

Tam Design Review Board Minutes
Public Hearing - March 1, 2017
(updated 5 April 2017 : see section K)

A. Meeting Location: : **MUIR WOODS PARK CLUBHOUSE**
40 Ridge Ave, Mill Valley, CA 94941

B. Call to order: 7PM Alan Jones, Chair

C. Board Members Present: Alan Jones , April Post, John McCormick, Doron Dreksler

D. Approval of minutes of February 15, 2017: Dreksler /McCormick 2nd - 3 ayes

E. Correspondence + Announcements:

- a) Review / discuss vacancy on the board

F. Public comment on items not on the agenda: None

G. Public in attendance:

Carl Drisberg, Paul Goldsmith, Andrea Montalbano, Harold Dittmer, Peter Wijsman, Michelle McCabe, Doug Carepa, Bernie Ayline, Erik Halterman, Brad Siden, Jane Dittmer, Laura Chariton, Carlos Nogueiro, Kris Karevoll, Kathie Velasquez, Louetta Colombous, Gordon Robinson, Sara Halterman, Tyrone Cashman, Donna Rutter, Tom Rutter, Ginna Meyer, Peter Spear, Julian Williams, Joesph Heiftz, Cindy Taylor, Susan Johnson, Veronica Wysmon, Peter Wysmon, Jeff Vose, Stephen Mayo, Sharon Mayo, Tom Clemons, Jean Gullett, Robert Gemons, Robert Ross, Hector Calderon, Clive Heal, Annemarie Spizoco, Laura Clearitan, Robert Rejordy, Brad Silen, Stephanie Silen, Wallace Mann, Dawn Davis, Elizabeth Graham, David Geisinger, Doug Carera, James Brawell, Daniel Rabin, Gerald Nuijen, Kurt Altvater, Greg Bery, Diana Williams, George Clock, Shay Harday, Keith Olinger, Mike Brinkman, Drew Naget, Ari, Dana Skinner, Jack Helsper, Kelly Resta, Dan Bretlog, Sherry Fraser, Laura Lindskog, Dirk William, Jessica Grant, Tom Eddington, Paul Hamiston, Tom Neylan, Lorne Dublin, Kriston Slower,

H. Items on Agenda:

1. **Weissman (Dipsea Ranch) Master Plan (P1589)**, 357 and 455 Panoramic Highway
Mill Valley, CA 94941 Parcel Numbers: 046-221-07 and 046-161-11
Applicant: Dan Weissman Planner: Jocelyn Drake

The applicant is requesting Master Plan approval to subdivide an existing 8.29 acre lot, located at 455 Panoramic Highway in Mill Valley (APN 046-161-11), into 13 single-family residential lots. The northern end of the property is presently developed with a single-family residence. Also included in the Master Plan proposal is an adjacent 1.86 acre lot, located at 357 Panoramic Highway (APN 046-221-07, which is presently undeveloped.

Per the application, the new residential lots would range in size from 13,112 square feet in size to 27,314 square feet in size. Nine of the lots are proposed to be developed with market rate units and 4 of the lots are proposed to be developed with affordable housing units, available to residents 55 years and older. In addition, the smaller lot located at 357 Panoramic Highway (APN 046-221-07) is proposed to be developed with one new single-family residence.

The proposed residential units will consist of one of four proposed designs. Four of the proposed market rate units, which will be located on the northern portion of APN 046-161-11, are slated to be approximately 6,000 square feet in size. Each of the units are proposed to be entitled to include either a 750 square foot detached or attached second unit. The 4 affordable senior housing units, which would be located along the eastern portion of APN 046-161-11, are anticipated to be approximately 2,300 square feet in size. The 5 remaining market rate units, which would be located across the new road from the affordable units, are proposed to be terraced downhill from the new road. Each of the 5 units is proposed to be approximately 6,000 square feet in size, with approximately one-third of the structure stepped into the hillside. The 5 units will be entitled to include a 750 square foot second unit, either attached or detached. The single market rate residential unit proposed on APN 046-221-07 will also be terraced downhill from Panoramic Highway. The unit will be approximately 6,000 square feet in size. An entitlement for a 750 second unit, either attached or detached, will be coupled with the new unit as well.

In addition to the applicant's proposal to create 13 new residential lots, construct 14 new residences, and construct roadway and utility improvements necessary to serve the newly proposed lots, applicant is proposing to implement a number of conservation and site restoration measures. These additional measures are intended to address environmental impacts that resulted from past land use practices, in addition to any potential impacts that may occur as a result of the proposed development project. The majority of the measures are targeted toward restoration of the Redwood Creek watershed, as the project site is located on the upper reaches of intermittent streams that feed into the watershed, with portions of the project site encumbered by Stream Conservation Areas.

The information above is excerpted from the Notice and Referral of Planning Application dated February 15, 2017 posted online. Plans and documents related to the application can be found on the County website at <http://www.marincounty.org/depts/cd/divisions/planning/projects>. Click on "Tamalpais Valley" and the project name. Those interested can subscribe to the project page to receive email updates on the status of the application.

- **General presentation:**

- a) Board member, Alan Jones, presented the design review process for the project and defined the method and objectives. For tonight's meeting we will listen to the applicant's presentation and receive public questions and comments. As the master plan application does not contain sufficient detail for a design review we will review the application and make suggestions or recommendations but not rule on completeness or merits.
- b) Planner Jocelyn Drake presented the planning review process and the steps required for approval.

- Project presentation:
 - a) Applicant Dan Weissman discussed his background, the project, the site, his options based on existing zoning, his design objective, and project challenges
 - b) Architect Jim Mallot presented design elements for the proposed project. Concentrating on maintaining openness, camouflage buildings and improvements plus the zoning classification and development options based on the site.
 - c) Civil Engineer, Jimmy Ziglar presented a brief history of the property and described the site related design elements and objectives. He reviewed the environmental issues, runoff, site restoration, and development standards.

- **Project support documentation:**
 - a) Full presentation of printed materials including history of the site, context drawings and maps, schematic civil drawings, and schematic building concept drawings. No specific landscape drawings were presented.

- **Initial Board questions:**
 - a) April Post commented:
 - The plans contain inconsistent and confusing zoning information
 - Asked why lots are not clearly defined. Design team explained the master plan approval process will lead to subdividing the property
 - The project does not meet the requirements of the Tam Plan
 - The project does not match the character of the neighborhood
 - The project does not meet the requirements of the slope ordinance
 - The project is too dense and the homes are too large
 - She asked if the road is a paper street, the design team said “no” and then the applicant explained the history of the existing fire road
 - Asked what is the logic of the secondary units. Architect explained that every unit is allowed a second unit by code and that would be in addition to the 6000 sf.ft. home size. Further explaining the market rate house affordable housing and associated parking. Method for calculating affordable housing bonus units remains unclear.
 - b) John McCormick commented:
 - Asked “if this project doesn’t happen.... Sell ?” applicant indicated that he lives here and doesn’t intend leaving
 - Asked if sewer system is going in, are fire hydrants being installed, applicant indicated yes
 - Asked, “How are you going to control design when you sell lots ?” applicant, indicated that CC+R’s would be developed and required adherence would be required by every improvement on the property.

- **Public comments + questions + suggestions :**

- a) **Buildings :**

- The buildings are out of scale, too large, they will dominate the neighborhood and are larger than the average size in the area
- Every plan exceeds the allowable maximum building size based on slope
- One neighbor commented that he was unable to find a suitable home that was large enough when he was looking to buy. He believed that there is a market for larger homes and that this project is needed and should be approved
- Applicant was asked if the units would be rented/rentable , applicant said “at this point, no.”
- The size, height, coverage, proximity and views of the homes contradicts the Tamalpais Area Community Plan (TACP)

- b) **Master Plan / Density :**

- Density is a good idea, but in this case it appears that it is maximized purely for profit. It is overdeveloped and completely out of character for the region.
- To build this many homes on the site, would require too many retaining walls and extensive grading / excavation and would impact every inch of the property in a bad way. For example, most of the trees on the site would need to be removed to accommodate the development.
- Believes the project should be allowed, but with only 4 or 5 home sites
- “important to keep in mind that the density is needed to fund the infrastructure of the project” this project has very expensive infrastructure
- “project is behind the curve” people want small homes, “no one wants McMansions”
- this site is a visual resource and would destroy the entrance to mt. tam, it should be left open and undeveloped
- it was suggested that the site be donated and maintained as open space.
- the project seems to use every loop hole in the development codes based on the unit types (affordable units, market rate units, standard units with associated secondary units) to overdevelop, “I think it should be scaled back to something more in keeping with the buildings in the region

- c) **Stream, Water + Runoff:**

- The area has a lot of seasonal streams / water flows in the area “that have a right of passage”and should be taken into account to minimize impact on creek habitat, and erosion in the future.
- Erosion is a historic problem with all developments and therefore I would hope that the review process would require stringent requirements on this project

- Although the applicant describes the creek, on the property, as seasonal /intermittent, it is actually a year around waterflow and should be treated in that regard
 - This project is specifically mentioned in historic reports based on the unique” ephemeral streams” and should not be developed
- d) Sewer / Septic:
- Being on the downslope of Septic systems is already an issue, the fact that this project is offering sewer access, should go a long way toward approving the project.
 - Attendee discussed past referendum, which encouraged staying on septic systems rather than sewer hookup. Which would limit building sizes.
 - The connection of this project to a sewer line contradicts the Marin Countywide Plan (MCWP)
- e) Presentation Comments:
- Several attendees believed that the architects visuals did not represent the actual size, scale and mass of the buildings. The board suggested that story poles would be a must on the project in the future.
- f) Access/ Egress , Trails, Parking + Traffic:
- The area is already to crowded and parking is already a problem
 - Concerned with safety of people turning from the proposed development onto panoramic and from panoramic to the new road
 - Evacuation during an emergency is a big problem in the area, this project would make it worse.
 - Access to panoramic is dangerous from cars + bikes coming down the hill and would need to be addressed. recommend a turning lane for access to the new road.
 - it was commented that this project would destroy the historic dipsea race and should not be allowed.
 - The 28ft wide proposed road is to wide and should be reduced to 12ft wide to serve less homes and therefor less impact to the site
- g) Master Plan / Fire protection :
- Project has a hidden danger which is the inability to gain home owners insurance because of the requirement to create defensible space around the structures. This would require most of the trees to be removed to meet the requirements. This would directly go against the proposal of protecting native trees and habitat. “none of these homes would be able to get insurance”.
 - The project should be approved because each of the new property owners would be required to maintain the property to minimize the impact of fire and that would add another layer of safety for everyone in the area

h) General

- Attendee asked why the project is not posted earlier and why doesn't everyone have to put a sign up on the property to make everyone in the area aware ? the board responded by directing the attendee to direct the question to the planning department.
- Project schedule was discussed, how long will construction take and how long will the vegetation take to grow as indicated in the imagery ? the applicant responded with 1 to 2 years for approval and then the properties would be sold.
- Several attendees commented that the applicant is a great neighbor and has the best intentions and should be allowed to develop the project. Also, suggesting that concerned neighbors should talk to the mr. Weissman

● **Final Board Findings / Comments:**

a) John McCormick commented:

- a. The preliminary and secondary home components are too large and will not only effect the impact to the site but also traffic. Impact of this large number or units on Panoramic and Highway 1 traffic will be great.
- b. Parking arrangements are not clearly indicated and are likely to be a challenge on this site.
- c. The referenced solar panels on the projects should be looked at for reflectivity to neighboring properties

b) Alan Jones commented:

- a. Master plan: Referenced the development code 22.44.030/C/1/c : findings for master plan. Reminding the applicant that the development must be consistent with the goals, policies, objectives of the countywide plan and applicable community plan. That the project is not detrimental to public interest, health, safety, convenience or welfare of the county and that the site is environmentally suitable.
- b. And further referenced chapter 22.16 of the planned district development standards:
 - i. Suggested that the applicant review 22.16.030.F.1 (ord no. 3577) "planned district general standards " structures should be clustered in the most accessible, least visually prominent and most geologically stable portions of the site."
 - ii. Also refered to 22.16.030.L.1 which would hold the grading to a minimum.
 - iii. Ridgeline developments: adding that building near a ridgeline is specifically determined in section 22.16.030.F.2 that no construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically of visually prominent ridgelines. Stating that this project, as designed, does not meet those requirements.

- c. Suggested that the applicant take a closer look at the Tamalpais Area Community Plan (TACP), specifically the slope table appendix B. which is intended to limit development size on very steep sites such as this one.
 - d. TACP makes frequent references to the small town, semi rural character of this community which this proposal clearly does not reflect.
 - e. The size of the homes would require much larger lots to meet the requirements and Land use does not support building size
 - f. The slope table as defined in the Tamalpais Area Community Plan (TACP) and based on my rough analysis, this project meets the requirements on only one parcel, yielding a 6000 sq.ft. Building size, the rest of the homes would be considerably smaller. Although the lot lines are not yet clearly defined to permit a precise calculation, it is clear that compliance will not be possible.
 - g. This site is remote from public transportation and public services making it an unsuitable location for substantial numbers of affordable housing units.
 - h. The project density would need to be considerably less to meet my approval. TACP Program LU 31.1a clearly envisions a much lower density for this site and, although it refers to the septic system as a limitation, is not limited to that consideration.
- c) April Post commented:
- a. Based on the zoning of the properties, the applicant has the right to build
 - b. Should modify the project, so that it is more acceptable to the community
 - c. the applicant should recognize and take into account that the Tamalpais Area Community Plan (TACP) specifically discusses this property
 - d. the density and size of the homes needs to be reduced
 - e. although, no landscape plan was presented, it is important to take into account the impact to the creek and general landscaping. The screening effect of landscaping shown on the sketches may not be achievable when clearances for fire safety are taken into account. (did April say this? someone did.)
 - f. concerned with WUI (wildfire urban interface) limitations. massing and scale of the project does not meet (TACP)
 - g. minimize cut + fill
 - h. design is not in character with the neighborhood
 - i. suggested that the applicant follow the intention of the Tam Plan and review the land use section, quoted from sections A, B + D (*see section k below*)
 - j. project is in non-conformance with the Slope Chart (*see section k below*)
 - k. project has a lack of required parking for the units proposed. (*see section k below*)
- d) Doron Dreksler commented:
- a. the solution is a little heavy handed and yields a project that is difficult to justify.
 - b. By forcing so much development on the site, the impact is substantial.
 - c. clustered buildings are a good way to utilize the site

- d. Although it appears that the cut and fill on the site has been equalized, the impact of the proposed design on the steep slopes is extensive and not an appropriate solution. For example, the section drawing on page M19.0 through the cul de sac clearly demonstrates the extent of the grading and retaining walls required to accommodate the road. The downslope side would require a maximum 28 ft high retaining wall at the highest point and the uphill side would require another 19 ft high retaining wall. This is just one example of many that exist on the project that would not be acceptable.
- e. Find a way to impact the site as little as possible. As a result, most of the density, massing, and grading issues will resolve themselves. At that point, I would support the project.
- f. love the project, but it is to dense, to big and suggests meeting with the neighbors to resolve the design challenges. *(see section k below)*

Completeness: the board did not rule or discuss the completeness of the proposal

Approval status: None at this time

Board Merit comments: No vote was taken on merit comments. Board agreed to let our individual comments cited above stand for merit comments from the board.

I. Forthcoming projects reviewed without comment: None

J. Adjournment: 10:31 P.M.

K. Document Revisions:

- a. 5/5/17 April Post updates under : Final Board Findings, section c, items i, j, k
- b. 5/5/17 Doron Dreksler updates under : Final Board Findings, section d, item f

TDRB is advisory to the Marin County Planning Department.

For more information : <http://www.marincounty.org/depts/cd/divisions/planning/projects>