



December 11, 2018  
File: 201.168bltr.doc

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

Attn: Ms. Linda Neal, Principal Planner

Re: Second Planning-Level Geologic, Geotechnical, and Civil Engineering Review  
New Single-Family Residence  
200 Toyon Road, APN 003-161-01 and 003-171-01 through -08  
Fairfax, California

### Introduction

In response to your request and in accordance with our agreement dated March 20, 2018, we have reviewed the submitted responses to our First Review comments<sup>1</sup> regarding the proposed new single-family residence at 200 Toyon Road (APN 003-161-01 and 003-171-01 through -08) in Fairfax, California. The purpose of our services is to review the submitted documents, comment on the completeness and adequacy of the submittal in consideration of Town requirements, and to provide a recommendation to Town Planning and Building staff regarding project approval.

The scope of our services includes:

- A site reconnaissance to observe existing conditions and review proposed development features;
- Review of provided project documents for conformance to the Town of Fairfax Hill Area Residential Development Ordinance, specifically Town Code Sections 17.072.080(B), (C), (E), and (F), and Section 17.072.110 (C).
- Development of opinions regarding project compliance with applicable Town Code requirements; and
- Development of recommendations to Town staff as to whether the project may be safely constructed in consideration of any geologic, hydrologic, or geotechnical hazards.

It should be noted that the scope of our review is limited solely to geologic, geotechnical, and civil portions of the project, and does not include review of structural, architectural, mechanical, or other items beyond the scope of our qualifications. We recommend that non-geotechnical aspects of the plans be reviewed by suitably qualified professionals.

### Project Description

The project generally consists of constructing a new 2,750 square-foot, 2-story single-family residence on a currently-undeveloped property. The new residence will include a 597 square-foot attached garage, accessed via a new parking deck and extension of Toyon Road at the location of an existing graded footpath. Ancillary improvements will include a new railroad-tie ramp maintaining

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<sup>1</sup> Miller Pacific Engineering Group (2018), "Geologic, Geotechnical, and Civil Engineering Review, New Single-Family Residence, 200 Toyon Road, (APN 003-161-01 through -08), Fairfax, California", File No. 201.168altr.doc, dated August 29, 2018.

public access to the footpath at the end of the new Toyon Road extension, new site retaining walls, site drainage, and other minor improvements.

### Project Review

We performed a brief site reconnaissance on August 27, 2018 to observe existing conditions at the site and previously reviewed the following documents provided by the Town:

- Geoengineering, Inc. (2001), "Geotechnical Evaluation, Downslope Residential Building Site and Northerly Extension of Toyon Drive, Fairfax, California", File No. 1-16-br, dated June 8, 2001.
- Geoengineering, Inc. (2015), "Review & Update, Geotechnical Evaluation dated July 8, 2001, Downslope Residential Building Site and Northerly Extension of Toyon Drive, Fairfax, California", File NO. 1-157-br/1-16-br/, dated July 9, 2015.
- Old Republic Title Company (2016), "Preliminary Report, 200 Toyon Drive, Fairfax, CA 94930", Order No. 0434020001-VP, dated September 1, 2016.
- Jerry Frate Architecture and Planning (2016), "Easement Exhibit and Record of Survey, Custom Residence, 200 Toyon Drive, Fairfax, California", Sheet S-1 (1 Sheet), dated November 10, 2016.
- DVC Group, Inc. (2018), "200 Toyon Dr., Existing Conditions Plan (20 Scale)", 003-161-01, 200 Toyon Dr., Fairfax, CA", Job No. 53-15, Sheet EX-1 (1 Sheet), dated May 26, 2017.
- Geoengineering, Inc. (2017), "Geotechnical Evaluation, Potential for Earth Movement Down Slopes Below Proposed Toyon Drive Extension for Proposed 200 Toyon Dr Dwelling, 200 Toyon Drive, Fairfax, California", File No. 1-16-br/ (1-157-br/), dated July 3, 2017.
- Ross Valley Fire Department (2018), "200 Toyon, Fairfax, Application #18-0138 originally submitted as 15-0039 #2" (Approved application for Vegetation Management Plan), dated May 22, 2018.
- Geoengineering, Inc. (2018), "Geotechnical Feasibility, Proposed Downslope Dwelling on Slopes Below Projection from Toyon Drive Reverse Curve, 200 Toyon Drive, Fairfax, California", File No. 1-186-br, dated June 27, 2018.
- Urban Forestry Associates (2018), "Tree Removal and Protection Plan, Custom Residence, 200 Toyon Road, Fairfax, California", dated June 26, 2018.
- Urban Forestry Associates (2018), "Tree Preservation/Protection Plan for 200 Toyon Road, Fairfax", dated June 27, 2018.
- Jerry Frate Architecture and Planning (2018), "Custom Residence, 200 Toyon Drive, Fairfax, California" (Architectural Plans), Sheets 0 through 4 (5 sheets total), revised June 29, 2018.
- DVC Group, Inc. (2018), "200 Toyon, House Grading and Drainage Plan", Sheet C1 (1 sheet) Job No. 53-15, dated July 11, 2018.

More recently, we reviewed additional documentation in response to our first review comments, including the following:

- DVC Group (2018), "Preliminary Drainage Report for 200 Toyon Drive Driveway and Residence, 200 Toyon Drive, Fairfax, CA, APN 003-161-01", revised September 7, 2018.
- DVC Group (2018), "Total Site Boundary – Site Plan, 200 Toyon Dr., APN 0003-161-01, 200 Toyon Dr., Fairfax, California" (Supplemental Civil Sheet C-6), job No. 53-15, dated November 2018
- Geoengineering, Inc. (2018), "Geotechnical Feasibility and Negative Declaration, Proposed Downslope Dwelling on Slope Below Projection from Toyon Drive Reverse Curve, 200 Toyon Drive, Fairfax, California", File No. 1-186-br, dated November 6, 2018.

#### Conclusions

Based on our site reconnaissance and document review, the following submittal items required by the Town of Fairfax Hill Area Residential Development Ordinance remain outstanding:

#### **Hill Area Residential Development Ordinance**

- Section 17.072.080(B) – Topographic and Boundary Survey
  - 1) The provided Sheet C-6 (Total Site Boundary) indicates that development will occur only within APN 003-161-01, and no development is apparently proposed for the remaining APN's referenced in the project application and the title of this letter. We note that the Sheet 0 (Title Page) of the architectural drawings reflects the correct APN, but indicates a gross lot area of 10.9-acres. Per sheet C6, the APN proposed for development in fact covers approximately 2 acres. The remaining acreage referred to on Sheet 0 of the architectural drawings is spread across those remaining APNs which we understand are owned by the same entity, but not proposed for development at this time.

From an engineering perspective, this is of little concern; however, we point out the discrepancy since the Floor Area Ratio calculations shown in the plans are based on the acreage associated with the entire contiguous property, as opposed to the single Assessor's Parcel. As such, it is unclear whether the FAR calculations are appropriate, or should be revised to reflect the smaller area covered by the single APN proposed for development barring completion of a lot combination/lot line adjustment. If the current FAR calculations are not in compliance with Town Code, the applicant should submit a revised plan set reflecting accurate FAR calculations and incorporating any changes required based on new allowable FAR.

#### Recommendations

We take no exception to the materials provided at the planning level from an engineering perspective and, unless the FAR calculation discrepancy noted above is in conflict with Town Code, we recommend that the project be approved at the planning level.

We trust that this letter contains the information you require at this time. If you have any questions, please call. We will directly discuss our comments with the applicant's consultants if they wish to do so.

# MILLER PACIFIC ENGINEERING GROUP

Town of Fairfax  
Page 4

December 11, 2018

Yours very truly,  
MILLER PACIFIC ENGINEERING GROUP

REVIEWED BY:



Mike Jewett  
Town of Fairfax Contract Geologist  
Engineering Geologist No. 2610  
(Expires 1/31/19)



Scott Stephens  
Town of Fairfax Contract Engineer  
Geotechnical Engineer No. 2398  
(Expires 6/30/19)

**Linda Neal**

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**From:** gbmcdermott <gbmcdermott@gmail.com>  
**Sent:** Wednesday, February 13, 2019 9:07 AM  
**To:** Linda Neal  
**Subject:** Re: 200 Toyon

thanks Linda. We will try for Friday morning if there is any other information to be sent to you for the public packet.

The neighbors on Toyon are primarily concerned with logistical problems on a narrow street, traffic, drainage, height of retaining walls, and tree removal. And, of course, the fire concern is huge for construction sites in hard to access, forested land. From our contiguous view on 53 Ridge Road, one of our primary concerns is what we will see, forever. We cannot see the new story poles - we can see some of the ones from 2017 - but the trees camouflage the new ones. However, if 26 trees come down ( a Toyon neighbor thought it was 40), what we will see will be vastly different. Without denying a person's right to build on their property, who decides what trees come down and is there any sensitivity to this problem for us and other Ridge Road neighbors? You, or any of the council members are welcome to visit our place to view the proposed site from across the ravine.

Thanks Again,  
Bruce

On Wed, Feb 13, 2019 at 8:33 AM Linda Neal <lneal@townoffairfax.org> wrote:

Hello Bruce,

Nice chatting with you too. I will print out your e-mail and photos for inclusion in the information packet going to the Planning Commission prior to the meeting.

If there is anything else you want them to get before the meeting you should try and send it to me by Friday morning. Otherwise, they will still get the information, it just will not make it into the public packet.

Sincerely,

Linda Neal

Principal Planner

**From:** gbmcdermott [mailto:gbmcdermott@gmail.com]  
**Sent:** Tuesday, February 12, 2019 4:59 PM  
**To:** Linda Neal <lneal@townoffairfax.org>  
**Subject:** Fwd: 200 Toyon

Hello Linda,

Nice to chat with you this afternoon re: 200 Toyon...'terribly' nice more accurately :)

Here are some photos from today. The first is from the Toyon path looking across the ravine at our place

at 53 Ridge Road. The 2nd pic is from our patio looking back across to where Mr. Ross would build. The others

are shots showing the story poles and the massive steepness of the area.

See you next Thursday,

Bruce

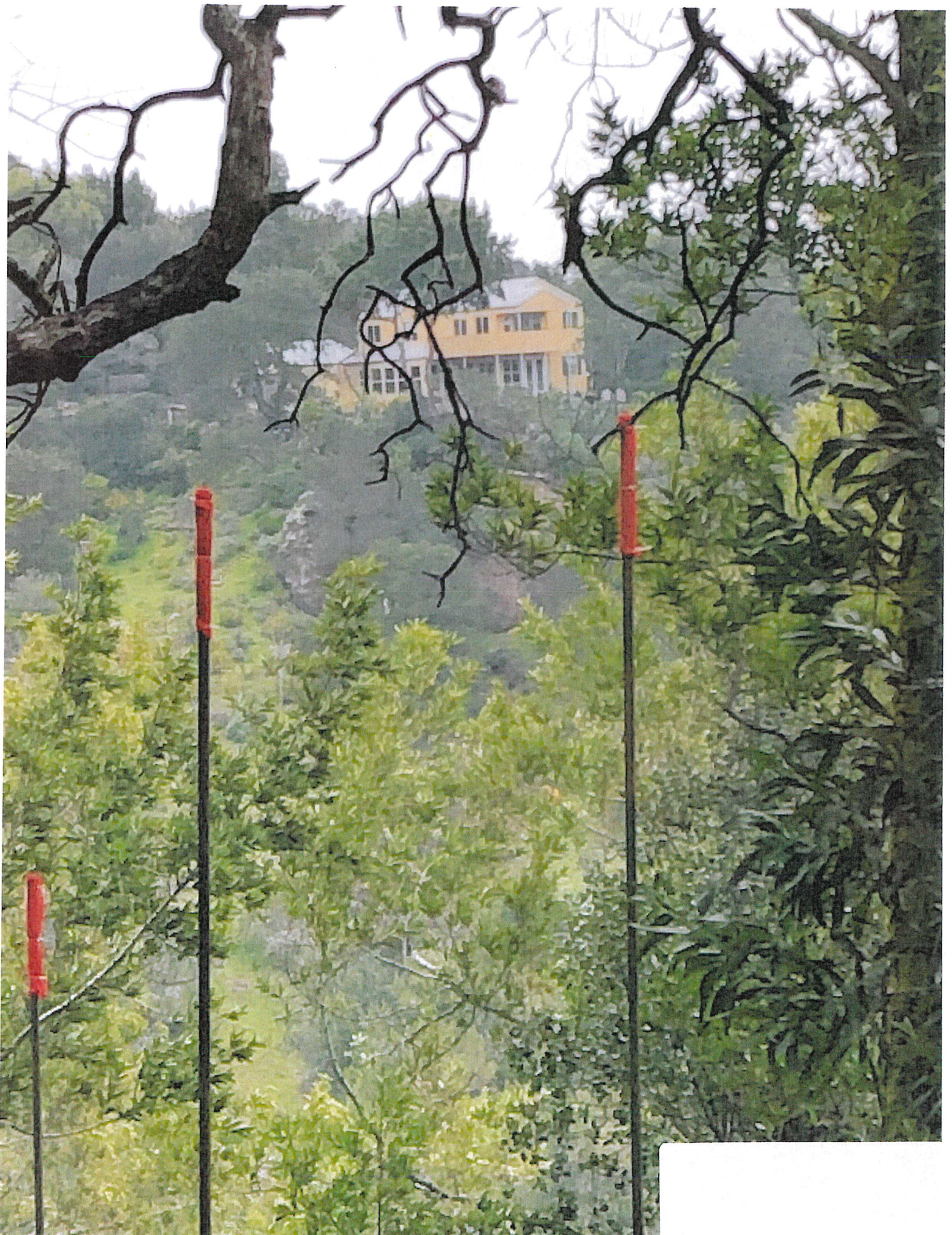
----- Forwarded message -----

**From:** Linda Neal <lneal@townoffairfax.org>  
**Date:** Thu, Dec 7, 2017 at 11:07 AM  
**Subject:** RE: 200 Toyon  
**To:** gbmcdermott . <gbmcdermott@gmail.com>

Nope, we have heard not a peep.

Linda Neal

Principal Planner













## Linda Neal

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**From:** David Warner <[REDACTED]>  
**Sent:** Thursday, February 14, 2019 10:35 AM  
**To:** Linda Neal  
**Cc:** S Warner  
**Subject:** RE: 200 Toyon Rd  
**Attachments:** doc04563220190214103357.pdf

Linda , thank you for getting back to Suzanne so quickly. As she stated we are supportive of Mr. Ross' endeavor to build a house but I just want to add one more consideration. All the utilities that will be extended up Toyon are going to be trenched up the road +/- 400 ft from the Bodonys (180) and the Behrons (164) properties (see attached markup). The trench lines for sewer, gas and water will not be in a joint trench since each one of those utilities requires standalone occupation. That being said Toyon will be heavily disturbed on its dimensional width. With trench line installation, compaction and new line sets being installed with appropriate clean outs, man holes and valve access covers, it would be appropriate to ask for a road overlay vs a trench line re-asphalting since the road is so narrow.

David

**From:** Linda Neal <lneal@townoffairfax.org>  
**Date:** February 14, 2019 at 7:32:21 AM PST  
**To:** Warner Suzanne <[REDACTED]>  
**Subject:** RE: 200 Toyon Rd

Dear Suzanne,

I will definitely include your concerns with the staff report on this project that will be going to the Planning Commission. I will be checking with the Town Attorney to determine if there is a mechanism to require Mr. Ross, and any subsequent owner if the house is approved, to pay their fair share of the road maintenance.

The 2 spaces being provided are for the general public to use and not just for persons in the neighborhood. They are being provided within the public right-of-way.

The Fire Department is responsible for ensuring that the fire-flow to the site is adequate and they have required that flow to the site be 500 gallons per minute. They also require a hydrant to be within 350 feet of all portions of the new house. I just got off the phone with Rob Bastianon, the Ross Valley Fire Marshall, and he believes there is a hydrant that meets this requirement already in place. He indicated that if there isn't one will be required prior to issuance of the building permit if the project is approved.

A performance bond is a standard requirement for projects like this. The Fire Department has also started requiring that the fire improvements, in this case an expanded area at the end of the existing road where the trucks can turn around, be installed before any materials for the house are brought to the site. We will also be requiring, if the project is approved, that the 2 public parking spaces and the roadway extension be fully constructed before work beyond the house foundation occurs. This will create an area where delivery vehicles and contractors can park that will not block other neighbors from using the roadway to get in or out.

Unfortunately, there is no legal mechanism for requiring one property owner to widen portions of an existing roadway. We are requiring that the new road he builds if the project is approved to be 20 feet

wide. Widening of an existing roadway would require the creation of an assessment district that all the owners who benefit from use of the roadway pay into to widen an existing road. Similar to how you and your neighbors repaired the road recently.

Please give me a call or e-mail me if you have other concerns or questions. If you have any additional information you would like the Commission to receive, please try and get it to me before tomorrow when I prepare the meeting public packets. If you get me information after that, the Commission still receives it, it just is not able to be placed in the public packet.

Sincerely,

Linda Neal  
Principal Planner

**From:** Warner Suzanne [mailto:[stwarner@gmail.com](mailto:stwarner@gmail.com)]  
**Sent:** Wednesday, February 13, 2019 4:28 PM  
**To:** Linda Neal <[lneal@townoffairfax.org](mailto:lneal@townoffairfax.org)>  
**Subject:** 200 Toyon Rd

Hello Linda,

I am writing to you in regards to the proposed project at 200 Toyon Rd. My husband, David Warner, and I are the owners of 181 Toyon, and one of the closest neighbors.

While we are not thrilled about more construction in such a remote location, we believe the owners should be allowed to build on their property, and the new design is within keeping of other homes in the neighborhood, and reasonably well situated. We support the high walls required to support the three-point turning and complaint fire access and egress.

The following are my concerns:

1. Toyon Road barely accommodates the existing homes, as it is extremely narrow. Will Mr Ross be widening the narrowest section of the existing road to compensate for the added traffic?
2. The privately maintained section of Toyon has been paved and patched by all the neighbors using the road. Will Mr Ross repave the privately maintained section after construction and will he agree to share the financial burden of maintenance?
3. Please be sure the 2 public parking spaces can comfortably accommodate at least 2 standard size cars, with a provision they are to be shared amongst neighbors and friends. (I did not see dimensions on the drawing). Perhaps there could be a "no overnight parking" designation.
4. Will a fire hydrant with sufficient pressure be added to the North end of Toyon? Also, could a foot path be built on his land as another emergency exit in case of fire, as his land I believe goes close to the bottom of the entrance of the Cascades.
5. We are assuming Mr Ross will have a performance bond in place to assure he builds the public access and infrastructure to the design specs.

These are our concerns.  
Thank you for time and consideration.

Sincerely,  
Suzanne & David Warner

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**Linda Neal**

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**From:** Brian McCarthy <brianmccarthy@sbcglobal.net>  
**Sent:** Wednesday, February 13, 2019 12:14 PM  
**To:** Linda Neal  
**Subject:** Concerns related to proposed construction on Toyon Drive

Hi Linda

This letter is to present several concerns and questions about the proposed construction on Toyon Drive, and more specifically about the road itself.

As you are aware, there are three private homes at the very end of Toyon Drive that are serviced by a narrow paved road that is not maintained by the county.

The final section of this road is approximately 1/8 of a mile long and measures approximately 12/14 feet in width at it's widest point.

It is bordered on one side by a line of redwood trees and the other by a down slope with a precipitous drop-off of perhaps one hundred feet or more.

This section of road is narrow, fragile and potentially dangerous for large and heavy vehicles.

It is essentially a one lane road on which vehicles can not pass each other in either direction.

My first concern is to ask what will happen if any one of the residents of the three homes is in need of emergency medical treatment and the road is blocked by construction vehicles that are parked along the road, preventing a rapid and effective medical response. This has happened before!

Secondly, what will happen in the very real possibility of a wildfire in this location? Evacuation is problematic to begin with, and could be life threatening if Toyon Drive is blocked by even one vehicle parked along a one lane road during a fire. A parked vehicle would also prevent fire fighters from reaching the scene.

Lastly, what if this section of road cannot sustain the heavy load imposed on it by the continual traffic of heavy construction vehicles and collapses under the strain? Who is responsible for the costs of repair? Or rebuilding a road?

To address these concerns I believe it to be reasonable to ask that Toyon Drive be kept open at all times, and that all construction vehicles be parked adjacent to the building site on the fire road and not on the paved road. This will help avoid unnecessary and potentially dangerous situations.

Thank you for your consideration of these concerns.

Respectfully,  
Brian McCarthy

## Linda Neal

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**From:** Carl Diehl <carldiehl@icloud.com>  
**Sent:** Thursday, February 14, 2019 7:45 AM  
**To:** Linda Neal  
**Subject:** Re: 200 Toyon

Thanks Linda

Because it's not a city maintained road, I believe that the amount of the bond should be higher, since the road is probably not up to the usual standards to handle heavy vehicles.

Carl

> On Feb 14, 2019, at 7:38 AM, Linda Neal <lneal@townoffairfax.org> wrote:

>

> Dear Mr. Diehl,

>

> They will be required to post a bond to repair any damage they do to the road if the project is approved. I am currently trying to reach our public works director and/or the Town Engineer to get some idea of what amount they will require for the roadway damage bond. Several of your neighbors have asked the same question.

>

> Sincerely,

>

>

> Linda Neal

> Principal Planner

>

> -----Original Message-----

> From: Carl Diehl [mailto:carldiehl@icloud.com]

> Sent: Wednesday, February 13, 2019 2:24 PM

> To: Linda Neal <lneal@townoffairfax.org>

> Rich Behrens <richb164@gmail.com>, Michelle Perro <mperro@earthlink.net>, Nancy <nancyigump@gmail.com>

> Subject: 200 Toyon

>

> Hi Linda

>

> This end of Toyon is not a town-maintained road. The road is narrow and fragile and easily damaged. Have the owners/contractors for the construction at 200 Toyon posted a bond in an amount sufficient to repair the road should they damage it?

>

> Carl Diehl

> 156 Toyon