

Immanuel Bereket

From: Rich Perlstein <rich@polskyarchitects.com>
Sent: Friday, January 5, 2024 10:56 AM
To: Jeremy Tejirian; Immanuel Bereket
Cc: Mike Folk; Sean Kennings; Kathleen Heimerman; Jared Polsky
Subject: Suggested revisions to the Form Based Code provisions
Attachments: A1.7 SITE SLOPE ANALYSIS WITH BLDGS 12-20-2023.pdf

Hello Jeremy, Happy 2024. We've been going through the slope analysis process described in the proposed FBC revisions, to see what the practical application of the revised development percentages might be for our proposed project at 404 San Francisco Avenue in San Anselmo. Summarizing- based on our analysis below we realize that the strict application of the FBC provisions would be very complicated and tricky. While the allowable percentage calculations are most easily applied to sites that have only a few slope categories (if the intent is to limit the percentage within each of those slope ranges individually), for our project it would be challenging, because by my calculations (still to be back-checked by our Civil Engineering team) there are 26 different regions of the varying slopes to be tabulated.

More specifically: You'll see from the color codings on our site plan that there's certainly no regularity to the geometric shapes of our different slope sections. The FBC's section on Slope Standards says several things. The first is that it talks about areas "... allowed to be developed", but doesn't clarify what "developed" means. Is it the building footprints? That plus the required entrance areas? Does it include all paved areas, or just the parking areas but not at grade walkways? Or any area that's been graded as well? then is the strict intent to calculate and then limit development for instance to the lower percentage of the 25%+ sloped areas, and each polygonal area is controlled uniquely?

In the proposed revised table:

04.050

Slope Standards

1. **Intent.** This Section provides the topography. For the purposes of
 - A. Table A (Maximum Amount of developable area for sloped Section and the maximum allowable portions of design sites. Refer to Table A for the maximum allowable portion(s) of a site.
 - B. Developments subject to Chapter 17.05 shall have a maximum grade of 15 percent on any sloped portion(s) of a site.
 - C. Only the Pocket Neighborhood is allowed in the >25% category.

Table 04.050.A: Maximum Am

**Portions of
Design Site
with**

Existing Slope

Up to 1 acre

Development Site percentages are listed for up to one acre, then 1-3 acres, then over 3 acres. In our view the math would be ridiculous unless the site is dealt with in aggregate which is what my table suggests. Otherwise for any particular sloped segment, which development percentage should be applied, and in what ratio? And I've calc'ed 27 discrete sloped areas. Do we then need to designate what we consider the first gross acre of land, then calc the slope ranges and areas only within that acre? Then designate acres two and three, again calculating the slope ranges for those two acres? Then the remaining acreage, same again?

My working conclusion is that what looks to be a simple math exercise to apply the Table 04.050.A of the FBC for a ministerial path to approval, could be very difficult to near impossible when dealing with a larger site of varied terrain such as what we have, if we must strictly deal with each slope segment's development maximum individually. The more viable and workable application would be to aggregate all of the incremental slope/ percentage calculations in order to arrive at the net development cap on the site for purposes of limiting development based on the varied slopes. This is what the table on our attached sheet illustrates. Using these calculations the maximum development allowed on the property is about 136,678 SF. While we haven't finalized the GSF of the development, just ballparking a conservative 750 SF per average unit size (though our micro unit studios and carriage apts would be smaller) is 750 x 90 units = 67,500. Even adding up to 15,000 for the commons building and utility spaces for a total of 82,500 GSF we would still be at only 60% of the maximum potential allowed based on the aggregate property.

We're interested to see what your take might be on this approach. Thanks for your assistance.

Richard H. Perlstein AIA

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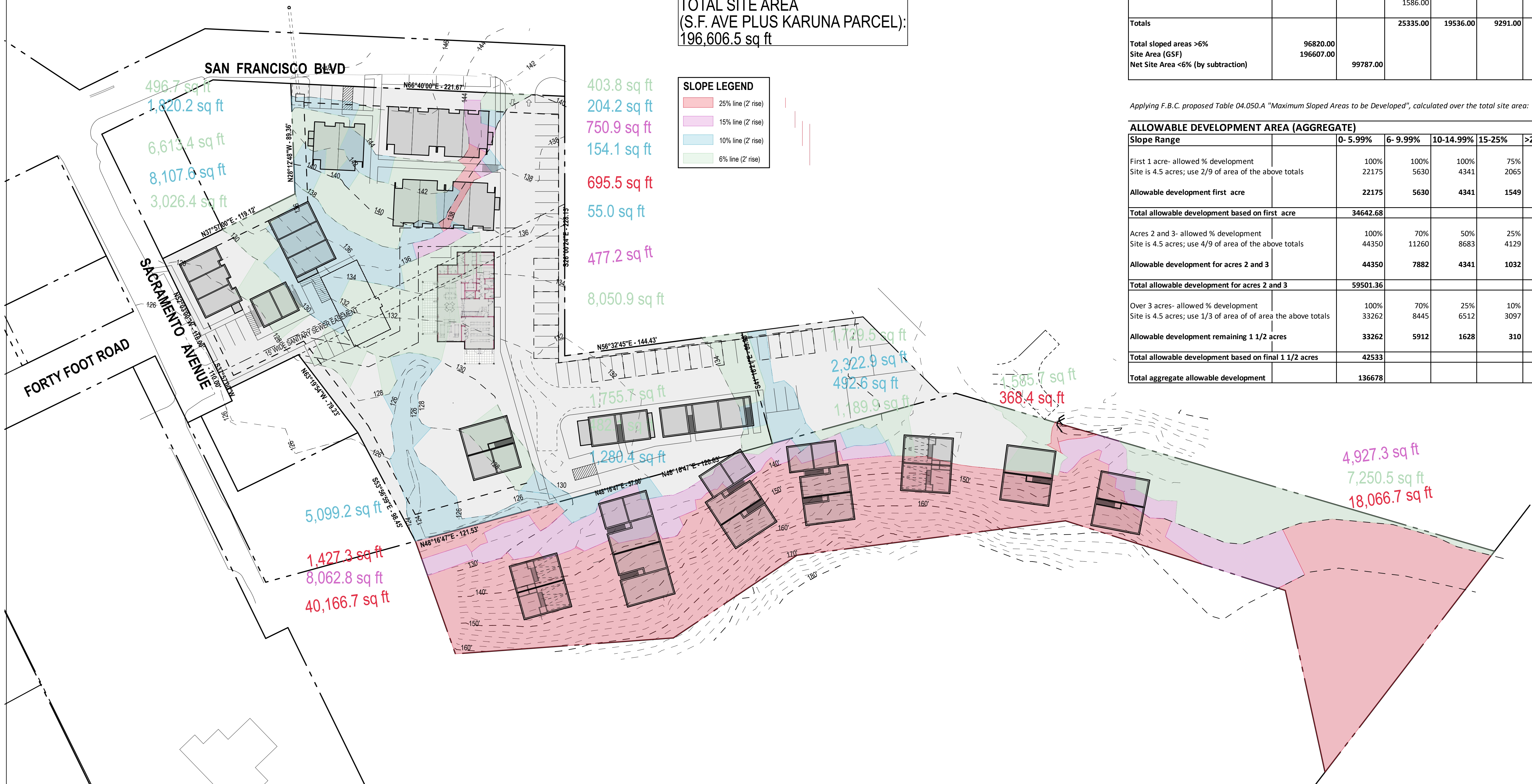
S.F. Avenue- Slope Analysis per F.B.C. rules

12/20/23

AREA TAKEOFFS					
Slope Range	0- 5.99%	6- 9.99%	10-14.99%	15-25%	>25%
		497.00	1820.00	751.00	696.00
		6613.00	8108.00	477.00	1427.00
		3026.00	204.00	8063.00	40167.00
		404.00	154.00		368.00
		8051.00	55.00		
		1756.00	5099.00		
		482.00	1280.00		
		1730.00	2323.00		
		1190.00	493.00		
		1586.00			
Totals		25335.00	19536.00	9291.00	42658.00
Total sloped areas >6%	96820.00				
Site Area (GSF)	196607.00				
Net Site Area <6% (by subtraction)		99787.00			

Applying F.B.C. proposed Table 04.050.A "Maximum Sloped Areas to be Developed", calculated over the total site area:

ALLOWABLE DEVELOPMENT AREA (AGGREGATE)					
Slope Range	0- 5.99%	6- 9.99%	10-14.99%	15-25%	>25%
First 1 acre- allowed % development	100%	100%	100%	75%	10%
Site is 4.5 acres; use 2/9 of area of the above totals	22175	5630	4341	2065	9480
Allowable development first acre	22175	5630	4341	1549	948
Total allowable development based on first acre	34642.68				
Acres 2 and 3- allowed % development	100%	70%	50%	25%	10%
Site is 4.5 acres; use 4/9 of area of the above totals	44350	11260	8683	4129	18959
Allowable development for acres 2 and 3	44350	7882	4341	1032	1896
Total allowable development for acres 2 and 3	59501.36				
Over 3 acres- allowed % development	100%	70%	25%	10%	10%
Site is 4.5 acres; use 1/3 of area of the above totals	33262	8445	6512	3097	14219
Allowable development remaining 1 1/2 acres	33262	5912	1628	310	1422
Total allowable development based on final 1 1/2 acres	42533				
Total aggregate allowable development	136678				



TOTAL SITE AREA
(S.F. AVE PLUS KARUNA PARCEL):
196,606.5 sq ft

SLOPE LEGEND

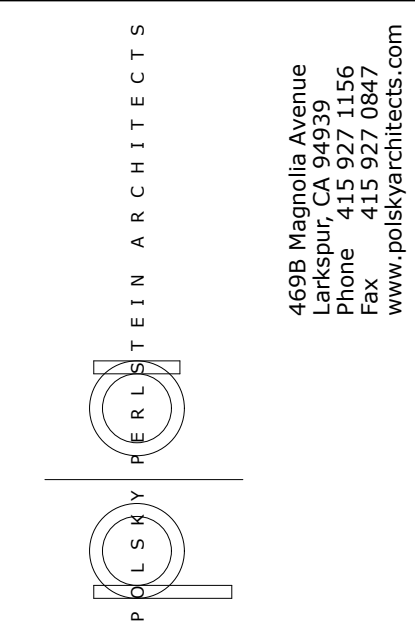
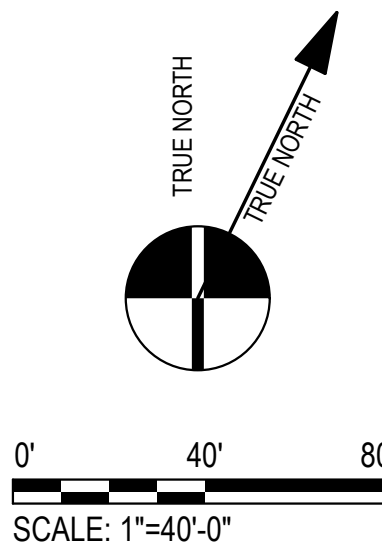
- 25% line (2' rise)
- 15% line (2' rise)
- 10% line (2' rise)
- 6% line (2' rise)

SORICH COMMONS
 404 SAN FRANCISCO AVE.
 SAN ANSELMO CA
 AP#

PRELIMINARY

DATE	DESCRIPTION	BY

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 PRINT DATE: 12/20/23
 DRAWN: RP
 JOB #: 2116
 SCALE: NOTED
SITE SLOPE ANALYSIS
 SHEET **A1.7**



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LITTORAL DEVELOPMENT CO.

PO Box 3016
San Rafael, CA 94912
415-457-2800

May 19, 2022

Thomas Lai
Director
Marin County Community
Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Leelee Thomas
Deputy Director of Housing
Marin County Community
Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

RE: Marin County Housing Element Opportunity Site List

Tom and Leelee,

Pursuant to my April 5, 2022, letter requesting site suitability analysis of my property in Mill Valley, the "Jack Krystal Hotel Site" (APN: 052-227-09) located at 260 Redwood Hwy Frontage Road, I am following up to reiterate that Littoral Development Co. (Littoral) is committed to a 73-unit hotel project at this location, in addition to a suitable number of housing units. However, as I stated in my April letter, the Housing Element analysis for the property needs to evaluate the mixed-use hotel project to support senior, work force, and affordable housing. Without the hotel project and parking garage, as stated in the approved "Tam Valley Plan", there is no viable solution to build 'stand-alone' affordable housing. Littoral is a strong advocate for affordable housing in Marin County but the reality of this type of development is unlikely without some type of financial support to physically construct the project. The policies and environmental conditions based on only housing will not provide an accurate analysis for the project site and I urge you to reconsider the baseline development for this site as part of your Housing Element evaluation. Furthermore, I would be happy to assist the County in providing additional information for future development scenarios, such as a prior EIR and other pertinent documents provided to the C.D.A., during the prior hotel master plan applications.

The ongoing flooding due to non-operating flood gates and blockage of access to or from Hwy #1 and Hwy #101 by the Highway Patrol due to the lack of maintenance, and repairs and subsidence of nearby properties and building improvements as an impediment to the present and future residents, tenants, clients, visitors, businesses, etc., as well as a serious danger to health, safety and access for medical, fire, flooding and safety assistance from governmental officials, county agencies, fire and police departments. These conditions must be corrected as soon as possible.

Our project team will be developing a working site plan for submission as a formal application to the Community Development Agency later in 2022, we hope you keep us updated about the environmental review process for the Housing Element and how we can work collaboratively to ensure a viable outcome for this site and Marin County.

Please do not hesitate to call me at (415) 457-2800 or contact me via email at jkrystal@yahoo.com if you have questions or concerns regarding this request. I continue to look forward to the results of the Housing Element update.

Sincerely,

Jack Krystal

Jack Krystal
Littoral Development

cc: Marty Zwick, zwick@zarch.com
Sean Kennings, sean@lakassocaites.com

Immanuel Bereket

From: Jennifer Bair <jennb178@gmail.com>
Sent: Sunday, January 7, 2024 8:14 PM
To: Immanuel Bereket
Subject: Marin County Planning Codes for Garage Set-Backs
Attachments: image.tiff; 20-42 Topo 3-29-2021.pdf

Hi Manny,

On December 8th my architect, Ryan Morris, and I met with Michelle in Planning. Michelle was incredibly helpful and a pleasure to meet with and very good at explaining how County codes would be interpreted now that we have enough information to know how the codes apply to my property, 126 Belvedere Dr, Mill Valley, CA 94941. See that attached as-built of my home on the topo survey.

The reason I am writing is to address the following County Code regarding garages and setbacks:

Under Dev Code sec. 22.20.090(E)(2), garages, carports, or other structures used exclusively for storing vehicles only can be built within three feet of the front and side property lines. Here is the Code section in its entirety, allowing limited exceptions:

What was frustrating about the outcome of that meeting are that the two codes currently dictating garage placement in the County of Marin **have a disproportionate negative impact on lots like mine, where a majority of the slope is located in the back one-third of the lot. Because the slope of the back third of my property is roughly 67% , and is therefore “unusable” due to landslide concerns (there have been 5 on my street), making any building on the slope considerably more expensive to build, and/or made it prohibitive. Hence, the current codes negatively impact lots like mine more so than most lots in the County.** It appears the existing code assumes that if the front half of the lot isn't greater than 20%, then the assumption is the back half isn't, allowing the property owner the ability to build on the back half of the lot and set their garage further back on the property. Unfortunately, this is not the case for me, and a few of my neighbors, who have the threat or reality of landslides with which to contend and a considerably higher cost to build on unstable soil. In addition to the codes noted below, they further penalize property owners like me because the the 25 foot front setback (which is considerably greater than all of the cities in Southern Marin (most are 15 feet)) **doesn't take into account that the slope from my front property line to my 25 foot setback is 20%!** Therefore, to get a moderately sloped driveway I have to set my garage further back into my lot, leaving less space for my ADU and/or home and/or creating a greater expense by clearing out more soil and building retaining walls further back into my property to house a driveway at 25 feet. For this reason, the original developer that built my home in 1949 took the cheap and easy way out, with the County's permission at that time, and set my garage back 30 feet from the street to get a 16.7% grade versus a 20% grade at 25 feet and/or doing what he should have done to begin with and sink the garage to allow for easier car access and more room on the flat section of my lot for building a moderate sized home. It is frustrating to me that the County is letting 1949 developers set the tone for our neighborhood as the methods are outdated and cheap, negatively impacting real estate values.

The first option cited below disproportionately impacts lots like mine because the County is choosing to determine the 20% slope not from the front set-back of 25 feet to the street, of which I would qualify, because the slope is 20% to my setback, but instead, the above code states from the "front property line to half way back the lot", which negatively impacts the most desirable and cost effective places to build. Why half way back vs to the setback? Particularly since a 25 foot setback is the longest setback in Marin County. As for the 2nd option, (after “or”) if a developer chooses, for cost reasons, to slope the front property to the street, it doesn't show the actual 5 foot height difference between my 25 foot setback and street level, which is also unfair to property owners like myself. It is not easy to walk up or maintain a 20% slope lawn, especially as one ages, and it is expensive to put in retaining walls, which show the slope at 20% to my front setback.

One might ask, why not try for a variance given my argument above? The reason is simple, it's a lot more time and money and we were told it is highly unlikely it will pass. At age 63, I don't have the time or resources to try for a variance, particularly if it gets shot down. I don't believe, nor do I have the resources, to try to convince the County via my desire to build an ADU on my property so that I can continue to live in Marin County, that it is my responsibility. Hence, I am writing to you and your team to appeal to your logic and to see whether my position holds enough merit for you to revisit the language above in this particular code? ***There is a need for additional housing in Marin and several of my neighbors have garages that sit within three to five feet of their front setback so at some point in the Planning Dept's history, my argument must have made sense because these projects were approved. In fact, when I purchased my property I visited the planning Dept and was told by a young man working at the desk that the County was more likely to approve front setback exceptions on lots like mine due to the slope. Yet, here we are five years later and I can't believe how much things have changed. Hence, I am asking the County to reconsider how they word code below to accommodate all Marin County residences that have to file through the County, not just those with large lots or large flat lots. I would great appreciate if the current code can be revisited with an open mind by its creators and/ or enforcers to see, if indeed, there is merit to my argument.***

I believe the first code should read: *In any zoning district allowing residential uses, where the slope of the setback of the parcel, beginning at the street access side is 20 percent or more to the front setback as defined by that location OR, ...*

One point Michelle made is that the County doesn't require covered parking to the same degree as some Marin Cities, and while that can be a good thing, there are far more car break-ins and window smashing in Marin today and the best way to prevent that is to offer residents the ability to garage their automobiles. I work in the insurance industry and I also know you can get better auto rates if you park your car in a garage. Likewise, parking in a garage lessens sun damage to the interior and exterior of your car. If the garage is attached, it also provides a safer entry into your home by being able to close the garage door before exiting your car. As a 63 year old woman living alone, safety is important to me. And, while I am within a half mile of a bus stop, and promote public transportation, which I use when commuting, I do not like leaving my automobile sitting outside when I'm not home, so to me, lessening the value of homeowners being able to construct garages on their property in a more economical way is disheartening, particularly when we pay a high price to purchase our homes and also pay high property taxes.

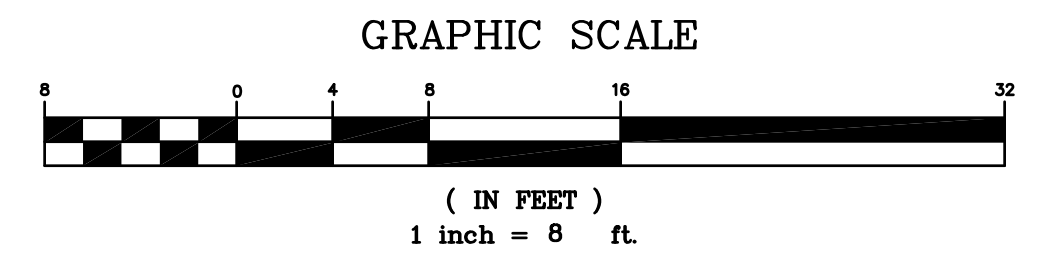
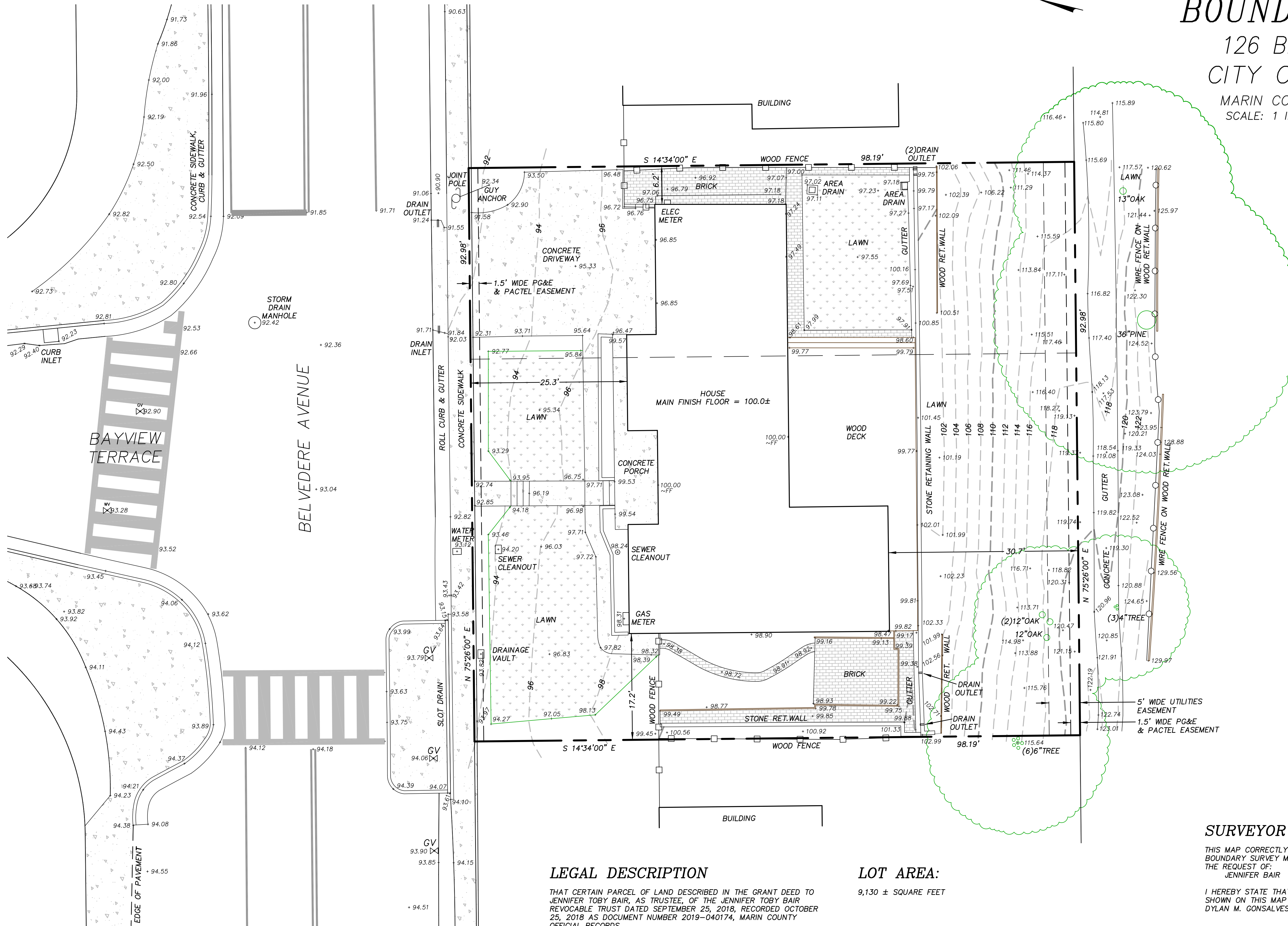
Warmest Regards,
Jenn

Jennifer Bair
jennb178@gmail.com
(415) 722-7886

TOPOGRAPHIC AND BOUNDARY SURVEY

126 BELVEDERE DRIVE
CITY OF MILL VALLEY

MARIN COUNTY - CALIFORNIA
SCALE: 1 INCH = 8 FEET JUNE 2020



LEGAL DESCRIPTION

THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO JENNIFER TOBY BAIR, AS TRUSTEE, OF THE JENNIFER TOBY BAIR REVOCABLE TRUST DATED SEPTEMBER 25, 2018, RECORDED OCTOBER 25, 2018 AS DOCUMENT NUMBER 2019-040174, MARIN COUNTY OFFICIAL RECORDS.

ASSESSOR PARCEL NUMBER:

043-043-28

LOT AREA:

9,130 ± SQUARE FEET

NOTES:

- CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
- BASIS OF ELEVATION: ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM. MAIN FINISH FLOOR ELEVATION = 100.00 FEET
- 2' CONTOUR INTERVAL.

SURVEYOR'S STATEMENT

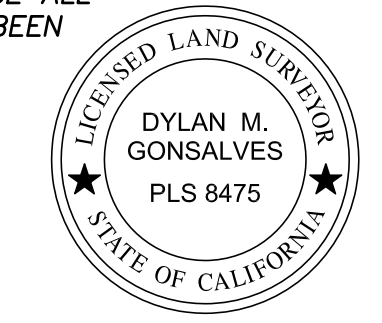
THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF:
JENNIFER BAIR IN: APRIL 2020

I HEREBY STATE THAT THE TOPOGRAPHY AND BOUNDARIES SHOWN ON THIS MAP IS BASED UPON A SURVEY MADE BY ME, DYLAN M. GONSALVES, PLS 8475

ON JULY 9, 2020

I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

Dylan M. Gonsalves
DYLAN M. GONSALVES



3-29-2021
DATE

DMG ENGINEERING, Inc.
30 OAKVUE COURT
PLEASANT HILL, CA 94523
PHONE: (925) 787-0463
FAX: (925) 287-8503

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NO.	DATE	DESCRIPTION	BY

TOPOGRAPHIC AND BOUNDARY SURVEY
126 BELVEDERE DRIVE
CITY OF MILL VALLEY - CALIFORNIA
SCALE: 1 INCH = 8 FEET
JUNE 2020

SHEET 1
OF 1 SHEETS
ORIG.DWG: 7-17-2020
REV.DWG: 3-29-2021
JOB: 20-42