



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

MEMORANDUM

TO: PLANNING COMMISSION
FROM: JEREMY TEJIRIAN, DEPUTY DIRECTOR
DATE: DECEMBER 8, 2022
RE: DEVELOPMENT CODE AMENDMENTS AND FORM BASED CODE

Please find correspondence attached that have been received since the staff report was distributed or should have been enclosed with the original packet for Agenda Item 2, related to the proposed Development Code amendments and Form Based Code.

Attachments:

1. Krystal comments, received 11-21-22
2. Montalbano comments, received 10-1-22
3. Tamalpais Design Review Board comments, received 12-8-22

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Tejirian, Jeremy

Subject: Housing site: 260 Redwood Hwy, Almonte

From: jack krystal <jkrystal@yahoo.com>
Sent: Monday, November 21, 2022 5:31 PM
To: housingelement <housingelement@marincounty.org>; Thomas, Leelee <LThomas@marincounty.org>
Subject: Re: Housing site: 260 Redwood Hwy, Almonte

Jillian and Leelee,

I am hoping that the information and corrections I provided below were provided to the consultants -IMG- and was taken into account during the preparation of the DHEIR and what the Board of Supervisors and the public will be reviewing, before they reach a well-informed decision.

In addition, and as I pointed to in my comments during the last webinar with the consultants, the Board of supervisors, the Planning commission and the Planning Department regarding the proposed revisions to the Marin County Code - Title 22, Development Code...these

changes will have major legal and economic impacts on owners of waterfront or other property that may/will be affected by Sea Level rise and as a result of the Special Purpose and combining districts-Chapter 22.14-also refer to the contents of pages 11-64 through 11-66 in the Development Code Amendment.

The restrictions that will be imposed will not allow similar waterfront properties that are presently build out and used in Marin County to be built upon, facing cases of Inverse condemnation. Also, in Section 1V... selective property owners will be forced to give up their rights and record a Deed Restriction that will

absolve everyone else of any responsibilities or obligations caused by damage or consequences from Sea Level rise, or other related causes - this will include providing or loosing utilities, access, public infrastructure, etc. that now serves these properties. Obviously, neither a Construction nor a Permanent Lender would find this acceptable. This is overreaching and

simply WRONG!

Please pass on the contents of this communication, the prior emails and what I stated in the last webinar to the acting Planning director, the County Legal Department and the Principals of the Consulting firm that is preparing the Report so that I can receive an acknowledgement of it's receipt and what action they will take on

it subject!

Thanks, and best wishes, Jack

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Tejirian, Jeremy

Subject: Questions and Comments on the Draft ODDS/FBC

From: Andrea Montalbano [REDACTED]
Sent: Saturday, October 1, 2022 3:12 PM
To: Lai, Thomas <TLai@marincounty.org>; Tejirian, Jeremy <JTejirian@marincounty.org>
Subject: Questions and Comments on the Draft ODDS/FBC

Hi Tom and Jeremy,

I didn't get to ask all of my questions about the SB9 and SB35 ordinances, or make all my comments about the Draft ODDS. I have created a summary of both, below.

I would like to pass the critique of the Draft Form-based code to OPTicos. Can I just go ahead and do ther? How does that work?

-Andrea Montalbano

Questions:

SB-9:
22.32.184 SB9: (PAGES III-119 - 121)

1) Section D.3: SB9 sites are not eligible if they are within high fire severity zones" unless they are:
 "...sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to development"
 Does this just mean they meet chapter 7A building code requirements?
 I have similar questions about the restrictions of SB-9 in flood and earthquake fault zones.

2) P IV-67 Application Review of SB-9 projects:
 "The County shall deny [an SB-9 lot split application]...if there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact"
 Is this just a vague loophole? If so, why wouldn't environmental activists argue this in court? If there is no EIR involved, how can a municipality claim there will be a specific, adverse impact?

22.80.070 Section F.2: Both lots shall adjoin a public right of way EXCEPT that if a lot is already developed with a residence it can adjoin a private street"
 Didn't the supervisors vote that the SB-9 projects must adjoin a public street?
 Is this trying to say that the existing building on the lot can only be subdivided and not removed if it is to be on a private street?

SB-35:
22.064.060 SB 35 permits: (p. IV 69+)

Section G.1: Subsequent Permits:
 "Any necessary subsequent permits shall be issued on a ministerial basis...located on land owned by the County"

What are these improvements, and who pays for them? Sewer, roads, utilities, water, bus stops?

For Based Code Comments:

FBC: General comments:

The least expensive type of housing construction is attached townhomes (\$150/sf).

The density level of townhomes is limited, and to limit a site to a minimum density will most likely preclude the development of this type of housing, which can be built by for-profit developers as affordable housing units.

Perhaps there should be an exception to the density levels - at the upper range for affordable only, and below the desired minimum level, also for affordable housing, to promote affordability in both higher and lower density levels.

Perhaps there should be different allowable density on sites that are affordable versus market rate. This is built into the density bonus laws, but could be further promoted by the County.

Industrial/Warehouse/Loft conversion: The missing architectural style

It seems there is a missing architectural type that should be considered, which is warehouse style buildings, which would fit in well in large scale commercial areas, and near waterfronts, similar in style to the redevelopment that has occurred in Sausalito and Larkspur, and San Rafael. This architectural style would have a different development pattern and appearance than the listed styles.

FBC: Missing in general:

A max length of 40' for all walls, in all situations, and all densities, should be introduced.

Vent penetrations: each unit will have plumbing vents, bath exhaust, whole house exhaust and kitchen hood exhaust, - the ODDS must control for the number, size and locations of these penetrations.

The control of wall mounted HVAC equipment must be controlled and addressed.

The appearance of flat roofs must be controlled - for color and penetrations. Green roofs and outdoor space should be encouraged in locations where their occupancy would not cause a disturbance.

Balcony and porch downspouts must be req'd. to be along walls, not columns.

Balcony railings (p. 205)

There is not enough control over railings. A maximum height of 36" or less should be enforced for vertical pickets. This is similar in every style except contemporary.

FBC: In the future:

The ODDS should be revisited annually to revise and update the standards, based on input from the public and by judging the end product.

If the state laws requiring ODDS are repealed, the ODDS should be repealed in locations where there are no Design Review Boards.

FBC: Comments specific to the Draft ODDS:

p. 3: "Each jurisdiction can refine and adopt the toolkit to meet the unique needs and preferences of each community..."

It would be good if local design review boards could weigh in on the adoption of particular aspects of the ODDS such as architectural style.

If the ODDS laws are repealed, the Form-Based code should be changed from a requirement to a Design Guideline for areas that have Design Review capability.

p.19: Chapter 3 Zones (3.10 Purpose Section E:) Where subterranean parking is provided, the minimum design site depth is allowed to be reduced to only the amount needed for the required rear building setback." **What else would it be?**

P. 28 (but common to all zones) is a 28' driveway width for > 6 units **Why so wide?**

P. 31 Deck encroachment into rear yards:

If a primary building has a minimum 20' setback, and a deck at 24" above grade is allowed to encroach 20' into the setback, that means it is up against the rear yard fence, which is restricted to 6' height.

P. 76: Public frontage assemblies: **Alleys are allowed but design dimensions are not addressed.**

P. 110: Neighborhood Townhouse Design Requirements: The additive depth of a townhome along a side street can be as much as 65' without a change in plane required along the facade. This is too much. **A max length of 40' for all walls, in all situations, and all densities, should be introduced.**

There is an 18' minimum width per unit, but this is far more than is typical in affordable housing standards for a two bedroom unit. This should be reduced to 12 or 13'.

p. 111 (Neighborhood Townhome) By selecting "Side Gable" building design, then aligning them next to one another, the length can be as much as 120' without a required change in plane. Bays are not required.

p. 114 (Neighborhood Courtyard) The depth of B is too long - can be as much as 100'. No bays or change in wall plane are required and no side setbacks are required, so they can be end to wall to form an even longer length - as long as a block, if there is an alley behind.

p. 123 (Multiplex) Side gable type requires no bays, no wings, and no side setbacks. Max wall length can be 80', and without side setbacks will create a continuous frontage with no relief.

p. 128 (Core Townhouse) Width "per run" can be as much as 200' without a wall plane break. "Side gable" type without setbacks is allowed.

p. 136 (Core Courtyard) can be as wide and deep as 200' and 180'. Bays along front facade are req'd. Only when along a street or civic space.

"Flat rear courtyard" type requires no bays along the side street. And could be as much as 180' of a continuous plane.

p. 142 (Main Street Building) can be 200' and 280' with bays req'd. With "side gable" type, no bays are req'd.

FBC: Comments on Architectural Styles:

General to all styles:

All styles should have a maximum wall length without insets, bays or setbacks.

Contemporary Style: (p. 177)

The only style requiring wall inset dimensions

The insets are too much 8'-0" min. width and

6'-0" min. depth. (should be depth of a bay or 30")

Are shading and screening elements allowed on balconies or at ground floor?

Are living walls allowed?

p. 183 - Allowable overall balcony width is listed as 10'

Perhaps this would be better if it were a maximum of 10' without vertical interruption linking floors together, such as screening or solid planes.

p. 186 Materials:

Base, foundation and wall material should have ceramic or stone tile over rain screen

Craftsman style (p. 191)

There is no guidance on the dimension between top of canopy and top of parapet.

This happens in multiple architectural styles.

p. 303 Detail of parapet does not match the diagram of a parapet in the architectural styles.

Main Street Classical style (p. 198)

Brick is shown as the exemplary material but is not listed as a material that can be used.

Column material should list fiberglass, as this is one of the most common materials used for columns.

FBC: Specific to Large Sites:

p. 247 (typo) According to Section 8.20.08B, civic spaces are required to be adjacent to Core Main Street but is shown next to Suburban Neighborhood Small in the diagram.

p. 249 (typo) 4. Zones: Should be Subsection 8.020.8 (not 7)

p. 253: Table 8.020.B Required Allocation Mix of Zones:

Zone and density is predicated on the location of high frequency "transit" (bus) stops,

How are these bus stops determined? This seems too transient and changeable to determine density.

p. 268 Parking Location setbacks:

6.a.ii and v: The max. Parking garage access is limited to 10'.

This is not wide enough for two cars to pass.

FBC: Definitions:

p. 270 Architectural Feature includes bay windows but not floor area - [how does that work?](#)

p. 276 Definition of a "Dormer" is missing. Needs to state maximum width, relationship to main ridge and top plate at attic, etc.

End of Draft FBC/ODDS comments

Thank you!

Sincerely,

Andrea Montalbano

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

12.7.2022

To: the Marin County Board of Supervisors; The Marin County Planning Commission; Jeremy Tejrjian; Sarah Jones; Jillian Zeiger; and Leelee Thomas:

The Tamalpais Design Review Board applauds the County on the creation of a draft Form Based Code.

In reviewing the draft documents, we feel the code is strong overall but **lacking in two main elements: controlling height and bulk.**

These two points are crucial. In a survey generated by the Tam Design Review Board and sent to our community in 2020, receiving nearly 800 replies, **92% of respondents** stated that **reducing the massing** of buildings is either extremely (59%) or somewhat (33%) important. 92% of respondents stated that **stepping back floors above two stories** to prevent large shadows and protect views of the sky was either extremely (64%) or somewhat (28%) important. **85% of respondents** added that **heavy wall articulation** was either extremely (44%) or somewhat (41%) important.

The proposed code does not fully reflect the above stated items. We take particular concern with the lack of regulations regarding continuous wall planes. All styles aside from "contemporary" currently avoid a requirement for change of plane - thereby allowing the potential for a developer to create a continuous wall plane as long as 200 feet and as high as five stories.

Our recommendation: walls along a public street must be required to have a change in plane of at least 30 inches every 40 feet.

Secondly, the proposed code is lacking "skyplane" provisions. This is the number one item the community expressed a desire to see.

Our recommendation: all buildings, especially taller building types, should be required to step back above the second floor.

We have reviewed a comments written by planning commissioner Andrea Montalbano to staff in October 2022. We are aligned with the recommendations written by Commissioner Montalbano in this letter. As a part of our board in 2020, and as a key creator of our survey and community outreach efforts, she possesses a depth of knowledge, and understanding of the will of our residents, on this topic.

Thank you for considering our input and the viewpoints of Tam Area residents.

Sincerely,

Douglas I. Wallace
Chair, Tamalpais Design Review Board

