

# Tamalpais Design Review Board Meeting Minutes

Regular Meeting: May 2nd, 2018: 7:00 PM

Meeting Location: Muir Woods Park Clubhouse; 40 Ridge Avenue, Mill Valley

I) Call to Order: 7:06 PM – Doron Dreksler (Chair)

Board Members Present; Doron Dreksler (DD), Andrea Montalbano (AM), Logan Link (LL), Alan Jones (AJ)

II) Approval of meeting minutes – April 18, 2018

AJ motions, LL Seconds, Unanimous approval.

III) Correspondence and Announcements: None.

IV) Public Comment on Items not on the agenda: None.

V) Agenda Item: Weissman (Dipsea Ranch) Land Division (P1589) 455 Panoramic Highway Mill

Valley, CA 94941 Parcel Number: 046-161-11 Applicant: Dan Weissman Planner: Curtis Havel

*PROJECT SUMMARY: The project applicant, Dan Weissman, has submitted a revised project in response to the April 3, 2017 status letter from the Marin County Community Development Agency. The project was reduced in scope from 13 lots to 3 lots, no longer includes a proposal to extend the sewer line, and has limited access to the site to one point along Panoramic Highway. The revised project is described in more detail below, and in the attached project description from the project applicant. The applicant is requesting approval to subdivide an existing 8.29-acre lot into 3 single-family residential lots. The new residential lots would range in size as follows:*

*Proposed Lot Number: Proposed Lot Area:*

*1 2.22*

*2 0.89*

*3 5.18*

*Residential development currently exists at the property and access to the site is proposed to be provided via the existing entry driveway at 455 Panoramic Highway. The project includes a proposal to install two new on-site sewage disposal systems to serve Lots 2 and 3. Water service would be provided by the Marin Municipal Water District (MMWD). The project also includes the incorporation of a storm water management plan that utilizes a system of storm drains, cisterns and bioswales to address runoff. Zoning: RMP-0.5 (Residential, Multi-family Planned District, 1 unit per 2 acres)*

*Countywide Plan Designation: PR (Planned Residential)*

*Community Plan: Tamalpais Area Community Plan*

## **1. Curtis Havel, (CH) Planner, explains the process;**

A) The Planning department is currently looking at the project for completeness

B) Once complete, the project will be reviewed in an “Initial Study” (under California Environmental Quality Act) and will be investigated under 14 areas of topical review.

1) It may qualify for a Mitigated Negative Declaration (where impacts to the environment can be offset)

2) If the impacts can't be mitigated, then the project requires a full Environmental Impact Report.

3) Once either of those reports are complete, the report is circulated publicly for review and then presented to either the Deputy Administrator or the Board of Supervisors for a public hearing.

**2. Proposed Design presented by the project applicant, Dan Weissman. (DW)**

- A) Was told by the County that the site is zoned for 4 homes plus 4 affordable housing units.
- B) Has decided to reduce the number of units to three and remove the sewer line from the project, plan for no development below the top of the hill, remove only two non-native trees. He hopes it is acceptable to the neighborhood.

**3) Civil Engineer; Jamie Ziegler (JZ) and Architect Jim Malott (JM) present project and answers questions.** There was overlap of the Public and Board questions at this time.

- A) Member of the Public (MoP) asks; Is the separate parcel at the south end still part of this project? Answer; No.
- B) DD asks; Why have a shared driveway? Answer; Mainly to appease the neighbors. The existing driveway will be modified to meet the County requirements of a shared, private driveway.
- C) DD asks; Are there sections and details? How does the driveway relate to the land? Answer; There are drawings in the package. The driveway follows the contours of the land.
- D) MoP asks; Is the largest parcel further subdividable? CH answers; Any further subdivision would require a process just like this one.
- E) MoP asks if the applicant would be open to putting a conservation easement on the land. CH answers; This could be a topic of conversation later on but is not being discussed now.
- F) MoP asks if it is a change in zoning that is allowing for one of the parcels to be less than 2 acres? CH answers; The subdivision looks at the “mother parcel” as a whole to make sure the total number of lots/units does not exceed the 2 acre per unit minimum, so as long as the total number is under 4, it does not require a zoning change or variance.
- G) MoP asks if CC&R's would be applicable to impose on the project in order to control development in the future. CH answers; Zoning trumps CC&R's. They are not applicable in this situation.
- H) MoP asks if the use of a shared driveway is safe, considering the curve of the road at that location. JZ answers that the driveway will meet County requirements for sight lines, etc.
- I) MoP asks if a fourth unit plus 3 additional affordable homes would be allowed in the future CH answers; There is one house already existing, so there are really only two lots being created. There will be no affordable units because an in-lieu fee will be paid instead by the applicant (approx \$100K).
- J) AM asks if each parcel can add an ADU by right, for a total of 6 units. CH answers; Yes.

**4) Board questions and comment period opens;**

- A) DD asks How did you decide where to locate the septic systems? JZ explains that the septic system of the existing house is located on the new parcel and will have an easement for it. The other two lots will contain their own septic systems, within their lot lines. Maximum number of bedrooms and home square foot areas are detailed in the report.
- B) DD asks Is there any plan to deal with the existing, illegal fire road? CH answers; The road will be looked at throughout the process of the Initial Study. It is an open question that needs to be reviewed and approved or denied.
- C) DD asks; Have you calculated the slopes of the sites? JZ answers that there is a very clear map in the submittal package looking at this. He displays a color coded map showing slopes greater than and less than 15%.
- D) AJ states that per the Development code section 22.16, development so close to a ridge, within the outlined area of building envelope as shown on the plans, will be difficult to achieve. CH answers that it is not in questions right now because no buildings are proposed. The meeting is to review the lot subdivision only.
- E) AM asks; Does the fire department presently have access to that road? Does it have a key?

DW answers; No they don't have a key but if they needed access they could easily break the lock. DW presents a letter from 2014 from the Fire Chief stating he encourages increasing access for fire department to hard to reach sites. DW states this is included as part of the submittal package. *(Post-meeting note – this letter cannot be found within the information on line provided by the County and should be uploaded for public review and record keeping.)*

F) AM asks; Does the Planning department look only at the Board's comments for the judgment on community character? CH answers; The Planning department reviews the Board's comments but also looks at the issues independently.

G) AM asks; What is the limit of the number of units for a private driveway? Do the ADU's figure in this? CH answers; The Dept of Public Works would have the answer to how many units are allowed on a private shared driveway but no, the ADU's do not add to the load.

H) DD; I don't see any shared guest parking area here. CH answers; That will be considered later when buildings are proposed, during Design Review.

### **5. Public Questions and Comments;**

A) MoP asks; Where can I find the link to the project on the County's website? CH answers with URL.

B) MoP states that the statement in the hydrology report that the water at the uphill side of the "fire road" is not from a septic tank, it flows from a stream at the panoramic trailhead at Ridge Avenue, is visible on the property below the road, goes back under ground and comes out again on the Dipsea trail. He feels strongly that the hydrology report needs to be revisited and redone by someone with more local knowledge of the area.

C) MoP states that his property is located across Panoramic Highway from the applicant's driveway entrance and that in the past his property has been flooded by water coming from the driveway. He is concerned with a lack of detail on the topo map – that it is too small a scale to be properly understood. Clarified information would be necessary for proper assessment of the grading and drainage of the new driveway.

D) MoP asks how far into the hillside does the driveway cut into create a shoulder? JZ answers; There is acceleration and deceleration taper, a slight widening of the road. These are required by CalTrans. There is a small bio-swale and uphill cistern for collection of drainage from the driveway proposed. The design will meet current storm water regulations.

E) MoP (Laura Chariton) states there are several inaccurate statements that she found in the reports that all have a big impact on the design of the project as a whole. One is that the declared median rainfall is only 2/3 of the actual, and the project description lists the lot as infill but it is actually adjacent to an undeveloped parcel. She has summarized all of the inaccurate statements in the reports and submitted them in a letter to the Planning department.

F) MoP asks; what will happen with the separate 2 acre parcel to the south? He then states that a lot of good will would be extended to the applicant if a conservation easement is accepted on that parcel.

G) MoP states that with the potential for future subdivision and possible ADU's what will happen with the fire road across from Kent Way? He spoke to the head of the Throckmorton fire department, who told him that the fire department does not have the authority to use or encourage use of this road to fight a fire. The MoP also states that this road is on the worst possible slope.

H) MoP (Jean Sublett) states that she moved here 50 years ago and that "The houses contain our bodies but the space between the buildings contains our souls." She states that the people who live here are stewards of this beautiful place and need to protect it from harm.

I) MoP states that he too came here 50 years ago and points out that the Redwood Creek watershed is very small and is aware of a tributary to Redwood Creek that is not shown on the

maps – the top of which was covered up by the “fire road.” He then asks CH if he can promise that the County will do a fair, impartial and thorough investigation into the study of the proposed project.

J) MoP states that Redwood Creek crosses her property. She hopes that any damage that has been done to the stream is considered and remedied when the County reviews this proposal along with the impact of septic systems, pollution, potential slides, etc.

K) MoP states that she lives across from the “fire road” and has definitely noticed that since its construction there has been environmental degradation. She used to hear frogs, but doesn't anymore. She can see that the drainage of Panoramic Highway has been altered and she wants that area restored to its natural condition.

L) MoP states that by creating a separate lot the responsibility for fire prevention is transferred to the new parcels but that doesn't help fire prevention. He wants to see more actual fire prevention occurring on that hillside, like clearing fire-prone, invasive plant species.

M) MoP states that the neighborhood wants a promise that the lower parcel (owned by DW but not part of this project) will not be developed, and some way to mitigate the “fire road so that it can't be used in the future to access a development. DW responds that he wants to reserve the rights on that parcel and states that the road, as built, is not adequate for vehicle access.

N) MoP asks what is the applicant's objection to restoring the fire road to its previous condition? CH states that the County will advise the applicant the best way to mitigate the negative effects of the road. Until it is fully analyzed by the County, any changes could cause more damage than good, so nothing should be done until the County reviews it in detail.

O) MoP asks; Why is there a future “Force sewer main” shown on the civil drawings? (This question is not answered.)

P) MoP states that a deed restriction should be placed on the lower portion of the parcel to protect it from future development.

Q) MoP states that on the west side fo Panoramic Highway there are about ten additional acres that are vulnerable to fire yet are completely inaccessible. He would like to see better fire access to this area, such as the “fire road” that exists.

R) MoP states that with climate change come more wind events, heavy rainfalls, droughts, land slides and power failures. Even though this lot in the past was zoned for 4 units it should be reconsidered in light of what we know about the future impacts of climate change. The driveway will be wider with more paved area, creating more runoff. This all needs to be taken into account.

## **6. Board Discussion;**

A) If this were design review, the building envelopes, as proposed, would have a very difficult, if not impossible time meeting the Development standards for both the Development Code and the Tam Plan because of the proximity to the ridgeline. Although the Tam Plan calls this a ridge, it also allows for exceptions for building close to a ridge in certain situations.

B) The project is about balance. The Chair received about 25 letters and 30 phone calls and really appreciates the input of the public. The proposed locations for buildings make sense.

C) The resubmitted proposal was respectful to the community, and decisions made down the line are going to be very important to the community, particularly what happens with the large 5+ acre parcel. There should be a deed restriction on that parcel.

D) It appears everyone is accepting the fire road as a given, but there are questions that only experts can answer, such as –

a) Is this the right place for a road?

b) Was the road built appropriately for fire vehicle access or is it a potential disaster if used?

c) At the same time the importance of fire fighting access must be weighed against its impact on

the headwaters of Redwood Creek. Would it be possible to have vehicle access on a bridge, over a repaired stream?

E) The existing chain link fence around the road access is an eyesore and must be removed and replaced with a fence and gate in keeping with the rustic character of the neighborhood.

F) Similarly, the proposed driveway entrance should be presented before the Board for review. The drawings in the submittal packet are not adequate for proper understanding of what this will actually look like.

G) The future use of the road should be restricted to fire fighting vehicle access only and a deed restriction should be put in place so that that road can never be used to access the residences or any future ADU's.

#### **7. Board Decisions and Findings;**

A) Motion to approve project with the following conditions:

1. Fire road, if it remains, shall be used for fire access only.

2. A deed restriction be placed on the 5 acre parcel to assure that it will not be subdivided in the future.

3. AM motions, LL seconds, 4-0 Unanimous Approval

B) Merit comments:

1. County staff should conduct a thorough environmental review of the potential impact on the Redwood Creek watershed, especially with regard to proposed septic systems.

2. Staff should ascertain whether the applicability of Development Code 22.16.030 F2 (Development near ridgelines) to future building on the lots should impact approval of this subdivision. It appears that developing improvements within the building envelopes shown in the application which comply with this provision will be a challenge.

VI) Meeting Adjourned 9:40 PM

VII) Public in Attendance; The sign in list was not retrieved but the meeting was well attended by at least 50 members of the community.