

## Email 3 of 3: Comments for 2/29 Public Hearing 6:30 pm

Sharon C. Ingram <SIngram@rjo.com>

Thu 2/29/2024 11:19 AM

To: Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>; Christine Foster <cfoster@townoffairfax.org>  
Cc: Richard M. Harris <RHarris@rjo.com>; Aaron P. Silberman <ASilberman@rjo.com>; Dawn R. Lorenzen <DLorenzen@rjo.com>

 16 attachments (16 MB)

Exhibit 2.pdf; Exhibit 3.pdf; Exhibit 4.pdf; Exhibit 5.pdf; Exhibit 6.pdf; Exhibit 7.pdf; Exhibit 8.pdf; Exhibit 9.pdf; Exhibit 10.pdf; Exhibit 11.pdf; Exhibit 12.pdf; Exhibit 13.pdf; Exhibit 14.pdf; Exhibit 15.pdf; Exhibit 16.pdf; Exhibit 17.pdf;

Please find attached Exhibits 2-17 to Jacob Friedman's complaint. (Email 3 of 3).

*Please confirm receipt.*

Thank you,  
Sharon

**Sharon C. Ingram**

Assistant

Aaron M. Scolari | Dean D. Paik | Richard M. Harris

**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation

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# **EXHIBIT 2**



**TOWN OF FAIRFAX** PERMIT # BLD220110  
 142 Bolinas Road, Fairfax, California 94930  
 (415) 453-1584 / Fax (415) 453-1618  
**CONSTRUCTION PERMIT APPLICATION**

**#1 IDENTIFY YOUR BUILDING PROJECT**

JOB ADDRESS:  
79 WOOD LANE

This permit is to be issued in the name of the  Licensed Contractor or  the Property Owner as the permit holder of record who will be responsible and liable for the construction.

Property Owner Information:  
 Name: Coby Friedman  
 Tel No: 415-310-5442  
 Mailing Address: 96 FORREST AVE.  
 City FAIRFAX State CA Zip 94930

Description of work to be performed:  
CONSTRUCTION OF NEW  
2,208 SF 2 STORY RESIDENCE  
WITH 400 SF DETACHED GARAGE  
AND 500 SF ADU  
NEW REAR RETAINING WALL

Additional Square Footage: \_\_\_\_\_

Valuation: 500,000

**#2 IDENTIFY WHO WILL PERFORM THE WORK**  
 (Complete either 2a or 2b)

**2a - CALIFORNIA LICENSED CONTRACTOR'S DECLARATION**

I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Contractor Name OF CONTRACTING, INC  
 Tel No: (415) 310-5442  
 Mailing Address: 96 FORREST AVE  
 City FAIRFAX State CA Zip 94930  
 License Class and No. AIR 610-967492

Contractor's Signature: \_\_\_\_\_

**2b - OWNER-BUILDER'S DECLARATION**

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the reason(s) indicated below by the checkmark(s) I have placed next to the applicable item(s) (Section 7031.5, Business and Professions Code: Any city or county that requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for the permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt from licensure and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).)

I, as owner of the property, or my employees with wages as their sole compensation, will do  all of or  portions of the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who, through employees' or personal effort, builds or improves the property, provided that the improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the Owner-Builder will have the burden of proving that it was not built or improved for the purpose of sale.)

I, as owner of the property, am exclusively contracting with licensed Contractors to construct the project (Section 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who builds or improves thereon, and who contracts for the projects with a licensed Contractor pursuant to the Contractors' State License Law.)

I am exempt from licensure under the Contractors' State License Law for the following reason:

By my signature below I acknowledge that, except for my personal residence in which I must have resided for at least one year prior to completion of the improvements covered by this permit, I cannot legally sell a structure that I have built as an owner-builder if it has not been constructed in its entirety by licensed contractors. I understand that a copy of the applicable law, Section 7044 of the Business and Professions Code, is available upon request when this application is submitted or at the following Web site: <http://www.leginfo.ca.gov/calaw.html>.

Property Owner or Authorized Agent Signature: [Signature] Date 3/23/23  
 Agent

**#3 IDENTIFY WORKERS' COMPENSATION COVERAGE AND LENDING AGENCY**

**WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.**

WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

I have and will maintain a certificate of consent to self-insure for workers' compensation, issued by the Director of Industrial Relations as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued permit is issued.  
Policy No. \_\_\_\_\_

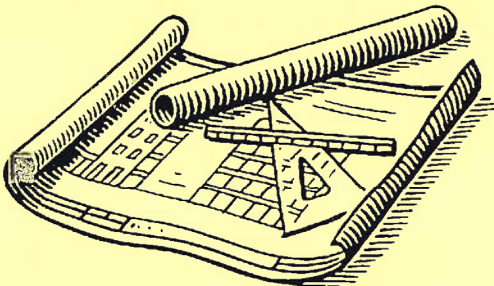
I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:  
Carrier ICIW Policy No 504084 Exp. 4/29/23  
Tel No \_\_\_\_\_

I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that, if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

DECLARATION REGARDING CONSTRUCTION LENDING AGENCY

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Section 3097, Civil Code).  
Lender's Name and Address: \_\_\_\_\_

79 WOOD LANE



**#4 DECLARATION BY CONSTRUCTION PERMIT APPLICANT**

By my signature below, I certify to each of the following:

I am  a California licensed contractor or  the property owner\* or  authorized to act on the property owner's behalf\*\*.

I have read this construction permit application and the information I have provided is correct.  
I agree to comply with all applicable city and county ordinances and state laws relating to building construction.  
I authorize representatives of this city or county to enter the above-identified property for inspection purposes.

California Licensed Contractor, Property Owner (Requires separate verification form), or Authorized Agent (Requires separate authorization Form).

Signature [Signature] Date 8/4/2022

**For Official Use Only ↓**

|  |                 |  |                 |
|--|-----------------|--|-----------------|
| BUILDING.....  |                 |  | <u>6020.00</u>  |
| ELECTRICAL.....  |                 |  | _____           |
| MECHANICAL.....  |                 |  | _____           |
| PLUMBING.....  |                 |  | _____           |
| PENALTY FEE.....   |                 |  | _____           |
| PERMIT RENEWAL FEE.....  |                 |  | _____           |
| <u>10892.49</u> SUBTOTAL # 2000  |                 |  |                 |
| PLAN CHECK # 2035  | <u>2,500.00</u> |  | <u>8392.49</u>  |
| PLANNING FEE # 2030  |                 |  | _____           |
| STATE SEISMIC FEE # 2015   |                 |  | <u>65.00</u>    |
| PLAN RETENTION FEE # 2020  |                 |  | _____           |
| ENGINEERING # 2050   |                 |  | _____           |
| BUSINESS LICENSE # 1300  |                 |  | <u>550.00</u>   |
| GENERAL PLAN MAINTENANCE<br>5% of Building Permit fee over \$10,000 # 2002                   |                 |  | <u>301.00</u>   |
| TECHNOLOGY IMPROVEMENT<br>5% of Building Permit fee # 2003                                   |                 |  | <u>301.00</u>   |
| INFRASTRUCTURE FEE<br>5% of Building Permit fee # 2004                                       |                 |  | <u>301.00</u>   |
| ROAD IMPACT FEE<br>1% of total project valuation for<br>projects in excess of \$5,000 # 2027 |                 |  | <u>5,000.00</u> |
| STATE GREEN FEE # 2028   |                 |  | <u>20.00</u>    |

**TOTAL FEES DUE \$20,950.49**

This permit SHALL EXPIRE 180 days from the date of issuance. You may extend your permit by written request to the Building Official for an additional 180 days prior to your permit expiration; no permit shall be extended more than once. (Authority: CBC Sec. 105.5))

Planning: \_\_\_\_\_ Date: \_\_\_\_\_  
Building: [Signature] Date: 8-4-22

\*\*\*\*\*  
TOWN OF FAIRFAX  
TOWN HALL  
142 BOLINAS ROAD  
FAIRFAX, CA 94930  
(415) 453-1584

\*\*\*\*\*  
Reg# #/Rcpt#: 001-00064790 [ S ]  
Accounting Date: Thu, Aug 4, 2022  
Date/Time: Thu, Aug 4, 2022 2:36 PM  
\*\*\*\*\*

2000\BUILDING PERMITS (311)  
79 WOOD LANE  
(COMMENT)

FEE AMOUNT: \$ 6,020.00

2035\PLAN CHECK-BUILDING (805)  
79 WOOD LANE  
(COMMENT)

FEE AMOUNT: \$ 8,392.49

2015\SMIP-SEISMIC SAFETY (317)  
79 WOOD LANE  
(COMMENT)

FEE AMOUNT: \$ 65.00

1300\BUSINESS LICENSE (301)  
79 WOOD LANE  
(COMMENT)

FEE AMOUNT: \$ 550.00

2002\GENERAL PLAN MAINT FEE (312)  
79 WOOD LANE  
(COMMENT)

FEE AMOUNT: \$ 301.00

2003\TECHNOLOGY IMPROV FEE (313)  
79 WOOD LANE  
(COMMENT)

FEE AMOUNT: \$ 301.00

2004\INFRASTRUCTURE IMPROV FEE(321)  
79 WOOD LANE  
(COMMENT)

FEE AMOUNT: \$ 301.00

2027\ROAD IMPACT FEES (320)  
79 WOOD LANE  
(COMMENT)

FEE AMOUNT: \$ 5,000.00

2028\STATE GREEN FEE  
79 WOOD LANE  
(COMMENT)

FEE AMOUNT: \$ 20.00

RECEIPT TOTAL \$ 20,950.49  
\*\*\*\*\*

Payment Data:

Pmt# :1  
Payer: CF CONTRACTING, INC.  
METHOD: CK \$ 20,950.49  
Ref#: 206

\*\*\*\*\*  
RECEIPT SUMMARY  
\*\*\*\*\*

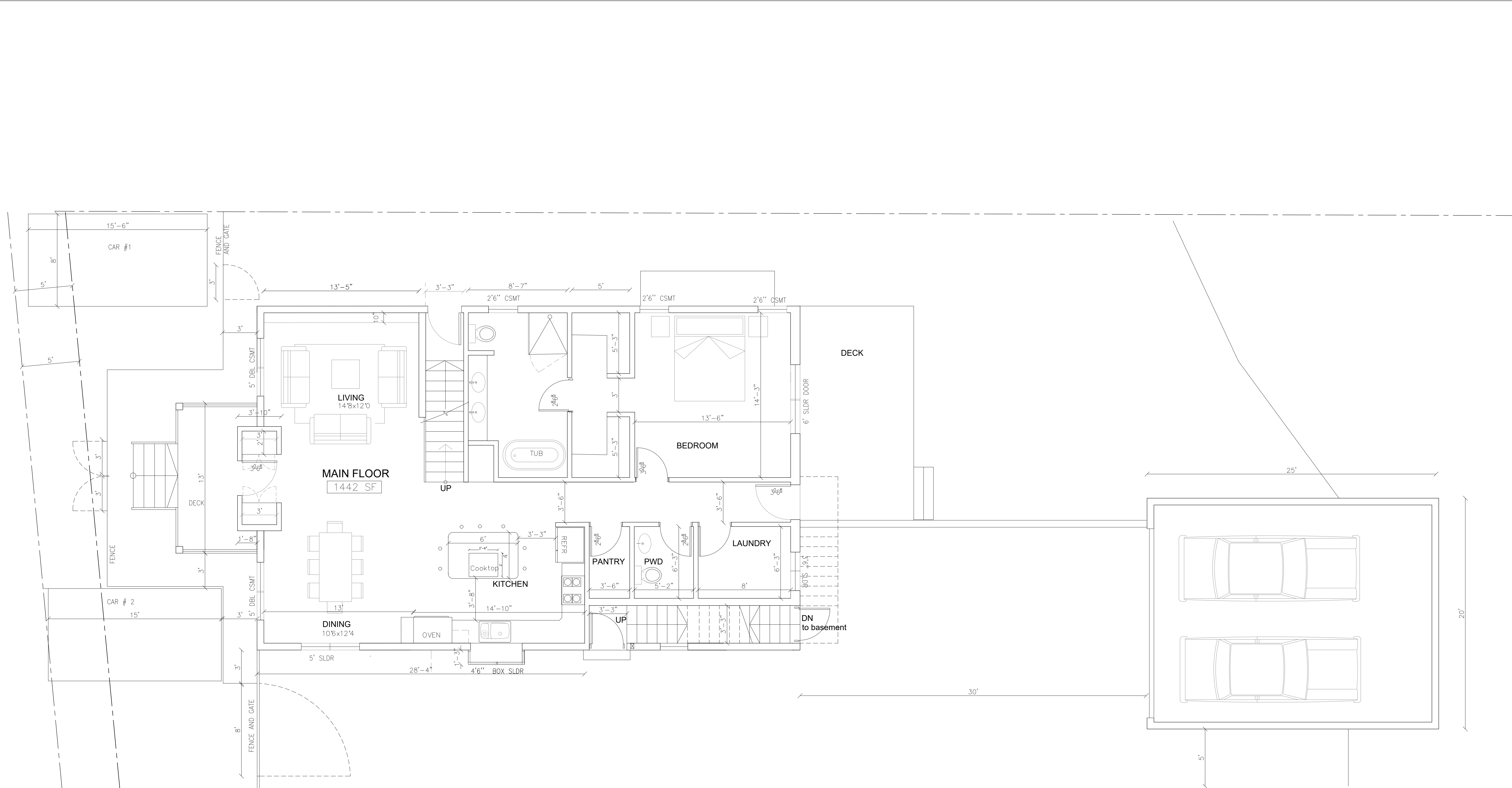
TOTAL TENDERED \$ 20,950.49  
RECEIPT TOTAL \$ 20,950.49

CHANGE DUE \$ 0.00  
\*\*\*\*\*

HAVE A NICE DAY!

\*\*\*\*\*  
v:1.0.4508

# **EXHIBIT 3**

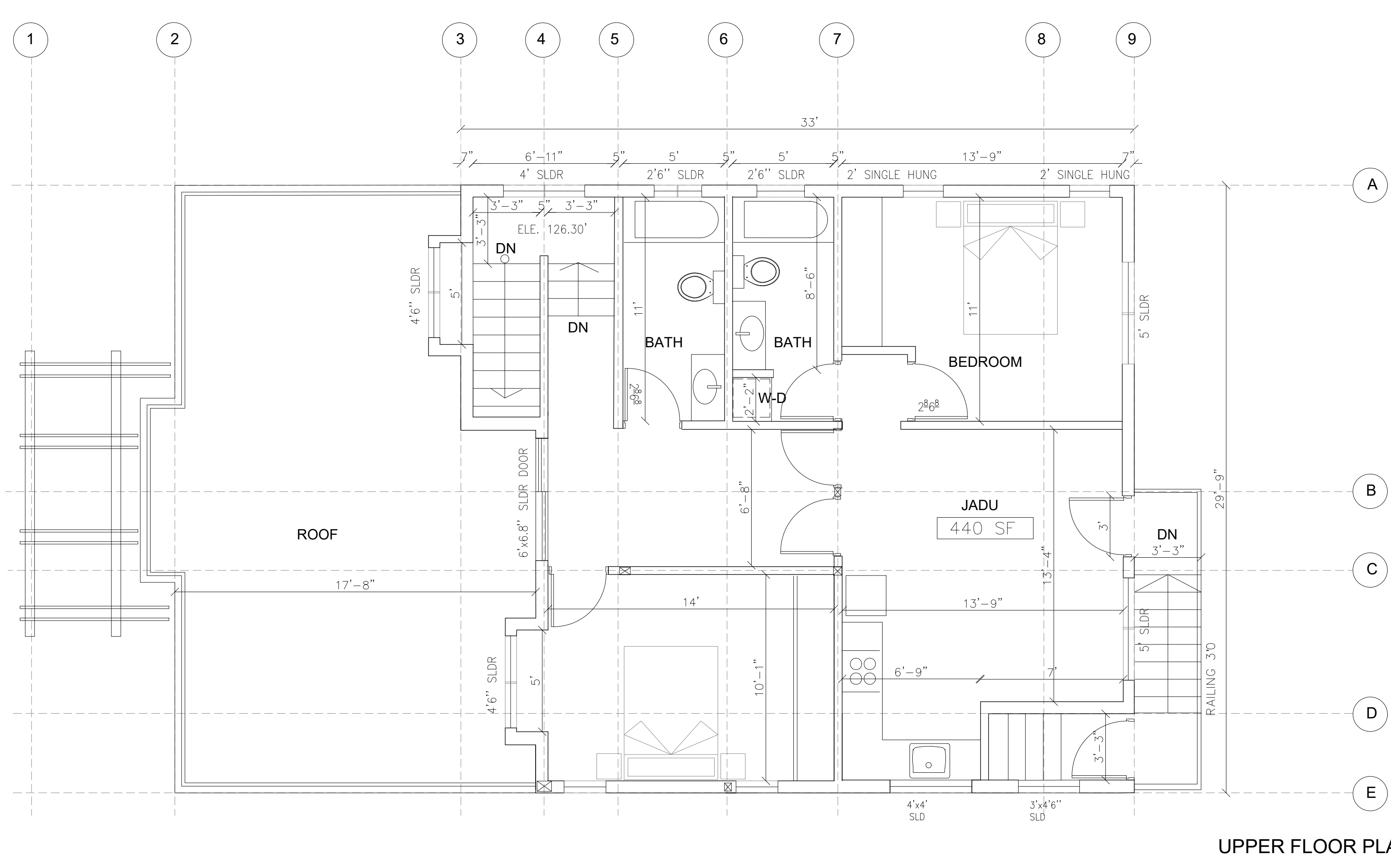
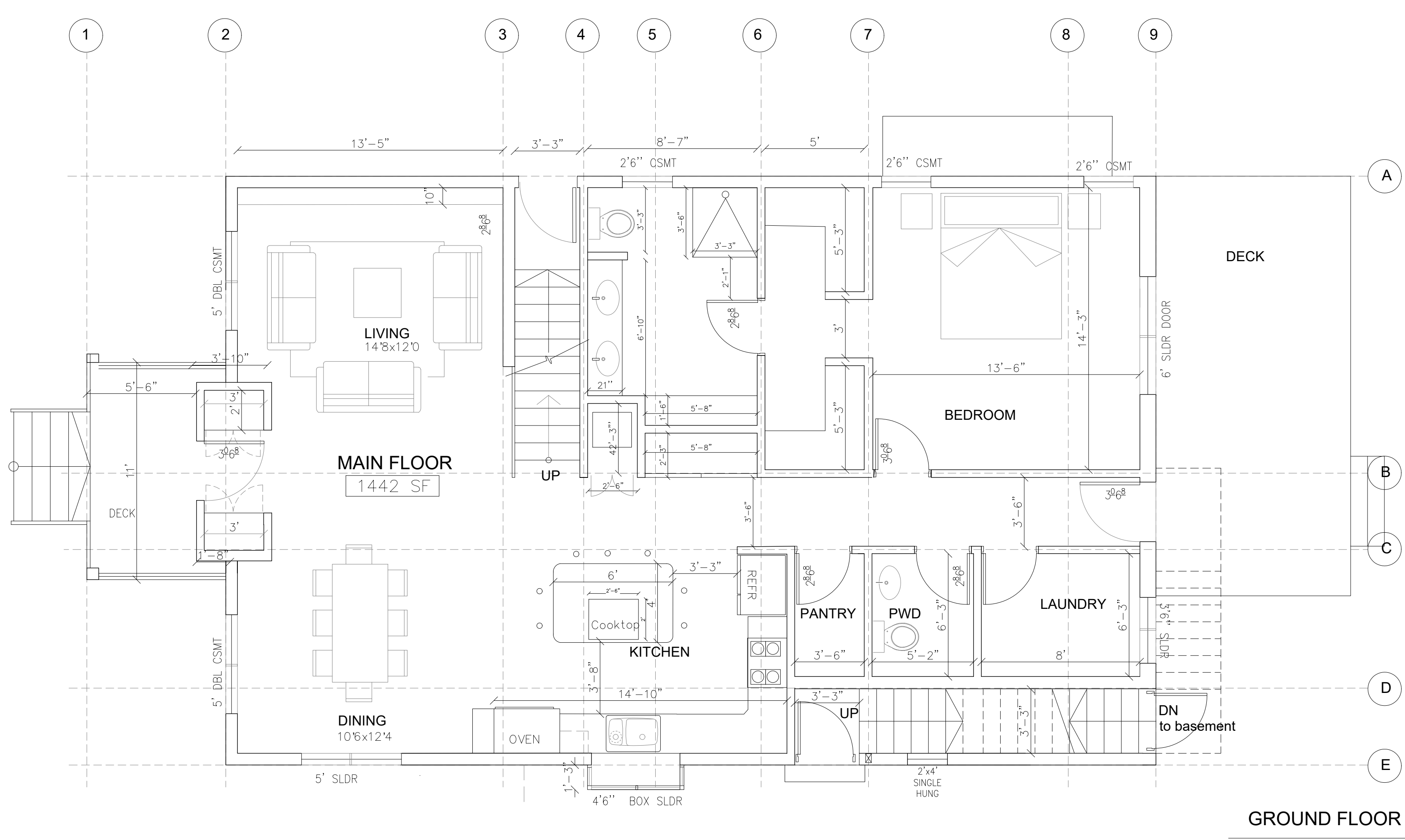
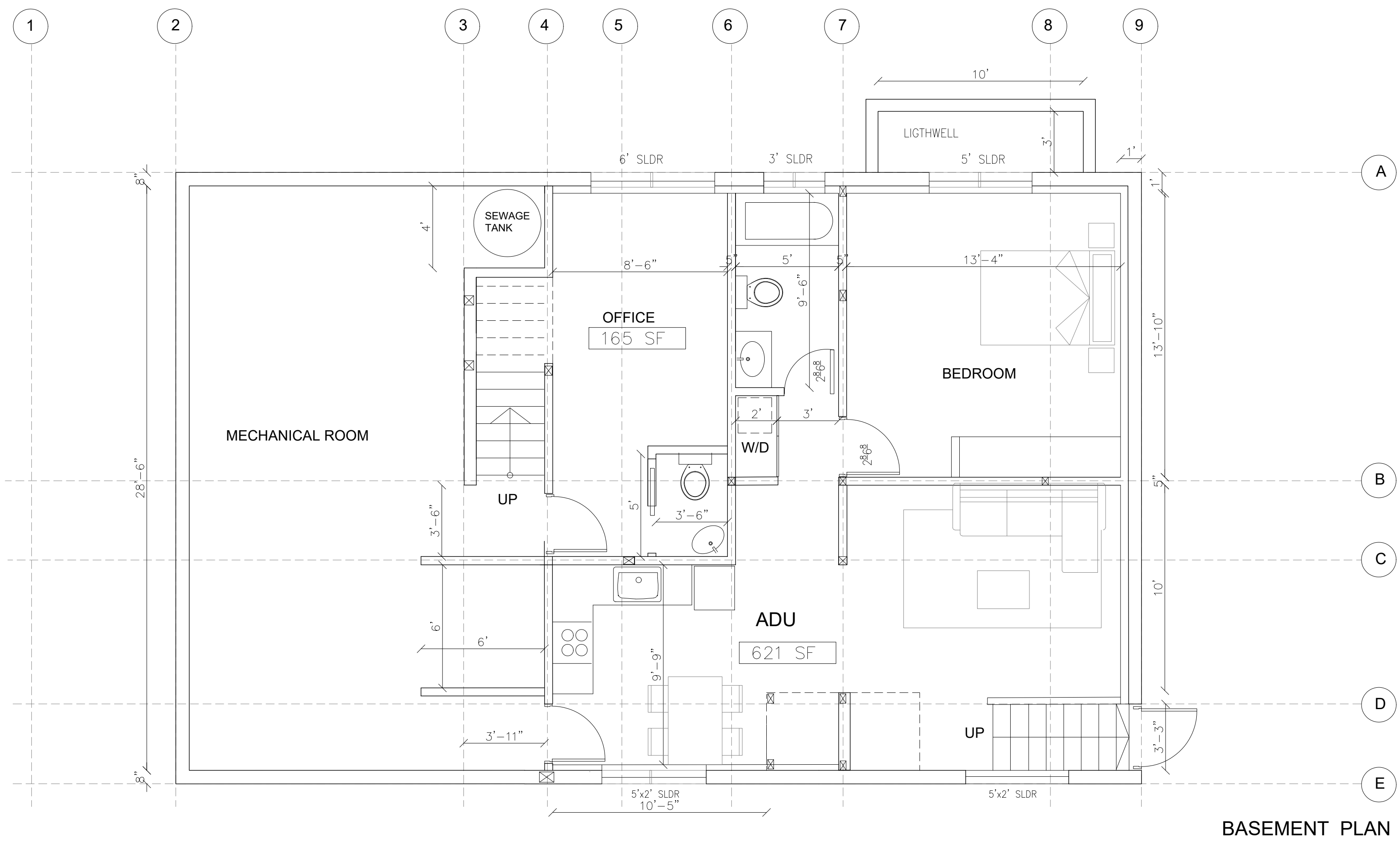


GROUND FLOOR PLAN

GROUND FLOOR  
AND GARAGE PLAN

FRIEDMAN RESIDENCE  
79 WOOD LANE  
FAIRFAX, CA 94930

SUBMITTED BY : COBY FRIEDMAN  
Tel. 415-310-5442  
Email: coby@cfrcontracting.com  
Fax: 415-296-6437





STRUCTURAL NOTES

GENERAL

1. THESE NOTES APPLY TO ALL DRAWINGS AND GOVERN UNLESS OTHERWISE NOTED OR SPECIFIED. ALL WORK SHALL BE IN CONFORMANCE WITH ALL APPLICABLE CODES AND ALL APPLICABLE LOCAL CODES AND ORDINANCES.

APPLICABLE CODES INCLUDE: THE 2019 EDITION OF CALIFORNIA BUILDING CODE (CBC) CALIFORNIA RESIDENTIAL CODE (CRC) CALIFORNIA PLUMBING CODE (CPC) CALIFORNIA ELECTRICAL CODE CALIFORNIA MECHANICAL CODE (CMC) CALIFORNIA GREEN BUILDING STANDARDS CODE CALIFORNIA ENERGY CODE CALIFORNIA FIRE CODE (CFC)

2. VERIFY ALL EXISTING CONDITIONS AND PROPOSED DIMENSIONS AT THE SUBJECT SITE. COMPARE STRUCTURAL DRAWINGS WITH ARCHITECTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS BEFORE COMMENCING WORK. NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO COMMENCING ANY WORK. DO NOT PROCEED WITH CONSTRUCTION IF DISCREPANCIES ARE DETECTED UNTIL THEY ARE RESOLVED. DO NOT SCALE DRAWINGS.

3. UNLESS OTHERWISE SHOWN OR NOTED ALL TYPICAL DETAILS SHALL BE USED WHERE APPLICABLE. ALL DETAILS SHALL BE CONSIDERED TYPICAL AT SIMILAR CONDITIONS.

4. THE CONTRACTOR AND SPECIAL INSPECTOR ARE ENCOURAGED TO CONTACT THE ENGINEER REGARDING ANY QUESTIONS OF INTERPRETATION OF THESE SPECIFICATIONS AND DRAWINGS.

5. SAFETY MEASURES: AT ALL TIMES, THE CONTRACTOR SHALL WORK IN COMPLIANCE WITH CAL/OSHA-TITLE 8 SAFETY REGULATIONS AND SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE CONDITIONS OF THE JOB SITE INCLUDING SAFETY OF PEOPLE AND PROPERTY, AND FOR ALL NECESSARY INDEPENDENT ENGINEERING REVIEWS OF THESE CONDITIONS.

6. SHORING AND BRACING OF THE SOIL, AND THE EXISTING AND NEW STRUCTURES SHALL BE INSTALLED WHERE NECESSARY TO ADEQUATELY SUPPORT THE IMPOSED VERTICAL AND LATERAL LOADS, AND SHALL BE MAINTAINED UNTIL THE NEW STRUCTURE CAN SUPPORT THE ANTICIPATED LOADS. THE ENGINEER'S JOB SITE VISITS ARE NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE TEMPORARY SHORING AND/OR CONTRACTOR'S SAFETY MEASURES.

7. ANY OPENING, HOLES, CUTS OR DISCONTINUITIES NOT SHOWN ON THE STRUCTURAL DRAWINGS AND EXTENDING INTO OR THROUGH STRUCTURAL ELEMENTS REQUIRE THE PRIOR APPROVAL OF THE ENGINEER.

8. SURFACE GRADES ADJACENT TO THE FOUNDATION SHALL SLOPE AWAY FROM BUILDING AT A MIN OF 3/4" FOR PERVIOUS SURFACES OR 2/4" FOR IMPERVIOUS SURFACES FOR MIN 10 FEET.

SPECIAL INSPECTIONS AND CONSTRUCTION OBSERVATIONS

1. TESTS AND SPECIAL INSPECTIONS SHALL BE PROVIDED PER REQUIREMENTS OF THE 2019 CALIFORNIA BUILDING CODE CHAPTER 17.

2. THE FOLLOWING ITEMS SHALL BE INSPECTED AND/OR TESTED BY DAC ASSOCIATES INC. OR A TESTING LAB IN ACCORDANCE WITH CHAPTER 17 OF THE 2019 CALIFORNIA BUILDING CODE. THE CONTRACTOR SHALL NOTIFY THE INSPECTOR AT LEAST 72 HOURS PRIOR TO TIME OF INSPECTION. a. FOR CONCRETE WITH STRENGTH EQUAL OR MORE THAN 3,000PSI, PLACEMENT, SAMPLING & TESTING FOR STRENGTH (EXCEPT FOR CONTINUOUS FOOTING & SLAB-ON-GRADE)

3. THE FOLLOWING ITEMS SHALL BE INSPECTED BY THE ENGINEER OF RECORD (DAC ASSOCIATES, INC.). THE CONTRACTOR SHALL NOTIFY THE ENGINEER AT LEAST 72 HOURS PRIOR TO TIME OF INSPECTION. a. FOUNDATION, PAVEMENT, AND SLAB-ON-GRADE SUBGRADES b. PLACEMENT OF REINFORCING STEEL AND CAST-IN-PLACE ANCHORAGES c. HOLDDOWNS AND ANCHOR BOLTS d. STEEL WELDING e. SHEARWALLS, DIAPHRAGMS, ROUGH FRAMING AND FRAMING HARDWARE f. SOIL ENGINEER TO OBSERVE AND APPROVE IN WRITING PLACEMENT OF GEOTECHNICAL DRAINAGE g. SOIL ENGINEER TO OBSERVE AND APPROVE IN WRITING BACKFILL OPERATIONS

4. FOUNDATION EXCAVATIONS AND SLAB-ON-GRADE SUBGRADES SHALL BE OBSERVED AND APPROVED IN WRITING BY THE SOIL ENGINEER (HERZOG GEOTECHNICAL CONSULTING ENGINEERS) PRIOR TO PLACEMENT OF FORMS OR REINFORCING STEEL. THE CONTRACTOR SHALL NOTIFY THE SOIL ENGINEER AT LEAST 72 HOURS BEFORE EXCAVATION/DRILLING IS SCHEDULED TO BEGIN.

5. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL INSPECTIONS AND ENSURING THAT ALL REQUIRED TESTING & INSPECTION IS PERFORMED TO THE SATISFACTION OF THE INSPECTOR.

DESIGN BASIS AND CRITERIA

1. DESIGN CONFORMS TO THE 2019 CBC AND ALL APPLICABLE LOCAL ORDINANCES.

Table with 3 columns: Design Item, DL (PSF), LL (PSF). Rows include: a. ROOF, b. RES. FLOORS, c. DECK/BALCONY, d. GARAGE/PARKING.

3. DESIGN LATERAL LOAD e. WIND: 110 MPH BASIC WIND SPEED. EXPOSURE C f. SEISMIC RISK CATEGORY II, SEISMIC DESIGN CATEGORY D, Ss = 1.6g S1 = 0.63g, Sps=1.07g, Sop=0.63g R=6.5, I=1.0, Cs = Sps/(R/I), BASE SHEAR, V = Cs\*W

4. ALL STRUCTURES SHOWN ON THESE DRAWINGS ARE BASED UPON ARCHITECTURAL PLANS FOR "NEW RESIDENCE & ADU, 79 WOOD LANE, FAIRFAX, CA" PREPARED BY FREDRIC C. DIVINE ASSOCIATES, DATED 04-06-2022.

CONCRETE

1. CONCRETE CEMENT SHALL CONFORM TO THE LATEST ASTM C-150 & C-595, AND SHALL BE TYPE II. TYPE I CEMENT MAY BE USED IN AREAS NOT IN CONTACT WITH EARTH. MINIMUM 6 SAKCS/CU.YD. OF CEMENT. FLY ASH SHALL NOT COMPOSE MORE THAN 25% OF THE CEMENTITIOUS MATERIAL. AGGREGATE SHALL BE FREE OF ALKALI REACTIVITY.

2. WATER/CEMENT RATIO SHALL NOT EXCEED 0.45. ACID SOLUBLE CHLORIDE-FREE ADMIXTURES AND PLASTICIZERS FOR WORKABILITY MAY BE USED IF APPROVED BY THE TESTING LABORATORY AND ENGINEER. BECAUSE EXCESS WATER REDUCES CONCRETE STRENGTH, ADDING WATER AT THE SITE IS DISCOURAGED AND SHALL NOT EXCEED ONE GALLON PER CUBIC YARD.

3. REINFORCE ALL STRUCTURAL CONCRETE. CONCRETE CONSTRUCTION TOLERANCES SHALL COMPLY WITH ACI 117. INSTALL ALL INSERTS, BOLTS, ANCHORS, AND REINFORCING BARS AND SECURELY PRIOR TO PLACING CONCRETE.

Table with 4 columns: LOCATION, 28 DAYS STRENGTH, SLUMP, AGGREGATE (ASTM C33). Rows include: SLAB ON GRADE, FOOTINGS/ GRADE BEAMS/ CONCRETE WALLS, DRILLED PIERS.

NOTE: STRUCTURAL DESIGN OF CONTINUOUS FOOTING AND SLAB-ON-GRADE CONCRETE BASED ON 2,500 PSI COMPRESSIVE STRENGTH. THE SPECIFIED STRENGTH ABOVE ARE USED FOR BETTER QUALITY PER CRITERIA ONLY. CONCRETE SPECIAL INSPECTION FOR CONTINUOUS FOOTING AND SLAB-ON-GRADE IS NOT REQUIRED.

5. CONCRETE SHALL BE PLACED IN A CONTINUOUS OPERATION BETWEEN PREDETERMINED AND PREAPPROVED CONSTRUCTION JOINTS.

6. CONCRETE SHALL BE CONTINUOUSLY CURED FOR 7 DAYS AFTER PLACEMENT IN ANY APPROVED MANNER. FOOTINGS ARE EXCEPTED FROM THIS REQUIREMENT.

7. CONTRACTOR SHALL SUBMIT TO THE ENGINEER FOR REVIEW AND APPROVAL, DRAWINGS LOCATING AND DETAILING ALL PROPOSED CONSTRUCTION/CONTROL JOINTS IN CONCRETE PRIOR TO COMMENCING WORK. CONSTRUCTION JOINT SHALL BE ROUGHENED, EXPOSING CLEAN AGGREGATE TO 3/4" DEPTH SOLIDLY EMBEDDED IN MORTAR MATRIX, AND SHALL INCLUDE SHEAR KEYS AND DOWELS AS REQUIRED BY THE ENGINEER.

8. THE LOCATION AND PROTECTION OF EXISTING UTILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF UTILITY PIPES RUN THROUGH, OR WITHIN 24" BELOW, ANY NEW CONCRETE CONSTRUCTION. THE ENGINEER WILL PROVIDE THE CONTRACTOR WITH DESIGN DETAILS UNDER SUCH CIRCUMSTANCES.

9. PATCHING OF CONCRETE: ALL INSERTS HOLES, AND OTHER IMPERFECTIONS ON THE SURFACE OF THE CONCRETE SHALL BE FILLED WITH GROUT, BRUSHED, AND SACKED TO A UNIFORM FINISH. ALL HOLES THROUGH TO THE OUTSIDE OF THE BUILDING MUST BE MADE WATER-TIGHT.

10. CHAMFER ALL CORNERS 3/8", EXCEPT TOP EDGES OF SLABS AND BEAMS, UNLESS OTHERWISE NOTED.

11. ALL CONCRETE SHALL BE PLACED ON COMPETENT SUBGRADE, AS DETERMINED BY THE ENGINEER AT THE TIME OF CONSTRUCTION.

12. CONCRETE FLOOR SLAB-ON-GRADE SHALL HAVE A MINIMUM THICKNESS OF 4" UNLESS OTHERWISE NOTED.

13. ALL SLAB-ON-GRADE SHALL HAVE CONTROL JOINTS (WEAKENED PLANE JOINT) PER TYPICAL DETAIL TO CREATE APPROXIMATELY 20-FOOT SQUARES, UNLESS OTHERWISE NOTED ON PLANS.

REINFORCING STEEL

1. ALL REINFORCING STEEL BARS SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR DEFORMED BILLET-STEEL CONCRETE REINFORCEMENT ASTM A615 GRADE 60 KSI EXCEPT FOR GRADE 40 KSI FOR #3 STIRRUP/TIE, UNLESS OTHERWISE NOTED.

2. LAP SLICE ALL BARS A MINIMUM OF 36 BAR DIA OR 18" MIN, (UNLESS OTHERWISE NOTED) LAP HORIZ REBAR AT CORNERS AND INTERSECTIONS IN FOOTINGS AND WALLS WITH CORNER BARS OR OTHER METHODS SPECIFICALLY APPROVED BY THE STRUCTURAL ENGINEER.

3. WIRE MESH SHALL CONFIRM WITH ASTM A185-64.

4. UNLESS OTHERWISE NOTED, MAINTAIN COVERAGE TO FACE OF REINFORCING BARS AS FOLLOWS:

Table with 2 columns: LOCATION, MINIMUM CLEAR COVER. Rows include: CAST AGAINST EARTH, EXPOSED TO EARTH OR WEATHER, EXTERIOR SURFACES FOR BEAMS & COLUMN.

FOUNDATIONS AND RETAINING WALLS

1. THE FOUNDATION AND RETAINING WALLS DESIGN IS BASED ON RECOMMENDATIONS OF THE GEOTECHNICAL INVESTIGATION REPORT TITLED "GEOTECHNICAL REPORT UPDATE", PREPARED BY HERZOG GEOTECHNICAL CONSULTING ENGINEERS, DATED 11-15-2021. A COPY OF THE REPORT SHALL BE OBTAINED FROM THE SOIL ENGINEER'S OFFICE. THE REPORT IS PART OF THE CONSTRUCTION DOCUMENTS, AND ITS RECOMMENDATIONS ARE TO BE FOLLOWED DURING CONSTRUCTION.

2. DESIGN CRITERIA a. ASSUMED DEPTH TO COMPETENT SUBGRADE = 44.5 FEET b. ALLOWABLE BEARING PRESSURE (DL+LL) = 1000 PSF FOR MAT SLAB c. COEFFICIENT OF FRICTION = 0.3 d. ALLOWABLE PASSIVE PRESSURE FOR MAT SLAB = 150 PCF (EQUIVALENT FLUID PRESSURE) e. ALLOWABLE PASSIVE PRESSURE FOR RETAINING WALLS = 60 PCF FOR LEVEL BACKFILL WITH BACK-DRAINAGE (ADD 2 FT BACKFILL FOR VEHICULAR SURCHARGE) (12H SEISMIC)

3. ALL FOUNDATION AND RETAINING WALL WORK SHALL COMPLY WITH 2019 CBC CHAPTER 18.

4. WATERPROOF MEMBRANE SHALL BE 10MIL MIN THICK; 2" MIN OVERLAP & SECURED W/ TAPE AT ALL EDGES PER MANUFACTURE'S RECOMMENDATION.

5. CONTRACTOR SHALL USE APPROVED DEVICES AND/OR SERVICES TO SCAN FOR UNDERGROUND UTILITIES PRIOR TO START OF EXCAVATION OR GRADING.

6. CONTRACTOR SHALL AVOID EXCAVATION BELOW BOTTOM OF FOOTING AND REMOVING ANY SOIL WHICH MAY SERVE FOR LATERAL RESISTANCE FOR ADJACENT FOOTINGS. UNLESS OTHERWISE NOTED.

7. EXTERIOR FOOTINGS TO BE A MINIMUM OF 18" BELOW FINISHED GRADE (UNLESS OTHERWISE NOTED) BEARING ON NATIVE UNDISTURBED COMPETENT SOIL OR ENGINEERED COMPACTED FILLS WITH 95% RELATIVE COMPACTION (ASTM D1557), APPROVED BY SOIL ENGINEER IN WRITING.

8. DO NOT ALLOW WATER TO STAND IN EXCAVATED HOLES. IF BOTTOMS OF HOLE BECOME SOFTENED DUE TO RAIN OR OTHER WATER BEFORE CONCRETE IS CAST, EXCAVATE SOFTENED MATERIAL AND REPLACE WITH PROPERLY COMPACTED BACKFILL OR CONCRETE AT NO COST TO THE OWNER.

EQUIPMENT, PIPE, AND DUCT SUPPORT

1. THE CONTRACTOR IS RESPONSIBLE FOR THE VERTICAL AND LATERAL SUPPORT OF ALL HVAC AND OTHER EQUIPMENT. SHOP DRAWINGS SHALL BE SUBMITTED FOR THE SUPPORT OF ALL HVAC EQUIPMENT OVER 400 POUNDS, STAMPED AND SIGNED BY A CALIFORNIA-LICENSED CIVIL OR STRUCTURAL ENGINEER. EQUIPMENT AND ANCHORAGE SHALL BE DESIGNED TO RESIST LATERAL SEISMIC FORCES PER 2019 CBC SECTION 1632.2. LATERAL SEISMIC DESIGN FORCES ON ALL LIFE SAFETY EQUIPMENT SHALL BE INCREASED BY A FACTOR OF 1.50.

2. CONDUITS, PIPES AND DUCTS SHALL BE BRACED TO RESIST SEISMIC HAZARD B PER THE CURRENT EDITION OF "SMACNA SEISMIC RESTRAINT MANUAL: GUIDELINES FOR MECHANICAL SYSTEMS", EXCEPT THAT THE COMPONENTS OF LIFE SAFETY SYSTEMS SHALL BE BRACED TO RESIST SEISMIC HAZARD LEVEL A.

ROUGH CARPENTRY

1. UNLESS OTHERWISE SHOWN ON THE DRAWINGS, NAILING SHALL CONFORM TO THE 2019 CBC, TABLE 2304.9.1 UNLESS OTHERWISE NOTED ON THESE DRAWINGS, ALL NAILS SHALL BE COMMON NAILS (AS OPPOSED TO BOX, SINKER OR COOLER NAILS).

2. SILLS ON CONCRETE SHALL BE PRESSURE TREATED DOUGLAS FIR. SILLS SHALL BE FASTENED TO THE CONCRETE WITH A MINIMUM OF TWO FASTENERS PER PIECE, SPACED NOT MORE THAN 4 FEET APART AND A FASTENER LOCATED NOT MORE THAN 12 INCHES OR SEVEN BOLT DIAMETERS AND NOT LESS THAN 5 INCHES FROM EACH END OF PIECE. USE HOT-DIPPED GALVANIZED FASTENERS WITH PRESSURE TREATED WOOD.

3. FASTEN ALL SILL PLATES AT NON-STRUCTURAL WALLS TO NON-PRESTRESSED CONCRETE SLABS WITH 0.177" DIAMETER POWER DRIVEN FASTENERS AT 16" ON CENTER, WITH 1 1/2" MINIMUM CONCRETE EMBEDMENT, UNLESS OTHERWISE NOTED ON THE DRAWINGS. FASTEN ALL SILL PLATES AT NON-STRUCTURAL WALLS TO PRESTRESSED CONCRETE SLABS WITH 0.145" DIAMETER POWER EMBEDMENT DRIVEN FASTENERS AT 16" ON CENTERS, WITH 3/4" MINIMUM AND 1" MAXIMUM CONCRETE EMBEDMENT, UNLESS OTHERWISE NOTED ON THE DRAWINGS.

4. ALL ANCHOR BOLTS (AB) SHALL BE ASTM A307. ALL ANCHOR BOLTS SHALL HAVE PLATE WASHERS, MINIMUM 3"x3" SQUARE BY 0.229" THICK. ANCHOR BOLTS MUST BE SECURELY WRENDED IN PLACE AND ALIGNED IN A TRUE STRAIGHT LINE PRIOR TO THE CONCRETE PLACEMENT. ANCHOR BOLTS AND OTHER EMBEDDED STRUCTURAL CONNECTIONS MAY NOT BE "WET SET".

5. LAG SCREWS: PRE-DRILL LEAD HOLES WITH 1/2 TO 3/8 OF SHANK DIAMETER FOR THREADED PORTION OF LAG SCREW, AND FULL DIAMETER FOR THE UNTHREADED SHANK PORTION. LAG SCREWS SHALL BE TORQUED, AND NEVER HAMMERED, INTO POSITION. LUBRICATE THREADS WITH SOAP OR OTHER WOOD-COMPATIBLE LUBRICANT.

6. ALL MACHINE BOLTS (M.B.) SHALL BE ASTM A307 GRADE A, INSTALLED THROUGH HOLES 3/16" LARGER THAN DIAMETER OF BOLT. RE-TIGHTEN ALL BOLTS PRIOR TO CLOSING IN WALLS.

7. USE HOT-DIPPED GALVANIZED NAILS, BOLTS, AND HARDWARE WHERE EXPOSED TO WEATHER AND FOR WHEN IN CONTACT WITH PRESSURE TREATED WOOD.

8. PLACE JOISTS WITH CROWN UP. ADD ONE ADDITIONAL JOIST UNDER ALL PARALLEL PARTITIONS.

9. BLOCK ALL JOISTS AT SUPPORTS AND UNDER ALL PARTITIONS WITH MINIMUM 2X SOLID BLOCKING. BLOCK AND BRIDGE ROOF JOISTS AT 10 FOOT AND FLOOR JOISTS AT 8 FOOT ON CENTER WHERE CEILING ASSEMBLY IS NOT ATTACHED DIRECTLY TO BOTTOM OF JOISTS.

10. ALL TIMBER FASTENERS NOT SPECIFICALLY DETAILED ON THE DRAWINGS SHALL BE SIMPSON COMPANY'S STANDARD FASTENERS OR APPROVED EQUAL.

11. ALL WOOD AND WOOD PRODUCTS IN CONTACT WITH CONCRETE OR MASONRY OR EXPOSED TO WEATHER SHALL BE PRESSURE-TREATED. SPECIES AND GRADE FOR PRESSURE TREATED PRODUCTS SHALL MATCH THAT SPECIFIED FOR UNTREATED SIMILAR LUMBER OR WOOD PRODUCTS (I.E. PRESSURE-TREATED HEM-FIR MAY NOT BE SUBSTITUTED FOR PRESSURE-TREATED DOUGLAS-FIR), UNLESS OTHERWISE NOTED ON THE DRAWINGS.

12. RE-TIGHTEN ALL BOLTS BEFORE CLOSING IN FRAMING.

13. AT THE TIME OF INSTALLATION, ALL FRAMING LUMBER SHALL HAVE A MAXIMUM MOISTURE CONTENT OF 19%.

14. ALL TJI, MICRO-LAM (LVL), PARALAM (PSL) ARE MADE BY WEYERHAUSER. THE MANUFACTURER'S GUIDELINES AND RECOMMENDATIONS SHALL BE FOLLOWED IN HANDLING AND INSTALLATION OF ALL PRODUCTS.

15. TIMBER RIVETS: SHALL BE INSTALLED WITH LONG EDGE PARALLEL TO GRAIN. TIMBER RIVETS AT THE PERIMETER OF THE GROUP SHALL BE DRIVEN FIRST. SUCCESSIVE TIMBER RIVETS SHALL BE DRIVEN IN A SPIRAL PATTERN FROM THE OUTSIDE TO THE CENTER OF THE GROUP.

16. SIMPSON STRONG WALL SHEAR WALL MUST BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER INSTRUCTIONS. MANUFACTURER GUIDELINES AND RECOMMENDATIONS SHALL BE FOLLOWED AT ALL TIMES DURING HANDLING AND INSTALLATION OF ALL PRODUCTS.

FRAMING LUMBER

1. ALL FRAMING LUMBER SHALL BE DOUGLAS FIR GRADED PER WCLIB GRADING RULES NO. 16 LUMBER MAY BE SURFACE GREEN EXCEPT AS NOTED BELOW.

2. ALL POSTS, BEAMS, HEADERS SHALL BE #1 OR BETTER.

3. ALL ROOF JOISTS SHALL BE #1 OR BETTER.

4. ALL FLOOR JOISTS SHALL BE #1 OR BETTER, SURFACE DRY.

5. ALL STUDS SHALL BE STUD GRADE OR BETTER.

6. ALL PLATES AND MISCELLANEOUS LUMBER SHALL BE STANDARD GRADE OR BETTER.

7. ALL WOOD AND WOOD PRODUCTS IN CONTACT WITH CONCRETE OR MASONRY OR EXPOSED TO WEATHER SHALL BE PRESSURE-TREATED. SPECIES AND GRADE FOR PRESSURE TREATED PRODUCTS SHALL MATCH THAT SPECIFIED FOR UNTREATED SIMILAR LUMBER OR WOOD PRODUCTS (I.E. PRESSURE-TREATED HEM-FIR MAY NOT BE SUBSTITUTED FOR PRESSURE-TREATED DOUGLAS-FIR), UNLESS OTHERWISE NOTED ON THE DRAWINGS.

PLYWOOD

1. EACH PLYWOOD SHEET OR WOOD STRUCTURAL PANEL SHALL BE IDENTIFIED WITH THE APPROPRIATE GRADE AND TRADEMARK OF THE AMERICAN PLYWOOD ASSOCIATION AND SHALL MEET THE REQUIREMENTS OF THE LATEST EDITION OF THE U.S. PRODUCT STANDARD PS 1 OR PS 2. WOOD STRUCTURAL PANELS (SUCH AS ORIENTED STRAND BOARD) OF EQUAL THICKNESS AND RATING, AND MEETING THE REQUIREMENTS OF APA PS 2, MAY BE SUBSTITUTED FOR PLYWOOD.

2. PLYWOOD SHEETS AT FLOORS AND ROOFS SHALL BE LAID WITH FACE GRAIN PERPENDICULAR TO JOISTS AND RAFTERS. BLOCK EDGES WHERE NOTED ON THE DRAWINGS. ALL CUT PANELS SHALL BE EQUAL OR GREATER THAN 24"x48". APPLY A CONTINUOUS BEAD OF GLUE TO ALL FLOOR JOISTS BEFORE SETTING FLOOR PLYWOOD.

3. PLYWOOD SHEETS ON WALLS SHALL BE LAID WITH LONG DIMENSION VERTICAL. ALL CUT PANELS IN SHEAR WALLS SHALL BE EQUAL OR GREATER THAN 16" IN BOTH DIRECTIONS. BLOCK AND NAIL ALL EDGES. GLUE ADHESIVE SHALL NOT BE APPLIED BETWEEN STUDS AND WALL PLYWOOD.

4. ROOF PLYWOOD SHALL BE MINIMUM 3/4", 2% EXPOSURE 1, PROVIDE PLYCLIPS BETWEEN RAFTERS WHERE EDGES ARE NOT BLOCKED. U.O.N.

5. FLOOR PLYWOOD SHALL BE MINIMUM 3/4", 2% EXPOSURE 1. U.O.N.

6. WALL PLYWOOD SHALL BE MINIMUM 1/2", 2% EXPOSURE 1. U.O.N.

STRUCTURAL STEEL AND MISCELLANEOUS IRON

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF AISC "SPECIFICATION FOR STRUCTURAL STEEL BUILDINGS" AND AISC "CODE OF STANDARD PRACTICE FOR STEEL BUILDINGS AND BRIDGES" (AS REVISED BY THE PROJECT SPECIFICATIONS).

2. STEEL SHAPES AND MISCELLANEOUS STEEL SHALL CONFORM TO THE FOLLOWING: A. WIDE FLANGES (W) - ASTM 992, GR 50 B. HOLLOW STRUCTURAL SECTIONS (HSS) \*SQUARE OR RECTANGULAR - ASTM A500 GR B (Fy = 46 ksi) \*ROUND - ASTM A500 GR B (Fy = 42 ksi) C. PLATES AND BARS - A36 \*EXCEPT FOR MOMENT FRAME CONNECTIONS (I.E. CONTINUITY, DOUBLER, SPLICE, ETC) WHICH SHALL BE ASTM A572 GR 50 D. PIPE - ASTM A53 GR B E. MISCELLANEOUS SHAPES (I.E. CHANNELS, ANGLES, ETC) - ASTM A36

3. ALL BOLTS FOR STEEL TO STEEL CONNECTIONS SHALL CONFORM TO ASTM A325N-SC, UNLESS OTHERWISE NOTED. BOLTS SHALL BE FULLY PRE-TENSIONED TO SATISFY SLIP-CRITICAL REQUIREMENTS WITH A CLASS-A FAYNG SURFACE. FULL PRE-TENSIONING SHALL BE ATTAINED BY "TURN-OF-THE-NUT" OR OTHER METHOD APPROVED BY THE STRUCTURAL ENGINEER.

4. ANCHOR RODS: TYPICAL: ASTM F1554 GR 36 W/ ASTM A563 HEAVY HEX NUTS WELDABLE: ASTM F1554 GR 55 S1 W/ ASTM A563 HEAVY HEX NUTS HIGH STRENGTH: ASTM F1554 GR 105 W/ ASTM A563 GR DH HEAVY HEX NUTS

PROJECT DESCRIPTION

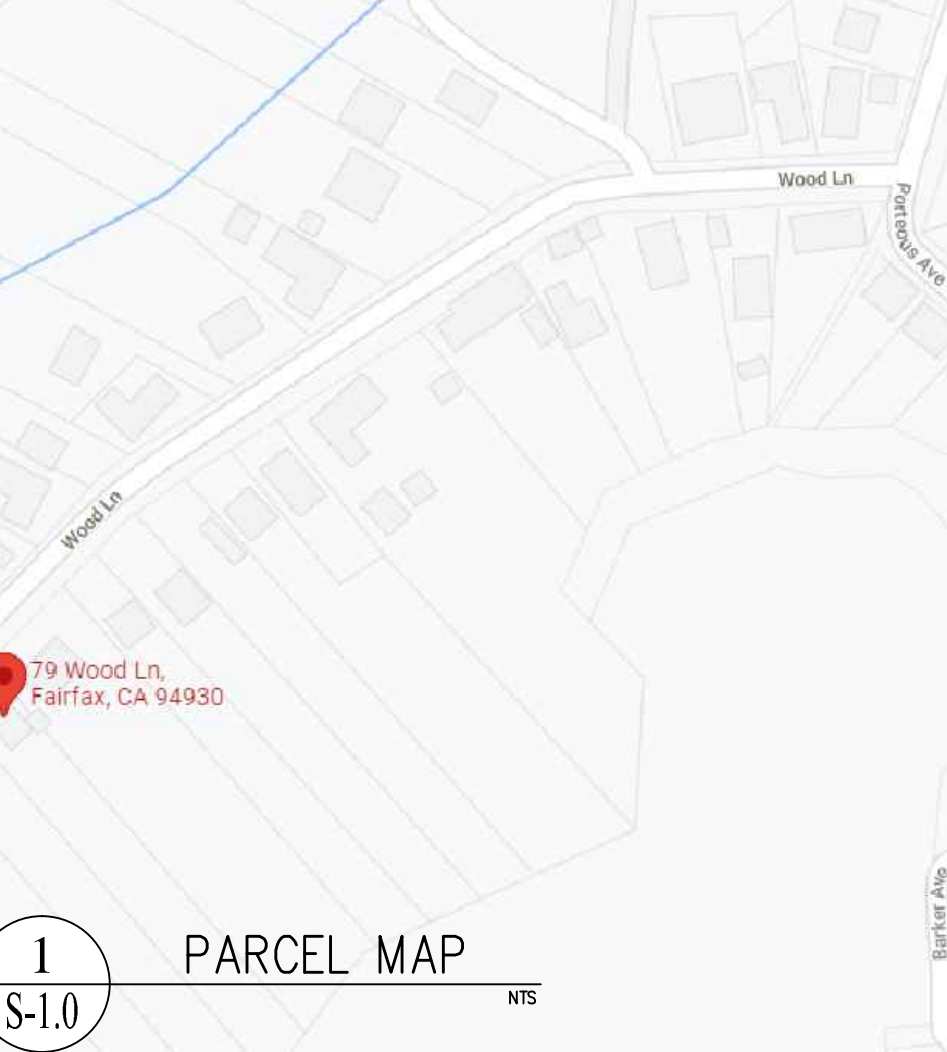
NEW RESIDENCE, NEW GARAGE, AND NEW ADU.

PROJECT DIRECTORY

Table with 2 columns: Role, Name/Company. Rows include: OWNER: COBY FRIEDMAN, ARCHITECT: FREDRIC DIVINE ARCHITECTS, STRUCTURAL/CIVIL ENGINEER: DAC ASSOCIATES, INC.

SHEET INDEX

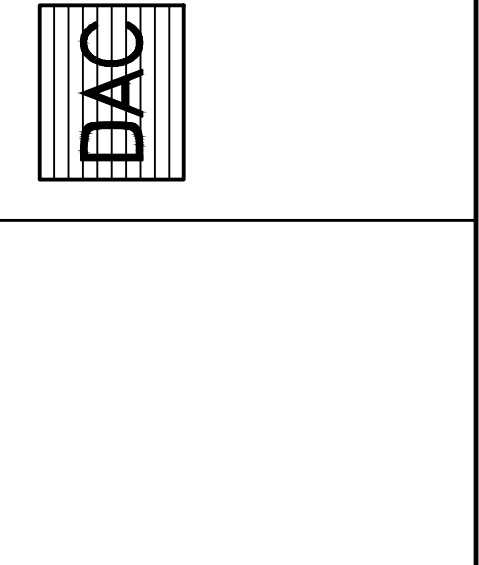
Table with 2 columns: Sheet Number, Description. Rows include: S-1.0 STRUCTURAL GENERAL NOTES & COVER, S-1.1 STRUCTURAL TYPICAL DETAILS, S-1.2 STRUCTURAL TYPICAL DETAILS CONTINUED, etc.



1 S-1.0 PARCEL MAP

Table with 2 columns: REVISIONS, BY. Rows include revision 1 (2022-06-21) by DL, revision 2 (2022-09-21) by DL, revision 3 (2023-04-20) by DL.

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NEW RESIDENCE & ADU, 79 WOOD LANE, FAIRFAX, CA 94930, PROJECT APN 002-062-03

STRUCTURAL GENERAL NOTES

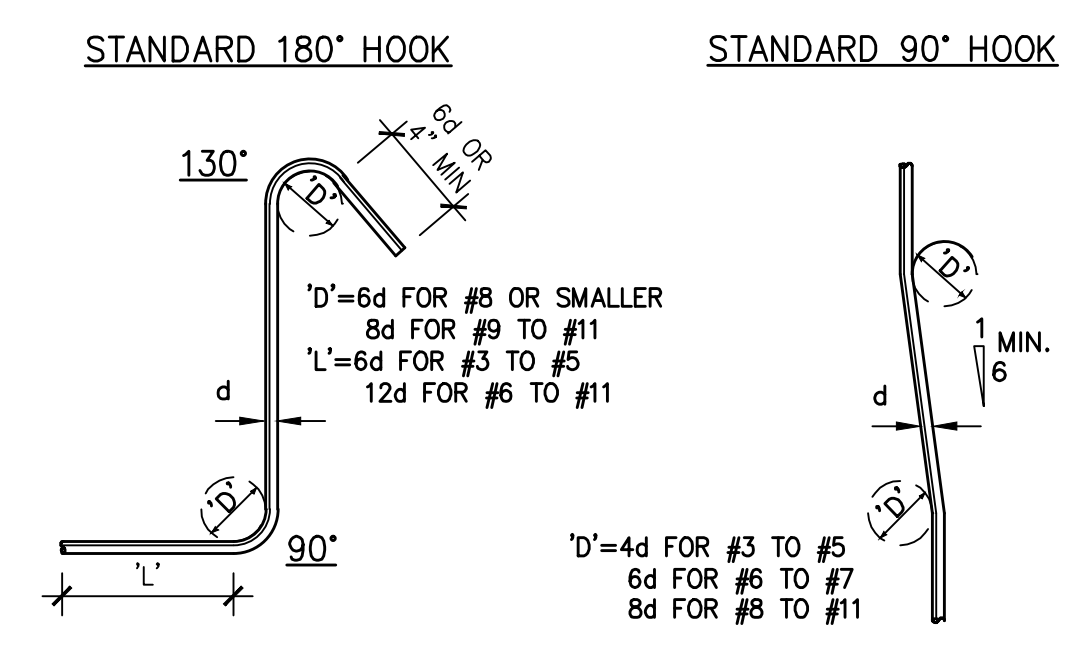
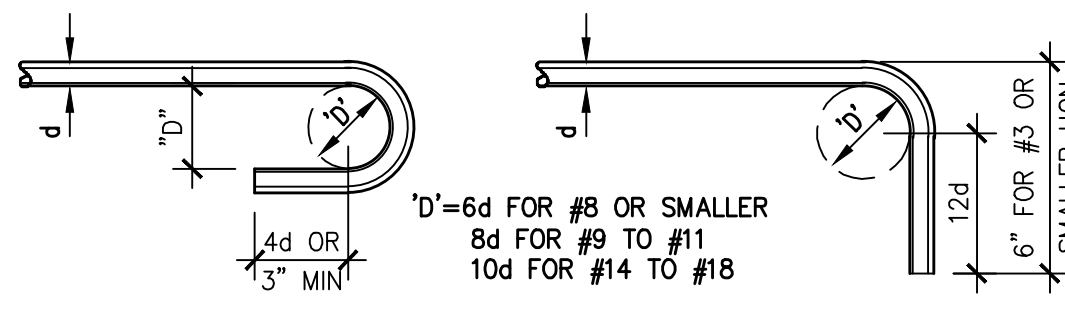
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DRAWN BY: DL

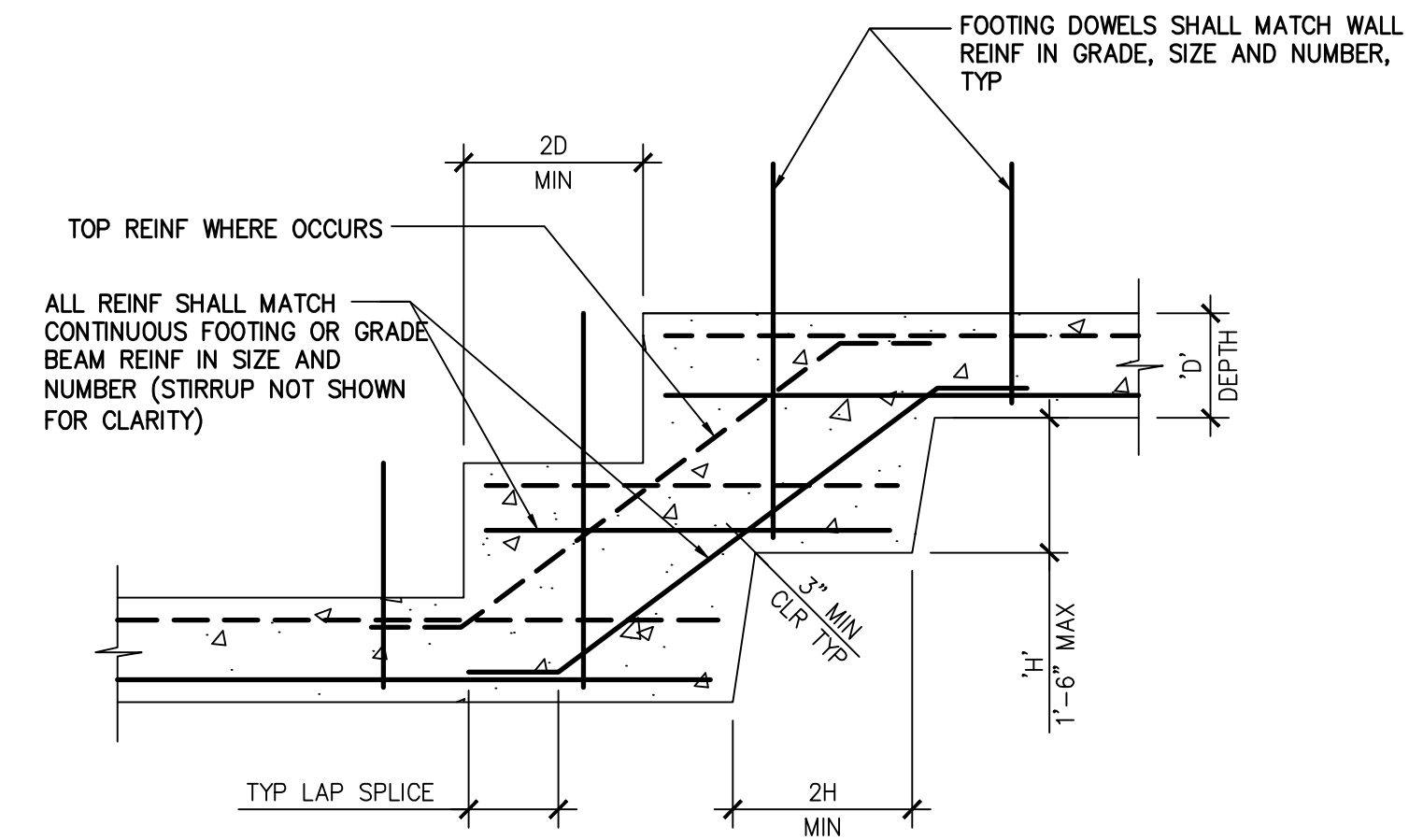
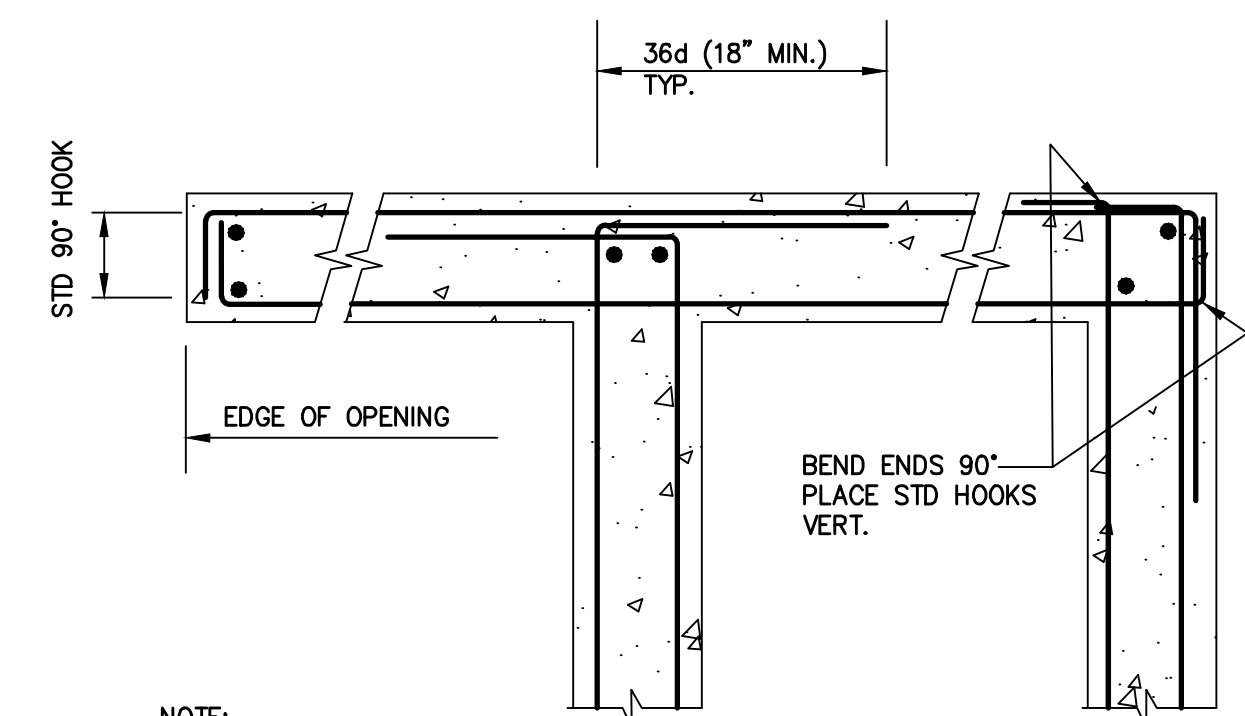
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SHEET 1 OF 14 SHEET S-1.0

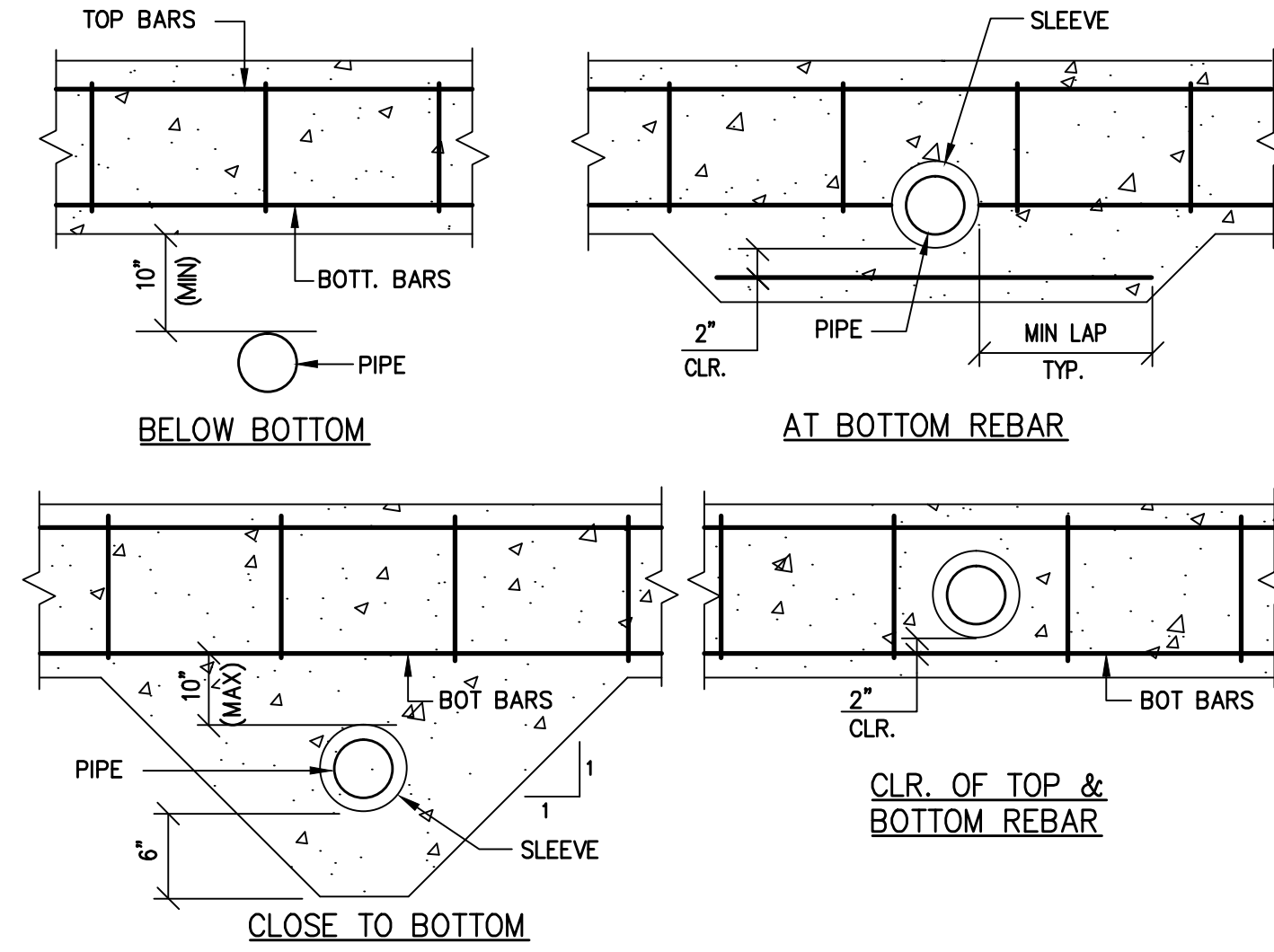
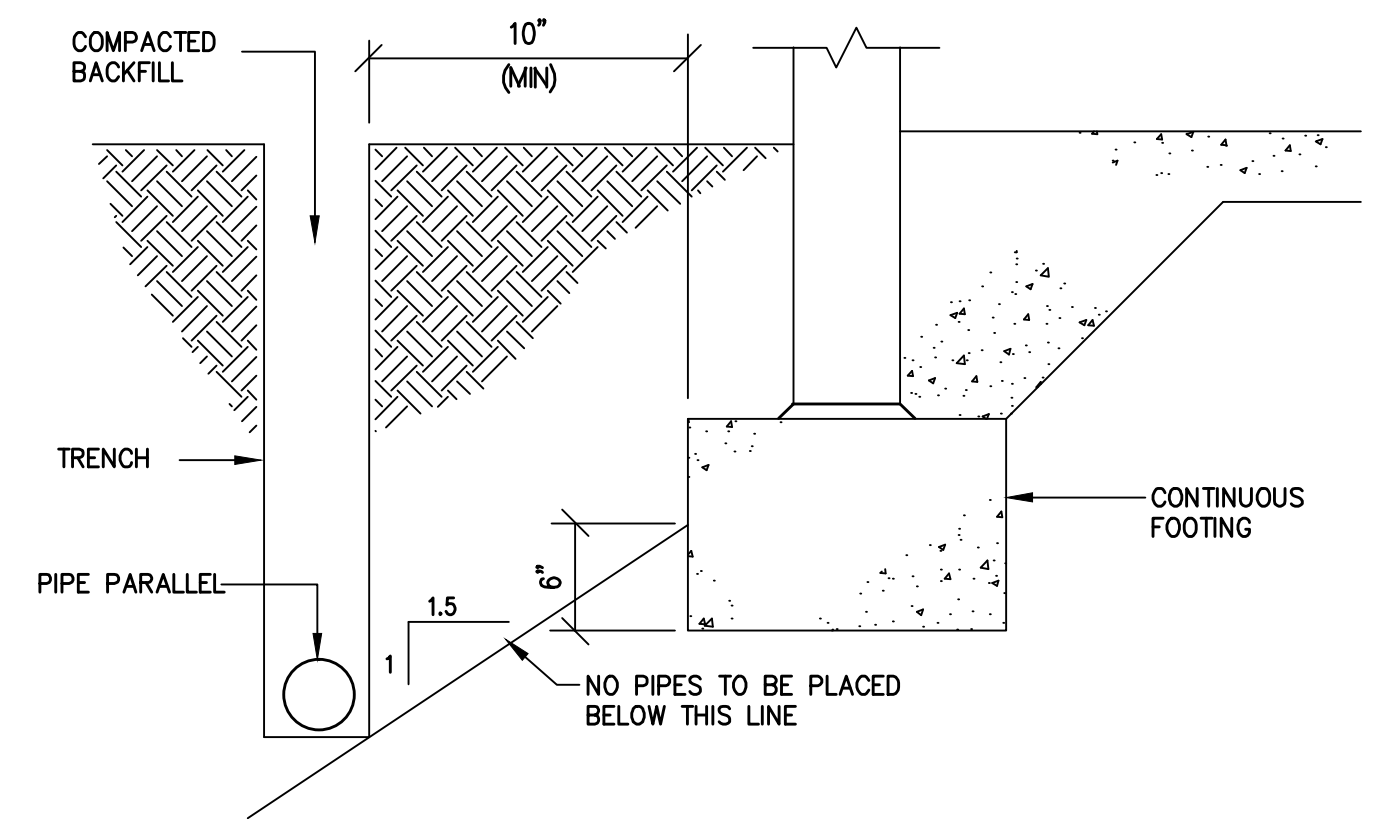
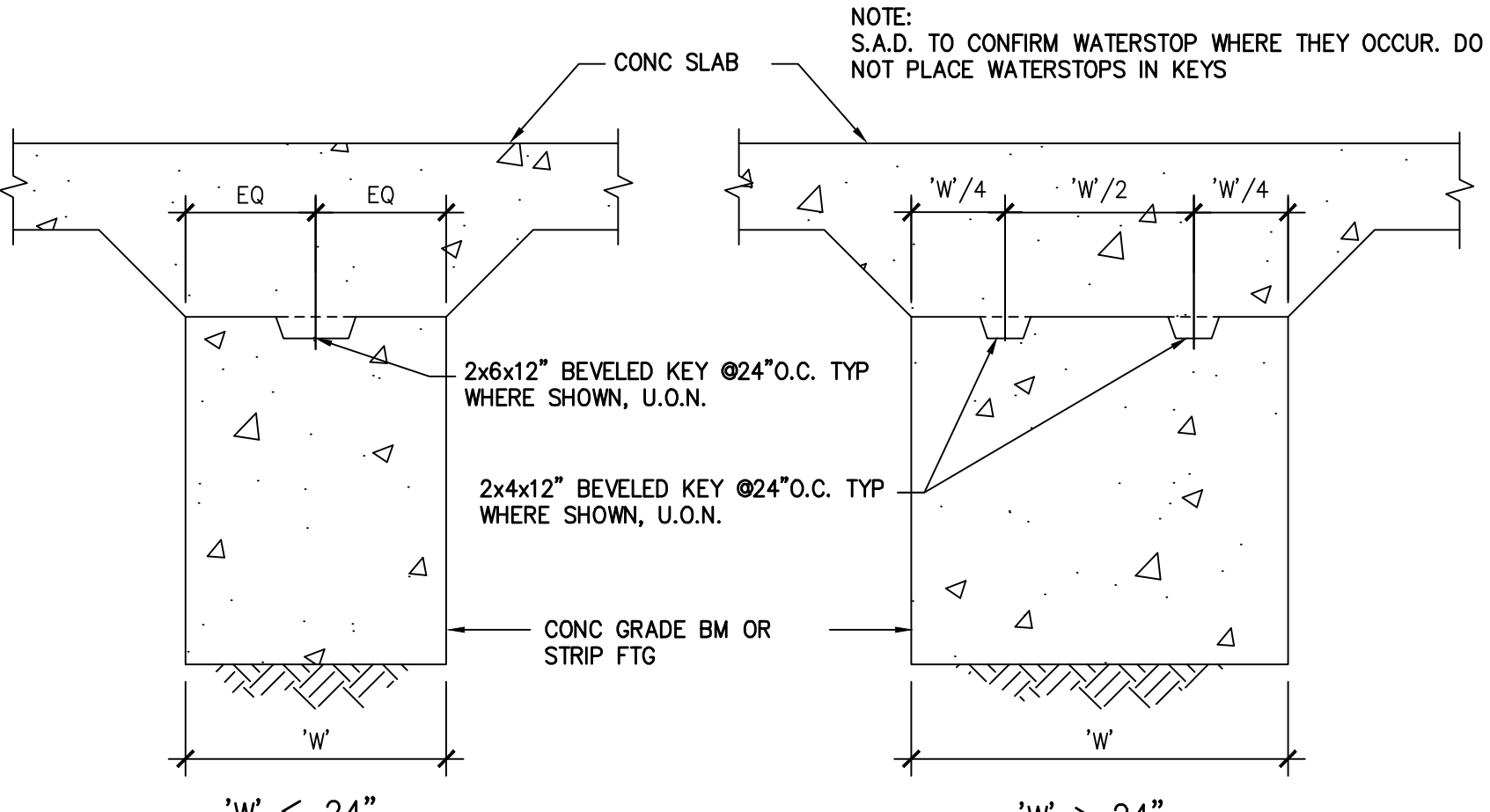
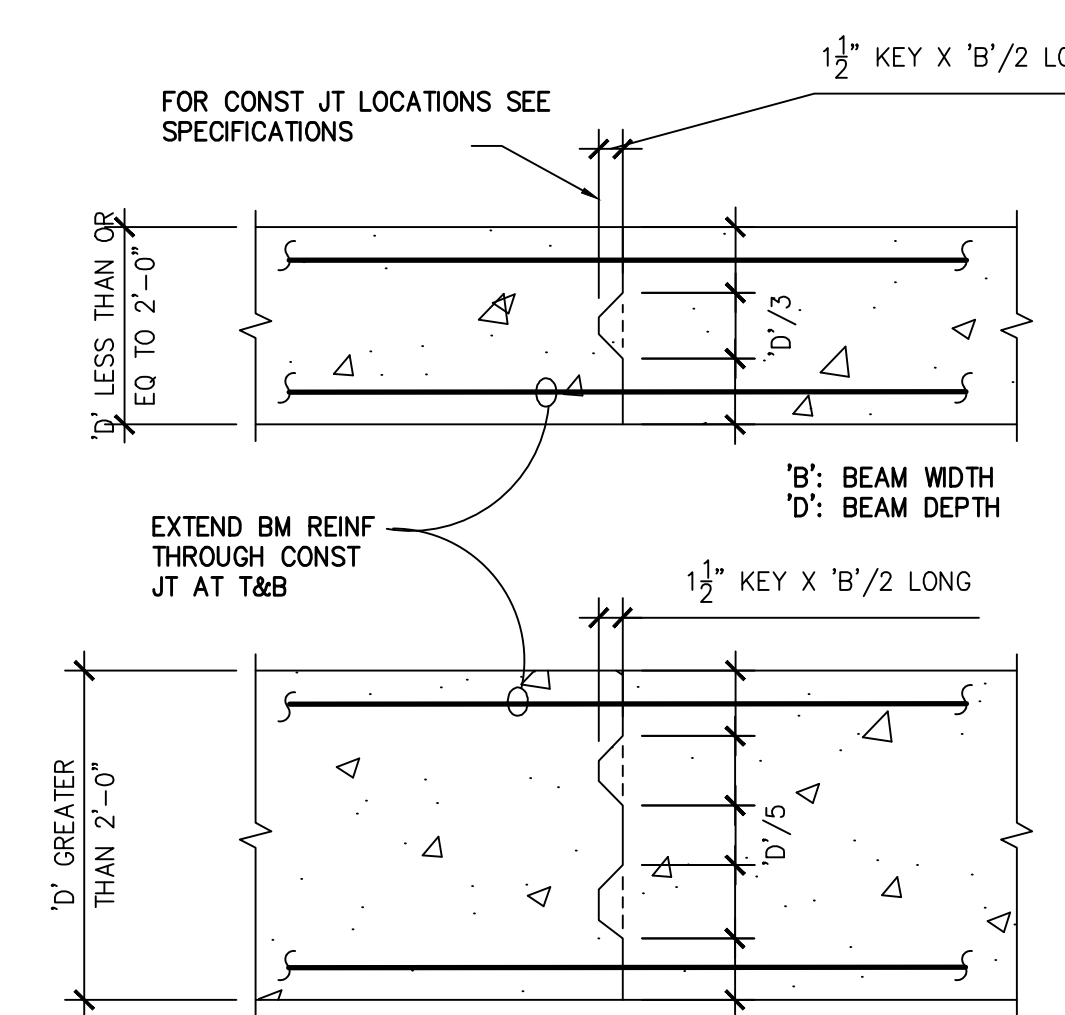
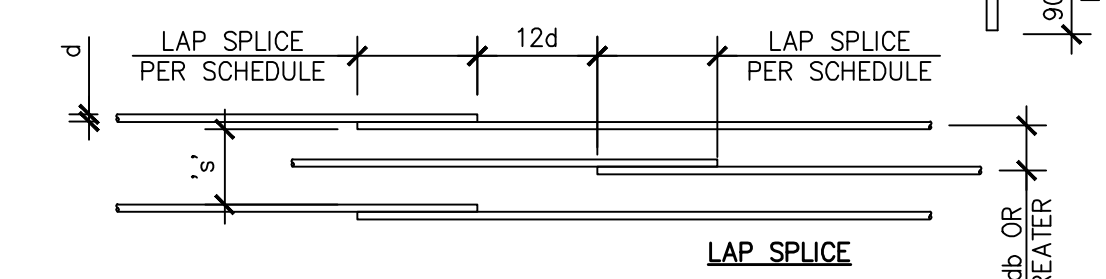


**1 STANDARD REINFORCEMENT HOOKS & BENDS** NTS

NOTE:  
 1. ALL BENDS SHALL BE MADE COLD.  
 2. #14 AND #18 BARS SHALL BE BEND TESTED LAB APPROVED PRIOR TO BENDING.  
 3. DO NOT BEND BARS ALREADY CAST IN CONCRETE UNLESS OTHERWISE NOTED.



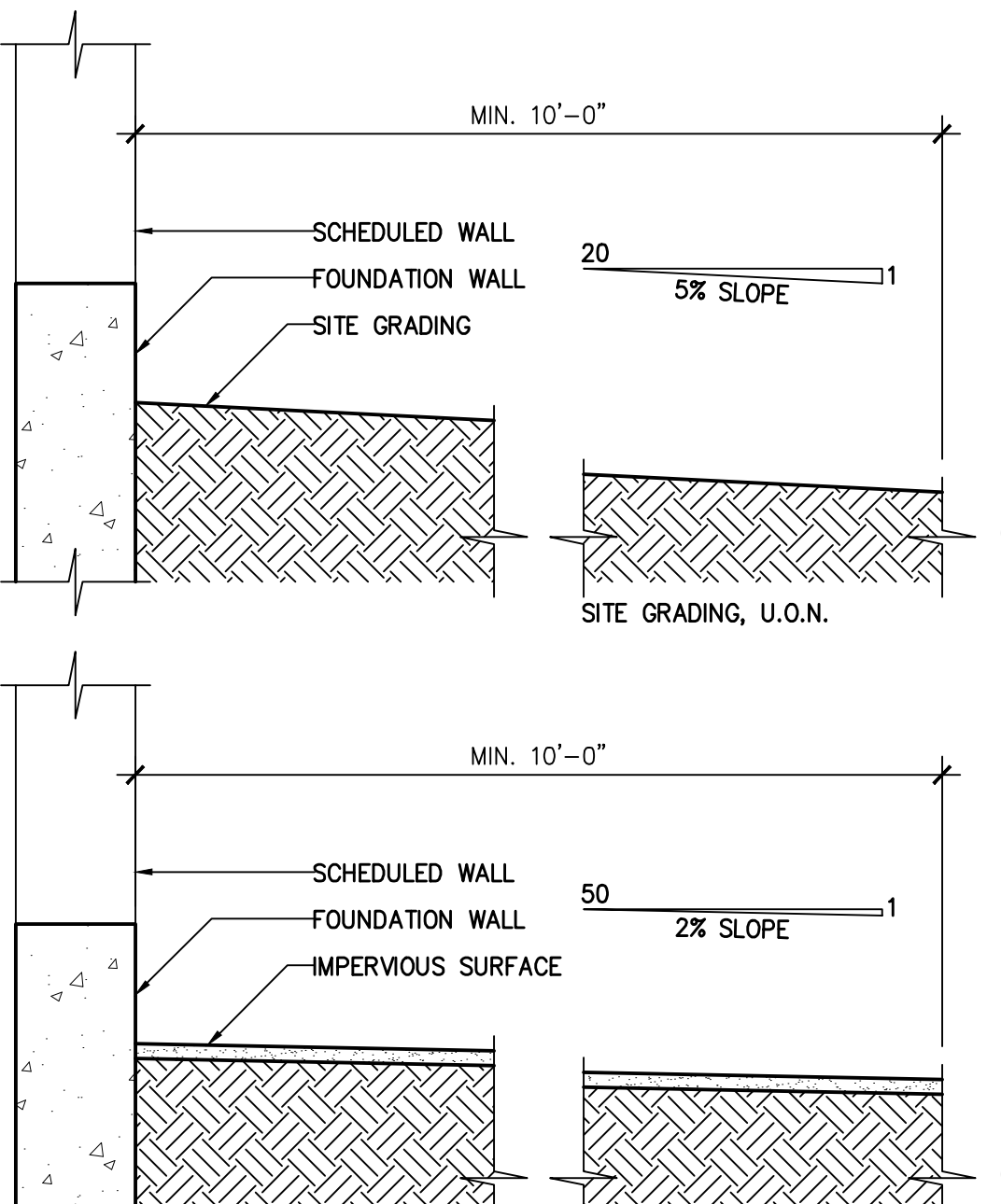
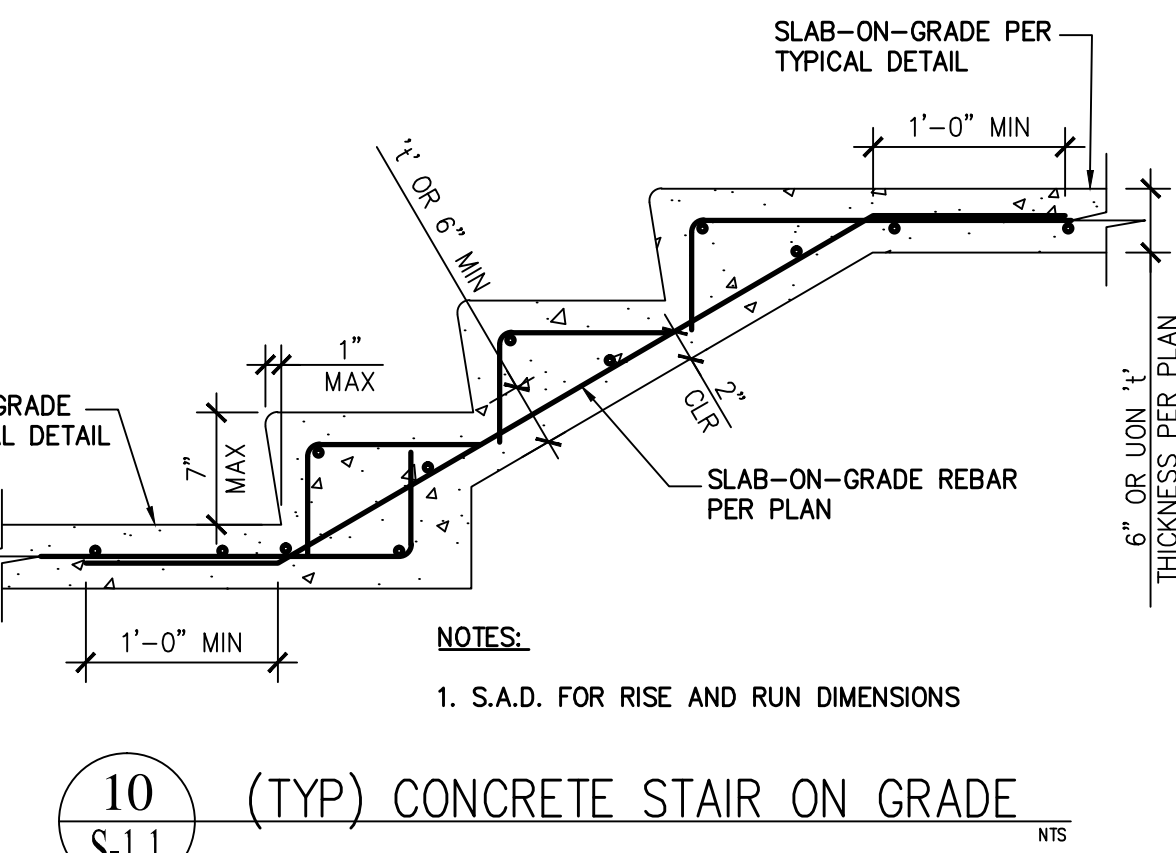
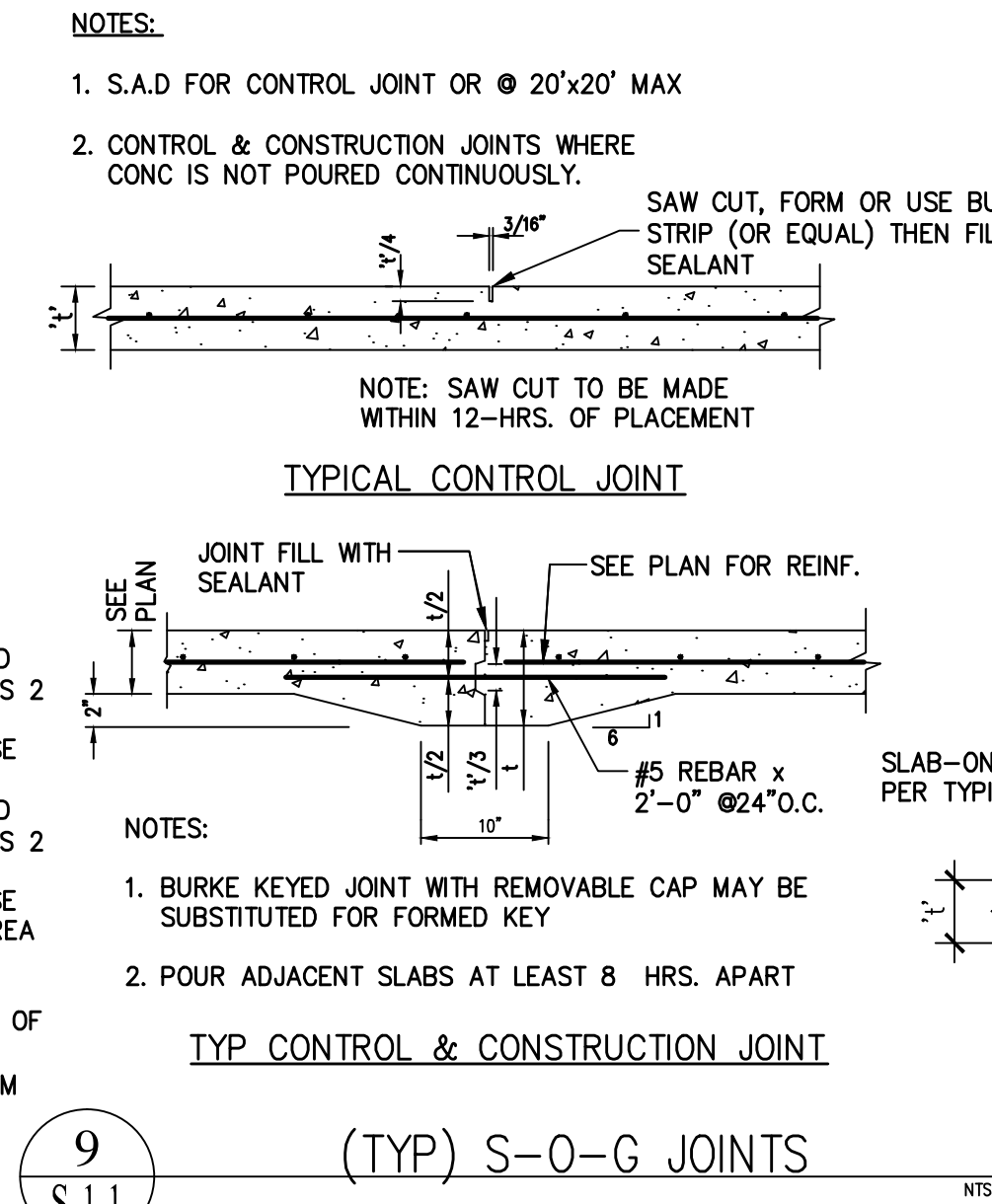
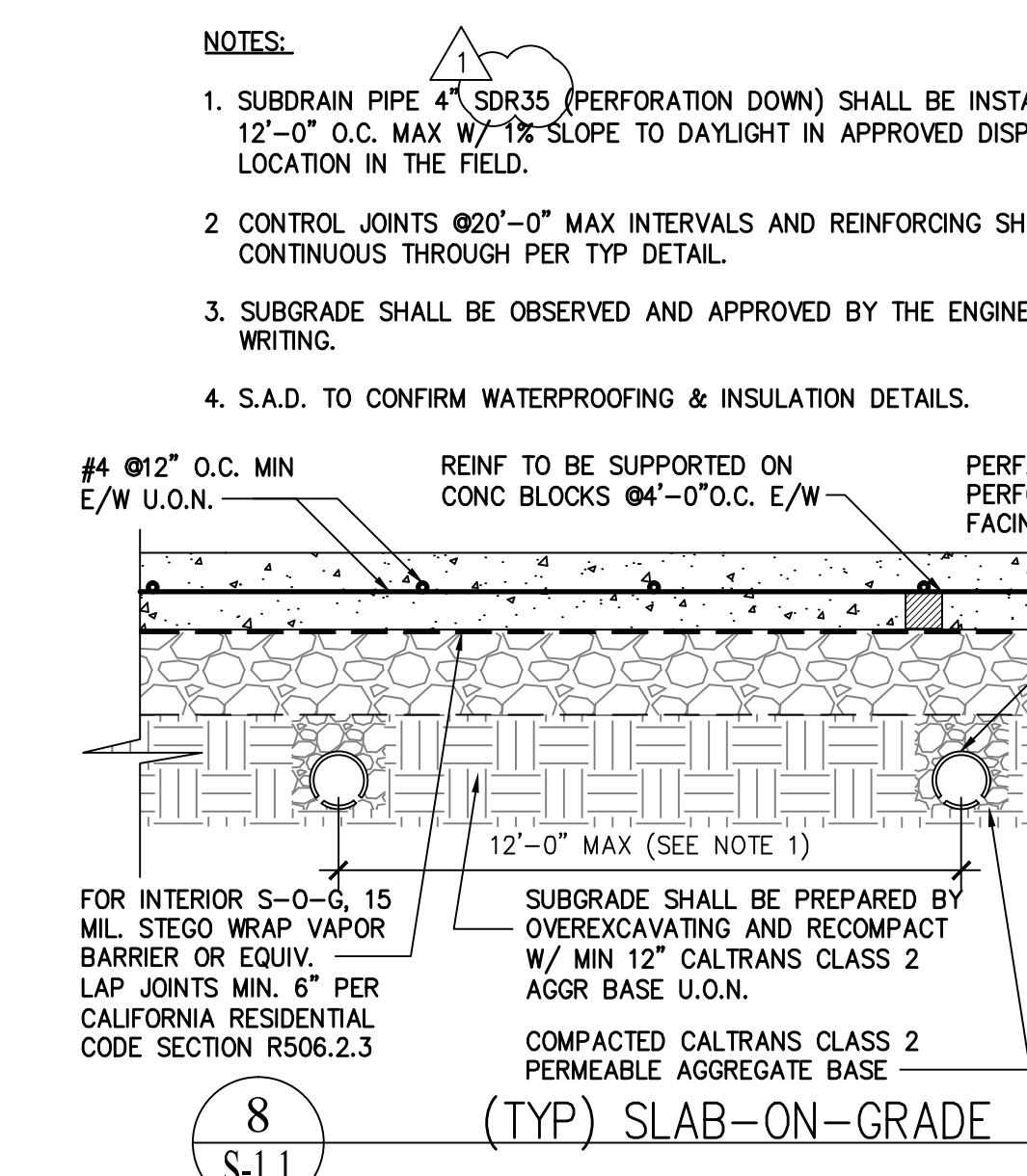
| f <sub>c</sub> CONCRETE STRENGTH | REBAR SIZE |    |    |    |    |          |    |     |     |    |                            |
|----------------------------------|------------|----|----|----|----|----------|----|-----|-----|----|----------------------------|
|                                  | GRADE 40   |    |    |    |    | GRADE 60 |    |     |     |    |                            |
|                                  | #3         | #4 | #5 | #6 | #7 | #8       | #9 | #10 | #11 |    |                            |
| 3000                             | 8          | 10 | 11 | 14 | 17 | 20       | 22 | 25  | 28  | 31 | 90° HOOK EMBED (INCHES)    |
| 3000                             | 12         | 15 | 22 | 28 | 33 | 48       | 55 | 62  | 70  | 78 | LAP SPlice LENGTH (INCHES) |



**5 (TYP) CONC BEAM CONST JOINTS** NTS

**6 (TYP) FOOTING KEY** NTS

**7 (TYP) PIPES ADJACENT TO FOUNDATIONS** NTS



**8 (TYP) SLAB-ON-GRADE** NTS

**9 (TYP) S-O-G JOINTS** NTS

**10 (TYP) CONCRETE STAIR ON GRADE** NTS

**11a (TYP) SITE GRADING** NTS

**11b (TYP) SITE GRADING** NTS

| REVISIONS | BY |
|-----------|----|
| 1         | DL |
| 2         | DL |
| 3         | DL |

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**NEW RESIDENCE & ADU**  
 79 WOOD LANE  
 FAIRFAX, CA 94930  
 PROJECT APN 002-062-03

STRUCTURAL TYPICAL DETAILS

DATE: 2022-04-08

SCALE: AS SHOWN

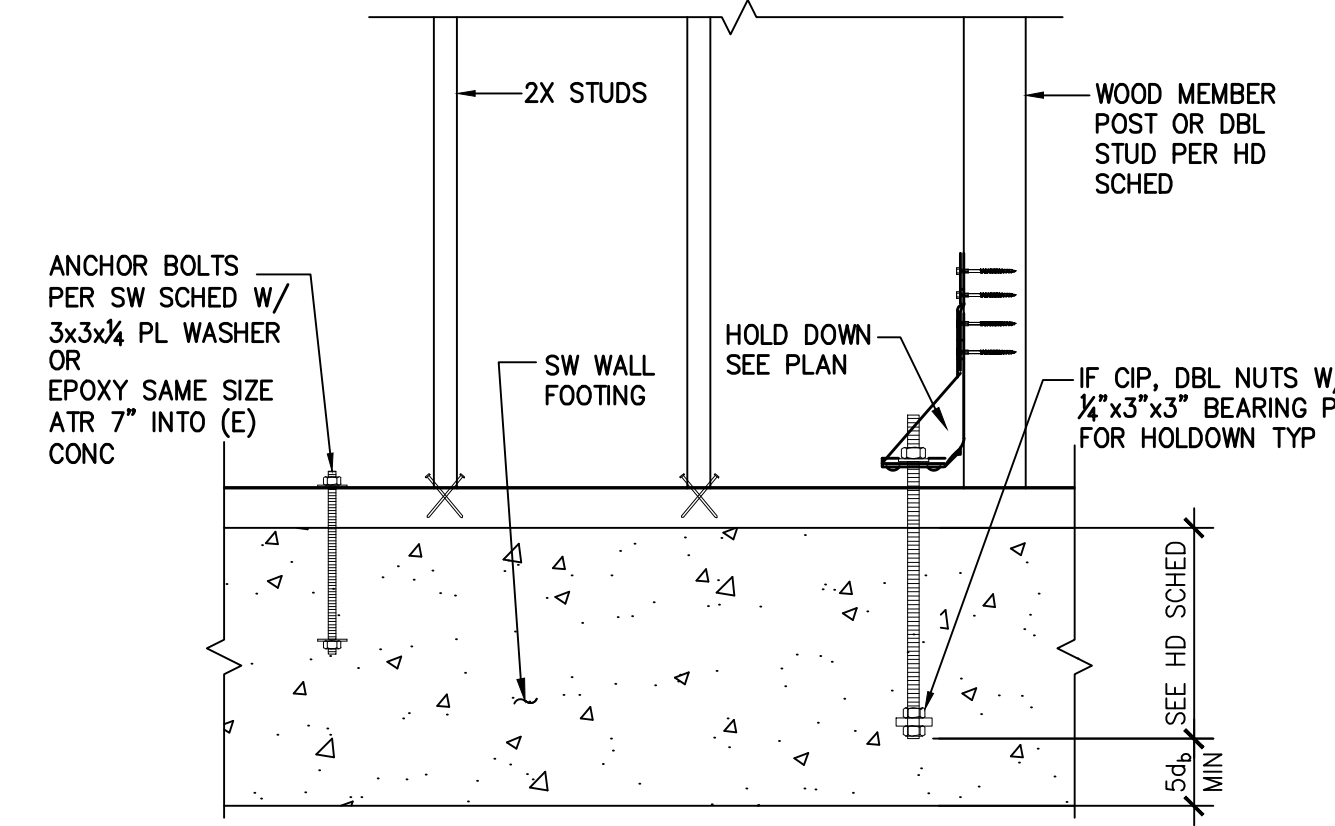
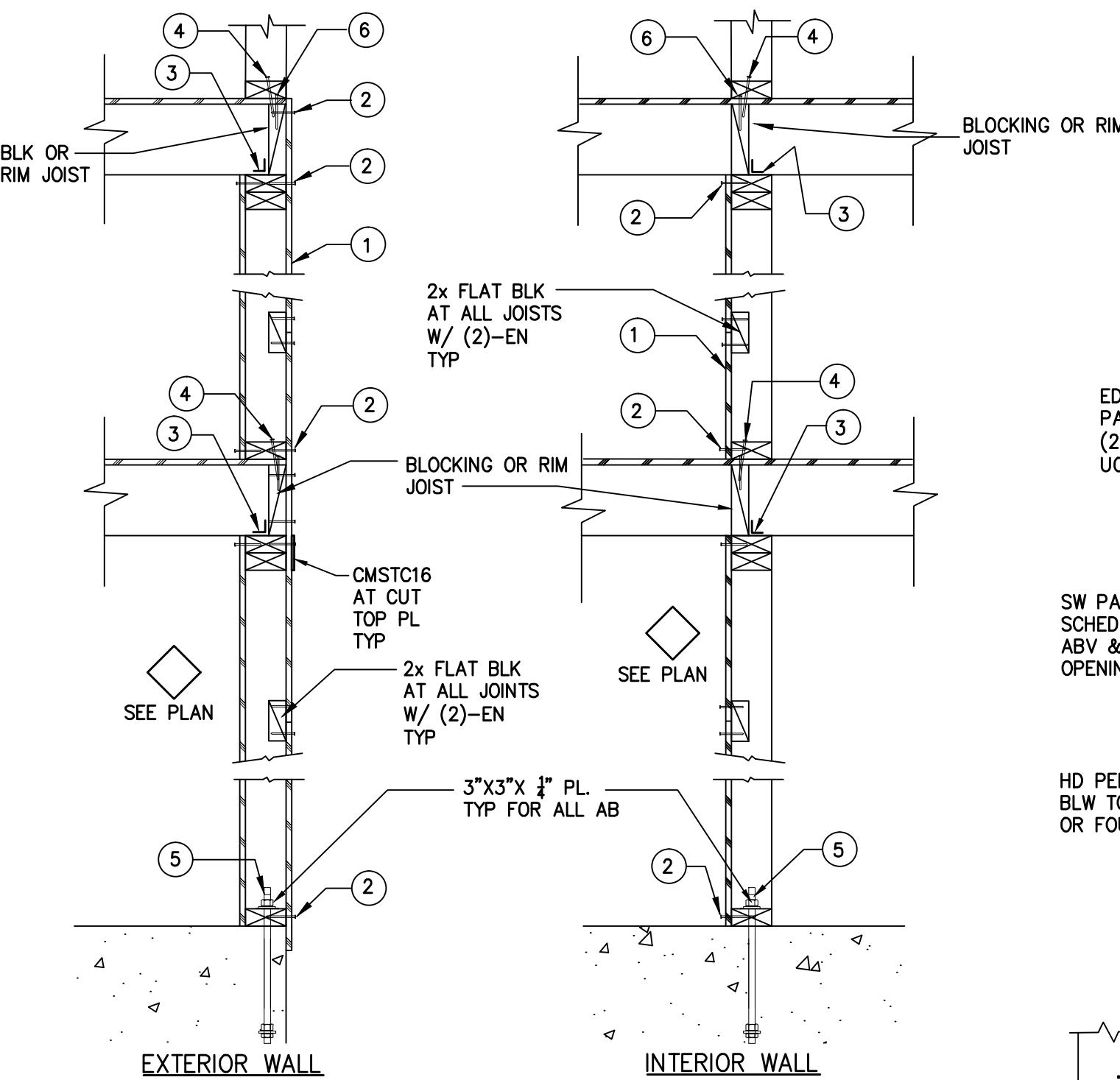
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JOB NUMBER: 1477-0822 S

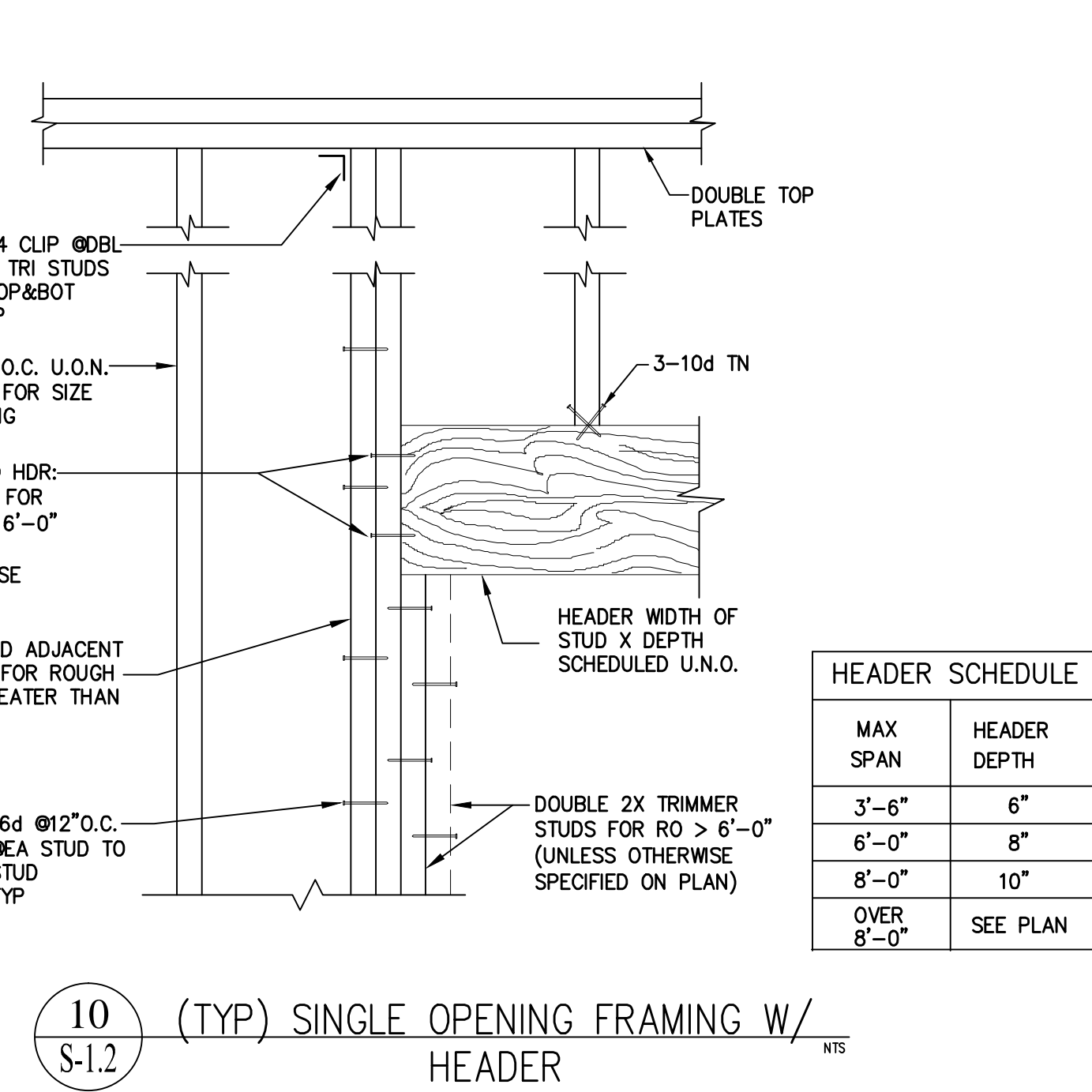
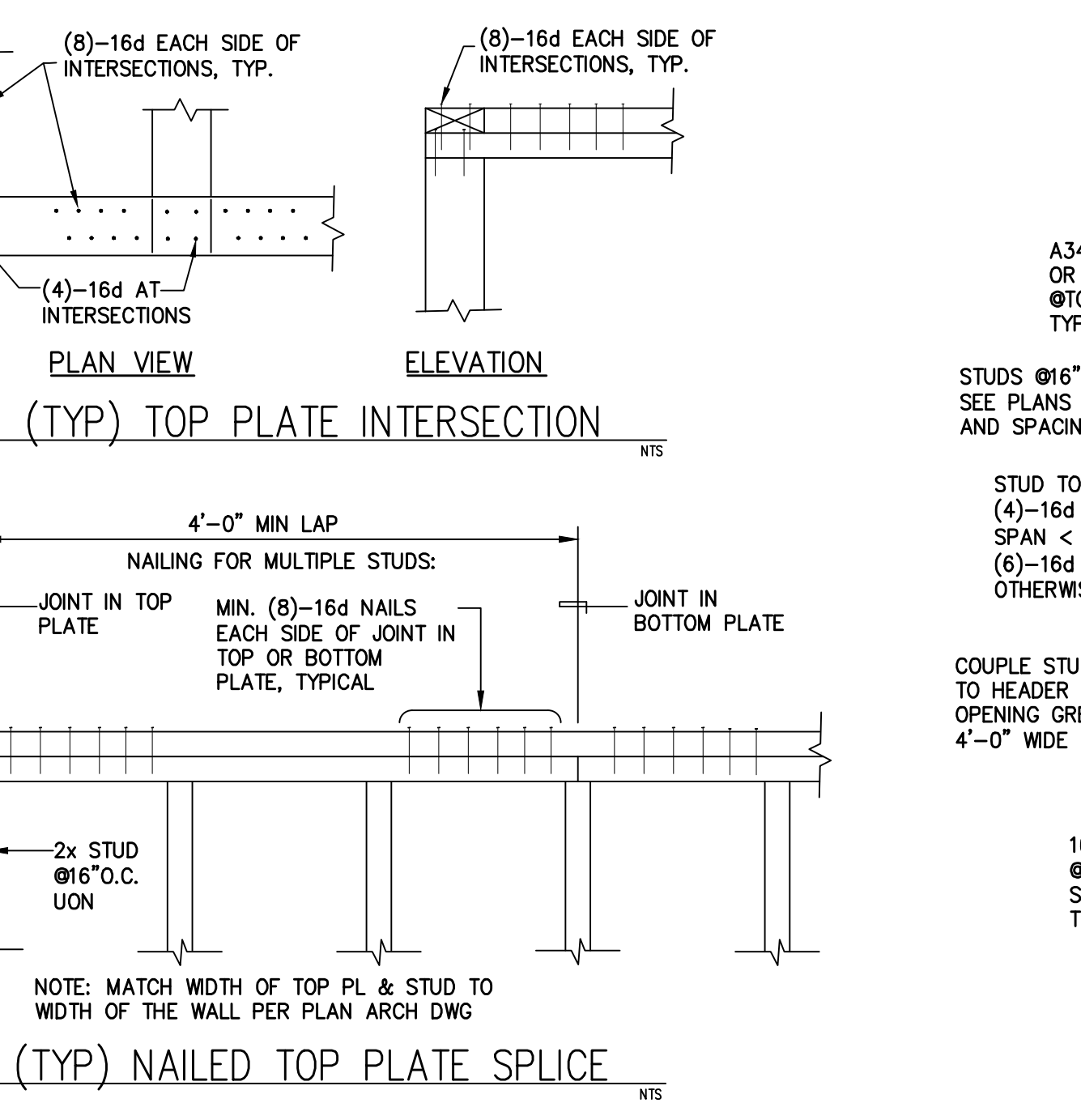
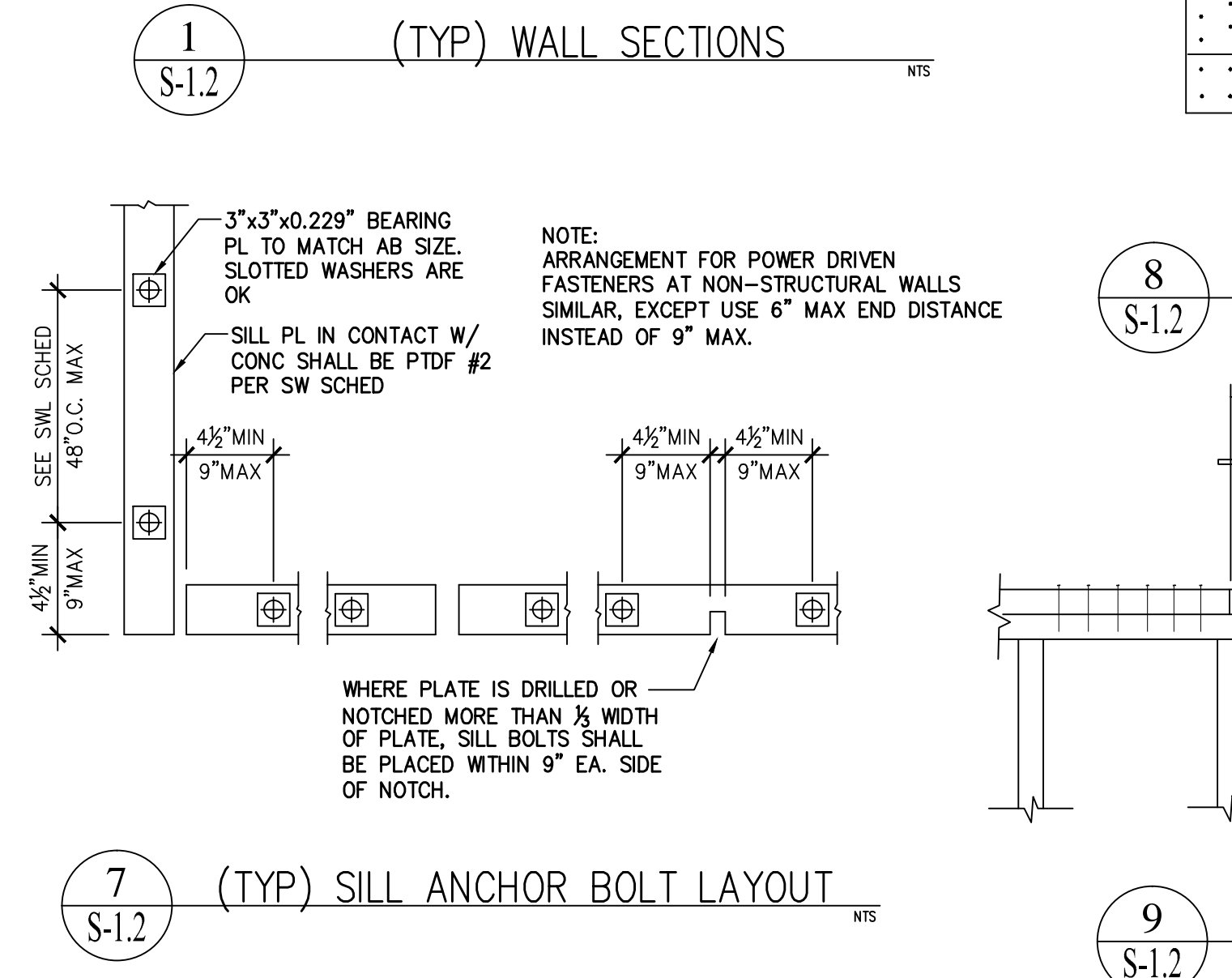
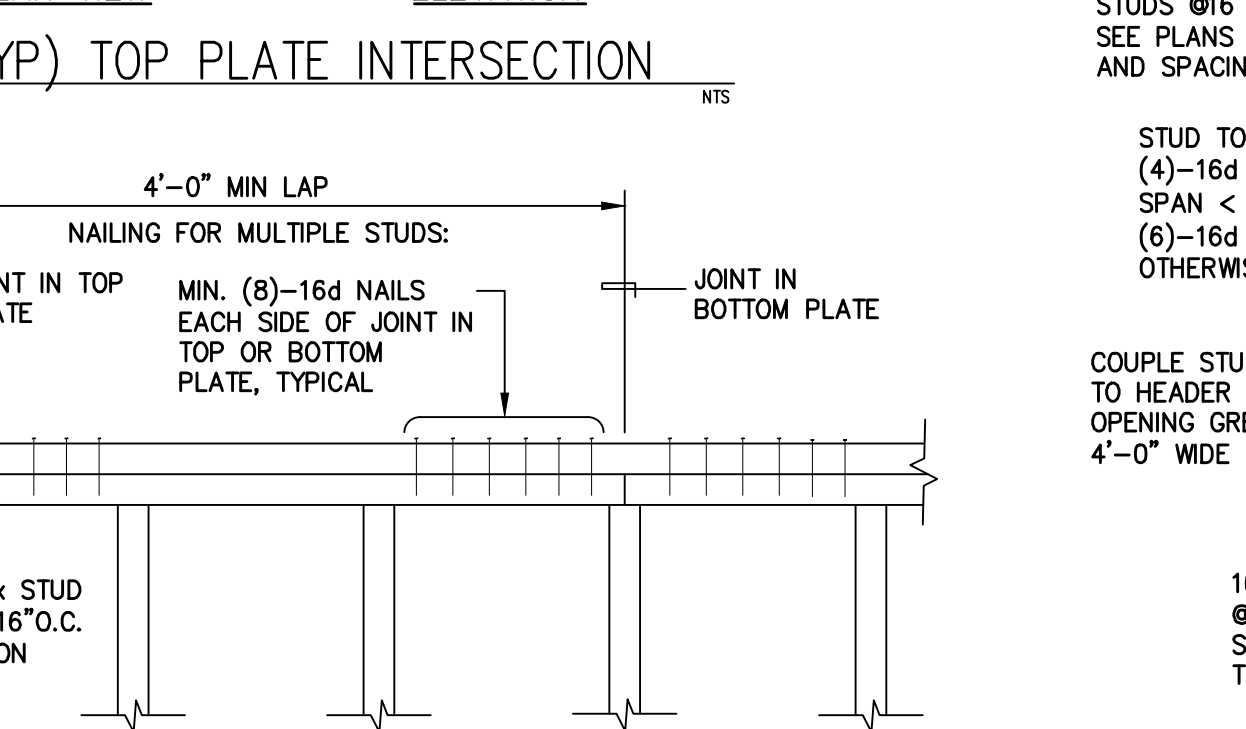
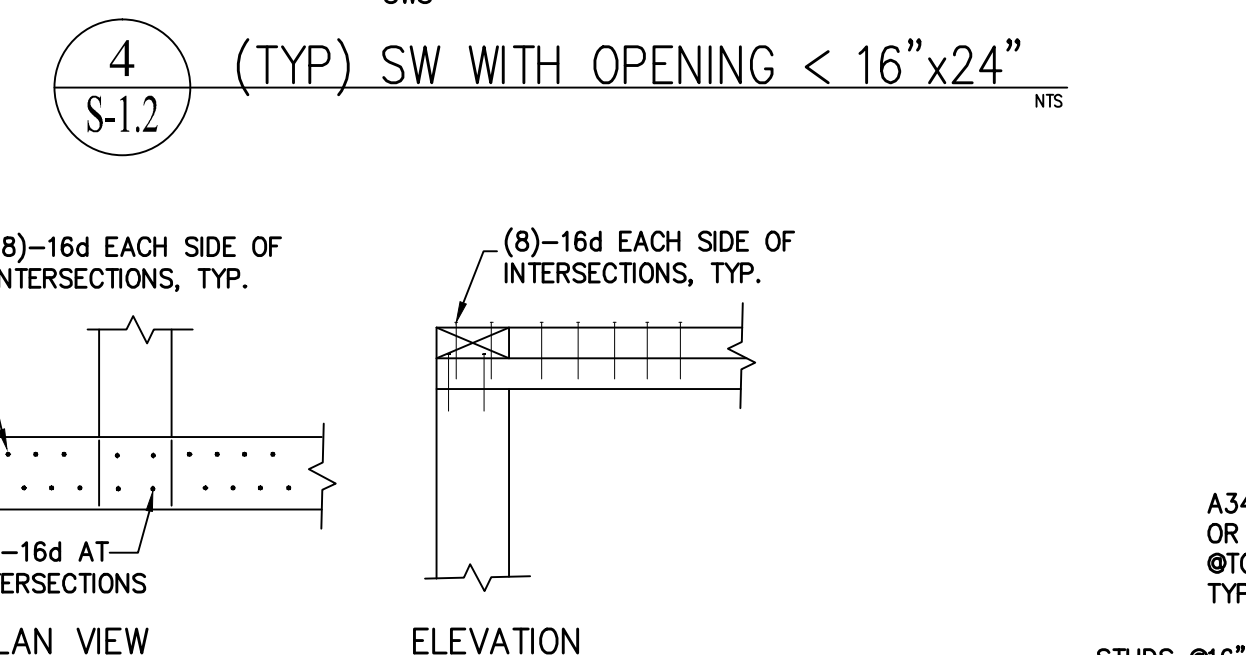
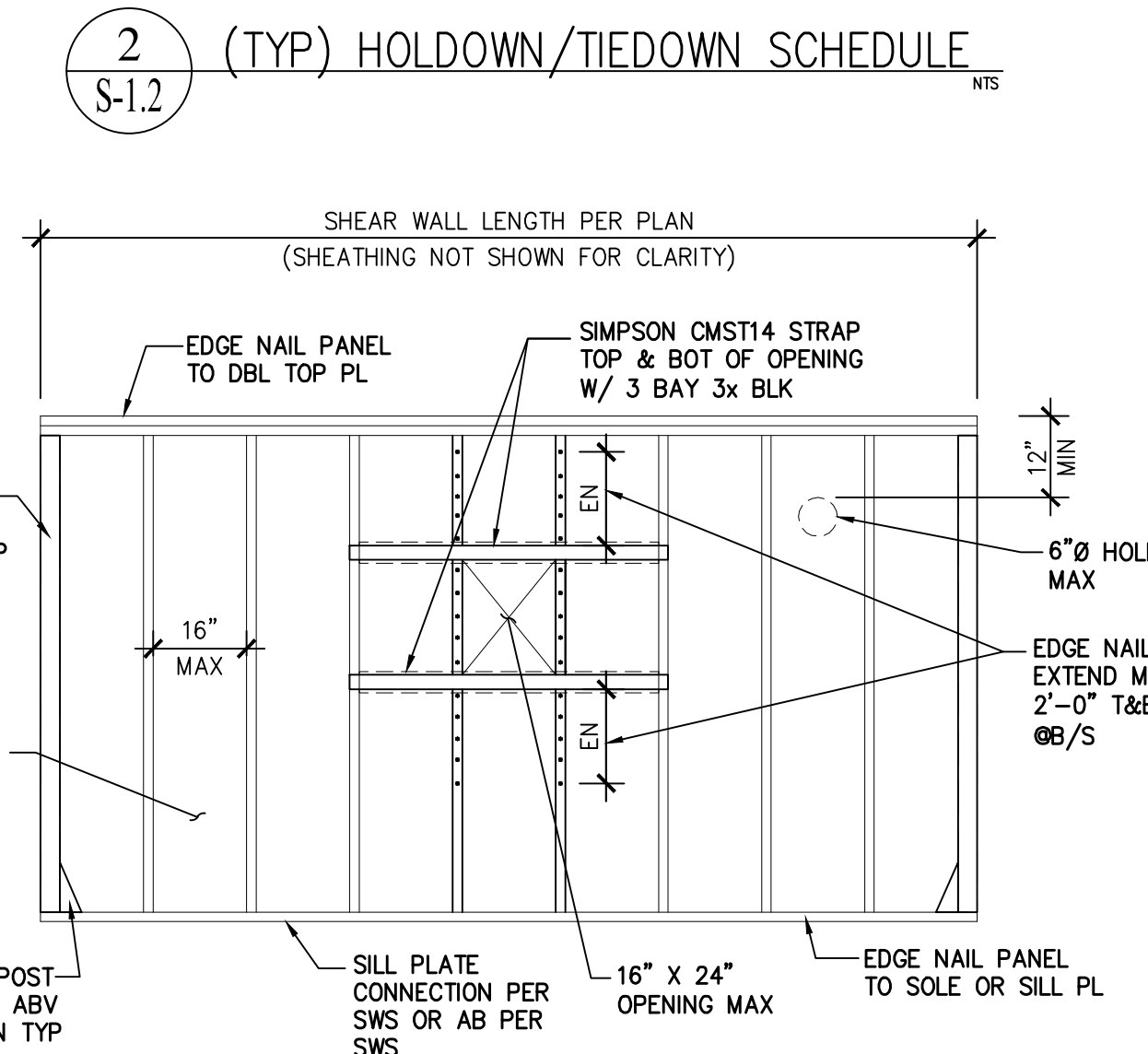
SHEET 2  
**S-1.1**  
 OF 14 SHEET

| SHEAR WALL SCHEDULE |                           |                                   |                  |  |                                |                      |                          |
|---------------------|---------------------------|-----------------------------------|------------------|--|--------------------------------|----------------------|--------------------------|
| MARK                | SHEATHING                 | EDGE NAIL (EN)<br>FIELD NAIL (FN) | FRAMING<br>CLIPS | SOLE PL<br>NAILS                           | ANCHOR<br>BOLTS                | FL/ROOF<br>EDGE NAIL | Code<br>Value<br>(A S D) |
| 1                   | 1/2" STRUCTURAL 1         | 10d @ 4" O.C.<br>10d @ 12" O.C.   | A35 @ 12" O.C.   | 20d @ 4" O.C.<br>OR SDS 1/4" x 5 @ 8"      | 5/8" @ 32" O.C.<br>W/8" EMBED. | SEE DIAPHRAGM SCHED  | 510 PLF                  |
| 2                   | 1/2" STRUCTURAL 1         | 10d @ 3" O.C.<br>10d @ 12" O.C.   | A35 @ 8" O.C.    | 20d @ 3" O.C.<br>OR SDS 1/4" x 5 @ 6" O.C. | 5/8" @ 32" O.C.<br>W/8" EMBED. | SEE DIAPHRAGM SCHED  | 665 PLF                  |
| 3                   | 1/2" STRUCTURAL 1         | 10d @ 2" O.C.<br>10d @ 12" O.C.   | A35 @ 8" O.C.    | SDS 1/4" x 5 @ 6"                          | 5/8" @ 16" O.C.<br>W/8" EMBED. | SEE DIAPHRAGM SCHED  | 870 PLF                  |
| 4                   | 2-SIDED 1/2" STRUCTURAL 1 | 10d @ 2" O.C.<br>10d @ 12" O.C.   | A35 @ 4" O.C.    | SDS 1/4" x 5 @ 3" O.C.                     | 5/8" @ 8" O.C.<br>W/8" EMBED.  | SEE DIAPHRAGM SCHED  | 1740 PLF                 |
| 5                   | SIMPSON STRONG WALL       | SEE MANUFACTURER'S SPECIFICATIONS |                  |  |                                |                      | XXXX LB                  |

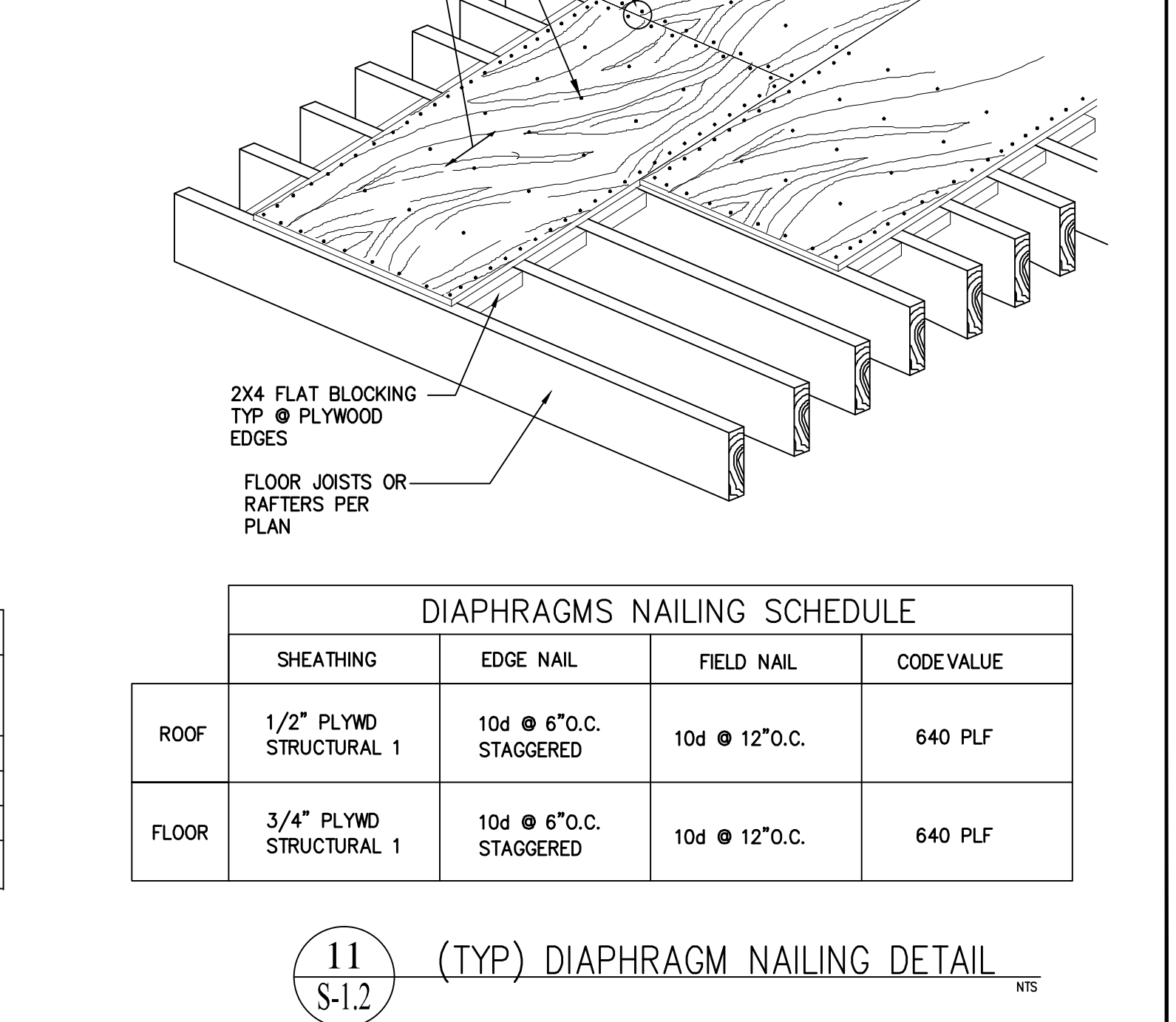
- NOTES:
- SEE STRUCTURAL PLANS FOR SHEAR WALL TYPE, HOLDOWN, AND LOCATION
  - ALL INFORMATION IN THE ABOVE SCHEDULE RELATES TO THE ITEMS SHOWN IN THE ACCOMPANYING WALL SECTIONS. ALL PARTS REQUIRED FOR EACH SHEAR WALL TYPE OCCUR IN THE WALLS BETWEEN THE LEVEL REPRESENTED BY THE FRAMING PLAN AND THE LEVEL ABOVE.
  - EXAMPLE: (A SHEARWALL SHOWN ON THE SECOND FLOOR FRAMING PLAN WITH A MARK  $\diamond$  NEXT TO IT, SHALL HAVE ALL THE PARTS REQUIRED FOR A TYPE  $\diamond$  WALL INSTALLED IN THE WALL BETWEEN THE SECOND AND THIRD FLOORS OR SECOND FLOOR AND ROOF)
  - WHERE THE SHEAR WALL SPECIFIED ON ONE SIDE OF THE WALL ONLY, PLACE SHEATHING ON SIDE OF WALL WHERE SYMBOL  $\diamond$  IS SHOWN ON PLAN
  - WHERE THE SHEAR WALL SPECIFIED ON BOTH SIDES OF THE WALL, JOINTS AND SILL PL NAILING SHALL BE STAGGERED IN ALL CASES. PANELS JOINTS SHALL BE OFFSET TO FALL ON DIFFERENT FRAMING MEMBERS.
  - AT SHEAR WALLS WITH CODE VALUES EXCEEDING 350 PLF, PROVIDE 3x SILL PL. AND 3x STUD (OR DBL 2x STUDS JOINED TOGETHER WITH SDS SCREWS @ 6" O.C. MAX.) AT FRAMING MEMBERS RECEIVING EDGE NAILING FROM ABUTTING PANELS. EDGE NAILING ON ABUTTING PANELS SHALL BE STAGGERED.
  - AT SHEAR WALLS WITH 2" O.C. EDGE NAILING, PROVIDE 3x SILL PL. AND 3x STUD AT FRAMING MEMBERS RECEIVING EDGE NAILING FROM ABUTTING PANELS. EDGE NAILING ON ABUTTING PANELS SHALL BE STAGGERED.



| HOLDOWN/TIEDOWN SCHEDULE |                              |             |  |          |                                |
|--------------------------|------------------------------|-------------|--|----------|--------------------------------|
| HOLDOWN                  | ANCHOR DIA "d <sub>a</sub> " | UPLIFT (LB) | MIN EMBEDMENT IN CONCRETE                      |          | MIN WOOD MEMBER                |
|                          |                              |             | NEW  | EXISTING |                                |
| HDU2                     | 3/8"                         | 3,075       | SB $\frac{3}{8}$ "x24"/SSTB24 OR ATR EMBED 14" | 8"       | MSTC52 (FLR<16") 2-2x OR 4x #1 |
| HDU4                     | 3/8"                         | 4,565       | SB $\frac{3}{8}$ "x24"/SSTB28 OR ATR EMBED 18" | 10"      | MSTC52 (FLR<16") 2-2x OR 4x #1 |
| HDU5                     | 3/8"                         | 5,645       | SB $\frac{3}{8}$ "x24" OR ATR EMBED 20"        | 12"      | MSTC66 (FLR<18") 2-2x OR 4x #1 |
| HDU8                     | 3/8"                         | 7,870       | SB $\frac{3}{8}$ "x24" OR ATR EMBED 20"        | 14"      | N/A 3-2x OR 6x #1              |
| HDU11-A                  | 1"                           | 9,335       | SB1x30 OR ATR EMBED 24"                        | 16"      | N/A 4x6 SS                     |
| HDU11-B                  | 1"                           | 11,175      | SB1x30 OR ATR EMBED 24"                        | 16"      | N/A 4x8 SS                     |

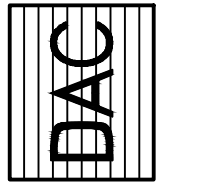


| DIAPHRAGMS NAILING SCHEDULE |                         |                         |                |            |
|-----------------------------|-------------------------|-------------------------|----------------|------------|
|                             | SHEATHING               | EDGE NAIL               | FIELD NAIL     | CODE VALUE |
| ROOF                        | 1/2" PLYWD STRUCTURAL 1 | 10d @ 6" O.C. STAGGERED | 10d @ 12" O.C. | 640 PLF    |
| FLOOR                       | 3/4" PLYWD STRUCTURAL 1 | 10d @ 6" O.C. STAGGERED | 10d @ 12" O.C. | 640 PLF    |



| REVISIONS |            | BY |
|-----------|------------|----|
| 1         | 2022-06-21 | DL |
| 2         | 2022-09-21 | DL |
| 3         | 2023-04-20 | DL |

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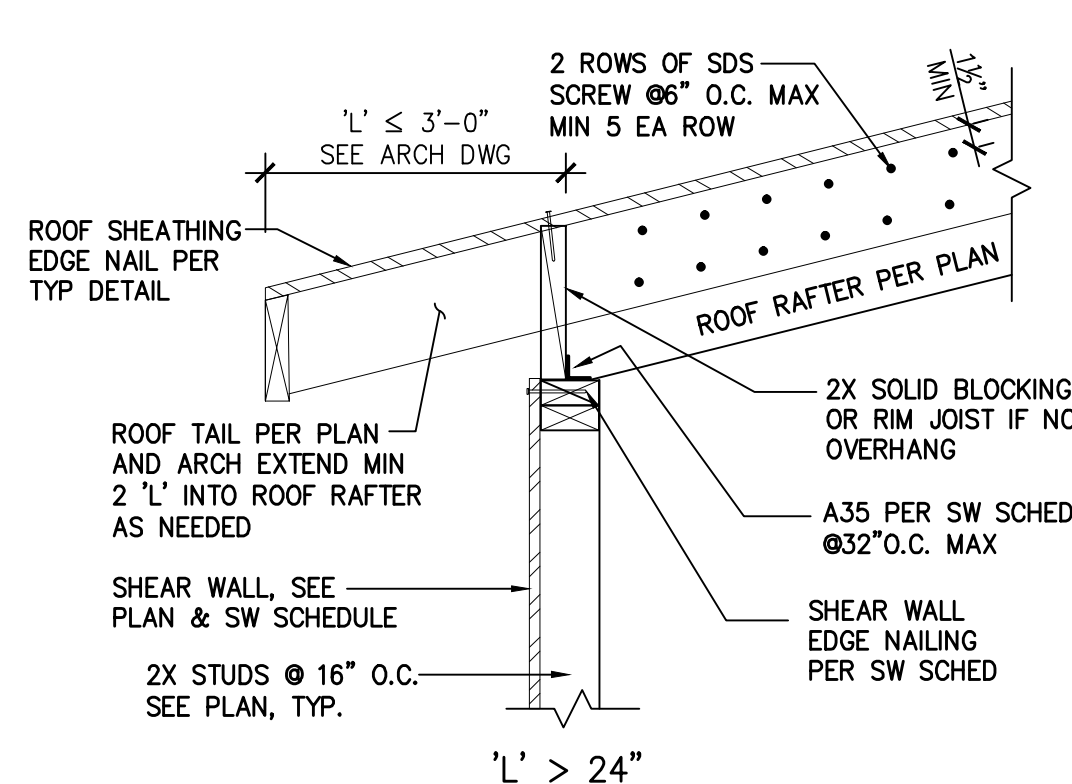


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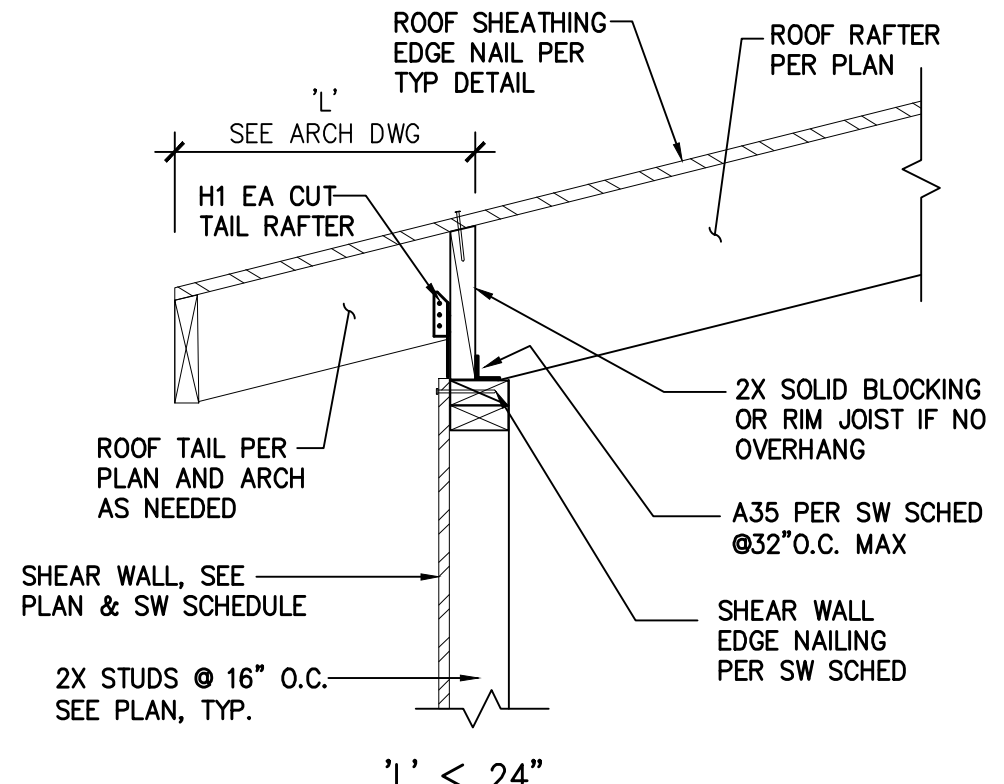
STRUCTURAL TYPICAL DETAILS CONTINUED

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 DRAWN BY: DL  
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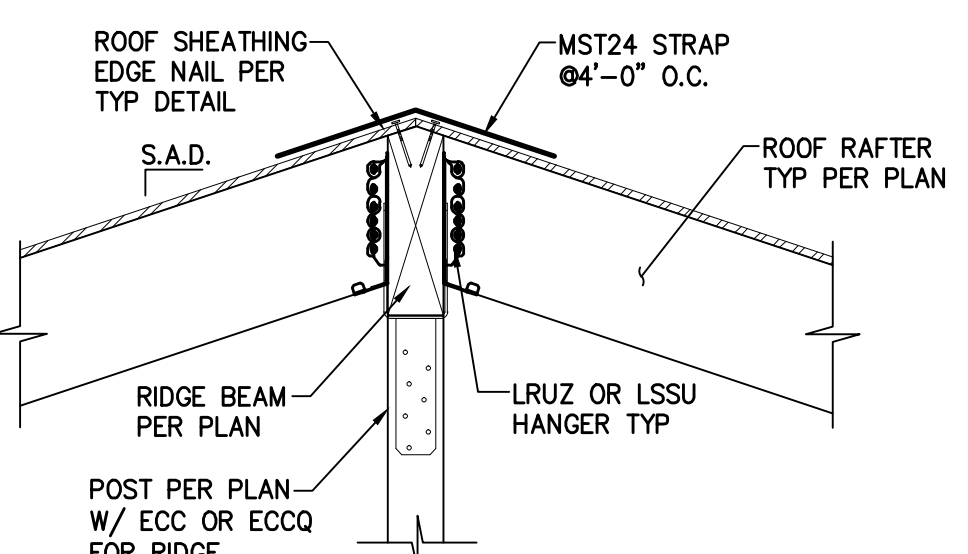
SHEET 3  
**S-1.2**  
 OF 14 SHEET



1 (TYP) ROOF TO WALL CONNECTION  
S-1.3 NTS



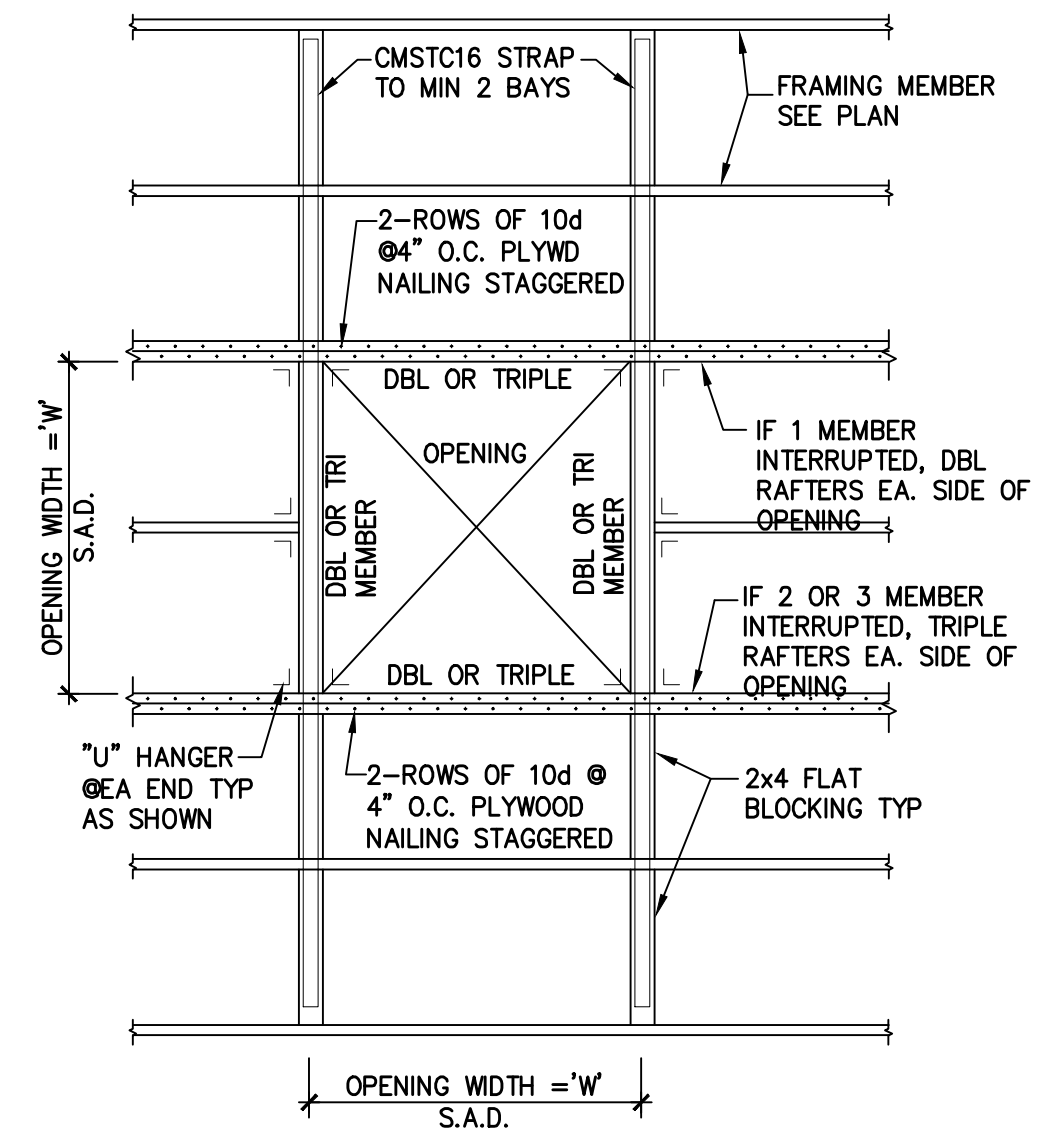
2 (TYP) RAFTER AND RIDGE  
S-1.3 NTS



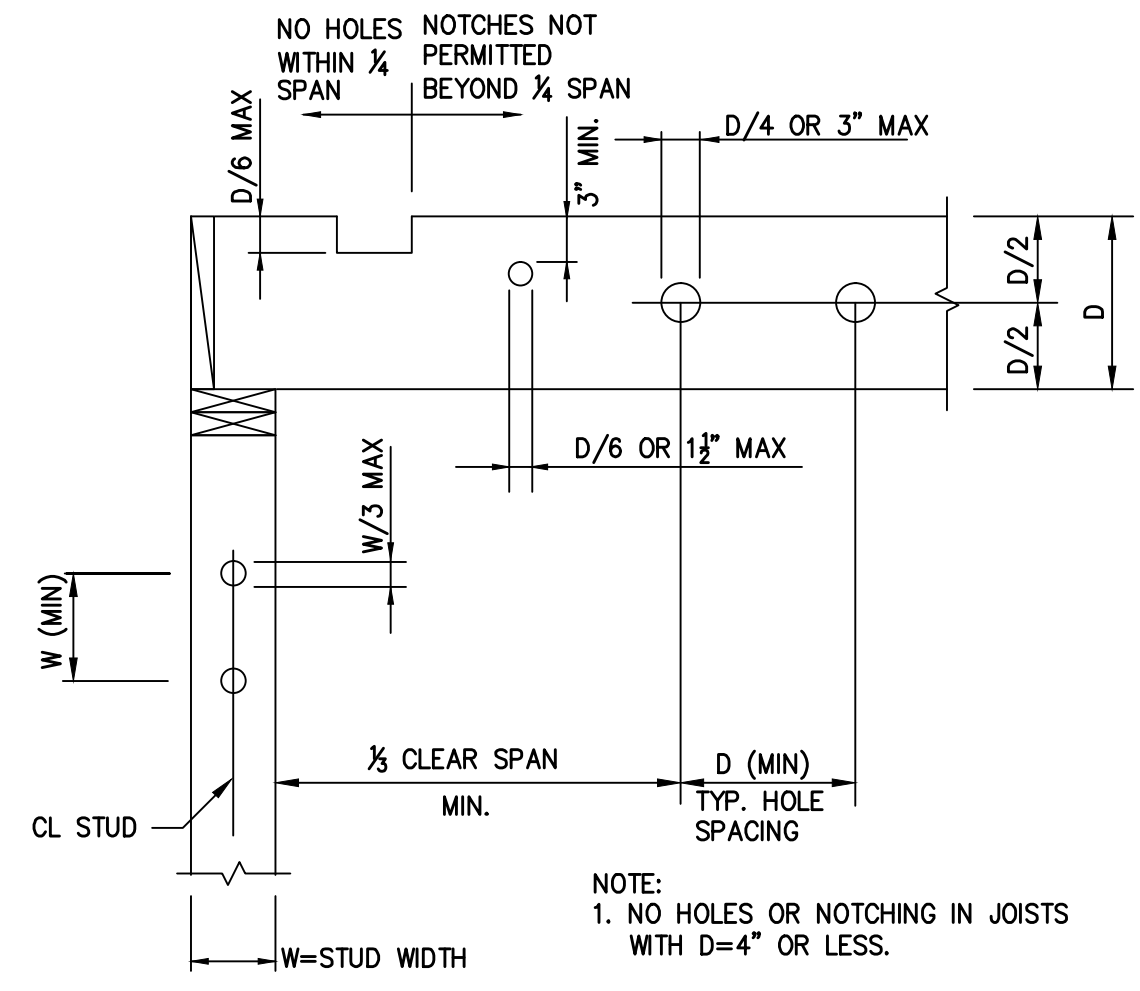
ADJACENT BM OR JST PARALLEL TO WALL

ADJACENT BM OR JST PERPENDICULAR TO WALL

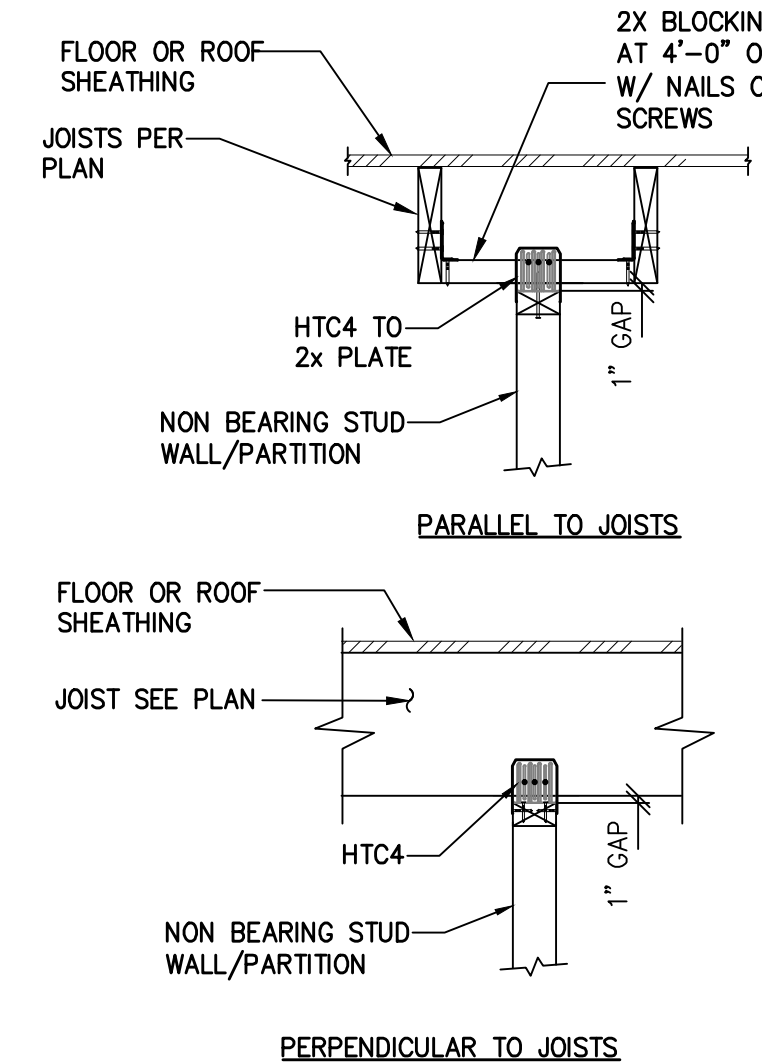
3 (TYP) LATERAL FORCE COLLECTOR - DRAG STRUT  
S-1.3 NTS



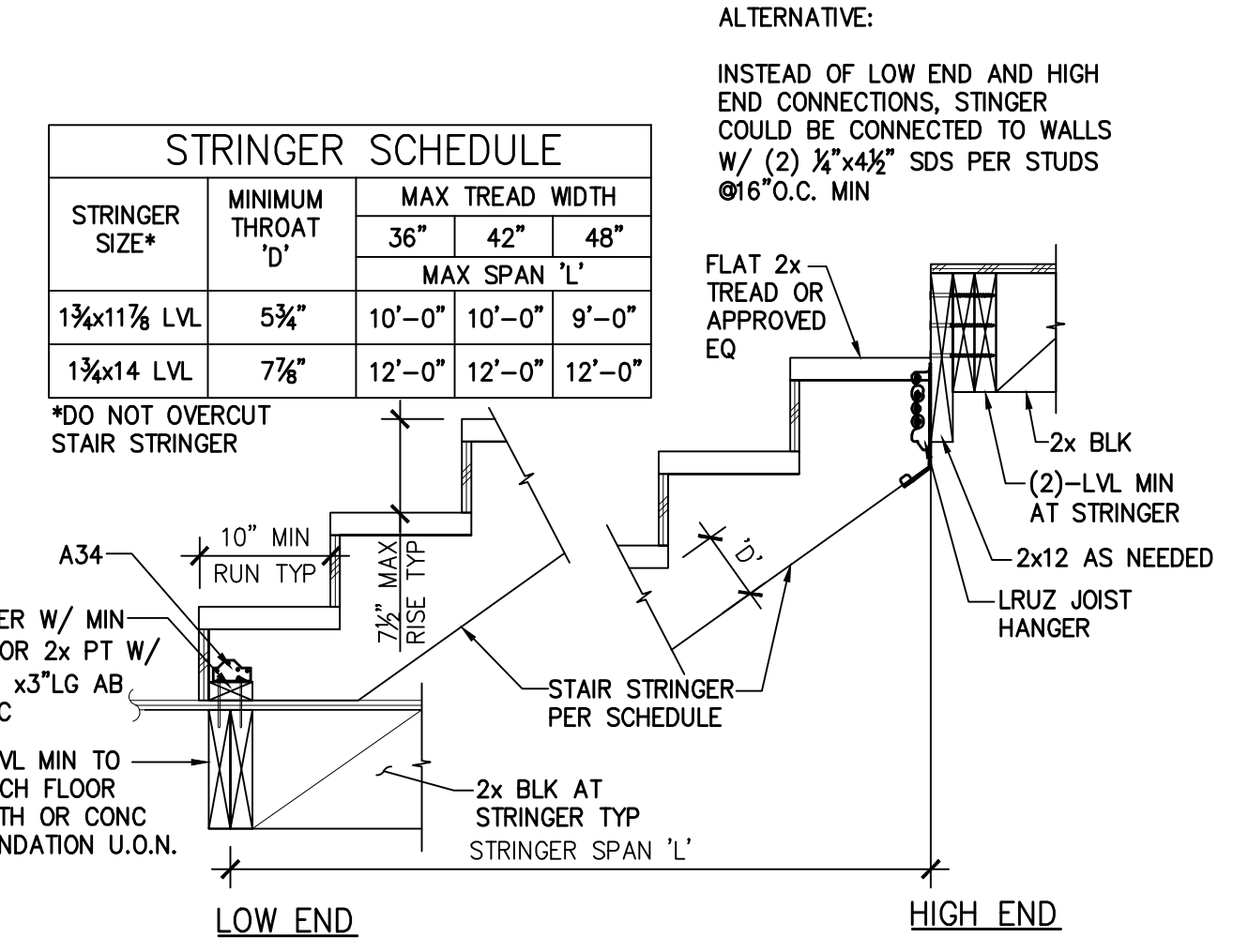
4 (TYP) FLOOR/ROOF OPENING FRAMING  
S-1.3 NTS



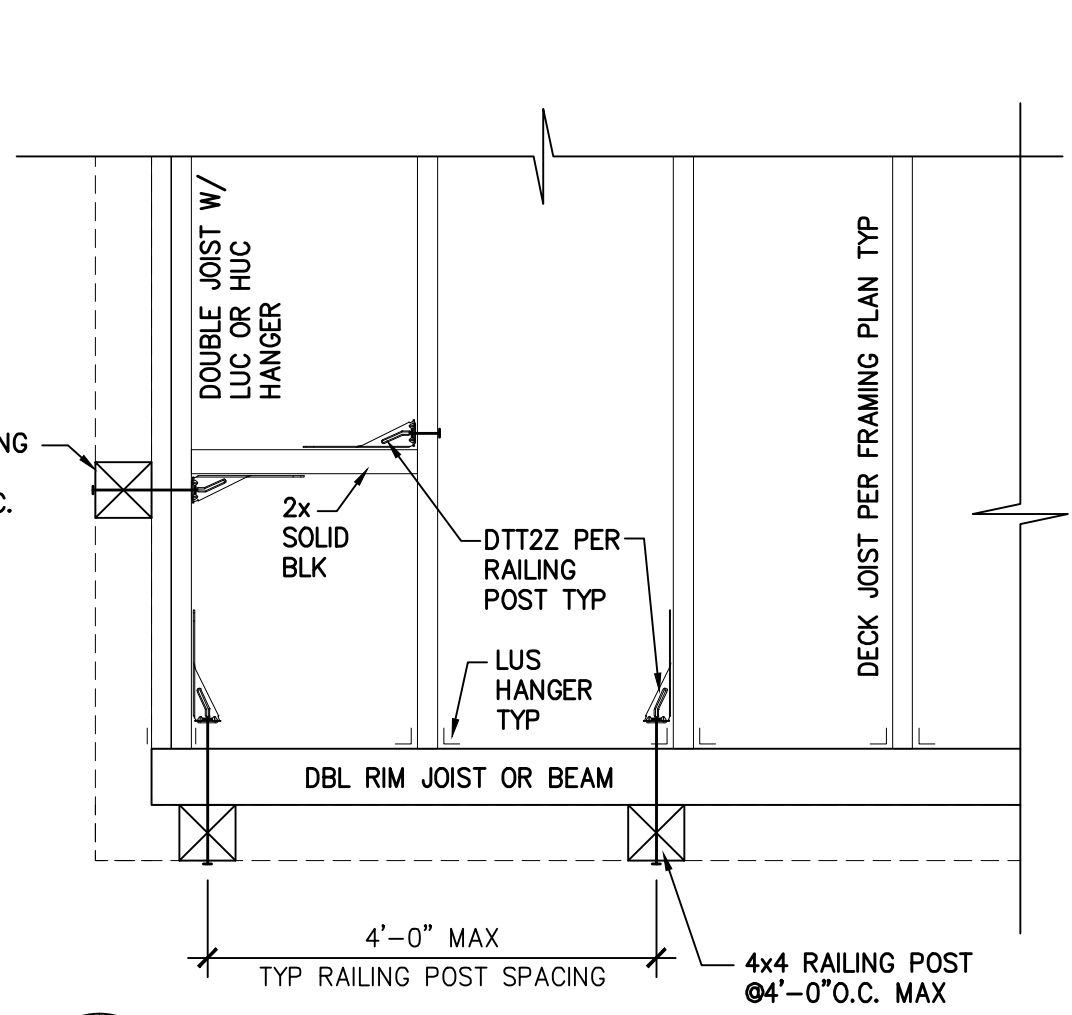
5 (TYP) ALLOWABLE HOLES AND NOTCHES IN JOISTS AND STUDS  
S-1.3 NTS



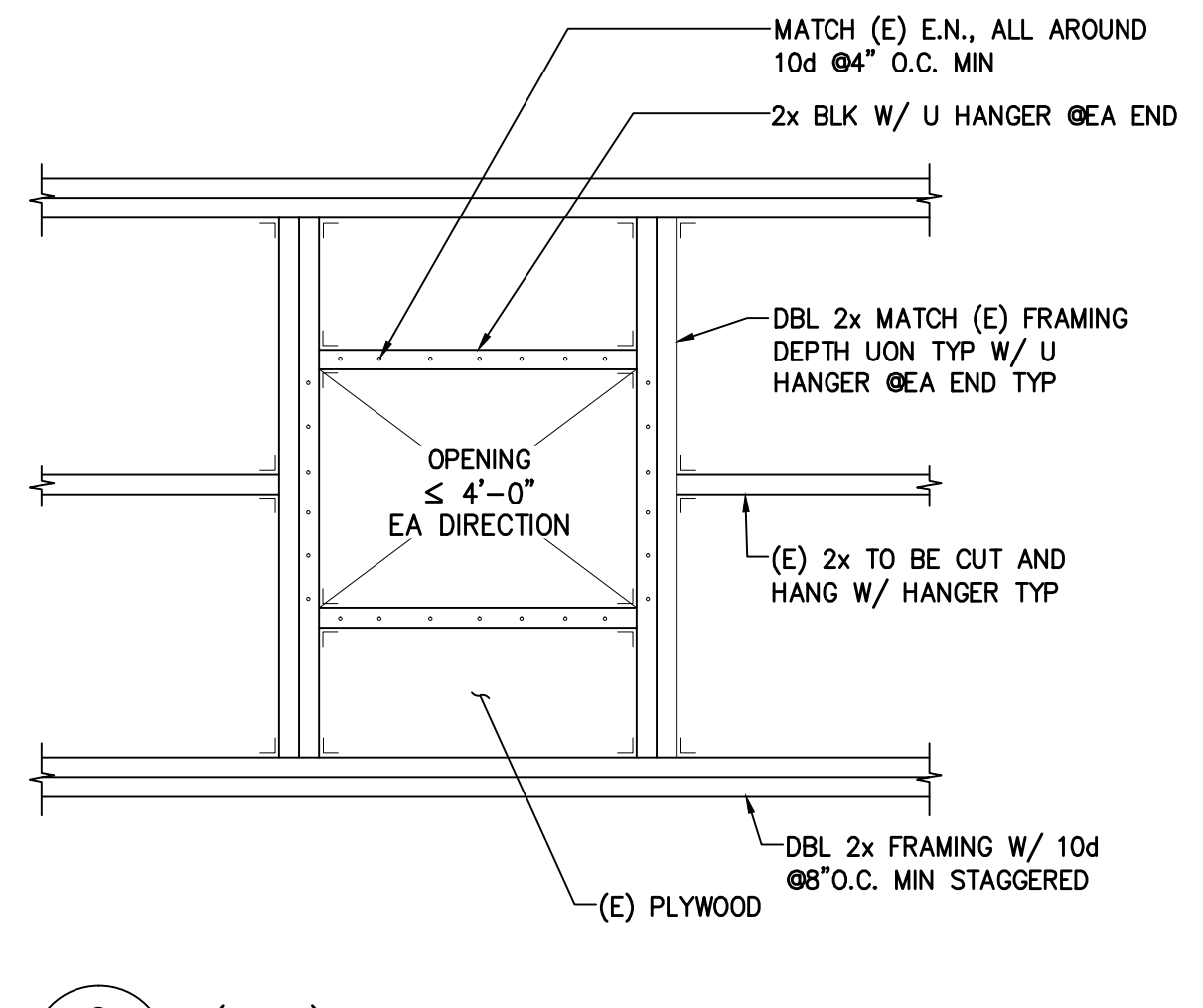
6 (TYP) NON BEARING PARTITION WALL  
S-1.3 NTS



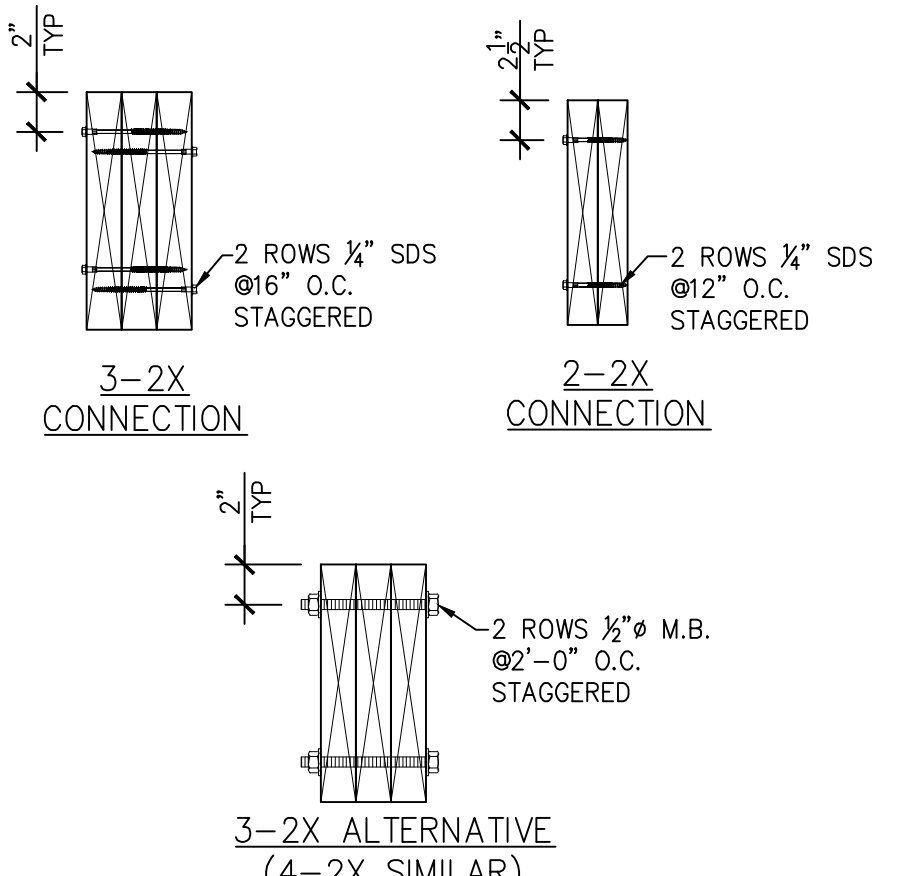
11 (TYP) INTERIOR STAIR FRAMING  
S-1.3 NTS



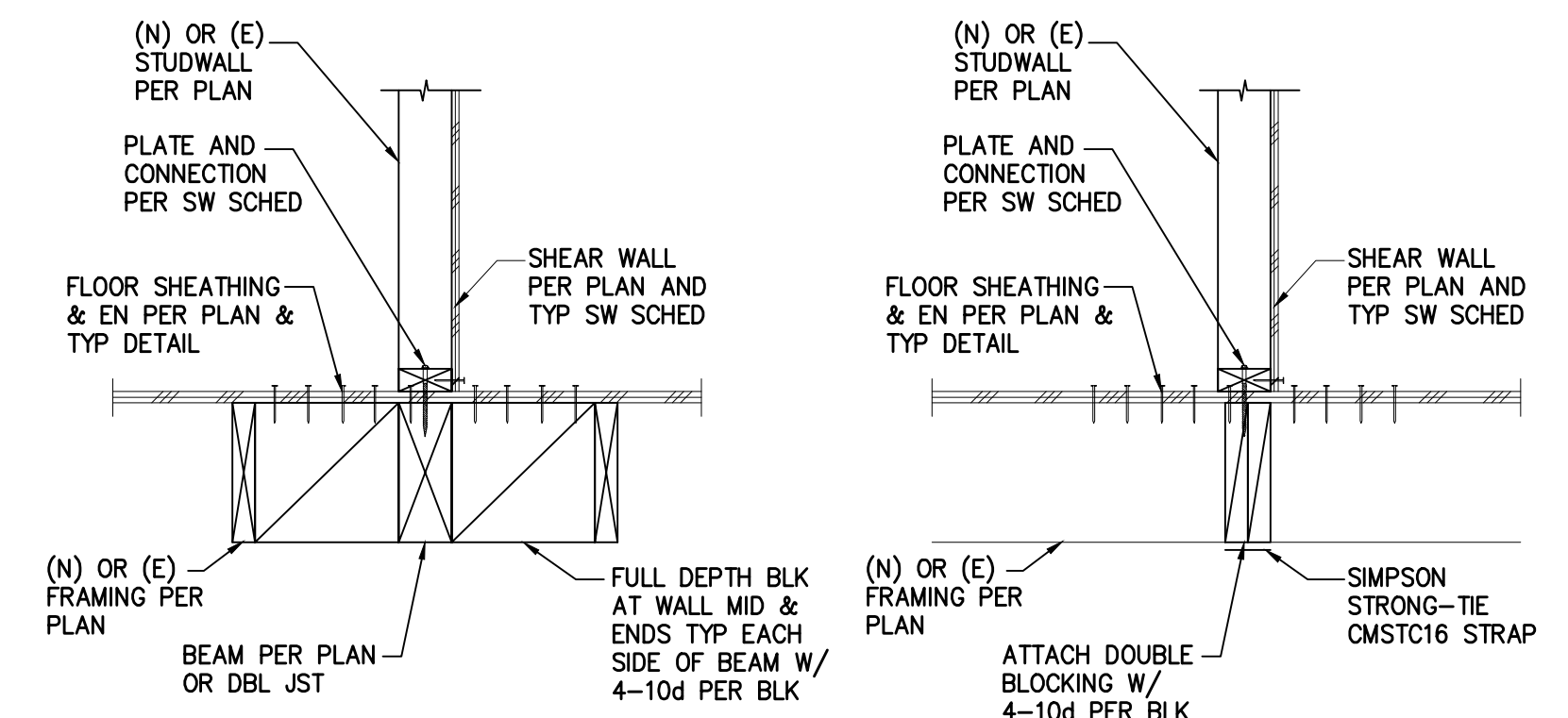
8 (TYP) DECK JOIST AND RAILING POST PLAN  
S-1.3 NTS



9 (TYP) OPENING IN EXISTING FRAMED ROOF  
S-1.3 NTS



12 (TYP) BUILT-UP BEAM/JOIST  
S-1.3 NTS



13 (TYP) SHEAR WALL ABOVE BEAM  
S-1.3 NTS

| REVISIONS | BY |
|-----------|----|
| 1         | DL |
| 2         | DL |
| 3         | DL |

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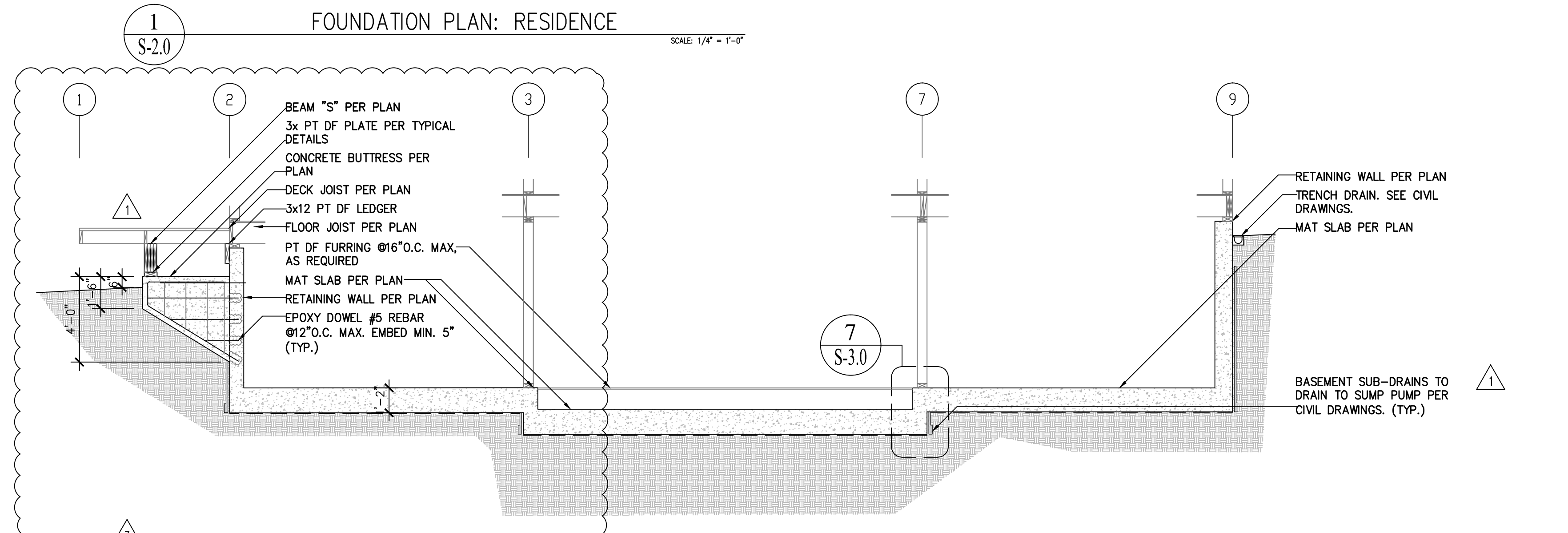
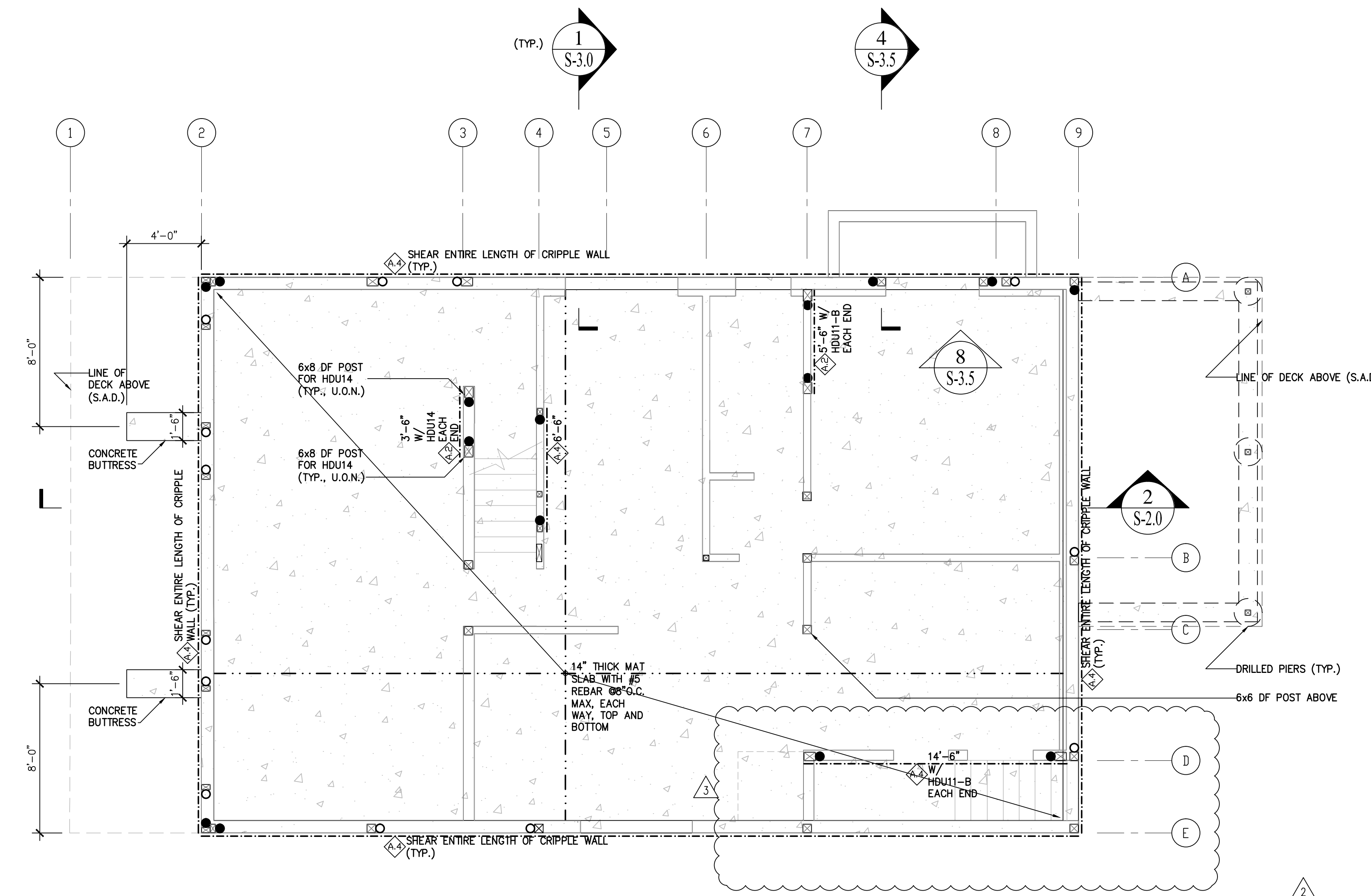


**NEW RESIDENCE & ADU**  
79 WOOD LANE  
FAIRFAX, CA 94930  
PROJECT APN 002-062-03

STRUCTURAL TYPICAL  
DETAILS CONTINUED

DATE: 2022-04-08  
SCALE: AS SHOWN  
DRAWN BY: DL  
JOB NUMBER: 1477-0822 S

SHEET 4  
**S-1.3**  
OF 14 SHEET



| ABBREVIATIONS |   | ABBREVIATIONS |                            |
|---------------|---|---------------|----------------------------|
| &             | AND                                       | HR            | HARDROCK                   |
| L             | ANGLE                                     | HT            | HEIGHT                     |
| ●             | AT  | ID            | INSIDE DIAMETER            |
| ACI           | AMERICAN CONCRETE INSTITUTE               | INT           | INTERIOR                   |
| AISC          | AMERICAN INSTITUTE OF STEEL CONSTRUCTION  | JT            | JOINT                      |
| ASTM          | AMERICAN SOCIETY OF TESTING AND MATERIALS | JST           | JOIST                      |
| AWS           | AMERICAN WELDING SOCIETY                  | LG            | LONG                       |
| AB            | ANCHOR BOLT                               | LS            | LOW SHRINKAGE              |
| ABV           | ABOVE                                     | MATL          | MATERIAL                   |
| ADD'L         | ADDITIONAL                                | MAX           | MAXIMUM                    |
| AGGR          | AGGREGATE                                 | MB            | MACHINE BOLT               |
| ALT           | ALTERNATE                                 | MECH          | MECHANICAL                 |
| APPROX        | APPROXIMATE                               | MFR           | MANUFACTURER               |
| ARCH          | ARCHITECT, ARCHITECTURAL                  | MIN           | MINIMUM                    |
| ATR           | ALL-THREAD ROD                            | MISC          | MISCELLANEOUS              |
| B.E.          | BOTH ENDS                                 | (N)           | NEW                        |
| B.S.          | BOTH SIDES                                | N/A           | NOT APPLICABLE             |
| B.W.          | BOTH WAYS                                 | NSG           | NON-SHRINK GROUT           |
| BETW          | BETWEEN                                   | NTS           | NOT TO SCALE               |
| BLD'G         | BUILDING                                  | NO.#          | NUMBER                     |
| BLW           | BELOW                                     | O/            | OVER                       |
| BM            | BEAM                                      | O.C.          | ON CENTERS                 |
| BLK           | BLOCKING                                  | OD            | OUTSIDE DIAMETER           |
| BOT           | BOTTOM                                    | OPNG          | OPENING                    |
|               |   | OPP           | OPPOSITE                   |
| C.C.          | CENTER TO CENTER                          | PL            | PLATE                      |
| CBC           | CALIFORNIA BUILDING CODE                  | PLYWD         | PLYWOOD                    |
| CL            | CENTERLINE                                | PT            | PRESSURE TREATED           |
| CLR           | CLEAR                                     |               |                            |
| C-I-P         | CAST-IN-PLACE                             | REF           | REFERENCE/REFER            |
| CO            | DRAINAGE CLEAN OUT                        | REINF         | REINFORCEMENT              |
| COL           | COLUMN                                    | REQ           | REQUIREMENTS               |
| CONC          | CONCRETE                                  | REQ'D         | REQUIRED                   |
| CONN          | CONNECTION                                | RM            | ROOM                       |
| CONST         | CONSTRUCTION                              | RW            | RETAINING WALL             |
| CONT          | CONTINUOUS                                | RO            | ROUGH OPENING              |
| DBL           | DOUBLE                                    | S.A.D.        | SEE ARCHITECTURAL DRAWINGS |
| DBLR          | DOUBLER                                   | S-O-G         | SLAB-ON-GRADE              |
| DET           | DETAIL                                    | SCHED         | SCHEDULE                   |
| DF            | DOUGLAS FIR                               | SHT           | SHEET                      |
| DN            | DOWN                                      | SIM           | SIMILAR                    |
| DIA, Ø        | DIAMETER                                  | STAGG         | STAGGER, STAGGERED         |
| DIAG          | DIAGONAL                                  | STD           | STANDARD                   |
| DIM           | DIMENSION                                 | STIFF         | STIFFENER                  |
| DL            | DEVELOPMENT                               | STRR          | STIRRUP                    |
| DWG           | DRAWING                                   | STL           | STEEL                      |
| (E)           | EXISTING                                  | SW            | SHEAR WALL                 |
| EA            | EACH                                      | SWS           | SHEAR WALL SCHEDULE        |
| EF            | EACH FACE                                 |               |                            |
| EL            | END LENGTH                                | T&B           | TOP AND BOTTOM             |
| EMBED         | EMBEDMENT                                 | THK           | THICK, THICKNESS           |
| EN            | EDGE NAILING                              | THRD          | THREAD, THREADED           |
| ENGR          | ENGINEER, ENGINEERED                      | TYP           | TYPICAL                    |
| EQ            | EQUAL/EQUIVALENT                          | U.O.N.        | UNLESS OTHERWISE NOTED     |
| EW            | EACH WAY                                  | VB            | VAPOR BARRIER              |
| EXT           | EXTERIOR                                  | VERT          | VERTICAL                   |
|               |   | V.I.F.        | VERIFY IN FIELD            |
| FDN           | FOUNDATION                                |               |                            |
| FLR           | FLOOR                                     | W/            | WITH                       |
| FN            | FIELD NAILING                             | W/O           | WITHOUT                    |
| FTG           | FOOTING                                   | WA            | WEDGE ANCHOR               |
|               |   | WD            | WOOD                       |
| GA            | GAGE, GAUGE                               | WF            | WIDE FLANGE                |
| GALV          | GALVANIZED                                | WLD           | WELDED                     |
| GB            | GRADE BEAM                                |               |                            |
| HD            | HOLDOWN                                   |               |                            |
| HGR           | HANGER                                    |               |                            |
| HORI          | HORIZONTAL                                |               |                            |

| PLAN LEGEND |                                   |
|-------------|-----------------------------------|
|             | FOUNDATION WALL/WALL ABOVE        |
|             | CONCRETE SLAB                     |
|             | JOIST                             |
|             | BEAM                              |
|             | POST BELOW                        |
|             | POST ABOVE                        |
|             | POST ABOVE & BELOW                |
|             | SHEAR WALL ABOVE                  |
|             | HDU 8 HOLDDOWN ABOVE (U.O.N.)     |
|             | HDU 8 HOLDDOWN BELOW (U.O.N.)     |
|             | HEADER, SEE TYP. DETAIL U.O.N.    |
|             | HOLDOWN FROM FLOOR ABOVE (U.O.N.) |

- PLAN NOTES**
- AT SHEAR WALLS WITH CODE VALUES EXCEEDING 350 PLF, PROVIDE 3x SILL PL. AND 3x STUD (OR DBL 2x STUDS JOINED TOGETHER WITH SDS SCREWS 06" O.C. MAX.) AT FRAMING MEMBERS RECEIVING EDGE NAILING FROM ABUTTING PANELS. EDGE NAILING ON ABUTTING PANELS SHALL BE STAGGERED. SEE SHEARWALL SCHEDULE.
  - AT SHEAR WALLS WITH 2" O.C. EDGE NAILING, PROVIDE 3x SILL PL. AND 3x STUD AT FRAMING MEMBERS RECEIVING EDGE NAILING FROM ABUTTING PANELS. EDGE NAILING ON ABUTTING PANELS SHALL BE STAGGERED. SEE SHEARWALL SCHEDULE.
  - THE CONTRACTOR SHALL PROVIDE TEMPORARY SHORING AS NEEDED.
  - FOR EACH HDU14 ON GRIDLINE 3: EPOXY DOWEL 1" THREADED ROD MIN. 19" IN (E) CONCRETE SLAB. ALTERNATIVELY, REPLACE EACH HDU14 WITH TWO (2) HDU8s: EPOXY DOWEL 7/8" THREADED RODS MIN. 12" IN (E) CONCRETE SLAB.
  - FOR EACH HDU8 ON GRIDLINE 4: EPOXY DOWEL 7/8" THREADED ROD MIN. 12" IN (E) CONCRETE SLAB.
  - FOR EACH HDU11-B ON GRIDLINE 7: EPOXY DOWEL 1" THREADED ROD MIN. 16" IN (E) CONCRETE SLAB. ALTERNATIVELY, REPLACE EACH HDU11-B WITH TWO (2) HDU8s: EPOXY DOWEL 7/8" THREADED RODS MIN. 12" IN (E) CONCRETE SLAB.
  - FOR EACH HDU11-B ON GRIDLINE D: EPOXY DOWEL 1" THREADED ROD MIN. 16" IN (E) CONCRETE SLAB. ALTERNATIVELY, REPLACE EACH HDU11-B WITH TWO (2) HDU8s: EPOXY DOWEL 7/8" THREADED RODS MIN. 12" IN (E) CONCRETE SLAB.

| REVISIONS | BY |
|-----------|----|
| 1         | DL |
| 2         | DL |
| 3         | DL |

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**NEW RESIDENCE & ADU**  
 79 WOOD LANE  
 FAIRFAX, CA 94930  
 PROJECT APN 002-062-003

FOUNDATION PLAN

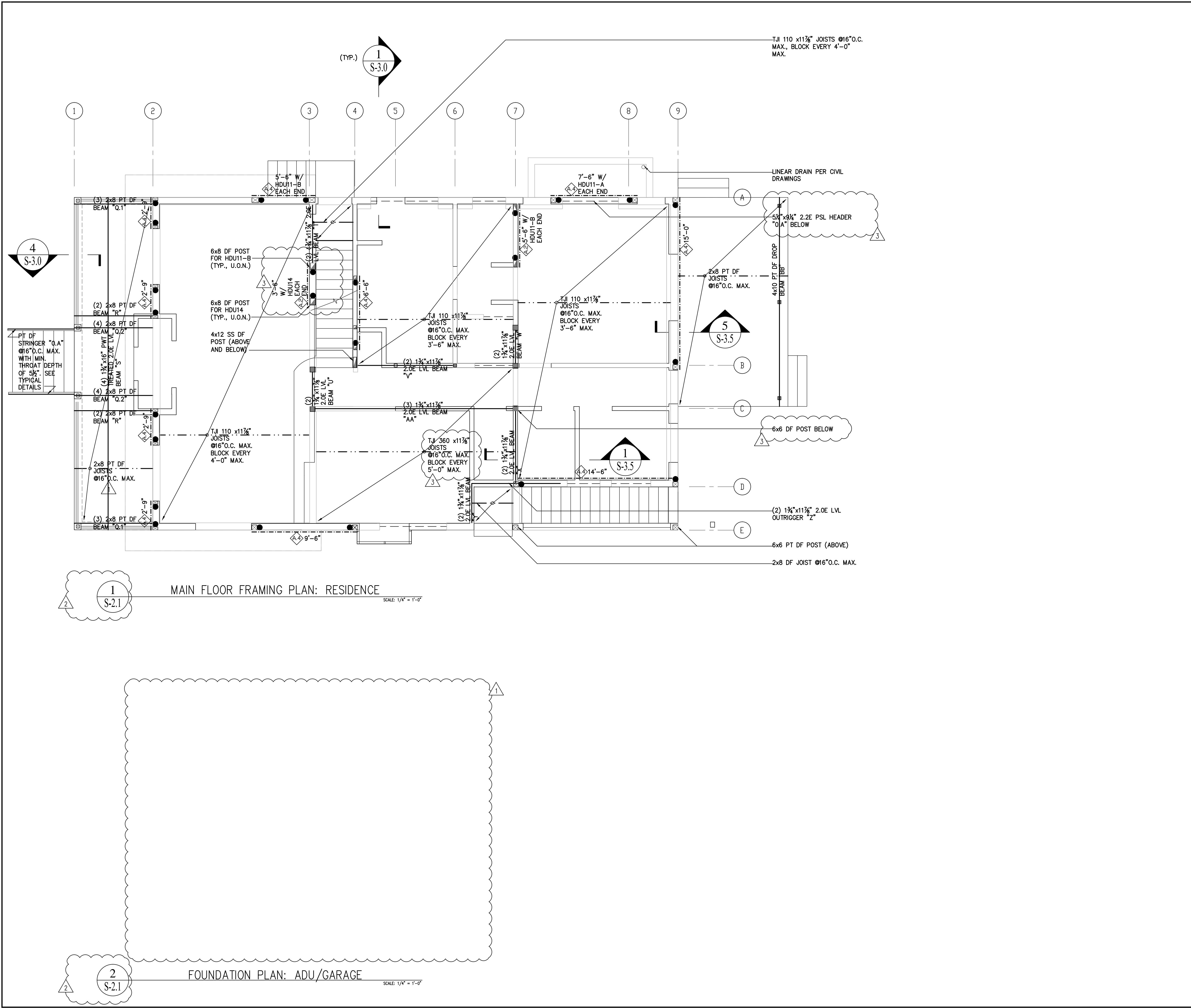
DATE: 2022-04-08

SCALE: AS SHOWN

DRAWN BY: DL

JOB NUMBER: 1477-0822 S

SHEET 5  
**S-2.0**  
 OF 14 SHEET



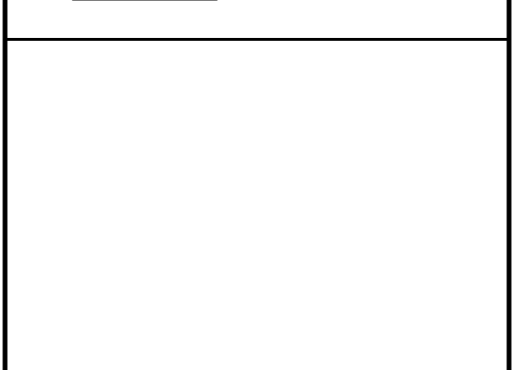
| PLAN LEGEND |  |
|-------------|--|
|             | FOUNDATION WALL/<br>WALL BELOW                       |
|             | WALL ABOVE   |
|             | CONCRETE SLAB  |
|             | JOIST  |
|             | BEAM   |
|             | POST BELOW   |
|             | POST ABOVE   |
|             | POST ABOVE<br>& BELOW                                |
|             | SHEARWALL ABOVE<br>SEE SCHEDULE                      |
|             | HDU 8 HOLDOWN<br>ABOVE (U.O.N.)<br>SEE SCHEDULE      |
|             | HEADER, SEE TYP. DETAIL<br>U.O.N.                    |
|             | HOLDOWN FROM FLOOR<br>ABOVE (U.O.N.)<br>SEE SCHEDULE |

- PLAN NOTES**
- AT SHEAR WALLS WITH CODE VALUES EXCEEDING 350 PLF, PROVIDE 3x SILL PL. AND 3x STUD (OR DBL 2x STUDS JOINED TOGETHER WITH SDS SCREWS @6" O.C. MAX.) AT FRAMING MEMBERS RECEIVING EDGE NAILING FROM ABUTTING PANELS. EDGE NAILING ON ABUTTING PANELS SHALL BE STAGGERED. SEE SHEARWALL SCHEDULE.
  - AT SHEAR WALLS WITH 2" O.C. EDGE NAILING, PROVIDE 3x SILL PL. AND 3x STUD AT FRAMING MEMBERS RECEIVING EDGE NAILING FROM ABUTTING PANELS. EDGE NAILING ON ABUTTING PANELS SHALL BE STAGGERED. SEE SHEARWALL SCHEDULE.
  - THE CONTRACTOR SHALL PROVIDE TEMPORARY SHORING AS NEEDED.

| REVISIONS | BY |
|-----------|----|
| 1         | DL |
| 2         | DL |
| 3         | DL |

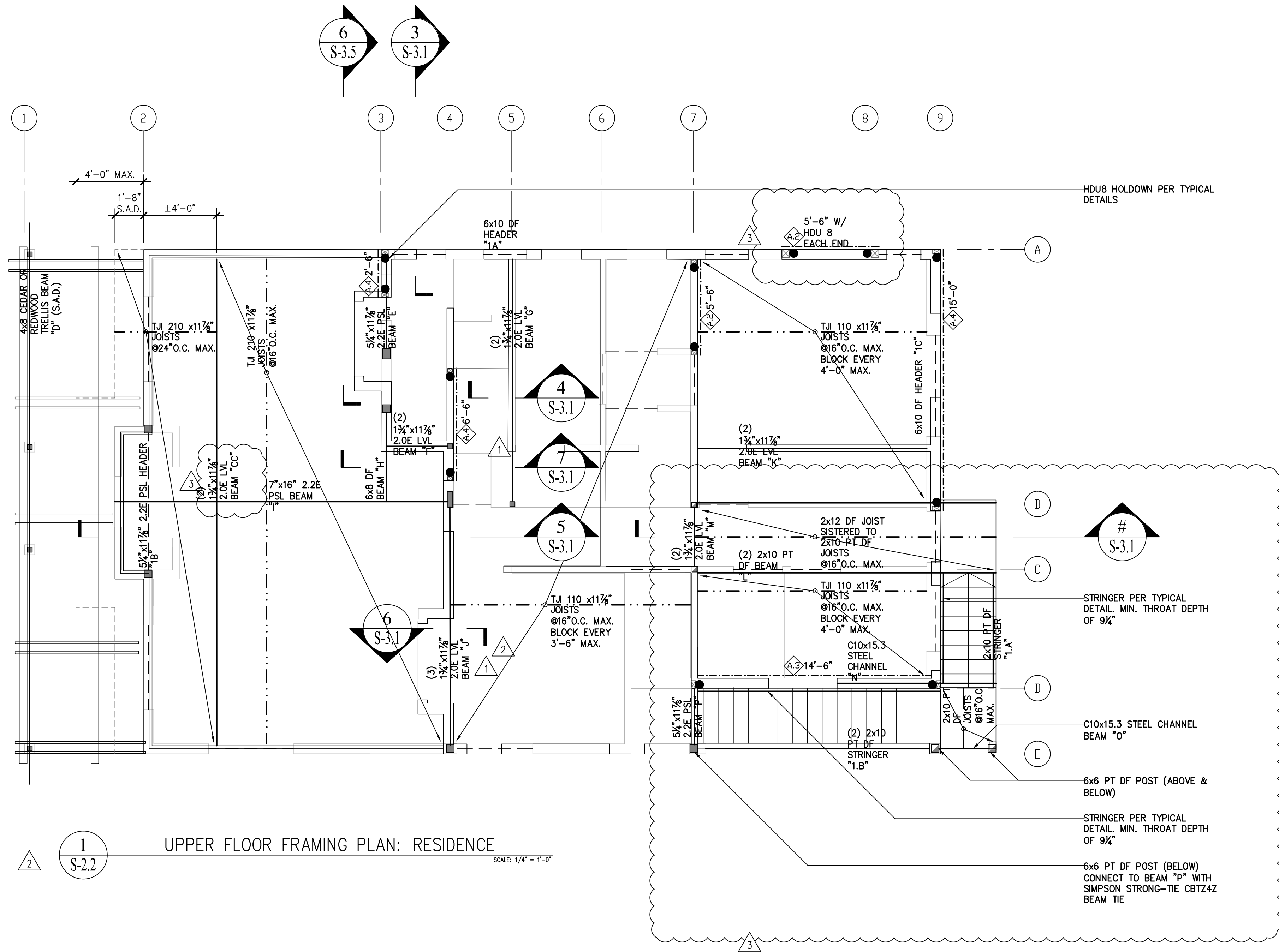
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**NEW RESIDENCE & ADU**  
 79 WOOD LANE  
 FAIRFAX, CA 94930  
 PROJECT APN 002-062-003

|                         |             |
|-------------------------|-------------|
| MAIN FLOOR FRAMING PLAN |             |
| DATE:                   | 2022-04-08  |
| SCALE:                  | AS SHOWN    |
| DRAWN BY:               | DL          |
| JOB NUMBER:             | 1477-0822 S |
| SHEET                   | 6           |
| <b>S-2.1</b>            |             |
| OF                      | 14 SHEET    |



1 S-2.2 UPPER FLOOR FRAMING PLAN: RESIDENCE SCALE: 1/4" = 1'-0"

2 S-2.2 UPPER FLOOR FRAMING PLAN: ADU/GARAGE SCALE: 1/4" = 1'-0"

| PLAN LEGEND |   |
|-------------|---|
|             | FOUNDATION WALL/<br>WALL BELOW                  |
|             | WALL ABOVE                                      |
|             | CONCRETE SLAB                                   |
|             | JOIST   |
|             | BEAM  |
|             | POST BELOW                                      |
|             | POST ABOVE                                      |
|             | POST ABOVE<br>& BELOW                           |
|             | SHEARWALL ABOVE<br>SEE SCHEDULE                 |
|             | HDU 5 HOLDOWN<br>ABOVE (U.O.N.)<br>SEE SCHEDULE |
|             | HEADER, SEE TYP. DETAIL<br>U.O.N.               |

- PLAN NOTES**
- AT SHEAR WALLS WITH CODE VALUES EXCEEDING 350 PLF, PROVIDE 3x SILL PL. AND 3x STUD (OR DBL 2x STUDS JOINED TOGETHER WITH SDS SCREWS @6" O.C. MAX.) AT FRAMING MEMBERS RECEIVING EDGE NAILING FROM ABUTTING PANELS. EDGE NAILING ON ABUTTING PANELS SHALL BE STAGGERED. SEE SHEARWALL SCHEDULE.
  - AT SHEAR WALLS WITH 2" O.C. EDGE NAILING, PROVIDE 3x SILL PL. AND 3x STUD AT FRAMING MEMBERS RECEIVING EDGE NAILING FROM ABUTTING PANELS. EDGE NAILING ON ABUTTING PANELS SHALL BE STAGGERED. SEE SHEARWALL SCHEDULE.
  - THE CONTRACTOR SHALL PROVIDE TEMPORARY SHORING AS NEEDED.

| REVISIONS | BY |
|-----------|----|
| 1         | DL |
| 2         | DL |
| 3         | DL |

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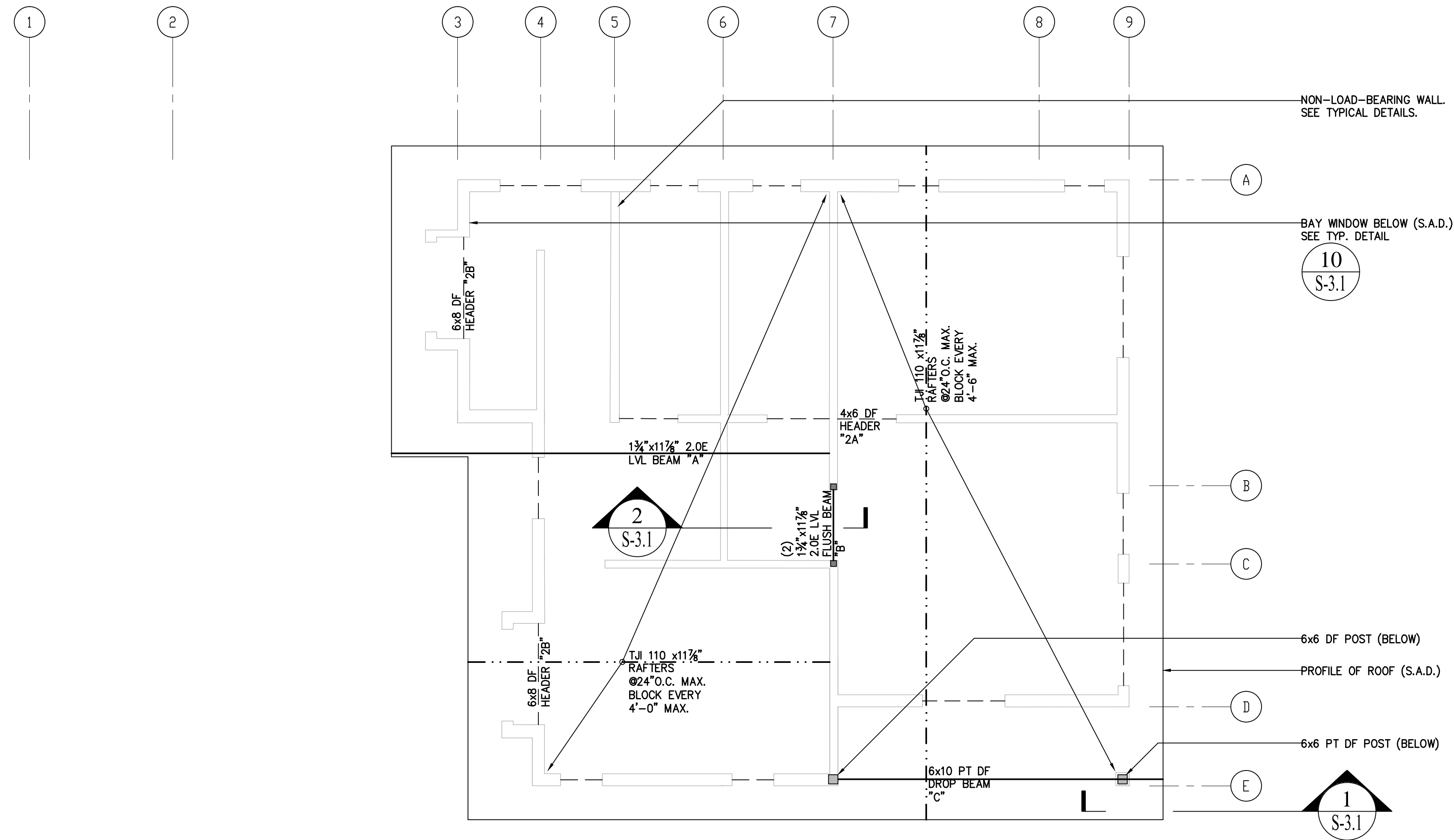
**DAC**

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**NEW RESIDENCE & ADU**  
 79 WOOD LANE  
 FAIRFAX, CA 94930  
 PROJECT APN 002-062-03

UPPER FLOOR  
 FRAMING PLAN

|              |             |
|--------------|-------------|
| DATE:        | 2022-04-08  |
| SCALE:       | AS SHOWN    |
| DRAWN BY:    | DL          |
| JOB NUMBER:  | 1477-0822 S |
| SHEET        | 7           |
| <b>S-2.2</b> |             |
| OF           | 14 SHEET    |



1 S-2.3

ROOF FRAMING PLAN: RESIDENCE

SCALE: 1/4" = 1'-0"

2 S-2.3

ROOF FRAMING PLAN: ADU/GARAGE

SCALE: 1/4" = 1'-0"

| PLAN LEGEND |   |
|-------------|---|
|             | FOUNDATION WALL/<br>WALL BELOW                  |
|             | WALL ABOVE                                      |
|             | CONCRETE SLAB                                   |
|             | JOIST   |
|             | BEAM  |
|             | POST BELOW                                      |
|             | POST ABOVE                                      |
|             | POST ABOVE<br>& BELOW                           |
|             | SHEARWALL ABOVE<br>SEE SCHEDULE                 |
|             | HDU 5 HOLDOWN<br>ABOVE (U.O.N.)<br>SEE SCHEDULE |
|             | HEADER, SEE TYP. DETAIL<br>U.O.N.               |
|             | 1 S-1.2   |
|             | 2 S-1.2   |
|             | 10 S-1.2  |

**PLAN NOTES**

1. AT SHEAR WALLS WITH CODE VALUES EXCEEDING 350 PLF, PROVIDE 3x SILL PL. AND 3x STUD (OR DBL 2x STUDS JOINED TOGETHER WITH SDS SCREWS @ 6" O.C. MAX.) AT FRAMING MEMBERS RECEIVING EDGE NAILING FROM ABUTTING PANELS. EDGE NAILING ON ABUTTING PANELS SHALL BE STAGGERED. SEE SHEARWALL SCHEDULE.

2. AT SHEAR WALLS WITH 2" O.C. EDGE NAILING, PROVIDE 3x SILL PL. AND 3x STUD AT FRAMING MEMBERS RECEIVING EDGE NAILING FROM ABUTTING PANELS. EDGE NAILING ON ABUTTING PANELS SHALL BE STAGGERED. SEE SHEARWALL SCHEDULE.

| REVISIONS | BY |
|-----------|----|
| 1         | DL |
| 2         | DL |
| 3         | DL |

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Consulting Engineering & Construction Support

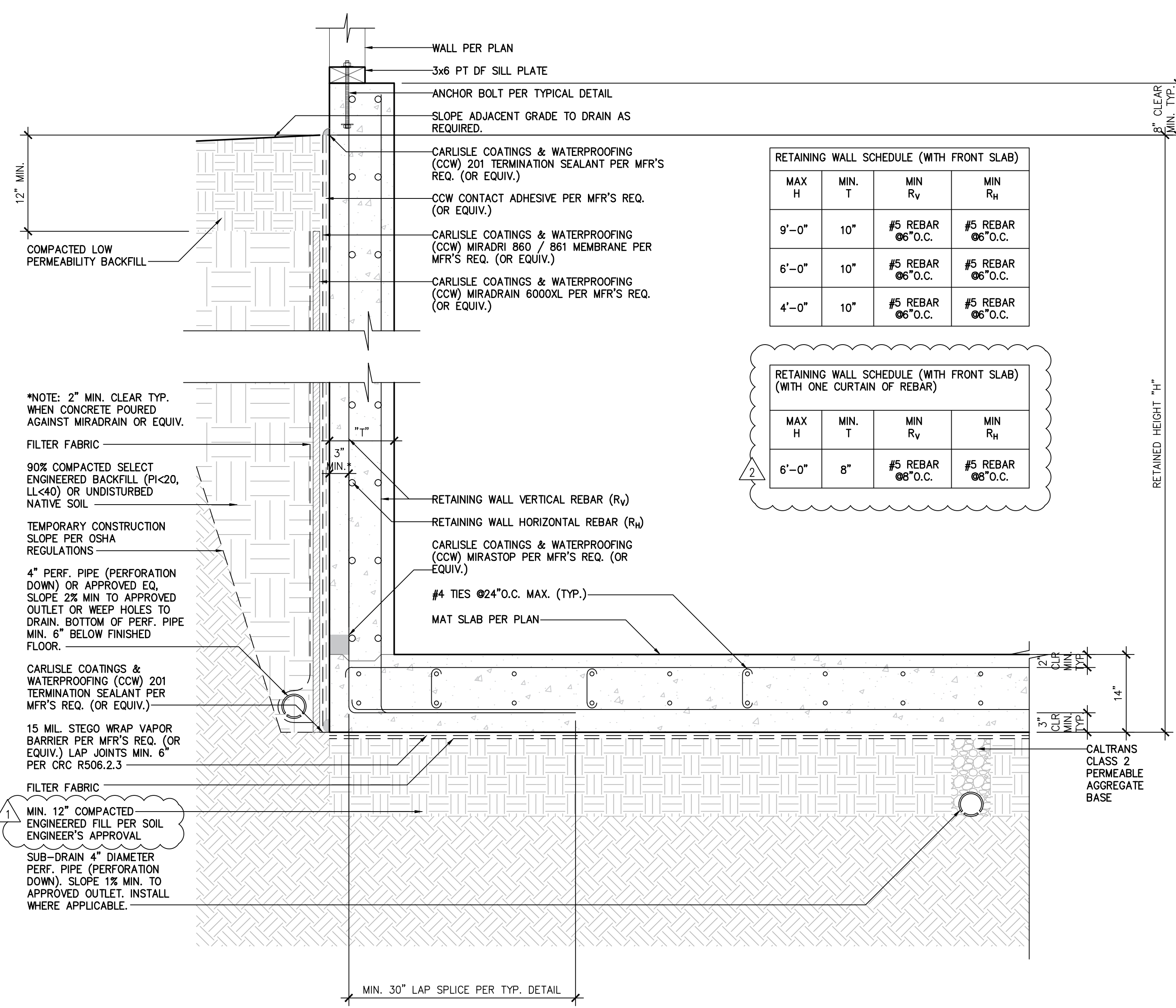
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**NEW RESIDENCE & ADU**  
79 WOOD LANE  
FAIRFAX, CA 94930  
PROJECT APN 002-062-03

|                   |             |
|-------------------|-------------|
| ROOF FRAMING PLAN |             |
| DATE:             | 2022-04-08  |
| SCALE:            | AS SHOWN    |
| DRAWN BY:         | DL          |
| JOB NUMBER:       | 1477-0822 S |
| SHEET             | 8           |
| <b>S-2.3</b>      |             |
| OF                | 14 SHEET    |



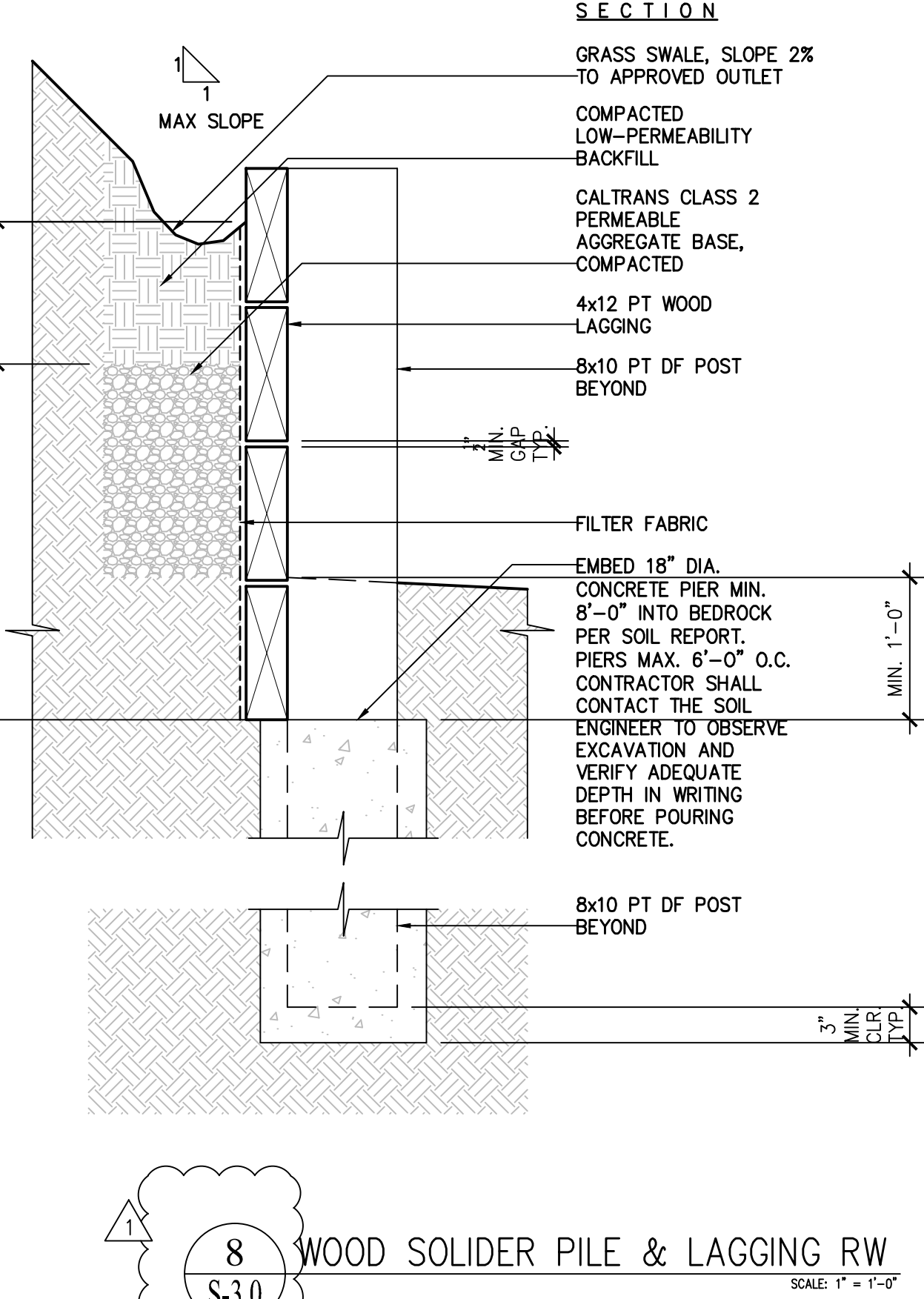
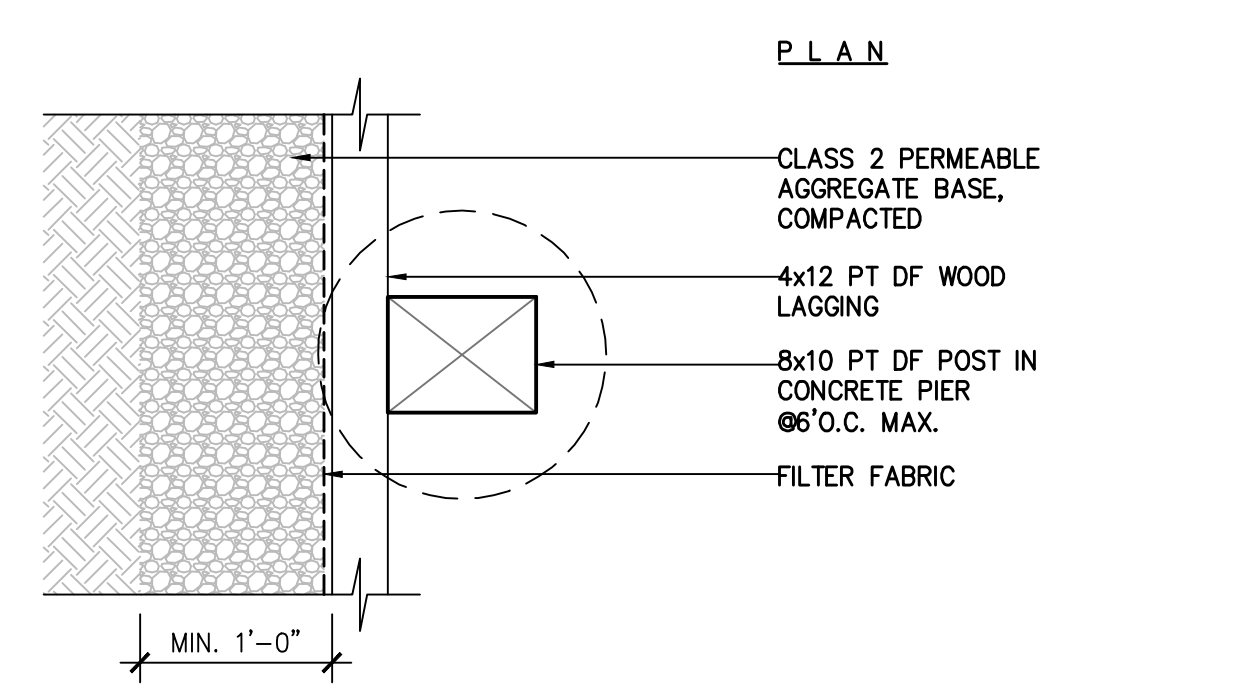
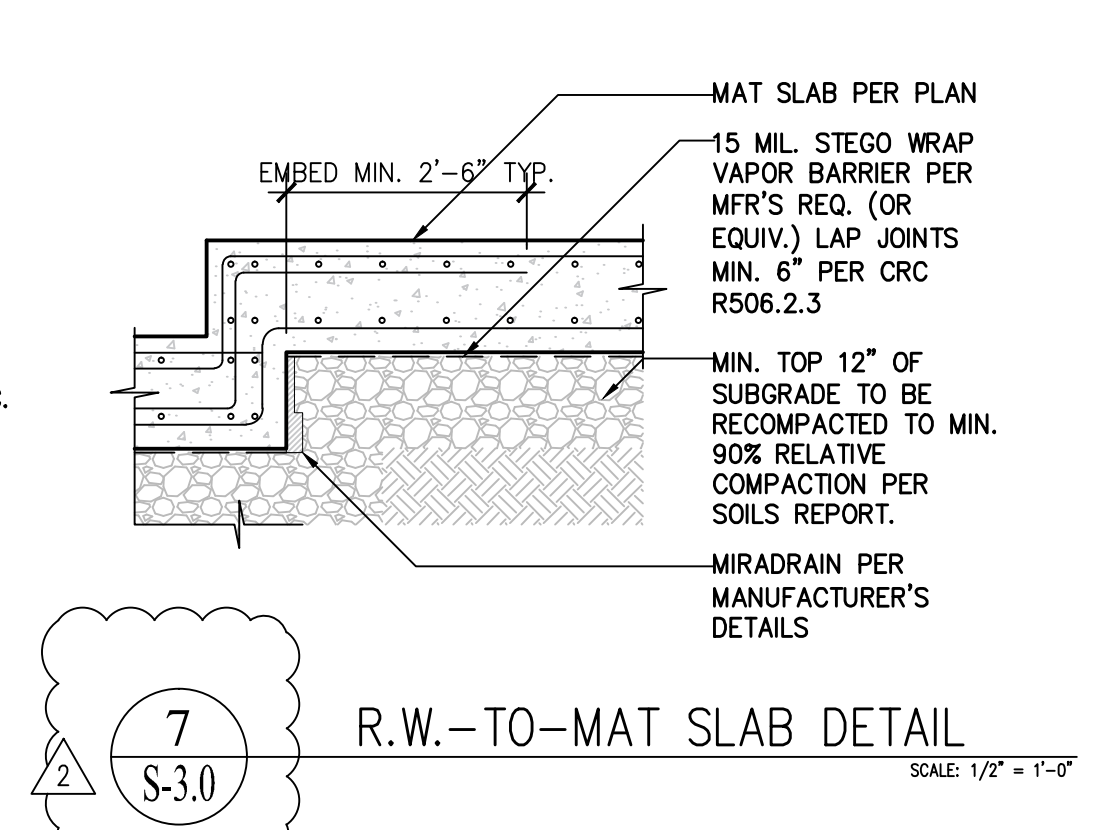
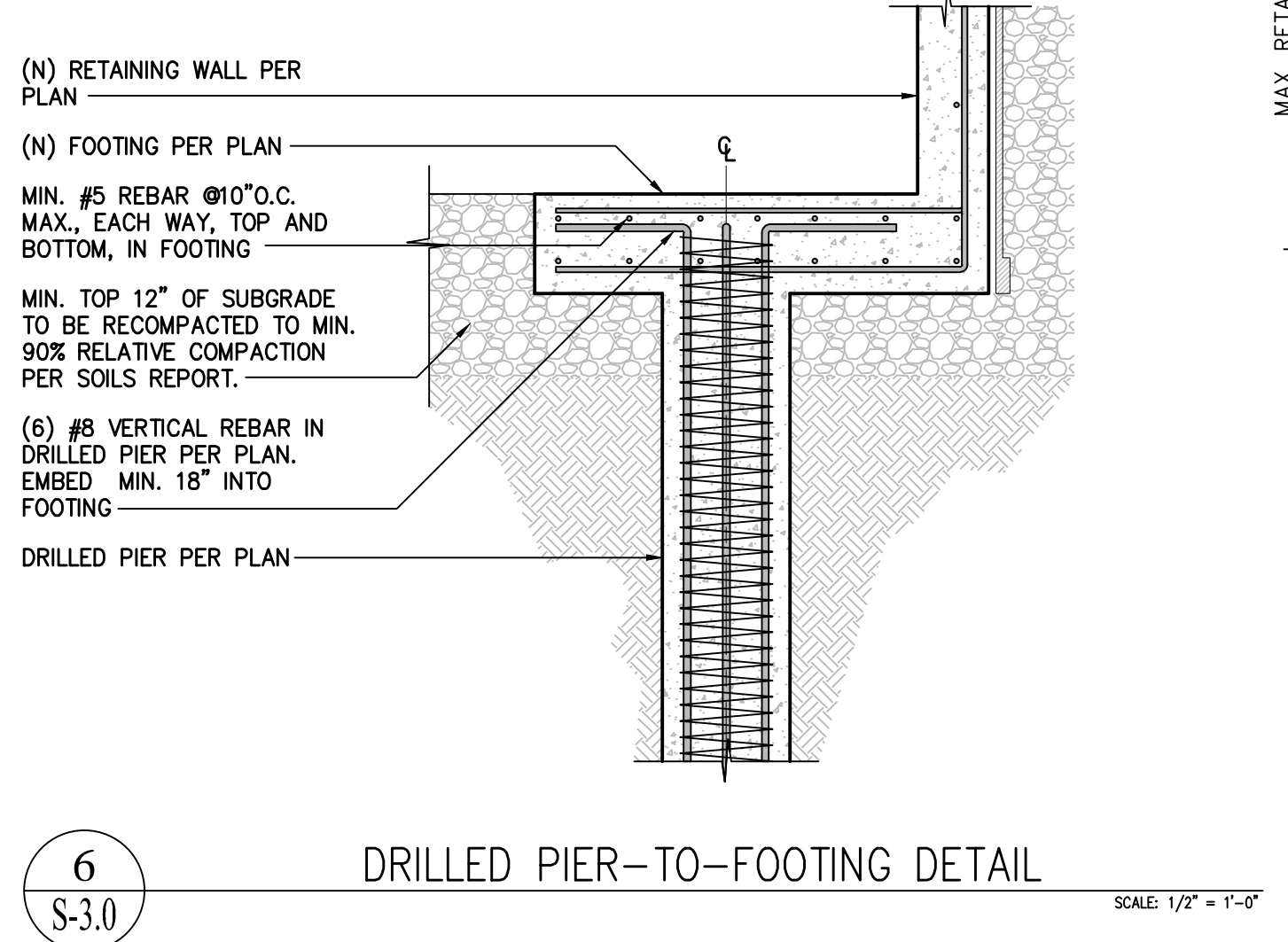
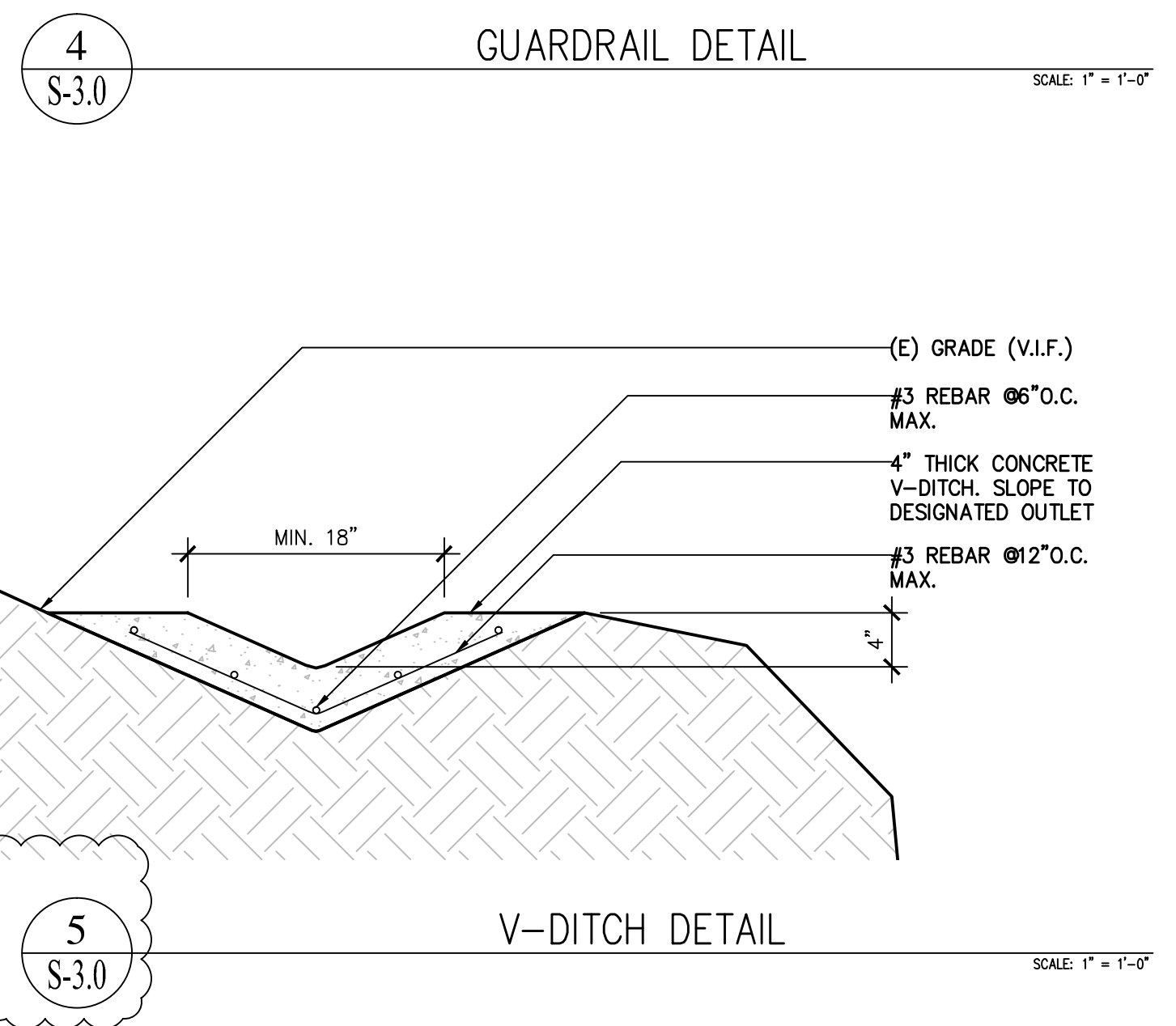
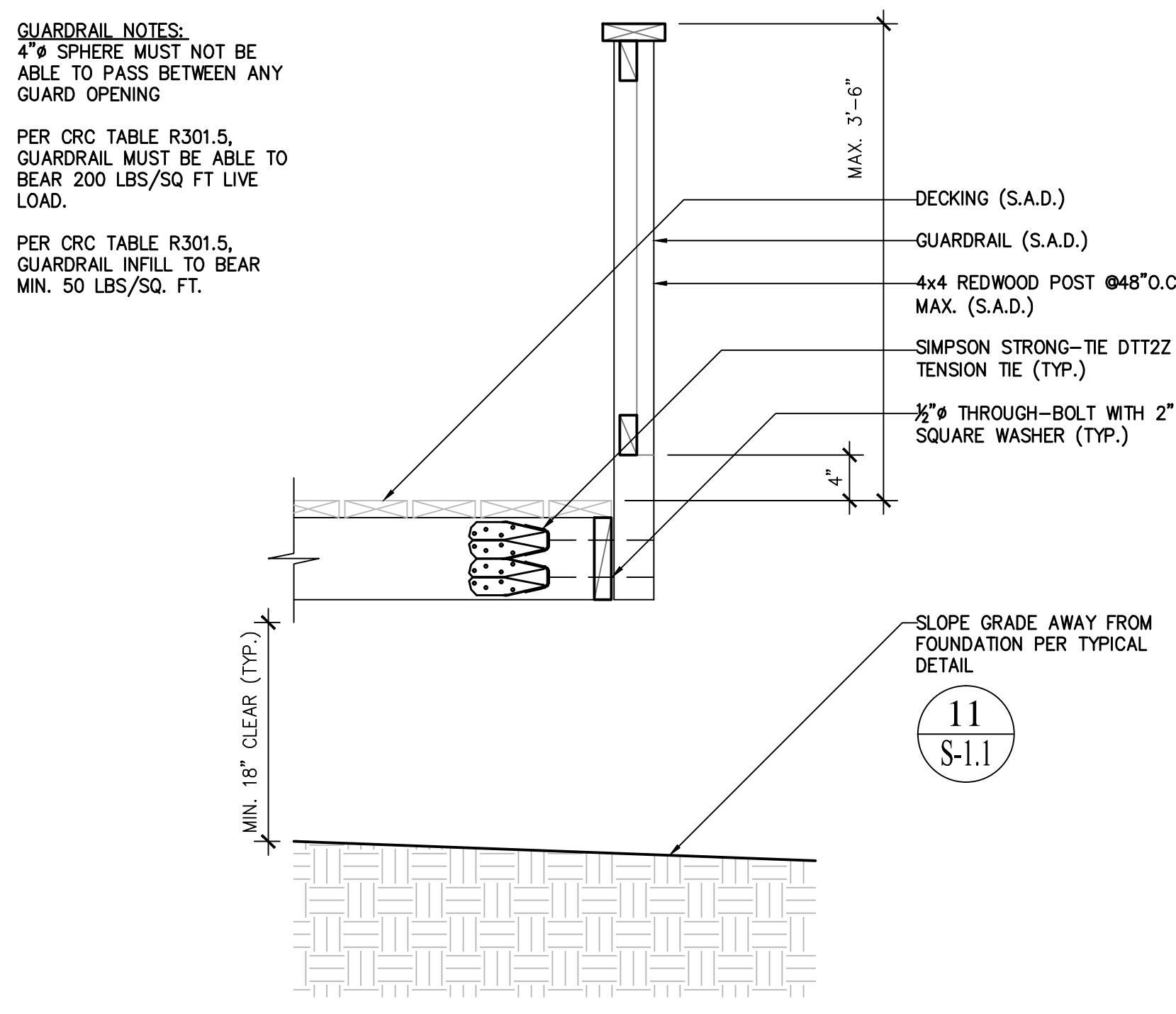
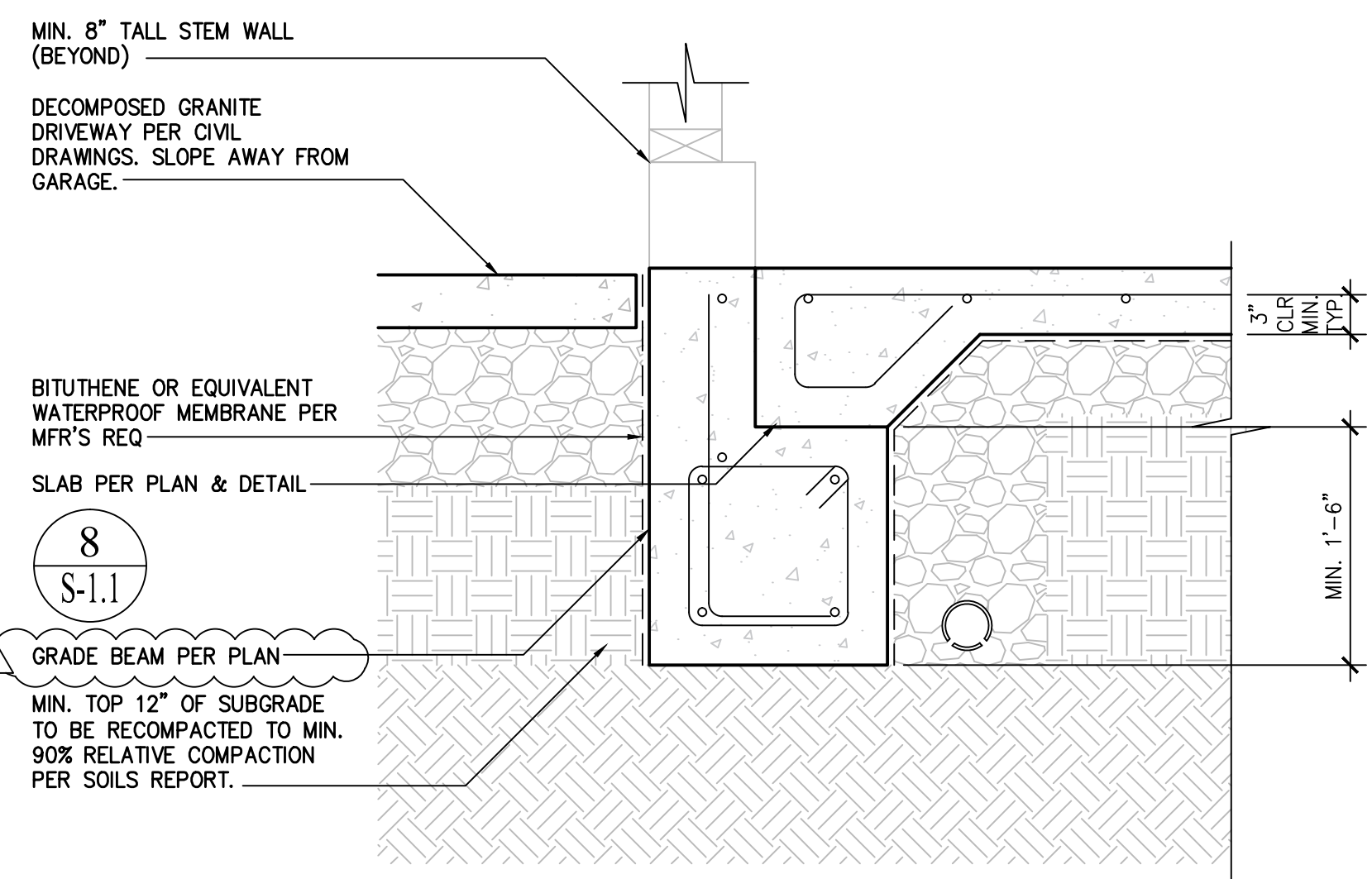
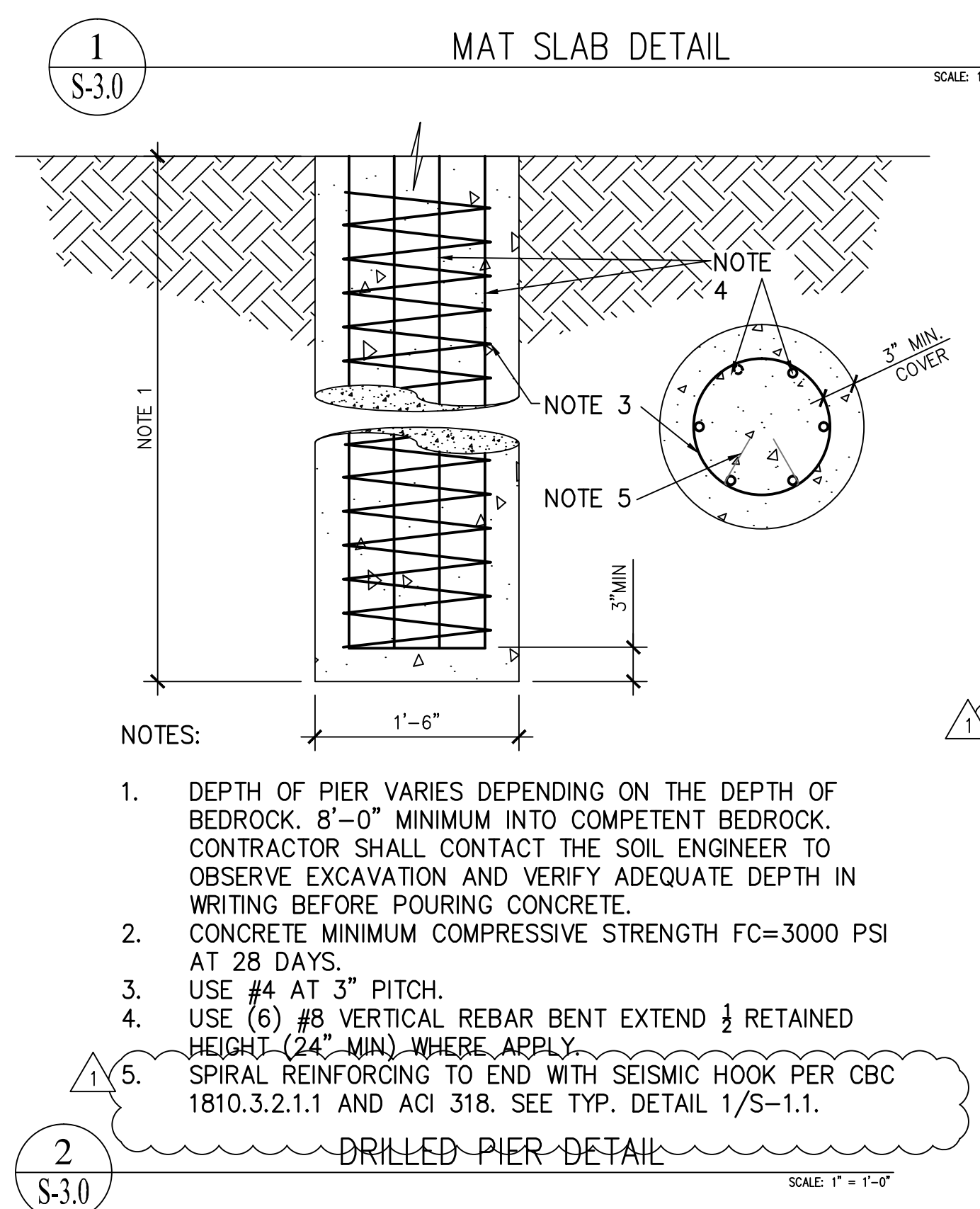


RETAINING WALL SCHEDULE (WITH FRONT SLAB)

| MAX H | MIN. T | MIN R <sub>v</sub> | MIN R <sub>h</sub> |
|-------|--------|--------------------|--------------------|
| 9'-0" | 10"    | #5 REBAR @6"O.C.   | #5 REBAR @6"O.C.   |
| 6'-0" | 10"    | #5 REBAR @6"O.C.   | #5 REBAR @6"O.C.   |
| 4'-0" | 10"    | #5 REBAR @6"O.C.   | #5 REBAR @6"O.C.   |

RETAINING WALL SCHEDULE (WITH FRONT SLAB) (WITH ONE CURTAIN OF REBAR)

| MAX H | MIN. T | MIN R <sub>v</sub> | MIN R <sub>h</sub> |
|-------|--------|--------------------|--------------------|
| 6'-0" | 8"     | #5 REBAR @6"O.C.   | #5 REBAR @6"O.C.   |



**GUARDRAIL NOTES:**  
4" Ø SPHERE MUST NOT BE ABLE TO PASS BETWEEN ANY GUARD OPENING  
PER CRC TABLE R301.5, GUARDRAIL MUST BE ABLE TO BEAR 200 LBS/SQ FT LIVE LOAD.  
PER CRC TABLE R301.5, GUARDRAIL INFILL TO BEAR MIN. 50 LBS/SQ. FT.

\*NOTE: 2" MIN. CLEAR TYP. WHEN CONCRETE POURED AGAINST MIRADRIN OR EQUIV.  
FILTER FABRIC  
90% COMPACTED SELECT ENGINEERED BACKFILL (P<20, LL<40) OR UNDISTURBED NATIVE SOIL  
TEMPORARY CONSTRUCTION SLOPE PER OSHA REGULATIONS  
4" PERF. PIPE (PERFORATION DOWN) OR APPROVED EQ. SLOPE 2% MIN TO APPROVED OUTLET OR WEEP HOLES TO DRAIN. BOTTOM OF PERF. PIPE MIN. 6" BELOW FINISHED FLOOR.  
CARLISLE COATINGS & WATERPROOFING (CCW) 201 TERMINATION SEALANT PER MFR'S REQ. (OR EQUIV.)  
15 MIL. STEGO WRAP VAPOR BARRIER PER MFR'S REQ. (OR EQUIV.) LAP JOINTS MIN. 6" PER CRC R506.2.3  
FILTER FABRIC  
MIN. 12" COMPACTED ENGINEERED FILL PER SOIL ENGINEER'S APPROVAL  
SUB-DRAIN 4" DIAMETER PERF. PIPE (PERFORATION DOWN). SLOPE 1% MIN. TO APPROVED OUTLET. INSTALL WHERE APPLICABLE.

NOTE 1: DEPTH OF PIER VARIES DEPENDING ON THE DEPTH OF BEDROCK. 8'-0" MINIMUM INTO COMPETENT BEDROCK. CONTRACTOR SHALL CONTACT THE SOIL ENGINEER TO OBSERVE EXCAVATION AND VERIFY ADEQUATE DEPTH IN WRITING BEFORE POURING CONCRETE.  
NOTE 2: CONCRETE MINIMUM COMPRESSIVE STRENGTH FC=3000 PSI AT 28 DAYS.  
NOTE 3: USE #4 AT 3" PITCH.  
NOTE 4: USE (6) #8 VERTICAL REBAR BENT EXTEND 1/2 RETAINED HEIGHT (24" MIN.) WHERE APPLY.  
NOTE 5: SPIRAL REINFORCING TO END WITH SEISMIC HOOK PER CBC 1810.3.2.1.1 AND ACI 318. SEE TYP. DETAIL 1/S-1.1.

REVISIONS

| NO. | DATE       | BY |
|-----|------------|----|
| 1   | 2022-06-21 | DL |
| 2   | 2022-09-21 | DL |
| 3   | 2023-04-20 | DL |

**Darius Abolhassani Consultant & Associates, Inc.**  
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7 Mt. Lassen Drive, Suite A-129, San Rafael, CA 94903  
Phone: (415)499-1919 Email: darius@dacassociates.net



**NEW RESIDENCE & ADU**  
79 WOOD LANE  
FAIRFAX, CA 94930  
PROJECT APN 002-062-03

STRUCTURAL DETAILS

DATE: 2022-04-08  
SCALE: AS SHOWN  
DRAWN BY: DL  
JOB NUMBER: 1477-0822 S  
SHEET 9  
**S-3.0**  
OF 14 SHEET

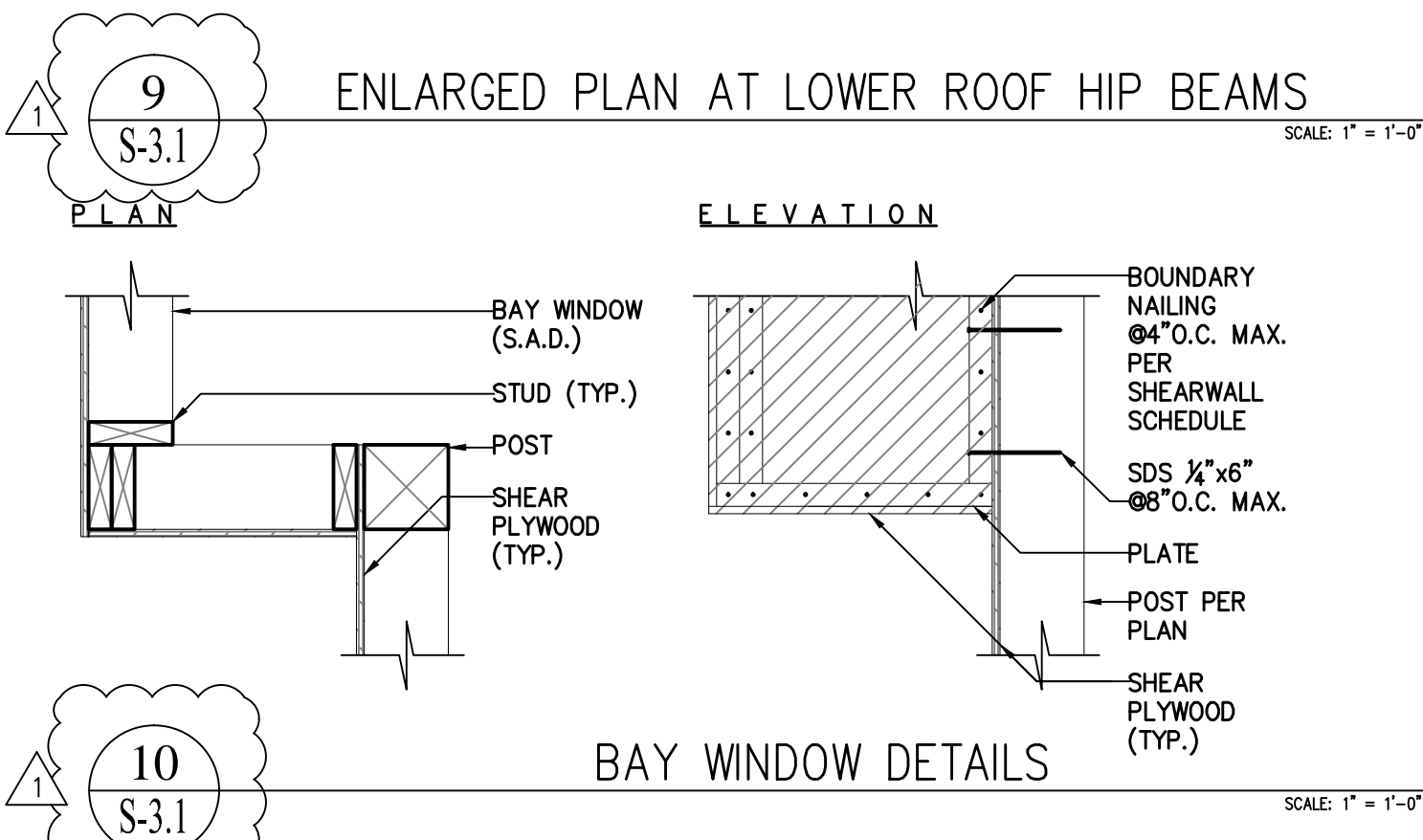
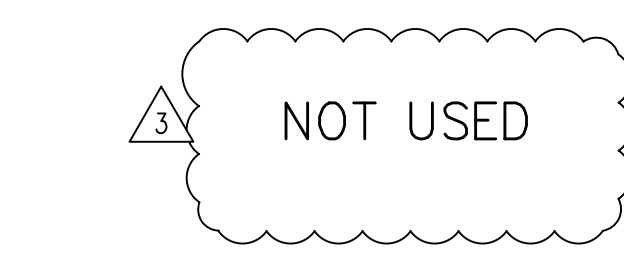
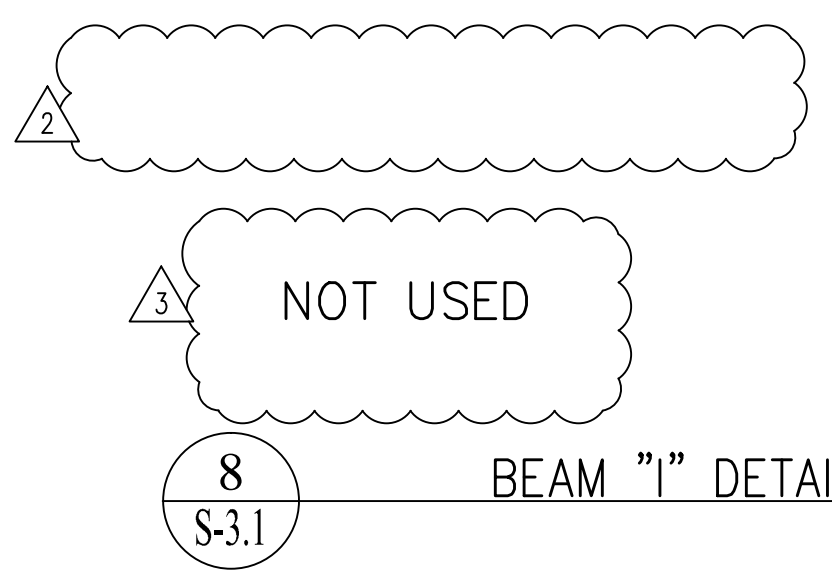
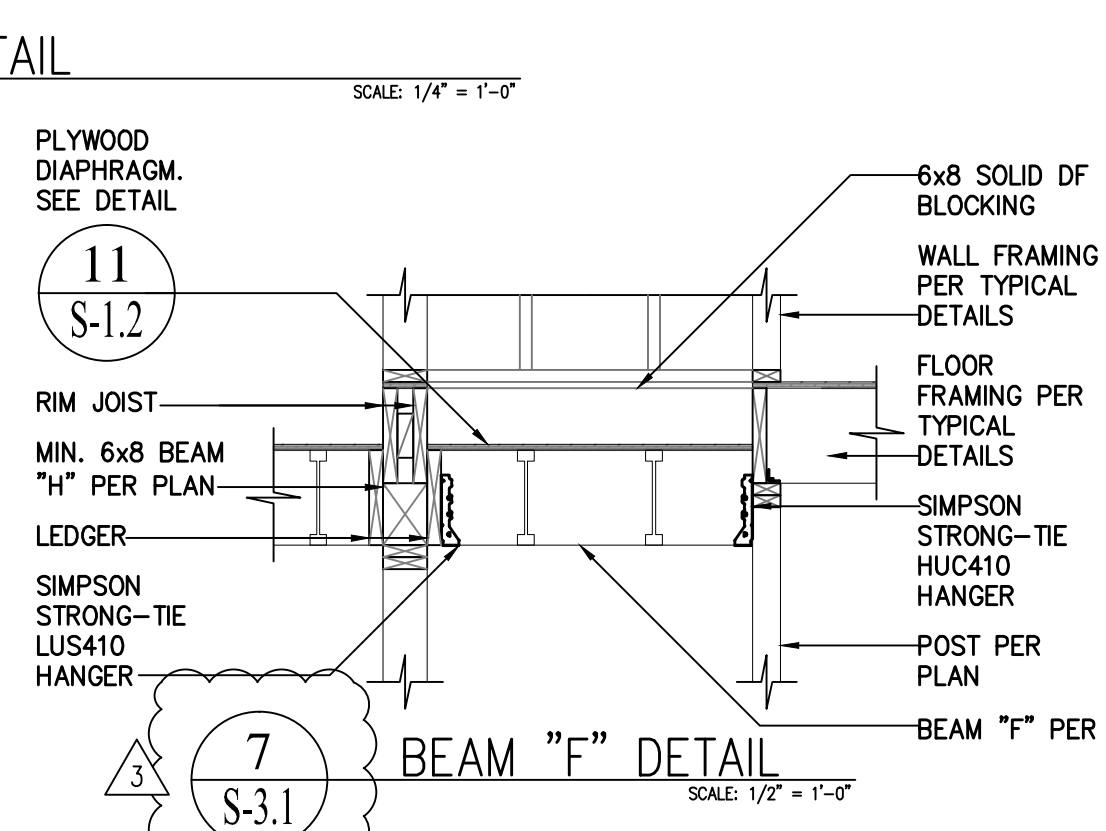
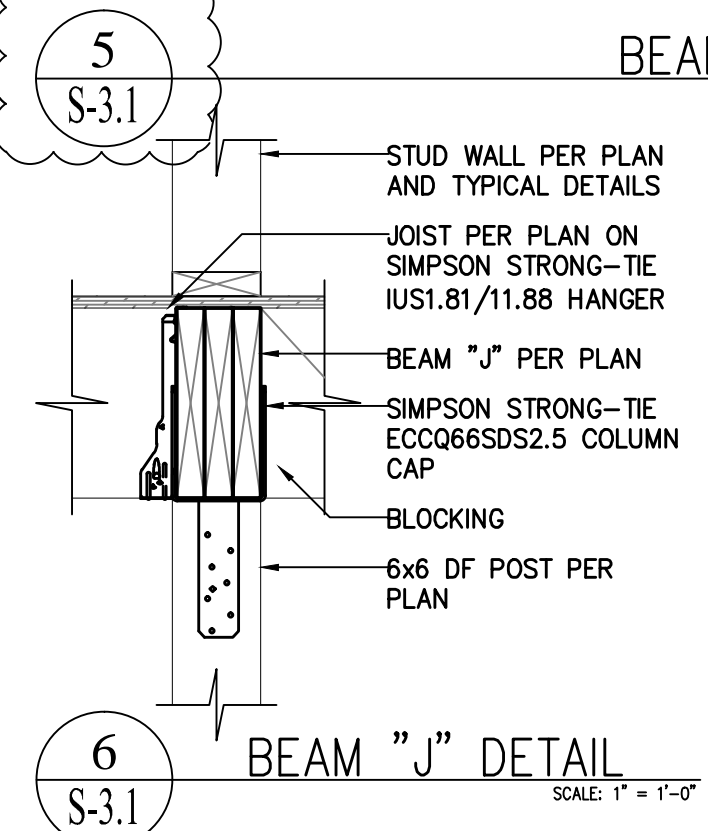
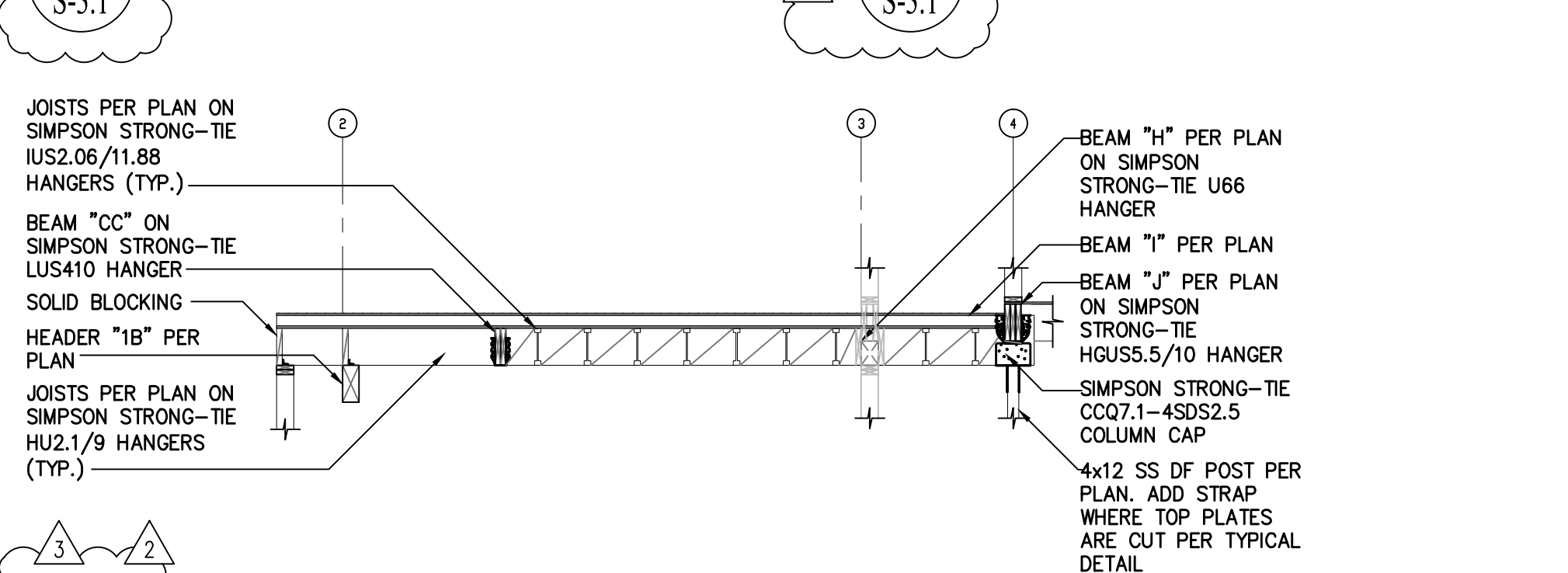
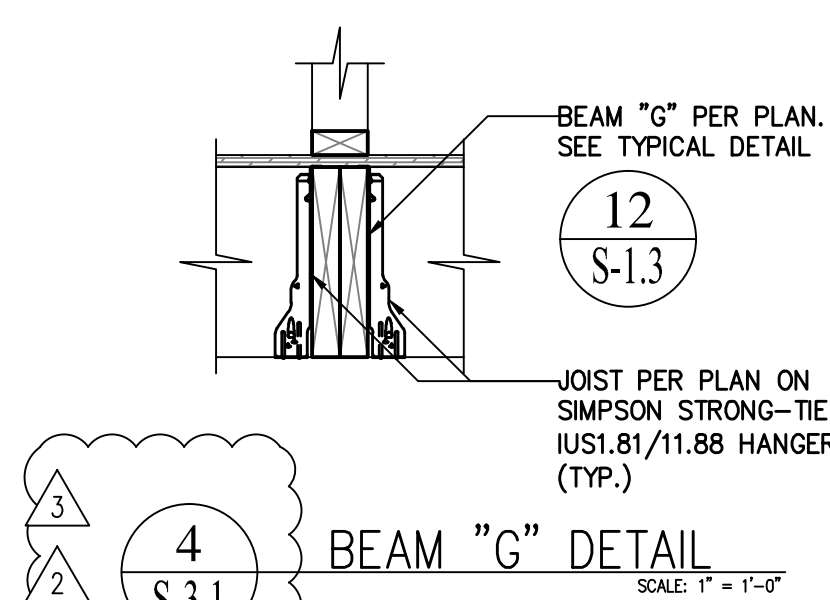
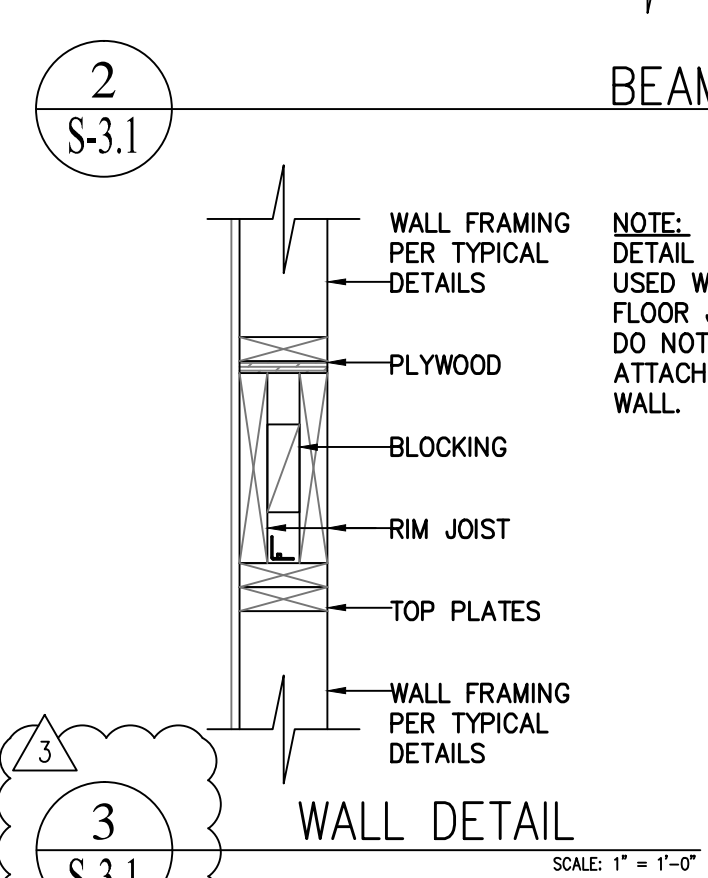
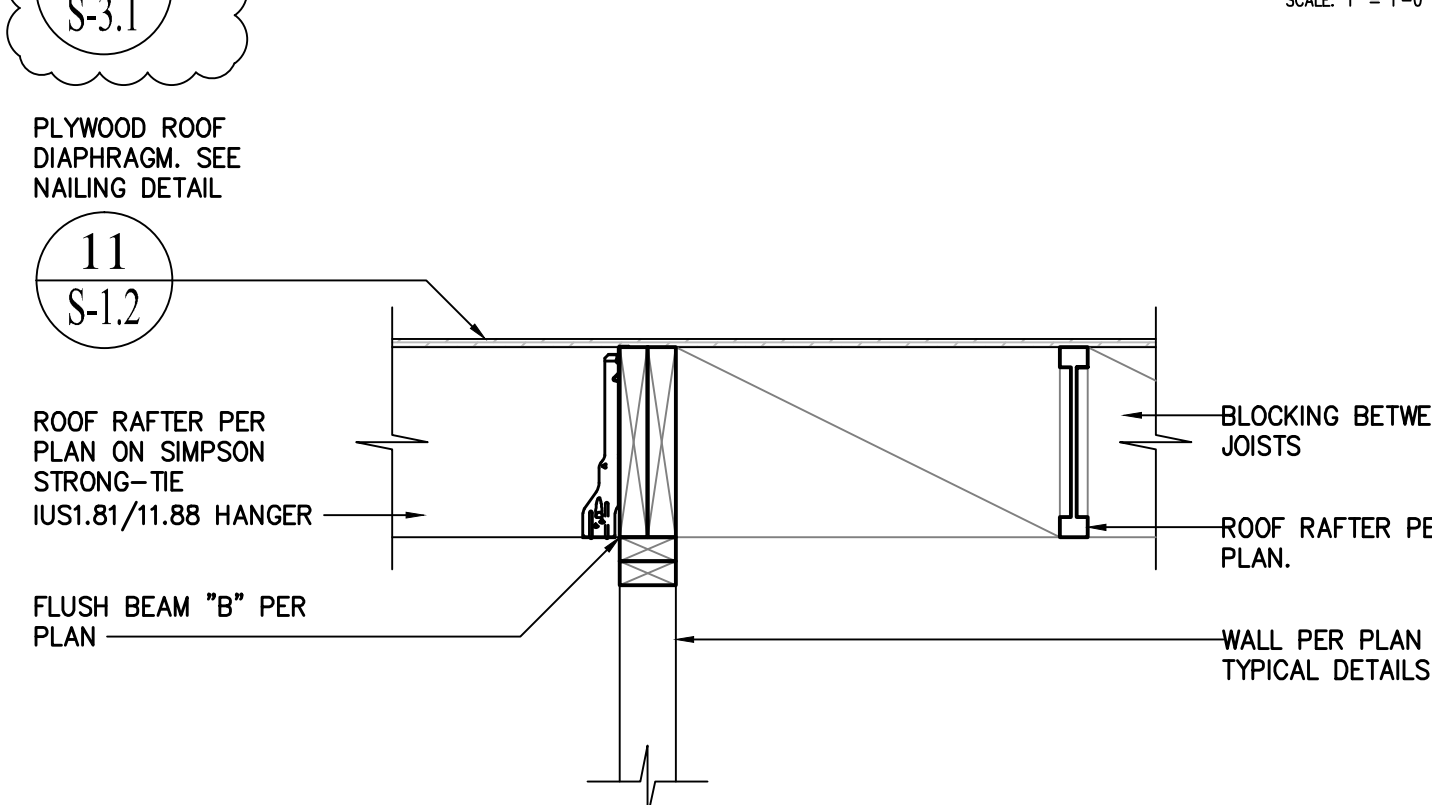
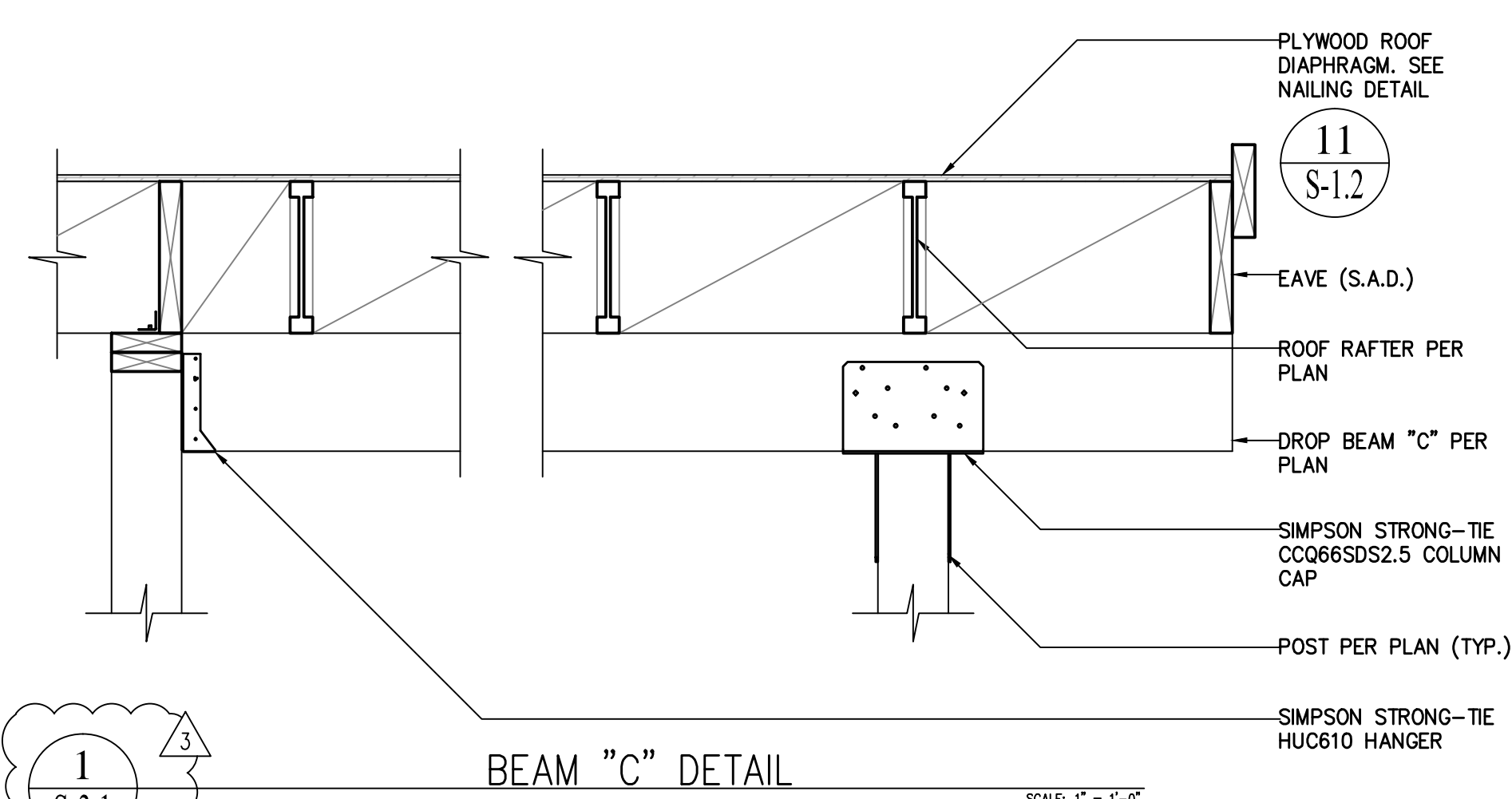
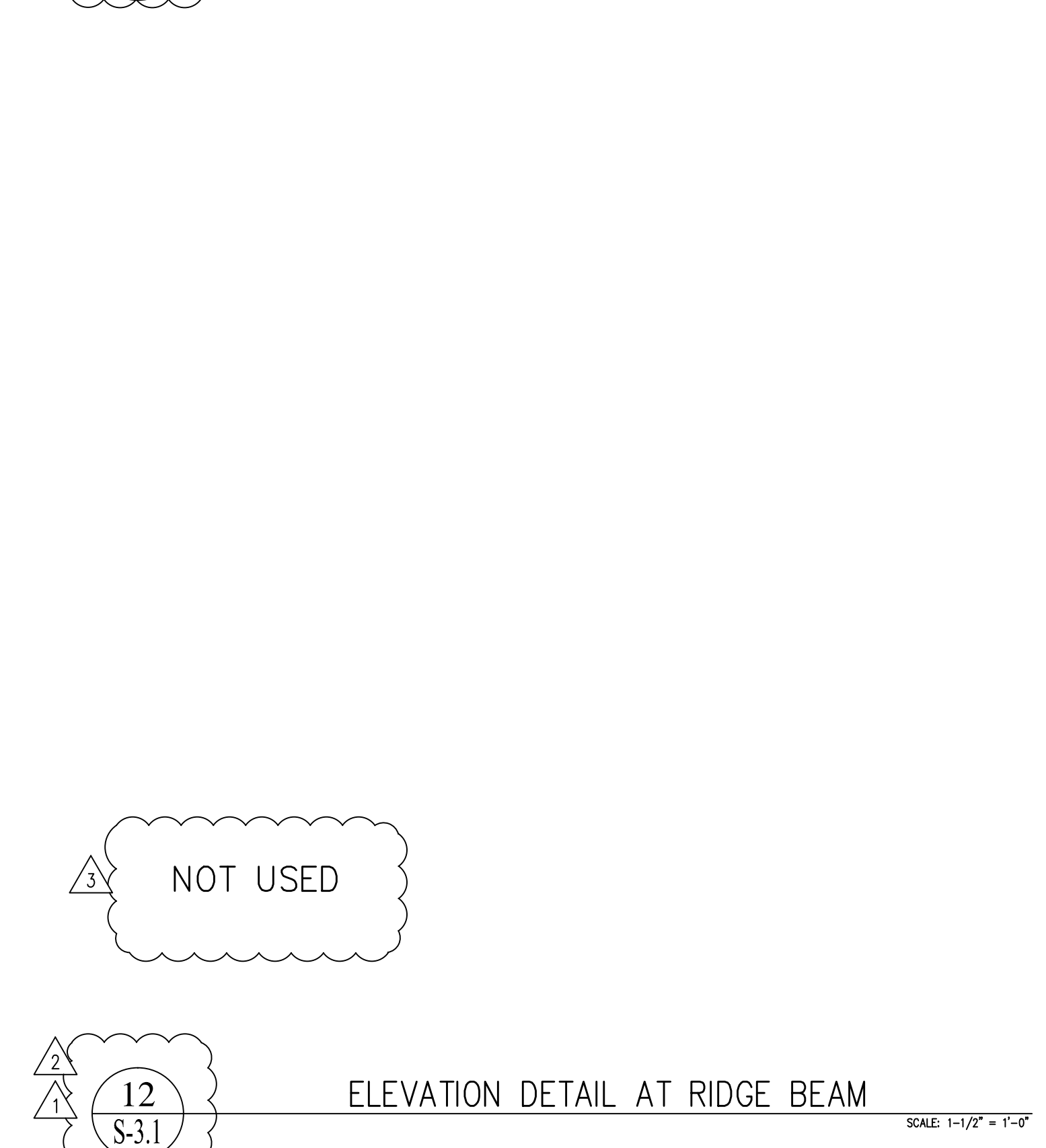
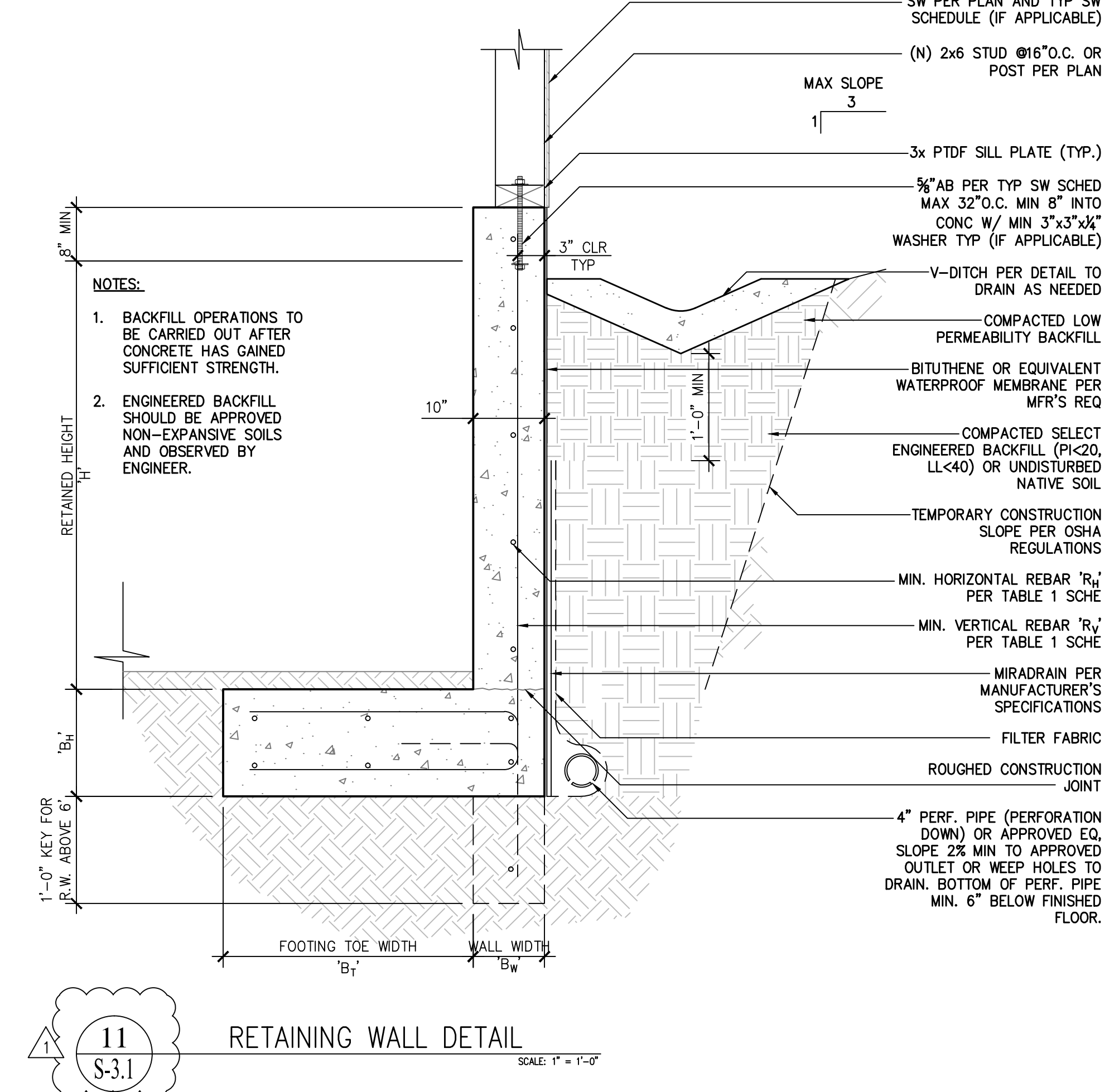


TABLE 1 - L FOOTING RETAINING WALL SCHEDULE

| MAX H  | MIN B <sub>w</sub> | MIN B <sub>f</sub> | MIN B <sub>H</sub> | MIN R <sub>v</sub> | MIN R <sub>H</sub> |
|--------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 10'-0" | 10"                | 4'-6"              | 14"                | #6 REBAR 010" O.C. | #5 REBAR 016" O.C. |
| 8'-0"  | 10"                | 4'-6"              | 14"                | #6 REBAR 016" O.C. | #5 REBAR 016" O.C. |
| 6'-0"  | 10"                | 4'-6"              | 14"                | #5 REBAR 016" O.C. | #5 REBAR 016" O.C. |
| 4'-0"  | 10"                | 4'-6"              | 14"                | #5 REBAR 016" O.C. | #5 REBAR 016" O.C. |

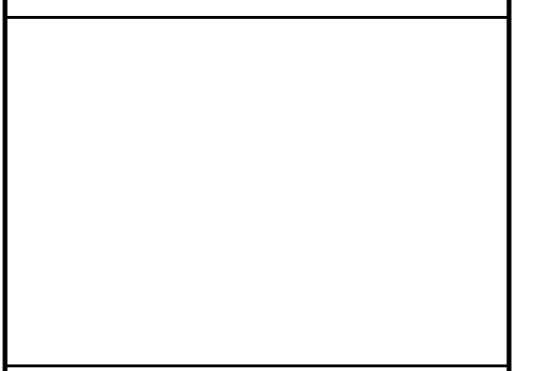


REVISIONS

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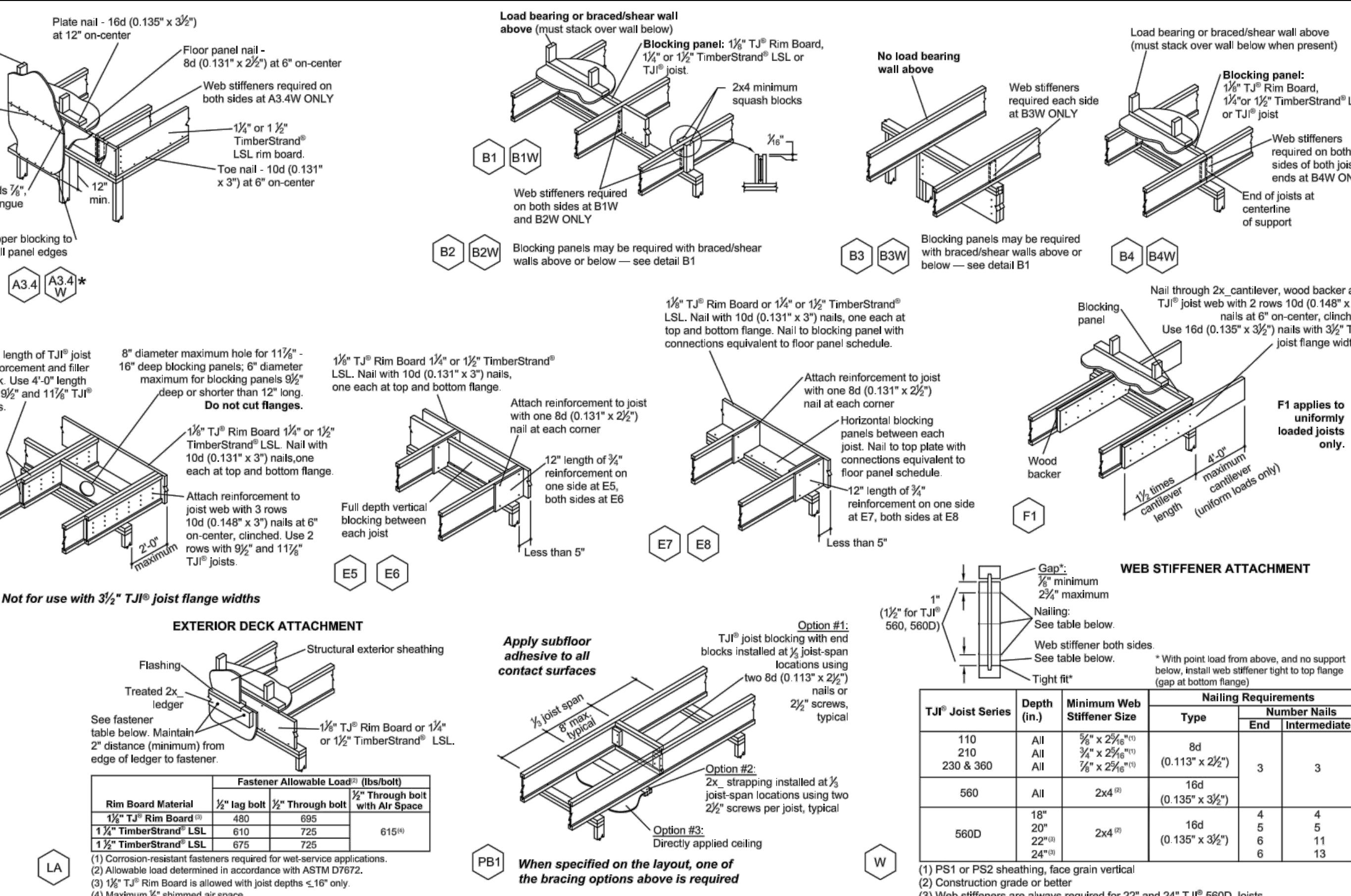
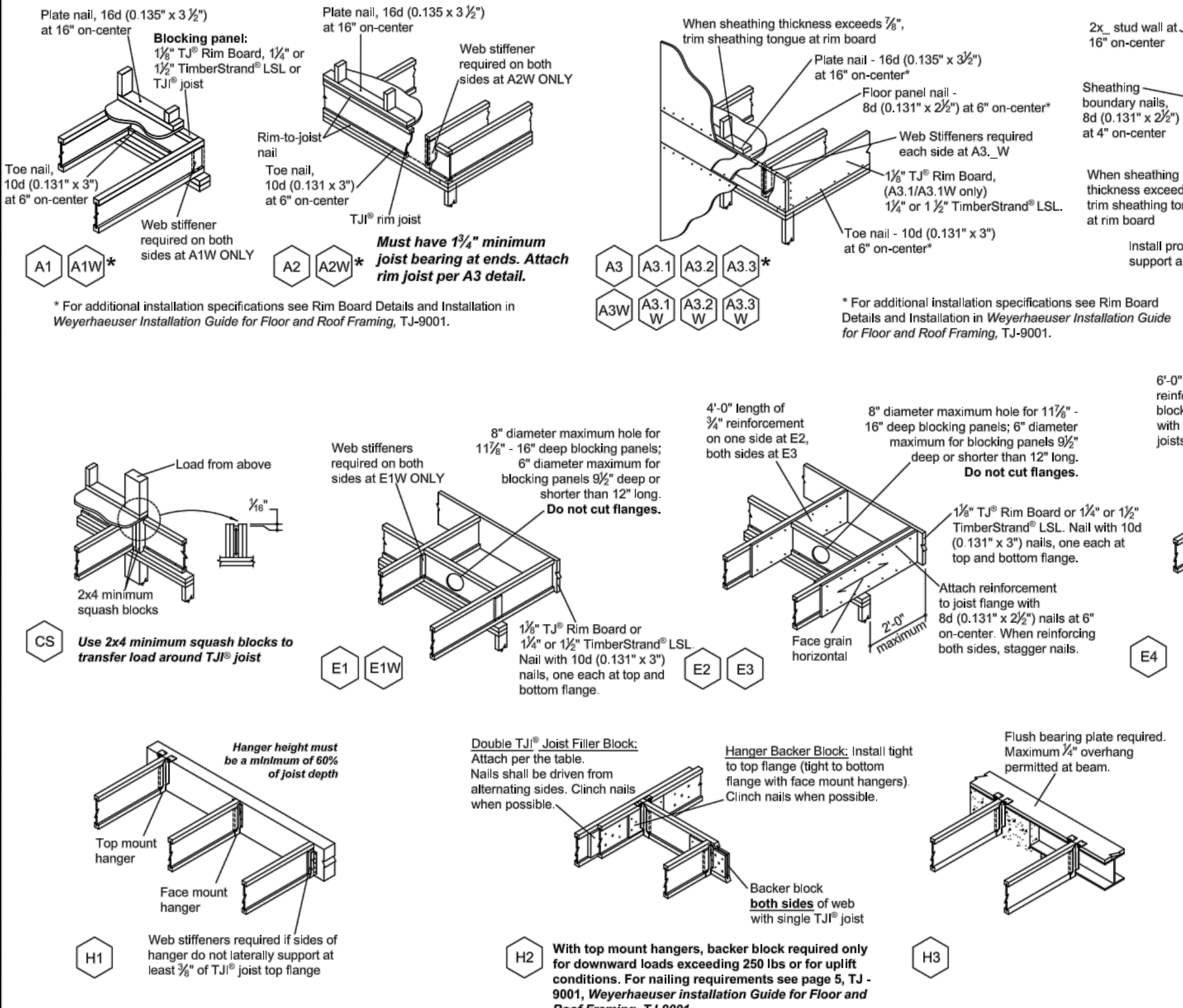
**NEW RESIDENCE & ADU**  
79 WOOD LANE  
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STRUCTURAL DETAILS

DATE: 2022-04-08  
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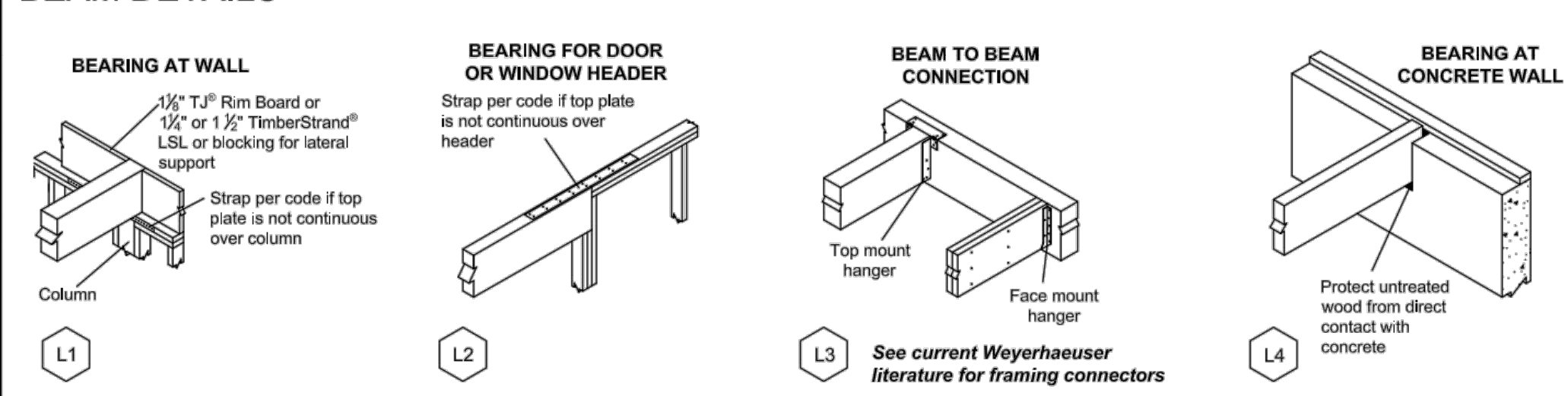
SHEET 10  
**S-3.1**  
OF 14 SHEET

**JOIST DETAILS**



SEE MANUFACTURER'S DETAILS FOR INSTALLATION.

**BEAM DETAILS**



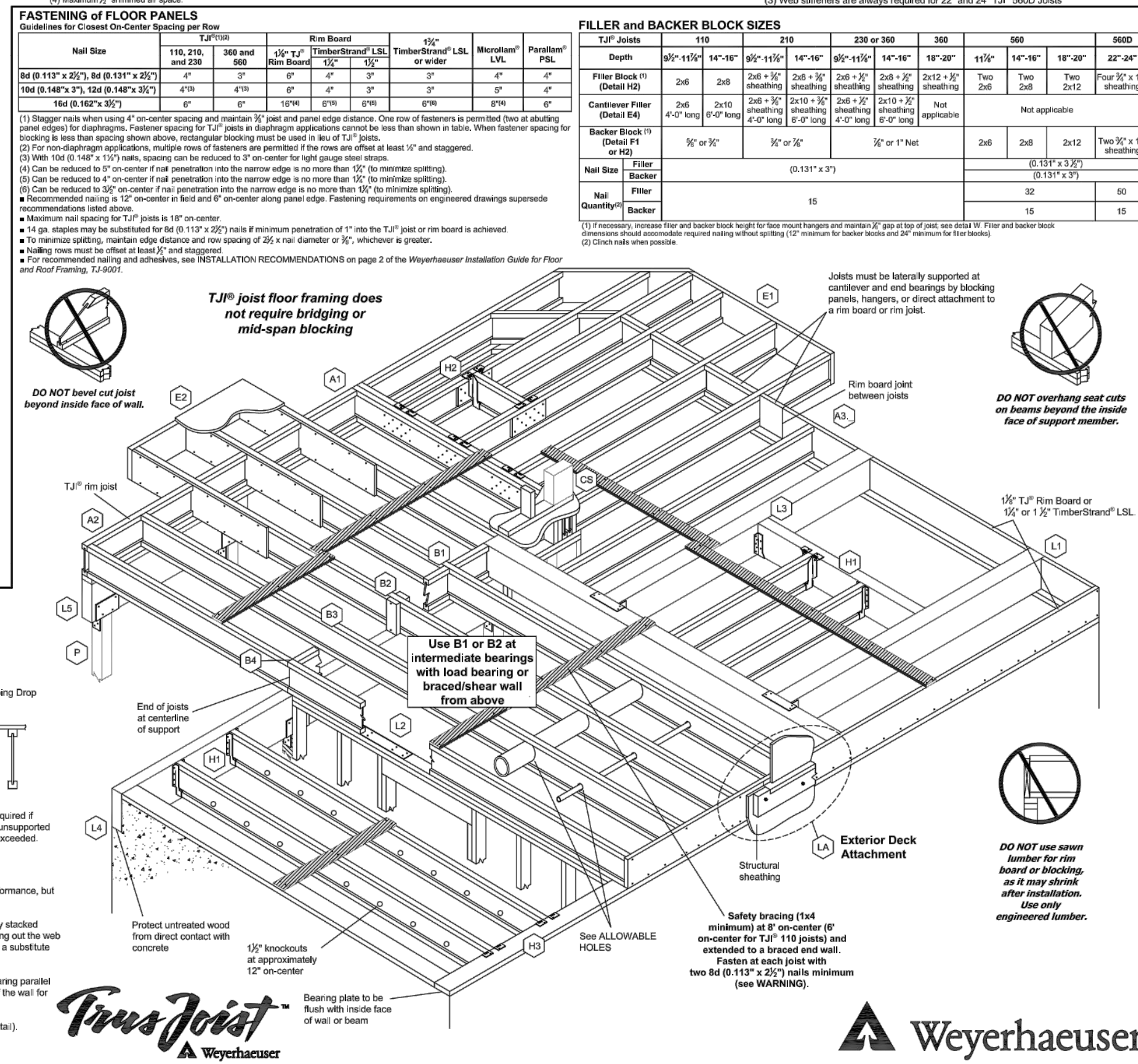
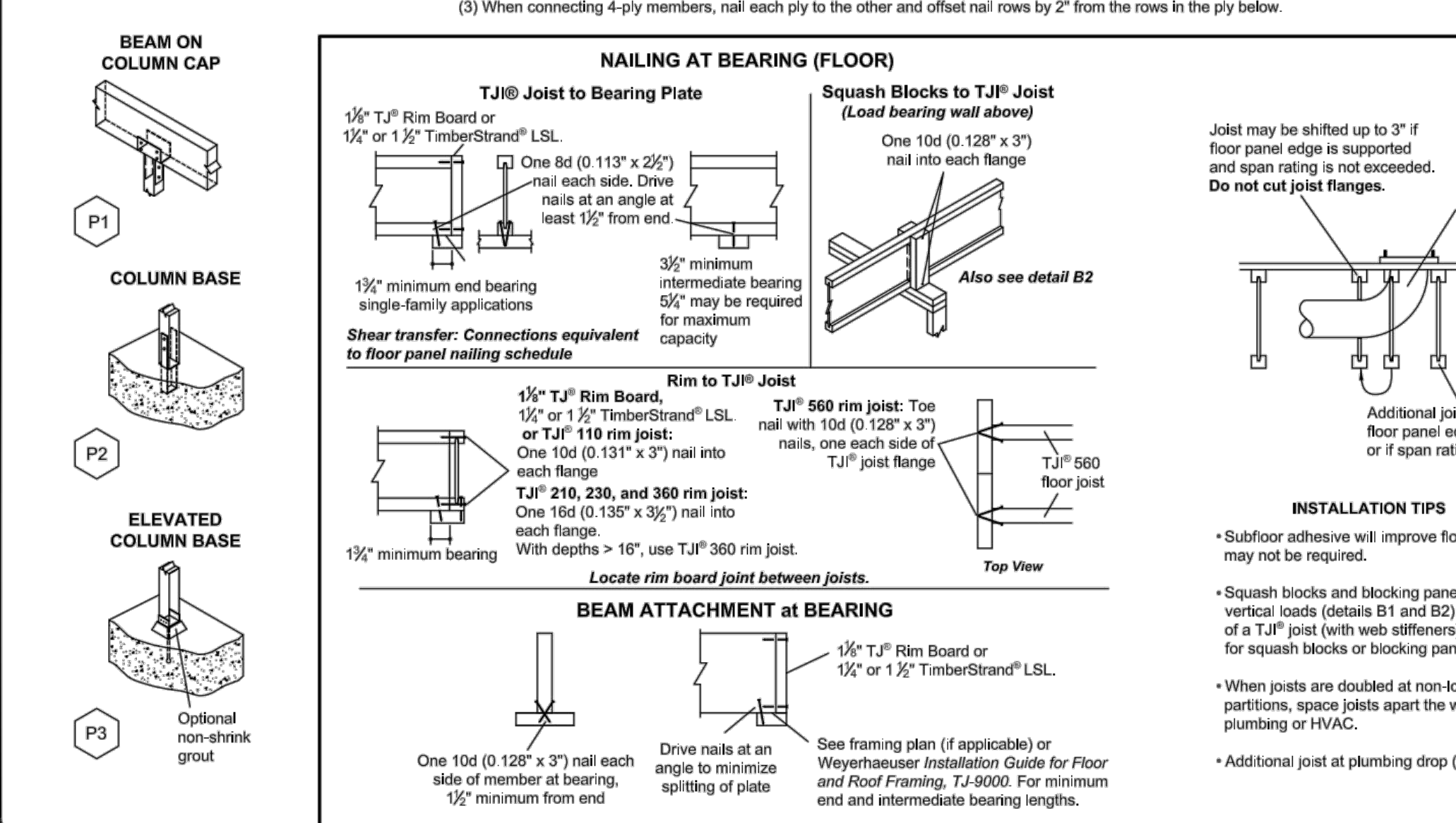
**FASTENING OF FLOOR PANELS**  
Guidelines for Closest On-Center Spacing per Row

| Nail Size             | TJI® 110          |             | Rim Board             |                          | 1 1/2" TJI® Rim Board |                          | 1 1/2" TimberStrand® LSL |                          | Microtam® LVL         |                          | Paralam® PSL          |                          |
|-----------------------|-------------------|-------------|-----------------------|--------------------------|-----------------------|--------------------------|--------------------------|--------------------------|-----------------------|--------------------------|-----------------------|--------------------------|
|                       | 110, 210, and 230 | 360 and 560 | 1 1/2" TJI® Rim Board | 1 1/2" TimberStrand® LSL | 1 1/2" TJI® Rim Board | 1 1/2" TimberStrand® LSL | 1 1/2" TJI® Rim Board    | 1 1/2" TimberStrand® LSL | 1 1/2" TJI® Rim Board | 1 1/2" TimberStrand® LSL | 1 1/2" TJI® Rim Board | 1 1/2" TimberStrand® LSL |
| 8d (0.131" x 2 1/2")  | 4"                | 3"          | 6"                    | 4"                       | 3"                    | 3"                       | 4"                       | 4"                       | 4"                    | 4"                       | 4"                    | 4"                       |
| 10d (0.131" x 3")     | 4 1/2"            | 4 1/2"      | 6"                    | 4"                       | 3"                    | 3"                       | 4"                       | 4"                       | 4"                    | 4"                       | 4"                    | 4"                       |
| 16d (0.162" x 3 1/2") | 6"                | 6"          | 10 1/4"               | 6 1/4"                   | 6 1/4"                | 6 1/4"                   | 6 1/4"                   | 6 1/4"                   | 6 1/4"                | 6 1/4"                   | 6 1/4"                | 6 1/4"                   |

**FILLER and BACKER BLOCK SIZES**

| TJI® Joist Series | Depth (in.) | Minimum Web Stiffener Size | Nailing Requirements  | Number Nails |
|-------------------|-------------|----------------------------|-----------------------|--------------|
|                   |             |                            | Type                  | End          |
| 110               | All         | 3/4" x 2 1/2" min          | 8d (0.131" x 2 1/2")  | 3            |
|                   |             |                            |                       | 3            |
|                   |             |                            |                       | 3            |
| 210               | All         | 3/4" x 2 1/2" min          | 16d (0.135" x 3 1/2") | 4            |
|                   |             |                            |                       | 5            |
|                   |             |                            |                       | 11           |
| 360               | All         | 2x4 min                    | 24" min               | 6            |
|                   |             |                            |                       | 13           |
|                   |             |                            |                       | 13           |

**COLUMN DETAILS**



REVISIONS

| NO. | DATE       | BY |
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WEYERHAEUSER  
TYPICAL DETAILS

DATE: 2022-04-08  
SCALE: AS SHOWN  
DRAWN BY: DL  
JOB NUMBER: 1477-0822 S

SHEET 11  
**S-3.2**  
OF 14 SHEET

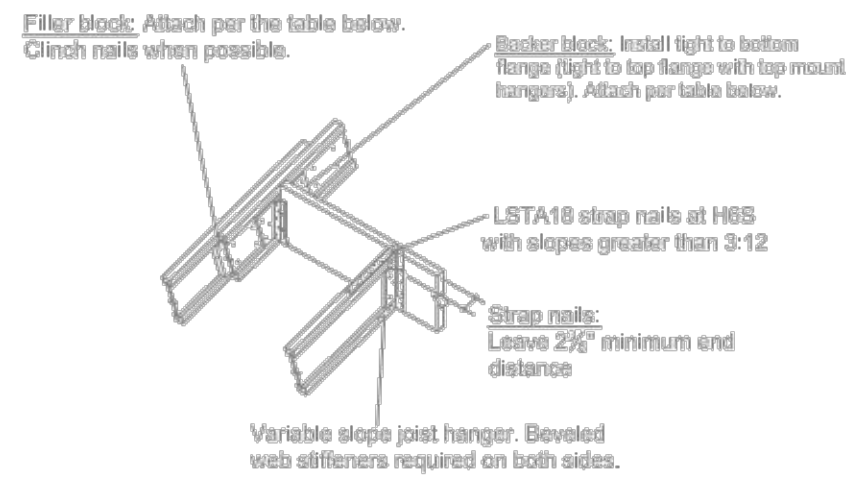
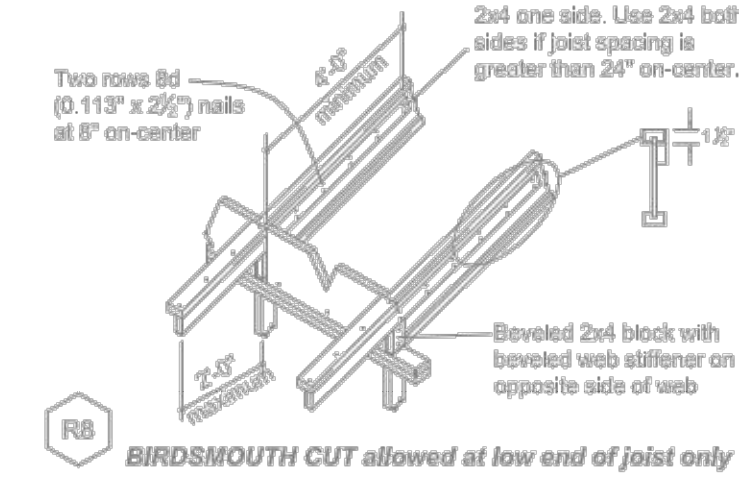
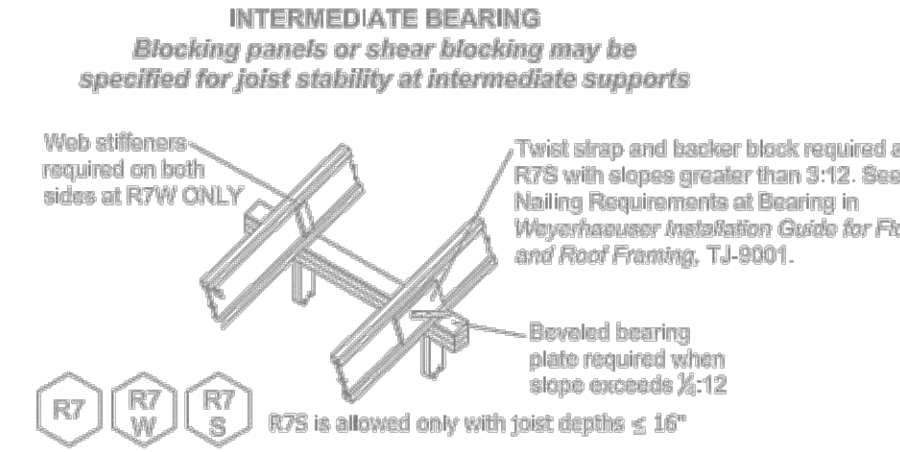
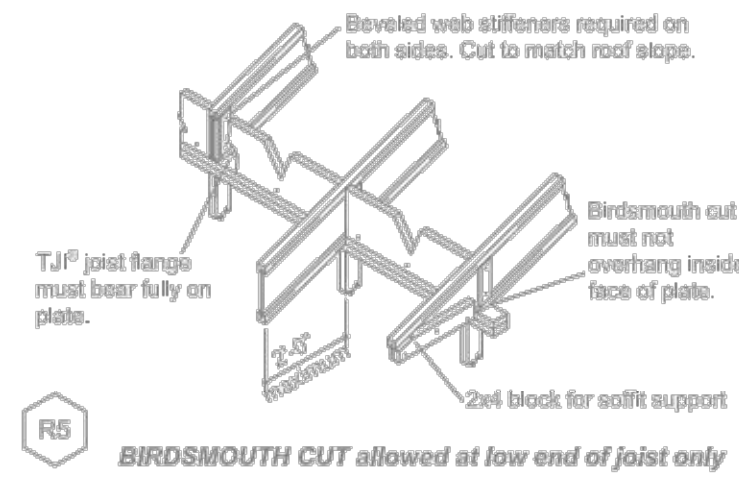
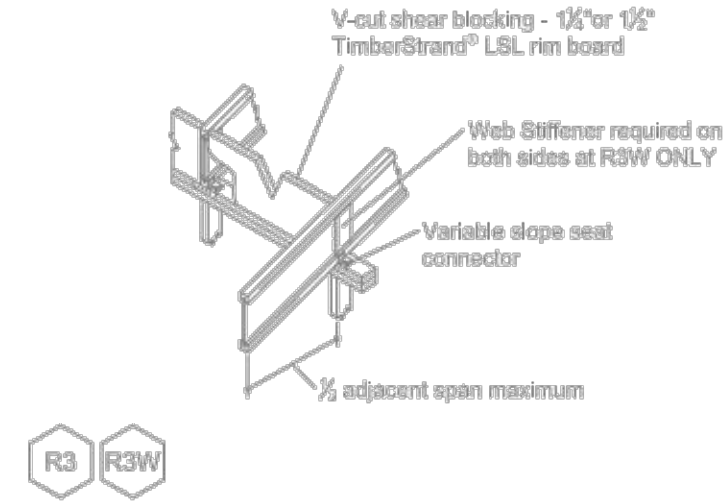
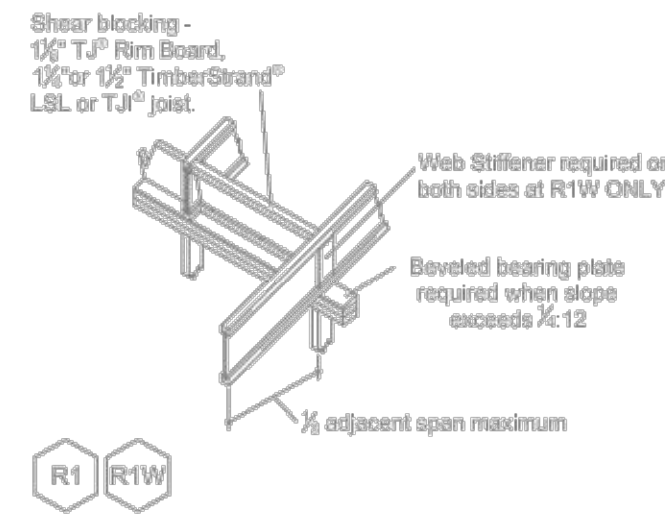




**ROOF DETAILS**

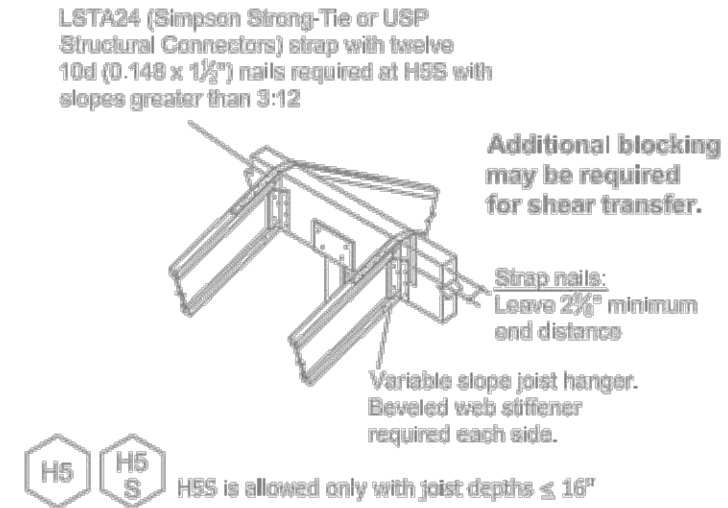
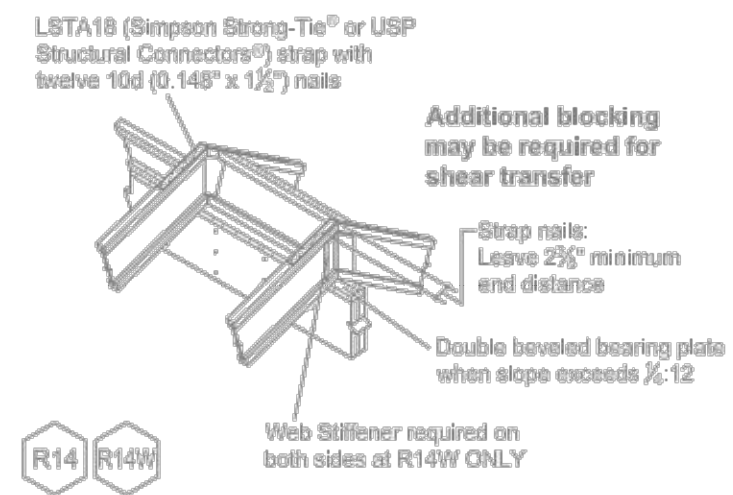
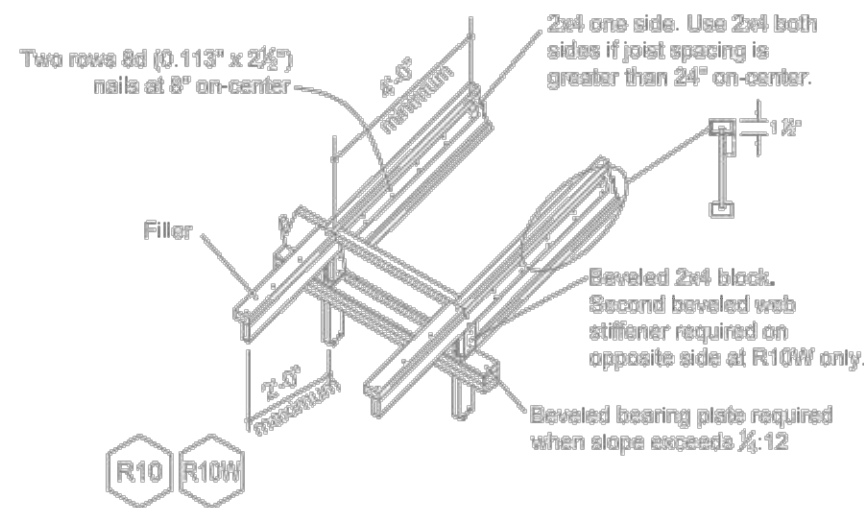
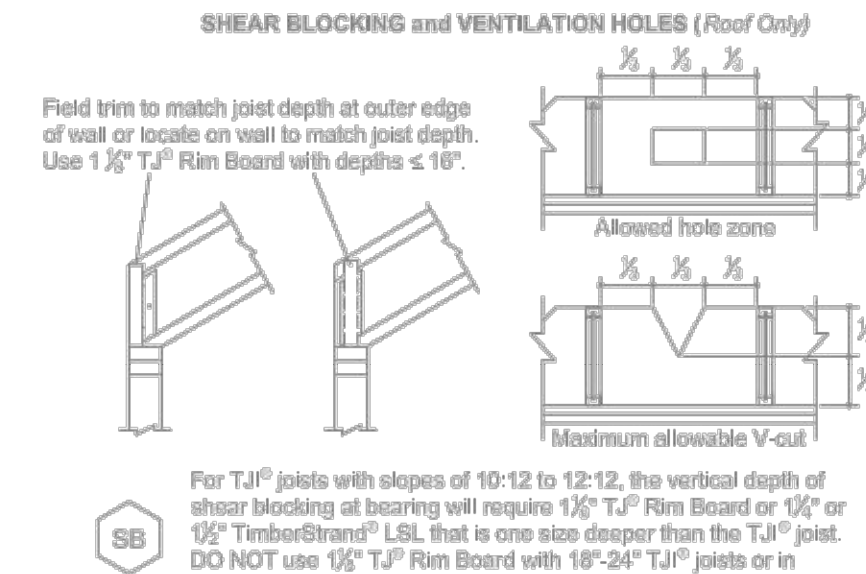
**General Notes**  
 Unless otherwise noted, all details are valid to a maximum slope of 12:12. Joists >16" have a maximum slope of 3:12.  
 Web stiffeners are required with all 22" and 24" joists and when the sides of the hanger do not laterally support at least 3/8" of the TJI® joist top flange. Also see framing plan.

SEE MANUFACTURER'S DETAILS FOR INSTALLATION.

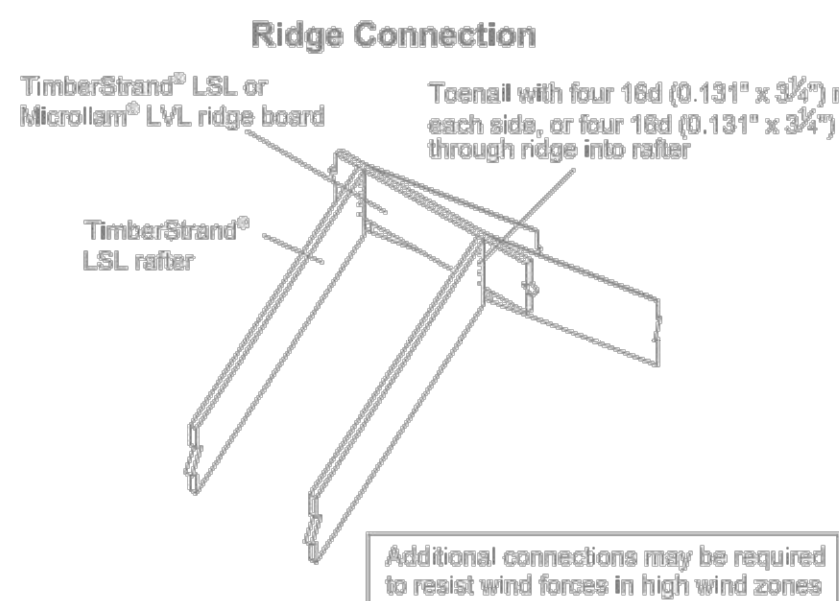


| TJI® Depth, D   | TJI® Flange Width | Block Type | Nail Size            | Quantity       |
|-----------------|-------------------|------------|----------------------|----------------|
| 8 1/2" <D<= 16" | less than 3 1/2"  | Filter     | 10d(0.128" x 3")     | 10             |
|                 |                   | Bacher     | 10d(0.128" x 3")     | 10             |
| 16" <D<= 20"    | less than 3 1/2"  | Filter     | 16d(0.135" x 3 1/2") | 10 - each side |
|                 |                   | Bacher     | 10d(0.128" x 3")     | 15             |
| 20" <D<= 24"    | 3 1/2"            | Filter     | 16d(0.135" x 3 1/2") | 15             |
|                 |                   | Bacher     | 10d(0.128" x 3")     | 15             |

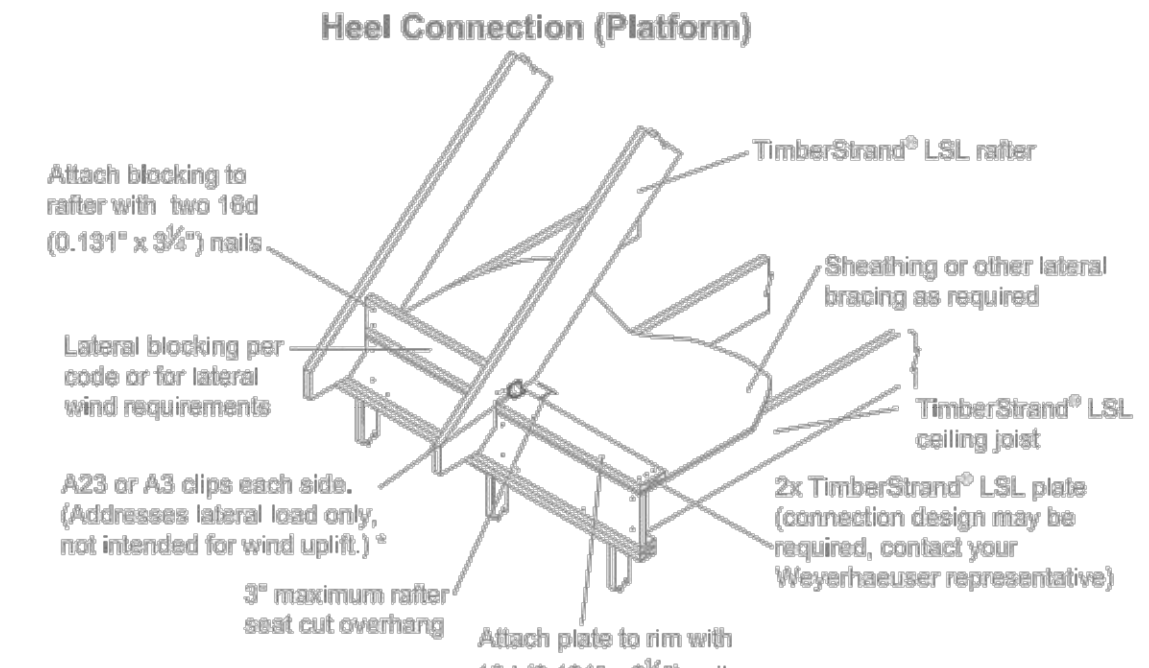
H5S is allowed only with joist depths <= 16"  
 For filler and bacher block sizes see Weyerhaeuser TJI® Joist Specifier's Guide, TJ-4080



**ROOF FRAMING DETAILS**



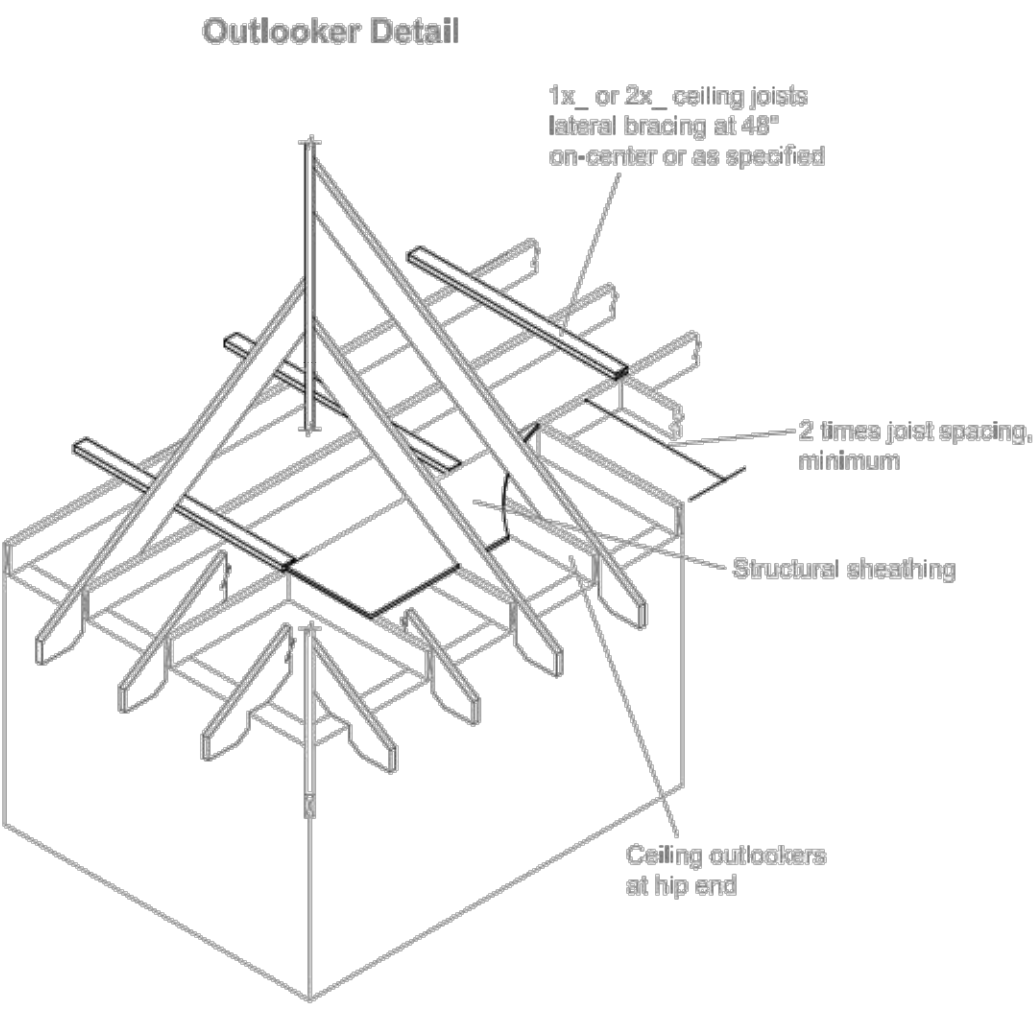
| Minimum Ridge Board Depth |              | Rafter Pitch   |       |
|---------------------------|--------------|----------------|-------|
| Rafter Size               | 4:12 to 8:12 | 10:12 to 11:12 | 12:12 |
| 2x6                       | 2x8          | 2x10           | 2x10  |
| 2x8                       | 2x10         | 2x12           | 2x12  |
| 2x10                      | 14"          | 14"            | 14"   |
| 2x12                      | 14"          | 16"            | 16"   |



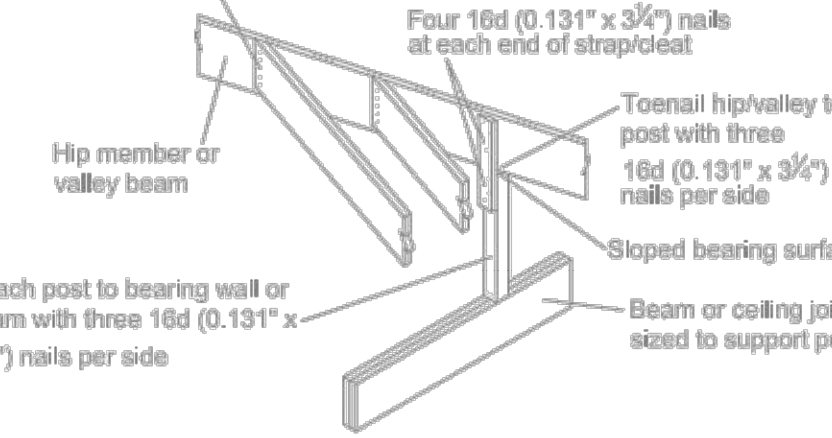
\* Angle Clips

| Hanger Type                   | Clip         | Nailing      |                      |
|-------------------------------|--------------|--------------|----------------------|
|                               |              | Top Plate    | Rafter/Ceiling Joist |
| Simpson Strong Tie® A23       | 10d x 1 1/2" | 10d x 1 1/2" |                      |
| USP Structural Connectors® A3 | 10d x 1 1/2" | 10d x 1 1/2" |                      |

**Rafter Connection for Thrust:**  
 \* For lap connection nail quantity requirements, see Rafter Span and Heel Connection Tables in Weyerhaeuser Roof System Design Guide, TJ-9005.  
 - If fewer than 8 nails are required, use only one A23 or A3 clip, each side.  
 - If 8-15 nails required, use two A23 or A3 clips, each side.

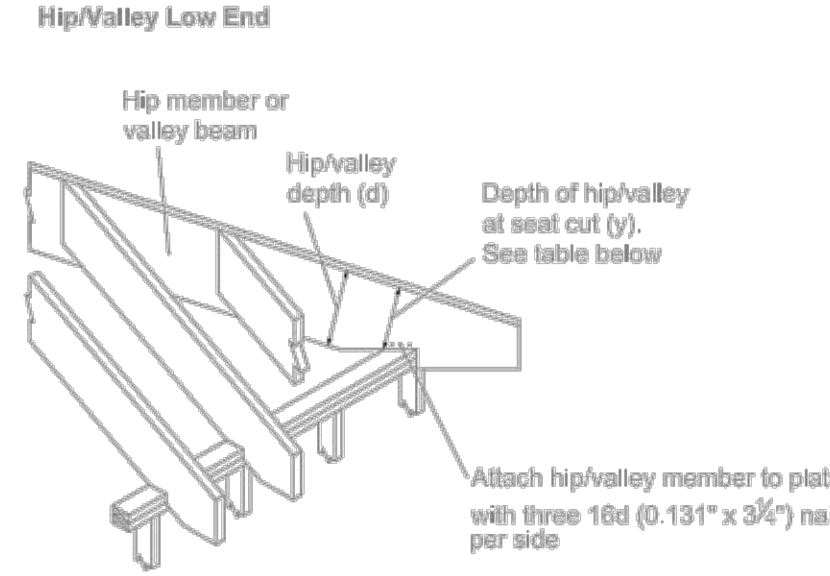
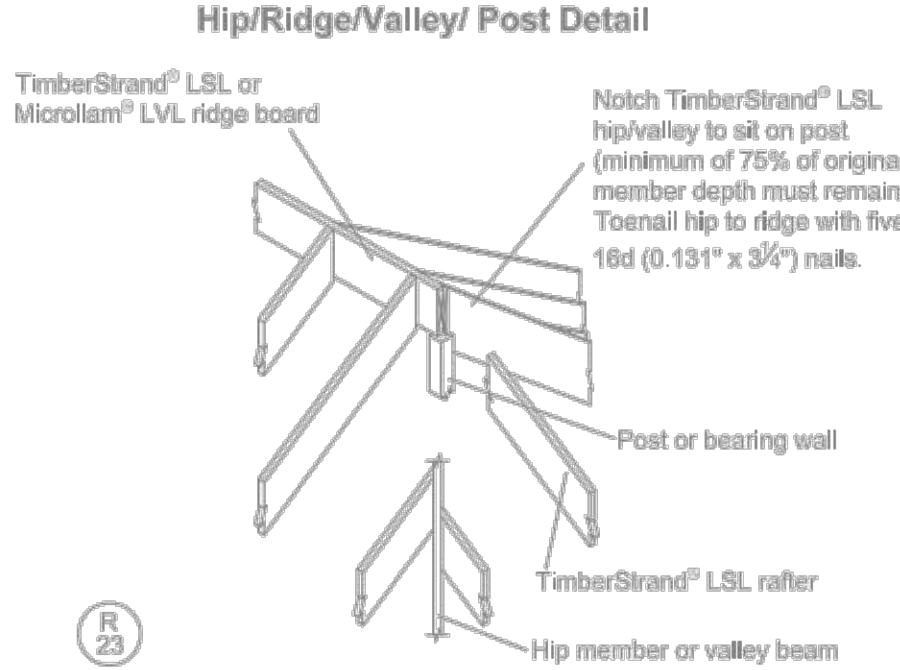
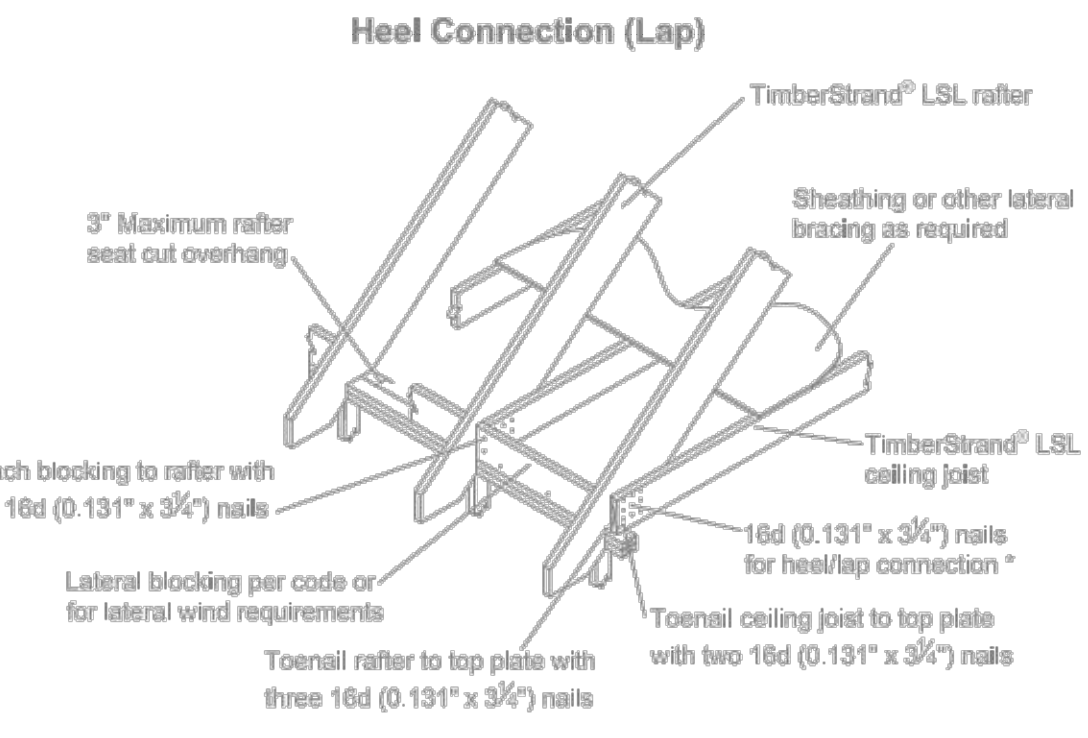


**Hip/Valley Intermediate Support**



| Rafter On-Center Spacing | Rafter Span | Roof Snow Load              |               |  |
|--------------------------|-------------|-----------------------------|---------------|--|
|                          |             | 30 LL + 15 DL/80 LL + 15 DL | 80 LL + 15 DL | Number of 16d (0.131" x 3/4") nails required |
| 16"                      | 6'          | 5                           | 5             | 5  |
|                          | 12'         | 5                           | 6             | 8  |
|                          | 18'         | 6                           | 9             | 12   |
|                          | 24'         | 8                           | 12            | *  |
| 24"                      | 6'          | 5                           | 5             | 7  |
|                          | 12'         | 6                           | 8             | 11   |
|                          | 18'         | 9                           | 13            | *  |
|                          | 24'         | 12                          | *             | *  |

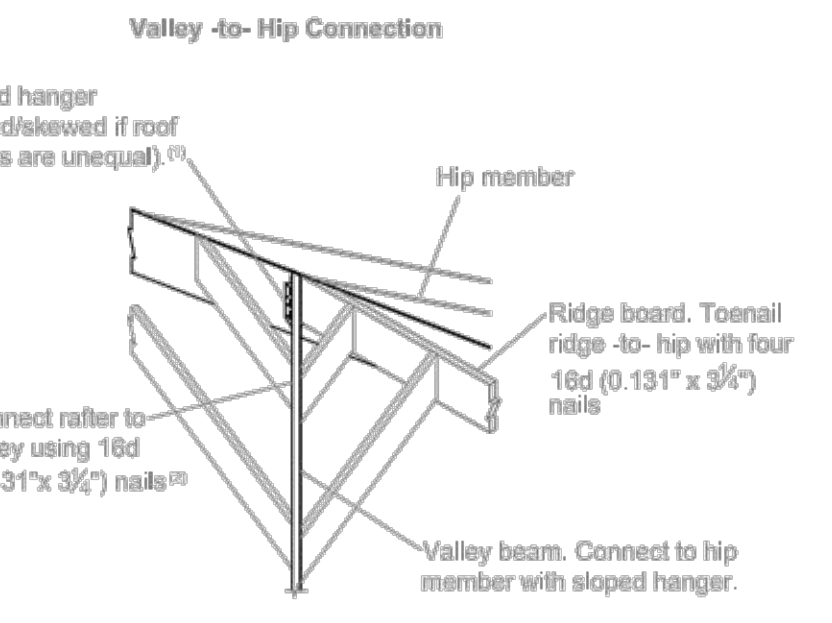
\* Contact your Weyerhaeuser representative for additional connection information.



**Hip/Valley Depth**

| Minimum Percentage of Original Hip/Valley Depth Remained | Member Type       | Minimum LVL | Minimum LVL |
|--|-------------------|-------------|-------------|
| 30%  | TimberStrand® LSL | 30%         | 30%         |
| 75%  | Mikrolam® LVL     | 75%         | 75%         |

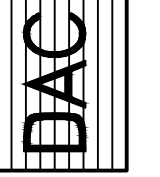
Calculate percentage on psi x 100



Contact your Weyerhaeuser representative for sizing of a hip or valley with a point load.  
 \* See Framing Connectors in Weyerhaeuser Roof System Design Guide, TJ-9005 for hanger capacities.  
 \* See Rafter-to-Valley Connection table in Detail R26 above.

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WEYERHAEUSER  
 TYPICAL DETAILS

DATE: 2022-04-08

SCALE: AS SHOWN

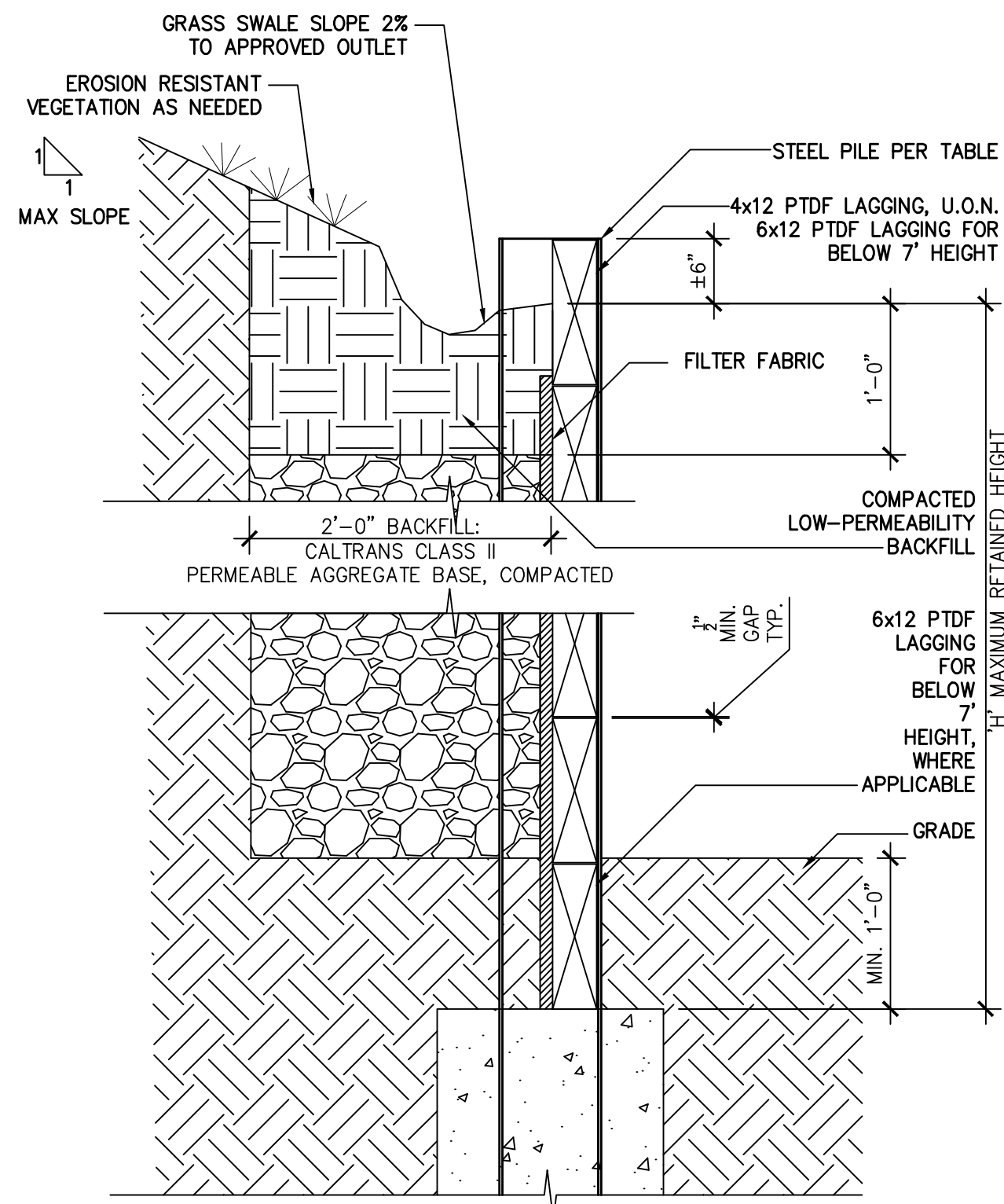
DRAWN BY: DL

JOB NUMBER: 1477-0822 S

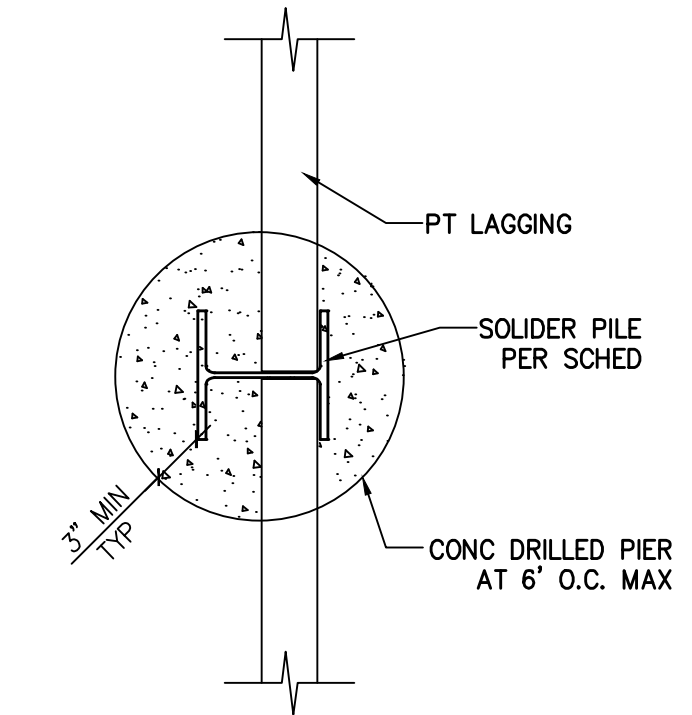
SHEET 12

**S-3.3**

OF 14 SHEET



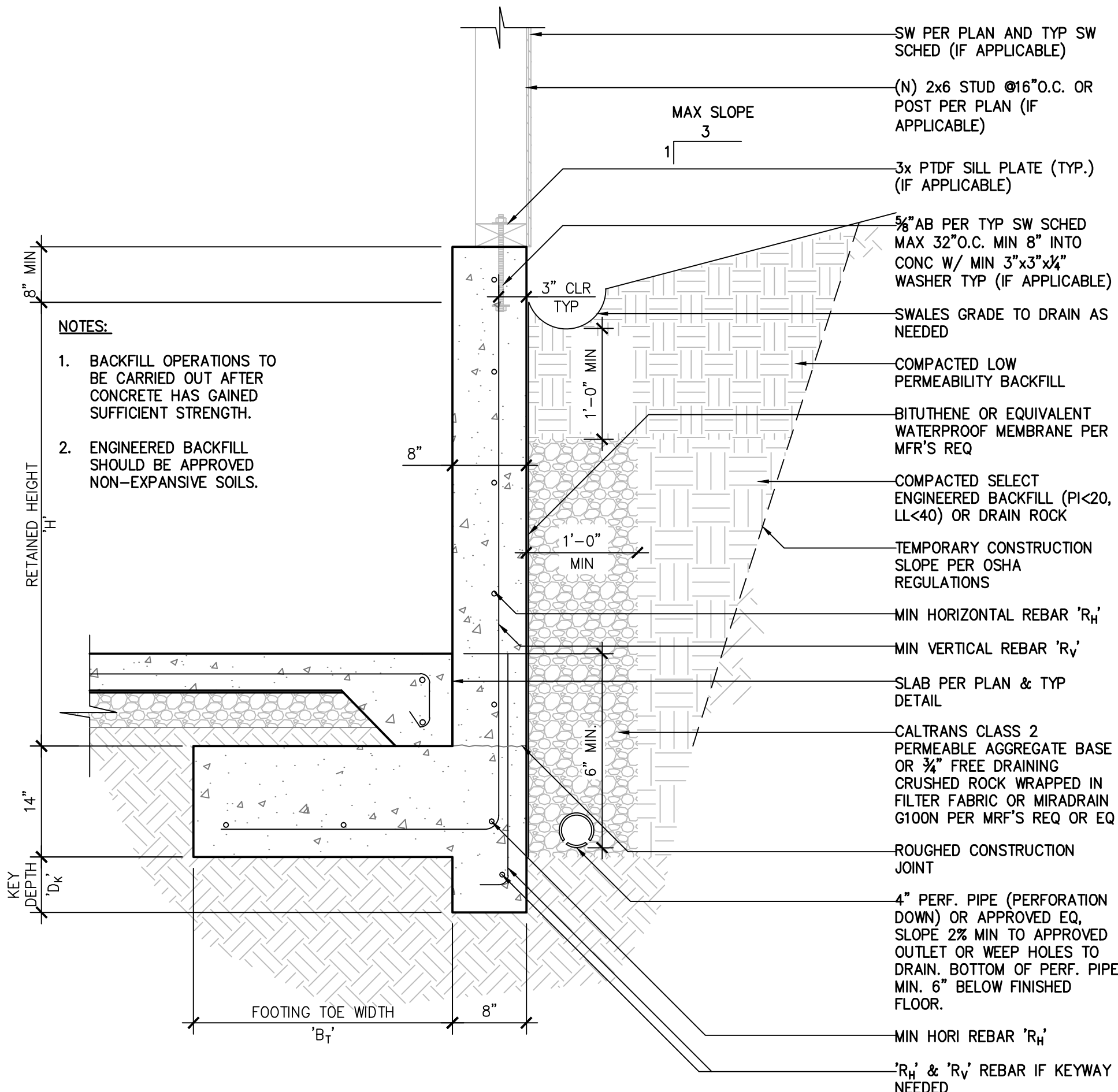
| DEPTH INTO BEDROCK 'D' | DRILLED PIER DIA | SOLDER PILE | MAX RETAINED HEIGHT 'H' | MIN. OVERALL PIER DEPTH |
|------------------------|------------------|-------------|-------------------------|-------------------------|
| 10'-0"                 | 18"              | W8X21       | 6'-0"                   | 16'-0"                  |
| 8'-0"                  | 18"              | W8X10       | 4'-0"                   | 14'-0"                  |



- NOTES:
1. ALL EXPOSED STEEL SHALL BE HOT-DIPPED GALVANIZED OR PAINTED WITH TWO COATS OF BITUMINOUS EPOXY PAINT.
  2. NAILS/METAL FASTENERS SHALL BE HOP DIPPED GALVANIZED OR STAINLESS STEEL, OR OTHER APPROVED ACCEPTABLE CORROSION RESISTANT MATERIAL.

| MAX H       | MIN T | MIN B | MIN D <sub>c</sub> | MIN R <sub>v</sub> | MIN R <sub>h</sub> |
|-------------|-------|-------|--------------------|--------------------|--------------------|
| 6'-0"       | 8"    | 4'-6" | N.A.               | #5 REBAR @16" O.C. | #5 REBAR @16" O.C. |
| UP TO 3'-0" | 8"    | 4'-6" | N.A.               | #5 REBAR @16" O.C. | #5 REBAR @16" O.C. |

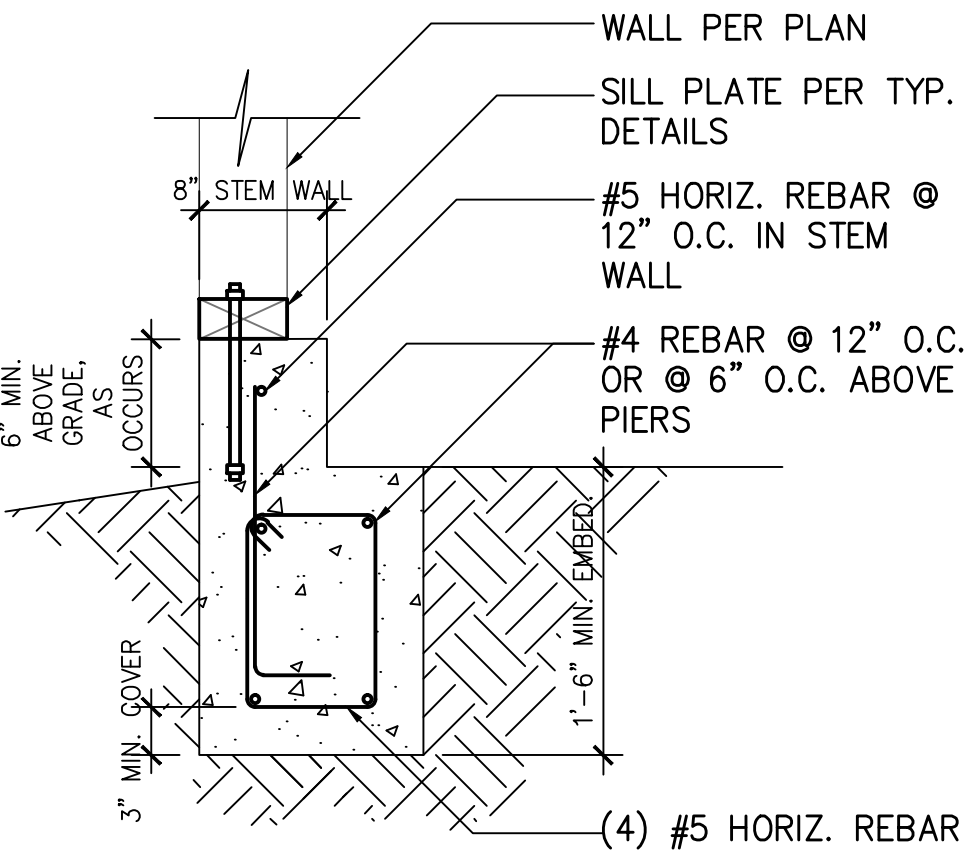
3 RW DETAIL SCALE: 1" = 1'-0"



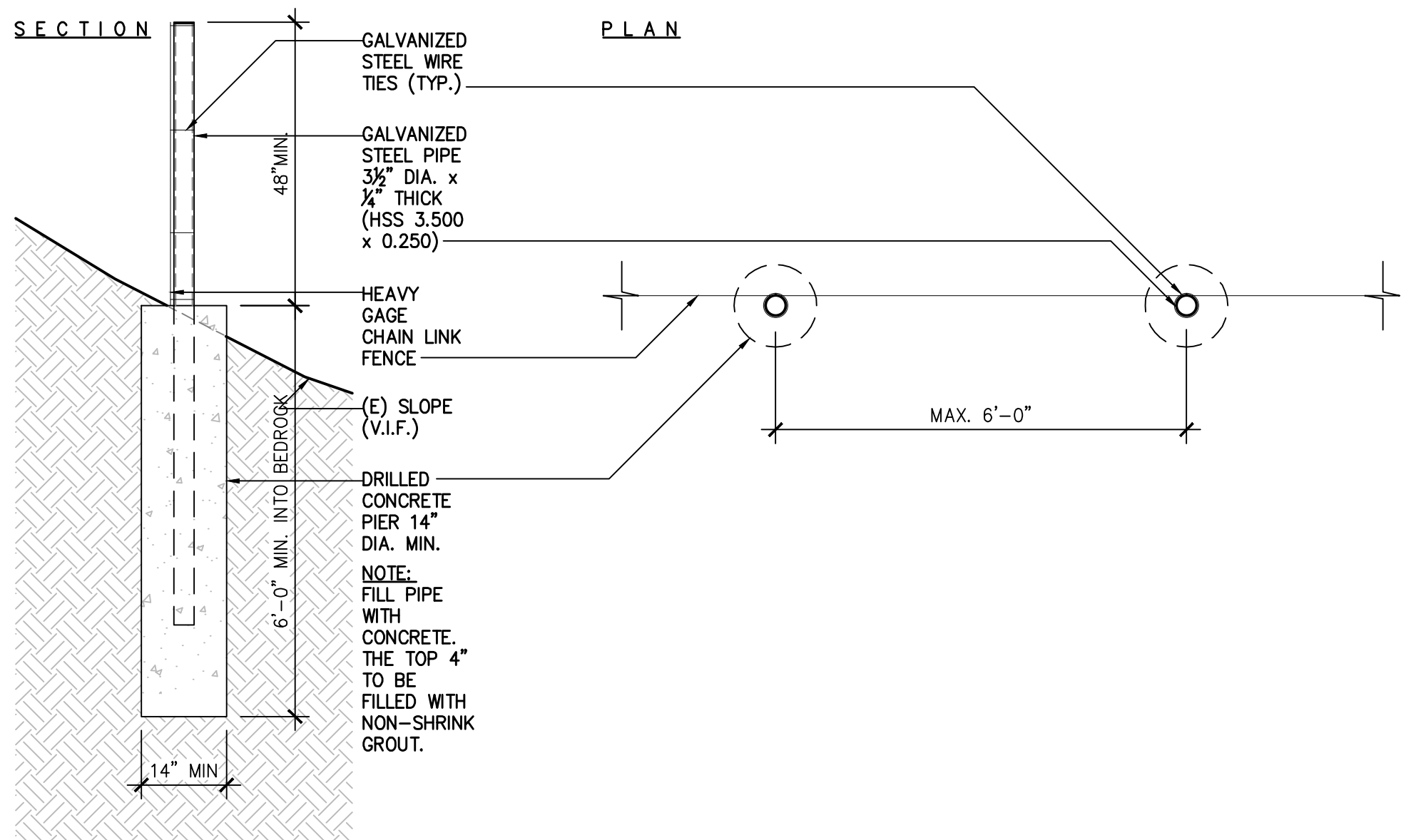
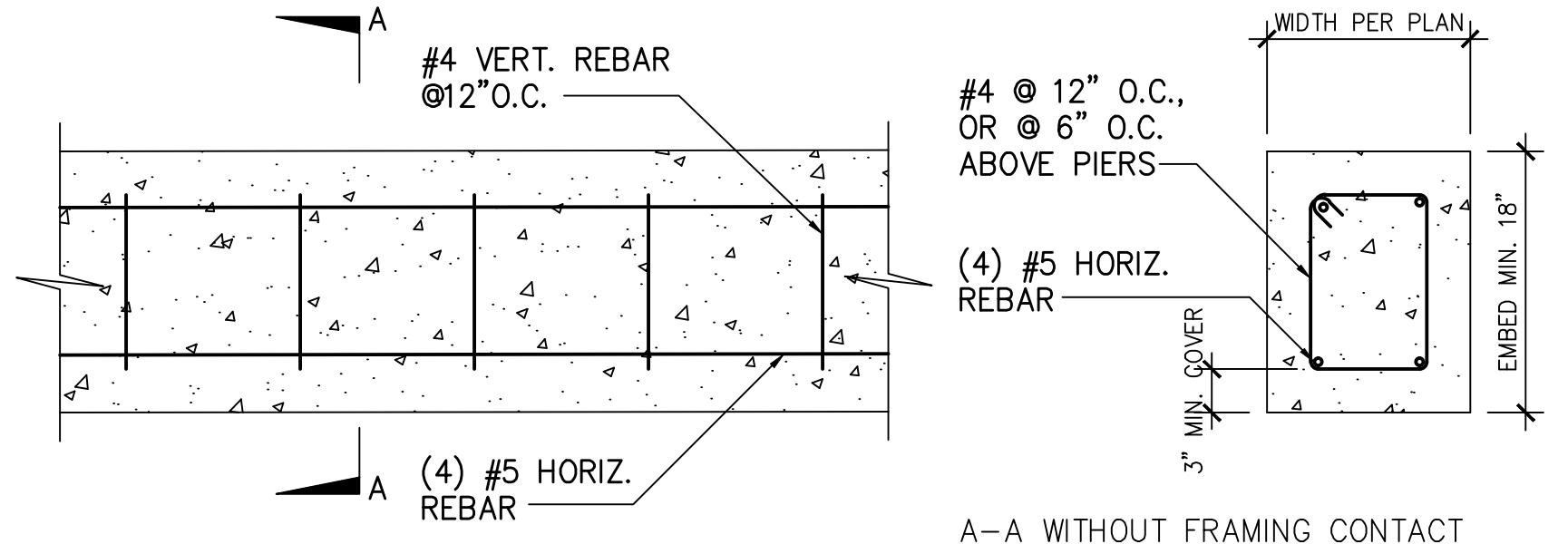
- NOTES:
1. BACKFILL OPERATIONS TO BE CARRIED OUT AFTER CONCRETE HAS GAINED SUFFICIENT STRENGTH.
  2. ENGINEERED BACKFILL SHOULD BE APPROVED NON-EXPANSIVE SOILS.

- NOTES:
1. DEPTH OF PIER VARIES DEPENDING ON THE DEPTH OF BEDROCK. 8'-0" MINIMUM INTO BEDROCK, U.O.N.; CONTRACTOR SHALL CONTACT THE SOIL ENGINEER TO OBSERVE EXCAVATION AND VERIFY ADEQUATE DEPTH IN WRITING BEFORE POURING CONCRETE.
  2. CONCRETE MINIMUM COMPRESSIVE STRENGTH FC=3000 PSI AT 28 DAYS.
  3. MAX. 6'-0" BETWEEN PIERS.

1 STEEL SOLDIER PILE & LAGGING RW DETAIL SCALE: 1" = 1'-0"



4 GRADE BEAM DETAILS SCALE: 1" = 1'-0"



2 DEBRIS FENCE DETAIL SCALE: 1/2" = 1'-0"

NOT USED

5 BEAM "G" DETAIL SCALE: 1" = 1'-0"

NOT USED

6 TYP. HOLDOWN AT STEEL BEAM DETAIL SCALE: 1-1/2" = 1'-0"

NOT USED

7 TYP. SILL PLATE AT STEEL BEAM DETAIL SCALE: 1-1/2" = 1'-0"

| NO. | DATE       | BY |
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**Darius Abolhassani Consultant & Associates, Inc.**  
 Consulting Engineering & Construction Support  
 7 Mt. Lassen Drive, Suite A-129, San Rafael, CA 94903  
 Phone: (415)499-1919 Email: darius@dacassociates.net

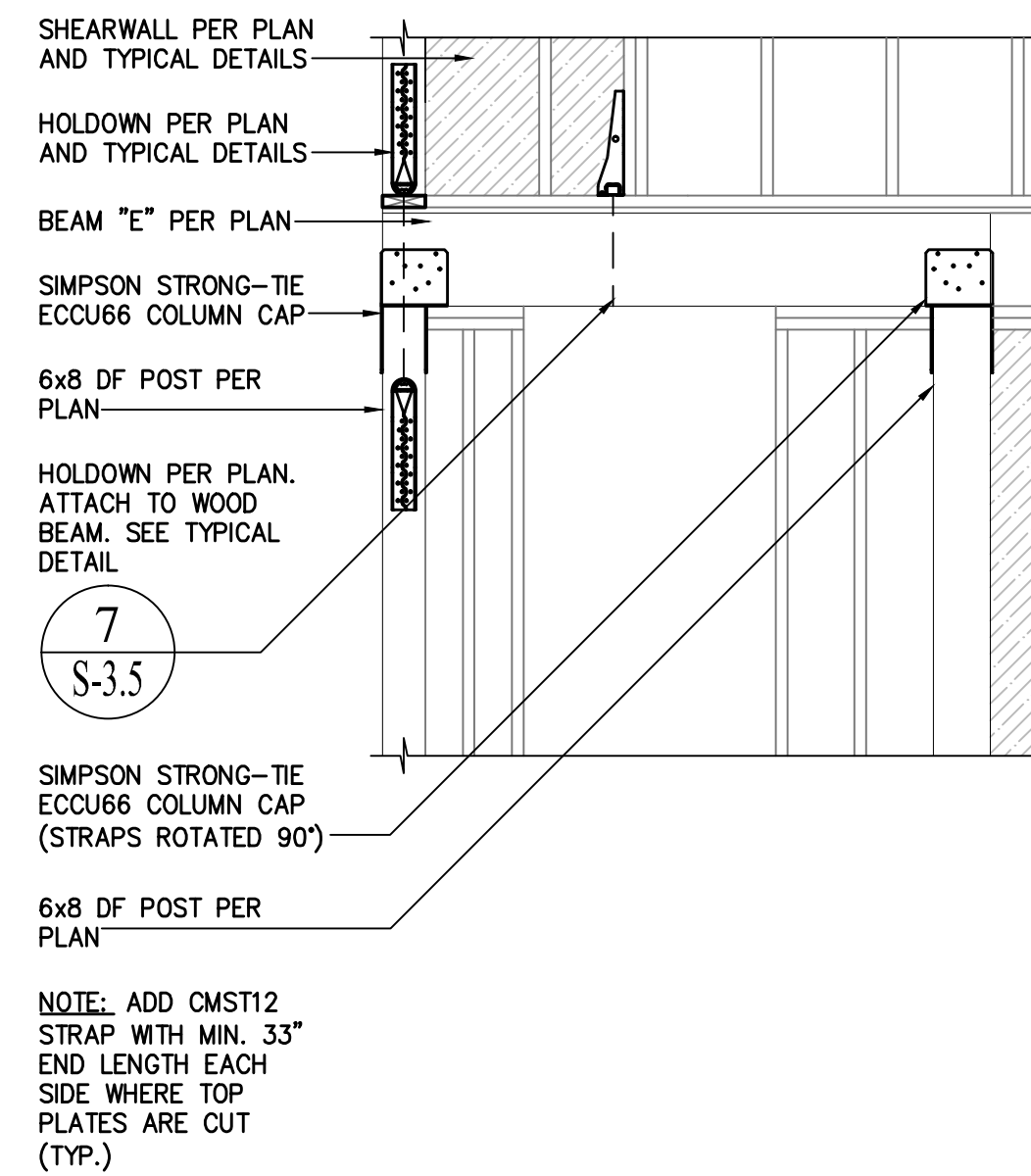


**NEW RESIDENCE & ADU**  
 79 WOOD LANE  
 FAIRFAX, CA 94930  
 PROJECT APN 002-062-003

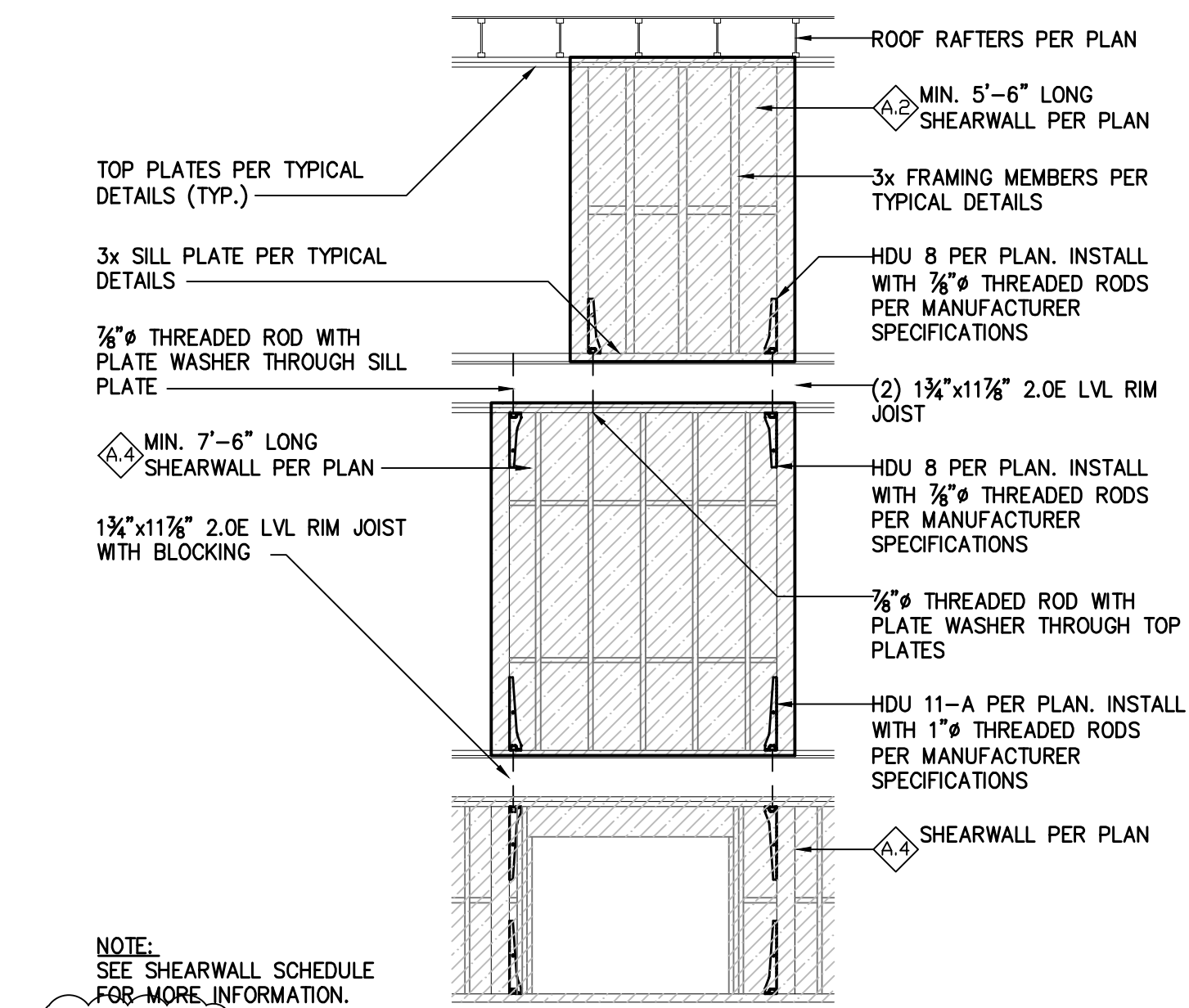
STRUCTURAL DETAILS

DATE: 2022-04-08  
 SCALE: AS SHOWN  
 DRAWN BY: DL  
 JOB NUMBER: 1477-0822 S

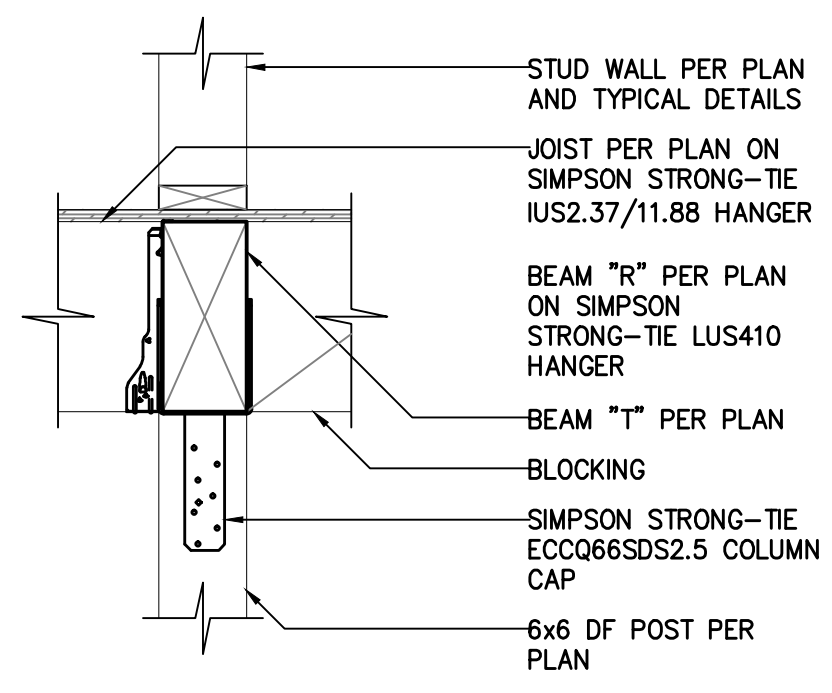
SHEET 13  
**S-3.4**  
 OF 14 SHEET



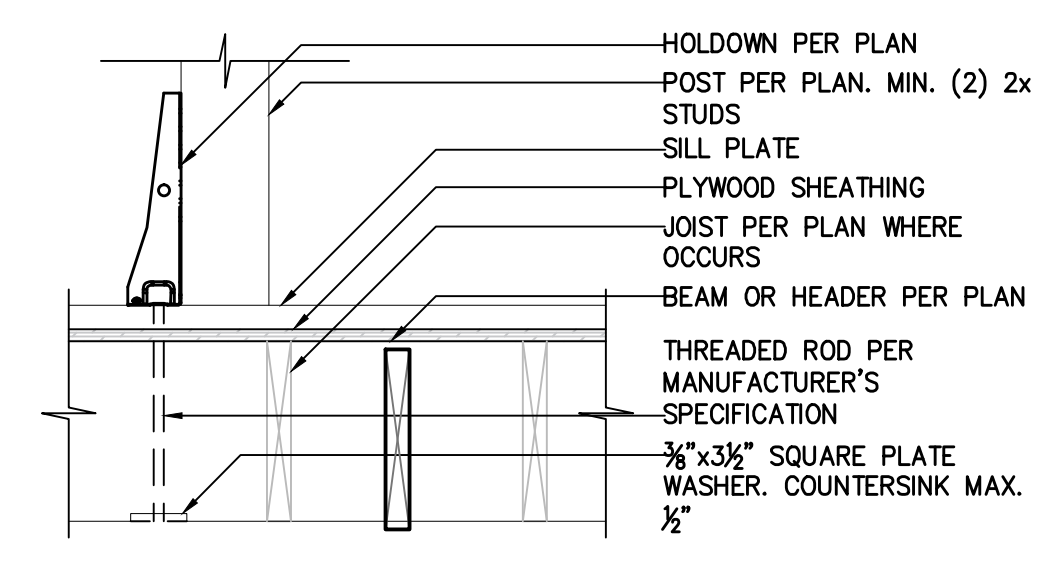
6 BEAM "D" ELEVATION DETAIL  
SCALE: 1/2" = 1'-0"



8 SHEARWALL ELEVATION DETAIL  
SCALE: 1/4" = 1'-0"

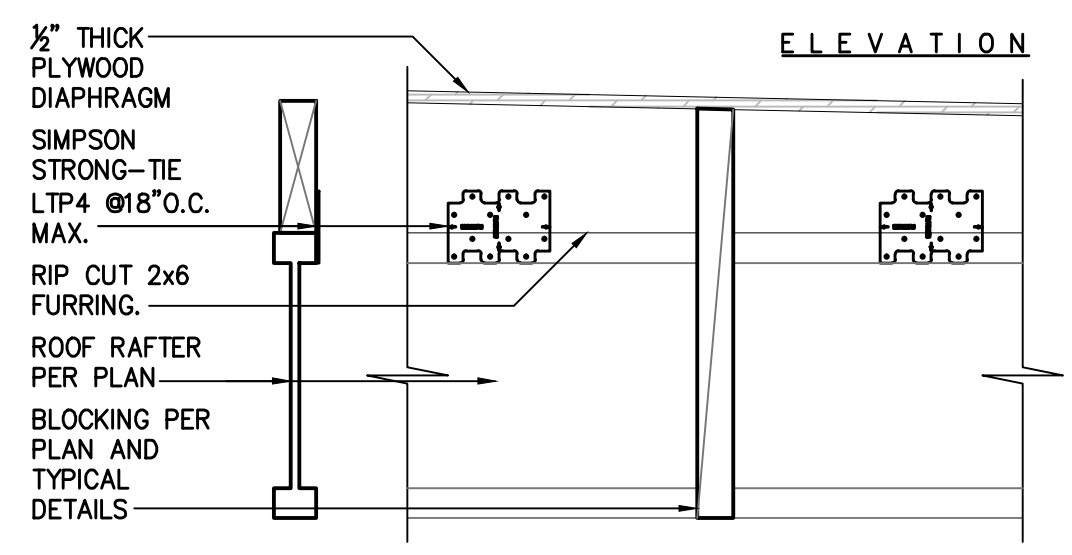


1 BEAM "T" CONNECTION DETAIL  
SCALE: 1" = 1'-0"



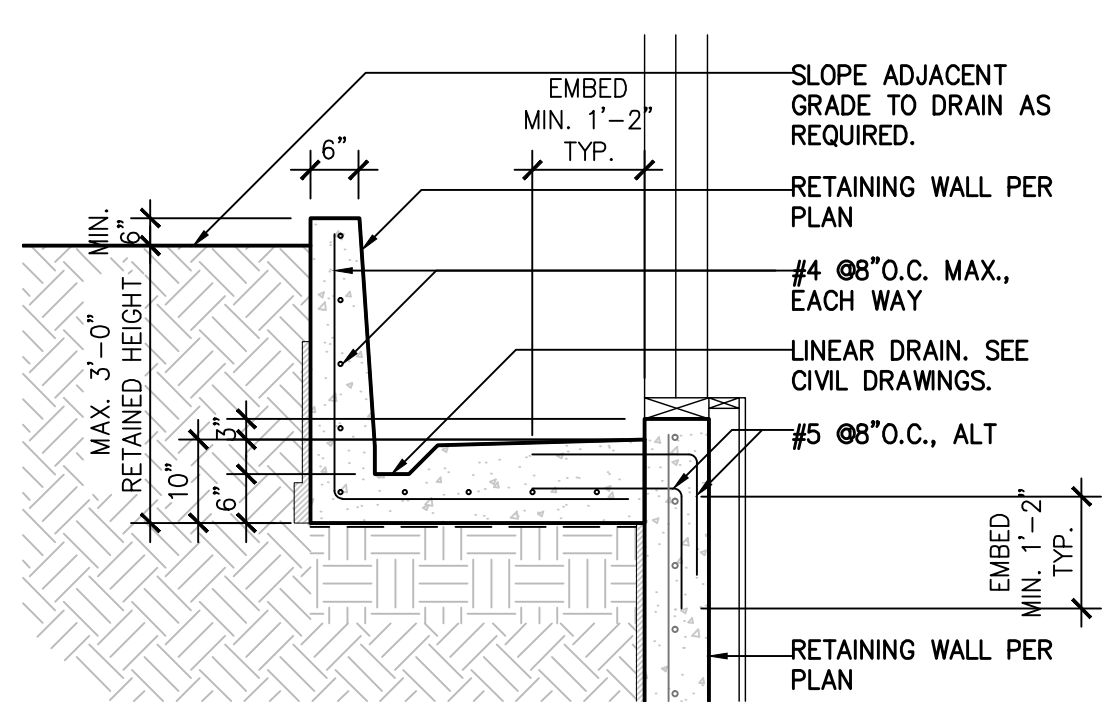
7 HOLDOWN-TO-WOOD BEAM DETAIL  
SCALE: 1" = 1'-0"

NOT USED

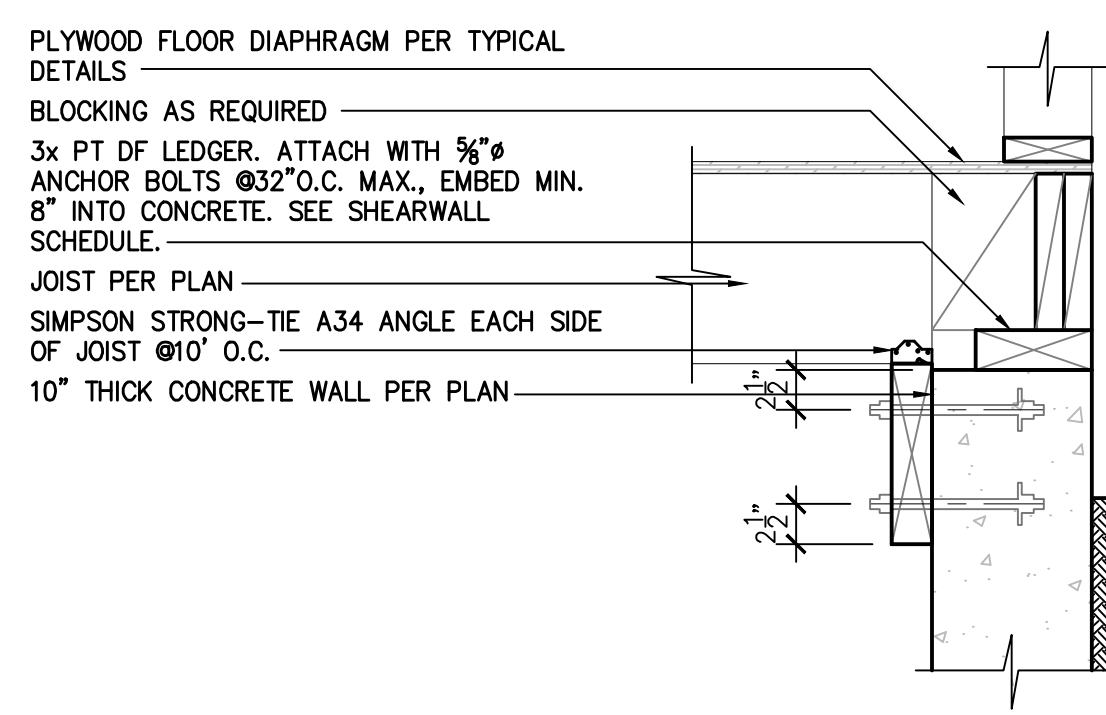


3 BLOCKED ROOF DIAPHRAGM DETAIL  
SCALE: 1-1/2" = 1'-0"

2 STEEL POST BASE PLATE DETAIL  
SCALE: 1" = 1'-0"



4 RETAINING WALL DETAIL AT LIGHTWELL  
SCALE: 1/2" = 1'-0"



5 LEDGER DETAIL  
SCALE: 1" = 1'-0"

| REVISIONS | BY |
|-----------|----|
| 1         | DL |
| 2         | DL |
| 3         | DL |

**Darius Abolhassani Consultant & Associates, Inc.**  
Consulting Engineering & Construction Support  
7 Mt. Lassen Drive, Suite A-129, San Rafael, CA 94903  
Phone: (415)499-1919 Email: darius@daccassociates.net



**NEW RESIDENCE & ADU**  
79 WOOD LANE  
FAIRFAX, CA 94930  
PROJECT APN 002-062-03

STRUCTURAL DETAILS

DATE: 2022-04-08  
SCALE: AS SHOWN  
DRAWN BY: DL  
JOB NUMBER: 1477-0822 S

SHEET 14  
**S-3.5**  
OF 14 SHEET

# **EXHIBIT 4**

PLEASE CONTACT OUR  
 CUSTOMER SERVICE DEPARTMENT  
 BY \_\_\_\_\_  
 Customer Service Department  
 (415) 945-1400

YOUR WATER SERVICE WAS DISCONTINUED  
 BECAUSE NO APPLICATION FOR SERVICE  
 HAS BEEN RECEIVED AT OUR OFFICE, AND  
 THERE HAS BEEN NO RESPONSE TO OUR  
 NOTICE LEFT AT YOUR DOOR.

**DO NOT REMOVE THIS TAG**

**ORDER TO STOP WORK**

CORRECTIONS MUST BE MADE BEFORE ANY FURTHER WORK IS  
 DONE. VIOLATORS ARE SUBJECT TO CITATION AND/OR FINES.

CAUSE **CONSTRVLTION NOT  
 APPROVED**

---

Town of Fairfax **79 WOOD LN**  
 Building Department  
 142 Bolinas Road  
 (415)453-2263 exts. 309 & 310

BY: **[Signature]** DATE: **6-8-2023**  
 TITLE: **BUILDING OFFICIAL**



# **EXHIBIT 5**

**APPEAL OF ADMINISTRATIVE OFFICIAL ORDER**

**Town Code (TC) § 17.036.010, et seq.**

**TO THE TOWN CLERK:**

I, Jacob (Coby) Friedman, make the following verified application to the Town Council appealing an erroneous order, decision and determination by a Town official under TC § 17.036.010, et seq. I have personal knowledge of the following facts and, if called upon as a witness, I could and would testify as set forth below.

1. I own the real property located at 79 Wood Lane, Fairfax, California 94930, and the improvements and current construction project at that location (“the Project”).
2. Mark Lockaby is the Building Official for the Town of Fairfax and an administrative official under TC § 17.036.010.
3. On June 8, 2023 (less than ten days prior to this application and appeal), Mr. Lockaby issued an “Order to Stop Work” (“the Order”) directing that all work on the Project cease immediately. The Order is an order made by an administrative official in the administration and enforcement of TC Title 17 (Zoning). This order was made in error.
4. I understand that the Order is based on Mr. Lockaby’s decision and determination that (a) the work being performed on the Project is subject to Planning Commission (PC) approval which I have not yet received; (b) the work is not related to Accessory Dwelling Unit (ADU) or Junior ADU (JADU) work and so is subject to PC approval, rather than administrative approval only by the Planning Department; and (c) the work may properly be shut down under a stop work order even in the absence of any finding that the work violates any building code requirements. This is a decision and determination by an administrative official in the administration and enforcement of TC Title 17 (Zoning). This decision and determination was made in error.
5. Prior to making the Order, I had reached agreement with Mr. Lockaby regarding most of the work on the Project, i.e., for which portions I could proceed without further PC approval and for which I agreed not to do further work without PC approval. The only potential exception was exterior stairs that were added solely to provide access to a JADU (“the JADU Stairs”). Since that portion of the work was directly related to JADU work, it is not subject to PC review and approval. After I asked for

clarification and explanation of the Town's position regarding the JADU Stairs, Mr. Lockaby posted the Order at the site stopping all work. Despite repeated requests, I have not received any clarification or explanation of the Town's position. I have since inquired whether the Town would lift the Order if I agreed not to do any further work on the JADU Stairs until and unless we resolve the issue. The Town has not responded.

6. Per TC § 17.036.030, this appeal stays the Order and all actions by the Town in furtherance of the Order until this appeal is decided by the Town Council. Accordingly, I am entitled to resume work on the Project upon submission of this appeal and intend to do so.
7. I am a person aggrieved by the Order. The Order is causing me substantial financial harm. Allowing the work to continue will cause the Town no harm because, if the work is subject to additional approvals (by Mr. Lockaby or the PC), the Town will still have the opportunity to review the work and decide whether to approve it before I will be able to complete the Project. In other words, allowing me to continue the work will be solely at my own risk, not the Town's.
8. This application is timely under TC § 17.036.020.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 9th day of June, 2023, in Fairfax, California.

---

Jacob (Coby) Friedman



# **EXHIBIT 6**

**From:** [Richard M. Harris](#)  
**To:** [Janet Coleson](#)  
**Cc:** [Aaron P. Silberman](#)  
**Subject:** 79 Wood lane  
**Date:** Friday, July 28, 2023 3:49:00 PM

---

Ms. Coleson:

As you know, we represent Coby Friedman in his effort to complete his permitted construction project at 79 Wood Lane, in Fairfax (Project). Mr. Friedman requests that the City of Fairfax (City) provides him a green tag so he can hook up power to the new construction. As the City inspector has already found, the Project has met all of the requirements to receive this green tag.

As we discussed on the phone on July 21, Mr. Friedman contacted the City inspector to inspect his electrical system and issue a green tag. And though the City inspector determined that the electrical system is proper, he still withheld the green tag based on an unrelated dispute. The City and Mr. Friedman disagree about when plan changes need to be submitted to the planning commission for approval, and the withholding of the green tag is being used as leverage to force Mr. Friedman to capitulate to the City's position. As I explained Mr. Friedman's position to you, you told me that it is "common practice" for the City to withhold the green tag to extract other things the City needs from a homeowner unrelated to the propriety of the electrical system.

After a City has exercised its discretion and determined that a party is entitled to an approval, withhold that approval for other reasons causes the City to be liable for damages. *Thompson v. City of Lake Elsinore* (1993) 18 Cal.App.4th 49, 58 (failure to provide a certificate of occupancy to extract unrelated concessions from homeowner entitled property owner to damages). That is exactly the situation here. The City has determined that the electrical system is proper, but is withholding the green tag in an effort to extract concessions on an unrelated dispute. As this dispute continues, Mr. Friedman's damages only grow, including his temporary power costs, the loss of use of his home, and the inability to complete the Project.

Please confirm that the City will issue the green tag within 7 days. If the green tag is not issued, Mr. Friedman will be forced to take further action. He expressly reserves all of his rights.

I look forward to your response.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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# **EXHIBIT 7**

**From:** [Janet Coleson](#)  
**To:** [Richard M. Harris](#)  
**Cc:** [Aaron P. Silberman](#)  
**Subject:** RE: 79 Wood lane  
**Date:** Tuesday, August 8, 2023 4:18:42 PM

---

Richard,

Respectfully, it's not my responsibility to resolve your client's issues. You and I both know he needs to submit (with appropriate fee) his application to back to the Commission to ask for approval of his currently unpermitted construction. I don't believe the electrical tag will be withheld for issues unrelated to the electrical.

Please contact me to discuss why a State licensed contractor is performing construction not in conformance with approved plans.

Thank you,

Janet



**Janet Coleson**  
Partner  
janet.coleson@bbklaw.com  
T: (925) 977-3319  
bbklaw.com |

---

**From:** Richard M. Harris <RHarris@rjo.com>  
**Sent:** Monday, August 7, 2023 9:13 PM  
**To:** Janet Coleson <Janet.Coleson@bbklaw.com>  
**Cc:** Aaron P. Silberman <ASilberman@rjo.com>  
**Subject:** RE: 79 Wood lane

**CAUTION - EXTERNAL SENDER.**

---

Janet –

We are well past the deadline set forth in my letter. CFC's damages are accruing, including (but not limited to) inefficiencies for his construction, PG&E temporary power fees, and construction loan costs. I urge you to take this opportunity to work to resolve this issue before litigation becomes inevitable.

I look forward to your response.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation



311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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---

**From:** Richard M. Harris  
**Sent:** Wednesday, August 2, 2023 10:33 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[asilberman@rjo.com](mailto:asilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Janet –

Just checking in. Thanks.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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---

**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Sent:** Friday, July 28, 2023 4:04 PM  
**To:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Richard,

Mark Lockaby, the Building Official, is out until August 1. I won't be able to discuss with him whether the electrical system is in order, or extends to unpermitted construction, until that time. I will be back in touch with you shortly after August 1.

Thank you,

Janet

---

**Janet Coleson**  
Partner  
[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)  
T: [\(925\) 977-3319](tel:(925)977-3319)

---

[bbklaw.com](http://bbklaw.com) | 

---

**From:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Sent:** Friday, July 28, 2023 3:50 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** 79 Wood lane

**CAUTION - EXTERNAL SENDER.**

---

Ms. Coleson:

As you know, we represent Coby Friedman in his effort to complete his permitted construction project at 79 Wood Lane, in Fairfax (Project). Mr. Friedman requests that the City of Fairfax (City) provides him a green tag so he can hook up power to the new construction. As the City inspector has already found, the Project has met all of the requirements to receive this green tag.

As we discussed on the phone on July 21, Mr. Friedman contacted the City inspector to inspect his electrical system and issue a green tag. And though the City inspector determined that the electrical system is proper, he still withheld the green tag based on an unrelated dispute. The City and Mr. Friedman disagree about when plan changes need to be submitted to the planning commission for approval, and the withholding of the green tag is being used as leverage to force Mr. Friedman to capitulate to the City's position. As I explained Mr. Friedman's position to you, you told me that it is "common practice" for the City to withhold the green tag to extract other things the City needs from a homeowner unrelated to the propriety of the electrical system.

After a City has exercised its discretion and determined that a party is entitled to an approval, withhold that approval for other reasons causes the City to be liable for damages. *Thompson v. City of Lake Elsinore* (1993) 18 Cal.App.4th 49, 58 (failure to provide a certificate of occupancy to extract unrelated concessions from homeowner entitled property owner to damages). That is exactly the situation here. The City has determined that the electrical system is proper, but is withholding the green tag in an effort to extract concessions on an unrelated dispute. As this dispute continues, Mr. Friedman's damages only grow, including his temporary power costs, the loss of use of his home, and the inability to complete the Project.

Please confirm that the City will issue the green tag within 7 days. If the green tag is not issued, Mr. Friedman will be forced to take further action. He expressly reserves all of his rights.

I look forward to your response.

**Richard M. Harris** | Associate

**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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# **EXHIBIT 8**



## **TOWN OF FAIRFAX**

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

8-10-2023

Coby Friedman  
96 Forrest Avenue  
Fairfax, CA 94930

Re: 79 Wood Lane Suspension of Permit

Dear Mr. Friedman,

Under the authority of the California Building Code [A] 105.6 adopted by the Town of Fairfax I hereby suspend your [building](#) permit for [construction at 79 Wood Ave. for](#) the following reasons: the work being done is based on incorrect, inaccurate, and incomplete information.

The construction to date was not approved by the planning commission, or by the building department for construction. In order to commence construction, planning commission approvals must be obtained, and construction drawings checked, and approved by the building department.

**Commented [JC1]:** And the building permit modified?

Following are the items that have not been approved by the planning commission, or building department:

1. A portion of the top floor has been prepared to be a junior accessory dwelling unit, including enclosing an upper deck, and adding an exterior stairway.
2. The front low roof has been eliminated, and a deck above a portion of the lower floor even with the top floor has been constructed.
3. The basement has been converted into living space for an accessory dwelling unit.

Before construction [may](#) resume, the changes to the approved plans must be approved by the planning commission and building department.

Sincerely,

Mark Lockaby  
Building Official

# **EXHIBIT 9**



**DO NOT REMOVE THIS TAG**  
**ORDER TO STOP WORK**

CORRECTIONS MUST BE MADE BEFORE ANY FURTHER WORK IS DONE. VIOLATORS ARE SUBJECT TO CITATION AND/OR FINES.

CAUSE SUSPENSION OF BUILDING PERMIT

79 WOOD LANE

Town of Fairfax  
Building Department  
142 Bolinas Road  
(415)453-2283 exts. 300 & 310

BY [Signature] DATE: 8-11-2023  
TITLE BUILDING OFFICIAL



**TOWN OF FAIRFAX**  
142 Bolinas Road, Fairfax, California 94930  
(415) 453-1284 / Fax (415) 453-1618

8-11-2023

Cely Friedman  
96 Forrest Avenue  
Fairfax, CA 94930

Re: 79 Wood Lane Suspension of Permit

Dear Mr. Friedman,

Under the authority of the California Building Code [A] 105.6 adopted by the Town of Fairfax I hereby suspend your building permit for construction at 79 Wood Lane for the following reasons: the work being done is based on incorrect, inaccurate, and incomplete information.

The construction to date was not approved by the planning commission, or by the building department for construction. In order to commence construction, planning commission approvals must be obtained, and construction drawings checked, and approved by the building department.

Following are the items that have not been approved by the planning commission, or building department:

1. A portion of the top floor has been prepared to be a junior accessory dwelling unit, including enclosing an upper deck.
2. An exterior stairway has been added to the rear of the structure.
3. The front low-eel has been eliminated, and a deck above a portion of the lower floor even with the top floor has been constructed.
4. The basement has been converted into living space for an accessory dwelling unit.

Before construction may resume the changes to the approved plans must be approved by the planning commission and building department.

Sincerely,

[Signature]  
Mark Luckaby  
Building Official

# **EXHIBIT 10**



**From:** [Janet Coleson](#)  
**To:** [Richard M. Harris](#)  
**Cc:** [Aaron P. Silberman](#)  
**Subject:** RE: 79 Wood lane  
**Date:** Tuesday, August 15, 2023 12:08:15 PM

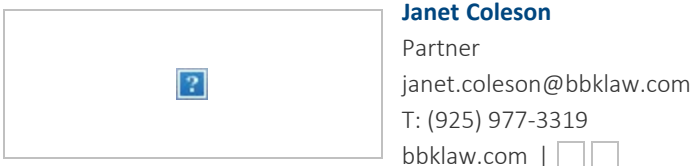
---

Richard,

I haven't seen the notice. I'll check in with Mark.

I do believe, however, that it's past time for your client to stop doing whatever he wants and follow the direction provided. I am also hopeful that he starts demonstrating he can keep to verbal agreements and it doesn't take judicial intervention to resolve the matter. Hopeful, but given the history with your client, unfortunately, not all that optimistic.

Janet



---

**From:** Richard M. Harris <RHarris@rjo.com>  
**Sent:** Tuesday, August 15, 2023 10:24 AM  
**To:** Janet Coleson <Janet.Coleson@bbklaw.com>  
**Cc:** Aaron P. Silberman <ASilberman@rjo.com>  
**Subject:** RE: 79 Wood lane

**CAUTION - EXTERNAL SENDER.**

---

Janet –

Please let me know when we can expect a response. We would very much like to come to a solution short of further litigious action.

Thanks,

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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you receive this email in error, please notify us immediately. Do not print, copy, or disseminate it. Please delete the email from your system. Thank you.

---

**From:** Richard M. Harris  
**Sent:** Monday, August 14, 2023 10:33 AM  
**To:** Janet Coleson <Janet.Coleson@bbklaw.com>  
**Cc:** Aaron P. Silberman <asilberman@rjo.com>  
**Subject:** RE: 79 Wood lane

Janet –

We are in receipt of the Town's draft suspending the permit at 79 Wood lane. Three of the four items listed are related to the ADU/JADU changes Mr. Friedman has done and must be ministerially approved. As for the front deck, and rather than discussing the letter point-by-point (and reserving all of Mr. Friedman's rights), we suggest that Mr. Friedman submit his plans showing the changes to the front deck to the planning department. Upon submission (*not* approval), the City will reinstate the permit and allow Mr. Friedman to continue work (including supplying a green tag should the project meet all electrical requirements) until and unless the Planning commission rejects Mr. Friedman's plans.

Let us know if you agree so we can get the plans ready for submission.

Thanks,

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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---

**From:** Richard M. Harris  
**Sent:** Friday, August 11, 2023 3:05 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[asilberman@rjo.com](mailto:asilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Janet-

I find your response a bit confusing. On our phone call, you read to me an email you had received from Mark, which said in substance that green tags were being withheld in order to extract concessions from homeowners (such as forcing Coby to submit plans to the planning department according to your schedule). This whole week, Mark has not been responding to Coby's requests for a reinspection of the green tag – *still* there is no reason that the green tag was not provided when

first inspected.

Please advise.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
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---

**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Sent:** Tuesday, August 8, 2023 4:18 PM  
**To:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane


Richard,

Respectfully, it's not my responsibility to resolve your client's issues. You and I both know he needs to submit (with appropriate fee) his application to back to the Commission to ask for approval of his currently unpermitted construction. I don't believe the electrical tag will be withheld for issues unrelated to the electrical.

Please contact me to discuss why a State licensed contractor is performing construction not in conformance with approved plans.

Thank you,

Janet

**Janet Coleson**  
Partner  
[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)  
T: [\(925\) 977-3319](tel:(925)977-3319)  
[bbklaw.com](http://bbklaw.com) | 

---

**From:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Sent:** Monday, August 7, 2023 9:13 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

CAUTION - EXTERNAL SENDER.

---

Janet –

We are well past the deadline set forth in my letter. CFC's damages are accruing, including (but not limited to) inefficiencies for his construction, PG&E temporary power fees, and construction loan costs. I urge you to take this opportunity to work to resolve this issue before litigation becomes inevitable.

I look forward to your response.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
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---

**From:** Richard M. Harris  
**Sent:** Wednesday, August 2, 2023 10:33 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[asilberman@rjo.com](mailto:asilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Janet –

Just checking in. Thanks.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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---

**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Sent:** Friday, July 28, 2023 4:04 PM  
**To:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Richard,

Mark Lockaby, the Building Official, is out until August 1. I won't be able to discuss with him whether the electrical system is in order, or extends to unpermitted construction, until that time. I will be back in touch with you shortly after August 1.

Thank you,

Janet

**Janet Coleson**

Partner

[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)

T: (925) 977-3319

[bbklaw.com](http://bbklaw.com) | 

---

**From:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Sent:** Friday, July 28, 2023 3:50 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** 79 Wood lane

**CAUTION - EXTERNAL SENDER.**

---

Ms. Coleson:

As you know, we represent Coby Friedman in his effort to complete his permitted construction project at 79 Wood Lane, in Fairfax (Project). Mr. Friedman requests that the City of Fairfax (City) provides him a green tag so he can hook up power to the new construction. As the City inspector has already found, the Project has met all of the requirements to receive this green tag.

As we discussed on the phone on July 21, Mr. Friedman contacted the City inspector to inspect his electrical system and issue a green tag. And though the City inspector determined that the electrical system is proper, he still withheld the green tag based on an unrelated dispute. The City and Mr. Friedman disagree about when plan changes need to be submitted to the planning commission for approval, and the withholding of the green tag is being used as leverage to force Mr. Friedman to capitulate to the City's position. As I explained Mr. Friedman's position to you, you told me that it is "common practice" for the City to withhold the green tag to extract other things the City needs from a homeowner unrelated to the propriety of the electrical system.

After a City has exercised its discretion and determined that a party is entitled to an approval, withhold that approval for other reasons causes the City to be liable for damages. *Thompson v. City of Lake Elsinore* (1993) 18 Cal.App.4th 49, 58 (failure to provide a certificate of occupancy to extract

unrelated concessions from homeowner entitled property owner to damages). That is exactly the situation here. The City has determined that the electrical system is proper, but is withholding the green tag in an effort to extract concessions on an unrelated dispute. As this dispute continues, Mr. Friedman's damages only grow, including his temporary power costs, the loss of use of his home, and the inability to complete the Project.

Please confirm that the City will issue the green tag within 7 days. If the green tag is not issued, Mr. Friedman will be forced to take further action. He expressly reserves all of his rights.

I look forward to your response.

**Richard M. Harris** | Associate

**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation

311 California Street, 10th fl | San Francisco, CA 94104

415.956.2828 main | 415.956.6457 fax

[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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# **EXHIBIT 11**



## **TOWN OF FAIRFAX**

142 Bolinas Road, Fairfax, California 94930

(415) 453-1584 / Fax (415) 453-1618

8-16-2023

Coby Friedman  
96 Forrest Avenue  
Fairfax, CA 94930

Re; 79 Wood Lane Suspension of Permit

Dear Mr. Friedman,

Thank you for bringing to my attention a clerical error in my correspondence dated August 10, 2023.

Your building permit is suspended pursuant to California Building Code [A] 105.6 as adopted by the Town of Fairfax. Your permit was issued on the basis of your submittal of incorrect, inaccurate, and incomplete information. The construction documents you submitted to obtain the permit did not reflect the following:

1. A portion of the top floor has been prepared to be a junior accessory dwelling unit, including enclosing an upper deck, and adding an exterior stairway.
2. The front low roof has been eliminated, and a deck above a portion of the lower floor even with the top floor has been constructed.
3. The basement has been converted into living space for an accessory dwelling unit.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Lockaby", is written over a light blue horizontal line.

Mark Lockaby  
Building Official



# **EXHIBIT 12**

**From:** [Richard M. Harris](#)  
**To:** [Janet Coleson](#)  
**Cc:** [Aaron P. Silberman](#)  
**Subject:** RE: 79 Wood lane  
**Date:** Wednesday, August 23, 2023 5:56:00 PM

---

Janet –

Apologies that you are not on vacation.

On an appeal of the alleged suspension of the building permit: Previously, you stated “there is no appeal to the Planning Commission or Town Council of a Building Official’s stop work order issued under the authority of the CA Bldg Code.” This is consistent with what I found in the Building code. Section 15.04.100 (c)(4) says that appeals of decisions by the building official will be “processed in accordance with the provisions of § 15.04.028 of this code.” But there is no section 15.04.028 of the Fairfax Code. What change in the law has there been between June 2023 and now?

In addition, regardless this alleged suspension, can you at least confirm that because the electrical system has been inspected and approved, a green tag will issue? You have concurred that the City will not withhold a green tag for reasons unrelated to the electrical, and there are no other reasons not to approve the electrical system.

Please advise.

Thanks,

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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---

**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Sent:** Wednesday, August 23, 2023 10:43 AM  
**To:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Richard,

First of all, I said I was out of state for a few days (back later tomorrow), not on vacation.

Second, although I don’t have the time to go into the details now, we find your cited authority to be outdated and lacking merit. We can argue the case law when I return. In the meantime, there are

several ways in which we may proceed.

1. An appeal of a suspension of a building permit is heard by the Town Council in lieu of a Building Board of Appeals (Fairfax is a small jurisdiction and does not have a Building Board of Appeals). If that is what you desire, you may request such a hearing and one will be scheduled.
2. We could schedule a hearing before the Planning Commission for revocation of his previously granted approvals because he has not built in accordance with those approvals.
3. Your client could file an application for a hearing before the Commission to gain approval of the changes he unilaterally made to his approved plans.

While it appears number 3 above is the fastest route to resolving this issue, just ignoring the Building Official's suspension of his permit is not a wise choice. Mark is preparing to have any worker on site cited. In our experience, Coby's workers are not willing to risk citation for Coby.

There is one area where Mark has already informed Coby that he does need to do work, and that is with the excavation of the garage. Once again, perhaps before you were involved with this client or project, Coby has excavated dangerously close to the adjacent property and the risk of subsidence or cave in is high. In order to not have a public safety hazard existing on the property, endangering not only his property but also that of his neighbor, Mark has told Coby he needs to shore up that excavation. That is the only work permitted on this site pending resolution of the construction not in compliance with approved plans issue.

Thank you,

Janet



**[Janet Coleson](#)**

Partner

[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)

T: (925) 977-3319

[bbklaw.com](http://bbklaw.com) |

---

**From:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>

**Sent:** Tuesday, August 22, 2023 4:29 PM

**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>

**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>

**Subject:** Re: 79 Wood lane

**CAUTION - EXTERNAL SENDER.**

---

Janet –

I do not mean to bother you on vacation, but you have not provided me with any other contact

information for an attorney for the City. Please let the City know that, based on the case law below, the suspension of the permit is “inoperative and of no legal force.” *City of San Marino v. Roman Catholic Archbishop of Los Angeles*, (1960) 180 Cal.App.2d 657, 669. In addition, any issues related to whether the City can properly stop work due to alleged planning code violations is currently subject to an appeal which the City has not yet moved forward on. On these reasonable bases, given that the red tag is unenforceable, Mr. Friedman will continue working on his property.

Please expedite the issuance of the green tag.

Thanks,

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
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---

**From:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Sent:** Monday, August 21, 2023 6:08 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** Re: 79 Wood lane

Janet -

Please send me the contact information of the attorney while you are out of town. Because of this transition, We can wait until noon tomorrow before we will be moving forward.

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---

**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Sent:** Monday, August 21, 2023 5:17:41 PM  
**To:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Richard,

I'm out of the State until Thursday and able to check emails only in the evening. I will send this email onto another attorney in the firm for a response.

Thank you,

Janet

**Janet Coleson**

Partner

[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)

T: [\(925\) 977-3319](tel:(925)977-3319)

[bbklaw.com](http://bbklaw.com) | 

---

**From:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Sent:** Monday, August 21, 2023 12:12 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

CAUTION - EXTERNAL SENDER.

---

Janet:

I have begun preparing the writ, which we intend to file this week. However, I wanted to give one last chance to avoid litigation.

As I discussed below, the building official does not have the power to summarily suspend a permit just because the construction changes. But Mr. Friedman also has a vested property interest in the construction project, which cannot be taken away by the City summarily. At a minimum, he is entitled to notice and a hearing prior to taking away his right to construct the home. "In revoking a permit lawfully granted, due process requires that it act only upon notice to the permittee, upon a hearing, and upon evidence substantially supporting a finding of revocation." *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776, 795. This is because "Where a permit to [build] a building has been acted upon, and where the owner has, as in this instance, proceeded to incur obligations and to in good faith proceed to erect the building, such rights are then vested property rights, protected by the federal and state Constitutions." *Id.* at 796.

Courts continue to require that permit suspensions are afforded a notice and a hearing. In *City of San Marino v. Roman Catholic Archbishop of Los Angeles*, the court stated, "As in the *Trans-Oceanic* case, it is conceded in this case that the rectory permit was 'revoked' without prior notice and without a hearing. Therefore, since the permit was validly issued, the attempted revocation was a violation of due process and 'was inoperative and of no legal force.' Furthermore, the attempted revocation of the permit by the building inspector by means of a letter to the defendants informing them that their permit would 'stand revoked, in a suspense file' was a complete nullity." (1960) 180 Cal.App.2d 657, 669. Note as well that *San Marino* shows that the notice-and-hearing requirement applies, whether it is "revoked" or "in a suspense file."

Finally, because the Town exercised its discretion in finding the electrical system sufficient, providing the green tag is a ministerial task. *Thompson v. City of Lake Elsinore* (1993) 18 Cal.App.4th 49, 58.

If the City can reinstate the permit by the end of the day, and schedule a time to come and issue the green tag this week, we can avoid this costly litigation.

I look forward to your timely response.

**Richard M. Harris** | Associate

**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation

311 California Street, 10th fl | San Francisco, CA 94104

415.956.2828 main | 415.956.6457 fax

[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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---

**From:** Richard M. Harris

**Sent:** Tuesday, August 15, 2023 3:33 PM

**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>

**Cc:** Aaron P. Silberman <[asilberman@rjo.com](mailto:asilberman@rjo.com)>

**Subject:** RE: 79 Wood lane

Janet:

I have reviewed the stop work order (and attached the copy I received for your reference). It purports to be an action under section 105.6 of the building code, which states in its entirety:

“The building official is authorized to suspend or revoke a permit issued under the provisions of this code **wherever the permit is issued** in error or **on the basis of incorrect, inaccurate, or incomplete information**, or in violation of any ordinance or regulation or any of the provisions of this code.”  
(emphasis added)

Here, Mr. Lockaby has *not* found that the permit was issued based on “incorrect, inaccurate, or incomplete information,” but instead that “the work being done is based on incorrect, inaccurate, and incomplete information.” This is not a basis for suspension of a permit under the building code.

In fact, the building code contemplates that construction will be done that is inconsistent with the plans. Section 107.4 states that “any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.” When the construction does not meet the plans, the correct remedy is an amended set of construction documents, and the Town is not empowered to force the closure of the project simply because the amended plans have not yet been submitted.

Mr. Lockaby’s decision is not an exercise of discretion, but an action contrary to law – as I discussed in our previous demand letter, this will make the City liable for damages.

To avoid further litigious action, please have Mr. Lockaby reinstate the permit as soon as possible. I would like to find a solution short of further litigation.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
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**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Sent:** Tuesday, August 15, 2023 12:08 PM  
**To:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Richard,

I haven't seen the notice. I'll check in with Mark.

I do believe, however, that it's past time for your client to stop doing whatever he wants and follow the direction provided. I am also hopeful that he starts demonstrating he can keep to verbal agreements and it doesn't take judicial intervention to resolve the matter. Hopeful, but given the history with your client, unfortunately, not all that optimistic.

Janet

**Janet Coleson**  
Partner  
[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)  
T: (925) 977-3319  
[bbklaw.com](http://bbklaw.com) | 

---

**From:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Sent:** Tuesday, August 15, 2023 10:24 AM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

CAUTION - EXTERNAL SENDER.

Janet –

Please let me know when we can expect a response. We would very much like to come to a solution short of further litigious action.

Thanks,

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
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**From:** Richard M. Harris  
**Sent:** Monday, August 14, 2023 10:33 AM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[asilberman@rjo.com](mailto:asilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Janet –

We are in receipt of the Town's draft suspending the permit at 79 Wood lane. Three of the four items listed are related to the ADU/JADU changes Mr. Friedman has done and must be ministerially approved. As for the front deck, and rather than discussing the letter point-by-point (and reserving all of Mr. Friedman's rights), we suggest that Mr. Friedman submit his plans showing the changes to the front deck to the planning department. Upon submission (*not* approval), the City will reinstate the permit and allow Mr. Friedman to continue work (including supplying a green tag should the project meet all electrical requirements) until and unless the Planning commission rejects Mr. Friedman's plans.

Let us know if you agree so we can get the plans ready for submission.

Thanks,

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
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---

**From:** Richard M. Harris  
**Sent:** Friday, August 11, 2023 3:05 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[asilberman@rjo.com](mailto:asilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Janet-

I find your response a bit confusing. On our phone call, you read to me an email you had received from Mark, which said in substance that green tags were being withheld in order to extract concessions from homeowners (such as forcing Coby to submit plans to the planning department according to your schedule). This whole week, Mark has not been responding to Coby's requests for a reinspection of the green tag – *still* there is no reason that the green tag was not provided when first inspected.

Please advise.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
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**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Sent:** Tuesday, August 8, 2023 4:18 PM  
**To:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Richard,

Respectfully, it's not my responsibility to resolve your client's issues. You and I both know he needs to submit (with appropriate fee) his application to back to the Commission to ask for approval of his currently unpermitted construction. I don't believe the electrical tag will be withheld for issues unrelated to the electrical.

Please contact me to discuss why a State licensed contractor is performing construction not in conformance with approved plans.

Thank you,

Janet

**Janet Coleson**

Partner

[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)

T: [\(925\) 977-3319](tel:(925)977-3319)

[bbklaw.com](http://bbklaw.com) |  

---

**From:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Sent:** Monday, August 7, 2023 9:13 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

CAUTION - EXTERNAL SENDER.

---

Janet –

We are well past the deadline set forth in my letter. CFC's damages are accruing, including (but not limited to) inefficiencies for his construction, PG&E temporary power fees, and construction loan costs. I urge you to take this opportunity to work to resolve this issue before litigation becomes inevitable.

I look forward to your response.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
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**From:** Richard M. Harris  
**Sent:** Wednesday, August 2, 2023 10:33 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[asilberman@rjo.com](mailto:asilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Janet –

Just checking in. Thanks.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Sent:** Friday, July 28, 2023 4:04 PM  
**To:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** RE: 79 Wood lane

Richard,

Mark Lockaby, the Building Official, is out until August 1. I won't be able to discuss with him whether the electrical system is in order, or extends to unpermitted construction, until that time. I will be back in touch with you shortly after August 1.

Thank you,

Janet

**Janet Coleson**  
Partner  
[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)  
T: (925) 977-3319  
[bbklaw.com](http://bbklaw.com) | 

---

**From:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Sent:** Friday, July 28, 2023 3:50 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Cc:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** 79 Wood lane

**CAUTION - EXTERNAL SENDER.**

---

Ms. Coleson:

As you know, we represent Coby Friedman in his effort to complete his permitted construction project at 79 Wood Lane, in Fairfax (Project). Mr. Friedman requests that the City of Fairfax (City) provides him a green tag so he can hook up power to the new construction. As the City inspector

has already found, the Project has met all of the requirements to receive this green tag.

As we discussed on the phone on July 21, Mr. Friedman contacted the City inspector to inspect his electrical system and issue a green tag. And though the City inspector determined that the electrical system is proper, he still withheld the green tag based on an unrelated dispute. The City and Mr. Friedman disagree about when plan changes need to be submitted to the planning commission for approval, and the withholding of the green tag is being used as leverage to force Mr. Friedman to capitulate to the City's position. As I explained Mr. Friedman's position to you, you told me that it is "common practice" for the City to withhold the green tag to extract other things the City needs from a homeowner unrelated to the propriety of the electrical system.

After a City has exercised its discretion and determined that a party is entitled to an approval, withhold that approval for other reasons causes the City to be liable for damages. *Thompson v. City of Lake Elsinore* (1993) 18 Cal.App.4th 49, 58 (failure to provide a certificate of occupancy to extract unrelated concessions from homeowner entitled property owner to damages). That is exactly the situation here. The City has determined that the electrical system is proper, but is withholding the green tag in an effort to extract concessions on an unrelated dispute. As this dispute continues, Mr. Friedman's damages only grow, including his temporary power costs, the loss of use of his home, and the inability to complete the Project.

Please confirm that the City will issue the green tag within 7 days. If the green tag is not issued, Mr. Friedman will be forced to take further action. He expressly reserves all of his rights.

I look forward to your response.

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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# **EXHIBIT 13**

**From:** [Janet Coleson](#)  
**To:** [Richard M. Harris](#)  
**Cc:** [Aaron P. Silberman](#)  
**Subject:** RE: 79 Wood Lane  
**Date:** Wednesday, June 14, 2023 10:04:57 PM

---

Hello Richard,


Not exactly. Coby is constructing items that are not in accordance with approved plans. The Building Official has authority under the CA Bldg Code (adopted by the Town in Title 15) to issue a stop work order if construction is taking place that is not in conformance with approved plans and permits. The Building Official has the authority to issue or authorize the issuance of citations for violation of a stop work order. The Fairfax Building Official uses the Fairfax PD to issue infraction citations for violation of a stop work order. My understanding is that the citations are issued to anyone/everyone doing construction on the site.

The last time a stop work order was issued to your client (for this same construction site), I believe your firm filed a writ. I'm not trying to tell you how you should proceed, but there is no appeal to the Planning Commission or Town Council of a Building Official's stop work order issued under the authority of the CA Bldg Code. Coby's misplaced appeal and check will be returned to the address on the document. Submitting an application to the Planning Commission is the appropriate route to take to request a change to the plans (for items other than ADUs/.JADUs which are ministerially approved by the Building Official per the new State laws governing ADUs /JADUs).

I have calls until 2:30pm tomorrow. Please let me know if you'd like to talk after that time.

Thank you,

Janet

|   |  |
|---|--|
|  | <p><b>Janet Coleson</b><br/>Partner<br/>janet.coleson@bbklaw.com<br/>T: (925) 977-3319<br/>bbklaw.com   <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> |
|---|--|

---

**From:** Richard M. Harris <RHarris@rjo.com>  
**Sent:** Wednesday, June 14, 2023 11:15 AM  
**To:** Janet Coleson <Janet.Coleson@bbklaw.com>  
**Cc:** Aaron P. Silberman <ASilberman@rjo.com>  
**Subject:** RE: 79 Wood Lane

CAUTION - EXTERNAL SENDER.

---

Janet –

I am Aaron's colleague working on this matter. I understand that Coby has submitted, and the Town has accepted, his verified appeal and the \$625 fee. The stop work order was issued because the Town contends some construction needed to be submitted to the planning commission, and was not. The rules of the planning commission are contained under title 17. Under title 17, the Town cannot enforce its stop work order until the appeal is resolved.

I am around all day today to discuss the issue if we can work out some kind of resolution which all the parties can live with. Please feel free to call me – my direct line is (415) 365 5306.

Thanks,

**Richard M. Harris** | Associate  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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---

**From:** Aaron P. Silberman <ASilberman@rjo.com>  
**Sent:** Tuesday, June 13, 2023 4:42 PM  
**To:** Richard M. Harris <RHarris@rjo.com>  
**Subject:** FW: 79 Wood Lane

---

**From:** Aaron P. Silberman  
**Sent:** Friday, June 9, 2023 5:01 PM  
**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Subject:** RE: 79 Wood Lane

Janet:

Let's find a time to talk on Monday.

In the meantime, in order to preserve his rights, Coby submitted an application to the Town Clerk today appealing the Order to Stop Work. A courtesy copy is attached.

Hopefully, when we talk, we can find some common ground here. It still appeared to me, from Mark and Coby's recent emails, that they were close to agreement.

Aaron

**Aaron P. Silberman** | Shareholder  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.365.5339 dd | 415.956.6457 fax  
[asilberman@rjo.com](mailto:asilberman@rjo.com) | [www.rjo.com](http://www.rjo.com)

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---

**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Sent:** Friday, June 9, 2023 10:53 AM  
**To:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>  
**Subject:** Re: 79 Wood Lane

Aaron, I'm not able to discuss today as we have a high school graduation and accompanying events happening today. Coby has already gone beyond what is allowed/permitted and he is well aware of this. He has not agreed to stop, quite the opposite. He needs to stop work until this can be resolved. If you have time on Monday, I think you and I should bring Mark into our conversation.

**Janet Coleson**

Partner

[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)

T: [\(925\) 977-3319](tel:(925)977-3319)

[bbklaw.com](http://bbklaw.com) | 

---

On Jun 9, 2023, at 8:56 AM, Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)> wrote:

**CAUTION - EXTERNAL SENDER.**

---

Janet:

When I sent you my last email yesterday, I did not know that Mark had red-tagged the site. As a result of the Town's action, it is urgent that you please respond to my questions below. Regardless of the basis for its position, would the Town be agreeable to lifting the red-tag if Coby agreed not to do any further work on the rear stairs (at least until we can resolve the issues there)?

Aaron

---

**From:** Aaron P. Silberman  
**Sent:** Thursday, June 8, 2023 4:41 PM



**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>

**Subject:** RE: 79 Wood Lane

Janet:

I agree that a call might be useful, but I need to talk to Coby first. Before I do that, I'd like to understand the City's position. Is there anything you can tell me in response to my questions below?

Aaron

**Aaron P. Silberman** | Shareholder

**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation

311 California Street, 10th fl | San Francisco, CA 94104

415.956.2828 main | 415.365.5339 dd | 415.956.6457 fax

[asilberman@rjo.com](mailto:asilberman@rjo.com) | [www.rjo.com](http://www.rjo.com)

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---

**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>

**Sent:** Thursday, June 8, 2023 10:56 AM

**To:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>

**Subject:** Re: 79 Wood Lane

Aaron we should talk because Mark is telling me that Coby has constructed things that are not on the approved plans and not connected with ADU/JADU that Mark has authority over. Mark says there are many workers onsite attempting to finish as much as possible as quickly as possible. I believe Coby needs to stop until this gets straightened out. He cannot just submit plans to the Assessor after it's all built as he says he's going to.

**[Janet Coleson](mailto:Janet.Coleson@bbklaw.com)**

Partner

[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)

T: [\(925\) 977-3319](tel:(925)977-3319)

[bbklaw.com](http://bbklaw.com) | 

On Jun 8, 2023, at 10:49 AM, Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)> wrote:

CAUTION - EXTERNAL SENDER.

---

Hi, Janet.

It looks like the numbering is off in the forwarded email. Are you referring to the second item (starting with "A portion of the top floor ...")? Any others?

Re the second item, I'm a bit confused, and it looks like Coby is too, particularly about the following sentence from Mark: "We believe the JADU can proceed however the enclosure of the deck, and exterior stairway must go to the planning commission for approval." Since Coby responds that the deck enclosure is done, the only remaining work issue I see is the exterior stairway. Is that the City's view too? Re the exterior stairway, is the City's position that (a) the exterior stairway is not related to the JADU and so must be submitted and approved by the PC (as opposed to administrative review by Mark); (b) it is related to the JADU but nevertheless must be submitted and approved by the PC; or (c) something else?

Thanks in advance for any help you can provide me to understand where the City stands on this.

Aaron

**Aaron P. Silberman** | Shareholder

**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation

311 California Street, 10th fl | San Francisco, CA 94104

415.956.2828 main | 415.365.5339 dd | 415.956.6457 fax

[asilberman@rjo.com](mailto:asilberman@rjo.com) | [www.rjo.com](http://www.rjo.com)

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**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>

**Sent:** Thursday, June 8, 2023 8:09 AM

**To:** Aaron P. Silberman <[ASilberman@rjo.com](mailto:ASilberman@rjo.com)>

**Subject:** Fwd: 79 Wood Lane

Mr. Silberman,

This is your client's response. He must stop any work that needs to be approved by the Commission. He needs to submit an application for PC.

The Town has been more than accommodating.

Thank you,  
Janet

Begin forwarded message:

**[Janet Coleson](#)**

Partner

[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)

T: [\(925\) 977-3319](tel:(925)977-3319)

[bbklaw.com](http://bbklaw.com) | 

---

**From:** Mark Lockaby <[mlockaby@townoffairfax.org](mailto:mlockaby@townoffairfax.org)>

**Date:** June 8, 2023 at 6:32:46 AM PDT

**To:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>

**Subject: FW: 79 Wood Lane**

**CAUTION - EXTERNAL SENDER.**

---

FYI

Thanks,

Mark Lockaby  
Building Official  
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930  
415-458-2370

---

**From:** Coby Friedman <[coby@cfcontracting.com](mailto:coby@cfcontracting.com)>

**Sent:** Wednesday, June 7, 2023 9:40 PM

**To:** Mark Lockaby <[mlockaby@townoffairfax.org](mailto:mlockaby@townoffairfax.org)>

**Subject:** RE: 79 Wood Lane

Hi Mark,

My answers and comments are in **red** below.

Thanks,

**Coby Friedman**  
**CF Contracting, Inc.**  
**Tel. 415-310-5442**

**Fax. 415-296-6437**

---

**From:** Mark Lockaby <[mlockaby@townoffairfax.org](mailto:mlockaby@townoffairfax.org)>

**Sent:** Wednesday, June 7, 2023 9:21 AM

**To:** Coby Friedman <[coby@cfcontracting.com](mailto:coby@cfcontracting.com)>

**Subject:** FW: 79 Wood Lane

Coby,

During a requested framing inspection I noticed that there were several changes to your approved plans. You submitted new plans for the current design. The changes are either shown on the plans, or have been started as follows:

1. A portion of the basement is shown to be an accessory dwelling unit, with an addition to meet egress requirements for the bedroom. We believe this can proceed.

Thank you

1. A portion of the top floor has been prepared to be a junior accessory dwelling unit, including enclosing an upper deck, and the addition of an exterior stairway. We believe the JADU can proceed however the enclosure of the deck, and exterior stairway must go to the planning commission for approval. No work can proceed on the rear stairs or enclosed area until planning commission approvals are obtained. Additionally there will be a deed restriction required stating that the home is to be owner occupied (State Law).

The ~50 SF rear deck has already been enclosed, the rough plumbing, electrical and HVAC work has been done. The only remaining work to do there is drywall and paint. Since you said that you believe the JADU can proceed and the remaining work (i.e. drywall, paint and the access stairs in the back) is all being done for the JADU, I'll proceed with that work.

1. A portion of the of the basement is shown as additional living space (office) for the main residence. You have agreed to remove this from the plans, or seek approval from the planning commission.

I agree to remove the "Office" and designate it as

storage space.

1. A rear deck is shown at the rear of the structure at ground level. You have agreed to remove the deck from the plans, or seek approval from the planning commission.

I agree

1. The front low roof is shown as being eliminated, and a deck above a portion of the lower floor even with the top floor is shown. This must go to the planning commission for approval. No work can continue further with the deck until planning commission approval is obtained.

The roof deck has already been constructed and water proofed with epoxy coating. The only work remaining to do there is the railings which you've okayed me to install safety railing.

1. The new plans show a garage without out the ADU that was shown on the previously approved plans. The limit for the parcel is the main house, 1 ADU, and 1 JADU. In the future the garage cannot be converted to an ADU, or have an ADU added to it (unless state laws change).

I agree

1. You agreed to be cordial during any interactions with town staff, and the planning commission.

I'll try my best

At this point only foundation inspections, and under slab plumbing inspections have been completed. At some point very soon framing, plumbing, mechanical, and electrical inspections will need to be scheduled and passed before any work can continue.

Please update your new plans to reflect the agreed upon deletions, and work with the planning department for the changes that need planning commission approvals.

I let you know that if any work is continued in the areas that need planning commission approvals a "Stop Work" order will be issued.

I intend to submit plans showing the changes when the project is done and for the County Assessor's purposes only, so the property can be assessed for tax purposes. If you'd like to show the plans to the Planning Commission then be my guest. However, I don't agree that the Planning

Commission should have anything to do with any work or changes relating to the ADU or JADU or with any other changes so long as the house complies with all the zoning standards.

Please let me know if you have any questions regarding this matter.

Regards,

Mark Lockaby  
Building Official  
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930  
415-458-2370

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# **EXHIBIT 14**

**From:** [Coby Friedman](#)  
**To:** [Mark Lockaby](#)  
**Subject:** RE: 79 Wood Ln. Green tag  
**Date:** Friday, August 25, 2023 11:42:30 AM

---

Mark:

Thank you for meeting with me today. While we talked, you told me that the City attorney, Janet Coleson, had instructed you not to release the green tag for the meter. I told you that because the electrical system is acceptable, there is no legal basis for withholding the green tag. I told you that Janet had told my attorney the same thing. You also told me that the new Planning Director instructed you to contact the CSLB, and that you forwarded my email from this morning to him and to Janet. As I requested in my previous email, if you do contact the CSLB the contact information for my attorney so he can explain why I'm not doing anything wrong.

You also told me that the changes you put in your permit suspension letter are so minor that they'll most likely get approved. I told you that I want to submit all of my changes when I'm done making them because I don't want you to stop me again for minor changes.

I am still hopeful that the City will issue the green tag, as there is no legal basis for withholding it.

Thanks.

Coby Friedman  
CF Contracting, Inc.  
Tel. 415-310-5442  
Fax. 415-2966437

---

**From:** Coby Friedman <[coby@cfcontracting.com](mailto:coby@cfcontracting.com)>  
**Sent:** Friday, August 25, 2023 8:02 AM  
**To:** Mark Lockaby <[mlockaby@townoffairfax.org](mailto:mlockaby@townoffairfax.org)>  
**Subject:** RE: 79 Wood Ln. Green tag

Mark:

I was entitled to the green tag when you did the inspection and cleared the house. You cannot withhold it now just because you have tried to suspend the permit based on wholly unrelated issues. And as my lawyer explained, you cannot suspend my permit without notice and a hearing where I get to provide evidence. Since there is no notice and hearing, then your "suspension" of the permit has "no legal force."

Please have your contact at the CSLB contact my attorney, Richard Harris at [rharris@rjo.com](mailto:rharris@rjo.com). He can explain these issues and make clear that I am an owner-builder of my own house, so there's no "consumer" for the CSLB to protect except me.



Thanks,

**Coby Friedman**  
**CF Contracting, Inc.**  
**Tel. 415-310-5442**  
**Fax. 415-296-6437**

---

**From:** Mark Lockaby <[mlockaby@townoffairfax.org](mailto:mlockaby@townoffairfax.org)>  
**Sent:** Friday, August 25, 2023 6:35 AM  
**To:** Coby Friedman <[coby@cfcontracting.com](mailto:coby@cfcontracting.com)>  
**Subject:** RE: 79 Wood Ln. Green tag

Coby,

I will not be releasing the meter until the building permit is reinstated. We have requested assistance from the Contractors State License Board. They responded immediately and conveyed that they consider contractors ignoring Stop Work Orders as a high priority.

Regards,

Mark Lockaby  
Building Official  
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930  
415-458-2370

---

**From:** Coby Friedman <[coby@cfcontracting.com](mailto:coby@cfcontracting.com)>  
**Sent:** Wednesday, August 23, 2023 4:36 PM  
**To:** Mark Lockaby <[mlockaby@townoffairfax.org](mailto:mlockaby@townoffairfax.org)>  
**Subject:** 79 Wood Ln. Green tag

Mark,  
Please let me know if Janet has cleared you to post the green tag for the electrical service.

Thanks,

**Coby Friedman**  
**CF Contracting, Inc.**  
**Tel. 415-310-5442**

***Fax. 415-296-6437***

# **EXHIBIT 15**

1 ROGERS JOSEPH O'DONNELL  
2 Aaron P. Silberman (State Bar No. 161021)  
3 asilberman@rjo.com  
4 Richard M. Harris (State Bar No. 269171)  
5 rharris@rjo.com  
6 311 California Street  
7 San Francisco, California 94104  
8 Telephone: 415.956.2828  
9 Facsimile: 415.956.6457

**ELECTRONICALLY FILED**  
Superior Court of California  
County of Marin  
~~FILED~~  
James M. Kim, Clerk of the Court  
J. Chen, Deputy

6 Attorneys for Petitioner  
7 JACOB FRIEDMAN

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF MARIN

10 JACOB FRIEDMAN, an individual

Case No. CV0000737

11 Petitioner,

**NOTICE OF ENTRY OF ORDER RE:  
PETITIONER JACOB FRIEDMAN'S  
VERIFIED PETITION FOR  
ALTERNATIVE WRIT AND STAY AND  
WRIT OF MANDAMUS**

12 vs.

14 CITY OF FAIRFAX, a general law city,  
15 THE OFFICE OF BUILDING  
16 INSPECTOR OF THE TOWN OF  
17 FAIRFAX, in its official capacity, and  
18 DOES 1 through 10,

Respondents.

19 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

20 **PLEASE TAKE NOTICE** that on October 24, 2022, the Court **GRANTED**  
21 **IN PART** and **DENIED IN PART** the Petition for Alternative Writ and Stay and Writ of  
22 Mandamus, attached hereto as **Exhibit A**.

23 Dated: October 31, 2023

ROGERS JOSEPH O'DONNELL

24 By: 

AARON P. SILBERMAN  
RICHARD M. HARRIS

26 Attorneys for Petitioner JACOB FRIEDMAN  
27  
28

Marin Superior Court Accepted through eDelivery submitted 10-31-2023 at 11:03:10 AM

# **EXHIBIT A**

1 ROGERS JOSEPH O'DONNELL  
2 Aaron P. Silberman (State Bar No. 161021)  
3 asilberman@rjo.com  
4 Richard M. Harris (State Bar No. 269171)  
5 rharris@rjo.com  
6 311 California Street  
7 San Francisco, California 94104  
8 Telephone: 415.956.2828  
9 Facsimile: 415.956.6457

**ELECTRONICALLY FILED**  
Superior Court of California  
County of Marin  
~~FEB 10 2024~~  
James M. Kim, Clerk of the Court  
J. Miller, Deputy

6 Attorneys for Petitioner  
7 JACOB FRIEDMAN

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF MARIN

10 JACOB FRIEDMAN, an individual

11 Petitioner,

12 vs.

13 CITY OF FAIRFAX, a general law city,  
14 THE OFFICE OF BUILDING  
15 INSPECTOR OF THE TOWN OF  
16 FAIRFAX, in its official capacity, and  
17 DOES 1 through 10,

18 Respondents.

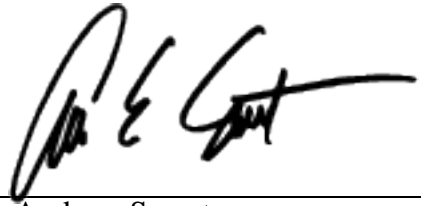
Case No. CV0000737

~~ORDER~~  
**[PROPOSED] ORDER RE PETITIONER  
JACOB FRIEDMAN'S VERIFIED  
PETITION FOR ALTERNATIVE WRIT  
AND STAY AND WRIT OF MANDAMUS**

19 Petitioner Jacob Friedman's Verified Petition for Alternative Writ and Stay  
20 and writ of Mandamus came on for hearing on October 6, 2023, at 9:00 a.m. in  
21 Department E of the Marin County Superior Court. Christopher Moffitt of Best Best &  
22 Krieger LLP appeared for Respondent. Richard Harris of Rogers Joseph O'Donnell  
23 appeared for Petitioner.

24 After hearing the oral argument presented, and having reviewed the papers  
25 filed regarding this petition, the petition is **GRANTED IN PART** and **DENIED IN PART**.  
26 The Court adopts its tentative ruling issued on October 5, 2023, attached as **Exhibit A**.

Marin Superior Court Accepted through eDelivery submitted 10-31-2023 at 11:03:10 AM



Dated: 10/24/2023

Hon. Andrew Sweet  
Judge of the Superior Court

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Marin Superior Court Accepted through eDelivery submitted 10-31-2023 at 11:03:10 AM

Marin Superior Court Accepted through eDelivery submitted 10-31-2023 at 11:03:10 AM

# **EXHIBIT A**



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 10/06/23      TIME: 1:30 P.M.      DEPT: E      CASE NO: CV0000737

PRESIDING: HON. ANDREW SWEET

REPORTER:

CLERK: S. HENDRYX

PETITIONER:      JACOB FRIEDMAN

vs.

RESPONDENT:      CITY OF FAIRFAX, ET AL

NATURE OF PROCEEDINGS: WRIT OF MANDATE HEARING

RULING

Petitioner Jacob Friedman’s (“Friedman”) petition for writ of mandate is granted in part and denied in part.

The petition is granted as to the following issue only at this time. Respondent Town of Fairfax (the “Town”) is directed to set aside the Order to Stop Work to the extent it applies to construction that was specifically identified and approved in Friedman’s original application, construction documents, approved plans, and the permit issued based on those documents. Friedman was entitled to a hearing prior to any suspension of the permit (and order to stop work based on that suspension) under *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776 and *City of San Marino v. Roman Catholic Archbishop of Los Angeles* (1960) 180 Cal.App.2d 657. Friedman’s petition is denied to the extent it requests the Court to direct the Town to adopt a different appeal process.

The Court does not rule on the remaining issues in Friedman’s petition, namely, the Order to Stop Work on construction not yet approved by the Town, and the green tag. As reflected above, in order to suspend the permit and issue an Order to Stop Work based on that suspension, the Town is required to provide Friedman a hearing. At that hearing, the remaining issues may be raised by the parties and ruled upon by the Town. If there are further proceedings after that hearing that properly bring those issues before the Court, the Court will rule on them at that time.

**Factual Allegations in the Verified Petition**

On August 29, 2023, Friedman filed his Verified Petition for Alternative Writ and Stay and Writ of Mandamus (the “Petition”) against the Town and the Office of Building Inspector of the Town of Fairfax. Friedman alleges that on July 6, 2021, he submitted an application to the Town for the construction of a house and an accessory dwelling unit (“ADU”) at the property at 79 Wood Lane in Fairfax. (Petition, ¶6.) On January 20, 2022, the Planning Commission approved the

Marin Superior Court Accepted through eDelivery submitted 10-31-2023 at 11:03:10 AM

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application. (*Id.*, ¶8.) On August 4, 2022, the Town issued a building permit (the “Permit”), and Friedman hired a crew and mobilized equipment to begin work on the project. (*Id.*, ¶¶9, 10.)

After the Town issued the Permit, Friedman informed the Town that he intended to submit an application pursuant to Government Code Section 65852 et seq. (“SB 9”). (*Id.*, ¶11.) Friedman submitted his application for changes to his plans on August 9, 2022. (*Id.*, ¶12.)

On August 10, 2022, the Town, through Building Official Mark Lockaby (“Building Official”), issued and posted an Order to Stop Work (“OSW”) prohibiting further work at the project, noting that construction and excavation was beyond the scope of the Permit. (*Id.*, ¶13.)

On August 25, 2022, Friedman filed a petition for alternative writ and stay and mandamus. The parties resolved their dispute and the petition was dismissed without prejudice. (*Id.*, ¶14.)

Work continued at the project. Friedman made various changes to the structure. The Building Official requested documentation about the changes from Friedman, and Friedman provided them. The changes to the plans included: (a) a portion of the basement was shown to be an accessory dwelling unit; (b) a portion of the top floor had been prepared to be a junior ADU, including enclosing an upper deck, and the addition of an exterior stairway; and (c) the front low pitched roof is shown as being eliminated, and instead a roof deck above a portion of the lower floor even with the top floor is shown. (*Id.*, ¶15.) The Building Official agreed that Friedman could continue with work at the project, but requested that Friedman obtain approval of the second two changes from the Planning Commission before performing any further work on those changes. (*Id.*, ¶16.)

Believing the Building Official to be incorrect, Friedman continued construction with the intent to submit the changes for approval after the project was completed. (*Id.*, ¶17.)

On June 8, 2023, the Building Official issued a notice to stop work on the project, noting that construction had not been approved. (*Id.*, ¶18.) Friedman submitted an appeal of this notice, which the City Council has not ruled upon, and continued working on the project. (*Id.*, ¶¶19-21.)

On July 20, 2023, the Building Official completed an electrical inspection of the project. Although the electrical system was in working order and up to code, the Building Official refused to approve it until Linda Neil signed off on it. (*Id.*, ¶22.) The Town’s counsel told Friedman’s counsel that the Town was withholding approval to force Friedman to submit new plans to the Planning Commission for approval. (*Id.*, ¶23.)

Friedman continued working on the project but was accruing damages caused by the Town’s actions. On July 28, 2023, Friedman’s counsel sent an email to the Town requesting that it issue a green tag for the project. For several weeks, the Building Official failed to respond to Friedman when Friedman tried to reach him. (*Id.*, ¶¶24-27.) On August 11, 2023, the Building Official advised Friedman that he would suspend the Permit under California Building Code [A] 105.6 until Friedman obtained approvals from the Town. (*Id.*, ¶¶28, 29.) A similar letter was posted at the work site, along with a stop work order, on August 14, 2023. (*Id.*, ¶30.) On August 17, 2023, the Building Official sent another letter to Friedman stating that the construction

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documents he submitted did not reflect some of the construction that was being completed at the project. (*Id.*, ¶32.)

The Verified Petition asserts a single cause of action for a writ of mandamus under Code of Civil Procedure Sections 1085 and 1086. Friedman alleges that once the Town exercised its discretion as to whether a particular portion of work was installed in good and proper order, it was required by law to ministerially sign off on that inspection and issue a green tag allowing PG&E to connect power to the property. The Town violated its duties by (1) failing to issue the green tag once the Building Officer determined the electrical service and system was in good and working order; and (2) issuing, posting, and maintaining the OSW from August 11, 2023, prohibiting Friedman from continuing work under the Permit.

In his Prayer for Relief, Friedman requests an alternative writ and stay order requiring the Town to (1) rescind and stay enforcement of the OSW; (2) issue the green tag for the electrical system; and (3) establish an appeal procedure under the building code as required by section 1.8.8.1 et seq. and *Lippman v. City of Oakland* (2017) 19 Cal.App.5<sup>th</sup> 750. Friedman also seeks a writ of mandamus pursuant to Sections 1085-1087 ordering the Town to rescind and stay enforcement of the OSW and issue the green tag.

#### **Procedural Background**

On September 5, 2023, Friedman appeared ex parte seeking an order on the merits of his petition. The Court denied this request based on Friedman's failure to show sufficient urgency for an ex parte order. The Court issued an OSC ordering the Town to show cause why the petition should not be granted, to be heard on October 6, 2023. The Court entered a briefing schedule, requiring the Town's Opposition/Return to be filed by September 19, 2023 and any Reply/Traverse from Friedman to be filed by September 26, 2023.

Following the September 5<sup>th</sup> ex parte hearing, Friedman submitted an appeal with the Town to reconsider the suspension of the Permit. On September 13<sup>th</sup>, the Town rejected the appeal and upheld the Building Official's suspension of the Permit until Petitioner submits an application and receives approval of his modifications from the Planning Commission. (Declaration of Christopher Moffitt ("Moffitt Decl."), ¶2 and Exh. A.)

#### **Standard**

"A writ of mandate may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person." (Code Civ. Proc. § 1085.) A writ of mandate "will issue against a county, city, or other public body . . ." (*County of San Diego v. State of California* (2008) 164 Cal.App.4<sup>th</sup> 580, 593 [citation and internal quotations omitted].)

A writ of mandate under Section 1085 is available where "the petitioner has no plain, speedy and adequate alternative remedy; the respondent has a clear, present and usually ministerial duty to perform; and the petitioner has a clear, present and beneficial right to performance." (*Conlan v.*

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*Bonta* (2002) 102 Cal.App.4<sup>th</sup> 745, 751-752.) “Mandate will not issue to compel action unless it is shown the duty to do the thing asked for is plain and unmixed with discretionary power or the exercise of judgment. Thus, a petition for writ of mandamus under Code of Civil Procedure section 1085 may only be employed to compel the performance of a duty which is purely ministerial in character.” (*Unnamed Physician v. Board of Trustees of Saint Agnes Medical Center* (2001) 93 Cal.App.4<sup>th</sup> 607, 618 [citation omitted].)

### **Request for Judicial Notice**

The Town’s request for judicial notice of Exhibits A-N, filed in connection with its Opposition to Friedman’s ex parte application, is granted. (Evid. Code §§ 452, 453.)

### **The Fairfax Town Code**

Section 15.04.010 of the Fairfax Town Code (“Town Code”) provides that the Town has adopted Division II of Chapter 1 of the 2022 edition of the California Building Code (“CBC”), except for CBC Section 113. (Town Code § 15.04.010(A)(2)(a).)

CBC Section 105.1 provides: “Any owner or owner’s authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.”<sup>1</sup> CBC Section 105.3 sets forth the information to be provided in an application for a permit, which includes the identification and description of “the work to be covered by the permit for which application is made” and requires the submission of construction documents. CBC Section 107.4 provides: “Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.”

CBC Section 105.6 provides that the Building Official “is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this code.”

Town Code Section 17.024.060 provides: “No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or structure in the town, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the building official.”

Town Code Section 17.024.120 provides the Town’s appeal process: “All decisions of the Planning Commission in proceedings for the revocation or modification may be appealed and reviewed in substantially the same manner as provided for in Chapter 17.036 of this title.”

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<sup>1</sup> Exceptions from permit requirements are set forth in Section 105.2. These exceptions do not appear to be at issue in this action.

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DiscussionHearing Requirement

The Town argues that Building Code Section 105.6 authorizes the Building Official to suspend or revoke a permit, when the permit was issued on the basis of incorrect, inaccurate or incomplete information or is in violation of an ordinance or regulation, without a hearing. Therefore, the Town argues, it did not have a ministerial duty to provide Friedman with a hearing before suspending the Permit or issuing the OSW. Instead, it had discretion to suspend the Permit without a hearing and the Court cannot compel the Town to exercise its discretion differently. The Town argues that, as it previously advised Friedman, it exercised its discretion to suspend the Permit because there were three changes to the job plans that differed from the Permit.

The Court disagrees with the Town and finds that the Town owed a mandatory duty to provide Friedman with a hearing before suspending the Permit. In *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776, the court stated:

A permit may not be revoked arbitrarily ‘without cause.’ (53 C.J.S. § 44, p. 651.) It is conceded that in revoking the permit granted to appellant, the City Council of Santa Barbara did so without prior notice to appellant, without a hearing, and without evidence. In determining that a permit, validly issued, should be revoked, the governing body of a municipality acts in a quasi-judicial capacity. In revoking a permit lawfully granted, due process requires that it act only upon notice to the permittee, upon a hearing, and upon evidence substantially supporting a finding of revocation . . . The resolution of revocation in the instant case, adopted without notice or hearing or reception of competent evidence, was inoperative and of no legal force.

(*Id.* at pp. 783-784; see also *City of San Marino v. Roman Catholic Archbishop of Los Angeles* (1960) 180 Cal.App.2d 657, 669 [“it is conceded in this case that the rectory permit was ‘revoked’ without prior notice and without a hearing. Therefore, since the permit was validly issued, the attempted revocation was a violation of due process and ‘was inoperative and of no legal force’”] [citation omitted].) Friedman’s due process rights govern over the Code sections relied upon by the Town. (See *California Grocers Assn. v. City of Los Angeles* (2011) 52 Cal.4th 177, 188.)

Accordingly, the Town is directed to set aside the suspension of the Permit and the OSW to the extent it is directed at work previously approved by the Town and authorized under the Permit.

Appeal Procedure

The Town argues that it is not required to provide an appeal process in accordance with CBC Section 1.8.8.1 because this section is found under Division I of Chapter 1, which was never adopted by the Town. Instead, the Town processes appeals pursuant to Town Code Section

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17.024.120, which provides: “All decisions of the Planning Commission in proceedings for the revocation or modification may be appealed and reviewed in substantially the same manner as provided for in Chapter 17.036 of this title.” Chapter 17.036 provides for an appeal to the Town Council for any alleged “error in any order, requirement, permit, decision or determination made by an administrative official, advisory body or Planning Commission in the administration or enforcement of this title.” (§ 17.036.010.) The Town Council may affirm, reverse, or modify the action taken, and the decision of the Town Council may be reviewed by the court. (§§ 17.036.060, 17.036.070.)

Friedman contends that even though the Town has not expressly adopted Section 1.8.8.1, the entirety of the CBC, including section 1.8.8.1, is applied against the Town in the State Housing Law, Health & Safety Code Section 17910 et seq. (“State Housing Law”). Friedman cites to *Lippman v. City of Oakland* (2017) 19 Cal.App.5<sup>th</sup> 750, in which the court found that the City of Oakland’s single hearing officer appeals process conflicted with the procedures set forth in the CBC, including Section 1.8.8.1. The court rejected the City’s argument that there was no conflict between the appeal process set forth in its municipal code and the CBC because the CBC required only the establishment of “process” to hear and decide appeals, which did not require an “appeals board”. The court explained:

We read the plain language of Building Code section 1.8.8.1 as mandating that local governments establish an appellate process, which may be satisfied in one of three ways: (1) by creating a local appeals board for new construction and a housing appeals board for existing buildings; (2) by creating an agency authorized to hear such appeals; or (3) by having the governing body of the city serve as the local appeals board or housing appeals board. Notably, however, the Building Code does not contemplate an appeal before a single hearing officer. Rather, the Building Code refers to an “appeals board.” (Building Code, § 1.8.8.1, italics omitted.) A “local appeals board” is defined as “the *board or agency* of a city or county which is *authorized* by the governing body of the city or county *to hear appeals* regarding the building requirements of the city or county.” (Health & Saf. Code, § 17920.5, italics added; see also Building Code, § 1.8.8.2.) The Building Code section explains, “In any area in which there is no such board or agency, ‘Local appeals board’ means the governing body of the city, county, or city and county having jurisdiction over the area.” (Building Code, § 1.8.8.2, italics omitted; see also Health & Saf. Code, § 17920.5.) Thus, a city council or board of supervisors may be considered the local appeals board. Further, the local appeals board or governing body may act as the “housing appeals board.” (Building Code, § 1.8.8.2; Health & Saf. Code, § 17920.6.) Consequently, at minimum, there is a mandatory duty to establish a local appeals board or an agency authorized to hear appeals. And, if no such board or agency exists, the governing body shall act as the local appeals board.

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(*Id.* at p. 760 [emphasis in original].)

The appeal process set forth in Town Code Section 17.024.120 and Chapter 17.036, which provides for appeals to the Town Council, is consistent with CBC Section 1.8.8.1 and *Lippman*. Section 1.8.8.1 provides that where no appeal board has been established, a city's governing body shall serve as the local appeal board, and *Lippman* confirmed that "a city council or board of supervisors may be considered the local appeals board." (*Id.* at p. 760.) Friedman does not provide any explanation as to how the Town's procedure is otherwise inconsistent with CBC Section 1.8.8.1, so his request for writ of mandate directing the Town to adopt a different appeals procedure is denied.

### Remaining Issues

The remaining issues raised in the petition, namely the OSW as it pertains to work not yet approved by the Town and the green tag, are premature and/or not properly before the Court as they will likely be subjects at issue in any hearing provided to Friedman.<sup>2</sup> The Court will not rule on them in the first instance.

***All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.***

***The Zoom appearance information for October, 2023 is as follows:***

<https://www.zoomgov.com/j/1605153328?pwd=eUU1OE9BTG5tWHgrOFNKMmVvd2tFQT09>

Meeting ID: 160 515 3328

Passcode: 360075

***If you are unable to join by video, you may join by telephone by calling 1-669-254-5252 and using the above-provided passcode. Zoom appearance information may also be found on the Court's website: [marin.courts.ca.gov](http://marin.courts.ca.gov)***

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<sup>2</sup> This includes any application of Government Code Section 65852.21. Friedman acknowledges on page 7 of his brief that this could be raised at the hearing, as he includes his discussion of this section under the heading "If a hearing were conducted, the Town would fail to show that Friedman has violated Building Code 105.6.:

**PROOF OF SERVICE**

**[C.C.P. §§ 1010.6, 1011, 1013, 1013a, 2015.5, C.R.C. §§ 1.21, 2.260, 2.306]**

I, Sharon Ingram, state:

My business address is 311 California Street, 10th Floor, San Francisco, CA 94104. The electronic notification address from which I served the documents listed below is: singram@rjo.com. I am employed in the City and County of San Francisco. I am over the age of eighteen years and not a party to this action. On October 19, 2023, I served the following documents described as:

**[PROPOSED] ORDER RE PETITIONER JACOB FRIEDMAN’S VERIFIED TRAVERSE FOR ALTERNATIVE WRIT AND STAY AND WRIT OF MANDAMUS**

on the following person(s) in this action addressed as follows:

Janet E. Coleson *Attorneys for Respondent*  
Christopher M. Moffitt  
BEST BEST & KRIEGER LLP  
2001 N. Main Street, Suite 390  
Walnut Creek, CA 94596  
Telephone: (925) 977-3300  
Facsimile: (925) 977-1870  
Email: [Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)  
[Chris.Moffitt@bbklaw.com](mailto:Chris.Moffitt@bbklaw.com)

X **BY ELECTRONIC SERVICE:** On October 19, 2023, I caused the documents to be sent to the person(s) at the electronic notification address(es) listed above. Within a reasonable time, the transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this date at San Francisco, California.

Dated: October 19, 2023



Sharon Ingram

Marin Superior Court Accepted through eDelivery submitted 10-31-2023 at 11:03:10 AM



**PROOF OF SERVICE**

[C.C.P. §§ 1010.6, 1011, 1013, 1013a, 2015.5, C.R.C. §§ 1.21, 2.260, 2.306]

I, Sharon Ingram, state:

My business address is 311 California Street, 10th Floor, San Francisco, CA 94104. The electronic notification address from which I served the documents listed below is: singram@rjo.com. I am employed in the City and County of San Francisco. I am over the age of eighteen years and not a party to this action. On October 31, 2023, I served the following documents described as:

**NOTICE OF ENTRY OF ORDER RE: PETITIONER JACOB FRIEDMAN'S VERIFIED PETITION FOR ALTERNATIVE WRIT AND STAY AND WRIT OF MANDAMUS**

on the following person(s) in this action addressed as follows:

Janet E. Coleson *Attorneys for Respondent*  
Christopher M. Moffitt  
BEST BEST & KRIEGER LLP  
2001 N. Main Street, Suite 390  
Walnut Creek, CA 94596  
Telephone: (925) 977-3300  
Facsimile: (925) 977-1870  
Email: [Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)  
[Chris.Moffitt@bbklaw.com](mailto:Chris.Moffitt@bbklaw.com)

X **BY ELECTRONIC SERVICE:** On October 31, 2023, I caused the documents to be sent to the person(s) at the electronic notification address(es) listed above. Within a reasonable time, the transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this date at San Francisco, California.

Dated: October 31, 2023



Sharon Ingram

Marin Superior Court Accepted through eDelivery submitted 10-31-2023 at 11:03:10 AM

# **EXHIBIT 16**

**APPEAL OF ADMINISTRATIVE ORDER, REQUIREMENT, DECISION OR DETERMINATION**

**Town Code (TC) § 17.036.010, et seq.**

**TO THE TOWN CLERK:**

I, Jacob (Coby) Friedman, make the following verified application to the Town Council appealing an erroneous order, decision or determination by the planning commission under TC § 17.036.010, et seq.

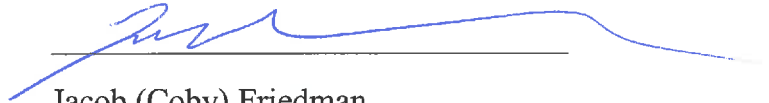
I have personal knowledge of the following facts, and, if called upon as a witness, I could and would testify as set forth below.

1. I own the real property located at 79 Wood Lane, Fairfax, California 94930, and the improvements and current construction project at that location (“Project”). The Planning Commission had previously issued me a permit to complete The Project under Resolution No. 2022-01 (“Permit”).
2. By Court order (served on the town on October 31, 2023), the Town is required to set aside its order to stop work and to reinstate my permit for the Project. The red tag that the Court ordered removed has been at the project site from October 2023 until today’s date.
3. On July 20, 2023, Building Inspector Mark Lockaby was called to complete, and did complete, an electrical inspection of the Project. During this inspection, the electrical system appeared to Lockaby to be in working order and up to code and was approved. However, Lockaby refused to approve the electrical system for connection to PG&E (also referred to as issuing a “Green Tag”), notwithstanding that it met all of the requirements of the code. Lockaby told me that the Town will not allow him to release the Project’s electrical service for connection to PG&E.
4. On January 11, 2024, at 7 PM the Planning Commission held a meeting “for a determination of whether or not the development to date is complying with the conditions of approval placed on the project by the Planning Commission in approving Resolution No 2022-01, “A Resolution of the Fairfax Planning Commission Conditionally Approving Application No. 21-17 for a Hill Area Residential Development Permit, Design Review Permit, Excavation Permit, and Tree Removal Permit, a Minimum and Combined Side-Yard Setback Variance and a Retaining Wall Height

Variance for a Residence at 79 Wood Lane with a detached garage/accessory dwelling unit.”

5. At that hearing, the Planning Commission adopted resolution No. 2024-02, temporarily suspending its previous Resolution No. 2022-01 until no earlier than May 16, 2024 (“Order”). Due to this temporary suspension, I am not allowed to work on the Project at this time.
6. I am a person aggrieved by the Order. The Order requires me to stop work on the Project due to an order, requirement, decision or determination by the Planning Commission. This inability to continue work on my Project is causing me substantial financial harm.
7. This application is timely under TC § 17.036.020, because this appeal is being filed January 16, 2024, which is less than 10 days after the order of the planning commission issued on January 11, 2024.
8. Pursuant to TC 17.036.030, this appeal “shall stay all proceedings and furtherance the action appealed from...” By filing this appeal, the order, requirement, decision or determination by the Planning Commission is stayed until an appeal is heard.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 16th day of January, 2024, in Fairfax, California.

  
\_\_\_\_\_  
Jacob (Coby) Friedman

# **EXHIBIT 17**

**From:** [Richard M. Harris](#)  
**To:** [Janet Coleson](#)  
**Cc:** [Aaron P. Silberman](#)  
**Subject:** RE: 79 Wood lane - appeal refused  
**Date:** Wednesday, January 17, 2024 5:59:00 PM

---

Janet –

Thank you for reaching out. As you know, Mr. Friedman attempted to appeal the commission’s decision, but was refused. This morning, counsel from your office represented to the Court that the temporary suspension of Mr. Friedman’s permit was an “unappealable” decision.

We are currently evaluating our next steps.

Thanks,

**Richard M. Harris** | Shareholder  
**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation  
311 California Street, 10th fl | San Francisco, CA 94104  
415.956.2828 main | 415.956.6457 fax  
[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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**From:** Janet Coleson <[Janet.Coleson@bbklaw.com](mailto:Janet.Coleson@bbklaw.com)>  
**Sent:** Wednesday, January 17, 2024 10:13 AM  
**To:** Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)>  
**Subject:** Re: 79 Wood lane - appeal refused

We should discuss. I’m pretty seriously booked today. In the morning?



**[Janet Coleson](#)**  
Partner  
[janet.coleson@bbklaw.com](mailto:janet.coleson@bbklaw.com)  
T: [\(925\) 977-3319](tel:(925)977-3319)  
[bbklaw.com](http://bbklaw.com) |

This email and any files or attachments transmitted with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please advise the sender via reply email and immediately delete the email you received and all attachments.

On Jan 16, 2024, at 9:47 AM, Richard M. Harris <[RHarris@rjo.com](mailto:RHarris@rjo.com)> wrote:

**CAUTION - EXTERNAL SENDER.**

Janet –

Based on the commissions determination on January 11, 2024, Mr. Friedman attempted to lodge an appeal to the Town Council with the required fee this morning. Under the code, an aggrieved party is entitled to appeal if “it is alleged that there is error in any order, requirement, permit, decision or determination made by ... planning commission in the administration of [title 17].” Town Code 17.036.010. Mr. Friedman is an aggrieved party as his right to construct has been suspended by the planning commission, and the suspension of his permit is either an order, requirement, decision, or determination. He is entitled to an appeal – a right that he must exercise prior to January 21, 2024, within 10 days of the decision. Town Code 17.036.020. If the Town is unwilling to accept the appeal, Mr. Friedman will be forced to file a writ simply to get the town to accept his appeal to the Town Council.

Let me know if the Town is willing to change its position, or if Mr. Friedman will be required to file a writ.

Thanks,

**Richard M. Harris |**

**ROGERS JOSEPH O'DONNELL** | a Professional Law Corporation

311 California Street, 10th fl | San Francisco, CA 94104

415.956.2828 main | 415.956.6457 fax

[rharris@rjo.com](mailto:rharris@rjo.com) | [www.rjo.com](http://www.rjo.com)

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