

TAMLAPAIS DESIGN REVIEW BOARD (TDRB)

Approved Notes

Public Meeting – Wednesday, February 16, 2022

Meeting location: Via Zoom.

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

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

Board members absent: None

Other attendees: Immanuel Bereket (County Senior Planner), Jack Krystal, Yusuf Nawab, Katherine Lehmann, note-taker. Plus: nameless “iPhone.”

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA: None

Approval of the minutes from: February 2, 2022 to be reviewed at the next TDRB meeting.

CORRESPONDENCE:

- **Andrea:** Muir Woods Park properties in Mill Valley are on a septic sewer system. At 11 Brighton Blvd., there are 3 units on a failing septic system. As a result, a private sewer lateral to the main sewer line is required. Also, the properties have been annexed into Mill Valley, but its implications are not clear.
- **Douglas:** Received a letter dated Feb 8, 2022, from Mountain Gate Homeowners, Mill Valley. A lot at 548 Mill Valley Trail is up for sale. The lot cannot be accessed from the roads mentioned in the letter. No action needs to be taken at present.

AGENDA ITEM #1:

We began the meeting by acknowledging Alan Jones’s outstanding service to the Tamalpais Design Review Board (TDRB), especially since this was Alan’s last official meeting as a member of the board. The Board of Supervisors (BOS) will also be honoring Alan at some point in the future.

- **Alan Jones’ Board Membership:** Alan’s term is ending on March 1st. He’s been on the board since December 2007. Comments from those present.

Andrea: Alan was the chair when I joined. He’s been inspirational and opened up a new world for me. **Michael Wara:** Hope to be able spend some time in person. **Logan:** Alan is one of the most impressive, coolest and inspiring people I know. We all owe a lot to you. **Katherine:** Alan is extremely well-organized in running the busiest DRB in the County. I always think of you as “The Loyal Opposition” and have a lot of respect for

you. **Doug:** You have helped me through as a new board member, and with your encouragement, I acquired a taste for this business. Thank you for keeping me tuned in with everything when I was vice-chair. I will be requesting from the BOS some kind of recognition.

Alan: There is a whole history of people who have served on this board and made a contribution to the community. I would like to include them in this kind gesture of appreciation from each of you.

AGENDA ITEM #2:

(Note: This agenda item was moved up in the meeting, since the applicant for the N. Ferndale project had not yet arrived.)

Discussion on draft letter with suggested policies from TDRB to the BOS and the County housing planners, regarding the “Housing Element of the Countrywide Plan”:

- TRDB supports the additional housing, but due to evacuation routes, and environmental factors, Tam Valley is not a good place for this additional housing. The RHNA number for Mill Valley is 800 additional units.
- **Michael:** Would improvement of infrastructure make a difference? Conditions have deteriorated over the last decade. Would that improvement help an increase in incremental housing? **Alan:** Community over the years has been opposed to widening of the highway.
- **Alan:** In order to recommend any additional housing in our area, there are certain other policies that go along with it. Approach has to be through planning, not just giving incentives to developers.
- **Andrea:** What if housing was built that ended up being high-priced housing, and not protected from short-term rentals? In a place that is so vulnerable, if anything is built, it should be affordable! (For instance, make a proposition that regular people cannot live on the marsh but the affordable housing people can..?).
- **Logan:** Our area is under a lot of strain and this should be made clear. Just building a lot more housing is not going to solve the problem. Build what people want. ADUs are not being used. They have just made houses more expensive. We should work with what can be built in a particular area, rather than just meet quotas. Allow construction of small lots, and small properties that would be affordable. Increase diversity and affordability.
- **Michael:** There are sites in Tam Valley that could be developed for both affordable and other categories.
- **Jack Krystal:** Work force housing locally would reduce traffic. Another suggestion for reducing traffic is for the State Parks Dept. to make a large parking area, and ski run shuttles from somewhere near the 101 Freeway out to the Muir Woods and Stinson Beach, etc.
- **Douglas:** The TDRB board to send email suggestions to Doug. Would like to ideally send the letter by the 28th of February to the County.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA: None

AGENDA ITEM #3:

Applicant: Sayed Nawab
Address: 375 North Ferndale Avenue,
Mill Valley, CA
Assessor's Parcel: 048-025-09
Project ID: P3273
Senior Planner: Immanuel Bereket

Project Summary:

The applicant requests Variance and Design Review approvals for partial demolition of a lawful non-conforming residence located at this address. The property is lawful non-conforming by reason of violation of the maximum allowable floor area ratio and the minimum required setback. The proposal would demolish a total of 13 square feet of the building area that is within the front yard setback. The proposed partial demolition would result in a 3,616 square-foot development on the 8,620 square-foot lot and in a floor area ratio of 42 percent, where a maximum of 30 percent is permitted. The exterior walls would have the following setbacks: Zero setback from the north side property line, two feet from the south rear property line, and 20 feet from all other property lines. The project would also construct a new retaining wall that would reach a maximum height of approximately 6 feet above the surrounding grade and would be located within the setbacks.

In accordance with Marin County Code Section 22.54.040, Variance approval is required because the project would exceed the maximum allowable floor area ratio of 30 percent permitted under the R1-B1 zoning district and reduced the required front yard setback to zero. Design Review approval is required pursuant to Marin County Code Section 22.20.060F.1 as the retaining wall exceeds a height of 6 feet above grade and would be located within the setback.

Because of maximum FAR and minimum setback, the proposal would demolish a total of 15 sq.ft. of the building area that is in the front yard setback. FAR of 42% exceeds the FAR of 30%. New retaining wall of 6 feet.

PRESENTATION:

- **Yusuf Nawab (Owner/Applicant) :** Bought the house less than a year ago and is trying to bring the house in line with the County's requirements.
- **Immanuel Bereket: Background:**
The parcel was subdivided, and after the subdivision, this place was built, with retaining walls. Orders to stop work were issued in 2003. Owners submitted a plan that showed that construction was well within the property lines, but without a proper survey. Building permit was issued (on an erroneous map) but only for the shaded area on the

map. The permit expired and work was never completed. No permits were issued for retaining walls, though the owners were told many times that they needed permits to work within the creek.

This became the subject of a lawsuit. A court order from November of 2005 gave the owners 180 days to get the permits, including retaining walls. In 2009, the property became a bank foreclosure. The County became aware that the map was erroneous and the bank agreed to a survey. It showed that the building encroaches in the public right of way. In 2012, the court decided that the foundation in the public area could remain, but construction above ground must be removed. The current owners took possession of the property in May of 2021, and the County received an application in September. The County has one year to take action. The Tam DRB review is part of that action.

- **Yusuf Nawab:** We have done everything to bring the property into compliance, including surveys to establish boundaries and retaining walls. Cutting 2.5 feet of encroachment into public land will destroy the state of the building. We would like to get a waiver to do this demolition.
- **Immanuel:** That encroachment is in the creek watercourse. The Flood District, the Water District, and the County would have to all agree for any disposal of public property, and it takes a year to go through the process.
- **Alan:** How did they allow the construction in the creek? Just tear down the whole addition. We cannot allow them to approve existing retaining walls. Other retaining walls may also be required in the creek.
- **Andrea:** According to the court, the foundation cannot be removed.
- **Immanuel:** Applications are for a variance for a building permit, and design review dealing with the rest of the development including the retaining walls. The house it is a separate topic. Retaining walls heights range from 4 feet to 18 feet.
- **Andrea:** How does the County move forward after we say yes or no?
- **Immanuel:** There will be an EIR, which is a lengthy process. However, there are other design options, such as terracing, that could be acceptable.

Motion: To recommend denial of both variance requests. The request for a variance to allow for encroachment of the retaining wall in the creek, and the variance for building development (setbacks and FAR) should be rejected by the County. Motion carried unanimously, 5-0.

AGENDA ITEM #4:

Vacancy on the Board:

- **Douglas:** To write a note to Supervisors Moulton-Peters and Rodoni, requesting recognition of Alan's services on the TDRB board, and as we haven't drummed up any candidates for the board, ask them for their assistance.
- **Alan:** This may be risky. We should be part of the process.

- **Michael:** Is it okay to have a candidate from Tam, if we cannot find one from over the ridge? I know an engineer in Tam Valley. We made an effort in Homestead. Speak to Michelle for her contact in Homestead Valley.
- **Logan:** Somebody who is actively engaged is the most important quality to look for.
- **Doug:** I will not ask supervisors for candidates, but only to recognize Alan. **Andrea** has the information for the other candidate and please give them a call. **Michael** to reach out to the engineer. I will reach out to Michelle Levinson. **Alan** to complete the draft letter, if possible, within the next 12 days by February 28.
- **Everyone:** Agreed that it is good to have more than one applicant applying for the position.

Meeting was adjourned at approximately 9:15 p.m.