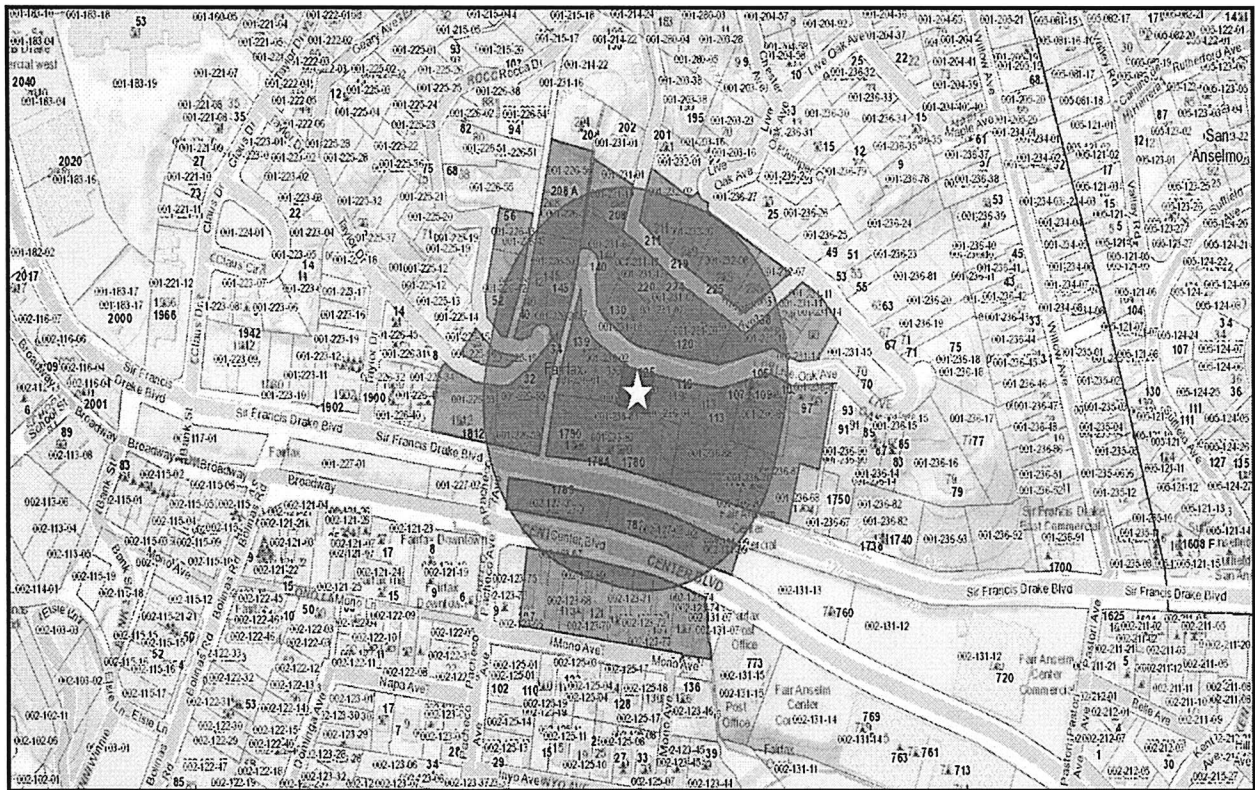


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: June 29, 2017
FROM: Linda Neal, Principal Planner
LOCATION: 125 Live Oak Avenue; Assessor's Parcel No. 001-236-03
ZONING: Residential RD 5.5-7 Zone
PROJECT: 50% remodel/expansion of single-family residence
ACTION: Move to Continue Action on Hill Area Residential Development permit, Parking Variance, Design Review and Encroachment Permit; Application # 17-13
APPLICANT: Dan Bettencourt
OWNER: DJB Property Solutions L.L.C
CEQA STATUS: Categorically exempt, § 15301(a)



125 LIVE OAK AVENUE

BACKGROUND

This project was continued during the April 26, 2017 meeting when the Planning Commission directed the applicants to have their surveyor verify the Live Oak Avenue right-of-way line in the area where their project plans propose locating the fire truck apparatus pull out along the frontage of 130 Live Oak Avenue. The location of a fire truck apparatus pull out is a condition the Ross Valley Fire Department has placed upon the proposed 50% remodel of the house at 125 Live Oak Avenue.

DISCUSSION

Staff and the Town Engineer met the project surveyor's crewmember who was tasked with setting the survey markers identifying the edge of the right-of-way in the field to verify the point locations on June 14, 2017. At that meeting, staff and the Town Engineer were advised by the crewmember that he was unable to set the survey markers because the survey markers that were set to survey the project site had been removed by some unknown person(s).

Removal of the survey markers means that at least some of the original survey markers need to be reset before edge of the right-of-way line can be accurately located. The accurate location of the edge of the right-of-way is necessary in order for the project surveyor to prepare, sign and seal a plat map showing the edge of the right-of-way in its proximity to the improvements on the 130 and 133 Live Oak Avenue properties. The signed sealed plat map is needed in order for the Planning Commission to determine the impacts of the location of the fire truck pull out in front of 130 Live Oak on the public right-of-way and neighboring properties.

The alternative would be for the Commission to take action on the project requiring the pull out area to be located within the right-of-way along the property frontage of the project site.

RECOMMENDATION

Move to continue application # 17-13 until the July 20, 2017 Commission meeting so the required survey points can be set and the required signed and sealed survey plat map can be provided by the applicant. The required survey points must be set, verified by the Town Engineer, and a signed sealed plat map provided by the project surveyor to the Town no later than July 10, 2017. The Commission will have to take action on this project at the July 20, 2017 meeting in order to avoid violating the California Permit Streamlining Act.

ATTACHMENTS

Attachment A – Town Engineer's May 12, 2017 memorandum describing the requirements for setting the points and providing the plat map

Attachment B- Staff drawing and e-mail showing the approximate locations to set the survey markers using the applicants recorded survey map
Attachment C – 4/28/17 letter of action



TOWN OF FAIRFAX

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

MEMORANDUM

To: Linda Neal – Principal Planner

Date: May 12, 2017

Page 1 of 2

From: Ray Wrysinski
Town Engineer

Subject: Proposed Addition and Remodel
125 Live Oak Avenue
Fairfax, CA

A.P. 001-236-03

The Town of Fairfax Planning Commission required, related to approval of this project, that the proposed Fire Department parking area turnout must have an accurately located street right of way line on the northerly side of the parking area. They required that the location of this line must satisfy the requirements of the Town Engineer. This turnout area is to be in the street frontage of the 130 Live Oak Avenue property (A.P. 001-231-18). This 130 Live Oak Avenue property is northwesterly, across the street, from 125 Live Oak Avenue.

To provide a permanent marking of the right of way line, two surveyor's markers must be set on the right of way line that is described above. These will be what is known as tagged points. These markers or stakes may be $\frac{1}{2}$ " or $\frac{5}{8}$ " steel reinforcing bars about 12" to 18" in length or $\frac{3}{4}$ " galvanized steel pipe of the same length. These markers must be solidly in place so they will not be easily removed and will last. They are to be set on that located right of way line. If needed, they must be grouted (Portland cement grout) or held with an epoxy glue to insure solid placement. It appears that they will be set in the existing asphalt concrete pavement. If their measured location is in some other material, they still must be placed in a solid durable condition. These markers are to be set so their top is even with the pavement surface. These markers must have a cap which shows the license number of the surveyor who is responsible for setting them. These markers must be set so that no damage to existing utilities is done.

A plat map of the location of these survey markers must be provided to the Town as a record of where they have been set. This map must include information on the dimensioned location of where the markers are set and it must include a description of the type of marker that was set. The plat map can be an $8\frac{1}{2}$ "x11" sheet and it must bear the signature and seal of the licensed surveyor who is responsible for setting these markers.

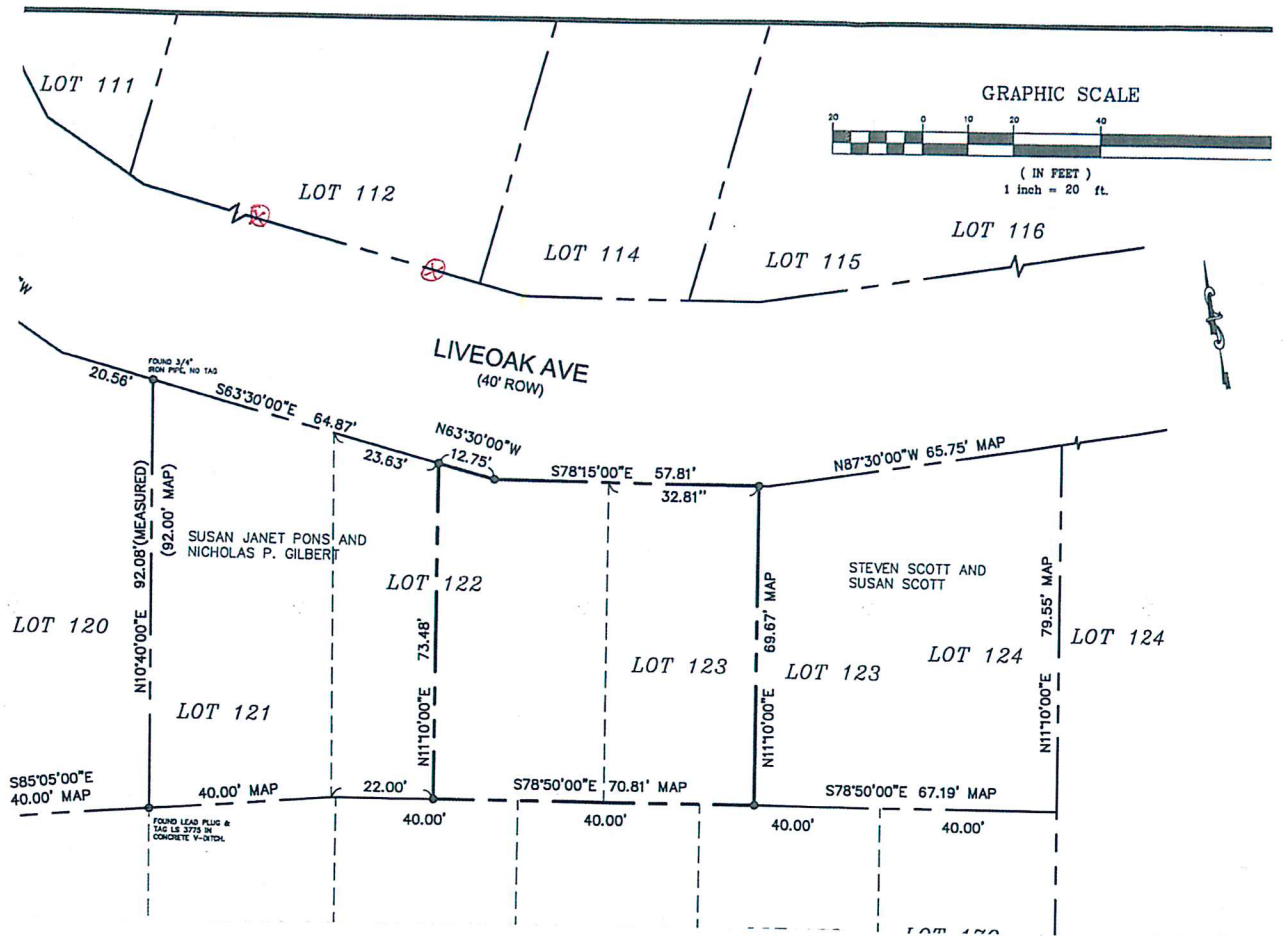
From information available to the Town, there is an angle point in the Live Oak Avenue right of way line across (northerly) from the angle point in the Live Oak Avenue southerly line as that line is shown on the record of survey, by Wiley Pierce, recorded in Book 2016 of maps at page 109, Marin County Official Records. This is a survey of the 125 Live Oak Avenue property. This northerly right of way line angle point is shown to be about 10 feet easterly of the easterly line of the property at 130 Live Oak Avenue (A.P. 001-231-18). Based on review of the available information, the above noted survey markers are to be set, in the right of way line, 20 feet westerly and 60 feet westerly of the above described angle point in

ATTACHMENT **A**

the right of way line. This should place them in the existing asphalt concrete pavement and in the frontage of the 130 Live Oak Avenue property and clear of the existing masonry block planter and metal shed. If necessary to clear these things, their location, but not their spacing can be adjusted. The 40 foot spacing of the markers is considered practical for future checking, layout and location of the Fire Truck parking turnout area.

The final field location of the survey markers that define the street right of way line and the plat map providing a record of this work must receive approval of the Town Engineer before this requirement and work can be considered completed.

Ray Wrysinski, P. E.
Town Engineer



Linda Neal

From: Linda Neal
Sent: Tuesday, June 06, 2017 12:16 PM
To: 'rwfland@aol.com'
Cc: 'kenneth barley'; 'Dan Bettencourt'; 'Bacilia Macias'; 'agmasso@comcast.net'; Mark Lockaby
Subject: FW: another attempt to convey what we want for 125 Live Oak
Attachments: doc04535120170602093611.pdf

Hi Mr. Freeman,

How are you doing? I am really trying to button up the outstanding right-of-way line issue for the 125 Live Oak Avenue project. In light of our time constraints, can you please set some preliminary pavement nails in the locations described in the attached Town Engineer's memorandum and as shown in our example plat map drawing as soon as possible. Let me know the day and time this will be completed so we can schedule the Town Engineer to meet you with a staff member in the field. The purpose of the meeting will be to check the nail locations and agree to the final actions needed for the Town Engineer to sign off on the right-of-way location so this can move on to the Planning Commission.

Currently, we are available to meet you Wednesday or Thursday of this week at 2:00 PM or next Wednesday at 2:00 PM. If none of these times work for you, please propose a few alternatives that will work with your schedule and we will try to accommodate one of them.

If you have any questions, please call or e-mail me as soon as possible.

Thanks,

Thanks,

Linda Neal
Principal Planner

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

From: Linda Neal
Sent: Friday, June 02, 2017 9:26 AM
To: 'lindadebeulneal@gmail.com' <lindadebeulneal@gmail.com>
Subject: FW: another attempt to convey what we want for 125 Live Oak

Linda Neal
Principal Planner

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

From: Linda Neal



TOWN OF FAIRFAX

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

April 28, 2017

Dan Bettencourt
DJB Property Solutions, LLC
110 Burnett Suite E
Concord, CA. 94520

NOTICE OF PLANNING COMMISSION ACTION

RE: 125 Live Oak Avenue; Application # 17-13

Request for a Hill Area Residential Development Permit, Parking Variance and Design Review Permit for a 50% remodel/expansion of an existing 1,910 sf. single-family residence into a 1,962 sf. single-family residence; Assessor's Parcel No. 001-236-03; Residential RD 5.5-7 Zone; Dan Bettencourt, applicant/owner; CEQA categorically exempt, § 15301(a).

Dear Mr. Bettencourt,

At its meeting on April 26, 2017 the Fairfax Planning Commission continued the above referenced application to their May 18, 2017 meeting and gave direction to the applicant to:

1. Arrange for the project surveyor to meet with the Town Engineer in the field to verify the northern line of the Live Oak Avenue right-of-way in relation to the development at 130 Live Oak Avenue; and to verify that the proposed fire truck pull out location shown on page A0.1 of the plans is accurately depicted.
2. Meet with the owner of 130 Live Oak Avenue and the Ross Valley Fire Department to determine if there are any alternative locations for the pull-out that would comply with the Fire requirements while also maintaining all or some of the parking at 130 Live Oak Avenue; or if alternative materials could be used for the construction that could eliminate the need for a pull-out.

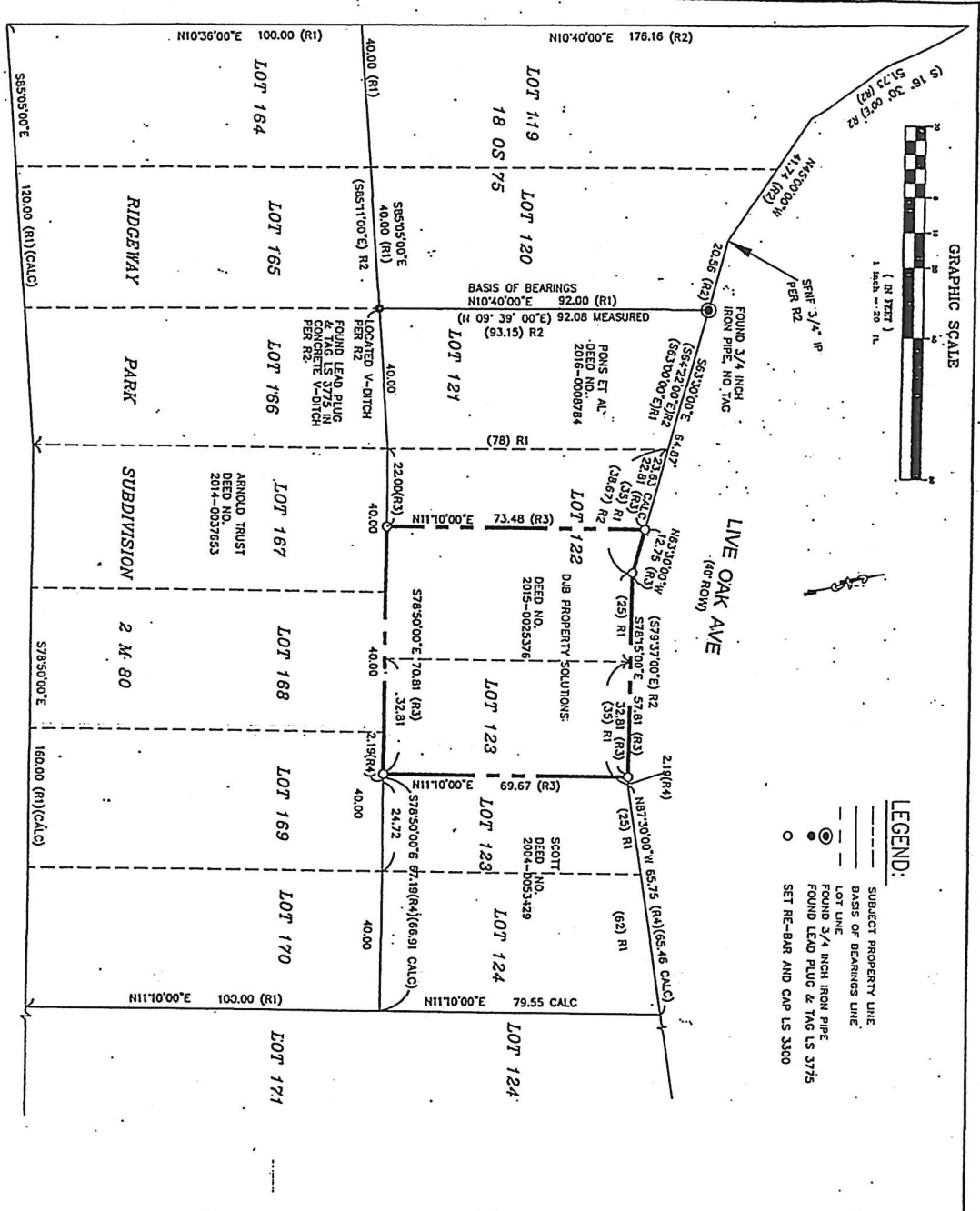
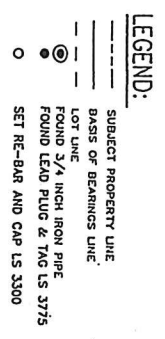
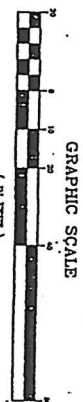
If you have any questions regarding the Planning Commission action please feel free to contact the Fairfax Planning Department.

Sincerely,

Linda Neal
Principal Planner

ATTACHMENT C

109



THE BASIS OF BEARINGS:
 THE BEARING N10°40'00"E BETWEEN THE FOUND LEAD PLUG IN THE V-DITCH AND THE FOUND 3 INCH IRON PIPE WITH NO TAG AT LOT #120/161 IS SHOWN.

REFERENCES:
 R1. MAP OF P.H. JORDAN CO. SUBDIVISION OF RIDGEWAY PARK, MARIN CO., CALIFORNIA, RECORDED ON 9/30/1907, BOOK 2 OF MAPS, PAGE 80, MARIN CO. OFFICIAL RECORDS.
 R2. RECORD MAP #120 OF P.H. JORDAN CO., SUBDIVISION OF RIDGEWAY PARK, MARIN COUNTY, RECORDED ON 9/30/1903, IN BOOK 18 OF SURVEY'S PAGE 45, MARIN COUNTY RECORDS.
 R3. GRANT DEED RECORDED MAY 28, 2015, DEED NUMBER 2015-0025376.
 R4. GRANT DEED RECORDED JUNE 18, 2004, DEED NUMBER 2004-0053429.

SURVEYORS STATEMENT
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS ACT, 2016, AT THE REQUEST OF DANI BELTRACCHINI.
 I, Dani Beltracchini, a duly licensed Professional Land Surveyor, State of California, License No. 5389, expires on 06/30/2018.
 DATE: 9-02-2016



COUNTY SURVEYORS STATEMENT
 THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 9766 OF THE PROFESSIONAL LAND SURVEYORS ACT THIS 9TH DAY OF SEPTEMBER, 2016.
 I, Richard A. Beaulieu, a duly licensed Professional Land Surveyor, State of California, License No. 1817, expires on 06/30/2018.
 DATE: 9-02-2016



RECORDERS STATEMENT
 FILED THIS 9TH DAY OF SEPTEMBER, 2016, AT 2:00 PM, IN BOOK 2016 OF MAPS, AT PAGE 109, IN THE COUNTY OF MARIN, AT THE REQUEST OF THE COUNTY SURVEYOR.
 I, Richard A. Beaulieu, County Recorder, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my office.
 COUNTY RECORDER: Richard A. Beaulieu DOCUMENT NO. 4-016-1064-31
 DEPUTY COUNTY RECORDER: [Signature] FEES: \$10

NOTES:
 1. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
 2. ALL TIES ARE PERPENDICULAR UNLESS OTHERWISE NOTED.
 3. RECORD-MEASURED UNLESS OTHERWISE NOTED.
 4. BEARING AND DISTANCE OF SURVEY IS BEING FILED IN COMPLIANCE WITH SECTION 9762 OF THE PROFESSIONAL LAND SURVEYORS ACT.
 5. EXCEPT FOR THE EASEMENT UNDER THE WATER SUPPLY PURPOSES IN FAVOR OF THE MARIN WATER AND POWER CO., NO OTHER EASEMENTS ARE SHOWN, AS NONE AS ARE SHOWN IN THE NORTH AMERICAN TITLE CO. REPORT, ORDER NO. 1343391, DATED 2/17/2015.

RECORD OF SURVEY

THE LANDS OF DUB PROPERTY SOLUTIONS, LLC.
 A CALIFORNIA LIMITED LIABILITY COMPANY.
 AS DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2015-0025376, OFFICIAL RECORDS OF MARIN COUNTY BEING PORTIONS OF LOTS 122 & 123, AS SHOWN ON THE MAP OF P.H. JORDAN CO., SUBDIVISION OF RIDGEWAY PARK, FILED IN BOOK 2 OF RECORD MAPS AT PAGE 80, MARIN COUNTY RECORDS.
 TOWN OF FAIRFAX
 COUNTY OF MARIN STATE OF CALIFORNIA

KCP, INC.
 2201 BROADWAY #M5
 OAKLAND, CA 94612
 (510) 832-4800
 EMAIL: WHPERCE301@COMCAST.NET
 SEPTEMBER, 2016
 APN: 001-236-03
 PAGE 1 OF 1