



TOWN OF FAIRFAX

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

December 29, 2018

Marshall Rothman, Managing Partner
Timberstone 4038T, L.L.C.
P.O. Box 2434
Mill Valley, CA. 94942

Re: Marinda Heights subdivision of the Wall Property Vested Tentative Map, Design Review, Hill Area Residential Development Permit, Ridgeline Development Permit, Excavation Permit, (potentially) Variance.

Dear Mr. Rothman,

This letter is provided in accordance with State Planning and Zoning Law requirements for a written determination regarding the completeness of a development application. The Department of Planning and Building Services has reviewed the above-referenced application materials for completeness. Your application has been deemed **complete**. This letter does not constitute either an approval or denial of your application.

The project will now move into the environmental review phase. Per your agreement, an Environmental Impact Report (EIR) will be performed. The EIR review will generate the need for additional information. Any additional information necessary to conduct the environmental review is separate from the project's merits review information submittals which you have completed. Some portion or all of this work will be performed by the environmental consultant that will be working on the EIR. This could include subdivision, engineering, and environmental information referenced in the September 20, 2018 project status letter (see attached copy).

The next step in the environmental review process will be for the Town to solicit a request for proposals (RFP) from qualified environmental consulting firms, to conduct the EIR pursuant to California Environmental Quality Act (CEQA). I will send you a project description for you to review for accuracy prior to the RFP being sent out.

Please don't hesitate to contact me if you have questions or comments. I look forward to working with you in 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Berto". The signature is fluid and cursive, with the first name "Ben" being more prominent than the last name "Berto".

Ben Berto
Director of Planning and Building Services
Town of Fairfax
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Fairfax, CA 94930
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Attachment: September 20, 2108 project status letter

project status letter 122918 fnl



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Re: Marinda Heights subdivision of the Wall Property Vested Tentative Map, Design Review, Hill Area Residential Development Permit, Ridgeline Development Permit, Excavation Permit, (potentially) Variance.

Dear Mr. Rothman,

This letter is provided in accordance with State Planning and Zoning Law requirements for a written determination regarding the completeness of a development application. The Department of Planning and Building Services has reviewed the above-referenced applications for completeness. Your application has been deemed **incomplete**. As outlined below, additional information or materials are needed in order to process your application. Individual residential, subdivision, and environmental review portions of the project are discussed separately. This letter does not constitute either an approval or denial of your application.

The project has been transmitted to the Town Engineer, the Fairfax Open Space Committee, and involved outside agencies for their review and comments. Comments received to date are listed as attachments. Any additional comments will be forwarded to you when received.

The following includes additional information necessary for a complete submittal, non-conformities with the Town's Zoning Ordinance and General Plan, design issues, and preliminary Environmental Impact Report (EIR) topical items pursuant to the California Environmental Quality Act (CEQA).

Failure to respond in full to incompleteness items identified may delay application processing. Additional incompleteness items may also be forthcoming after information or plans is submitted and reviewed. Partial or piecemealed submittals will not be accepted or processed. Prior to re-submittal, please contact planning staff to schedule a meeting to review the additional application information and materials to facilitate an acceptable submittal. Please note that some of the required additional information may

be incorporated into the environmental review portion of the project, and that process, as well as the public review process for the project, will generate the need for additional materials and documentation to be prepared and submitted. As a result, some portion of this work may be performed by the environmental consultant that will be working on the EIR.

Residential

Considerable information has been provided in the current submittal that was not included in the prior submittal reviewed in the March 123, 2018 project status letter. This has enabled staff to focus on individual proposed lots/residences for our comments, as follows:

Lot 1 Marinda residence (no address)

Show total deck/patio/terrace square footage on first page of the plans.

Eliminate tree shading.

Shade any graded areas within building envelopes on plan view sheet. Show modified contours (existing as dashed). On each sheet showing contours, call out elevations at 5-foot intervals (or 10-foot interval if individual contours are every 2 feet).

Provide cut sheets of all proposed lighting. All exterior lighting should be fully shielded from direct out-of-building-area illumination, and should be the minimum number and wattage necessary for safety purposes.

Show pool and spa square footages on plans and in application form.

Provide with each plan set a copy of Vesting Tentative Map Marinda Heights Subdivision, sheet C2.5 dated December 2017, that includes a Lot Table and shows the subdivision roads and house sites.

Cross section, sheet A-8 shows the house reaching over 40 feet in height. Submit for a height variance.

Lot 2 – 351 Marinda Drive

Show total deck/patio/terrace square footage on first page of the plans

Remove setback on east side of house that reads, "17' 4", as it does not represent a distance to a property line.

Eliminate tree shading.

Shade any graded areas within building envelopes on plan view sheet. Show modified contours (existing as dashed). On each sheet showing contours, call out elevations at 5-foot intervals (or 10-foot interval if individual contours are every 2 feet).

Provide cut sheets of all proposed lighting. All exterior lighting should be fully shielded from direct out-of-building-area illumination, and should be the minimum number and wattage necessary for safety purposes.

Provide with each plan set a copy of Vesting Tentative Map Marinda Heights

Subdivision, sheet C3.1 dated December 2017, that includes a Lot Table and shows the subdivision roads and house sites.

Lot 3 – 400 Marinda Drive

Show total deck/patio/terrace square footage on first page of the plans

Side elevations:

Call out elevation of natural grade where maximum building height occurs. Dash natural grade if changed

Call out maximum building elevation. Call out separate roof elevation if location of maximum building height is in different location.

Eliminate tree shading. Clearly "x" any trees that are proposed for removal (tree to be removed within garage footprint not marked with "x").

Shade any graded areas within building envelopes on plan view sheet. Show modified contours (existing as dashed). On each sheet showing contours, call out elevations at 5-foot intervals (or 10-foot interval if individual contours are every 2 feet).

Provide cut sheets of all proposed lighting. All exterior lighting should be fully shielded from direct out-of-building-area illumination, and should be the minimum number and wattage necessary for safety purposes.

Provide with each plan set a copy of Vesting Tentative Map Marinda Heights Subdivision, sheet C2.5 dated December 2017, that includes a Lot Table and shows the subdivision roads and house sites.

It is not clear whether the garage is still detached from the residence (not sharing any structural components). If it is detached, it requires a height variance because it reaches 26 feet in height. If it is attached, additional elevations/cross sections must be provided to clearly show it as an integral part of the structure.

Lot 4 – 501 Marinda Drive

Show total deck/patio/terrace square footage on first page of the plans

Site plan must show natural grade elevations on the contour lines and the contour lines shall be shown on subsequent plan pages.

Side elevations:

Show existing/proposed grade for all side elevations where is difference.

Call out elevation of natural grade where maximum building height occurs. Dash natural grade if changed.

Call out maximum building elevation. Call out separate roof elevation if location of maximum building height is in different location.

Eliminate tree shading.

Shade any graded areas within building envelopes on plan view sheet. Show modified contours (existing as dashed). On each sheet showing contours, call out elevations at 5-foot intervals (or 10-foot interval if individual contours are every 2 feet).

Provide cut sheets of all proposed lighting. All exterior lighting should be fully shielded from direct out-of-building-area illumination, and should be the minimum number and wattage necessary for safety purposes.

Provide with each plan set a copy of Vesting Tentative Map Marinda Heights Subdivision, sheet C2.5 dated December 2017, that includes a Lot Table and shows the subdivision roads and house sites.

The arborist's report shows 34 protected or heritage trees are proposed to be removed. These are not all shown on the site plan. Show all trees proposed for removal on the site plan.

Lot 4 merits comment

The proposed design extends substantially beyond the currently graded area and proposes extensive removal of trees that are in fair or better condition. Additional visual analysis is needed, but preliminarily it appears the residence will to be highly visible from offsite and too large.

Lot 5 – 551 Marinda Drive

Show total deck/patio/terrace square footage on first page of the plans

Site plan must show natural grade elevations on the contour lines and the contour lines shall be shown on subsequent plan pages.

Call out elevation of natural grade where maximum building height occurs. Dash natural grade if changed.

Call out maximum building elevation.

Eliminate tree shading.

Shade any graded areas within building envelopes on plan view sheet. Show modified contours (existing as dashed). On each sheet showing contours, call out elevations at 5-foot intervals (or 10-foot interval if individual contours are every 2 feet).

Call out dimensions of swimming pool.

Provide cut sheets of all proposed lighting. All exterior lighting should be fully shielded from direct out-of-building-area illumination, and should be the minimum number and wattage necessary for safety purposes.

Provide with each plan set a copy of Vesting Tentative Map Marinda Heights

Subdivision, sheet C2.5 dated December 2017, that includes a Lot Table and shows the subdivision roads and house sites.

The arborist's report shows 24 protected or heritage trees are proposed to be removed.

These are not all shown on the site plan. Show all trees proposed for removal on the site plan.

Lot 5 merits comment

The proposed building site appears to be exceptionally challenging to accommodate a residence and achieve adequate visual screening. Additional visual analysis is needed, but preliminarily the residence appears to be highly visible from offsite and too large.

Lot 6 – 611 Marinda Drive

The parking/entry area, insofar as it is connected to the rest of the house, along with the crawl space at the pool level, results in a four-story house. A variance application must be submitted to exceed 3 stories in height.

The proposed maximum building height is 34'5". A variance application must be submitted for building height greater than is necessary to exceed

Shade any graded areas within building envelopes on plan view sheet. Show modified contours (existing as dashed). On each sheet showing contours, call out elevations at 5-foot intervals (or 10-foot interval if individual contours are every 2 feet).

Proposed net total square footage is 5215 square feet. A variance application must be submitted for residential development that exceeds 5,000 net square feet.

Lot 7 – 630 Marinda Drive

Shade any graded areas within building envelopes on plan view sheet. Show modified contours (existing as dashed). On each sheet showing contours, call out elevations at 5-foot intervals (or 10-foot interval if individual contours are every 2 feet). A grading legend, matching cut/fill colors to depth, must be provided.

Driveway grading needs to be shown, with total cut/fill cubic yards.

The arborist's report shows 34 protected or heritage trees are proposed to be removed. These are not all shown on the site plan. Show all trees proposed for removal on the site plan.

Lot 8 – 650 Marinda Drive

Sheet A-4 shows an attic level, as well as a mechanical room above the garage. These should be shown as countable square footage.

A variance application must be submitted is total net proposed development area exceeds 5,000 square feet.

On each sheet showing contours, call out elevations at 5-foot intervals (or 10-foot interval if individual contours are every 2 feet).

A grading legend, matching cut/fill colors to proposed cut/fill depth, must be provided.

The arborist's report shows 71 protected or heritage trees are proposed to be removed. These are not all shown on the site plan. Show all trees proposed for removal on the site plan.

The southwest corner patio requires a story pole on the story pole plan.

Lot 9 – 680 Marinda Drive

Shade any graded areas within building envelopes on plan view sheet. Show modified contours (existing as dashed). On each sheet showing contours, call out elevations at 5-foot intervals (or 10-foot interval if individual contours are every 2 feet).

The arborist's report shows 12 protected or heritage trees are proposed to be removed. These do not appear to all be shown on the site plan. Show all trees by size and species proposed for removal on the site plan.

Lot 10 – Ridgeway Residence

What does the cross section reference? Show on appropriate plan sheet.

The proposed driveway requires considerable grading. Show all proposed cut and fill. Sheet A-12 requires a story pole on the southwest corner of the pool.

Shade any graded areas within building envelopes on plan view sheet. Show modified contours (existing as dashed). On each sheet showing contours, call out elevations at 5-foot intervals (or 10-foot interval if individual contours are every 2 feet).

The arborist's report shows 58 protected or heritage trees are proposed to be removed. These are not all shown on the site plan. Show all trees by size and species proposed for removal on the site plan.

Lot 10 merits comment

The proposed residential development on/near the top of the knoll on proposed Lot 10 appears to have potentially substantial visual effects from Sir Francis Drake and other public viewing locations. Consideration should be given to relocating the proposed

building envelope and building to reduce potential visual effects, and driveway length/impervious surface area.

Residential merits comments

1. Several of the residential designs and building envelopes appear to extend beyond the flat, previously-graded portions of the proposed building sites. Residential improvements and/or construction area disturbances that result in removal of trees located towards the edge of existing flat areas have the potential to substantially increase development visibility from offsite. It is noted that such designs may conflict with the Town's Zoning Code provisions pertaining to ridgeline development, hillside area development, and design review, as well as Fairfax General Plan policies and programs.
2. Residential designs and placement in general should minimize visibility through limits on height, size, and careful use of materials designed to blend the buildings into the hillside (for example, living roofs).
3. Preservation of existing trees on the southwest, west, and southeast sides of the building areas appears to be important for providing adequate visual screening of the residences.
4. Some of the residences as currently proposed appear to be too large to successfully minimize tree removal and their visual appearance from offsite. All residential designs will be reviewed in detail by the Planning Commission in the merits portion of the project review.

Subdivision

5. The utility plan appears to show the water supply coming from the bottom of the lot. The March 5, 2018 letter from Marin Municipal Water District states that public water will only be available to serve development with fixtures no higher than the 400 foot elevation, and that therefore development higher than Lots 1, 2, 3, and 6, cannot be provided water service. Please document how adequate water supply serving residences on Lots 4, 5, 7, 8, 9, and 10 will be provided. Include diagrammatic mapping to show in full any proposed new water mains from current source to the residence(s), over whose land that water supply would cross, and the need for and current status of any utility easement(s) that would be necessary.
6. Show proposed tree removal for the up to 80-foot wide area proposed to be graded on the upper portion of the Marinda Drive emergency roadway extension.
7. Provide elevation and other information on existing versus grade, total cut and fill volume the proposed water tank site. Why is the area on the southwest side of the bench on which the tank proposed to be extended?
8. Water tank size: Provide details (dimensions, elevations, site plan) on the proposed 60,000-gallon tank. If further water storage is necessary as a result of complying with Ross Valley Fire Department and/or MMWD requirements, these need to be incorporated reflected in the tank(s) design and information.
9. Use of water tank(s): Is water storage necessary for both water supply and or

- firefighting water storage purposes? If the tank will be used for both purposes, confirmation will be necessary from Ross Valley Fire about the acceptability of the tank for joint use.
10. Story poles will be required for the water tank(s).
 11. Proposed public land/trail dedication: Additional information/clarification is needed on the route and design of the proposed trail connecting the existing spur ridge fire road and trails. Staff recommends that you work with the Fairfax Open Space Committee (FOSC), and consider consulting with the Marin County Open Space District (MCOSD) for information on and assistance with trail design.
 12. Further details will need to be provided on how the roadway cross-slope interacts with the walkable area and drainage/infiltration incorporated into the trail.
 13. As noted in the Town Engineer's comments, there are substantial questions regarding the location of the proposed Ridgeway Avenue extension with respect to the surveyed right-of-way. Should it prove necessary to expand the paved section in order to located and align the improvements to the right-of-way, consideration might be given to creating a fire department turnaround at the end of the existing Ridgeway Avenue pavement.
 14. Park land dedication requirements: Consideration will be given to the permanent open space counting towards parkland dedication requirements.

Town Engineer comments

Fairfax Town Code Chapter 16.08 – Tentative Maps

Section 16.08.020(C)(1)- Contents

15. As noted in the first Town Engineer review letter, a set of closure calculations must be submitted for confirmation of property boundary dimensions.
16. As noted in the first Town Engineer review letter, a fee title deed, recent title report, and copies of any easement deeds listed in the title report must be submitted for confirmation of property boundary dimensions.
17. A full legal description, sufficient to define the boundary of the proposed subdivision, its location, streets, and other information outlined in Section 16.080.020(C)(1)(d) must be submitted.
18. As noted in the first Town Engineer letter, Lot 6 includes a very long proposed sanitary sewer force main alignment which climbs more than 100 vertical feet to the tie-in at the Marinda Drive extension. The proposed force main should be reviewed by RVSD for compliance with their standards, and the applicant should provide a description of proposed means and methods for maintenance of force main.

Section 16.08.020(C)(2)- Topographical Contour Map

19. Code Section 16.08.020(C)(2)a requires "maps showing areas of property which are affected by geologic conditions posing potential safety hazards . . ." Sections 16.080.020(C)(2)s and 16.080.020(C)(2)w similarly call for "location of rock outcroppings" and "location of geologic hazards". Neither the geotechnical report nor submitted plans include a site-specific geology map. As noted in the first Town Engineer review letter, the Geotechnical Report describes several areas of historic and/or potential future slope instability and indicates varying levels of

debris-flow risk may exist around the property. A site geologic map, showing site bedrock geology and delineating areas of existing or historic landsliding, potential debris-flow source areas, and any other relevant geologic hazards should be prepared by a licensed Geologist to allow for evaluation and design of appropriate mitigation measures.

20. The proposed Ridgeway Avenue extension is shown within the existing right-of-way with grades as steep as 18%, retaining walls up to 9-feet high along the downslope side, and a very tight switchback curve near the beginning of its alignment. Plans for the Ridgeway Avenue and Marinda Drive extensions should be reviewed for compliance with applicable codes by the Fire Department, and documentation of such approval should be provided to the Town.

General Commentary

21. We understand that the proposed lot lines, which are generally irregular and not congruent with site topography, have been drawn in response to Town comments indicating a preference for "clustering" the proposed homes. While we understand this has been done in a good-faith effort toward compliance with other regulations, we note that there are several locations around the property where steep drainage ravines and possible debris-flow source areas are crossed by up to 5 lots. In the event of a future landslide or debris-flow event which originate on the property and impact neighboring properties, there could be up to 5 lots who presumably would absorb some potential liability. Additionally, the odd lot shapes and distances raise the likelihood that much of the open space will be neglected by future homeowners for maintenance purposes, as those areas are likely to be "out of sight and out of mind".
22. As recommended in the Geotechnical report, plans should be revised to incorporate mitigation measures which reduce the risk of life-safety impacts to the proposed development and existing off-site improvements. Additionally, the applicant should indicate how future maintenance of any mitigation structures will be handled. Since it is expected that future events will occur which could require significant unexpected financial outlay to mitigate, we recommend a Geologic Hazard Abatement District (GHAD) or other assessment by considered as a mechanism to ensure availability of resources as needed to maintain improvements in remote portions of the site.
23. As noted in the first Town Engineer review letter, much of the surface runoff on the site is proposed to be discharged via a series of bioinfiltration/detention basins and level spreaders set in steeply-sloping areas. The discharge of storm water onto existing steep slopes should be carefully designed to avoid transferring storm water from existing watersheds areas to new watersheds. In addition, the geotechnical engineer should inspect proposed storm water discharge locations and downslope areas to provide comments on the potential to induce slope instability (landslide and debris flows).
24. The aforementioned materials must be submitted for review prior to application processing. Remaining items are generally expected to be thoroughly addressed by, and likely modified following, the upcoming EIR.

Environmental

Staff's comments relating to environmental review are intended to alert you to items that could or will need to be addressed in the environmental review of the project. You should expect that the environmental review process will generate the need for further information, which cannot be identified as part of this initial application review, as necessary to evaluate the environmental impacts of the project and to fully inform the public and decision-makers:

25. The proposed new access roadway/driveway to Lot 10, extending from the end of the existing pavement on Ridgeway Avenue, appears to abut two existing but currently undeveloped privately owned parcels. There may also be additional potential for development on privately owned parcels in the vicinity of the proposed driveway. To the extent that the potential development of any of those parcels becomes reasonable and foreseeable as a result of this project, such future development will need to be incorporated into the environmental analysis of this project.
26. Trees (species, size, location, and number) necessary to be removed in order to satisfy fire safety Fire requirements, specifically along the roadways and driveways, and in proximity to the proposed residences, should be incorporated into the environmental review of the project.
27. The extent of project-wide understory vegetation removal necessary to satisfy fire safety requirements will need to be evaluated.
28. One active small active debris flow and one active slump scarp located uphill and near the end of the paved portion of Marinda Drive have been identified and will need to be evaluated for repair/stabilization. The geotechnical report recommends building a debris wall next to Marinda Drive, and notes that development upslope has the potential to increase drainage to this area and add to instability. These issues will have to be addressed, in the EIR process if not separately.
29. The archeological evaluation performed by ARS dated 10/27/16 indicates that communication was attempted with the two tribal groups involved with such assessments, but without a response. An update should be provided regarding subsequent communications and the results regarding potential resources.
30. The Biological Studies performed by LSA incorporate references to County of Marin biological protection policies and programs. The County of Marin is a separate jurisdiction from Fairfax and their policies are inapplicable outside its jurisdiction and should be deleted.
31. There does not appear to be any reference in the Geotechnical Report on any offsite slope stability issues, particularly those involving existing residential development that may be affected by the project. Down-slope, offsite drainage and slope stability will need to be addressed. Efforts to achieve 'no net increase' in runoff, minimize runoff concentration, and identify downslope locations potentially vulnerable to increased runoff (see debris flow and slump scarp comments above) is recommended.

Information Necessary to Evaluate Project Merits

32. Public parcel/trails: Your offer to dedicate for public use the existing spur ridge fire road and trail (where they occur on your property) is appreciated. Your proposed new trail that would cross-connect the Marinda Drive fire road to the edge of the property near the Ridgeway Avenue trail is also a laudable concept. These would enhance public access to and enjoyment of the site's open space
33. The cross-connecting trail concept lacks detail about the proposed route. Additional information could be provided on the proposed trail location and design in the pending public review of this project.
34. Preliminarily, some of the proposed building envelopes and size of the residences appear substantial in relation to the size of the existing previously graded portions of the proposed building pads. Consideration should be given to the potential visual impacts of these designs and potential reductions in the size, height, and potentially location of some of the residences and their building envelopes.
35. As you are aware, there is a substantial amount of woody vegetation contributing to the fire fuel load on/near the southeastern most portion of the property. While you are not responsible for fuels located off your property, efforts in reducing the fuel load will involve your site, and your participation and cooperation in the overall efforts would be appreciated.

Please don't hesitate to contact me if you have questions or comments.

Sincerely,



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