Tam Design Review Board Final Notes
Public Meeting – March 17, 2021

Meeting location: Via Zoom.

Call to order: 7:04 PM by Alan Jones, Chair.

Board members present: Alan Jones (AJ), Logan Link (LL), Andrea Montalbano (AM), Douglas Wallace (DW). Approximately 35 members of the public were in attendance.

Meeting minutes from March 3, 2021, approved 3-0, with one abstention by DW for his absence at that meeting.

Correspondence: AJ reported that he had received a copy of the 1992 EIR for the Tamalpais Area Community Plan (Tam Plan), which he forwarded to the Board subcommittee members AM and LL.

Public comment on items not on the agenda: None.

1. **Review and approve letter to BOS regarding ADU regulations and/or endorse letter from Sustainable Tam-Almonte.** The Board agreed to send the letter drafted by Chair Alan Jones, requesting the reinstatement of the county Planning Commission recommendations to limit development of Accessory Dwelling Units (ADUs).

2. **Alta Way Grading Permit.** Daniel Chador of Alta Way Partners, Applicant, made introductory comments, noting that the originally proposed 10 lots included in the 2018 Initial Study have been reduced to 6 for the grading permit application (8 lots merged into 4). The revised Initial Study will lead to a Focused EIR, and will preclude a further extension of Alta Way, which will terminate in a hammerhead turnaround for fire vehicles. The larger lot sizes will allow for separation between the homes, and water pressure will be increased for fire flows. He said that a formal survey showing stakes at the lot corners would be conducted after the grading permit was granted. Mr. Chador invited direct contact from individual homeowners to discuss any issues.

Rich Souza, project engineer, stated that the road would be extended approximately 300 ft. There will be cut and fill on the downslope. The lower wall height portion adjacent to the retention basin varies from 5.1 ft to 7.0 ft and the upper retaining wall is mostly 6.0 ft high except at the very ends. The hardscape-induced runoff would be captured in a V-channel above the top retaining wall and diverted into bioretention facilities. Heavy storm runoff would be held in three 5,000-gallon tanks installed at the end of the road extension, all ultimately discharging to the storm drain system. The height of the retaining walls next to the lowest driveway will be ~1 ft.

AJ asked about compliance with Marin Code 24.04.030, which stipulates the design criteria for various road types together with 24.04.015, indicating that when new facilities will exacerbate or cause non-conformance the applicant may be required to modify them. Mr. Souza said that he was informed that drainage was the only issue of concern. AM asked whether the county had a position on extending a road that was already undersized (at 20 ft. width) per county regulations; Tyler Bylow of the County DPW stated that, because the road extension will be a dead end, width improvements were not required. He promised to look into this question and discuss it with his superiors. He further stated that driveways are not included in the grading permit. AM suggested that an ADU for each new home should be assumed as part of future conditions and that the traffic impact on lower Alta Way could be significant.

Michelle Levenson, county planner, stated that the public will be notified of the issuance of the Draft EIR and provided opportunity to comment and that TDRB will have the opportunity to review it. The Board of Supervisors is the body that would certify the EIR. She requested information on the elements of the Tam Plan that need to be addressed in. the EIR. She advised interested parties to sign up for project information and updates on the county website.

The public comment period was opened, and the following 12 speakers made comments and asked questions:

Beth Tobias, Trinity Leonard, Stella Perone, Maurice Muse, Greg Ryan, Art Yow, Christine Blair, Lee Budish, Heidi Engelbrechten, Mike Esser, Jim Budish, and Mickey Allison.

Concerns and questions included:

- Are the plans updated with existing conditions regarding the expansive soils?
- Questions about drainage design for the 80th percentile storm vs. a 100-year storm.
- Adequacy of road width for a fire truck turnaround, and potential for damage with heavy vehicles.
- What will the total road length be? Will the extension include improvements to the existing Alta Way to bring it up to code?
- The existing map is outdated with regard to lot ownership.
- Who will be responsible for maintaining the new drainage system, and the road extension?
- Comments about the illegal carving of the slope in 2015, also the history of local landslides.
- What about secondary egress, and the potential for both lanes of Shoreline Hwy. to be blocked in the event of evacuation?
- Why are the grading permit and the Focused EIR separate processes? Concern about piecemealing.
- What happens if no builders are interested in the newly accessible lots?

- Concerns about slope steepness and new construction in the Wildland-Urban Interface (WUI).
- There should be a surety bond to cover mitigation needs.

The applicant and project engineer responded that structural and geotechnical engineers would be engaged to design the rain gardens and address soil instability. The rain gardens are designed to handle an 80th percentile storm, and the three 5,000-gallon buried tanks would handle runoff from heavier peak flows. The sizing of the stormwater retention system meets Bay Area Stormwater Management Agencies Association standards, based on estimates of the new impervious area for each lot. The system for dispersion of rainwater from the lower lots is based on a schematic design and has not been precisely calculated.

The total road length will be 375 ft. including the turnaround. The county will not accept responsibility for maintaining any new road. A homeowner association could be created for the six new lots to assume responsibility for maintaining the drainage system and road extension.

Board comments then followed. AM referred to the Tam Plan and EIR, citing numerous instances where the proposed project did not meet requirements. In summary, these included:

- Failure to recognize the project area as "informal open space" that is already used by the public, including informal trails.
- Destruction and removal of 36 native trees in an area explicitly described in the Plan.
- Altering natural drainages.
- Incorrect assertion that the Initial Study conforms to the Tam Plan.
- Failure to preserve the natural state and semi-rural character of the area, especially with installation of retaining walls, buried tanks, and extensive grading.

Please see the attached document for detailed information regarding provisions of the Tam Plan, citations in the Initial Study, and the Tam Plan EIR which relate to this application.

AJ cited the Marin Municipal Code and the Tam Plan as the basis for his concerns about the proposed project.

Following is a summary of reasons cited by AJ and AM for rejecting the current application:

1. DESIGN REVIEW REQUIRED. The design of the street not only needs to meet the requirements of Public Works and the Fire Department, but also the standards of the Tam Plan as interpreted by the Tam Design Review Board. (Sections LU 3.1a, LU 7.2, LU 3.2)

2. COMMUNITY CHARACTER. Development requires a massive amount of grading for this road and future development. The road design is different from any roads in the Tamalpais area and incompatible with the semi-rural character described in the Tam Plan. (Sections LU 1.3, descriptions of development character for SF-2 and SF-3 residential character, T 6.1, T 6.1a, T 6.2)

3. OPEN SPACE VALUE. Per the proposed grading plan and resulting home sites, a significant portion of the site will be altered from its natural state. There are provisions in the Tam Plan which address the open space value of this specific site. III-29. The plans estimate the removal of a large number of protected trees. This does not include the potential risk to trees on adjacent open space parcels. (Sections LU 1.2b, LU 1.1, LU 1.2.) Further consideration of open space and density to be reserved for the EIR process.

4. ROAD DESIGN

A. ROAD WIDTH. Existing Alta Way already exceeds the allowable capacity for existing houses. It is a 20 ft. wide roadway, or 24 ft. curb to curb. This meets the description for a "Limited residential road" which is designed to serve two to six dwelling units. The present road, together with Blue Jay Way, serves 29 dwelling units. Widening of the existing roadway to 28 ft. (Minor Roadway) and/or 36 ft. (Residential Road) should be required before any additional houses are added. (Sections LU 2.1b, T 11.1a, T 11.1b, and Marin Code 24.04.015, 24.04.030, 24.04.110)

B. COMBINATION OF DESIGN ELEMENTS. The road design combines individual design elements at the extreme limits of acceptability along the same section of road. These include: continuous steep grade; lack of shoulders; steep retaining walls on both sides creating hazards for pedestrians; no mitigation for visual appearance of retaining walls; design does not permit access to driveways at 90 degrees in most cases; Y terminals allowable only if approved by DPW director; Y terminals extend onto private lots; driveway on right of way could allow potential access to additional lots and do not meet requirements for a private road. (Marin Code 24.04.020, 24.04.110c, 24.04.120, 24.04.130e, 24.04.150b, 24.04.240, 24.04.260c)

C. DESIGN LIMITS DESIREABLE CHOICES. The road design, together with lot combination choices, prevents direct access to driveways at 90 degrees in a way which would minimize grading and help preserve natural site values. Four driveways accessing the road through the Y terminus encourage its use for parking which could jeopardize its usefulness in fire emergencies. The road could easily be extended and the lots configured differently. Alternatively, a re-division of parcels could allow limited clustered development which would be more acceptable. (Tam Plan Sections T 6.2, T 6.1, T 6.1a, and Marin Code 24.04.240.

The Board voted 4-0 to reject the grading permit application.

Board members requested for the next Board meeting agenda an update on filling the vacant Board seat, and receiving a report from the Board subcommittee on Community Relations.

AJ adjourned the meeting at 9:38 PM.

The following is submitted as an analysis of the Alta Way Grading Permit application with regard to the policies, goals and objectives listed in the Tamalpais Area plan (Tam Plan). The analysis is broken into topics A through I. The analysis was completed by Andrea Montalbano, on behalf of the Tamalpais Area Design Review Board (TDRB). It was presented at the 3/17/2021 Design Review Board Meeting, at which the Alta Way project was heard.
Quotes from the Tam Plan and the Initial Study are written in italics. Bolded and underlined emphasis has been added. Where the Initial Study addressed a policy cited here, the conclusion on impact (significant, potentially significant, etc.) is included. Following the Tam Plan policies is "**TDRB Analysis:**" This is an analysis of how the proposed Alta Way grading permit application compares to the policies, goals and objectives of the Tam Plan.

A) Tam Plan Direction concerning these lots:

[Tam Plan]*Open Space Opportunities in the Planning Area:*
III-29: Upper Shoreline Highwav Figure 11 J
The upper Shoreline Highway corridor includes about one-mile of lands with valuable open space character, extending from Loring Avenue to Erica Road. On the downhill side of the road, vegetation was characterized by a dense, continuous border of eucalyptus, interrupted only by steep ravines, which contain large bay and oak trees. *However, a major portion of the eucalyptus grove was removed as part of the site grading for the Garden Valley Park Subdivision.* ***Therefore, it is imperative to preserve the open space values and visual screening offered by the remaining trees, and native vegetation in the ravines.***

[Tam Plan] *2. Specific Area Issues*
a. Tamalpais Valley
The Tamalpais Valley neighborhood has the greatest number of parcels with subdivision potential in the Planning Area. A majority of the residential parcels in the neighborhood were subdivided in the early part of this century, and are riddled with the development problems associated with historic subdivisions. ***These problems include the substandard lots and paper streets which are located over hilly terrain with steep visible slopes, stream courses, and valuable woodlands. Based on the community-wide objectives, policies and programs set forth in the preceding section the following specific steps should be taken in Tamalpais Valley to achieve the desired objectives.***

[Tam Plan] *LU21.1c* ***Parcels along upper Shoreline Highway form the gateway to the coastal recreation areas and can be classified as a combination of local and regional open space resource value*** *(see Figure U). Uphill parcels needing access directly from Shoreline Highway are desirable*
for open space acquisition (Appendix K). Many desired open space objectives can be obtained by clustering development to avoid important open space and visual resource areas and placing protective conservation easements on the areas with open space value.

Tam Plan Direction concerning these lots (cont'd.)

[Initial Study P. 33e] (Does the project) *Result in substantial alteration of the character or functioning of the community, or present or Mitigated planned use of an area?*

The Initial Study concluded the impact with regard to this question as "Less than significant", yet the Initial Study also states:

[Initial Study P. 33e] *The Project site consists of vacant lots and the undeveloped road right-of-way. As previously noted, the proposed development of the ten lots is compatible with the site's Countywide Plan land use designation, TACP land use designation, and zoning.* ***Currently, the project site appears to function informally as open space, with informal trails and dirt bike paths providing evidence of regular recreational use, presumably by residents of the surrounding neighborhood. The site is not designated nor zoned for open space, parks, or recreational uses.*** *Development of the roadway and the ten lots would preclude these informal uses of the site, replacing them with residential uses. Adjacent undeveloped lots may, however, remain available for this use.* ***Because the current recreational and open space uses are informal, unplanned, and not designated in any planning documents such as the*** *Countywide Plan or* ***TACP*** *for acquisition and/or use as a park or recreation area; because the Project would replace these uses with residential development that is compatible with the site's Countywide Plan and TACP designation and the County's zoning ordinance; and because the proposed development would be similar to and compatible with the surrounding residential uses,* ***the impact related to change in community character and functioning of the surrounding community would be less than significant.***

TDRB Analysis: The higher elevations of these lots form a visual backdrop for the lower portions of the neighborhood, and are specifically called out (with their mature, native trees) as important for open space value in the Tam plan. This was not mentioned or addressed in the Initial Study. The County should require an easement for the top of the lots, and allow clustered development at the bottom of the proposed road location as a tradeoff for development of the lots specifically cites as having open space value in the Tam plan.

Despite the Tam Plan being thirty years old, the need for the retention of the trees in this area remains unchanged. **See attached Google Street View images in Section I at the end of this document,** of the view from Shoreline Highway looking towards the site and Tam Valley beyond. The importance of these trees as a visual backdrop is clear.

B) Open Space Value:

Initial Study found the larger project to be Potentially Significant per LU 1.1:
[Tam Plan] *Policy LU1.1: Protect Natural Habitats*
All land use decisions within the Planning Areas neighborhoods will take into consideration the protection and preservation of the area's ***hillsides, ridges,*** *water courses, wetlands, woodlands and any other unique natural habitats.*

[Tam Plan] *Policy LU 1.2: Preserve Natural and Cultural Characteristics.*
New development will be required to ***preserve a significant portion of the natural*** *and cultural* ***characteristics of their respective development sites****.*

TDRB Analysis: Per the proposed grading plan for street and resulting housing site, a significant portion of the sites will be altered from their natural state.

[Tam Plan] *Policy LU 1.2b: In wooded areas, and in areas where rare plant communities have been identified,* ***every effort shall be made to avoid removal, changes or construction which would cause the death of trees*** *or the rare plant community. In the event tree or plant removal is a necessity, portions of the wooded or plant community on the site shall be maintained and preserved in their current natural state. Rare plant communities are identified in the Natural Diversity Database, available in the Planning Department.*

TDRB Analysis: Plans show at least 36 protected trees (bay and oak) to be removed with proposed building envelopes and grading required. Policy LU 1.2b clearly states that the preservation of existing trees, rather than replacement, is imperative.

TDRB Analysis: Plans do not cite trees that will be affected on adjacent properties that border Alta Way and are open space easements.

TDRB Analysis: There are many alternatives available that would allow for the preservation of trees, and this street improvement and future building envelope location choice does not make any effort to achieve the unnecessary death of trees.

Open Space Value (continued)

Initial Study found the larger project to be Consistent per LU 1.4:
[Tam Plan] *Policy LU 1.4d.f: Environmental Protection and Hazards Reduction:*
I) ***Minimize cutting of native trees.*** *Maintain creeks and creek banks in their natural state, while maintaining their storm flow capacity.*
iii) ***Keep drainage in natural waterways so as to avoid effects*** *on other properties.*
v) Keep grading to a minimum to prevent erosion and to retain natural land forms.

TDRB Analysis: This design does not keep grading to a minimum. To do so would be to consolidate more of the lots, to just two or so, and provide a single driveway access to those lots, rather than a twenty-foot wide street.

TDRB Analysis: Development in the area has already caused flooding issues that resulted in the County installing (and paying for) the creation of a concrete channel that interrupts the natural streambed, specifically violating the direction of the Tam Plan to keep water flowing in natural waterways. Increasing impermeable area, can only add to this problem and needs to be addressed by downzoning the lots.

[Tam Plan] *Policy LU 2.2: Environmental Sensitivity*
All undeveloped and underdeveloped properties located in areas of ***relatively high visibility, environmental hazards,*** *sensitive environmental resources* ***or areas which are identified as high priority open space lands shall be rezoned a density which maximizes the protection of environmental resources.***

TDRB Analysis: This property was specifically called out as important for its open space value as a backdrop for the community and was called to be downzoned by the Community Plan.

Initial Study found the larger project to be Potentially Significant per: LU 15.1:
[Tam Plan] *LU I5. 1 Wildlife Corridors*
Development permits should include provisions to protect corridors for wildlife movement and dispersal where feasible.

TDRB Analysis: This area needs to be evaluated to establish wildlife corridors.

C) Community character:

Initial Study found larger project to be Consistent per: LU 1.3:
[Tam Plan] *Policy LU 1.3: Compatible Design.*
New residential and commercial development shall be comparable and compatible with the scale (bulk, mass and height) and appearance (colors, materials and design) of the particular neighborhood and shall be integrated with and subordinate to the area's natural setting.

From the Tam Plan: Description of Development Character: (Unclear if this site is SF-2 or 3, so character description of both is cited here)

[Tam Plan] *SF-2: The single family rural residential category is applied to those lands which are* ***characterized by strong environmental constraints to development or contribute significantly to the visual image and rural character of the Planning Area. This land use category is intended to provide a density and intensity of residential development which will maintain the natural features of the land and associated vegetation.***

[Tam Plan] *SF-3: In order to maintain the visual qualities of the lands at the higher elevations,* ***the County intends to review*** *the building location, building size,* ***roadway access, and exterior design of structures proposed for vacant lots in the area. The County may also consider the effects of new development in this area on the public health and safety issues related to site improvements.***

TDRB Analysis: This development requires a massive amount of grading for both the road and future development and does not work with the natural setting. It is dominant, and not subordinate to the natural setting.

TDRB Analysis: The road design, with its retaining walls and bioretention area is completely different from any roads in the Tamalpais area, and cannot be deemed comparable in appearance to other roads in the area.

TDRB Analysis:
- The proposed road design and future development that will follow will not allow for the maintenance of the natural features of the land.
- The roadway access does not take into consideration the potential negative impacts on the already stressed downslope neighbors with consideration of runoff or slides.
- The mitigation proposed to address these issues does not match the character of the neighborhood nor meet the restrictions for development for this area as described in the Tam Plan.

D) Appropriate Density:

[Tam Plan] *Policy LU 2.1: Environmental Constraints*
All undeveloped or underdeveloped properties in the Planning Area should be evaluated in terms of their environmental constraints and rezoned to a density which is compatible with identified constraints.

TDRB Analysis: The County required the lots to be combined only to the County-wide minimums, but the Tam Plan specifically calls for these lots to be rezoned at a density that would protect surrounding homes from the potential pitfalls of exactly this type of development, which could cause tremendous property damage through slides and decreased permeable surface area, as well as worsening fire access by extending an already insufficiently wide road.

Initial Study found the larger project to be Potentially Significant per LU 3.1
[Tam Plan] *Policy LU 3.1: Historic Lots*
Promote resubdivision, where feasible, of historic lots of record to insure that future development is responsive to the inherent physical constraints and environmental amenities of the site.

TDRB Analysis: This means that the lot mergers should be promoted to be more than the minimum allowed, but what is more responsive to the site constraints, including existing road access, importance of preserving existing trees, documented flooding issues, etc.

Initial Study found the larger project to be Potentially Significant per LU 4.1:
[Tam Plan] *Policy LU 4.1a: The County staff will meet with applicants wishing to develop substandard lots* ***to point out the effects of the Community Plan's*** *policies and programs on construction and the* ***advantages associated*** *with lot mergers.*

TDRB Analysis: Did the County pressure the lot owners to combine their lots to meet the Tam Plan's objectives, which would be to increase lot size beyond the County lot slope ordinance minimums?

[Tam Plan] *Policy LU2.1d* ***New densities*** *should be based on the following criteria: the site's topographic and geologic conditions, Department of Environmental … the planning policy constraints associated with the site; and the community's density preference as expressed through policy and program statements in this Plan.*

TDRB Analysis: Property should be rezoned at a lower density.

Appropriate Density (continued)

[Tam Plan] *LU 14.1: Open Space Preservation:*
To use a variety of mechanisms including acquisition and dedication of easements to ensure the long term protection of open space.

[Tam Plan] *LU14.1c* ***Review tentative maps for subdivisions for their open space resource values.*** *Portions of sites which contain open space resources shall be considered for preservation by clustering development.*

TDRB Analysis: County should increase required size of lot and demand easement of uphill parcels for preservation as open space. The value of the area at the top of the knoll is obvious once visited and is even cited in the Initial Study as presently used as neighborhood open space. This portion of the lot would be very advantageous for as community and natural open space.

Initial Study found the larger project to be Consistent with mitigation per LU 16.1:
[Tam Plan] *LU16.1 The County shall regulate new or altered development and vegetation removal to ensure that site preparation and construction do not contribute to erosion or slope failure, with resulting loss of life or property, loss of soils, sedimentation in streams, damage to downslope properties, downstream flooding, or siltation of wetlands.* ***Development shall be located in the most accessible, least environmentally sensitive, and most geologically-stable area or areas of a development site, as balanced by considerations of open space and visual resource values.***

TDRB Analysis: This development does not locate development in the most appropriate locations of the site. A clustered development of fewer homes at the bottom of the road would meet this guideline better.

E) Issues relative to future development:

[Tam Plan] *III-35 - Issues, Objectives, Policies and Implementation Programs (paragraph 3) When an F.A.R. is specified, it should be interpreted as a maximum and may be reduced based on site specific conditions.*

[Tam Plan] *Policy LU3.1a The County shall review the State Subdivision Map Act and make amendments to the County Subdivision Ordinance to modify and clarify the definition of a subdivision.* ***Efforts will be made to classify a subdivision as any proposal to provide new access or combine lots in a historic subdivision.***

TDRB Analysis: This means that the Tam Plan interprets the combining of historic lots as a subdivision, which requires Design Review. Presently the County is not interpreting the future development of these lots as a subdivision, choosing to deem them ministerial.

F) The Road Design:

[Tam Plan] *Policy LU 2.1b:* ***Relate development density to the <u>capacity of existing roads</u> and public services****, soil, geologic, hydrologic and slope conditions.*

[Tam Plan] *Tll.la The County shall continue to strictly enforce the Paper Street Ordinance and Title 24 development standards for the proposed improvement of paper streets and not permit the improvement of a paper street that is substandard in width to accommodate proposed development.*

[Tam Plan] *T11.1b Prior to acting on any application for development or land division on any hillside and ridge properties served by a paper street, the County will require the applicant to submit a study of the existing or potential road conditions and the recommended improvements necessary to accommodate the proposed development as part of a complete application.*

<u>TDRB Analysis:</u>
- The existing Alta Way Road already exceeds the allowable capacity for the existing houses. The existing road would need to be widened to meet this part of Alta Way, for the 20' width to be appropriate. To extend an already underserved road would be to exacerbate an already dangerous road condition.
- A 20' road width with curbs may be appropriate in a location where there is no retaining walls (especially on the downslope) but could be a potentially hazardous situation for a pedestrian. A road without any shoulder could be very dangerous for a pedestrian.

[Tam Plan] *T4.1 To limit ... the density of a proposed residential development if the traffic generated by such development exceeds the capacity of the roadway or intersections in the Planning Area. Also,* ***to limit proposed development intensity if the roadway and intersection improvements needed to accommodate the traffic generated by the new development are inconsistent with the roadway and intersection improvements described in preceding sections.***

[Tam Plan] *Program: T4.1a* ***Traffic studies will be required of new development if such development could generate traffic which has the potential to degrade the level of service on the existing roadway network. The study must be submitted as part of a Design Review, master plan, or other application for development entitlements or prepared as part of an environmental impact report.*** *The traffic study shall focus on planned improvements set forth in the Transportation Element and whether or not the proposed development can be accommodated by planned improvements.* ***<u>If the necessary traffic improvements to accommodate the proposed project are inconsistent with traffic components recommended in this Plan, the project must be denied</u> or an application for plan amendment must be considered.***

Road Design (continued)

TDRB Analysis:

- No traffic study of the ultimate, allowable build out of these properties has been provided, and therefore this Policy of the TACP can not be measured.
- The roadway as proposed, does not match the character or recommendations in the Tam Plan. This policy states that if the traffic components necessary for the project do not match the plan's recommendations, "the project must be denied."

Initial Study found the larger project to be potentially inconsistent per 11.1:

[Tam Plan] *T1l.lc Landowners or developers wishing to improve or subdivide their lands in hillside and ridge areas may be required to submit fees* ***or provide easements and improvements recommended in the roadway study.*** *The County will adopt criteria for funding said improvements.*

TDRB Analysis: The Tam Plan calls for the trees of this area to be preserved. The County should require easements for the creation of open space at the higher elevations of the lots to cluster development at the lowest elevations of the site, shortening the road extension and preserving more of the site and the trees, in its natural state.

[Tam Plan] *T6.1 All roadway improvements must be designed to preserve and enhance the semi-rural character of the Planning Area.*

TDRB Analysis: The roadway design does not preserve or enhance a semi-rural character. The concrete retaining walls required for bot the upslope and downslope sides of the road are completely alien to the neighborhood and do not align with the character of the immediate or larger neighborhood. The metal guardrail is unattractive and akin to a state highway, not a semi-rural area which is characterized by cuts with natural repose.

[Tam Plan] *T6.1a The County will support the retention of the semi-rural character of the Planning Area by* ***discouraging the installation of*** *street lights, concrete sidewalks,* ***curbs, and gutters*** *in residential areas. Alternative materials to concrete are encouraged for sidewalks, berms, and drainage swales where these improvements are needed for engineering and safety purposes.*

TDRB Analysis:

-Street design incorporates a concrete gutter, cited as a "V-channel" in the drawings, as a component of stormwater control. Tam Plan discourages concrete gutters.

- Street design incorporates curbs in order to meet the minimum width of 20' of a limited residential road, but Tam Plan discourages curbs.

- Street design incorporates a bioretention basin along the downslope side of the road, which does not match the existing community character. It requires two curbs, one along the street and one on the downslope side, which would form a retaining wall visible to the downslope sites. See detail 2/sheet C6.0. Tam plan discourages use of concrete for drainage swales.

Road Design (continued)

[Tam Plan] *T6.2 All new roadway improvements must be designed to have a minimal impact on the values of the natural environment.*

TDRB Analysis: This road design certainly does not have a minimal impact on the environment.

[Tam Plan] *T6.2a The County will keep road widths and intersection designs to the minimum required in areas with high natural resource value*

[Tam Plan] *T6.2b The County shall retain existing unimproved watercourses in their natural state. Proposed roadways and driveways that would move drainage underground are to be discouraged.*

TDRB Analysis: The roadway and the retaining walls required for it would result in the removal of many native trees and would require massive amounts of earthwork. This is much more than "minimal" impact on the natural environment. The site would be far better served to serve two or three lots at most, with a much shorter span of the extension.

G) Tam Plan's EIR

TDRB Analysis: The EIR for the Tamalpais community plan requires that underdeveloped parcels in historic subdivisions be rezoned to be responsive to site constraints and the guidelines of the plan. If not, the development of the Tam area would cause significant impacts.

The following quotes are drawn from the Marin County Board of Supervisors Resolution No. 92-242, "Approving the Tamalpais Area Community Plan and Adopting a Statement of Overriding considerations" found at the end of the Tamalpais Area Plan.

[Resolution No. 92-242] *XIII.2.* ***The program EIR identified impacts on geology. and plant and animal life, as potentially significant.*** *This determination was based on the future growth in the community and did not consider the effect of implementation of plan policies.* ***When the plan policies were analyzed, it was found that for these issues, the policies mitigated the potentially significant effects to a less than significant level. These policies included the evaluation of environmental constraints, restricting development to the most geologically stable area(s) of a site, minimizing grading;*** *streamside setbacks;* ***maintaining water courses in a natural type state, limiting increased runoff, avoiding downstream flooding, preserving native trees,*** *discouraging planting of invasive plant species, requiring analysis of presence of sensitive species,* ***requiring drought and fire resistant landscaping, and rezoning to preserve valuable habitat.***

TDRB Analysis: In order to meet the requirements of the Tam Plan's CEQA requirements, The County is responsible for consideration of new roads and future development with regard to environmental constraints, geological stability, decreasing runoff, retention of trees, especially naitve ones, and rezoning to preserve natural habitat.

[Resolution No. 92-242] *XIII.4. The program EIR identified impacts on land use and population, as potentially significant. This determination was based on the future growth in the community and did not consider the effect of Implementation of plan policies. When the plan policies were analyzed, it was found that for these issues, the policies mitigated the potentially significant effects to a less than significant level.*
These policies require future development to conform to detailed site planning *architectural design and landscaping criteria,* ***require plan amendments for development projects that would necessitate transportation system additions more extensive than those proposed in the plan, protect open space and visual quality, and ensure compatibility of new development with existing development, discourage use of concrete sidewalks, berms, and drainage channels.***

TDRB Analysis: In order to meet the requirements of the Tam Plan's CEQA requirements, The County is responsible following the Tam Plan's specific requirements of protecting open space and visual quality, ensure compatibility of new development and discourage concrete drainage channels. The roadway design, as presented, requires concrete drainage channels to adequately address runoff.

H) Purpose of/ Power of Design Review:

[Tam Plan] *Policy LU 7.2: Design Review/Paper Streets*
When a vacant, unimproved legal lot of record, which is accessed by a paper street, is proposed for development and improvement, said development or improvement shall be subject to Design Review and the requirements for Design Review set forth in the County Code, regardless of parcel size or the zoning district in which it is located. ***The scope of Design Review shall include all access improvements.***

TDRB Analysis: Interpretation: This means that the design of the street does not only need to meet the demands of Public Works and the Fire Department, but the standards of the Community Plan, interpreted by the Design Review Board.

[Tam Plan] *Policy LU3.2 Design Review*
Programs: Require Design Review of all subdivision improvements and residential construction in areas where ***the inherent physical constraints to development would present problems***

[Tam Plan] *Policy LU 3.2b:* ***Developers will be required to submit a site plan which is consistent with the policy and program direction contained in this Plan.*** *The location of buildings, other structures, and* ***streets shall be consistent with the direction in the Community Plan.***

TDRB Analysis: The roadway and location of buildings on the lots would not be consistent with the direction of the plan, which promotes the preservation of native trees on this site, cites this area as having high open space resource value as a visual backdrop, and promotes clustering of development on sites with inherent constraints such as very steep slopes.

[Tam Plan] *Policy LU 13.2c: In the event acquisition is unsuccessful, the Design Review process will be used to identify the vegetation and wildlife habitats of a site which contribute to its open space value, and efforts will be made to protect the values of these identified natural resources. The applicant will be required to identify vegetation and wildlife habitat as a part of the information required in a Design Review application.*

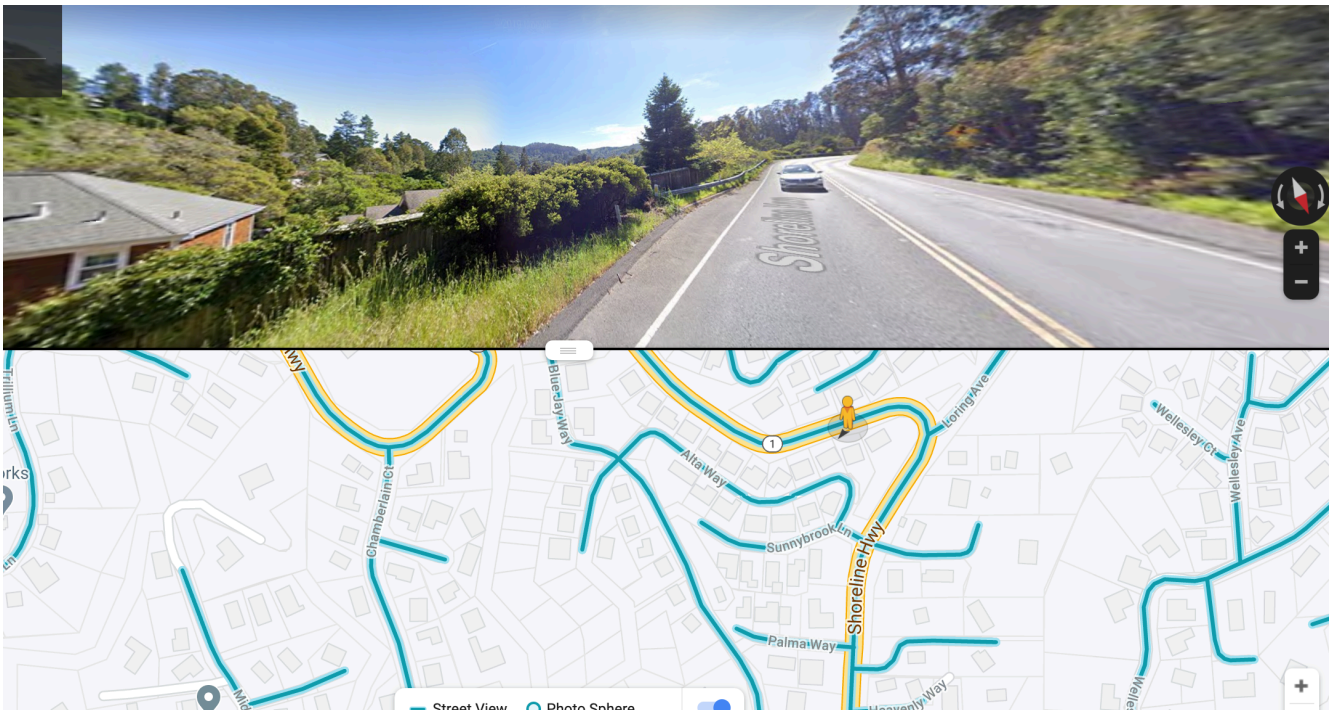
TDRB Analysis: This information was not provided for Design Review.

Initial Study found the larger project to be Potentially Significant per LU 15.1:
[Tam Plan] *LU I5.la The County and TDRB, as part of Design Review, if appropriate, will request that an applicant provide information on the value of the project site as a wildlife trail or corridor.* ***Any identified wildlife trails or corridors should be protected as part of a Design Review approval.***

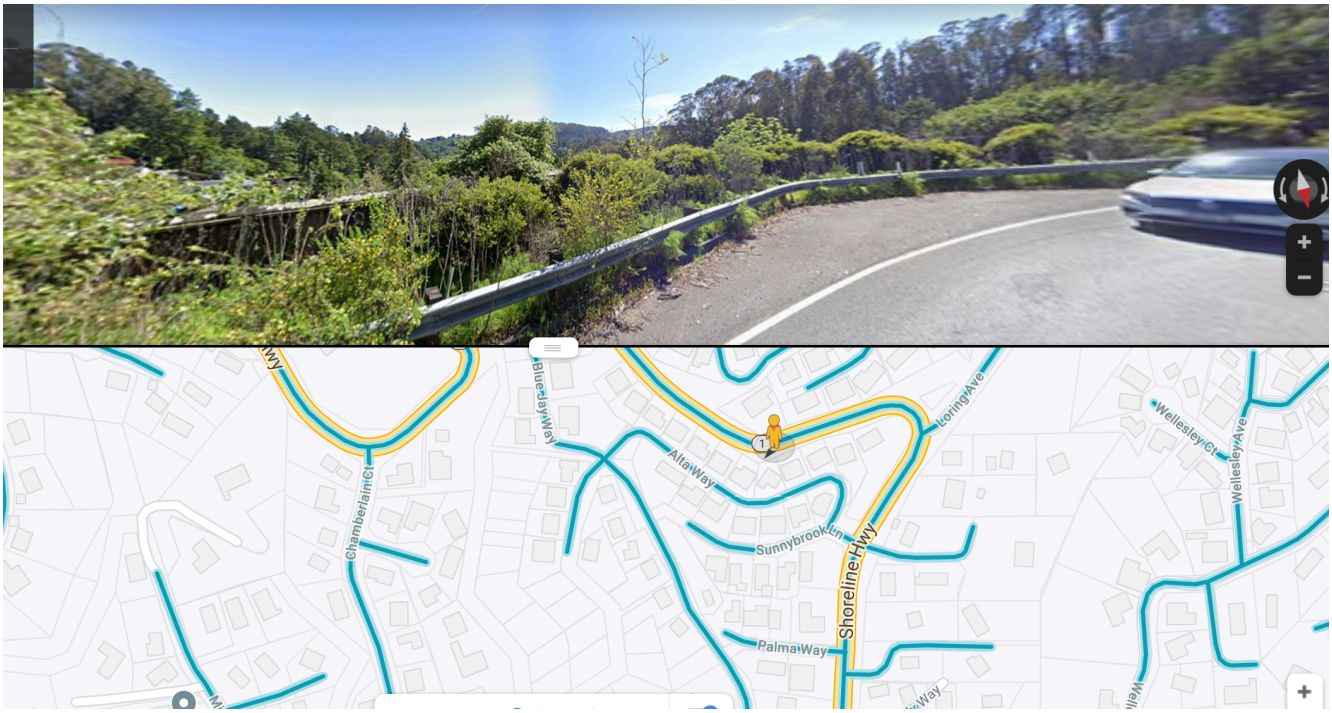
TDRB Analysis:
- This information was not provided for Design Review.
- The Initial study stated this project being potentially insignificant with LU 15.1

I) Google Streetview Images of area cited in Tam Plan as downslope lots between Loring and Erica

View 1



View 2


Alta Way
Sunnybrook Ln
Shoreline Hwy
Palma Way
Chamberlain Ct
Bluejay Way
Loring Ave
Wellesley Ct
Wellesley Ave

View 3


Alta Way
Sunnybrook Ln
Shoreline Hwy
Palma Way
Chamberlain Ct
Midvale Way
D'Amico and Associates
Heavenly Way
Pine Crest Rd
Wellesley Ave
Wellesley Ct
Street View
Photo Sphere

View 4