

BEN BERTO
DIRECTOR OF PLANNING AND BUILDING SERVICES
TOWN OF FAIRFAX
142 BOLINAS ROAD
FAIRFAX , CA. 94930

7/15/2018

TOWN OF FAIRFAX

JUL 18 2018

RECEIVED

RE: MARINDA HEIGHTS SUBDIVISION APPLICATION FOR VESTING TENTATIVE MAP,
DESIGN REVIEW, HILL AREA RESIDENTIAL DEVELOPMENT PERMIT AND
EXCAVATION PERMIT

DIRECTOR BERTO,
IN RESPONSE TO YOUR LETTER OF MARCH 23 , 2018 IN WHICH YOU FIND OUR
SUBMITTALS INCOMPLETE PLEASE ACCEPT THIS OUR POINT BY POINT RESPONSE
ALONG WITH REWORKED PLANS, MAPS, ENGINEERING AND REPORT SUPPLEMENTS
AS REFERENCED AND ATTACHED HERETO;

“INCOMPLETENESS ITEM OVERVIEW”

1-21. PER OUR MEETINGS WITH STAFF AND OUTLINED IN THAT LETTER FROM
EVAN CROSS , PRINCIPAL ARCHITECT DATED MAY 9TH 2018 (ATTACHED) WE
HAVE INCLUDED IN THIS RESPONSE ONE FULL SIZED SET AND ONE SET OF 12” X
18” UPDATED AND REWORKED PLANS , IN COLOR, FOR EACH OF THE PROPOSED
HOUSES. UPON YOUR REVIEW AND SATISFACTION OF CONTENT WE WILL PROVIDE
ADDITIONAL COPIES OF FULL SIZED SETS AS REQUIRED BY TOWN ORDINANCE.

“RESIDENTIAL MERITS COMMENTS”

22-26. WE HAVE REVISITED ALL OF OUR DESIGNS. AFTER CONSULTATIONS WITH
STAFF , RAY MORITZ (URBAN FORESTRY) , ENVIRONMENTAL VISION (VISUAL
ANALYSIS) AND EVAN CROSS (PRINCIPAL ARCHITECT) WE HAVE MODIFIED AND
UPDATED PLANS FOR EACH HOUSE (SEE RESPONSE ITEMS 1-21) .
THESE CHANGES ARE OUTLINED IN THAT LETTER FROM PAHANA KNOWN
ARCHITECTS TO DIRECTOR BERTO DATED MAY 9TH , 2018 ATTACHED HERETO.

“SUBDIVISION”

27 - 29. AFTER MEETINGS WITH OUR NEIGHBORS WHO ARE IN PROXIMITY TO LOT
#1 AND ITS PROPOSED HOUSE WE HAVE CONCLUDED THAT CONSTRUCTION OF A
RESIDENCE IN THIS LOCATION WOULD DISPROPORTIONALLY IMPACT THOSE
IMMEDIATE NEIGHBORS . WE HAD PREVIOUSLY STUDIED A NUMBER OF VIABLE
ALTERNATIVE BUILDING SITES SO PRODUCED VARIOUS ALTERNATIVE
CONFIGURATIONS AND NOW HAVE MOVED THIS LOT AND ITS CORRESPONDING
BUILDING ENVELOPE UP TO THE TOP WHERE WE BELIEVE IT WILL NOT BE VISIBLE .

30. AFTER CONSULTATIONS WITH MARIN MUNICIPAL WATER DISTRICT (MMWD) ENGINEERS IT WAS AGREED THAT THE ENTIRE WATER SYSTEM WOULD BE INSTALLED TO MMWD STANDARDS AND DESIGNS AND BECOME PART OF THE MMWD PUBLIC UTILITY SYSTEM. DESIGN CHANGES AND DESIGNATIONS OF THE PROPOSED WATER SUPPLY ARE REFLECTED IN THE "UPDATED" VESTING TENTATIVE MAP ATTACHED. THIS SYSTEM IS SUBJECT TO DESIGN CHANGES THAT MAY BE IMPOSED BY MMWD AS THE SYSTEM IS ENGINEERED BY THEM.

31-34. IN CONSULTATIONS WITH MMWD AND ROSS VALLEY FIRE DISTRICT (RVFD) IT WAS AGREED THAT THE WATER SYSTEM AND APPURTENANT IMPROVEMENTS WILL BE INCORPORATED INTO AND OWNED BY BY MMWD . DESIGN CHANGES AND CLARIFICATIONS AS TO USE PER RVFD REQUIREMENTS ARE REFLECTED IN THE ATTACHED "UPDATED" VESTING TENTATIVE MAP.

35. AFTER ONSITE CONSULTATIONS WITH NEIGHBORS AND OTHER INTERESTED GROUPS WE HAVE RELOCATED , EXTENDED AND ADDED TO THE PROPOSED PUBLIC TRAIL AND PARK SYSTEM AS REFLECTED ON THE ATTACHED REVISED VESTING TENTATIVE MAP. THOSE PROPOSED TRAILS AND PARK AREAS WILL NOW BE PUBLIC EASEMENTS OVER PRIVATE LAND . CONSTRUCTION WILL BE IN ACCORDANCE WITH MARIN OPEN SPACE DISTRICT (MOSD) GUIDELINES AS PROPOSED IN OUR ORIGINAL SUBMITTAL . WE WILL CONSULT AND COORDINATE WITH THE FAIRFAX OPEN SPACE COMMITTEE (FOSC) TO FINE TUNE AS THE PROJECT MOVES FORWARD .

36. SEE ATTACHED "UPDATED" VESTING TENTATIVE MAP.

37. SEE ITEM 35

38. SEE RESPONSE TO TOWN ENGINEERS COMMENTS BY OUR ENGINEERS OBERKAMPER & ASSOCIATES ATTACHED .

39. WE HAVE REVISITED THE TOWN OF FAIRFAX ORDINANCE AND BELIEVE OUR PROPOSED TRAILS AND PARK AREAS ARE SUBSTANTIALLY BEYOND THOSE REQUIRED.

40. SEE ATTACHED SUPPLEMENT TO OUR GEOTECHNICAL REPORT (SUBMITTED PREVIOUSLY) WITH ADDITIONAL OVERVIEW LETTER ATTACHED

"ENVIRONMENTAL"

41. IN OUR INVESTIGATIONS OF UNDEVELOPED LOTS WHICH MIGHT BE AFFECTED BY OUR PROPOSED IMPROVEMENT TO THE RIDGEWAY RIGHT OF WAY (ROW) WE FIND THAT THERE ARE TWO LOTS WHICH ARE NOT YET DEVELOPED . BOTH OF THESE LOTS CURRENTLY HAVE ACCESS TO RIDGEWAY . AS SUCH WE DO NOT BELIEVE OUR IMPROVEMENTS WILL ENABLE FURTHER DEVELOPMENT SINCE THEY COULD BOTH MOVE FORWARD AT PRESENT WITHOUT OUR PROPOSED IMPROVEMENTS.

WE EXPECT THIS TO BE INDEPENDENTLY INVESTIGATED IN THE CEQUA QUALIFIED ENVIRONMENTAL IMPACT REPORT (EIR) WHICH WE HAVE PREVIOUSLY REQUESTED AND DEPOSITED FUNDS WITH THE TOWN TO SUPPORT.

42-44. WE HAVE BEEN CONSULTING WITH ROBERT BASTIANON OF ROSS VALLEY FIRE CONCERNING FIRE DANGER AND EXISTING FUEL LOAD ON OUR PROPERTY . PER MARIN COUNTY AND STATE OF CALIFORNIA REQUIREMENTS WE ARE REQUIRED TO REDUCE FUEL LOAD AND PROVIDE DEFENSIBLE SPACE INDEPENDENT OF ANY DEVELOPMENT PROPOSED . THE RVFD WILL BE THE COORDINATING AGENCY TO ACCOMPLISH THESE GOALS OVER THE ENTIRE AREA INCLUDING OUR LAND. WE HAVE COMMITTED TO COOPERATE AND SUPPORT THESE EFFORTS. WE AWAIT ONLY DIRECTION AND PERMITS FROM THE RVFD.

AS THIS WORK IS INDEPENDENT OF OUR PROPOSAL AND WILL LIKELY BE COMPLETED PRIOR TO ANY APPROVALS WE MIGHT RECEIVE IT WOULD BE REVIEWED IN THE EIR WITH RESPECT TO ONGOING MAINTENANCE ONLY . TO THAT END WE HAD OUR FIRE PROTECTION ENGINEER , ELLIOT GITTLEMAN FPE CONSULT WITH ROBERT BASTIANON (RVFD) AND THEN REVISE HIS FIRE PROTECTION PLAN, WHICH WAS SUBMITTED WITH OUR ORIGINAL PACKAGE, TO REFLECT THE EXPANDED SCOPE REQUIRED (SEE ATTACHED REVISED FIRE PROTECTION PLAN MARINDA HEIGHTS SUB-DIVISION).

45. OUR ARCHEOLOGICAL CONSULTANT , WILLIAM ROOP AGAIN ATTEMPTED TO GET A RESPONSE TO OUR PROJECT AND REPORT WITHOUT SUCCESS. WE WILL CONTINUE TO TRY.

46. OUR BIOLOGICAL STUDIES AS WELL AS ALL OTHER STUDIES WE HAVE SUBMITTED WITH BE REVIEWED AND EVALUATED UNDER THE UPCOMING INDEPENDENT EIR . IN ANTICIPATION OF THIS REVIEW WE HAVE HELD OFF CHANGING THE REPORTS .

47. OUR EXTENSIVE GEOTECHNICAL INVESTIGATIONS WHICH INCLUDED MULTIPLE CORE SAMPLINGS SHOWED NO IMMEDIATE SLOPE INSTABILITY. QUITE TO THE CONTRARY IT FOUND THE SITE EXCEEDINGLY STABLE AND SUITABLE . THERE WAS SOME SLOPE INSTABILITY SOME YEARS AGO WHICH WAS CAUSED BY GRADING ON THE PROPERTY ABOVE OURS BUT IT WAS REPAIRED WITH NO PROBLEMS SINCE EVEN DURING THE RECENT WINTERS WHICH

RECEIVED RECORD BREAKING RAINFALL AMOUNTS . THIS AREA ALSO IS FAR FROM ANY PROPOSED CONSTRUCTION AND IS DESIGNATED TO BE DEED RESTRICTED AGAINST ANY FUTURE DEVELOPMENT . THE AREA MENTIONED IN YOUR LETTER REFERS TO THE ERODED AREA ABOVE MARINDA JUST BEFORE OUR GATE AND THIS DISTURBANCE WAS CAUSED BY LOCAL KIDS MAKING TRAILS FOR THEIR MOUNTAIN BIKES . IT IS NOT AN AREA THAT WE ARE PROPOSING DEVELOPMENT UPON HOWEVER WE WILL BE RESTORING ALL ERODED AREAS ON THE PROPERTY IN CONJUNCTION WITH OUR IMPROVEMENTS. THE OVERALL OFFSITE SLOPE STABILITY EVALUATION WAS DONE AND INCLUDED IN OUR ORIGINAL REPORT AND HAS BEEN UPDATED AND EVALUATED IN THE SUBSEQUENT LETTERS FROM OUR GEOTECHNICAL ENGINEER AND PLANS BY OUR CIVIL ENGINEER ATTACHED HERETO. FURTHER THIS WILL BE AGAIN REVIEWED BY THE INDEPENDENT EIR CONSULTANT . WE WILL OF COURSE COOPERATE WITH THAT CONSULTANT IN ANY WAY THEY REQUIRE.

48-49. WE HAVE MADE CONSIDERABLE EFFORT TO INSURE OUR PROJECT IMPROVES AND EXPANDS PUBLIC ACCESS AND USE . TO THIS END THE TRAILS HAVE BEEN DESIGNED AND REDESIGNED A NUMBER OF TIMES IN RESPONSE TO PUBLIC INPUT AS WELL AS GEOGRAPHICAL CONSTRAINTS . WE BELIEVE THE CURRENT ROUTES ARE QUITE GOOD BEING AN EVOLUTION OF PREVIOUS . THIS SAID WE FULLY EXPECT ITEMS TO COME UP AS WE PROGRESS . WE WILL CONTINUE TO FINE TUNE MOVING FORWARD SO THAT OUR END RESULT IS THE BEST IT CAN POSSIBLY BE.

50. OUR VISUAL STUDY BY ENVIRONMENTAL VISION DONE IN COORDINATION WITH STAFF FOUND NO IMPACT WITH THOSE HOUSES AS DESIGNED IN OUR ORIGINAL SUBMITTAL . SINCE WE HAVE NOW CONSIDERABLY REDUCED ALL HOUSES AS TO HEIGHT AND SIZE FROM THOSE ORIGINALLY STUDIED IT IS OUR BELIEF THAT THESE HOUSES ARE IN FULL COMPLIANCE WITH TOWN ORDINANCE. (SEE REVISED ARCHITECTURAL PLANS ATTACHED)

51. SEE ITEMS 42-44

"FIRE DEPARTMENT PLAN REVIEW"

AFTER CONSULTING WITH ROBERT BASTIANON OF THE ROSS VALLEY FIRE DISTRICT WE HAVE MODIFIED REPORTS AND MAPS AS REQUIRED FOR THIS SUBMITTAL . SOME OF THE COMMENT ITEMS ARE DIRECTED AT CONSTRUCTION PLANS TO BE GENERATED AFTER APPROVAL SO WILL BE ADDRESSED AT THAT TIME ON THOSE DOCUMENTS. CHANGES AND CORRECTIONS AS FOLLOWS:

1. ELLIOT GITTLEMAN , FPE AFTER CONSULTING WITH RVFD HAS MODIFIED AND UPGRADED HIS REPORT . HIS REPORT DATED MARCH 31 , 2018 HAS BEEN TRANSFERRED TO RVFD AND INCLUDED WITH THIS PACKAGE .

2. TO BE COMPLETED IN CONSTRUCTION DOCUMENTS AFTER APPROVAL.
3. SEE UPDATED VESTING TENTATIVE MAP ATTACHED AND FIRE PROTECTION PLAN ATTACHED . WE HAVE ALSO CONSULTED WITH RVFD WITH REGARDS TO FUEL LOAD REMOVAL AND DEFENSIBLE SPACE . WE HAVE COMMITTED TO COOPERATE WITH RVFD AS THE LEAD AGENCY TO ACCOMPLISH THESE FOR THE ENTIRE AREA INCLUDING OUR PROPERTY . WE ARE PRESENTLY WAITING FOR RVFD TO ACQUIRE PERMITS AND GIVE US DIRECTION MOVING FORWARD .
4. WATER TANK SIZING CALCULATIONS ARE AS FOLLOWS;
THERE ARE 5 HOMES UTILIZING THE TANK FOR FIRE SPRINKLER AND DOMESTIC WATER STORAGE. 6 HOMES X 2000 GAL. = 12,000 GAL 750 GPM X 60 MIN. = 45,000 GAL TOTAL 57,000 GAL TANK STORAGE, WE HAVE ROUNDED UP TO 60,000 GAL.
NOTE: AFTER MEETINGS WITH MMWD IT HAS BEEN DETERMINED THAT THE ENTIRE WATER SYSTEM WILL BE INSTALLED TO MMWD STANDARDS TO BE MMWD OWNED AND MAINTAINED .
5. SEE VEGETATION MANAGEMENT PLANS SUBMITTED PREVIOUSLY . PER ITEM 3 ABOVE WE ARE PRESENTLY WAITING FOR RVFD TO ACQUIRE PERMITS AND GIVE US DIRECTION MOVING FORWARD. THIS WORK IS REQUIRED BY STATE AND COUNTY ORDINANCE AND AS SUCH WILL BE DONE INDEPENDENT OF THIS SUBDIVISION .
6. NO ALTERNATE METHODS OR MATERIALS ARE REQUESTED AT THIS TIME.

"TOWN ENGINEERS REVIEW"

OUR ENGINEERING TEAM AT OBERKAMPER AND ASSOCIATES HAS MADE CHANGES THAT ARE INCORPORATED IN THE ATTACHED UPDATED VESTING TENTATIVE MAP . A LETTER FROM OBERKAMPER AND ASSOC. ITEMIZING THOSE CHANGES IN RESPONSE TO THE TOWN ENGINEERS LETTER IS ALSO ATTACHED . IN ADDITION WILLIAM MOORE ,PE,GE OUR GEOTECHNICAL ENGINEERS HAS UPDATED HIS REPORT WITH NEW MAPS AND UPDATE LETTER . AS NOTED ABOVE FURTHER REVIEW OF OFFSITE STABILITY WILL BE COVERED IN THE INDEPENDENT EIR.

THANK YOU , I LOOK FORWARD TO WORKING WITH YOU AND STAFF.



MARSHAL BOTHMAN , MANAGING PARTNER TIMBERSTONE 4038T ,LLC
P.O. Box 2434 ,MILL VALLEY , CA. 94942
(415)272-5999 ,DRSWAMI@EARTHLINK.NET

LIST OF ATTACHMENTS:

7. 15 FULL SIZED COPIES OF THE REVISED VESTING TENTATIVE MAP (3 WET STAMPED) , 1 COPY OF THE RESPONSE LETTER FROM OBERKAMPER AND ASSOCIATES , . 3 COPIES CLOSURE CALCULATIONS FOR BOUNDARY . 1 COPY REVISED VESTING TENTATIVE MAP HALF SIZE , 1 COPY EASEMENT DEED, 1 COPY FEE TITLE DEED
8. 3 WET STAMPED SIGNED COPIES OF THE REVISED AND UPDATED FIRE MANAGEMENT PLAN BY ELLIOT GITTLEMAN
9. 3 WET STAMPED SIGNED COPIES EACH OF THE GEOTECHNICAL REPORT UPDATE AND REVIEW LETTERS BY WILLIAM MOORE PE, GE , DATED MAY 23RD ,2018 AND DATED JULY 16TH ,2018. (TO BE A SUPPLEMENT TO UPDATED VESTING TENTATIVE MAP BY OBERKAMPER & ASSOC. ALSO ATTACHED HERETO).
10. 15 LETTER SIZED & 1 FULL SIZED COPY OF RS24-050 RECORD OF SURVEY FOR THE RIDGEWAY RIGHT OF WAY .
11. 1 COPY OF LETTER OF EXPLANATION TO RAY WRYSINSKI TOWN ENGINEER DATED MAY 29TH, 2018 WITH FULL SIZE WATERSHED MAPS TO SUPPLEMENT THE HYDROLOGY REPORT FROM OBERKAMPER AND ASSOCIATES DATED SEPTEMBER 8TH , 2017 PREVIOUSLY SUBMITTED
12. 3 LETTER SIZED COPIES OF THE AFOREMENTIONED WATERSHED MAPS ARE ATTACHED HERE AGAIN AS ATTACHMENT TO THE GEOTECHNICAL UPDATE LETTERS TO FACILITATE EASE OF REVIEW.
13. 1 COPY OF LETTER TO BEN BERTO FROM PAHANA ARCHITECTS DATED MAY 9TH 2018
14. 1 COPY OF COLOR PLANS FOR EACH OF THE 10 PROPOSED HOMES IN 24"x36" AND 1 COPY AGAIN IN COLOR FOR EACH OF THE 10 PROPOSED HOMES IN 11"x18" TO BE REVIEWED BY STAFF . IF FOUND COMPLETE WE WILL PROVIDE 15 FULL SIZED SETS OF EACH.
15. 15 COPIES 8.5" X 11" UPDATED GREENBELT PRESERVATION & TRAIL/PARK MAP.
16. 15 COPIES OF OUR "REVISED" PROPOSAL / DESCRIPTION OF THE PROJECT
17. ELEVEN REVISED SUBDIVISION APPLICATIONS FOR VESTING TENTATIVE MAP, DESIGN REVIEW, HILL AREA RESIDENTIAL DEVELOPMENT PERMIT AND EXCAVATION PERMIT ADJUSTED TO REFLECT CHANGES, (1 FOR EACH HOUSE AND 1 FOR THE SUBDIVISION).
18. 1 UPDATED TITLE REPORT WITH FEE TITLE DEED
19. DIGITAL THUMB DRIVE WITH COPIES OF ALL ATTACHMENTS .