



**Agenda Item No. 17a.**

**Staff Report**

**Date:** September 12, 2019

**To:** Mayor Brekhus and Council Members

**From:** Heidi Scoble, Planning Manager

**Subject:** Neuwirth Residence, 46 Chestnut Avenue File No. HL-NCP 19-003

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**Recommendation**

Town Council approval of Resolution 2126 for a Nonconformity Permit and Hillside Lot Permit to allow for the reconstruction of a failing retaining wall that varies in size from four-feet to seven-feet tall at 46 Chestnut Avenue.

**Project Information**

Owner/Applicant:	Susan and Harry Neuwirth
Location:	46 Chestnut
A.P. Number:	073-291-28
Zoning:	R-1:B-20 (Single Family Residence, 20,000 sq.ft. min. lot size)
General Plan:	Low Density (1-3 Units/Acre)
Flood Zone:	Zone X (outside of 1-percent annual chance floodplain)
Application No.:	HL-NCP 19-003

**Project Description**

The applicant is requesting a Nonconformity Permit and Hillside Lot Permit to allow for the reconstruction of a failing retaining wall that varies in size from four-feet to seven-feet tall. The new "Soldier Pile" retaining wall will replace the existing wood retaining wall with a steel I-beam and pressure treated wood retaining wall. No other changes to the site are proposed.

- **A Nonconformity Permit is required pursuant to Ross Municipal Code (RMC) Section 18.52.030(c)** because the project would reconstruct an existing retaining wall up to a 7-foot retaining wall where a maximum 6-foot tall retaining wall is permitted.
- **A Hillside Lot Permit is required pursuant to RMC Section 18.39.020(b)(2)** for the construction of a retaining wall greater than 4-feet in height.

**Background**

The project site is an upward sloping 39,335 square foot lot from Chestnut Avenue towards the southwest with an average slope of approximately 45%. Access to the site is via Chestnut Avenue. The site is heavily vegetated with ivy and other evergreen and deciduous plantings. The project site consists of a single- family residence. The Marin County Assessor's records indicate the original residence was constructed circa 1910 and a substantial remodel occurred in 1980. The Town's records show limited information regarding the history of the residence and the development of the site.

**Advisory Design Group Review**

On August 27, 2019, the Advisory Design Review (ADR) Group reviewed the proposed project. The ADR Group members provided a recommendation to approve the project as proposed with consideration of planting vines that will grow and screen the retaining wall. The basis of the recommendation was that the project meets the intent of the Design review standards and criteria of Section 18.41.100 of the Ross Municipal Code. A condition of approval is included in the attached resolution to provide screening of the retaining wall (see Condition of Approval number 6 in Exhibit B of Attachment 1).

**Key Issues*****Nonconformity Permit***

Pursuant to Section 18.54.030(c), a nonconforming structure in a residential zoning district may be enlarged, extended, reconstructed or structurally altered with a Nonconformity Permit approved under Section 18.52.040, except that a floor area ratio variance shall be required to increase the square feet of nonconforming floor area. Staff suggests the Nonconformity Permit findings can be achieved as the project would meet the intent and purpose of the regulations as follows:

1. The existing retaining wall appears to have been constructed prior to the Town's zoning regulations and therefore considered to be legal nonconforming. There is no evidence in the Town's historic records that showed prior approval of the retaining wall.
2. The project would be in keeping with the architectural, cultural and aesthetic value of the neighborhood by designing a project that would architecturally consistent and compatible with the design and massing of the built environs, and therefore consistent with the Design review criteria and standards as described in the Design Review section of the staff report.
3. The project would not create any negative or adverse impacts to any adjacent residence relative to light, air, or privacy.
4. The project would not result in a net increase in existing floor area associated with the project site.
5. The project would be required to comply with the Town's Municipal Code and California Building Code to ensure the public health, safety, and welfare to properties or improvements in the vicinity.
6. The project is designed to comply with the Town's Flood Damage Prevention regulations of Chapter 15.36.

7. The project would not result in a change of the existing on-site parking.

### **Hillside Lot Permit**

Pursuant to Section 18.39.10 of the Ross Municipal Code, the purposes of a Hillside Lot Permit is to ensure that the development on steep lots are consistent with the goals, policies and criteria of the General Plan, protect and preserve natural environmental features such as ridgelines, noise, steep slopes, and watercourses, reduce hazardous risks, such as landslides, floods, and fire, and to ensure the development of the land would not adversely impact the public, health, safety, and welfare.

As supported by the Findings in Exhibit "A" of the attached Resolution, and as described below, staff suggest the project can be supported:

1. The project would not result in an increase in floor area and therefore not exceed the maximum permitted floor area per the Hillside Lot regulations
2. No grading would occur because the project would consist of replacing an existing retaining wall in the same location and previously disturbed areas.
3. The project has been designed with high quality and long-lasting materials. and would have a compatible scale with the neighborhood.
4. The project would not obstruct any public or private views.
5. The project is designed to comply with the Wildland Urban Interface regulations, such as fire sprinklers.
6. The project would not create any long-term circulation and access impacts along Baywood Avenue.

### **Public Comment**

Public Notices were mailed to property owners within 500 feet of the project site. No public comments were received prior to completion of the staff report.

### **Fiscal, resource and timeline impacts**

If approved, the project would be subject to one-time fees for a building permit and associated impact fees, which are based the reasonable expected cost of providing the associated services and facilities related to the development. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. Lastly, there would be no net funding impacts associated with the project.

### **Alternative actions**

1. Continue the project for modifications; or
2. Make findings to deny the application.

### **Environmental review (if applicable)**

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15302 –*Replacement or Reconstruction*, because the project involves the replacement and

reconstruction of an existing retaining wall. No exception set forth in Section 15301.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources.

**Attachments**

1. Resolution 2126
2. Project Plans
3. Project History

## ATTACHMENT 1

# **TOWN OF ROSS**

## **RESOLUTION NO. 2126**

### **A RESOLUTION OF THE TOWN OF ROSS APPROVING A NONCONFORMITY PERMIT AND A HILLSIDE LOT PERMIT TO ALLOW THE RECONSTRUCTION OF A RETAINING WALL AT 46 CHESTNUT AVENUE, APN 073-291-28**

**WHEREAS**, Susan and Harry Neuwirth have submitted an application requesting a Nonconformity Permit and Hillside Lot Permit to allow for the reconstruction of a failing retaining wall that varies in size from four-feet to seven-feet tall at 46 Chestnut Avenue (herein referred to as the "project"); and

**WHEREAS**, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15302 – *Replacement or Reconstruction*, because the project involves the replacement and reconstruction of an existing retaining wall. No exception set forth in Section 15301.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources; and

**WHEREAS**, on September 12, 2019, the Town Council held a duly noticed public hearing to consider the proposed project; and

**WHEREAS**, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

**NOW, THEREFORE, BE IT RESOLVED** the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit "A" approving the Project described herein, subject to the Conditions of Approval attached as Exhibit "B" at 46 Chestnut Avenue.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 12<sup>th</sup> day of September 2019, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:** Council Member Khul (*recused*)

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Elizabeth Brekhus, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk

**EXHIBIT "A"**  
**FINDINGS TO APPROVE**  
**46 CHESTNUT AVENUE**  
**APN 073-291-28**

**A. Findings**

- I. Non-Conformity Permit (RMC § 18.52.040) - Approval of a Non-Conformity Permit to allow for structural alterations to a legal nonconforming detached garage in accordance with Ross Municipal Code Section 18.52.030, Non-Conformity - Alteration, and is approved based on the findings:**

**The project is consistent with the purpose of the Nonconformity Permit chapter as outlined in Ross Municipal Code Section 18.52.040:**

- a) The nonconforming structure was in existence at the time the ordinance that now prohibits the structure was passed. The structure must have been lawful when constructed. The property owner has the burden to prove by substantial evidence the nonconforming and legal status of the structure.**

The retaining wall appears to have been constructed prior to the Town's general development regulations for a property located in the R-1:B-20 zoning district, and therefore considered to be lawfully constructed.

- b) The town council can make the findings required to approve any required demolition permit for the structure: The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community.**

A demolition permit is not required for the project and therefore this finding is not required to be achieved.

- c) The project substantially conforms to the relevant design review criteria and standards in Section 18.41.100, even if design review is not required.**

As summarized in the staff report dated September 12, 2019, the scope of the project would be consistent with the design review criteria and standards relative to architectural design, no adverse impacts on neighbors relative to light, air, and/or privacy, materials, colors, and landscaping. Lastly, the project would address health and safety through the issuance of a building permit to ensure compliance with the building, public works, and fire code regulations.

- d) Total floor area does not exceed the greater of the total floor area of the existing nonconforming and/or legal nonconforming structure.**



The project would not result in any increase in floor area.

- e) Granting the permit will not be detrimental to the public health, safety or welfare, or materially injurious to properties improvements in the vicinity.**

The project would be required to comply with the Town's Building Code and Fire Code requirements, therefore ensuring the health, safety, and general welfare of the residence residing in the vicinity.

- f) The project will comply with the Flood Damage Prevention regulations in Chapter 15.36.**

The project site is not located within of a designated flood plain and therefore would not be required to comply with Chapter 15.36 of the Ross Municipal Code.

- g) The fire chief has confirmed that the site has adequate access and water supply for firefighting purposes, or that the project includes alternate measures approved by the fire chief.**

The Ross Valley Fire Department has indicated they would approve the project as presented to the Town Council.

- h) The applicant has agreed in writing to the indemnification provision in Section 18.40.180.**

A condition of approval requires the applicant to indemnify and hold harmless from any claim, action, or proceeding ("action") against the Town, therefore the project would be consistent with this finding.

- i) The site has adequate parking. For purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered).**

The project complies with the Town's R-1:B-20 zoning district parking regulations. The scope of the project would not generate the need for additional on-site parking to be provided.

- II. In accordance with Ross Municipal Code Section 18.38.060 - Approval of a Hillside Lot Permit is approved based on the following findings:**

- a) The project complies with the stated purposes of the Hillside Lot Ordinance.**

The development is sited in an area that has been previously disturbed, preserves significant natural features of the site, and would not obstruct views for adjacent sites or the public. The site is already served by public sewer and water and accessed from a private road. The project is feasible from a structural standpoint and will not create slides or other hazards. Lastly, the

project would also be required to comply with the California Building and Fire Codes and conditions of project approval to ensure erosion control, appropriate site drainage and public safety.

- b) The project complies with the development regulations of Section 18.39.090, or that the Town Council has considered and approved a variance.**

The project would meet the development regulations specified in Section 18.39.090 as follows:

1. The project would not result in an increase in floor area and therefore not exceed the maximum permitted floor area per the Hillside Lot regulations
2. No grading would occur because the project would consist of replacing an existing retaining wall in the same location and previously disturbed areas.
3. The project has been designed with high quality and long-lasting materials. and would have a compatible scale with the neighborhood.
4. The project would not obstruct any public or private views.
5. The project is designed to comply with the Wildland Urban Interface regulations, such as fire sprinklers.
6. The project would not create any long-term circulation and access impacts along Baywood Avenue.

- c) The project substantially conforms to the hillside development guidelines in Section 18.39.090.**

As supported in the above finding, the project would conform to the Hillside Lot development guidelines in Section 18.39.090 of the Ross Municipal Code.

**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**46 CHESTNUT AVENUE**  
**APN 073-291-28**

1. This approval authorizes a Nonconformity Permit and Hillside Lot Permit to allow for the reconstruction of a failing retaining wall that varies in size from four-feet to seven-feet tall. The new "Soldier Pile" retaining wall will replace the existing wood retaining wall with a steel I-beam and pressure treated wood retaining wall at 46 Chestnut Avenue.
2. The building permit shall substantially conform to the plans entitled, "Retaining Wall Replacement" consisting of 4 sheets prepared by Dave Olnes, PE, Inc., date stamped received July 26, 2019.
3. PRIOR TO ISSUANCE OF ANY GRADING OR BUILDING PERMIT, the following conditions of approval shall be reproduced on the cover sheet of the plans submitted for a building permit. The property owner shall certify on the building permit plans that they have read and agree to the following conditions.
4. PRIOR TO ISSUANCE OF ANY GRADING OR BUILDING PERMIT, a tree protection plan shall be submitted. The plan shall comply with the requirements of Ross Municipal Code Section 12.24.100. The applicants'/project arborist shall review the final construction-level drawings and landscape plans, including civil, structural, grading, drainage, irrigation and utility plans (arborist should note the dates of the plans reviewed). All tree protection conditions recommended by the project arborist shall be included on all relevant sheets of the building permit plans to ensure compliance with the arborist recommendations. The plan shall include a schedule of when the consulting arborist will inspect the site or be present for activities such as grading and/or trenching in the tree protection area. The applicant shall submit a deposit to cover the cost of town arborist review of the Tree Protection Plan and periodic site inspections.
5. PRIOR TO ISSUANCE OF ANY GRADING OR BUILDING PERMIT, tree protection fencing and other tree protections, such as mulch, steel plates or other protection against compaction around un-fenced trees, shall be installed prior to building permit issuance as recommended by the project arborist on the tree protection plan. Tree protection fencing shall be constructed of sturdy material and identified with signs that include the words, "tree protection fence" and "do not remove without permission from the Town of Ross." The project arborist shall inspect the site prior to issuance of a building permit to determine if tree protection fencing has been properly installed and shall submit written confirmation to the town planner that the tree protection is in place prior to building permit issuance.

6. PRIOR TO FINAL SIGN OFF OF THE BUILDING PERMIT, the applicant shall either demonstrate how the retaining wall will be screened by either existing plantings or plant new plantings to screen the retaining wall.
7. Except as otherwise provided in these conditions, the project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
8. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.
9. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
  - a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.
  - b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
  - c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the project. Any additional costs incurred by the Town, including costs to inspect or review the project, shall be paid as incurred and prior to project final.
  - d. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (e.g. temporary seeding and mulching or straw matting).
  - e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for

a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.

- f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director, who may consult with the town hydrologist at the applicants' expense (a deposit may be required). The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town building department prior to project final.
- g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the Building Official, in consultation with the Director of Public Works and Chief of Police. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas.
- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).
- j. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the project and the construction management plan.

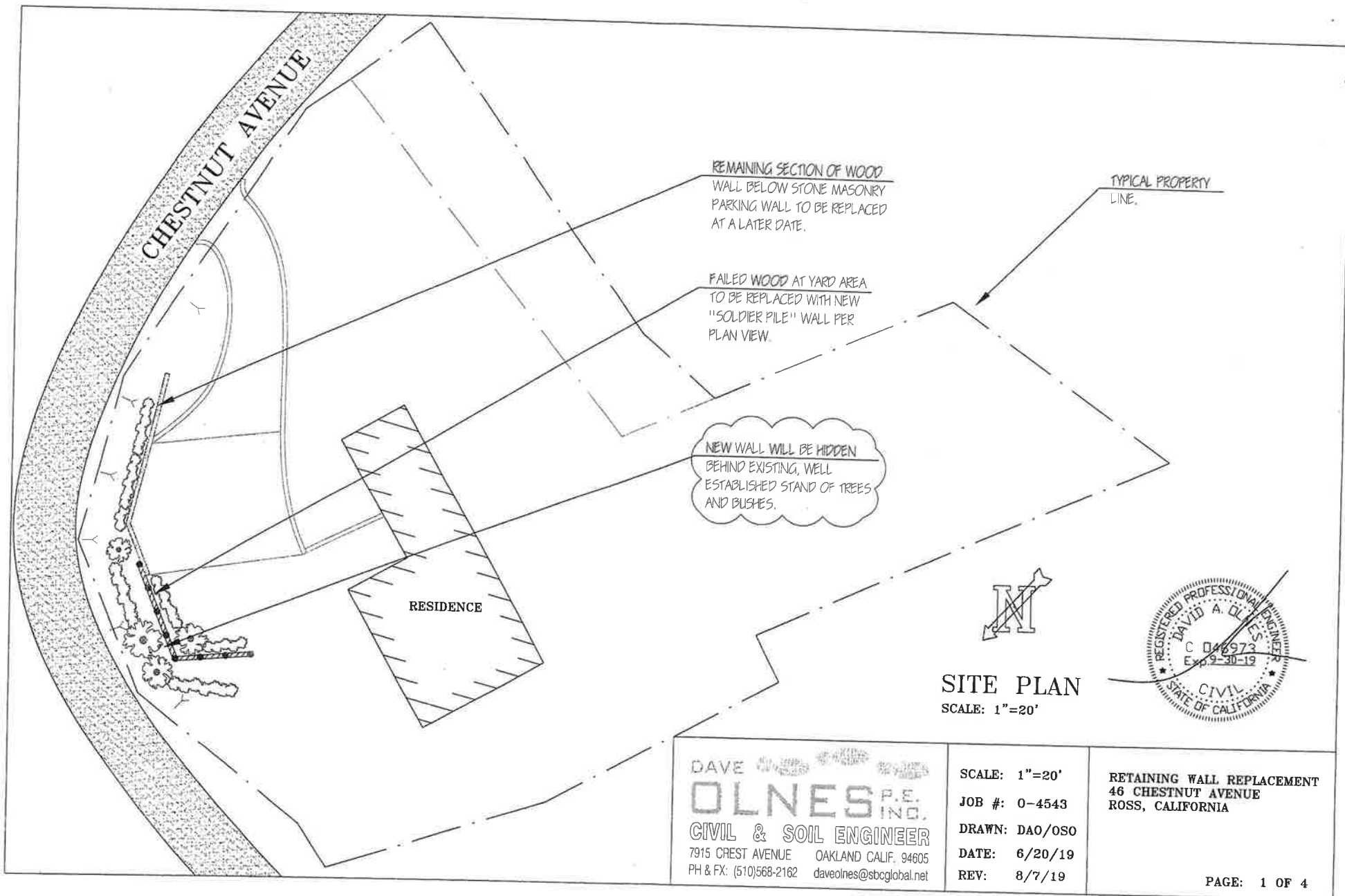
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- o. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved. (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.
- p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- q. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.

- r. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.
- s. The project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.
- t. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
- u. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.
- v. The Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
  - i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc, are implemented.
  - ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.
  - iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.

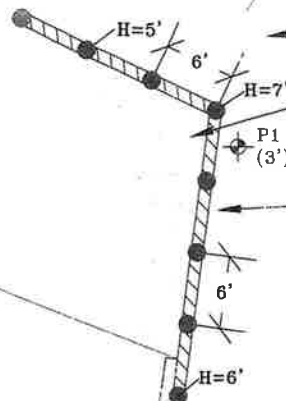
10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

## ATTACHMENT 2





RESIDENCE



PRESERVE EXISTING TREES AND HEDGE PLANTING ABOVE AND BELOW WALL. NOTE: WALL IS NOT READILY ACCESSIBLE TO PEDESTRIAN TRAFFIC.

RETAINING WALL AT LANDSCAPE AREA TO BE REPLACED WITH WOOD LAGGING PER DETAIL A. SEE PIER PIER SCHEDULE FOR I-BEAM SIZES AND PIER DEPTHS.

ADJACENT STONE MASONRY WALL AT PARKING AREA TO BE BUTTRESSED AT A LATER DATE.

# PIER SCHEDULE

COLOR	DEPTH	I-BEAM
●	15'	W8x24
●	13'	W8x18



## PLAN VIEW

SCALE: 1"=10'

CHESTNUT AVENUE

DAVE OLNESS P.E. INC.  
CIVIL & SOIL ENGINEER  
7915 CREST AVENUE OAKLAND CALIF. 94605  
PH & FX: (510)568-2162 daveolness@sbcglobal.net

SCALE: 1"=10'  
JOB #: 0-4543  
DRAWN: DAO/OSO  
DATE: 6/20/19  
REV: 8/7/19

RETAINING WALL REPLACEMENT  
46 CHESTNUT AVENUE  
ROSS, CALIFORNIA

RESTORE EXISTING HEDGE PLANTINGS  
ABOVE WALL (NOTE: WALL IS NOT  
SUBJECT TO PEDESTRIAN TRAFFIC).

GRAVEL BACK-FILL LINED WITH FILTER  
CLOTH AND CAPPED WITH 12 TO 18  
INCHES OF SOIL.

4x12 PRESSURE TREATED WOOD RATED  
FOR GROUND CONTACT (ACQ OR  
EQUAL). TREAT CUT ENDS WITH  
COPPER GREEN.

PROVIDE 1/4" WEEP SLOTS BETWEEN  
PLANKS.

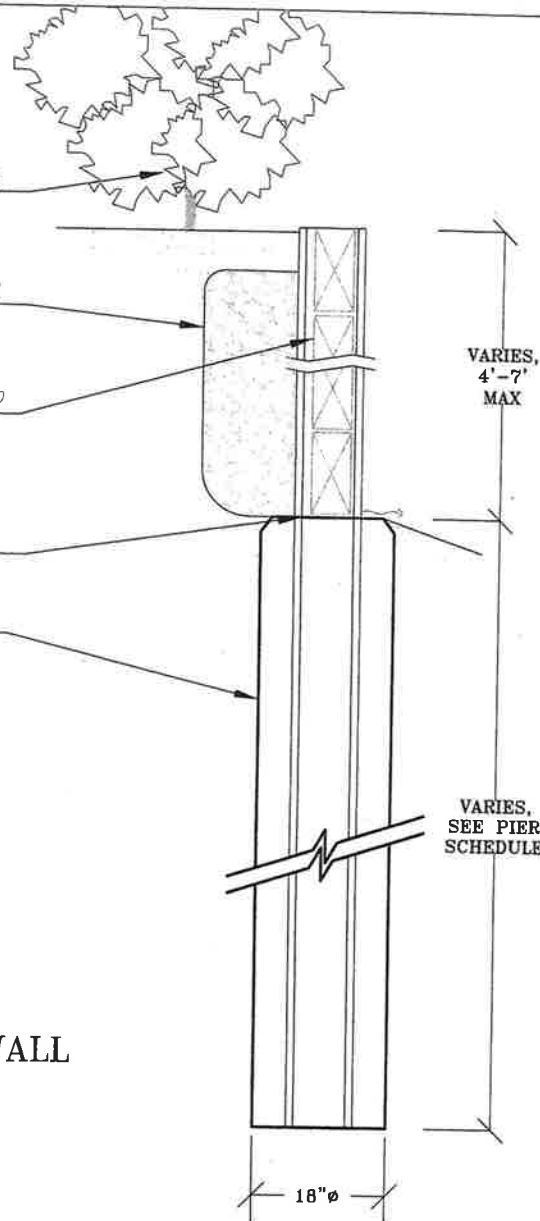
STEEL I-BEAM POST SET IN 18-INCH  
DIAMETER CONCRETE PIER. SEE PIER  
SCHEDULE FOR I-BEAM SIZES AND  
PIER SPACING.

GENERAL NOTES:

ALL CONCRETE SHALL BE 2500psi  
MIN. 2" COVER TO CORNERS OF  
BEAM FLANGES (OK FOR END OF  
BEAM TO CONTACT SOIL AT  
BOTTOM).

## DETAIL A: SOLDIER PILE WALL

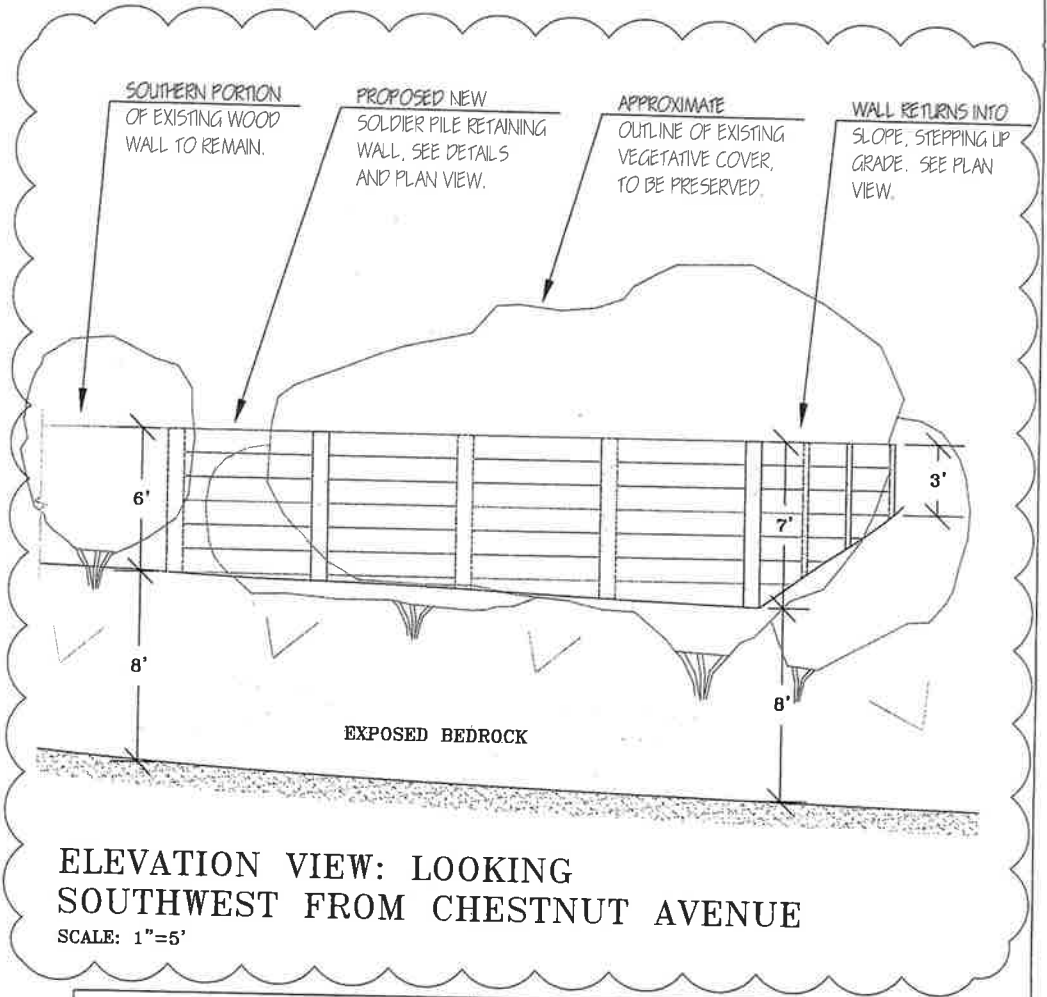
SCALE: N.T.S.



VARIES,  
4'-7'  
MAX

VARIES,  
SEE PIER  
SCHEDULE

18"Ø



## ELEVATION VIEW: LOOKING SOUTHWEST FROM CHESTNUT AVENUE

SCALE: 1"=5'

DAVE    
**OLNES** P.E.  
INC.  
CIVIL & SOIL ENGINEER  
7915 CREST AVENUE OAKLAND CALIF. 94605  
PH & FX: (510)568-2162 daveolnes@sbcglobal.net

SCALE: N.T.S.

JOB #: 0-4543

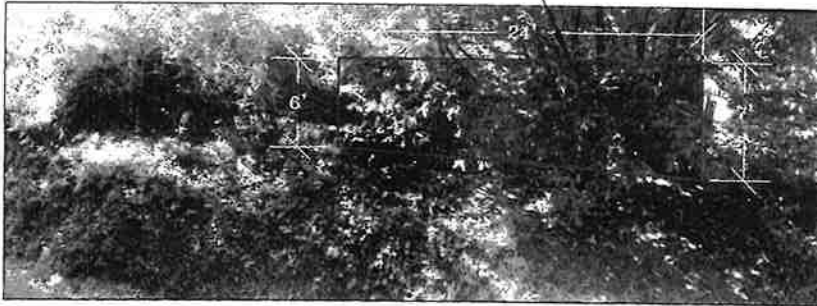
DRAWN: DAO/OSO

DATE: 6/20/19

REV: 8/7/19

RETAINING WALL REPLACEMENT  
46 CHESTNUT AVENUE  
ROSS, CALIFORNIA

OUTLINE OF FAILING SECTION OF  
WOOD WALL TO BE REPLACED,  
CONCEALED BEHIND EXISTING TREES  
AND BUSHES, TO BE PRESERVED.



EXISTING CONDITIONS: LOOKING  
SOUTHWEST FROM CHESTNUT AVENUE

SCALE: 1"=8'

### GENERAL NOTES:

1. ALL WORK SHALL CONFORM TO 2016 CBC, AND LOCAL BUILDING CODES.
2. ALL LUMBER SHALL BE DOUGLAS FIR #2 UNLESS NOTED OTHERWISE.
3. ALL CONCRETE SHALL BE 2500psi MINIMUM.
4. REBAR SHALL BE GRADE 60 ksi FOR #5 OR LARGER. #3 AND #4 BARS MAY BE 40ksi MINIMUM. MINIMUM BAR SPLICES SHALL BE 48 DIAMETERS. PROVIDE MINIMUM 3" COVER FOR REBAR WHERE CONCRETE IS CAST AGAINST GRADE, 1.5" COVER WHERE FORMED.
5. ALL EPOXIED REBAR DOWEL CONNECTIONS SHALL UTILIZE SIMPSON "SET-XP" OR HILTI "HIT 500-50" EPOXY OR EQUAL, WITH 6 INCHES OF EMBEDMENT INTO EXISTING CONCRETE, PREPARED PER MANUFACTURER'S SPECIFICATIONS.
6. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DESIGN AND IMPLEMENTATION OF STRUCTURE AND EMBANKMENT SHORING, AS NEEDED, FOR LOCATION & PROTECTION OF UTILITIES, AND FOR ALL OTHER ASPECTS OF JOB SITE SAFETY.
7. ENGINEER TO PROVIDE SPECIAL INSPECTION OF PIER DRILLING IN PROGRESS, AND SHALL PROVIDE WRITTEN SUMMARY OF APPROVED DEPTHS AT CLOSE OF PERMITS.



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SCALE: N.T.S.

JOB #: 0-4543

DRAWN: DAO/OSO

DATE: 6/20/19

REV: 8/7/19

RETAINING WALL REPLACEMENT  
46 CHESTNUT AVENUE  
ROSS, CALIFORNIA

PAGE: 4 OF 4

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June 21, 2019

Susan and Harry Neuwirth  
46 Chestnut Avenue  
Ross, CA

RE: Limited Geotechnical Reconnaissance  
Retaining Wall Replacement  
46 Chestnut Avenue, Ross

Dear Mr. and Mrs. Neuwirth:

In accordance with your request we have performed a limited geotechnical reconnaissance of the failing wood retaining wall located at the right side of the parking and lawn area in front of your residence, located at 46 Chestnut Avenue in Ross. The purpose of this examination was to provide recommendations for replacement of this wall.

**OBSERVATIONS:** The subject property consists of a house situated on a up-sloping lot, located approximately ½ mile southwest of the Ross town center. An asphalt driveway winds up the front slope to a level yard in front of the house. The level area was likely created by pushing fill out over the natural slope. An existing wood retaining wall runs along the outboard edge of the yard. Immediately below the wall a steep cut bank descends for a distance of 10 to 15 feet to the roadway below. The wood wall runs for a total length of about 85 linear feet, and varies in height from approximately 4 to 7 feet. For much of the length of the wall (50 feet or so) a secondary stone masonry wall exists directly adjacent to the wood wall. This area serves as a gravel parking pad at the top of the driveway.

The wood wall is badly deteriorated and is in need of replacement. Amazingly, although the stone masonry wall is situated directly adjacent to the failing wood wall, the stone wall is not badly damaged or distorted.

**GEOLOGY AND SUBSURFACE CONDITIONS:** Review of geological maps of the area prepared by Smith, Rice and Strand (1976) indicates that the site is underlain by Cretaceous Sandstone and Shale bedrock. Tan fractured Sandstone Shale is readily exposed in near-by road cuts. No landslides are mapped in the vicinity of the site, and none were observed during our visual reconnaissance. The authors have assigned the area a stability number of 3, indicating a moderate risk of slope stability problems.

During a recent site visit we performed two borings opposite the left and right ends of the wall. Both probes encountered approximately 3 feet of soft fill and top soils, underlain by decomposed Sandstone bedrock.

Limited Geotechnical Reconnaissance  
Retaining Wall Replacement  
46 Chestnut Avenue, Ross  
June 21, 2019

**RECOMMENDATIONS:** Based on our observations, we recommend that the walls be replaced with "soldier pile" structures, supported on 18-inch diameter piers spaced at 6 feet on center, containing steel I-beam posts. At the ends of the wall where the height is less than 5 feet tall, the pier spacing can be pushed out to 8 feet. Where the wall provides support for the stone masonry wall, we recommend that the replacement wall utilize reinforced concrete panels cast between the I-beams, reinforced with #5 bars at 12 inches on center each way. The top of the wall should be widened as needed to provide a direct dowel connection into the masonry wall. 4x12 pressure treated wood lagging may be used where there is a lawn above the wall.

The wall design may assume an active pressure of 45pcf, given the level backfill conditions. Most of the wall along the parking area will be 6 feet tall, but it should be designed for an effective height of 7 feet to account for vehicular and seismic surcharge. The pier design may assume an active pressure of 450pcf, acting against twice the pier diameter, neglecting the upper 3 feet of support. The wall should be backfilled with drain rock.

You have stated that at this time you cannot afford to replace the portion of failing wood wall that runs below the stone masonry wall at the parking area. As a partial measure, you could consider drilling the piers and installing the I-beams for the future replacement wall. The I-beams could be tied into the stone wall with galvanized bolts, to shore it up until you are ready to complete the job, by casting reinforced concrete panels between these I-beams.

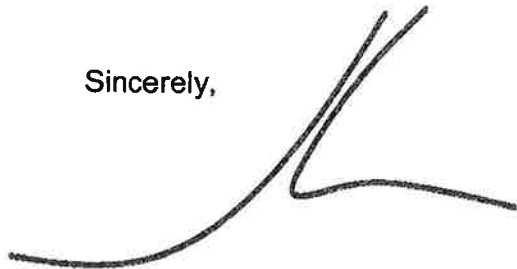
The undersigned Geotechnical Engineers shall inspect the pier drilling in progress, and shall provide a written summary of the approved depths at the close of permits.

**EXCLUSIONS:** The findings and recommendations outlined above are based entirely on visual observations and excavation of a single shallow hand auger probe. The examination did not include deep subsurface borings or analysis of the "global" stability of the underlying strata of the area. Further engineering investigation and analysis could effect the final design recommendations and the ultimate cost of the project. At your request we can provide you with a separate contract for additional investigative services.

**NOTICE OF LICENSING:** David A. Olnes is licenced as both a Geotechnical Engineer and a Civil Engineer by the California Department of Consumer Affairs: CE 046973, GE 2469.

If there are any questions regarding this design, or if you would like to schedule a pier inspection, please contact my office.

Sincerely,



Dave Olnes, PE



## ATTACHMENT 3

MINUTES OF THE ADJOURNED MEETING OF THE ROSS TOWN COUNCIL  
HELD ON AUGUST 1, 1963.

1. Roll Call.

Mayor Scott opened the meeting with a call for the roll at 8:05 PM.

Present: Mayor Scott, Councilmen Allen, Bricca, and Jones.  
Absent: Councilman Smith and Town Attorney Elliott.

2. Variances.

- a. Variance #234. Mr. and Mrs. James C. Coleman, 73 Wellington Ave. (72-072-08). Construction of deck, 33' x 12' at rear of non-conforming house, deck to be 20" in height. Mr. Coleman stated that he had been unable to determine the southwest corner of the deck with relation to the property line, (between his property and that of Dr. Dumon). Mr. Lawrence Roberts, representing the Town of Ross Property Owners Association, urged Mr. Coleman, for his own protection, to have a survey made so that, should the Dumon property ever be sold, no claim of an encroachment could be made against him. Mr. Scott moved that the variance be granted with the provision that the Town Council retain jurisdiction until the September meeting, at which time Mr. Coleman would produce proof that the deck does not encroach on the Dumon property, or Dr. Dumon would give a complete release. Also, Building Inspector Regoni will be told to issue a building permit for the part of the deck not under discussion and not in conflict with any building restrictions. (Mr. Jones had pointed out that house vents had been blocked by construction of the deck.) Mr. Allen seconded Mr. Scott's motion and the variance was unanimously granted. Mrs. Ehmann urged the Council to take a more solid stand in the future and not continue to make non-conforming property more non-conforming.
- b. Variance #235. Dr. and Mrs. W. James Dawson, 87 Chestnut Ave. (73-291-11). Addition of three bedrooms to existing residence on 25,288 square foot lot, which is irregular in shape. Mr. Jones made a motion that the variance be granted and the 3' encroachment into the rear yard be approved. Mr. Bricca seconded the motion and the variance was unanimously granted, with the clear stipulation that, since the house is non-conforming, a variance would be necessary before any future addition could be made.