

TAMALPAIS DESIGN REVIEW BOARD

Alan Jones, Secretary, 304 Laurel Way, Mill Valley, CA 94941

Meeting was called to order at 7:00 by Chairman Post.

The following members were present: John McCormick, April Post, Alan Jones, Jim Bramell, Patrick LePelch

Public in attendance: Tawni Parr, Rhuenette Ahms, unidentified AT&T representative, Nancy Sterling, Deanna Lee, Dave Rein, Kim Rago, Jay Pappas, Joe McGuire, Sophie Cowley.

Minutes of the meeting of December 18 were reviewed and approved unanimously.

Public expression on topics not on the agenda was called for: None offered.

The following matters were discussed not concerned with projects under review:

1. Bramell raised question of encroachment at 20 Marin View. Suggested board write letter. He will collect information.
2. Bramell suggested we remind County of importance of posting signs at proposed sites so that the public is properly notified of projects we review.
3. Post reminded us of upcoming workshop for board and commission members.
4. Post reminded us that this is the last week for public comment on the Muir Woods parking and access plan.
5. Post suggested that we hold a future workshop on board issues with special focus on planning in riparian zones.
6. Post raised the issue of several complaints about unauthorized construction near riparian habitats. The feeling was that more information was needed to warrant action on the part of TDRB.

The following projects were reviewed and action taken as indicated:

A. Southern Marin Fire Protection District, Design review and use permit. 309 Poplar Street, Cingular/AT&T application. Planner: Scott Greeley.

Application has already been ruled incomplete by planner Greeley in December due to deadline and our inability to meet during the holidays. According to Chair Post he has asked for input from our board and the public to add to the record. Following is a summary of the AT&T presentation, public comments, and board comments. No formal action was taken regarding the merits of the application.

Presentation: Tawni O. Parr of Complete Wireless Consulting, Inc., together with Rhuenette Ahms and another representative of AT&T whose name did not get recorded, presented the application. They stated that the completeness items requested by Greeley had been provided to him and that the submission was now complete so far as AT&T was concerned. Photo simulations of the proposed faux chimney together with the enlarged Sprint faux chimney were presented.

In response to queries from the board about EMF measurements we were told that the

representatives present were not authorized to discuss this matter. In response to queries as to whether a rigorous study had been made of alternate sites we were shown a copy of the previous alternate site study with little detail offered regarding sites other than the one selected. We were told that a simulated coverage map could be made for the other sites but that no promises could be made regarding a more thorough study or testing at alternative sites.

The representatives stated that Southern Marin Fire had imposed an unusual number of conditions on their lease agreement and that this should be taken by the public as assurance that the facility would be safe. These conditions apparently include provisions that measurements of emissions will be taken as often as semi-annually if specifically requested and that the facility may be shut down if subsequent emissions exceed the initial measurements by more than 10%. These were stated verbally and did not include specific detail.

Representatives stated that an acoustic report has been included in the application that estimates noise of up to 49 db at the nearest residence. No information was offered as to the current noise level or where the measurements might be taken.

Public comment: Neighbors Rago, Rein, Sterling, and Lee each spoke and each opposed the application. Following is a summary of points made by neighbors:

- Fire station when built blended in with the neighborhood with modest design and well maintained landscaping.
- In recent years it has taken on more and more of the character of an industrial building, with roof mounted fans, bright outside lighting, the PA system being left on, the Sprint faux chimney, and the Sprint outside equipment enclosure not to mention non-emergency vehicles and storage containers parked on the property.
- Neighbors expressed a willingness to tolerate items directly related to the SMFD emergency functions but not those that blight the neighborhood and are extraneous to their primary mission.
- The proposed faux chimney is larger than a real chimney.
- The proposed faux chimney significantly exceeds the height limit per the Tam Plan.
- One neighbor asked what the decision would be if she requested two large faux chimneys that exceeded the height limit on her residence.
- Another asked what the decision would be if she decided to earn some extra money by installing a mobile phone facility in her back yard.
- Sprint in the past has proved an unresponsive steward of their facility, failing to make needed repairs promptly.
- The Fire District has not in the past taken responsibility for maintenance.
- Noise from the existing facility is constant day and night and is disturbing to nearby residents in this quiet residential neighborhood.
- Although radiation hazard is not allowed as an objection to telecommunications facilities it is a widely known concern to many home buyers. The existence of these facilities is now a disclosure item for real estate sales, thus this proposed facility could be seen as having a negative impact on surrounding property values.
- Firemen may inadvertently be at risk from radiation as they practice on ladders or sleep in the building immediately adjacent to the antennas.

Letters were acknowledged and have been copied to Greeley from: Tamalpais Planning Area Bayfront Coalition, Kett Zegart, Kim Rago, Dave Rein, and Deanna Lee. We ask that they be made a part of the project record.

Board action and comments:

Found incomplete: Mc Cormick, LePelch 4 - 0 with Jones abstaining.

In addition to items already requested by Greely the board requests a rigorous and thorough alternate site analysis. We also request that proximity of neighboring houses should be shown on site plan of the proposed facility including those which may be effected by noise and those with second floors in direct line of sight of the antennas.

The following concerns were expressed by board members concerning the merits of the application:

1. Board has repeatedly asked applicants (Sprint and previously AT&T) to provide a serious and detailed study of alternative sites. Generally they have been cursory at best. There are several promising sites, such as the current Verizon site above Marin City and the MMWD site adjacent to their water tank in Marin View, that deserve careful consideration.
2. Co-location should not be considered a positive thing when the existing location is a bad one. The firehouse, although technically a public facility, is surrounded by residences and is in a residential neighborhood which is the lowest location priority according to the County Telecommunications ordinance.
3. The "faux chimney" is such only because the applicant chooses to name it that. It is, in fact, a walled enclosure concealing rooftop equipment which exceeds the 30 ft. height limit. This alone was seen by several board members as reason to reject the application should it come back to us for approval.
4. The proposed location of the equipment would transform a garden area, which has traditionally served as a buffer between the firehouse and nearby neighbors, into a paved and fenced industrial yard containing unsightly and noisy equipment.
5. Adding a mobile communications facility at this residential location could have a potential negative impact on surrounding property values due to public perception of radiation problems and new real estate disclosure requirements.

B. Pappas Design Review 538 Northern Ave, Mill Valley.
Applicant: Jay Pappas Planner: Lorene Jackson

Plans were presented by Mr. Pappas and reviewed.

Application was ruled complete: Bramell, Jones, 5 - 0

The following motions were made and action taken as indicated:

MOTION	MEMBERS	MOVE	2ND	YES	NO
Approved with the following conditions: 1. A drainage plan be submitted showing dispersal of drainage on site to the maximum extent feasible. 2. Permeable paving be provided at front driveway. 3. A landscape plan be developed which makes use of Marin native plants, minimizes turf, and contains significant compensation for loss of heritage trees.	McCormick			5	0
	Post				
	Jones		X		
	Bramell	X			
	LePelch				

C. KCS, LLS Design Review - 409 Montford Ave, Mill Valley

Applicant: Annie Lazarus Planner: Scott Greeley

Project was previously approved by TDRB. At the request of Greeley the board was asked to review construction in the road right of way, height limit as applied to the ground floor, and relationship to Appendix B of the Tam Plan.

Applicant and designer, Joe McGuire, presented a summary of the issues as they have discussed them with Greeley. Following is a summary of issues discussed and the boards recommendations:

1. Construction in road right of way: additional detail provided clarifies the proposed construction in the road right of way. TDRB has no objection to this proposed construction.
2. Height limit from grade to first floor: the applicability of a grade to first floor height seems to have resulted from a misunderstanding. TDRB has no objection to the grade of the first floor as shown on the plans.
3. We did not see modifications to the landscape plan which we had previously recommended. TDRB would like to see elimination of the lawn area at the rear of the house toward the creek and significant numbers of Marin native plants included in the landscape plan.
4. Applicability of Appendix B of the Tam Plan: Applicant maintains that there is a conflict between Appendix B and Program LU 1.4a on page III-37. Applicant claims to have followed the provision of the latter program which would permit an FAR of 30%. The table in Appendix B would appear to limit the FAR to 23%. The proposed application states that the proposed FAR is 27%.

TDRB has in the past applied the limits imposed by Appendix B to proposed projects on steep lots and would likely have applied it to this project had it come to our attention in the previous review. The 30% FAR stated in LU 1.4a is the same as that commonly applied to more level lots and it's applicability in this case is questionable. TDRB voted to offer the above remarks but leave it to the discretion of the planner whether Appendix B or Program LU 1.4a should be applied in this case. McCormick, Brammel, 5 - 0