

TOWN OF FAIRFAX

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

Date: Manh 1,202 Fee: 625.

Recvd. By: M. Jarduer

The purpose of the appeal procedure is to provide recourse in case it is alleged that there

administrative official, advisory body or commission in the administration or enforcement

NOTICE OF APPEAL

FOR STAFF USE

is an error in any order, requirement, permit, decision or determination by any

Appl.#___ Receipt#

Action:___

of the City Ordinances. Any person aggrieved by the action of any administrative official, advisory board or commission in the administration or enforcement of any ordinance in the Town Code may make verified application to the Town Clerk in the manner prescribed by the Town Council within ten (10) days of action that is appealed.
FEE: Fees are set by resolution of the Town Council. See fee schedule for current application fees.
PLEASE PRINT
Appellant's name NOEL BOUEY
Mailing address 53 SPRING LANZ Zip: 94930 Day phone
Property Address: 63 SPRING LANE AP# 002-174-05
I appeal the decision of: (list board, commission, or department and decision, for example: Planning Commission denial of variance) application #
The following are my reasons for appeal: 7 REASONS POTED IN ATTACHED DOCUMENT
hereby declare that I have read the foregoing Notice of Appeal and know the contents thereof. I further declare under penalty of perjury that the information supplied by me is true and correct.
Executed this
SIGNATURE OF APPELLANT:ATTACHMENT_

Appeal of Planning Department Resolution 2021-03 63 Spring Lane Proposed Project

- 1) Property Owners of AP 002-174-03 did not receive a notice
- 2) Package posted to Town Site on 2/13 for review was incomplete
- 3) Access to unpaved right of way on Spring Lane is not clearly defined in plans shown. Should show departure from paved Spring right of way to unpaved right of way
- 4) Easement to unpaved right of way on Spring Lane from approved variance is blocked by a low retaining wall
- 5) Unclear on who has to grant easement for Fire, Utility and two properties to east. Applicant and/or 65 Spring Lane property owner as that owner previously granted access to 63 Spring lane Property.
- 6) Drainage run down Spring Lane where the project proposes to drain from pipe is deteriorated beyond practical use and should be repaired by the Town of Fairfax.
- 7) Drainage plan predates the revised plan submission and should be updated to address runoff across unpaved Spring Lane Right of way



63 Spring Lane Appeal Issues

230875

Transition from the Spring Lane paved roadway to the driveway entrance to the Spring Lane unpaved right of way shows a 2:1 grading at some points. Access to the unpaved right of way should be equal to or better than current access. Applicant is using part of the unpaved right of way to access the driveway. We would like to see the entrance to unpaved road to the driveway construction be clearly defined for the 20 foot wide unpaved portion as well as removing the asphalt curb in that right of way which the applicant has agreed to do.

Ask: Add to the resolution that the Town Planning department review final plans to verify transition from the proposed project driveway in the unpaved right of way meets or exceeds existing access.

2) It is difficult to understand the scale of the retaining wall variance as it is not marked and there are no property corners located at the uphill side of the unpaved Spring Lane right of way. Can the corner markers be put in and an outline of the driveway and fire department access be marked prior to final approval. Would a lot line adjustment on the 53 Spring Lane property help in reducing the 14' to 15' height of the proposed retaining wall? The western most tip of property is 19 feet wide and maybe 25 feet along the paved and unpaved portion of Spring Lane. Not sure if it is practical or helpful but we are willing to have a discussion.

Ask: Request Town planning to review alternatives to 14-15 foot wall if west corner of AP 02-173-02 grants 20 foot easement to reduce wall height and proximity to 65 Spring Lane property

3) The resolution calls for an easement to be granted for fire department, utilities and service vehicles to the property owners of the two lots to the east of the applicant's property. Who is responsible for granting the easement as outlined in the resolution? The applicant has an easement on the 65 Spring Lane property. Can the applicant give an easement on that property or is an easement also required from the owner of 65 Spring Lane? Who is responsible for obtaining the easement documents? Without a predetermined and agreed path forward regarding the easement it grants a special privilege to the applicant and blocks the property owners to the east from use.

Ask: Clarify who is responsible for obtaining easement from both property owners as called for in the town engineer report. Amend resolution to include easement from both the Peoples and the 65 Spring Lane property owner

4) It is unclear how the fire department return to the unpaved Spring Lane right of way is viable in the plan documented on sheet A1.01. The applicants have suggested that the unimproved Spring Lane right of way might have to be raised up in the future to meet the grade of the driveway. This would require substantial additional work and retaining walls on the downhill side. It is also unclear if the fire department has reviewed and approved this return to the

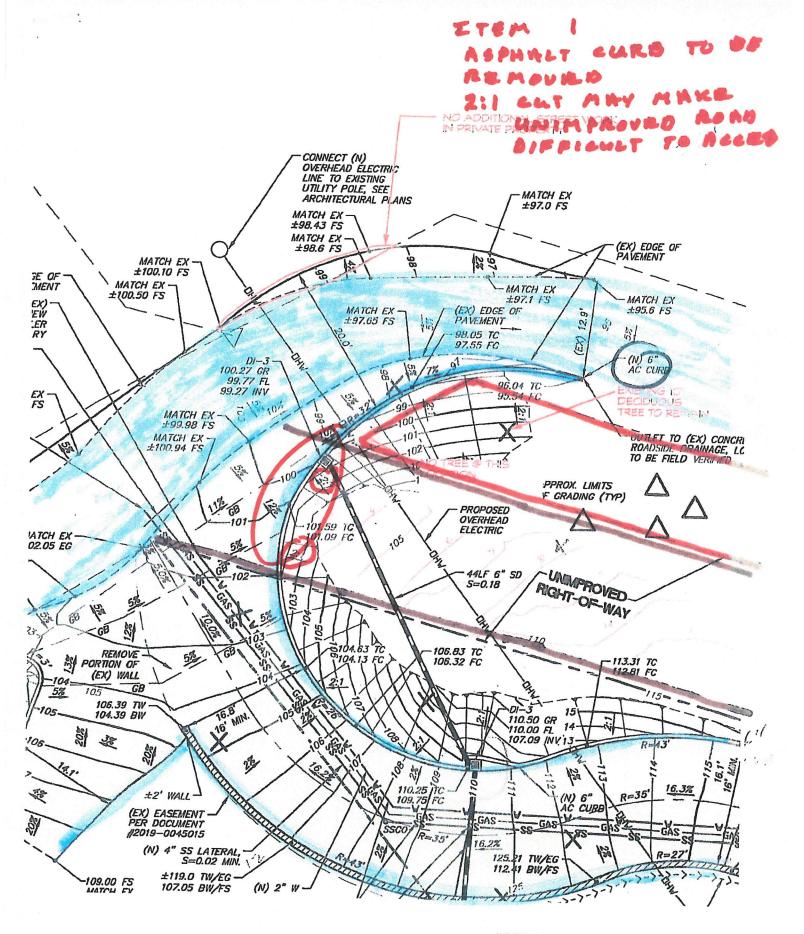
unpaved right of way. Both of the property owners to the east would like to see the return to the unpaved right of way completed as part of the project. Keith Thomlinson the owner of the property adjacent to the project property would be willing to discuss alternatives to the proposed return if that plan is not considered viable.

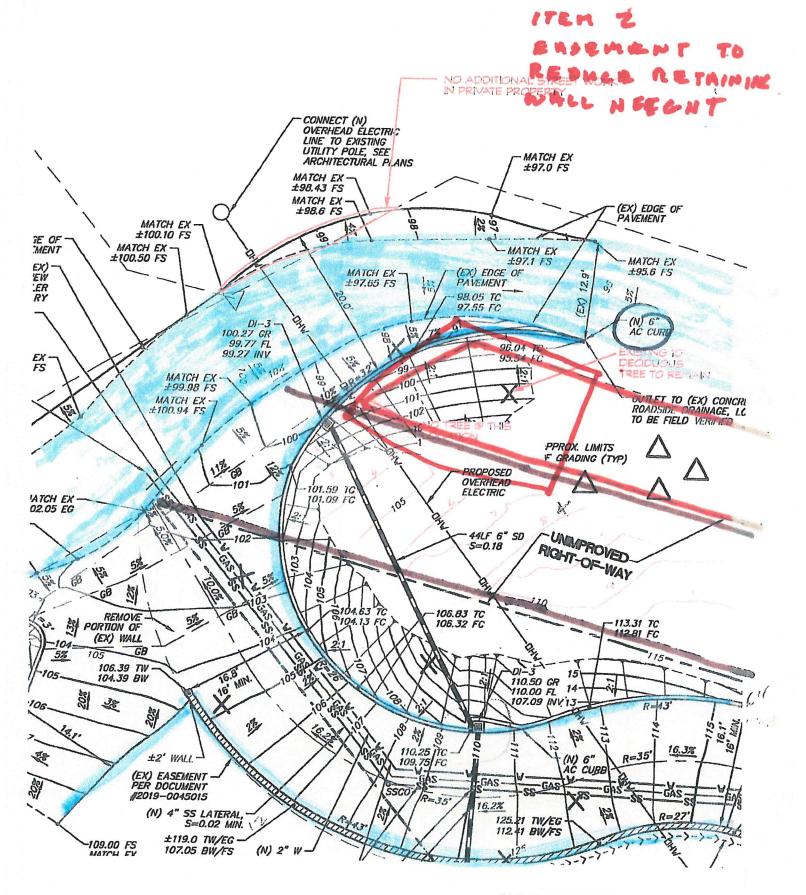
Ask: Verify that the fire department has approved the proposed return to the unpaved Spring Lane right of way. If the fire department has approved that this as a viable plan have the return to the unpaved right of way completed to the Peoples property line as part of this project approval.

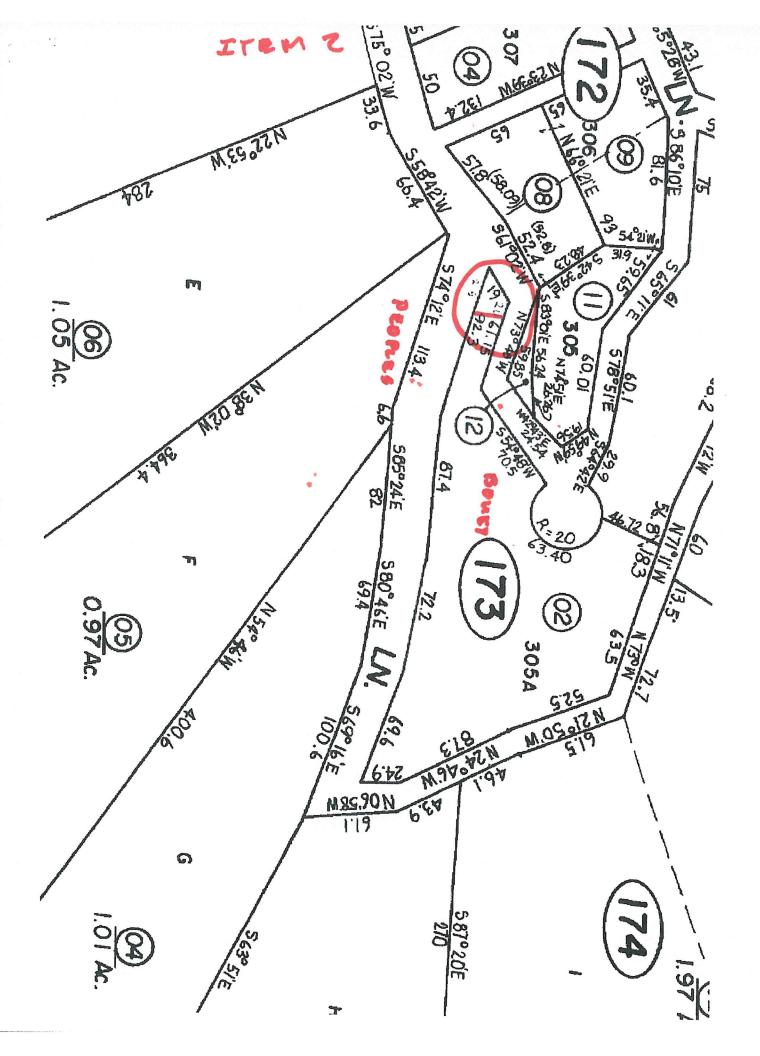
If the fire department has not approved the transition back to the unpaved right of way provide an approved plan from the fire depart so that access to the two eastern lots will be assured in the future as called for in the resolution

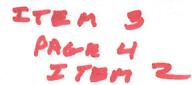
5) The plans submitted show the unpaved portion of the Spring Lane right of way to be used for a concrete wash, worker parking and temporary materials storage. This blocks access to the two lots to the east. The resolution called for specific guidelines around street blockages. Does this apply to the unpaved portion of Spring Lane? If not, access to the two lots to the east will be blocked as the unpaved portion of the road is not wide enough for two vehicles to pass.

Ask: Use of the unpaved right of way to access the two lots to the east should not be obstructed for any extended period of time.











July 29, 2020 File: 201.188bltr.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 63 Spring Lane (APN 002-174-05) Fairfax, California

Introduction

In response to your request and in accordance with our agreement dated March 20, 2018, we have reviewed project plans and supporting documentation for the proposed construction of a new single-family residence and associated improvements at 63 Spring Lane (APN 002-174-05) 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 includes constructing a new, approximately 3,150 square-foot, 3-story residence with an attached garage on a currently-vacant, approximately 0.97-acre parcel. Access will be provided by a new access driveway, which will be shared with two adjacent, currently undeveloped properties to the east of the site. Construction will be accommodated via a combination of excavation and filling, with maximum planned excavations on the order of about







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10-feet deep. Ancillary improvements will include new underground utilities, site retaining walls, exterior patio/hardscape areas, landscaping, and other "typical" residential items.

Project Review

We performed a brief site reconnaissance on February 14, 2020 to observe existing conditions at the site. Additionally, we previously reviewed the following documents provided by the Town for our First review:

- Stewart Title, "Preliminary Report, Order No. 01180-266814, Title Unit No. 7531, APN 002-174-05, Fairfax, CA, 94930" dated July 3, 2017.
- Stephen J. Flatland, P.L.S. (2019), "Boundary and Topographic Survey, For: John and Stacy Aldrich, 63 Spring Lane, Fairfax, California, APN 002-174-05", Job No. F1137, Sheet 1 of 1, revised October 2019.
- Dave Olnes, P.E. (2019), "Geotechnical Investigation, Proposed New Residence, 63 Spring Lane, Fairfax", dated November 15, 2019 (partial copy).
- County of Marin Assessor-Recorder (2019), "Eastment Grant Deed, APN 002-174-05/002-174-06", dated November 16, 2019.
- Marin Tree Service (2019), "Landscape Tree Inspection Report, 63 Spring Lane, Fairfax, California", dated December 5, 2019.
- DVC Group (2020), "Drainage Report for 63 Spring Lane, Fairfax, California", dated January 7, 2020.
- DVC Group (2020), "Grading and Drainage Plan for 63 Spring Lane, Fairfax, CA, APN 002-174-05", Sheets C1 through C7 and H1, Job No. 67-19, dated January 7, 2020,
- Thompson Studio Architects (2020), "Design Review and HRD Review, New Home & Site Improvements, 63 Spring Lane, Fairfax" (Project Narrative Addressing Design Review and HRD Requirements), dated January 22, 2020.
- Thompson Studio Architects (2020), "Ross Valley Fire Review of Proposed Project, New Home & Site Improvements, Fire Apparatus Access Road in Unimproved Right-of-Way, Fire Apparatus Turn on to Right-of-Way from Spring Lane, Fairfax" (Project Narrative Addressing RVFD Review Requirements), dated January 22, 2020.
- Thompson Studio Architects (2020), "Peoples Residence, 63 Spring Lane, Fairfax" (Site Photographs and Keymap), dated January 23, 2020.
- Thompson Studio Architects (2020), "Peoples Residence, 63 Spring Lane, Fairfax" (Architectural Plans), sheets A0.1 through A9.4, Planning/Design Review set dated January 23, 2020.

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 Thompson Studio Architects (2020), "Variance Scope and Findings, Site Improvement Needed to Construct the Fire Apparatus Access, Spring Lane, Fairfax" (Project Narrative Addressing Design Review and HRD Requirements), dated January 26, 2020.

More recently, we reviewed the following materials submitted in response to our First Review comments:

- Dave Olnes, P.E. (2019), "Geotechnical Investigation, Proposed New Residence, 63 Spring Lane, Fairfax", dated November 15, 2019 (complete copy).
- Stephen J. Flatland, P.L.S. (2020), "Record of Survey, Lands of Peoples", Sheet 1 of 1, recorded February 14, 2020.
- Thompson Studio Architects (2020), "Peoples Residence, 63 Spring Lane, Fairfax" (Architectural Plans), sheets A0.1 through A9.4, Design Review revision set dated May 21, 2020.
- DVC Group (2020), "Grading and Drainage Plan for 63 Spring Lane, Fairfax, CA, APN 002-174-05", Sheets C1 through C7 and H1, Job No. 67-19, dated May 21, 2020.
- Dave Olnes, P.E. (2020), "Response to Planning Comments, Proposed New Residence, 63 Spring Lane, Fairfax", dated June 16, 2020.
- Thompson Studio Architects (2020), "Planning, Design Review, & RVFD Completeness Review Response, Undeveloped Lot on Unimproved R/W off of Spring Lane", dated June 22, 2020.

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) We note that the legal property description in the Preliminary Title Report, the property boundary distances and dimensions shown on the Topographic and Boundary Survey, and the property and boundary distances shown on the Record of Survey and Architectural plans do not match exactly. We note that the Surveyor has checked his dimensions and distances.

Although the distance/dimension discrepancies are relatively minor, we judge that the project Surveyor should provide brief commentary on the basis for his determination of property boundaries and the reasons for the observed discrepancies. All plan sheets should be cross-checked to verify consistent boundaries and dimensions matching the Record and topographic/boundary survey sheets.

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- Section 17.072.080(C) Site Plan
- 2) The Easement Diagram shown on Sheet A1-0 indicates that a new fire apparatus access road will be created within what is labeled as an unimproved portion of the Spring Lane right-of-way. In to meet minimum curve radius and maximum slope requirements set by the Ross Valley Fire District, the proposed access road will need to cross portions of the properties at 63 Spring Lane (applicant; APN 002-174-05) and 65 Spring Lane (APN 002-174-06). The submitted Easement Grant Deed provides legal access for the applicants to construct the improvements on the necessary portion of the property at 65 Spring Lane.

However, we note that new underground utilities, including water (MMWD), gas (PG&E), and sewer (RVSD) are proposed to extend up the new access road alignment, and that the public right-of-way also provides access to several other (currently-undeveloped) private parcels (APN 002-174-01 through -04).

In order to accommodate future access and maintenance of those utilities planned in the public right-of-way, access easements across APN 002-174-05 and APN 002-174-06 should be provided for the applicable utility agencies and for the Town of Fairfax. Additionally, access easements should be provided to the Owners of affected parcels, APN 002-174-01 through -04, whose future access to their lands will require use of the new access road across the 63 and 65 Spring Lane parcels. We note the applicants' indicate such easements will be created upon conditional approval of the project, which we judge is appropriate.

- 3) Project plans indicate that the new driveway will be accommodated by a retaining wall on the upslope side which ranges in height to about 14-feet. The wall appears to lie within about 15-feet laterally of the existing residence at 65 Spring Lane, and is aligned at the edge of the easement. As such, retaining wall design and construction sequencing should be carefully considered in order to maintain adequate lateral support for the property and improvements at 65 Spring Lane. A detailed Temporary Shoring Plan should be submitted along with project structural plans at the building level.
- 4) All improvements in the public right-of-way should be subject to Town of Fairfax minimum design standards. An encroachment permit should be required for all work in the right-ofway.
- Section 17.072.080(F) Grading and Drainage Plan
- 5) The Grading and Drainage plan indicates that over 700 cubic yards of excess soil will be offhauled from the site. Given the extremely limited access, a detailed Construction Management and Staging Plan should be required at the building submittal level.

Recommendations

From a geotechnical perspective, we recommend that the project be approved at the Planning level. We judge that outstanding comments, including review of brief commentary regarding survey discrepancies, Grant Deeds providing access easements to affected stakeholders (MMWD, PG&E, RVSD, Town of Fairfax, and Owners of APN 002-174-01 through -Q4), Construction Management Plans, Temporary Shoring Plans, and design-level Structural and Civil

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engineering plans may be handled at the Building Permit submittal level with minimal anticipated impact.

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

Yours very truly, MILLER PACIFIC ENGINEERING GROUP



Mike Jewett Town of Fairfax Contract Geologist Engineering Geologist No. 2610 (Expires 1/31/21) REVIEWED BY:



Scott Stephens Town of Fairfax Contract Engineer Geotechnical Engineer No. 2398 (Expires 6/30/21)

63 SPRING LANE FUTURE ACCESS EXHIBIT 62 GRAPH CA 63 GRAPH CA 64 GRAPH CA 65 GRAPH CA 66 GRAPH CA 67 GRAPH CA 1+38 व रिक्रिके RPOW LATS OF SAMET FUTURE RIGHT OF WAY ACCESS PROFILE CALLES APPARATES a 1153 " TYPICAL SECTION "
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