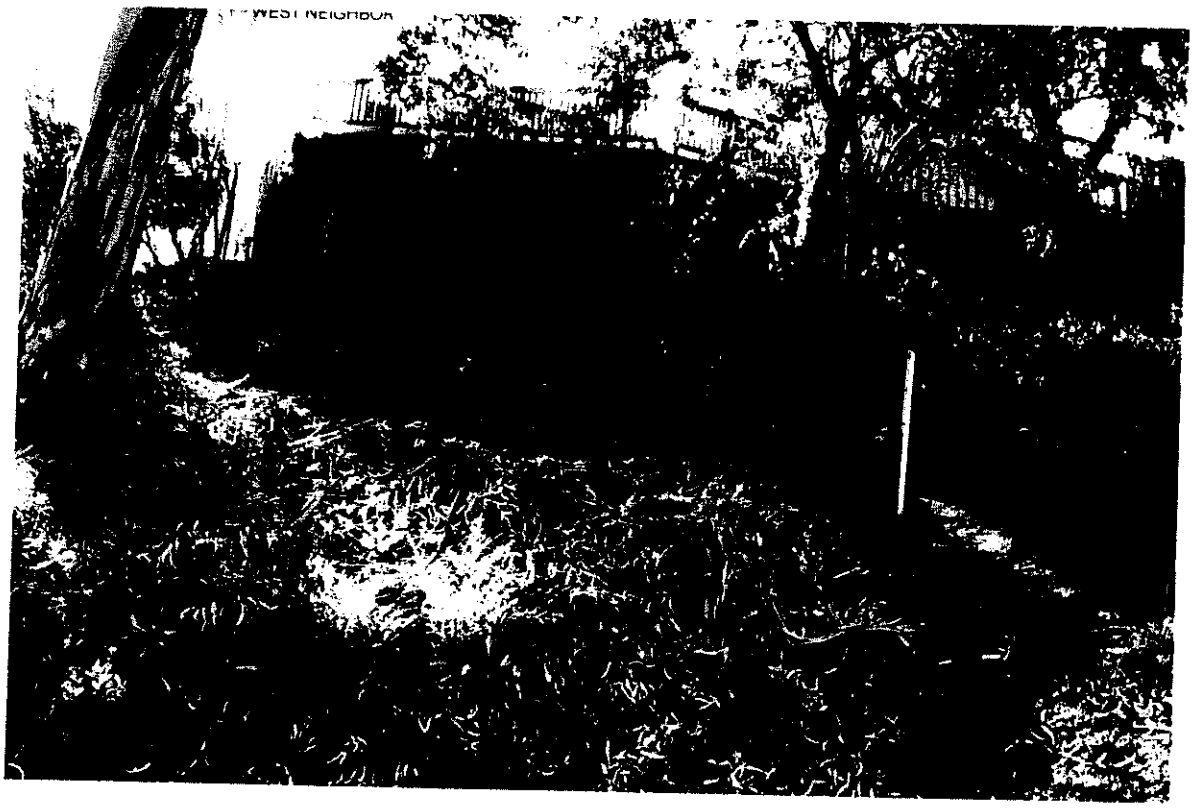
SE CORNER AT RIDGEWAY





SITE FROM WEST

RECEIVED
TOWN OF FAIRFIELD



RECEIVED

TOWN OF FAIRFIELD

Application 84-UP-7, Use permit for live acoustic entertainment, Hildebrand Wines, 85 Bolinas Road, Suite 9, by Michael Hildebrand 84-UP-7 85 Bolinas Suite 9

The applicant was present.

The live entertainment was to consist of non-amplified instruments without the use of microphone, electronic instruments or amplification with participatory singing.

Chairman Eckles summarized the noise problems resulting from live entertainment in the downtown. Mr. Hildebrand responded that the music would take place on weekend evenings and Sunday afternoon, that he plans to use primarily string and woodwind instruments and he was willing to talk to anyone who has a problem with the music.

Ed McGill, who occupies the adjacent office in Fairfax Square for his law practice, said he uses the office at night and during the weekend and expressed concern that the level of noise from the proposed use would disturb his work, noting that noise travels easily in that building.

Mr. Hildebrand said he would comply with the standards established by the committee reviewing the noise ordinance and sound insulation techniques and that the music schedule would be 8 p.m. to 11 or 12 p.m. on Friday and Saturday nights and Sundays between 2 p.m. and 7 p.m.

M/S, Kay-Divine, to approve Application 84-UP-7, Use permit for live entertainment at 85 Bolinas Road, Suite 9, to allow participatory folk singing for small groups, folk music and chamber music concerts for up to 50 people on Friday and Saturday evenings and Sunday afternoons, pursuant to the findings in the department recommendation with the following conditions:

1. That sound insulation in conformance with the Uniform Building Code, 1982 Edition, and sound insulation now under review by a special task force committee, be required.

2. The permit be reviewed in three months.

AYES: Bauer, Divine, Kay, Wilson, Eckles

NOES: (None)

ABSENT: Duncan, Engstrom

Application 84-UP-5, Use permit for a residential accessory unit, A.P.#1-203-34, 167 Ridgeway Avenue, by Vaughn Burlingham 84-UP-5

Mary and Vaughn Burlingham were present.

The proposed use was for a 487 square foot accessory unit in the downstairs in an area added as a family room/laundry room with

EXHIBIT # B

a permit issued in November 1983. Mr. and Mrs. Burlingham do not reside at 167 Ridgeway but have agreed to give their daughter, the present tenant, a 10% interest in the deed to the property to satisfy the owner occupancy requirement.

The Commission discussed whether to require double studded walls for sound insulation throughout the length of the walls between the two units.

M/S, Eckles-Divine, to approve Application 84-UP-5, use permit for a residential accessory unit, A.P.#1-203-34, 167 Ridgeway, with the following conditions, pursuant to the findings in the department recommendation:

1. The three doors between the principal unit and accessory unit be removed and replaced with sound insulated walls, as shown on Exhibit "A," with the door into the bathroom from the study be removed and replaced with a wall.

2. The driveway be improved with asphalt paving or gravel to a standard acceptable to the Building Inspector.

3. A deed restriction requiring owner occupancy be filed.

4. The decks be reduced in size to conform to lot coverage requirements.

5. The new walls shown be constructed in conformance with the 1982 Uniform Building Code.

AYES: Bauer, Divine, Eckles

NOES: Kay

ABSENT: Duncan, Engstrom, Wilson

Commissioner Kay said he voted against the motion because he felt the owners should be required to conform to the same standards as for new units and therefore provide sound insulation throughout the unit.

NON AGENDA NEW BUSINESS

Chairman Eckles said that when the Commissioners' motions are the same as the recommended action in the staff report they could simply move the recommended action. He also asked that staff remind the Council to appoint a new Commissioner at its next regular meeting to replace the outgoing Commissioner Engstrom.

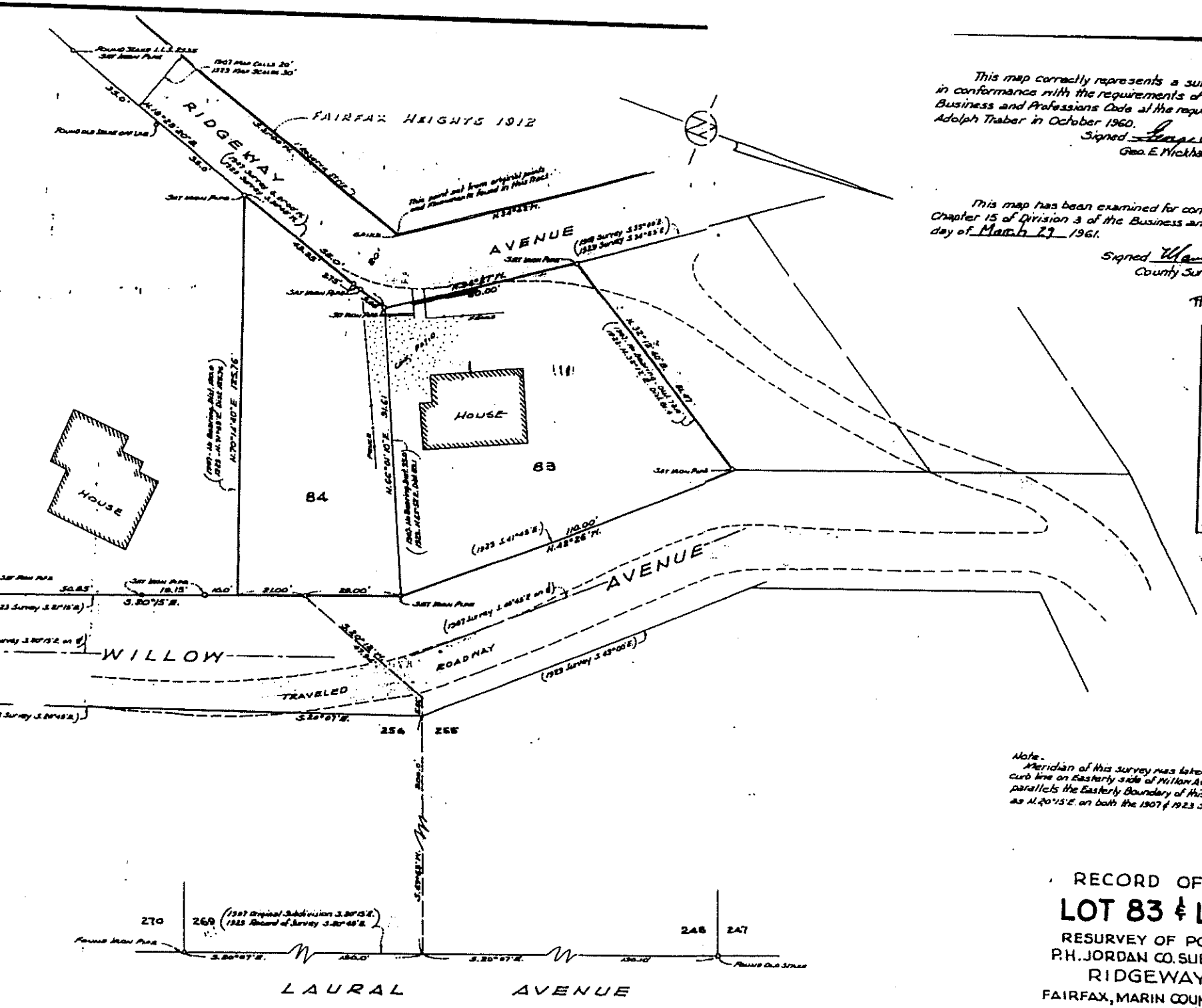
ADJOURNMENT

The meeting was adjourned at 12:55 a.m.

Respectfully submitted,

Beth Calamar

Beth Calamar
Recording Secretary



This map correctly represents a survey made under my directio in conformance with the requirements of Chapter 15 of Division 3 of t Business and Professions Code at the request of Gerhart E. Lust and Adolph Traber in October 1960.

Signed [signature]
Geo. E. Wickham - R.C.E. No. 9626

This map has been examined for conformance with requirements Chapter 15 of Division 3 of the Business and Professions Code this day of March 29 1961.

Signed [signature]
County Surveyor, Marin County, Californ

#9182

Recorded at the request of Adolph Traber
Apr 3 1961
at 25 min. past 3
o'clock P.M., in Volume 2 of Surveys page 219
Records, Marin County, California
N. T. Giacomini
Recorder
[signature]
Deputy Recorder
Recording Fee 5.00

Note.
Meridian of this survey was taken from long curb line on Easterly side of Willow Avenue which parallels the Easterly Boundary of this Tract noted as N.20°15'E. on both the 1907 & 1923 Surveys.

RECORD OF SURVEY

LOT 83 & LOT 84

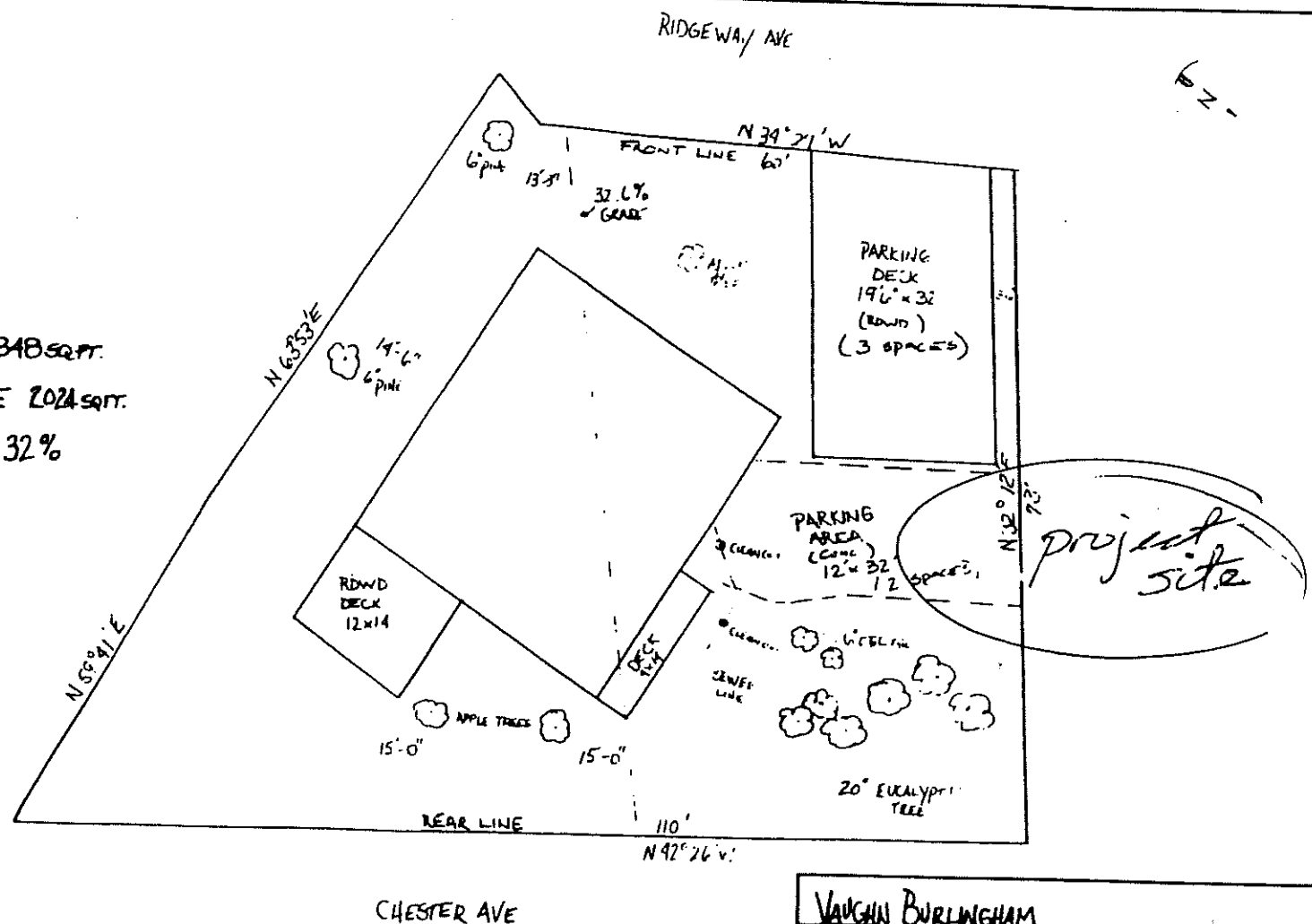
RESURVEY OF PORTION OF
P.H. JORDAN CO. SUBDIVISION OF
RIDGEWAY PARK
FAIRFAX, MARIN COUNTY, CALIFORNIA

OGLESBY, JACOBS & WICKHAM - CIVIL ENGINEERS
FEBRUARY 1961
SCALE 1" = 20'

LOT AREA 6348 SQ.FT.

TOTAL COVERAGE 2024 SQ.FT.

% COVERAGE 32%



VAUGHN BURLINGHAM

167 RIDGEWAY AVE FAIRFAX

SCALE 3/32" = 1'-0"

DRAWN BY

REVISIONS

ACCESSORY UNIT PERMIT

DATE

APPROVED BY

DRAWING NUMBER 1 of 1

TOWN OF FAIRFAX
142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930 (415) 453-1584

MAYOR
Ken Lupp

COUNCIL
John S. Arnold
Frank J. Egger
Carol Sherman
Jo Hanna Willmann

TOWN ADMINISTRATOR
Richard V. Brown

March 8, 1984

NOTICE OF PLANNING COMMISSION ACTION

Vaughn Burlingham
16 Central Avenue
Sausalito, CA 94965

Re: Application 84-UP-5, Use permit for a residential accessory unit

Dear Mr./Ms. Burlingham,

At its meeting of March 1, 1984, the Fairfax Planning Commission took the following action on the above referenced matter:

( ) Approved as submitted

( ) Approved as modified

(x) Approved with the following conditions:

1. The doors between the principle unit and the accessory unit be removed and replaced with sound insulated walls.
2. The driveway be improved with asphalt paving or gravel to a standard acceptable to the Building Inspector.
3. A deed restriction requiring owner occupancy be filed with the County Recorder's Offic
4. New walls shall be constructed to 1982 Uniform Building Code standards.

( ) Denied

( ) Continued to _____
Resubmitted materials are due by _____

The expiration date for this approval is September 1, 1984 unless the project is implemented. This project requires the following additional permits: building. If design review or planning permits are required, separate applications must be filed with the Planning Department. For the building permit, a building permit application and two copies of your working drawings must be submitted to the Building Department. If you intend to revise plans submitted for the Commission's review, they must be picked up at Town Hall. If plans are not picked up within the next 15 days, they will be disposed of.

Actions of the Commission may be appealed to the Town Council within 10 working days of the date of the action. The appeal form available at Town Hall, must be filed with a $20.00 fee. The Commission's action will be final at the end of the appeal period.

Sincerely,

RR Hammond /BC

Rebecca R. Hammond
Director of Community Development

ASSESSED TO	PARCEL NUMBER	TAX RATE AREA	< < LAND	ASS IMPRO
ERIKSSON NILS & ELBERTA 1/2 GROZA MICHAEL G 1/2 333 PINE HILL RD MILL VALLEY, CA 94941	1-201-03	3-000	12,000	
BLETHEN DONNA 182 RIDGEWAY AVE FAIRFAX, CA. 94930	1-202-01	3-000	3,030	
KOEPKE MILDRED M 190 RIDGEWAY AVE. FAIRFAX, CALIF. 94930	1-202-02	3-000	8,989	9,[illegible]
KOEPKE MILDRED M 190 RIDGEWAY AVE. FAIRFAX, CA. 94930	1-202-03	3-000	6,379	
SWANSON ROBERT M 69 CHESTER AVE FAIRFAX, CA. 94930	1-203-01	3-000	7,377	
SWANSON ROBERT M 69 CHESTER AVE FAIRFAX, CA. 94930	1-203-02	3-000	8,198	
FRANCIA HENRY & BEATRIZ 145 RIDGEWAY AVE FAIRFAX, CA 94930	1-203-04	3-000	37,520	98,[illegible]
LORETTO ALFRED J & ALICE J 223 FRIDLEY DR. SANTA CRUZ, CA. 95060	1-203-05	3-000	5,798	
D ALQUEN JAN FEIL JUDY 151 RIDGEWAY AVE FAIRFAX, CA. 94930	1-203-06	3-000	10,151	42,7
ANGELA C PIERCE - PIERCE PROPERTIES 1601 SECOND ST. SAN RAFAEL, CA. 94901	1-203-08	3-000	578	
TRABER ADOLPH P & ANGELA CO-TRS 172 RIDGEWAY AVE. FAIRFAX, CALIF. 94930	1-203-11	3-000	12,178	17,5
BEAUCHAMP GWENDOLYN K 195 RIDGEWAY AVE FAIRFAX, CA. 94930	1-203-14	3-000	9,471	
BEAUCHAMP GWENDOLYN K 195 RIDGEWAY AVE FAIRFAX, CA. 94930	1-203-15	3-000	15,500	34,7

LAW OFFICES OF
NEIL SORENSEN

950 NORTHGATE DRIVE, SUITE 107
SAN RAFAEL, CALIFORNIA 94903
WEB www.sorensenlaw.com

TELEPHONE 415 499-8600
FACSIMILE 415 499-0140
EMAIL neil@sorensenlaw.com

April 16, 2009

Linda Neal, Senior Planner
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Re: Pierce Property – Marin Assessor's Parcel No. 1-203-08

Dear Ms. Neal:

This office represents Charles C. Pierce and Charles C. Pierce, Inc., the owner of the above-referenced property.

I am in receipt of a copy of your December 5, 2008 letter to Laura Kehrlein, with Fred Divine Associates, relating to the application to construct a new single family residence at the Pierce property. In that letter, you indicate that the application is incomplete for a number of reasons, including an allegation made by the Town Engineer that a prescriptive easement exists over the Pierce property in favor of the neighboring Burlingham property at 167 Ridgeway Avenue. For the following reasons, this is not a valid reason to incomplete the application on the Pierce property.

1. As noted in the Preliminary Title Report submitted with the application, there is no deeded easement over the Pierce property in favor of the Burlingham property, including no easement for access or parking.

2. The existence or non-existence of a prescriptive easement over the Pierce property, in favor of the Burlingham property, is not within the jurisdiction of the Town of Fairfax. Pursuant to California law, only the Superior Court of Marin County can adjudicate the existence or non-existence of a prescriptive easement. Moreover, the "potential" existence of a prescriptive easement is not a valid reason for a local agency to incomplete an application or deny an application. I would direct you and your legal counsel to the California Appellate Court's holding in LT-WR, LLC v. California Coastal Commission (2007) 152 Cal.App.4th 770, at 805–806. In this case, the California Coastal

EXHIBIT # C

Commission attempted to deny a permit for a gate based on the existence of "potential prescriptive rights" in favor of another. In rejecting this reasoning the Court stated:

> "Inherent in one's ownership of real property is the right to exclude uninvited visitors [citations omitted]. The Commission's decision would deny LT-WR that right. In precluding LT-WR from barring the public from traversing its property on the theory that 'potential exists to establish prescriptive rights for public use of this road,' the Commission in effect decreed the existence of such prescriptive rights... The Commission's denial of a permit for the gates and signs, premised on the existence of potential prescriptive rights was speculative and properly was overturned by the trial court."

You should also know that permission for Ms. Burlingham to use any part of the Pierce property has been revoked. As part of that revocation, Ms. Burlingham was offered the opportunity to obtain a permanent easement over the Pierce property for access to her property. She declined to take advantage of such an offer. I am enclosing copies of letters from myself to John Sharp, Ms. Burlingham's one time attorney, together with copies of letters from my client to Ms. Burlingham that confirm these facts and circumstances.

I am sending a copy of these materials to Jim Karpiak, the Town Attorney, for his use. Should you or Mr. Karpiak have any questions, please feel free to contact me.

Sincerely,

NEIL SORENSEN

NS/mjs
Enclosures
cc: Jim Karpiak, Esq.
Charles Pierce
Fred Divine

LAW OFFICES OF
NEIL SORENSEN

950 NORTHGATE DRIVE, SUITE 107
SAN RAFAEL, CALIFORNIA 94903
WEB www.sorensenlaw.com

TELEPHONE 415 499-8600
FACSIMILE 415 499-0140
EMAIL neil@sorensenlaw.com

February 20, 2008

John Sharp, Esq.
Sharp & Brown
155 N. Redwood Hwy., Suite 125
San Rafael, CA 94903

Re: Burlingham/Pierce Property - Fairfax

Dear John:

As you know, I represent Charles Pierce, the owner of the property located on Ridgeway and Chester Avenue (AP 1-203-08), which is adjacent to the Burlingham property at 167 Ridgeway Avenue.

Last July, my client wrote to Lucy Burlingham and informed her that he was in the process of developing his lot and that development of the lot would likely affect Ms. Burlingham's current use of the Pierce property to access the lower part of the Burlingham property. The access I refer to is the permissive access across the Pierce property from a recently named street, Vanni Lane. As noted in Mr. Pierce's July 28th letter, such access has been with permission of the property owner and development of the property may require revocation of that permission. The primary access to the Burlingham property is from Ridgeway Avenue.

On October 10, 2007, Mr. Pierce wrote again to Ms. Burlingham and suggested a compromise solution that would allow her to continue to cross the Pierce property while allowing Mr. Pierce to build a small house on his property. In short, the October 10th letter proposed that in exchange for granting a deeded easement across the Pierce property, Ms. Burlingham would agree to a small lot line adjustment (the transfer of approximately 228 sq. ft.).

As you know, you and I met on January 23, 2008 to discuss this compromise. To date I have had no response from you.

Please be advised that if I do not hear from you, or my client does not hear directly from Ms. Burlingham, within the next 10 days, we will assume that Ms. Burlingham has no further interest in utilizing the Pierce property for access. After that time, Mr. Pierce

intends to submit an application to the Town of Fairfax to develop a small house on his property. As noted in Mr. Pierce's previous letters, such an application would place the footprint of the house on the flat area where the access driveway to the Burlingham property is currently located.

Please confer with your client and get back to me.

Sincerely,

NEIL SORENSEN

NS/mjs
cc: Charles Pierce

Pierce782 01/Sharp01

CHARLES C. PIERCE, INC.
1601 SECOND ST., STE. 101
SAN RAFAEL, CA. 94901
415-453-3540

October 10, 2007

Ms. Lucy Burlingham
167 Ridgeway Avenue
Fairfax, CA. 94930

Re: Adjoining Fairfax Properties.

Dear Ms. Burlingham,

If you recall, I wrote you a letter dated July 28th (copy attached) in which I stated I intended to have my architect, Fred Devine draw up some rough stretches for a home to be built adjacent to your property on Ridgeway Avenue, Fairfax.

Enclosed herewith are the rough stretches that Mr. Devine came up with. I advised Mr. Devine to draw up stretches for a home which would allow you to have access to the lower part of your home via the roadway. This new home would consist of two bedrooms, 2 bathrooms, living room, and dinning area. The first floor and second floor would consist of 522 sq. ft. each for a total living area of 1044 sq. ft. A two car parking deck would be built on top of Ridgeway Avenue. Refer to drawings enclosed herewith.

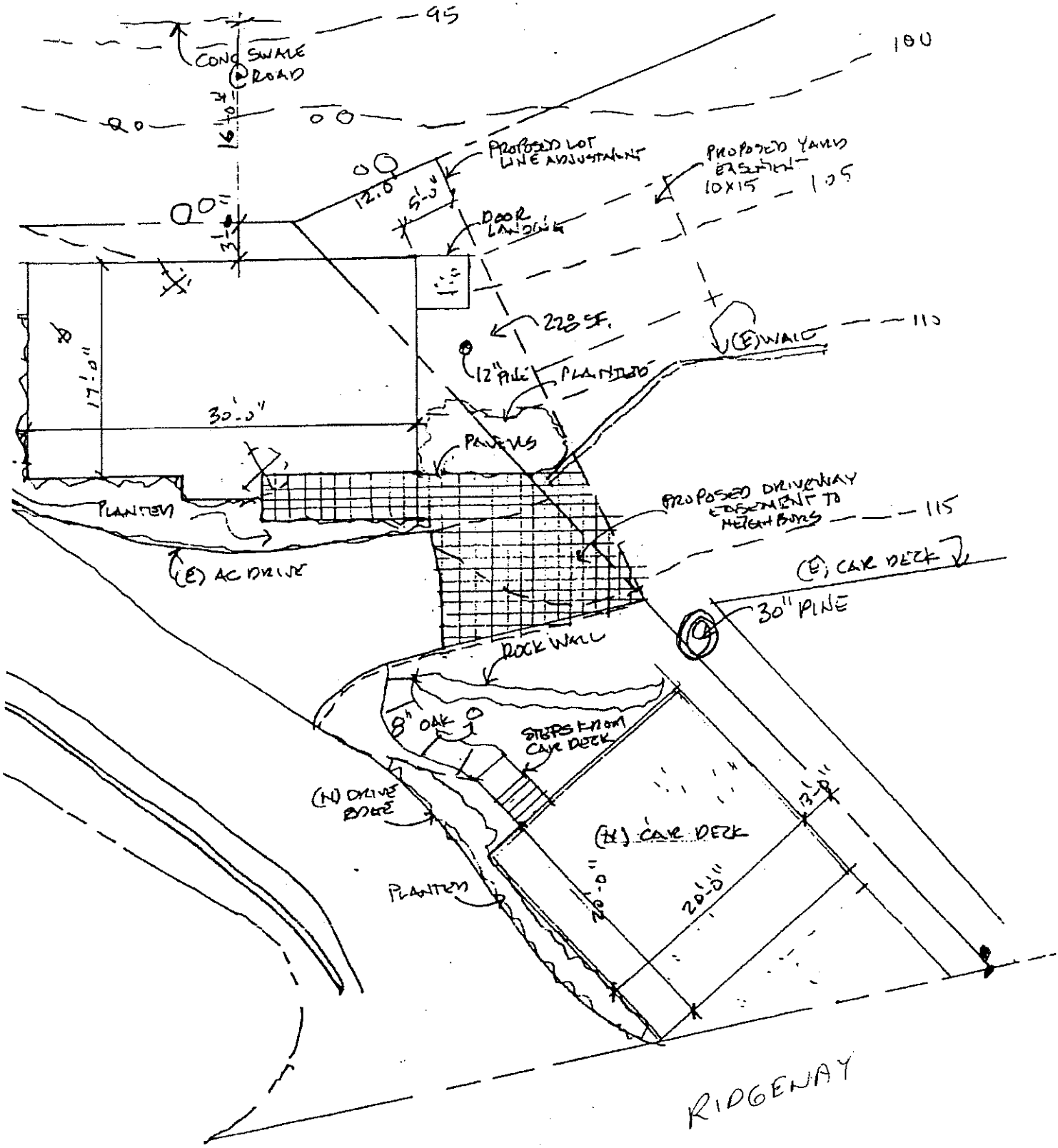
In order to accomplish this, I would need a small triangle of your land measuring approximately 228 sq. ft. along with a small easement for a patio (10' x 15'). Refer to enclosed drawing. This triangle was discussed with your father sometime ago. As discussed, I would give you an easement for the roadway which would give you legal access and remove the cloud on your title in equal exchange for the triangle and easement on your property. Once these details have been worked out, I will summit a full set of plans to the Town Of Fairfax for their review.

As discussed earlier, I would be happy to sit down with you and your family with Mr. Devine to clarify and explain the details. Please call my office at your earliest convenience to set up an appointment for a meeting. Mr. Devine has indicated that Thursdays are good days preferable after 9:30AM. He usually takes a lunch break between 12-1:00 PM. I would like my son, Matthew to be present. However, he is only available on Wednesday's before 2:00 PM or anytime on Thursday's after 9:30 AM. I can meet almost anytime. If these times don't work, we can set up another time.

Sincerely yours,

Charles C. Pierce

Charles C. Pierce Inc.
Cc: files/Fred Divine
Enclosures



SITE PLAN

@ 1"=10'-0" 10/10/07

May 2, 2007

Mike Swezy, Marin Municipal Water District (MMWD), Vegetation Management Director, gave an update on the District's vegetation management plan designed to reduce fire hazards, etc.; stated that it was likely that the plan would require an EIR; that a Request for Proposals would be sent out shortly; that a wildfire prevention event was in the planning stages; that a vegetation management tour was scheduled for May 5th; and that a workshop was planned for Fairfax on September 17th if space was available.

Stan Schriebman, 51 Hickory, stated that he was critical of bicyclists using single-track trails and not following the rules and asked that Mr. Swezy have MMWD enforce their laws regarding bicycles.

Geoffrey Gale, 2575 Sir Francis Drake Blvd., stated that he would like to meet with the Chief of Police about enforcement policies; related an incident at a 7-11 store during a sting operation there; and stated that the police should cite jaywalkers and speeders and shouldn't hassle people.

Stan Schriebman, 51 Hickory, stated that Town Manager Kelly had referred to a $15 runoff fee and noted that it was a fee that hadn't been approved by the voters and that he also paid $50 a year for a tax that also hadn't been voted on by the people.

Frank Gonzalez invited everyone to attend an event at the Fairfax Library to help construct a giant "peace bird" for the Fairfax Festival parade.

Councilmember Brandborg congratulated Public Works Director Johnson on her second anniversary of employment with the Town of Fairfax and stated that the new Manor Road pedestrian and bicycle bridge had been installed and that Director Johnson had kept the project on track to completion.

Discussion and Consideration of adoption of Resolution No. 2485 naming an unnamed road between Chester Avenue and Ridgeway Avenue "Vanni Lane," Weinsoff

Councilmember Weinsoff presented a report and described his conversation with Bill Sagar of the Fairfax Historical Society who sanctioned the naming of Vanni Lane as required by the Town Code.

Judy Hitchcock, Chester Avenue, expressed her appreciation of the Vanni family as neighbors; stated that Mike Vanni was known as the "Mayor of Chester Avenue" and that the naming of the street was an awesome acknowledgment that she enthusiastically supported.

Stan Schriebman, 51 Hickory, stated that he had supported Steve Vanni when he had run for Council and that the street naming was a well deserved honor.

Keith Silva, 43 Sequoia, stated that the Vanni family was an asset to the community and wished Mr. Vanni a "Happy Birthday."

M/S, Weinsoff/Brandborg, Motion to adopt Resolution No. 2485 naming an unnamed road between Chester Avenue and Ridgeway Avenue "Vanni Lane."

AYES: All

Interview and appointment of candidate(s) to serve on the Fairfax Youth Commission

Vice Mayor Maggiore stated that the candidates were not present and asked that the interviews be done at the next regular meeting. There was a consensus of the Council to continue the item.

EXHIBIT # D

EXHIBIT "A"

GRANT DEED
Of
RIGHT of WAY EASEMENT

A non-exclusive easement for the road purposes on and below that particular area of the Grantor(s) real property, being Portions of Lots 81, 82 and 83 as shown on that certain Map entitled "MAP OF P.H. JORDAN Co., SUBDIVISION OF RIDGEWAY PARK, MARIN CO. CAL.", filed in Book 2 of Maps Page 80, Marin County Records, located in the Town of Fairfax, County of Marin, State of California, described as follows:

Commencing at a point in the Northeasterly line of Lot 8, as shown upon the aforesaid Map, which point bears N35°00'00"W 15.27 feet(') and N46°00'00"E from the most Southerly corner of said Lot 80; thence from said point of commencement, parallel with the Southeasterly line of said Lot 80, S46°00'00"W to a point on the Northeasterly line of Ridgeway Avenue, as shown upon said Map; thence along, and coincident with, said line of Ridgeway Avenue, S35°00'00"E 83.64' to the Common Southwesterly corner of the Lands of Turrentine, as described in Instrument Number 2005-082858, Marin County Records, and the Common Westerly corner of the Lands of Pierce, as described in Instrument Number 2003-120984, Marin County Records, said point being the beginning of a curve to the left as described in said Turrentine deed; thence along and coincident with the aforesaid Northeasterly line of Ridgeway Avenue, S35°00'00"E 13.08' to a point on said line, said point being the **True Point of Beginning;** thence leaving said Northeasterly line of said Avenue, along an existing wood retaining wall, offset Easterly approximately 0.25' from said wall its' entire length contained in said Lands of Pierce, S81°51'14"E 4.67' and N73°33'09"E 4.99' and N36°16'19"E 9.66' and N18°37'20"E 22.8' and N13°41'34"E 32.31' and N10°59'51"E 27.53' and N00°50'26"W 22.65' more or less to the Southwesterly Line of Chester Avenue, called Willow Avenue on the aforesaid Map; thence along, and coincident with, said Southwesterly line of said Avenue, S22°15'00"E 33.81' to a point on said line; thence leaving said line of said Avenue, along an existing, Town maintained, asphalt paved roadway edge and associated curb, offset Easterly approximately 0.75' from said roadway, S11°51'41"W 36.26' and S17°11'49"W 37.50' and S00°48'12"W 7.50' and S09°21'05"E 18.50' and S05°59'52"W 10.00' and S19°08'33"W 5.00' and S05°50'05"W 9.00' more or less to a point on the Northeasterly line of the aforesaid Ridgeway Avenue, said point being distant along said line of said Avenue 1.80' from the most Southerly corner of the aforesaid Lands of Pierce; thence along, and coincident with said line of said Avenue, N35°00'00" 49.76' more or less to the True Point of Beginning.

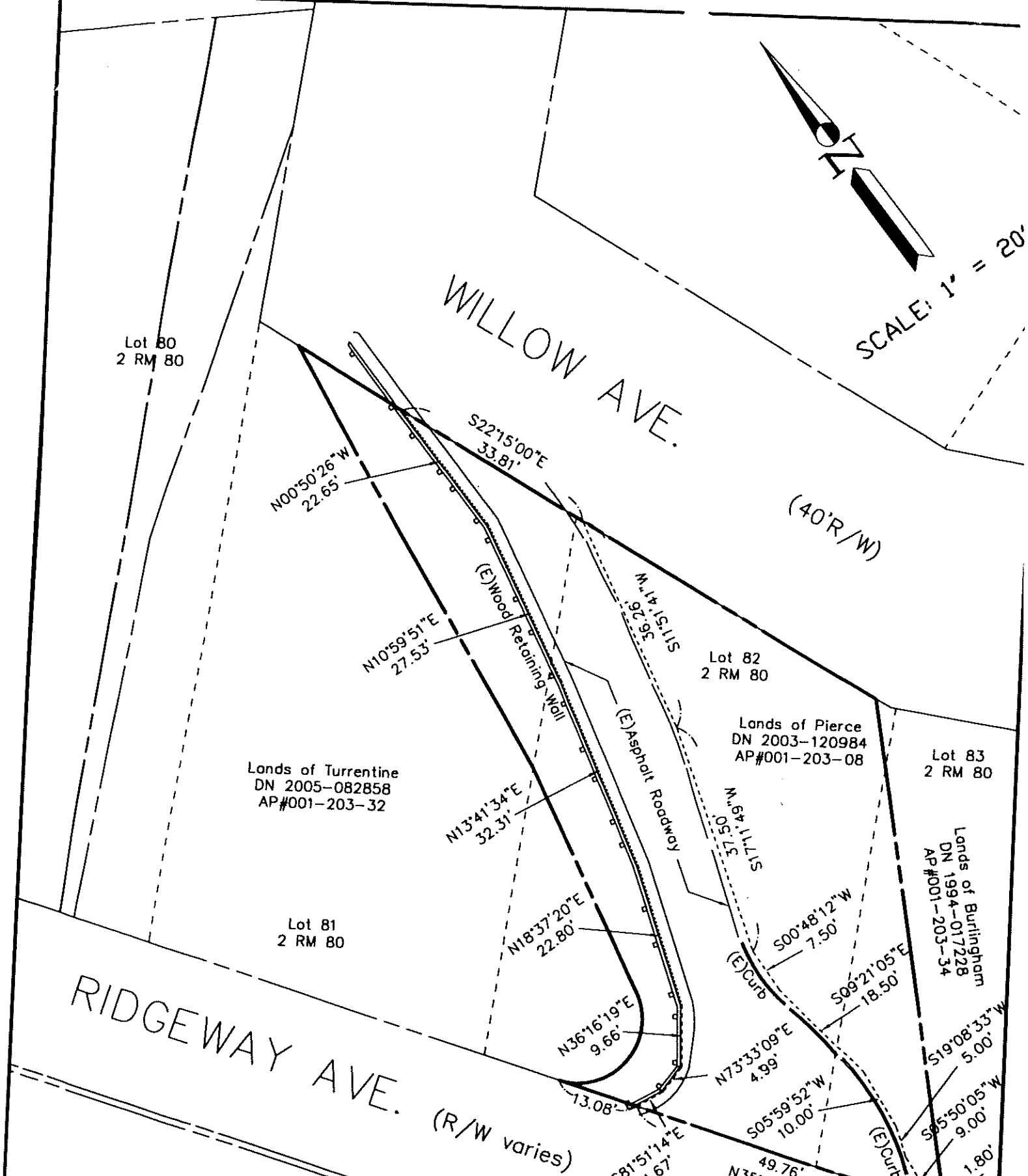
Containing approximately 2,005 sq.ft., 0.05 acres.

EXHIBIT # E

The Grantee agrees to maintain the aforesaid roadway, and any appurtenances, thereof so long as the Right of Way is in effect.

This Right of Way will remain in full force and effect for so long as the road is used to provide public access between the aforesaid Ridgeway Avenue and the aforesaid Chester Avenue. In the event the road is no longer used for public access as stated herein, then this Right of Way, and any improvements made thereon, automatically reverts to the Grantor(s).

Said Easement is shown on Exhibit B, "Town of Fairfax, Right of Way Easement", attached hereto and made a part hereof.



Note: All distances are in feet and decimals thereof.

SHEET	1	OF	1
SCALE:	1" = 20'	DESIGN:	PR
DATE:	Apr 2009	DRAWN:	PR
FILE:	2008-077	CHECKED:	J.L.H

2008-077\DWG\08-077-BASE,ROWEXHIBIT

J.L. ENGINEERING
CIVIL ENGINEERS-LAND SURVEYORS
1539 4th ST., SAN RAFAEL, CA. 94901 (415) 457-6647

Exhibit B

Town of Fairfax, Right of Way Easement
Lands of Pierce - 161 Ridgeway Ave.
APN 001-203-08, Fairfax, Marin County, CA

2007-0027512

Recorded
Official Records
County of
Marin
JOAN C. THAYER
Assessor-Recorder

REC FEE 0.00

08:00AM 02-May-2007 Page 1 of 4

RECORDING REQUESTED BY:

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

_____Space above this line for Recorder's Use Only

CONDITIONAL CERTIFICATE OF COMPLIANCE

(Section 66499.35 of the California Government Code)

I, Ann Welsh, duly appointed Director of Planning of the Town of Fairfax, hereby certify the following:

(1) That an application has been filed by Charles C. Pierce, Inc. ("Pierce") to determine whether the division of the real property described more particularly on Exhibit "A" hereto (the "Parcel") complies with State of California Government Code §§66410 to 66499.58, the Subdivision Map Act, and local ordinances enacted thereto. Pierce is the owner of the Parcel.

(2) That the Parcel was created November 17, 1952, when the then-owner of a larger piece of land including the Parcel (the "Original Land") divided the Original Land by conveying certain land adjacent to the Parcel (the "Adjacent Parcel") to another party while retaining ownership of the Parcel, thereby resulting in two parcels, the Parcel (APN 001-203-08) and the Adjacent Parcel (APN 001-203-32). The legal description of the Parcel for which this Conditional Certificate of Compliance is being issued and recorded: is attached hereto as "Exhibit A" and incorporated herein by reference, (APN 001-203-08).

(3) At the time of the Parcel's creation, Fairfax did not have a local ordinance in effect regulating the division of land into fewer than five parcels.

EXHIBIT # F

(4) That the division of property as hereinbefore described complies with Government Code section 66412.6, which provides that any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel, there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels.

(5) There are currently no easements of record for the paved roadway that exists on the Parcel. As part of any development of the Parcel, the Owner has voluntarily agreed to offer to the Town a roadway easement encompassing the entire existing paved roadway. Prior to the issuance of a building permit for any development on the Parcel, the Owner shall offer to dedicate an easement for road purposes to the Town of Fairfax over the paved roadway that currently exists on the Parcel. The dedication of said easement shall not render the Parcel illegal or unbuildable.

(6) That this certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinance enacted pursuant thereto. The Parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the Parcel may require issuance of entitlements, permits or other grants of approval in accordance with the Town Code.

(7) That this certificate shall become effective on May 2, 2007, and the statements set forth herein are true and correct as of that date, and this certificate shall bind Owner or its successors-in-interest as owners of the Parcel, as the case may be.

(8) This certificate replaces the Conditional Certificate of Compliance recorded June 19, 1996, as Document No. 96-032947 ("Prior Certificate"). The Prior Certificate is null and void.

TOWN OF FAIRFAX

Ann Welsh

Ann Welsh
Director of Planning

State of California
County of Marin

On May 2, 2007 before me, Judith Anderson, Town Clerk of the Town of Fairfax, California, Fairfax, California, personally appeared Ann Welsh, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Anderson Date: 5-2-07
Judith Anderson, Town Clerk,
Town of Fairfax

EXHIBIT A

The land referred to is situated in the County of Marin, City of Fairfax, State of California, and is described as follows:

Lots 79, 80, 81 and 82 as shown and designated on the Map of P.H. Jordan Co. Subdivision of RIDGEWAY PARK, filed March 30, 1907 in Book 2 of Maps, at Page 80, in the Office of the Marin County Recorder.

EXCEPT the portion of said lands described in Deed to Lawrence Bernard Gapinski, et ux, recorded March 10, 1952 in Book 733 of Official Records, at Page 192, being more particularly described as follows: BEGINNING at the most Northerly corner of said Lot 79; thence, running along the Northwesterly line thereof, South 46° 00' 00" West 116.00 feet to a point on the Northeasterly line of Ridgeway Avenue, as shown on the aforesaid Map, which point is the most Westerly corner of said Lot 79; running thence along the Northeasterly line of Ridgeway Avenue, South 35° 00' 00" East 64.73 feet; thence, leaving said road line and running parallel with the Northwesterly line of said Lot 79, North 46° 00' 00" East to a point on the Northeasterly line of Lot 80 as shown on the aforesaid Map; running thence Northwesterly, along the Northeasterly line of said Lots 79 and 80, to the Point of Beginning.

ALSO EXCEPT the portion of said lands described in Deed to Lyle T. Child, et ux, recorded November 17, 1952 in Book 775 of Official Records, at Page 182, being more particularly described as follows: BEGINNING at a point in the Northeasterly line of said Lot 80, which point bears North 35°00' 00" West 15.27 feet and North 46° 00' 00" East from the most Southerly corner of Lot 80; running thence, parallel with the Southeasterly line of said Lot 80, South 46° 00' 00" West to a point in the Northeasterly line of Ridgeway Avenue; thence, along said Northeasterly line of Ridgeway Avenue, South 35° 00' 00" East 83.64 feet; thence, on a curve to the Left, having a radius of 10.00 feet, whose center bears North 55° 00' 00" East, through a central angle of 133° 41' 00", a distance of 23.33 feet; thence North 11°19' 00" East 38.63 feet to a point in the Northwesterly line of Lot 82 as shown on the aforesaid Map; thence North 06° 57' 00" East to a point on the Southwesterly line of Willow Ave (now Chester Avenue); running thence along said Willow Avenue, North 22° 15' 00" West and North 46° 00' 00" East to the most Easterly corner of the aforesaid Lot 80; thence, leaving said Willow Avenue and running along the Northeasterly line of said Lot 80, Northwesterly to the Point of Beginning.

APN: 001-203-08

JCH
JOHN C. HOM & ASSOCIATES, INC.
1618 Second Street
San Rafael, California 94901-2707
Telephone(415)258-9027 Fax(415) 258-9309

RECEIVED
AUG 31 2009
TOWN OF FAIRFAX

August 26, 2009

Job Number 1709.1

Chuck Pierce
1601 Second Street
San Rafael, California 94901

Dear Mr Pierce:

Plan Review
Proposed Residence
APN 001-203-08
Ridgeway Avenue
Fairfax, California

As requested and in response to the Town of Fairfax Engineer, this letter provides our opinion of the new location of the proposed residence at Ridgeway Avenue, APN 001-203-08, in Fairfax, California. We previously conducted a geotechnical investigation and presented our recommendations in a written report dated April 23, 2008. The new proposed residence location was reviewed as shown on the plans, sheets C1, C2 and C3 dated April 29, 2009, prepared by J. L. Engineering.

Based on our review, the recommendations in our previous report is appropriate.

We trust this provides the information you require at this time. If you have any questions, please call.

Yours very truly,

JOHN C HOM & ASSOCIATES, INC

REGISTERED PROFESSIONAL ENGINEER
JOHN C HOM
NO. 412
EXP 3/31/11
GEOTECHNICAL
STATE OF CALIFORNIA

John C Hom
Civil Engineer - 28877
Geotechnical Engineer - 412
Certificates Expire 3/31/11

JCH

three copies submitted

EXHIBIT # G

JCH
JOHN C. HOM & ASSOCIATES, INC.
1618 Second Street
San Rafael, California 94901-2707
Telephone(415)258-9027 Fax(415) 258-9309

April 27, 2009

Job Number 1709.1

Chuck Pierce
1601 Second Street
San Rafael, California 94901

Dear Mr Pierce:

Response
Geotechnical Investigation
Proposed Residence
APN 001-203-08
Ridgeway Avenue
Fairfax, California

This letter is written in response to the geotechnical concerns expressed by the Town of Fairfax Engineer's, Ray Wrysinski, regarding the potential for landsliding during an earthquake as documented in his memo of December 4, 2008 to Linda Neal. We previously conducted a geotechnical investigation and presented our findings and recommendations in a written report dated April 23, 2008.

In our opinion, during an earthquake, like almost all hillsides, there is a potential for landsliding. The potential depends on a number of factors including the magnitude and epicenter distance, time of year. We agree with Mr Wrysinkski that the area below the proposed residence is steep and the weak colluvium could become unstable. The proposed foundation would be drilled piers extending into bedrock, the stable material, and designed for creep active forces. In our opinion, the residence would be protected from this potential. In our opinion, the construction of the residence would improve the stability condition. The foundation system which would be designed for lateral forces would active a retaining structure against the potential for the colluvium sliding. The roof drainage would be collected by gutters and downspouts and solid pipes discharging onto Chester Avenue pavement reducing the potential saturation of the colluvium.

We trust this provides the information you require at this time. If you have any questions, please call.

REGISTERED PROFESSIONAL ENGINEER
JOHN C HOM
NO. 412
EXP 3/31/11
GEOTECHNICAL
STATE OF CALIFORNIA

Yours very truly,

JOHN C HOM & ASSOCIATES, INC

John C Hom
Civil Engineer - 28877
Geotechnical Engineer - 412
Certificates Expire 3/31/11

JCH

three copies submitted
cc Fred Divine Associates

JCH
JOHN C. HOM & ASSOCIATES, INC.
1618 Second Street
San Rafael, California 94901-2707
Telephone(415)258-9027 Fax(415) 258-9309

APR 2 5

RECEIVED
NOV 10 2008
TOWN OF FAIRFAX

April 23, 2008

Job Number 1709.1

Chuck Pierce
1601 Second Street
San Rafael, California 94901

Dear Mr Pierce:

Report
Geotechnical Investigation
Proposed Residence
APN 001-203-08
Ridgeway Avenue
Fairfax, California

This report presents the results of the geotechnical investigation we conducted for the proposed residence to be constructed on the vacant lot located at the intersection of Ridgeway Avenue and Chester Avenue in Fairfax, California. We understand that the residence will be as shown on the plans received from Fredric C Divine, Associates.

We were to investigate the subsurface conditions at the site and to provide recommendations for suitable foundation support. As outlined in our proposal dated March 28, 2008, we were to explore the subsurface conditions at the site to the extend of two test borings, and to analyze the results of the field work to provide the following information in a written report:

1. A description of the soil, rock and groundwater conditions observed.
2. An opinion of project feasibility from a geotechnical engineering standpoint.
3. An opinion of slope stability.
4. Site grading recommendations.
5. Recommended foundation type(s) and design criteria.
6. Retaining wall design criteria.
7. Recommendations for slab-on-grade construction.
8. Soil engineering drainage recommendations.

WORK PERFORMED

We reviewed selected published geologic data including:

1. NATIONAL EARTHQUAKE HAZARD REDUCTION PROGRAM, "NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Other Structures." 2003 Edition.

2. SMITH, Theodore C., RICE, Salem J., and STRAND, Rudolph G., 1976, "Geology of The Upper Ross Valley and The Western Part of The San Rafael Area, Marin County, California"; California Division of Mines and Geology.

3. WORKING GROUP on California Earthquake Probabilities, Open File Report 03-214, 2003, "Earthquake Probabilities in the San Francisco Bay Region: 2002 - 2031".

On April 3, 2008, we explored the subsurface conditions at the site to the extent of two test borings. The location of the test borings is shown on the attached Test Boring Location Plan, Plate 1. Our Field Geologist was on site to locate the test borings, to log the conditions encountered and to obtain soil samples for visual examination and laboratory testing. The materials encountered are shown on the Logs of Test Borings, Plates 2 and 3 . The soils are described in accordance with the Unified Soil Classification System, as explained on Plate 4. The bedrock materials are described on the Geologic Terms For Rock, Plate 5.

SITE CONDITIONS

The site is located on the east and downslope side of Ridgeway Avenue in Fairfax, California. The site is sloping with an average slope about 2 horizontal to 1 vertical. There are several large eucalyptus trees on the lot. The upper portion of the property has been benched to provide access to the neighboring property. The uppermost portion of the property has been paved and serves to widen Ridgeway Avenue.

The test borings indicates that the site is underlain by about two to three feet of colluvial soils over sandstone bedrock of the Franciscan Formation. The colluvium is considered to be weak and compressible. The bedrock is considered to be relatively firm and incompressible.

At the time of our investigation, we did not encounter any free groundwater. The groundwater table probably varies with seasonal rainfall.

SEISMICITY

The San Francisco Bay Area, in general, is located in a highly active seismic region. Several major earthquakes resulting in extensive damage have occurred in the San Francisco Bay Area during historic times. Included area the earthquakes of 1868 and 1936 on the Hayward Fault, and the earthquakes of 1838, 1906 and 1989 on the San Andreas Fault.

The project site could be affected by an earthquake with its epicenter on any of the active and po-

tentially active faults that occur in the region. The nearest fault is the San Andreas Fault, located about 6 miles to the southwest. At present, it is not possible to predict when or where movement will occur on these faults. However, probabilities of major earthquakes occurring on principal fault segments are being studied and developed. According to the Working Group on California Earthquake Probabilities, a major earthquake (6.7 or greater on the Richter Scale) has a 67-percent probability of occurring in the Bay Area within the next 30 years (beginning 2002). The North Coast segment of the San Andreas Fault has a probability of 21-percent of a Richter magnitude 6.7 or greater earthquake and the Hayward - Rodgers Creek Faults have a probability of 27-percent occurring in the next 30 years, Plate 6.

In the event of a major earthquake in the Bay Area, the site may be susceptible to surface rupture, seismic shaking and related ground failure. Surface rupture (surface faulting) is highly unlikely since no active faults are known to cross the project site. The site is not located within the Alquist-Priolo Special Studies Zones Map. Also, no evidence of active fault traces or creep zones were observed.

Seismic shaking at the site is highly probable during the life of the project. In the event of a major earthquake on the San Andreas Fault or Hayward Fault, horizontal ground accelerations of 0.5g or greater should be expected at the site. The proposed structure should be designed in accordance with current standards for earthquake resistant construction. The minimum requirement is that the Uniform Building Code be followed.

Ground failures (such as landslides, differential settlement, liquefaction, lurch cracking and lateral spreading that is seismically induced) are related to groundwater, soil and bedrock conditions. The geologic conditions existing at the project site are such that the potential for these failures are considered negligible except for landsliding.

CONCLUSIONS

Based upon the results of our work, it is our opinion that the project is feasible, from a geotechnical engineering standpoint, provided that the recommendations contained in this report are followed. The primary geotechnical consideration is the colluvial soils.

The colluvium is considered to be weak, experience downhill creep and is unsuitable for foundation support. The foundations will need to consist of drilled, cast-in-place, concrete piers extending into bedrock and designed for creep forces.

Our following recommendations section will provide details for the work.

RECOMMENDATIONS

Seismic Design

In accordance with the 2007 California Building Code, we recommend a Site Class C for seismic design.

According to NEHRP the following criteria should be used:

Spectral Response Accelerations SMs and SM1

SMs = FaSs and SM1 = FvS1
Fa = 1.0, Fv = 1.3

Period (sec)	Sa (g)
0.2	1.500 (SMs, Site Class C)
1.0	0.864 (SM1, Site Class C)

SDs = 2/3 x SMs and SD1 = 2/3 x SM1

Period (sec)	Sa (g)
0.2	1.000 (SDs, Site Class C)
1.0	0.576 (SD1, Site Class C)

Site Grading

The areas to be graded should be cleared of vegetation and the upper few inches of soil containing organic matter. The strippings should be removed off site. Excavation should then be performed to achieve final grade.

We anticipate that fill is not required for the project. Should fill become necessary, we should be consulted to provide additional information.

Cut slopes should be no steeper than 2-horizontal to 1-vertical (2:1). Steeper slopes should be retained. Disturbed slopes should be planted with deep-rooted ground cover.

Foundations

Drilled Piers-Drilled, cast-in-place, reinforced concrete piers should be used for that portion where excavations do not extend into bedrock. Piers should be at least 18-inches in diameter and should extend at least 6-feet into rock, or 10-feet deep, whichever is deeper. The piers should be designed and reinforced to resist creep forces. The creep forces should be equal to an active equivalent fluid

pressure of 60 pcf acting on two pier diameters. The height should be considered to be 4-feet.

We recommend that the piers be connected with grade beams or tie beams. The grade beams or tie beams should be spaced no further than 20-feet apart in both directions. The grade beams should be designed to span from pier to pier to support the structural loads. Tie beams should be 12-inches square and should be reinforced with at least two #5 bars. Where the piers extend into rock, a passive equivalent fluid pressure of 450 pcf acting on two pier diameters and vertical dead plus code live loads of 800 psf in skin friction may be used. Confinement for passive pressure may be assumed from 12-inches below the adjacent finished surface. End bearing should not be used.

If ground water is encountered, it may be necessary to de-water the holes and/or place the concrete by the tremmie method. If caving soils are encountered, it may be necessary to case the holes. Hard drilling may be required to achieve the required penetration.

Retaining Walls

Retaining walls free to rotate on top and supporting level backfill may be designed to resist an active equivalent fluid pressure of 45 pcf acting in a triangular pressure distribution. Where the backfill slopes up steeper than 3:1, the wall pressure should be increased to 60 pcf. If the walls are to be surcharged by other walls, and if the horizontal distance of the walls is within 1-1/2 times the height of the lower wall, we should be consulted to provide additional information. Under seismic loading, the pressures should be increased by 60 percent.

We recommend that the retaining wall foundations extend into rock. Foundations extending into firm rock at least 7 horizontal feet from the face of the nearest slope may impose a passive equivalent fluid pressure and a friction factor of 450 pcf and 0.45, respectively, to resist sliding.
We recommend that a backdrain be provided behind all retaining walls. The backdrains should consist of a heavy-walled, 4-inch diameter, perforated pipe sloped to drain to outlets by gravity, and of clean, free draining, 3/4 to 1-1/2-inch crushed rock or gravel. To reduce water infiltration through walls, we recommend that the top of the pipe should bet least 12-inches below adjacent finished floor level. The crushed rock or gravel should extend to within 1-foot of the surface. The upper 1-foot should be backfilled with compacted soil to exclude surface water. A Mirafi 140N filter cloth should be placed between the on-site soil and drain rock. A filter cloth would not br required between bedrock and drain rock.

We recommend that the ground surface behind retaining walls be sloped to drain. Under no circumstances should the surface water be diverted into back drains. Where migration of moisture through walls would be detrimental, the walls should be water-proofed.

Slab-On-Grade

Slab on grade should not be used. Instead supported structural slabs may be used. Slab subgrade

should be rolled to produce a dense, uniform surface. The upper 6-inches of slab subgrade should be compacted to at least 90-percent relative compaction. The slabs should be underlain with a capillary moisture break consisting of at least 4-inches of clean, free-draining crushed rock or gravel at least 1/4-inch, and no larger than 3/4-inch, in size. Where migration of moisture vapor through slabs would be detrimental, an impermeable membrane moisture vapor barrier should be provided between the drain rock and the slabs. Slabs should be reinforced to reduce cracking.

Soil Engineering Drainage

We recommend that the roofs be provided with gutters and that the downspouts be connected to closed conduits discharging onto the pavement, where possible. Surface water should be channeled away from slopes and foundations.

To reduce seepage conditions beneath the structure, we recommend that drains be placed adjacent to and upslope of all foundations, except on the downhill foundations. Foundation drains should extend at least 6-inches below the lowest adjacent grade. The bottom of the trench should be sloped to drain by gravity. The bottom of the trench should be lined with a few inches of 3/4- to 1-1/2-inch drain rock. Four-inch diameter, perforated pipe, with holes down and sloped to drain, should be placed on top of the thin layer of drain rock. The trench should then be backfilled to within 6-inches of the finished surface with drain rock. The upper 6-inches should consist of compacted soil to reduce surface water inclusion. We recommend that a drainage filter cloth, such as Mirafi 140N, be placed between the soil and the drain rock. The area under the house should be sloped to drain. Outlets through the foundation, to allow drainage from underneath the residence, will be required.

Roof downspouts and surface drains must be maintained entirely separate from subdrains and foundation drains. The outlets should discharge onto erosion resistant areas, such as the roadway pavement.

LIMITATIONS

We judge that this report has been prepared in accordance with generally accepted geotechnical engineering practices, and is in accordance with the standards of practice as set by Geotechnical Engineers in the area. We offer no other warranties or guarantees. Subsurface conditions could vary between those indicated by surface features. This report assumes that a qualified Geotechnical Engineer will be retained to provide construction observation services to observe the conditions, to provide field and laboratory testing, and to ascertain that the project is constructed in accordance with these recommendations.

The practice of soil engineering changes and, therefore, we should be consulted to update this report if construction is not performed within 18-months.

SUPPLEMENTAL SERVICES

We recommend that we review foundation and grading plans for conformance with the intent of our recommendations. During construction, we should inspect the site grading, including the site excavation; observe the drilled pier operations; and observe the installation of drainage facilities. Upon completion of the project, we should perform a final inspection and finalize the results of our work in a final report.

These services will be performed only if we are provided with sufficient notice to perform the work. We do not accept responsibility for items that we are not notified to observe. We recommend that the Owner or the Contractor be responsible for the notification.

We trust this provides the information you require at this time. If you have any questions, please call.

Yours very truly,

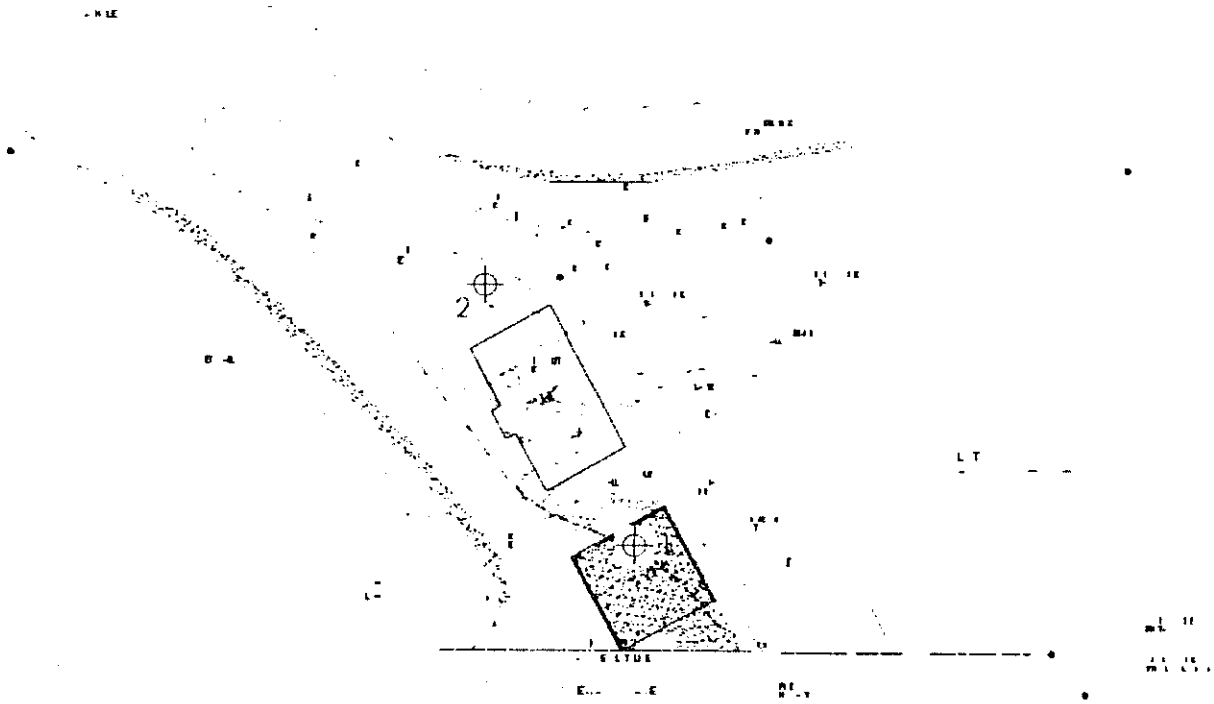
JOHN C HOM & ASSOCIATES, INC

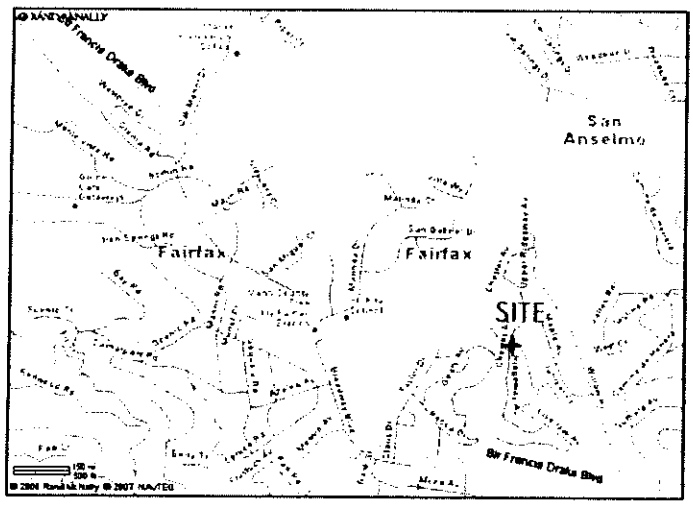
REGISTERED PROFESSIONAL ENGINEER
JOHN C HOM
NO. 412
EXP 3/31/09
GEOTECHNICAL
STATE OF CALIFORNIA

John C Hom
Civil Engineer - 28877
Geotechnical Engineer - 412
Certificates Expire 3/31/09

JCH
three copies submitted

cc Fredric Divine Associates





Vicinity Map

EXPLANATION

Test Boring

Reduced from Site Plan

Prepared by Fredric C Divine, Associates

Undated

JCH **JOHN C. HOM** & ASSOCIATES, INC. *Geotechnical Consultants*	Job No. : 1709.1 Appr: JCH Date: 4/08	TEST BORING LOCATION PLAN APN 001-230-08 Ridgeway Avenue Fairfax, California	PLATE **1**

Log of Boring 1

Equipment: 4" Flight Auger

Elevation: **121' Date Drilled: 4/3/08

Laboratory Tests	Drill Rate	Blows/foot	Moisture Content (%)	Dry Density (pcf)	Depth	Sample	
		•			0		MEDIUM BROWN GRAVELLY SANDY CLAY (CL), moist, very stiff, (FILL)
		15	8.4	101	2		MOTTLED GREY, ORANGE and BROWN GRAVELLY SANDY CLAY (CL), moist, very stiff, (FILL)
UC = 917 psf		39-11*	5.3	121	4		ORANGE and BROWN SANDSTONE, moderately hard, weak, highly weathered, (BEDROCK)
					6		Bottom of Boring
					8		No groundwater encountered
					10		*Blows converted to Standard Penetration Resistance
					12		**Elevations referenced from Site Plan Prepared by Fredric C Divine, Associates Undated
					14		
					16		

JCH **JOHN C. HOM** **& ASSOCIATES, INC.** *Geotechnical Consultants*	Job No: 1709.1 Appr: JCH Date: 4/08	LOG OF BORING 1 APN 001-203-08 Ridgeway Avenue Fairfax, California	PLATE **2**

Log of Boring 2

Equipment: 4" Flight Auger

Elevation: 105' Date Drilled: 4/3/08

Laboratory Tests	Drill Rate	Blows/foot	Moisture Content (%)	Dry Density (pcf)	Depth	Sample	
					0		MEDIUM BROWN GRAVELLY SANDY CLAY (CL), moist, stiff, (COLLUVIUM)
		21	9.4	106			MOTTLED YELLOW, ORANGE and BROWN SANDSTONE, slightly hard, friable, highly weathered, (BEDROCK)
		43	11.1	116	2		
							Bottom of Boring
							No groundwater encountered
					4		
					6		
					8		
					10		
					12		
					14		
					16		

JCH
JOHN C. HOM
& ASSOCIATES, INC.
Geotechnical Consultants

Job No: 1709.1

Appr: JCH

Date: 4/08

LOG OF BORING 2

APN 001-230-08 Ridgeway Avenue
Fairfax, California

PLATE

3

MAJOR DIVISIONS				TYPICAL NAMES
COARSE GRAINED SOILS MORE THAN HALF IS LARGER THAN #200 SIEVE	GRAVELS MORE THAN HALF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE SIZE	CLEAN GRAVELS WITH LITTLE OR NO FINES	GW	WELL GRADED GRAVELS, GRAVEL-SAND MIXTURES
			GP	POORLY GRADED GRAVELS, GRAVEL-SAND MIXTURES
		GRAVELS WITH OVER 12% FINES	GM	SILTY GRAVELS, POORLY GRADED GRAVEL-SAND-SILT MIXTURES
			GC	CLAYEY GRAVELS, POORLY GRADED GRAVEL-SAND-CLAY MIXTURES
	SANDS MORE THAN HALF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE SIZE	CLEAN SANDS WITH LITTLE OR NO FINES	SW	WELL GRADED SANDS, GRAVELLY SANDS
			SP	POORLY GRADED SANDS, GRAVELLY SANDS
		SANDS WITH OVER 12% FINES	SM	SILTY SANDS, POORLY GRADED SAND-SILT MIXTURES
			SC	CLAYEY SANDS, POORLY GRADED SAND-CLAY MIXTURES
FINE GRAINED SOILS MORE THAN HALF IS SMALLER THAN #200 SIEVE	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50		ML	INORGANIC SILTS AND VERY FINE SANDS, SILTY OR CLAYEY FINE SANDS, OR CLAYEY SILTS WITH SLIGHT PLASTICITY
			CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS
			OL	ORGANIC CLAYS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
	SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50		MH	INORGANIC SILTS, FINE SANDY OR SILTY SOILS, PLASTIC SILTS
			CH	INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS
			OH	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS
HIGHLY ORGANIC SOILS			Pt	PEAT AND OTHER HIGHLY ORGANIC SOILS

UNIFIED SOIL CLASSIFICATION SYSTEM

			Shear Strength, psf (Confining Pressure, psf)	
Consol	Consolidation	Tx	320 (2600)	Unconsolidated Undrained Triaxial
LL	Liquid Limit (in %)	TxCU	320 (2600)	Consolidated Undrained Triaxial
PL	Plastic Limit (in %)	DS	2750 (2000)	Consolidated Drained Direct Shear
PI	Plastic Index (in %)	FVS	470	Field Vane Shear
Gs	Specific Gravity	UC	2000	Unconfined Compression
SA	Sieve Analysis	LVS	700	Laboratory Vane Shear
■	Undisturbed Sample	SS	Shrink Swell	
	Auger Sample	EXP	Expansion	
	Standard Penetration Sample	P	Permeability	
	Excavation Sample			
	Sample Attempt No Recovery			

Note: All strength tests on 2.8" or 2.4" diameter samples unless otherwise indicated.

KEY TO TEST DATA

JCH **JOHN C. HOM** **& ASSOCIATES, INC.** *Geotechnical Consultants*	Job No: 1709.1 Appr: JCH Date: 4/08	SOIL CLASSIFICATION CHART AND KEY TO TEST DATA APN 001-203-08 Ridgeway Avenue Fairfax, California	PLATE **4**

ROCK TYPES

CONGLOMERATE
SHALE
METAMORPHIC ROCKS
SANDSTONE
SHEARED SHALE MELANGE
IGNEOUS ROCKS
CHERT
SERPENTINE
GREENSTONE
SANDSTONE & SHALE

BEDDING THICKNESS

Massive - Greater than 6-feet
Thickly Bedded - 2- to 6-feet
Medium Bedded - 6- to 24-inches
Thinly Bedded - 2-1/2- to 8-inches
Very Thinly Bedded - 3/4- to 2-1/2-inches
Closely Laminated - 1/4- to 3/4-inches
Very Closely Laminated - less than 1/4-inch

JOINT, FRACTURE, OR SHEAR SPACING

Very Widely Spaced - Greater than 6-feet
Widely Spaced - 2- to 6-feet
Moderately To Widely Spaced - 8- to 24-inches
Closely Spaced - 2-1/2- to 8-inches
Very Closely Spaced - 3/4- to 2-1/2-inches
Extremely Closely Spaced - less than 3/4-inch

HARDNESS

Soft - pliable; can be dug by hand
Slightly Hard - can be gouged deeply or carved with a pocket knife
Moderately Hard - can be readily scratched by a knife blade; scratch leaves heavy trace of dust and is readily visible after the powder has been blown away
Hard - can be scratched with difficulty; scratch produces little powder and is often faintly visible
Very Hard - cannot be scratched with pocket knife; leaves a metallic streak

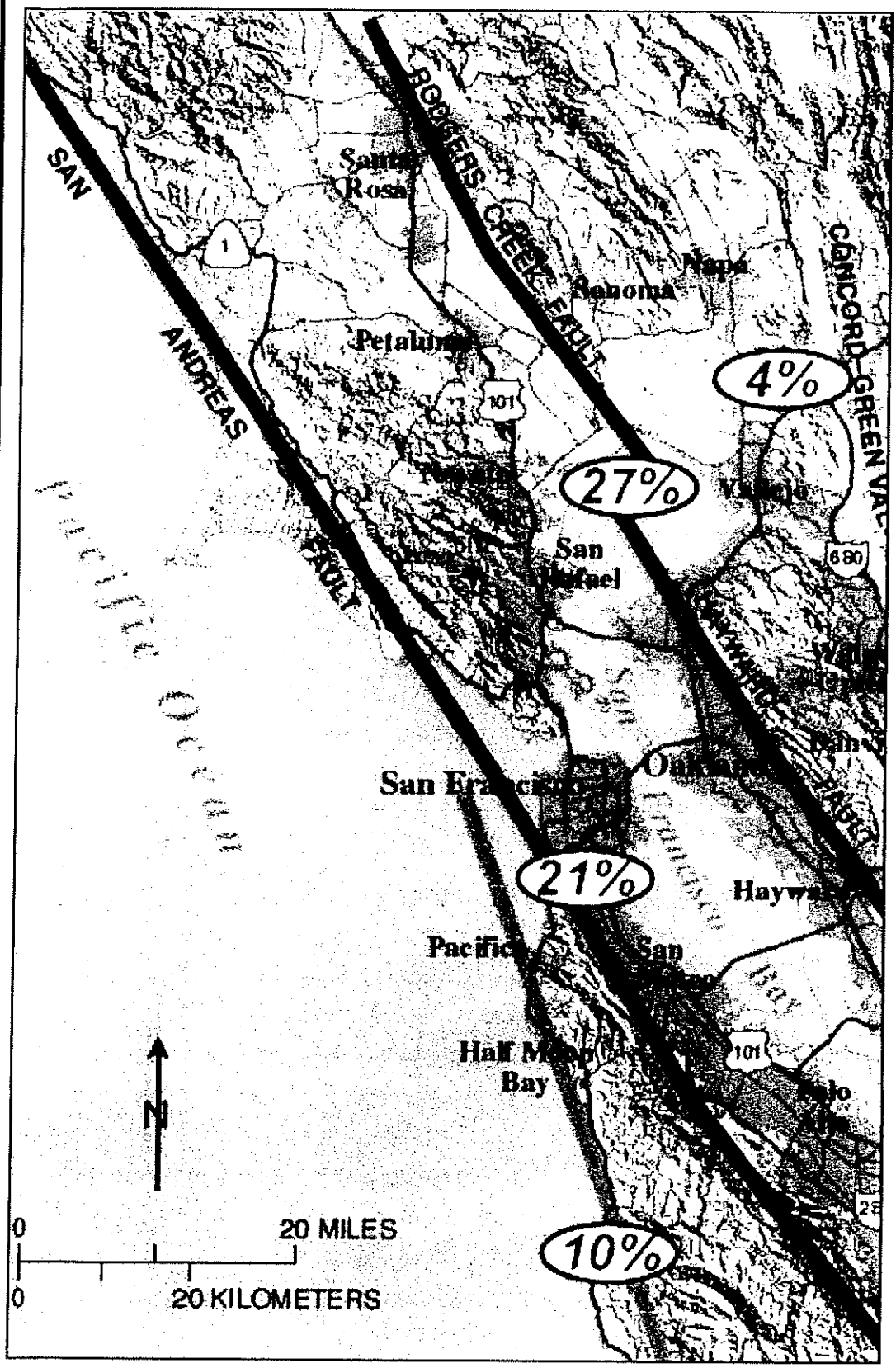
STRENGTH

Plastic - capable of being molded by hand
Friable - crumbles by rubbing with fingers
Weak - an unfractured specimen of such material with crumble under light hammer blows
Moderately Strong - specimen will withstand a few heavy hammer blows before breaking
Strong- specimen will withstand a few heavy ringing hammer blows and usually yields large fragments
Very Strong - rock will resist heavy ringing hammer blows and will yield with difficulty only dust and small flying fragments

DEGREE OF WEATHERING

Highly Weathered - abundant fractures coated with oxides, carbonates, sulphates, mud, etc., through discoloration, rock disintegration, mineral decomposition
Moderately Weathered - some fracture coating, moderate or localized discoloration, little to no effect on cementation, slight mineral decomposition
Slightly Weathered - a few strainedfractures, slight discoloration, little or no effect on cementation,mineral decomposition
Fresh - unaffected by weathering agents, no appreciable change with depth

JCH **JOHN C. HOM** **& ASSOCIATES, INC.** *Geotechnical Consultants*	Job No.: 1709.1 Appr: JCH Date: 4/08	GEOLOGIC TERMS FOR ROCK APN 001-203-08 Ridgeway Avenue Fairfax, California	PLATE **5**



SAN FRANCISCO BAY REGION EARTHQUAKE PROBABILITY

M≥6.7

probability for one or more magnitude 6.7 or greater earthquakes from 2003 to 2032

EXPLANATION

Probability in a 30-year period from 2003 to 2032

- >10%
- 4–10%
- 1–4%
- <1%

Reference: Modified from Figure ES.1, "Earthquake Probabilities in the San Francisco Bay Region: 2002 to 2031" by the Working Group on California Earthquake Probabilities Open File Report 03-214, 2003.

JCH **JOHN C. HOM** & ASSOCIATES, INC. *Geotechnical Consultants*	Job No. : 1709.1 Appr: JCH Date: 4/08	EARTHQUAKE PROBABILITY MAP APN 001-203-08 Ridgeway Avenue Fairfax, California	PLATE **6**

Ross Valley Fire Department

777 SAN ANSELMO AVENUE
SAN ANSELMO, CALIFORNIA 94960 • 415-258-4686 • FAX 415-258-4689

Date: November 25, 2008

Address: Parcel # 001-203-08, Fairfax
Applicant: Fairfax Planning
Application #: 08-0177

The planning review application submitted for review by the Ross Valley Fire Department has the following conditions: **Please note Fire Department requirements on plans.**

The proposed project was found to be within the Wildland Urban Interface area as designated by the Town of Fairfax.

Projects within the Wildland Urban Interface shall meet the requirements in Chapter 7A of the California Building Code and the 2006 International Wildland Interface Code as amended and adopted by the Town of Fairfax.

Vents shall not be installed in eaves and cornices.

Exterior walls are required to be approved noncombustible or ignition resistant material, heavy timber, or log wall construction or shall provide protection from the intrusion of flames and embers in accordance with standard SFM 12-7A-1.

Exterior windows, window walls, glazed doors, and glazed openings within exterior doors shall be insulating-glass units with a minimum of one tempered pane, or glass block units, or have a fire-resistance rating of not less than 20 minutes, when tested according to ASTM E 2010, or conform to the performance requirements of SFM 12-7A-2.

Exterior door assemblies shall conform to the performance requirements of standard SFM 12-7A-1 or shall be of approved noncombustible construction, or solid core wood having stiles and rails not less than 1 3/8 inches thick with interior field panel thickness no less than 1 ½ inches thick, or shall have a fire-resistance rating of not less than 20 minutes when tested according to ASTM E 2074.

Exception: Noncombustible or exterior fire retardant treated wood vehicle access doors are not required to comply.

A Vegetation Management Plan (VMP) shall be prepared and submitted for approval. The Content of the VMP shall consist of two forms: (1) two sets of blue line drawings; and (2) a text narrative describing specific and applicable contributing factors in the selection and design of the plan.

VMP Contents:

The VMP shall include at the minimum:

1. The entire "plan content" elements described in narrative form.
2. Two (2) complete plan sets to be submitted to the Ross Valley Fire Department for review.
3. The Hazard Assessment Matrix
4. The list of plants to be used and materials consistent with the approved plant list.
5. Two (2) sets of blue prints showing the house, zone, plant type and spacing.

Maintain around the structure an effective firebreak by removing and clearing all flammable vegetation and/or other combustible growth within 150 feet of the proposed structure. Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan is available online @ Rossvalleyfire.org to assist the applicant in meeting the minimum requirements. The Eucalyptus tree is an invasive species and on the Marin County hazards plants list. The entire grove shall be removed to eliminate the potential for the rapid spread of a vegetation fire.

EXHIBIT # H

Additional requirements:

A fire sprinkler system shall be installed throughout 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. The sounding device shall be audible in all sleeping areas; it is recommended that the water-flow switch sound the interconnected smoke detectors.

Fire department access roads are required to be a minimum of 16' wide. Turnouts shall be provided where fire apparatus may be positioned at the proposed structures on access roadways less than 20' in width so that other incoming emergency vehicles and tenant egress are not obstructed. When roadways/driveways exceed 300 feet or when required to accommodate relay pumping at a fire hydrant as determined by the Fire Marshal, approved turn-outs in driveways shall be provided for and designed so as to accommodate Ross Valley Fire Department apparatus. The turn-out shall be installed at 300 feet intervals and not be less than 40 feet in length, exclusive of entrance and exit tapers. Turnouts shall be not less than 8 1/2 feet in width. In no case shall the width of the turn-out and the driveway be less than 24 1/2 feet. Grades at the turnout shall be no greater than 15%.

The placement of the parking deck as designed encroaches upon the existing paved roadway and will need to be relocated to provide for the continued use of Vanni Lane for purpose as a fire lane for the neighborhood. A conditional certificate of compliance was recorded on May 2, 2007 agreeing that the entire existing paved roadway will be offered to the Town as an easement prior to the issuance of a building permit.

The existing fire hydrant at 167 Ridgeway shall be upgraded to a fire hydrant with 1 - 2.5" outlet and 1 - 4.5" outlet. The hydrant is required to be a Jones, Model # 4040. Contact MMWD to coordinate installation.

Access roads and water supplies for fire protection shall be installed and made serviceable prior to the delivery, storage or use of any combustible materials. An onsite inspection by the Ross Valley Fire Department is required prior to the delivery of combustible materials.

Smoke detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.

Address numbers at least 4" tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed to a light or be reflective numbers. If your project is a new house or substantial remodel, they may only be internally illuminated or illuminated an adjacent light controlled by a photocell and switched only by a breaker so it will remain illuminated all night. If not currently as described, they must be installed as part of this project.

All roof coverings shall be Class A rated assemblies as defined in the California Building Code.

During construction, combustible debris shall not be accumulated within the building or in piles on the exterior of the building in amounts that constitute a fire hazard. Combustible debris, rubbish and waste materials shall be removed from the building site as often as practical. Combustible debris, waste material and trash shall not be burned on the site.

Access to buildings for the purpose of firefighting shall be provided. Construction material shall not block access to buildings, hydrants or fire appliances.

To schedule an inspection with the Fire Marshal or his designated representative contact (415) 258-4673 at least 72 hours in advance and prior to the final inspection by the building official. All items listed on this approval document shall be completed at that time.

If you have any questions about any of the items listed above please call me at (415) 258-4686.

Sincerely,

Robert Bastianon
Fire Inspector

Vegetation/ Fuels Management Plan

Pierce Property
APN 001-203-08
Ridgeway Ave.
Fairfax, CA

A new 1,055 SF two story residence is proposed on a 5,347 SF lot with a 24.83% slope. Cement board siding and asphalt composition roof shingles will be used to comply with Chapter 7A of the California Building Code. Two sets of complete plans as proposed to the Fairfax Planning Department are attached. A specimen garden is proposed on the attached landscape plan with the removal of an existing grove of Eucalyptus trees adjacent to the Chester Ave. right-of-way. All existing pyrophytic plants will be removed. Defensible space clearances will be maintained to the property line.

1924 FOURTH STREET, SAN RAFAEL, CA 94901 (415) 457-0220 FAX (415) 454-9581

Attn: Jack.

TOWN OF FAIRFAX
DEPARTMENT OF PLANNING AND BUILDING SERVICES

142 Bolinas Road, Fairfax, California 94930
Phone (415) 453-1584 FAX (415) 453-1618

LETTER OF TRANSMITTAL

From: Fairfax Planning and Building Services Department

Date: May 4, 2009

To:
- [x] Town Engineer
- [x] Fairfax Police Dept.
- [ ] Marin County Open Space Dist.
- [ ] Town Attorney
- [x] Sanitary Dist. 1
- [ ] Other
- [x] MMWD
- [x] Public Works Dept.
- [x] Ross Valley Fire
- [ ] Marin County Health Dept.

Address and Parcel No: A street address will be issued if the project is approved; Assessor's Parcel No. 001-203-08

These plans are being transmitted for review either: a) prior to public hearings on discretionary permits before the Fairfax Design Review Board and Planning Commission; or, for review prior to issuance of a building permit. Please provide your comments on the completeness and adequacy of the submittal for your agencies reviewing purposes within 10 days.

1	4/30/09	Preliminary development plans by Divine and Associates
	5/5/05	BANK STABALIZATION CONCERNS

REMARKS _____

Please respond by May 18, 2009. Thanks

If you have any questions please contact: Linda Neal, Senior Planner, at (415) 453-1584

ROSS VALLEY SANITARY DISTRICT

MAY 09 2009

Serving the Greater Ross Valley Area for 110 Years

1301 Andersen Drive San Rafael, Ca 94901
Ph: 415.259.2949 Fax: 415.460.2149

Brett N. Richards ~ General Manager

Directors: Patrick Guasco, President ~ Marcia Johnson, Secretary ~ Sue Brown, Treasurer ~ Steven M. Vanni ~ Peter Wm. Sullivan, M.D.

May 7, 2009

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

Re: New SFD
Assessor's Parcel No.: 001-203-08

Dear Ms. Neal:

We are in receipt of your transmittal dated May 4, concerning the above-referenced project. Sanitary District No. 1 (District) has the following requirements if the project is approved:

1. Public sewer is available to serve the project.
2. A sewer permit is required and may be issued by the District after the building permit is obtained and all appropriate fees have been paid.
3. Installation of the private sewer lateral must meet District specifications and be inspected by a District inspector before it is covered.

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

Sincerely,

Eric Stassevitch/tj

Eric Stassevitch, P.E.
District Engineer

cc: Applicant, Fredric C. Divine Associates

MARIN MUNICIPAL WATER DISTRICT

DEC 1 1 2009

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

December 8, 2009
Map No. L17-06

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

RE: **WATER AVAILABILITY** – Single Family Dwelling
Assessor's Parcel No.: 001-203-08
Location: 161 Ridgeway Av., Fairfax

Dear Ms. Neal:

The above referenced parcel is not currently being served. This property will be eligible for water service upon request and fulfillment of the requirements listed below. However, the District owns and maintains water facilities spanning the entire length of the property. The Applicant must have these facilities located to determine any possible conflicts. Please note, no construction shall encroach upon or encumber access to District facilities. Please contact Charles Lam, Supervisor, MMWD Records Dept. (415) 945-1539 to have the piping located. Once marked in the field the District requests that the water facilities be added to the project drawings.

1. Complete a Standard Water Service Application.
2. Submit a copy of the building permit.
3. Pay appropriate fees and charges.
4. Complete the structure's foundation within 120 days of the date of application.
5. Comply with the District's rules and regulations in effect at the time service is requested.
6. All landscape and irrigation plans must be designed in accordance with the most current District landscape requirements (Landscape Ordinance #385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems. Any questions regarding the District's current water conservation and landscape Ordinance should be directed to Mark Guthrie at (415) 945-1497. You can also find the ordinance and more detailed information online at **www.marinwater.org**.
7. Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559.

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

Very truly yours,

Joseph Eischens
Engineering Technician

JE:dh

recycled
recyclable

TREEMASTERS

3175 Kerner Blvd Ste. A
San Rafael, CA 94901
(415) 455-9933 Main
(415) 455-9934 Fax

www.marintreemasters.com

CA Lic. #660226

RECEIVED
AUG 31 2009
TOWN OF FAIRFAX

July 8, 2009

Charles C. Pierce Inc.- Ridgeway Lot
left of 167 Ridgeway
Fairfax, CA 94930

ARBORIST REPORT

I have inspected the tree left of 167 Ridgeway and have made the following report.

- Tree is a Monterey Pine *Pinus radiata* with a DBH of 24" and a height of approx. 70'.
- Tree has Pine Pitch Canker *Fusarium circinatum* that can kill the tree.
- Tree has Co-dominant stems that create a hazard.
- Tree has severe lean towards targets (home, cars and people).
- Tree is approaching its lifespan.

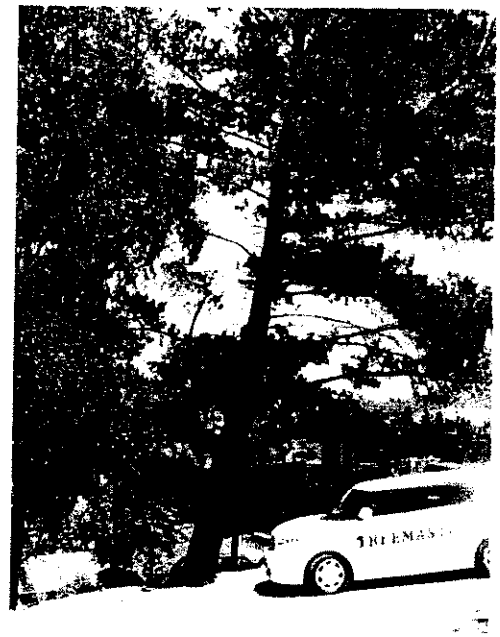
Monterey Pine *Pinus radiata* are notorious for failure. These trees only live 40-80 years. Considering the very dangerous structure of this tree and the severe lean towards targets I would recommend removal of this hazardous tree.

Note: I only inspected the tree(s) on this report

Sincerely,

Michael Queirolo
ISA Certified Arborist WE-8291A

EXHIBIT # 7



FREDRIC C. DIVINE ARCHITECTS, INC.
1924 FOURTH STREET, SAN RAFAEL, CALIFORNIA 94901
(415) 457-0220 FAX (415) 454-9581

November 3, 2009

Charles Burlingham
Lucy Burlingham
167 Ridgeway Ave.
Fairfax, CA 94930

Dear Charles and Lucy,

We are the architects working with Charles Pierce, who owns the property adjacent to yours. A development plan has been completed, and plans are available for your review in our office. We would like you to have the opportunity to look at the plans, before the project is scheduled for Planning Commission review.

In addition, an arborist report was required for the existing pine tree between your two properties, located near your car deck. The Town of Fairfax has determined that this tree is a hazard and needs to be removed. A copy of the arborist report obtained by Mr. Pierce is attached for your review. We want to inform you of this hazard, so that the appropriate steps to remove the tree can occur. Mr. Pierce will pay for the full cost to remove the tree and haul away the debris. The tree is located on the property line, and is on both properties. Prior to removal, the Town of Fairfax Tree Committee must be consulted. Mr. Pierce will remove the tree when permission is granted from the Town of Fairfax.

We look forward to meeting with you, and answering any questions you may have regarding this development.

Sincerely,

Laura Kehrlein
Project Architect

Cc: Charles Pierce

Linda Neal

From: Ray Wrysinski [r.wrysinski@verizon.net]
Sent: Thursday, December 10, 2009 2:30 PM
To: Linda Neal
Subject: Re: Pierce Property - new residence on Vanny Lane

Linda:

That is right. The Town Attorney was clear on that issue of parking access for the adjoining property..

I do not recall finding out what resolved the pine tree problem. I remember that you mentioned there were discussions between the two owners about removing that tree. What happened with that?

Conditions regarding the road and utility easement, the water line easement, the gas line location, maintenance of the storm drain system and maintenance of the bank below the house and in the street right of way below the house as noted in the previous memos are needed.

Let me know if you need more information on any of this.

Ray

----- Original Message -----
From: Linda Neal
To: Ray Wrysinski
Sent: Thursday, December 10, 2009 1:08 PM
Subject: Pierce Property - new residence on Vanny Lane

Hi Ray,

I just want to make sure I am reading your September 28, 2009 memorandum correctly and that we can go forward with the Pierce project, as long as your recommended conditions in that memo are conditions of approval, now that the Pine tree issue is resolved. You and I agree that the issue of a prescriptive easement for the neighbor will have to be ruled upon by a judge.

Please advise.

Thanks
Linda

EXHIBIT # J

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

MEMORANDUM

To: Linda Neal – Senior Planner

Date: September 28, 2009

From: Ray Wrysinski
Town Engineer

Subject: Proposed Residence
Vanni Lane at Ridgeway Avenue
Fairfax, CA

A.P. 001-203-08

I have reviewed the documents that were enclosed with your 9/01/09 transmittal. The items reviewed included a plan set from Fredrick C. Divine, Associates, dated 8/31/09, 9 sheets (a listed sheet A3.0 is not included), with included plan sheets by J. L. Engineering, 4 sheets titled Improvement Plan, Drainage and Erosion Control and Topographic Survey and Demo Plan, dated April 29, 2009, and a recorded Record of Survey sheet called C4 and a Landscaping Plan sheet by Alfresco Designs, dated 8/24/09, a Geotechnical Engineering letter by John C. Hom Associates, Inc., dated August 26, 2009, a letter by Treemasters, dated July 8, 2009, a letter by J. L. Engineering, dated August 12, 2009, there are some pages that must be the item (6) documents of the J. L. Engineering letter and there is an 8/31/09 letter by Frederic Devine Associates.

The above information was reviewed to find resolution to the requirements in the 5/28/09 Town Engineer Memorandum on this project.

1. Unusual Plan Changes

The previous Town Engineer Memorandum noted unusual changes in dimensions and locations between the 11/06/08 plans and the 4/30/09 plans. There are some comments about this in the 8/12/09 J. L. Engineering letter in the first item (7) in that letter. It mentions the original topo. survey prepared by others. The survey, we received, is the sheet C3 in each plan set and the both appear to be prepared by the project Civil Engineer. The more recent map has an original signature and engineer's seal and the earlier map only has an engineer's seal on it. We were asked to rely on the survey in the first submittal and then were asked to rely on a much different survey in the following submittal. No explanation of the earlier problem was provided with the 4/30/09 plans. Where changes like this occur, it would help the review process if an explanation of the change was provided rather then leaving the change to be found by discovery. I am assuming we have the correct survey information now and that this issue is resolved.

2. Topographic Survey with Boundary and Easements

There was a requirement in the 5/28/09 memorandum to show the Code required easement information and note and that has been done. The proposed road easement has been shown on sheet C1 as required in the 5/28/09 memorandum.

3. Road Easement Dedication

The latest submitted proposed right of way easement document does not have the recommended "public road purposes" and public utility easement language in the beginning of the description. There is a notation about public access at the end of the document which will provide clarity on the access use. These uses were recommended in the 5/28/09 memorandum. The existing storm drain is an existing utility use and it is likely there will be a need to place other utility lines in this easement over the time that this easement will probably be in use. The latest plan shows new utility installations in this easement area. I recommend that the project approval include the requirement that the dedicated easement will also be a public utility easement and that it must be recorded prior to the permit approval. The final grant deed dedication form should be approved by the Town Attorney. Form requirements and field review of the easement prior to project permit approval from the 5/28/09 memorandum still apply.

4. Record of Survey

A recorded record of survey was required to be submitted for this project in the last Town Engineer Memorandum. That survey was received with this submittal and satisfies the requirement.

5. 167 Ridgeway Avenue Residential Accessory Unit Driveway

From the previous review memorandum, direction, from the Town Attorney, was requested on how to proceed with this application. We have received the needed information from the Town Attorney.

6. Water District Easement

From the previous review memorandum there appears to be a Marin Municipal Water District easement over the site that appears to eliminate development of the site. Information was requested from the applicant on how an approval for development of the site can be given with that easement in place. The 8/12/09 J. L. Engineering letter states in item (6) that a newly described easement has been requested from the Water District. The project should be conditioned that prior to permit approval, a copy of a recorded easement must be provided to the Town which relinquishes the old easement that has an undefined location and that provides a new water line easement that will not conflict with the proposed project development.

7. Utility Connections

All proposed utility connection were required to be shown in the last review memorandum. Most of the connection trenches have been shown. In the second item (7) of the 8/12/09 J. L. Engineering letter, it states that the gas line connection point is still being researched with PG&E. I suggest a condition that the gas line connection trench shall be shown on the plans prior to permit approval. This will eliminate the need to wait for that information before the project review can continue. The gas line connection design should not cause any difficult design issues.

8. Eucalyptus Tree Removal

The requirement to show all the Eucalyptus trees removed from the site has been done. Removal of the Eucalyptus trees below the site, in the sloped area above the street in Chester Avenue, is shown. This seems to be in compliance with the intent of the Fire District requirement. A Fairfax Tree Committee report and permit covering all the tree removals must be obtained.

9. Topography Information and the 30" Pine

The site topographic survey copy submitted, now, shows tree locations, the 120 foot elevation contour and the edge of Vanni Lane pavement as required. I think all the needed information is on the topographic survey. Most of that site information has been included on the site plans and grading plan. The trees (to be removed) have been excluded from the Civil Engineer's plan which is not a problem except for the 30" Pine tree mentioned earlier. That tree is shown on the Architect's site plan and from that plan it can be seen that there is retaining wall that will go through the tree. I find that this tree is a little farther from the existing parking deck than is shown on the plan and so there is more of a conflict with that tree than the plan indicates. The retaining wall construction will most likely kill the tree. Removing the tree may be a good solution, if ownership can be resolved, but killing the tree by accident with the construction is not a good option. A solution must be provided.

The above underlined information is from the previous memorandum to provide background information. Item (9) of the 8/12/09 J. L. Engineering letter states that if the 30" pine tree is not removed a retaining wall will be constructed around the tree. The 7/8/09 Treemasters letter refers to the proposed dwelling, cars and people as targets and refers to the tree as dangerous.

I do not think a new dwelling can be approved to be built in this dangerous condition. If this were a landslide situation a solution would be defined such as stabilizing the landslide. I believe a solution to this pine tree problem must be provided before the new home construction can be approved.

10. Drainage System and Drainage Outlet

The submitted drainage plan shows the needed information. Requirements for this on the previous memorandum still apply as project construction plan approval conditions.

11. Geotechnical Information

The 5/23/07 Geotechnical report for the project was done based on a substantially different site layout. I do not think that the new site plan would substantially change the information given in the 5/23/07 report and the 4/27/09 letter but an additional letter, from the Geotechnical Engineer, must be provided that states he has reviewed the current house siting and proposed property line retaining walls and state that either his recommendations do not need to be modified or provide additional recommendations if they are needed. The 8/26/09 letter from John C. Hom & Associates, Inc. provides the needed review information for the latest house site plan and resolves this issue.

12. Grading Quantities

The new Site Improvement Plan shows 80 cubic yards of cut and 120 cubic yards of fill which totals 200 cubic yards of material movement for the proposed project. There is a 50 cubic yard import quantity given but I consider this to be part of the fill quantity for material movement estimate purposes. This looks like a reasonable estimate of the grading quantity for the project. Code Section 12.20.080 requires that Planning Commission approval must be obtained for material movement quantities of more than 100 cubic yards.

The submitted erosion control plan satisfies the Code requirement for that plan.

Item (7) in the 8/12/09 J. L. Engineering letter comments on the access rights of #167 Ridgeway Avenue. His comments should be considered with all the comments on this issue for this project. I have made comments, the Town Attorney has commented and the applicant's attorney has commented. I do not believe this is an easily clarified issue and most likely only a ruling by a judge will clear it up. The Town Attorney has stated that processing of this proposal can proceed related to the access issue.

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

Ray Wrysinski

Ray Wrysinski, P. E.
Town Engineer

TOWN OF FAIRFAX
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PHONE (415) 453-1584 / FAX (415) 453-1618

MEMORANDUM

To: Linda Neal – Senior Planner

Date: May 28, 2009
Page 1 of 5

From: Ray Wrysinski
Town Engineer

Subject: Proposed Residence
Vanni Lane at Ridgeway Avenue
Fairfax, CA

A.P. 001-203-08

I have reviewed the documents that were enclosed with your 5/04/09 transmittal. The items reviewed included a plan set from Fredrick C. Divine, Associates, dated 4/30/09, 9 sheets, with included plan sheets by J. L. Engineering, 3 sheets titled Improvement Plan, Drainage and Erosion Control and Topographic Survey and Demo Plan, dated April 29, 2009, a preliminary Record of Survey sheet and a Landscaping Plan sheet by Alfresco Designs, dated 4/06/09, a Geotechnical letter by John C. Hom Associates, Inc., dated April 27, 2009, a letter by Neil Sorensen (with enclosures), dated April 16, 2009, the 12/5/08 Town Senior Planner letter to Laura Kehrlein, deed and easement information on the subject property and information on the residential accessory unit at 167 Ridgeway Avenue (Burlingham property).

A site review was done 5/21/09.

For reference, the previous Town Engineer review memorandum was dated 12/4/08.

1. Unusual Plan Changes

There is a difference, to note, between the plans previously submitted and the most recent submittal. The property lines have moved relative to ground features. On the A1 and C3 plans, received 11/6/08, the southerly property corner is about 6.5' northerly of the existing fire hydrant. The most northeasterly property corner is about 10.5' from an 8" Eucalyptus tree. On the most recent plans these distances have been reduce by about 4' and 5.5'. You can see that the easterly property line is now shown to go through the 30" Pine tree by the Burlingham deck when previously that tree was shown to be entirely on the Burlingham property. The northerly property line was 94.68' in length and is now shown as 108.30'. These are unusual changes and I hope the current property lines and topography locations are correct. The proposed residence has been shifted about 6' northerly relative to the northeasterly property corner.

2. Topographic Survey with Boundary and Easements

From the previous review memorandum, 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 required signed copy of the

topographic survey with boundary lines and dimensions shown was submitted. The survey must also include additional information of all existing and proposed easements, as noted in the previous review memorandum. A note, required by the Code, must be included to clarify the easement information. If there are no easements a notation on the survey must be included stating that there are no easements or a notation stating all easements are shown on the submitted topographic survey. A note, on the above described topographic survey with the boundary shown that, would satisfy the Code requirement would be "All easements identified in the property title report (include report source and date) and all easements, existing and proposed, that this surveyor (or Civil Engineer licensed to do land surveying) is aware of are shown". The proposed road easement is described in a submitted EXHIBIT "A" document and is shown on an EXHIBIT "B" plat attached to EXHIBIT "A". That proposed easement must be shown on the topographic survey.

From the previous review memorandum the submitted topographic survey stated that a 2' contour interval was shown (sht. C3, note 2) while a 5' interval is actually shown. The contour interval note has been changed to show a 5' interval which matches the submitted map information.

3. Road Easement Dedication

An important feature of that proposed road easement is that the soil bank below the road and the soil bank and retaining wall above the road are to be maintained by the property owner. To be sure of the granted use for the proposed road easement the EXHIBIT "A" description or the legal grant deed form for the transfer of the easement to the Town must describe the easement as an easement for Public Road purposes. Additionally, I advise that the easement be described as an easement for Public Road and Public Utility purposes. At this time there is no information to indicate that there is any utility use in the road area except for the existing storm drain and the existing water line facilities. The water line appears to be covered by an easement held by the Marin Municipal Water District. The storm drain is not covered by any easement that I know of so it could be a use that is not allowed. There may be a need to install additional utilities in that road in the future and that is the reason that I have recommended the inclusion of Public Utility use in the easement grant. This easement grant must be made formal, at some future date, by an acceptance by the Town and that should also be recorded. The submitted "easement for the road purposes" calls for commencing at a point in the line of lot 8. There is no lot 8 and I believe the correction needed is lot 80. When the road easement document is in final form, the description and the plan must bear the signature and seal of the licensed person responsible for their preparation as previously required. The timing of the layout, on the ground, of the proposed road easement must be decided. At a minimum, the field layout of the proposed easement should be reviewed by the Director of Public Works, the Planning Staff and the Town Engineer.

4. Record of Survey

From the previous review memorandum, it is noted on the submitted topographic survey that "This does not constitute a complete boundary and is not sufficient for the setting of property corners. Final resolution requires the recordation of a Record of Survey". A recorded record of survey must be submitted for this project so that the Town review process is based on accurate boundary lines. The 4/30/09 letter from the Architect states that the topographic and boundary survey has been recorded and a copy was submitted. The more likely occurrence is that the above required record of survey was recorded. A copy of a proposed record of survey was submitted but the requirement remains that a copy

of the recorded record of survey must be submitted for Town review of this project. The recorded record of survey will have all the map statements signed and it will show the official County Recorder's identification for that recorded survey map.

5. 167 Ridgeway Avenue Residential Accessory Unit Driveway

From the previous review memorandum, the assumption was made of an existing prescriptive easement across this project site for the driveway, shown to serve 167 Ridgeway Avenue. Removal of the driveway would adversely affect the 167 Ridgeway Avenue site so the rights to that driveway are a substantial issue for this proposed project. As noted in the 12/5/08 Senior Planner review letter for this project, elimination of the existing access across this site (Pierce property) may result in the requirement to remove the second unit previously approved (and constructed) on the 167 Ridgeway Avenue site. The owner's Attorney submitted a letter, dated April 16, 2009, that strongly disagreed with, above, statement about an "existing prescriptive easement". There is still the possibility that there is a prescriptive access easement to the 167 Ridgeway Avenue site but, as stated in the Attorney's letter, that issue would most likely get a final resolution, only, by obtaining a Court judgment on it. The problem for the Town and the 167 Ridgeway Avenue site is that approval of this proposed project would eliminate that 167 Ridgeway Avenue access. We need some clear direction from the Town Attorney on how to deal with this access issue and still proceed with the Pierce property application.

6. Water District Easement

From the previous review memorandum, "the submitted title report satisfies the requirement for a title report on the project site. A copy of the current fee title deed for this project site must be submitted for use in review of the application. The title report shows a Marin Municipal Water District easement over the site. This easement appears to eliminate development of the site. If an approval for development of the site is to be given, the applicant must provide information showing how the site development can be approved without violating the easement rights. Submittal of a copy of the Water District easement deed of record is required. It may be possible that information can be provided, to the Town from the Water District, that will show how Town Approval of development of the site can be done. This Water District easement must be shown on the project topographic survey and site plans to the extent that it affects the site". There were a number of boundary related descriptions that may provide the deed information and easement information required above. I want to avoid the need to assume I have the correct information as much as possible. The road easement description indicates that the fee title deed for the Pierce property is Recorder's Instrument Number 2003-120984. That was not submitted and most likely, that is the document that must be submitted to satisfy the requirement for submittal of the property current fee title deed. The Water District Easement is still a problem. The easement is indicated as a line on the roadway and described as being along the actual pipeline within the graded roadway. The width and location of sidelines of the easement are not shown. The title report indicates that the easement was granted in 1950 so the easement limits appear to be over the graded area that existed in 1950. The title report states that "Said easement is blanket in nature and cannot be located of record". The above requirement for information from the Water District that will show that approval of this project proposal will not violate the District's easement rights appears to be the most direct way of resolving the easement limits question. The Architect's letter states that the easement is understood to be within the existing graded roadway. The Water District could easily disagree with the assumed easement limits. My requirement of information from the Water District that will identify the easement limits remains.

7. Utility Connections

The Town Code requires that the project site plan must show existing and new sanitary sewer, water and storm drain lines labeled with their sizes. Line sizes have been added for the existing sanitary sewer in Chester Avenue and the existing water lines in Vanni Lane and in Ridgeway Avenue. The short piece of 12" storm drain in Vanni Lane can be left as it is shown. Utility connection points, to the proposed house, must be shown including utility trenches in the street. Sewer and water connection points have been shown but the proposed underground gas (if available), electric, telephone and Cable TV still must be shown. All utility connections are required to be underground.

8. Eucalyptus Tree Removal

The requirement to show all the Eucalyptus trees removed from the site has been done. Removal of the Eucalyptus trees below the site, in the sloped area above the street in Chester Avenue, is shown. This seems to be in compliance with the intent of the Fire District requirement. A Fairfax Tree Committee report and permit covering all the tree removals must be obtained.

9. Topography Information and the 30" Pine

The site topographic survey copy submitted, now, shows tree locations, the 120 foot elevation contour and the edge of Vanni Lane pavement as required. I think all the needed information is on the topographic survey. Most of that site information has been included on the site plans and grading plan. The trees (to be removed) have been excluded from the Civil Engineer's plan which is not a problem except for the 30" Pine tree mentioned earlier. That tree is shown on the Architect's site plan and from that plan it can be seen that there is retaining wall that will go through the tree. I find that this tree is a little farther from the existing parking deck than is shown on the plan and so there is more of a conflict with that tree than the plan indicates. The retaining wall construction will most likely kill the tree. Removing the tree may be a good solution, if ownership can be resolved, but killing the tree by accident with the construction is not a good option. A solution must be provided.

10. Drainage System and Drainage Outlet

The submitted drainage plan shows most of the needed information. . The drainage system, shown, carries surface and subsurface water to a 4" discharge pipe in the hillside in the Chester Avenue street right of way. A 6" pipe in that area, where all of the site flows are combined, was called for in the previous review memorandum. The 6" pipe size is still required. The outlet system pipe shown near the concrete ditch in Chester Avenue looks like the buried type of outlet that is very difficult to clean and can't self clean. Some other type of outlet, that can be cleaned and has some self cleaning ability, such as an anchored, surface, 45° bend directing the drainage flow downstream in the existing roadside concrete ditch must be placed there. This is a steep hillside so some type of anchoring is needed. The outlet pipe construction in the street right of way must done under the requirements of an encroachment permit for this installation and the permit must require the property owner to maintain the pipe system that is inside the street right of way.

11. Geotechnical Information

The previous memorandum required additional Geotechnical Engineering information on the potential for land sliding at the site and in particular the area near and below the lower part of the proposed house. A 4/27/09 letter from John C. Hom & Associates provided the information requested. That letter confirmed that there is some potential for instability on the very steep slopes below the proposed house. I will add that the stability problem is not only related to potential earthquake forces, noted in the Hom letter, but also during very wet winter rain periods. That letter also states that the proposed drilled pier foundation will be designed to protect the house from damage to soil sliding. From the previous memorandum, a condition should be placed on this project that the site owner is required to maintain the slope within 40 feet of the lower part of the house and uphill of the Chester Avenue pavement. This slope maintenance will be for the purpose protecting the house and nearby site improvements from damage due to earth movement. This slope maintenance work within the street right of way can only be with the approval of the Town Director of Public Works. The 5/23/07 Geotechnical report for the project was done based on a substantially different site layout. The house is now much closer to the steep bank above Chester Avenue and there are retaining walls proposed near the property line above Chester Avenue that are very close to the steep bank above Chester Avenue. The retaining wall construction could easily cause parts of the steep banks to crumble. The removal of the stumps and larger roots of the Eucalyptus trees in and near these steep banks may also cause parts of the banks to crumble. This is a typical problem when construction activity occurs in soil banks that are much steeper than is normally considered stable. The retaining walls may have to be made higher than the plan shows if the banks do crumble. I do not think that the new site plan would substantially change the information given in the 5/23/07 report and the 4/27/09 letter but an additional letter, from the Geotechnical Engineer, must be provided that states he has reviewed the current house siting and proposed property line retaining walls and state that either his recommendations do not need to be modified or provide additional recommendations if they are needed. Regarding the tree stump removals, where the stumps are near the pavement and there is no necessity to remove them, I think it would be best to leave the stump in place. The Public Works Director should review this question of stump and large root removal in the steep banks near the pavement.

12. Grading Quantities

The new Site Improvement Plan shows 80 cubic yards of cut and 120 cubic yards of fill which totals 200 cubic yards of material movement for the proposed project. There is a 50 cubic yard import quantity given but I consider this to be part of the fill quantity for material movement estimate purposes. This looks like a reasonable estimate of the grading quantity for the project. Code Section 12.20.080 requires that Planning Commission approval must be obtained for material movement quantities of more than 100 cubic yards.

The submitted erosion control plan satisfies the Code requirement for that plan.

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

Ray Wrysinski

Ray Wrysinski, P. E.
Town Engineer

DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, December 17, 2009

Call to Order/Roll Call:

COMMISSIONERS PRESENT: Brannon Ketcham
Shelley Hamilton
Peter Lacques, Chair
Shelby LaMotte
Pam Meigs
Peter Ramsay

COMMISSIONERS ABSENT: Terry Goyan

STAFF PRESENT: Jim Moore, Planning Director
Linda Neal, Senior Planner
Joanne O'Hehir, Minutes-Secretary

Chair Lacques called the evening to order at 7.35 p.m.

Approval of Agenda

Public Comments on Non-Agenda Items

No members of the public came forward to speak.

Consent Items

1. **207 Tamalpais Road; Application # 09-29:** Request for an encroachment permit and fence height variance to legalize a 6 foot high fence that replaced a previously existing fence damaged in the 2005 flood; Assessor's Parcel No. 001-054-13; Residential Single-family RS 6 Zone; Joyce Lipps, applicant/owner; CEQA categorically exempt, § 15303(e) and 15305(b).

The Chair opened the hearing to the public, but no speakers came forward.

M/S, LaMotte/Meigs, Motion to approve the agenda and Consent Item:

Ayes: Ketcham, Lacques, LaMotte, Meigs, Ramsey
Absent: Hamilton

Public Hearing Items

2. **161 Ridgeway Avenue; Application # 09-30:** Request for a Hill Area Residential Development Permit, Setback Variances, a Parking Variance and an Excavation Permit to construct a 1,055 square foot single-family residence on a 5,374 square foot site that is crossed by Vanni Lane; Assessor's Parcel No. 001-203-08; Laura Kehrlein, Fred Divine and Associates, architect; Charles Pierce, owner; CEQA categorically exempt, § 15303(a), 15305(a) and 15305(b).

Senior Planner Neal introduced the staff report. She noted that trees would need to be removed in order to allow construction and because the Fire Department deemed it necessary to remove eucalyptus. Ms. Neal said that a permit would be needed from the Tree Committee.

Ms. Neal discussed setbacks and the parking and she noted that uncovered parking was permitted in the front yard setback. However, she also noted that the Town Code necessitated the provision of three parking spaces and for which a variance was being requested because there appeared to be no space for the third space. Furthermore, public transportation was close by and the house would consist of just two bedrooms, so staff could recommend approval of the parking variance.

Ms. Neal discussed the Hill Area Residential Development Permit, which was necessary for the reasons she explained, including the need to minimize grading, water run-off and soil erosion.

Ms. Neal discussed the subdivision and she noted that other sites existed which were of a similar small size. The Town Engineer requested that the applicant adhered to the recommendations in the staff report. Ms. Neal noted that staff could make the findings to approve the project for the reasons and conditions laid out in the staff report.

Commissioner Meigs and Ms. Neal discussed parking.

Commissioner Meigs expressed concern that the site was at the edge of Vanni Lane. Ms. Neal said that Vanni Lane formed a public roadway easement for which a Certificate of Compliance had been issued that allowed the owner to retain use of the property. Ms. Neal explained that the owner had granted a public easement to allow the next door neighbors to gain access to their second unit at 167 Ridge Road. They discussed the Certificate of Compliance.

In response to Vice-Chair Ketcham, Ms. Neal said that on-street parking would not be allowed on Vanni Lane because the Fire Department needed the width of the road for access.

Commissioner Hamilton joined the meeting at 7.45 pm.

Commissioner LaMotte and Ms. Neal discussed the bank, tree removal and storm water drainage. Ms. Neal noted that the storm water pipe would need an encroachment permit and that there was a Condition of Approval that the owner would bear responsibility for maintaining the lower slope.

Commissioner Hamilton and Ms. Neal discussed the Town's right to uphold the project to resolve the parking issues at the neighboring property at 167 Ridge Road, which pertained to a second unit on the property. Ms. Neal said that Town Attorney Mr. Karpiak agreed with Mr. Sorensen that the Town did not have the right to uphold the project over this issue.

Chair Lacques and Ms. Neal discussed the possible need for a retaining wall on Chester Road. Ms. Neal noted that the present plan was to leave tree stumps in place to maintain soil stability. They also discussed water run-off and Ms. Neal noted that the Town Engineer had approved the plans with his recommended conditions.

Chair Lacques and Ms. Neal discussed the house being built so close to the road. Ms. Neal noted that setbacks were not an issue because the road was constructed on private land.

Commissioner Hamilton and Ms. Neal discussed the Hill Area Residential Development Permit with regard to safety issues. Ms. Neal noted that the Town Engineer had added the condition that the homeowners should be required to maintain the bank.

Commissioner Hamilton and Ms. Neal also discussed the encroachment permit for the project that the Town Engineer had recommended as part of the Conditions of Approval.

Charles Pierce, owner, provided background information on the lot. He said that they wished to build a small house that fitted on the site, which the roadway restricted. Mr. Pierce noted that they will be upgrading the fire hydrant and removing trees that were deemed a fire hazard by the Fire Department.

Fred Divine, project architect, said that they knew the site required a small building. He said that the project met many of the conditions that were required; that they had worked with the Fire Department and that the variances requested were reasonable. Mr. Divine discussed drainage issues with regard to the slope and the reasons he believed the house would not destabilize the hillside. He noted that they would replace trees that needed to be removed.

Mr. Divine and Vice-Chair Ketcham discussed the east elevation retaining wall. Mr. Divine said that the neighbors had expressed an interest in installing steps although they had intended to install plants for screening.

Mr. Divine and Commissioner Meigs discussed landscaping on the side of the house that would be on Vanni Lane.

Commissioner LaMotte and Laura Kehrlein, architect, discussed a planting plan and a fence.

Commissioner Hamilton, Ms. Neal and Mr. Divine discussed parking and the reasons it would not be possible to fit in a third parking place, which Mr. Divine said related to the curb and easement.

Chair Lacques expressed concern that a retaining wall would be necessary in the future with which Vice-Chair Ketcham expressed agreement, although he noted that the Town Engineer did not seem to require a wall.

Ms. Neal reminded the audience of the Town Engineer's Condition of Approval that the owners should bear responsibility for the portion of the site where a retaining wall might become necessary.

Commissioner Hamilton and Ms. Neal discussed the potential wall with regard to liability issues for the Town. Ms. Neal said that the Commissioners could continue the project to a meeting at which the Town Engineer and Town Attorney could be present.

Commissioner Meigs said she would favor a continuance.

Vice-Chair Ketcham said that he would like the applicants to address green building issues.

Neil Sorensen, attorney for the applicant, expressed concern with the ninth Condition of Approval, which required the property owners to assume responsibility for maintaining part of the slope for reasons he explained. Mr. Sorensen said that his client did not wish to maintain any portion of the slope outside the boundaries of his property and he noted that public agencies usually maintain roadways and the public right of way.

Mr. Sorensen explained why he believed an easement for Vanni Lane did not yet exist.

Vice-Chair Ketcham and Mr. Sorensen discussed the Certificate of Compliance, which Mr. Sorensen referred to as a Conditional Certificate of Compliance for reasons he explained.

Ms. Neal Linda noted that the applicant has requested to build within 3 feet of the rear setback.

Lucy Burlingham, Ridgeway Avenue, discussed her concerns that the project might block access to their driveway for a second unit on their property and which might require them to apply for a parking variance. Ms. Burlingham also expressed concern that an on-street parking space would be removed.

Dennis Turrentine, Ridgeway Avenue, said that soil erosion was of concern to him.

Bill Appleton, Ridgeway Avenue, said that the removal of one of the three parking spaces on the street would make a bad parking situation worse. Mr. Appleton also expressed concern that the house would be built beside the roadway and suggested it could be a little smaller to accommodate the available space on the lot.

Jim Petrack, Ridgeway, expressed his concern regarding the removal of a parking space on Ridgway and that he believed the house should not be built so close to the road.

Judy Hitchcock, Chester, said that it is would be too hard for dog walkers to move off the road out of the way of traffic when the house was constructed.

David Weinsoff, Ridgeway, said that he supported the comments from the public. Mr. Weinsoff said that at the Council Meeting he attended as a Council Member, he recalled there being a very short discussion to move an item forward to dedicate the name of Vanni Lane for the Vanni Family, who lived on Chester Avenue. He said that it had not been his intention to encumber the Town.

Commissioner Meigs expressed her concern with the public process.

Rue Burlingham, Rideway, expressed her concern that the road might be removed from public use.

Chair Lacques closed the public speaking period.

In response to Chair Lacques, Mr. Sorensen said he was not aware of the timing of the dedication of Vanni Road and the Conditional Certificate of Compliance which was given to his client by the Town.

Vice-Chair Ketcham and Mr. Sorensen discussed the Conditional Certificate of Compliance. Mr. Sorensen said that it granted a legal lot which was subject to conditions.

In response to Chair Lacques, Ms. Neal said that it was probable that the Court might have to decide upon whether or not the client could close the road to public use. They discussed the Conditional Certificate of Compliance and Ms. Neal noted that it was recorded prior to the Council Meeting where Vanni Lane was dedicated to the family.

In response to Commissioner Hamilton, Ms. Neal said that the Fire Department had the authority to require pullouts on Vanni Lane.

Vice-Chair Ketcham and Ms. Neal discussed easements and setbacks. Vice-Chair Ketcham requested further information from the Town Attorney about the Conditional Certificate of Compliance, whether or not Vanni Lane was a public roadway and who would be responsible for a retaining wall should it become necessary.

Commissioner Meigs supported a continuance so that Vice-Chair Ketcham's concerns could be addressed. She also expressed concern about the variances that were requested and parking.

Commissioner LaMotte noted that the architect had done an admirable job of designing a house which reconciled many of the property's difficulties. However, she was concerned about parking and the responsibility for the road and possible retaining wall. Commissioner LaMotte said that the possible withdrawal of the neighbor's legal second unit parking should be investigated and that she would like a soils engineer to discuss the lower slope at a public meeting. She supported a continuance.

Commissioner Ramsay said that he echoed the comments of Commissioner LaMotte with regard to the design. He noted that the Town would benefit from a new turnout, a fire hydrant and the

removal of fir trees if the project went ahead. He also noted that the owner should be able to develop the property and that the house was modest. However, the Condition of Approval pertaining to the owner's maintenance of the slope seemed to be an issue for the Commissioners.

Commissioner Hamilton said she would entertain a zero rear setback to move the house further away from the road. She also believed that further discussion was needed to clarify the maintenance responsibility of the slope and that a proposal for a retaining wall for the upper slope should be entertained. Commissioner Hamilton said she would also like clarification from the Fire Department about the need to remove a parking space from Ridgway.

Chair Lacques said that the house would be modest and in character with the neighborhood and that the parking variance seemed reasonable compared to variances that had been granted in the past. However, he remained concerned about the engineering of the lower part of the property, which he would like addressed. He further requested that the Town Engineer be available at a future meeting to discuss the Commissioners' concerns.

Chair Lacques suggested that the impact of the fence along Vanni Lane could be mitigated and that perhaps a sidewalk might be accommodated and a speed bump. Chair Lacques requested that the Town Attorney provide an opinion as to whether the Town would be responsible for a wall that would run along Vanni Lane and whether or not the Town Attorney agreed with Mr. Sorensen regarding the easement that pertained to the property at 167 Ridgway.

Chair Lacques said that a continuance was warranted to explore how the Certificate of Compliance evolved and suggested that the applicant waive their rights under the Permit Streamlining Act, although it was not necessary at this time.

Vice-Chair Ketcham suggested that the variances should be granted if the property owner continued to provide access to the community over his private property, which he believed would be a conservative and reasonable approach to solving the road access problem. He also agreed that the building could be shifted back from Vanni Lane, which would appease the members of the public who voiced their concerns.

General discussion commenced on whether the Commissioners would consider moving the house away from Vanni Lane, to which Commissioners LaMotte and Meigs expressed interest and Chair Lacques said that the geotechnical issues were of more concern to him.

M/S, Ketcham/Hamilton, Motion to continue Application # 09-30 for a request for a Hill Area Residential Development Permit, Setback Variances, a Parking Variance and an Excavation Permit to construct a 1,055 square foot single-family residence on a 5,374 square foot site that is crossed by Vanni Lane at 161 Ridgeway Avenue to the Planning Commission Meeting of February 18, 2010 and for the Town Attorney and Town Engineer to be present and for the Town Engineer to provide additional soils information.

AYES: All

Chair Lacques announced a 10 minute break at 10.10 p.m.