

TAMLAPAI DESIGN REVIEW BOARD (TDRB)

Approved Notes

Public Meeting – Wednesday, January 19, 2022

Meeting location: Via Zoom.

Call to order: 7:00 p.m. by Douglas Wallace, Chair.

Board members present: Alan Jones, Andrea Montalbano, Doug Wallace, and Michael Wara.

Board members absent: Logan Link

Other attendees: Brian Briggs, Leonardo (Leo) Cedolin, Andrew De Zurik, Stephen LaDyne (architect), Jana (no last name), Jason Kirchmann, Neighbor (no name), Nick Palter (architect), Jonathan Shattuck, Sebastian Stein, Katherine Lehmann (note-taker).

Comments from the public about any items *not* on tonight's agenda: None.

Approval of the minutes from:

- Wednesday, December 1, 2021.

The minutes were approved unanimously, 4-0, without edits.

Alan emphasized the importance of producing the minutes in a timely way.

Next meeting on: Wednesday, February 2, 2022

Correspondence:

Andrea: The Weissman subdivision approval by the County was overturned by Judge Sweet, based on three areas: fire road, grading, and drainage. They must re-apply for a new subdivision permit addressing these three issues. They do not have to prepare a full EIR (Environmental Impact Report). The TDRB had recommended approval with conditions; one of which was that the fire road should not be used for anything else.

Doug: Sent an email and spoke briefly to senior planner, Michelle Levenson, about possibly being alerted to all Tamalpais planning applications so that the TDRB is able to keep in touch with the community and be aware of what's going on in the neighborhood (i.e., Tam Junction). If everyone agrees, Doug will proceed with discussing this with Michelle. **Michael:** A great idea. New development on the shoreline is outpacing infrastructure. This is an opportunity to push the county about planning. Last time was the Tam Area Plan, and the conditions are quite different now, especially seeing the commercial strip as a community. **Andrea:** We have been talking about an update of the Tam Plan, but maybe it should be focused and limited to the commercial district of Tam Junction? **Alan:** The TDRB is a good forum for these conversations and recommendations. **Doug:** Last Biennial Report did mention an update of the Tam Plan, which is a big undertaking.

Andrea: One of our goals is to take care of signage issues in Tam Junction. At Muir Junction there is a sign (Astronomy.com), which seems to be completely out-of-place and out of compliance with signage regulations.

AGENDA ITEM #1:

Applicant: Nick Palter (architect) – Ward Variance
Address: 661 Ridgewood Avenue
Mill Valley, CA
Assessor's Parcel: 047-031-06
Project ID: P3393
Planner: Megan Alton

Project Summary: The applicant requests Variance approval to construct first and second floor additions and deck within the rear setback on an existing structure in Mill Valley.

PRESENTATION:

Nick Palter (architect): The owners are travelling and therefore not attending the meeting. It is an odd triangular-shaped lot. Access is from Ridgewood. Areas being expanded are in gray. Upper floor is driving the project. Existing deck is over the property line by a small triangle, approximately 4x7 feet. County wants that encroachment removed. Extensions are the same construction and form as the existing building. Everything on the elevation is being done within the existing building. Deck is being replaced, but is not being extended, just the corner triangle is being lopped off.

Michael: What is the setback and distance from the next house? **Nick:** It is about the same again as the boundary line setback. **Michael:** Is concerned about fire safety and fire mitigation. **Nick:** Exterior is battens and plywood. Wooden fascia. The extension roof will be a Class A roof. The deck will be completely rebuilt. There is no landscape plan with this redesign. New trees have been planted nearby, just as hedges for privacy. **Doug:** Story poles were helpful when he went out to see the property.

DISCUSSION AND REVIEW:

Andrea: Dimensions shown to the property line are perpendicular to the wall, technically dimensions should be perpendicular to the property line. Please add these to the drawings. **Michael:** This is a home built to standards that make is highly ignitable and is in a severe fire hazard zone. House conflagration is a real danger in Mill Valley. We are giving a variance but are not asking for construction to be resistant to ignition from fire that is very likely to occur over the next 30 years. Existing construction has single-pane windows, open soffits, and open wood decks that are not screened. The proposal doesn't alter that. It is not a reason to oppose the proposal on those criteria, but it is a concern that we are allowing variances for upgrades of homes in really dangerous spots in our community where characteristics of the houses are being maintained, not just for the property owners but also for the neighbors.

Nick: All new construction is required by code to comply with modern standards. The fire department has given a preliminary review, which I can send you a copy of.

Andrea: This building meets the WUI (Wildland-Urban Interface) standards, other than the windows, but these standards have been watered down.

Michael: I am surprised that the Fire Dept. doesn't have a requirement for a landscape plan. If the downhill trees catch fire, they could light up the house. **Doug:** That was my point about the kind of trees, as some are more pyrophytic (flammable) than others.

PUBLIC COMMENTS:

None

BOARD DISCUSSION:

Andrea:

It is a modest expansion. Asking for a fire-wise landscape plan and the replacement of all windows to meet WUI code is not too much to ask.

Alan: I am inclined to approve it with Andrea's suggestions, as conditions of approval, rather than merit comments.

Motion: To approve with conditions just suggested, as well as accurate dimensions perpendicular to the property line also to be added to the drawings.

The motion carried unanimously, 4-0.

AGENDA ITEM #2:

Applicant: Biggs/Albani – Stephen LaDyne (architect)
Address: 1093 W. California Avenue
Mill Valley, CA
Assessor's Parcel: 048-202-34
Project ID: P3431
Planner: Joshua Bertain

Project Summary:

The applicant requests Design Review approval to construct a series of retaining walls that would create multiple terraces in the rear yard of a property developed with an existing single-family residence in unincorporated Mill Valley. The proposed development would result in a floor area ratio of 30 percent on the 7,508 square-foot lot. The proposed retaining walls would range from 4 feet in height, to a maximum height of 7 feet above surrounding grade and would maintain the following minimum setbacks: 62 feet from the eastern front property line, 1 foot from the southern side property line, 0 feet from the northern side property line, and 1 foot, 6 inches from the western rear property line. Various site improvements would also be entailed in the proposed development, including an Accessory Dwelling Unit (ADU), pool, decks, play area, and an outdoor patio.

Design Review approval is required pursuant to 22.20.052 (Retaining Wall Standards) because the project entails outward facing retaining walls that are greater than four feet above surrounding grade.

PRESENTATION:

Stephen LaDyne (architect): County had posted a description with an error about setbacks from the plot boundary that is now corrected. Some of the retaining walls are higher than 4 feet and are facing away from the center of the property. All of the other items comply.

The site is on a steep slope of 35%. No change is proposed to the front portion. In the back, additions are: play area, dining patio, pool, deck, and ADU (exempt from the planning process). Existing FAR is 25% and with the ADU it will add up to 30% FAR. (ADU addition can exceed 30 % but it has a one-time exemption by California law.)

Rendering: Series of terraces. The high retaining walls won't be visible to upper-level neighbors as they are facing west. Views from the south are heavily wooded and at some distance. Redwood trees are being retained, and they provide screening from neighbors. The design is trying to provide interest, with planters and other elements to break up the levels and work with the grade. The pool is a shipping container sunk into the ground.

Materials: Retaining walls board-form concrete, wooden deck. They are creating an improvement in terms of fire safety, drip flow and using native plants.

DISCUSSION

Andrea: Any report from an arborist for the redwood trees? I am concerned because the retaining wall is very deep and so close to the redwood trees on the northern side. Are there any heritage trees?

Brian Biggs: There is a European Cork Oak. Not a heritage tree. Our goal is to remove that and fill in with trees that give us clearance.

Andrea: What is your overall permeable percentage of the lot area.?

Stephen: Net increase in permeability is 725 sq. ft. We will be retaining all our run-off.

Doug: Apart from the permeable area, there was a question about the artificial turf area. The artificial turf is a petrochemical product, and it is permeable, but it ultimately ends up in a landfill. Turf obviously requires irrigation and maintenance, it's a trade-off.

Andrea: Permeability does not seem correct. Off-haul is almost 300 cubic yards. You are in a gully, leading to Coyote Creek, and narrow property frontage. It appears you don't have a good staging area to remove all of this off-haul.

Stephen: A conveyor belt on the right-hand side of the plot will be provided to take up the material.

Stephen: At building permit level we will be required to have a civil engineer prepare a detailed erosion prevention plan as well as a drainage plan. There is one retention basin in the SW corner. Also, there are two more retention basins and catchments halfway down the plot. Civil engineer will prepare all the details of volumes, materials, etc.

Stephen: The railing poles will have connecting cables, so no glare will be coming off those surfaces.

PUBLIC DISCUSSION:

None

BOARD DISCUSSION:

Alan: Thinks the design will be quite prominent for neighbors across the way, and it would be unsightly. Is concerned about encroachment on the Redwood tree roots. Is also concerned about a pool where water is a challenge. In my opinion, the Accessory Dwelling Unit (ADU) couldn't be in a worse place in terms of an offensive intrusion into a natural landscape down the hill. I wonder how much these two things, the pool and the ADU, may be driving the need for such extensive excavation and off-haul, in order to achieve a usable space for the family?

Andrea: When you look at the Google Earth Map of these properties and imagine that every one of the neighbors does this, it's heartbreaking. The natural organic world is completely destroyed. Not a square inch of the landscape left intact. It's kind of harsh. The retaining walls are attractive, but the reason they are 7 feet tall is because you are removing 261 cubic yards of soil. I would urge you to allow more of the organic world to exist on this landscape. I would definitely ask for an arborist report for pulling away from the redwoods. They are important for shading and retain moisture, which prevents fire. You are creating an urban wall that does not relate to the environment.

Michael: I live downhill from this site, and we have tremendous challenges with drainage, because of the downhill flow. Could you explain the drainage and natural percolation on the site?

Stephen: It's fairly typical in Marin. Retention basins are not for regular percolation of rain but when you get a rapid large amount of water going down. By the code, you cannot discharge your water onto neighbors' property. Water from a new roof slowly percolates into the ground. The excavations of retention basins add to the off haul. The civil engineers and Department of Public works will review and approve at a later stage.

Doug: I am struck by all the hardscapes. Looking at the square footage, how much of the excess over 4-foot limit wall is due to the play and BBQ areas? Could the excavations be reduced? If there could be an alternative that did not require so much excavation, and less of the hardscaping, that would be a good thing.

Andrea: I suggest we deny this application on the basis that the permeability is not accurate. It shows the pool and concrete tiles as permeable. On that basis, we could say the denial is because we want more accurate permeability calculations. If we deny, then I would suggest to the designer and the owner that an arborist report on the redwood trees and maybe some splaying of the retaining walls, cutting away from both sides to allow for some more planting areas and for natural landscape, and not to be stuck in rectangles. If you broke that rectangle a little bit more, you could take advantage of that turf area for the on-site retention area, and it shouldn't be stuck to the corner of the site, but close to the center of the property. A little bit more friendly to the environment and the redwood trees. If you pulled back the retaining wall it will give the redwood trees more breathing space, and room for the roots to grow.

Alan: There is no state law that says that you must have an ADU in your backyard. It is voluntary. Without this, it would be possible to have the other components in a quieter, gentler way. The lot is so full that it requires this very urban solution, with 7-foot-high

retaining walls. In an urban situation, the design of the 7-foot retaining wall is ok. We should find a way to say no to this proposal.

Stephen: The drainage location is preliminary; this could be commented on for the civil engineers. The concrete is over crushed rocks for permeability, with gaps between the slabs. The pool is considered permeable! TPW allows anything under 2500 sq. ft. of net increase in permeability whereas ours is only 725 sq. ft. If some of the other areas were added, we would still be well below the 2500 sq. ft. allowed as a standard. An arborist report is a good idea. An orthogonal design may not be everybody's taste, but we are well within the legal limits.

Brian Biggs: In Mill Valley, there are no parks and places for kids to play, except streets. That's the reason for the size of our play area.

MOTION:

Andrea: Made a motion to deny the application, based on concerns of stability of the redwood trees. Merit Comments: Concern about accurate permeability calculations and the TDRB would encourage a reconsideration of the walls so close to the side yards of the property and their placement. We also advise against the location of the pool and ADU so close to the property line.

Motion to deny carried unanimously, 4-0.

AGENDA ITEM #3:

Applicant: Jon Shattuck – Peace Lutheran
Address: 205 Tennessee Valley Road,
Mill Valley, CA
Assessor's Parcel: 052-062-05
Project ID: P3461
Planner: Megan Alton

Project Summary: The applicant requests Variance approval for lot subdivision.

PROJECT SUMMARY

The applicant is requesting Tentative Map approval to divide a developed 182,400 square-foot lot into two lots in Mill Valley. The subject property is accessible via Tennessee Valley Road. Parcel 1 is proposed to be 61,800 square feet and would include the existing church, parking lot, and a playground. Parcel 2 is proposed to be 120,600 square feet and would include one existing residential structure. The property is governed by the RA-B1 zoning designation.

Tentative Map approval is required because the project entails the subdivision of 182,400 square foot lot into two lots.

Zoning: RA-B1

Countywide Plan Designation: SF6

Community Plan (if applicable): Tamalpais

PRESENTATION:

Jonathan Shattuck:

The location is off Tennessee Valley Road, and the terrain has a quite steep grade to the northeast. This is leading to a steep valley that collects storm water and conveys it out to the Tennessee Valley Road right of way. The proposed subdivision is to separate the church and residential home. The church building will retain the parking lot. Access to the residential home will be by a new private road leading from Tennessee Valley Road. The purpose is to sell off the residential building and the land associated with it. The church doesn't have a need for it anymore.

DISCUSSION & REVIEW:

Alan: No plans to develop the land?

Sebastian Stein: Our pastor, who lived in the adjacent home (rectory), left us a year ago and since then we have been working with guest pastors. The congregation is not big enough to have a full-time pastor. So, there is no longer a need to provide housing. The single-family home with 2,400 sq.ft. is standing empty.

PUBLIC COMMENT:

Leo Cedolin: I am a neighbor and like having the church as a neighbor. My concern is how this parcel will be zoned. Will it open the door to a commercial development?

Jonathan Shattuck: Zoning will not change with this subdivision. The church is now a neighbor and will be in the future.

Leo: How can you approve without knowing the zoning?

Andrea: When something is planned, then they come to us, and we have to say whether it can occur. And even if the lot were not split, the church could potentially build something there from the same zoning. The subdivision does not change what could be built there.

Jonathan Shattuck: A future buyer or user could apply for a rezone. The church is not changing the zoning and it is almost irrelevant what the current zoning is.

BOARD DISCUSSION:

Doug: Was a day care center recently proposed for this parcel?

Alan: Yes, but it fell through. It is not unlikely that a future buyer might have something in mind other than a single-family home. Zoning is single family RA-B1?

MOTION:

To approve the plot subdivision. Motion carried unanimously, 4-0.

AGENDA ITEM #4:

BIENNIAL REPORT

Doug: Our Biennial Report for 2022-24 is due. In the interest of time, I propose a review in more detail to a subcommittee of two board members. I would be happy to be on that sub-committee to do a quick review of what we have done in the last couple of years. The report could be in three parts: 1) How we are doing in terms of addressing these goals. 2) What were our accomplishments? 3) Looking ahead to what we want to do?

Andrea: Agreed to volunteer, and to work with Doug on the subcommittee.

Doug: I could start and then Andrea could make additions. More detailed discussion of this at the next TDRB meeting.

AGENDA ITEM #5:

NEW MEMBER TO FILL ALAN JONES'S SPOT ON THE TDRB IN MARCH:

Alan: For the vacancy, it would be great if we can have a member from Homestead Valley, preferably also an architect. They have a Neighborhood Improvement Club. We can contact their part-time director/staff person and ask them who we might contact in their organization about making a recommendation. You might stir local interest by looking for volunteers.

Doug: Homestead Valley Land Trust was another organization. Good to have a backup person.

Alan: We, the TDRB, are the ones to make a recommendation for a new member.

Doug: Will reach out to the Supervisors and initiate recruitment.

The meeting was adjourned at approximately 9:30 p.m.

BRIEF SUMMARY:

Finally, here is a brief summary of two of tonight's decisions:

Ward Variance:

The TDRB requests that true setbacks to the proposed addition, perpendicular (shortest distance) to the property line be added to the drawings and written record for the project.

Biggs/Albani:

Denial of the Biggs/Albani application is based on the location of the 7' retaining walls being so close to the 22" diameter redwood tree, without an arborist's report and assurance of the Redwood remaining in good health.

Merit comments:

The TDRB is concerned that the permeability calculations are incorrect. Specifically, the large concrete slabs with narrow joints were counted as permeable area. These large concrete slabs have very little permeable area. As the proposal is for nearly the entire site, and the site drains directly into the canyon below, the Board expressed concerns about runoff.

The TDRB is concerned about the amount of land that is being manipulated and encourages the applicant to consider skewing the retaining walls to retain some more natural, plantable areas and allow for more roots to remain intact next to the Redwood tree.

The TDRB encourages the applicant to reconsider the location of the ADU and pool, so close to the rear and side property lines, or to reconsider their inclusion at all.