

draft minutes – to be approved at future TDRB meeting

Tamalpais Design Review Board Meeting Minutes
Regular Meeting: September 18th, 2019, 7:00 PM
Meeting Location: TCSD Cabin - 60 Tennessee Valley Road, Mill Valley

I) Call to Order: 7:00pm - Andrea Montalbano (Chair)

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

II) Approval of minutes: August 28th, 2019

- Motion to approve: AJ; Second: LL; DD abstains (as he was unable to review the notes); unanimous approval.

III) Correspondence:

TDRB project to address signage violations in the Tam Junction and Manzanita commercial areas:

- AM had a meeting with the County on this topic and others.
- Will discuss at the end of the meeting out of courtesy for applicants waiting to present.

Upcoming event to celebrate Bothin Marsh:

- AJ announces a happy hour at Proof Lab to celebrate the Bothin Marsh project. This will be on October 17th from 5pm – 8pm; AJ will send additional details to the board via email.

IV) Items not on the agenda: no non-agenda items.

V) Agenda Items:

1. Gurley Design Review

Location: 529 Charles Lane Mill Valley, CA 94941 | Parcel Number: 047-082-25 | Status: Merits Review | Project Planner Kathleen Kilgariff, 415.473.7173 | Applicant John Gurley 805.680.1677

Project Description: The applicant requests Design Review approval to construct a new 1,508 square foot residence (reconstruction of the existing 1,009 and a 499 square foot addition) and relocate an existing 125 square foot accessory structure on a developed lot in Mill Valley. The structure is considered to be new because the project entails more than 75% demolition of the existing structure. The overall 1,633 square feet of both the main building and studio would result in a floor area ratio of 34 percent on the 4,802 square foot lot. The proposed residence would reach a maximum height of 30 feet above surrounding grade and the exterior walls would have the following setbacks: feet from the 10 feet, 9 inches from the southern front property line; 2 feet, 2 inches feet from the western side property line; 7 feet, 4 inches feet from

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the eastern side property line; 52 feet, 3 inches from the northern rear property line. The relocated accessory structure would reach a maximum height of 19 feet, 8 inches above surrounding grade and the exterior walls would have the following setbacks: 86 feet from the southern front property line; 14 feet from the western side property line; 15 feet from the eastern side property line; 0 feet from the northern rear property line. Various site improvements would also be entailed in the proposed development, including a retaining wall which reaches a maximum height of 12 feet, 3 inches.

Design Review approval is required for both the main residence because the subject property is located in a Planned District, as outlined in Section 22.42.020 of the Marin County Code (MCC). Please note that pursuant to Section 22.42.025.R, in kind construction work is not subject to Design Review. As such, the reconstruction of the existing structure is not subject to discretionary review.

Zoning: RSP-7 (Residential, Single-Family Planned; 7 units/acre) | Countywide Plan Designation: SF6 (Single-Family, 4-7 units/acre) | Community Plan: Tamalpais Community Plan | Link to most recent project plans:

https://www.marincounty.org/depts/cd/divisions/planning/projects/tamalpais-valley/gurley_dr_p2489

Presentation by Eric Grunigen (EG), project architect:

- EG introduces Faustin Bray (FB), the nextdoor neighbor and aunt of the applicant. Faustin has been a resident of the neighborhood for 51 years and has been the primary person keeping an eye on the property.
- The most recent records of the home are of a 1,009sqft cabin many years ago; this is what the project description is being based off of.
- The completed project will be 1,633sqft.
- There is a studio currently existing on the property.
- Several years ago the hillside failed, causing property damage. The repairs were extensive enough to trigger design review, which made completion of the project undoable at that time.
- Property has been in a partially complete state since then; for the past three winters water has been kept out by plastic coating.
- Property also includes a partially completed tram; the platform is functional but cart and gate have not yet been installed. Permit has lapsed.

Questions from Board / Board Discussion with Applicant:

- AM notes that recommendations were made by the TDRB when applicant applied for a permit for the tram; inquires if these suggestions have been incorporated into current plans. EG says yes, they have.

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- LL asks for clarity about the current state of the project and where the additional square footage is coming from. EG and FB confirm that the improvements are partially done but have been on hold since design review was triggered several years ago. The 1,009sqft cabin does not accurately reflect what is currently on the property; additions were made before the current owner purchased the home but there is no County record of this. The additional square footage is basement space, a staircase in lieu of where a ladder previously connected the two floors, and the shed.
- AJ notes that parking is a challenge and states that, if this was not an extreme situation with a home in a halfway completed state / work being done via repairs, the FAR should be respected in this location.
- AM brings up that the shed may be too small to officially count as FAR, which would help reduce the percentage.
- LL agreed with AJ; this lot and location is not a good candidate for exceeding the FAR. This is a very special situation. LL explains to applicant that it is important that we are clear about this so project is not taken as a precedent.

Public Comment:

- Rob Thomas (RT) introduces himself as the downslope neighbor on Park Way.
- RT notes that drainage issues have caused the retaining wall on Charles Way to collapse; therefore, he feels it is key that drainage be taken into careful consideration.
- FB says that the home has no gutters at this time.
- AJ and DD ask where the water goes; FB says that there is no definitive plan yet, although there is currently a pipe near the tram that leads to the street below.
- DD brings up the point of lighting; downlights may not be the best solution with a neighbor directly below.
- AJ feels that a drainage and lighting plan must be put into place.
- LL agrees and recommends that the board set aside the urgency of the project for a moment, taking extra time to assure that drainage and other details are done correctly.
- Board agrees and further reviews drainage.
- LL asks RT if he has any other thoughts. RT replies that drainage is his primary concern.

Board Discussion:

- AM notes that applicant inherited the house with many issues and is trying to make it habitable and safe.
- DD observes that there are no huge issues with scale, etc.

Motion:

- DD makes a motion to approve with merit comments; AJ seconds; unanimous approval.
- Merit comments:

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- Lighting should be done with consideration for shielding downhill neighbors. Lights and path must be motion activated.
- Public works must analyze the collection of rainwater to assure it is dispersed legally and correctly. Neighbors have had issues with water and drainage.
- The board is okay with the FAR only because this is an extreme and special situation with unique history; this should not be seen as a precedent.

2. 760 Bay Road Design Review

Location: 760 Bay Road, Mill Valley, CA 94941 | Parcel Number: 049-184-04 | Project Planner: Kathleen Kilgariff 415.473.7173 | Applicant: 760 Bay Road, LLC 415-456-8972

Project Description: Design Review approval is requested to amend a previously approved Design Review Application (2015-0255) to construct a new single-family residence on a vacant lot in Mill Valley. The proposed changes to the project include enlarging the garage by 80 square feet, resulting in 2,098 square feet of proposed development and a floor area ratio of 28.5 percent on the 7,356 square foot lot; removing the requirement to construct terraced planters adjacent to the driveway; and reconfiguring the previously approved retaining wall in the driveway to create an additional parking space. Design Review approval is required because the project entails modifications from the previously approved Design Review application which required Design Review approval pursuant to Chapter 22.42 of the Marin County Code.

Zoning: R1-B1, Residential, Single Family 6,000 sqft lot | Countywide Plan Designation: SF6, Low Density Residential | Community Plan: Tamalpais | Link to most recent project plans: https://www.marincounty.org/depts/cd/divisions/planning/projects/tamalpais-valley/760-bay-road_dr_p2578

Presentation by Henry Taatjes (HT) of Thompson Builders:

- HT has only been working on this project for six months and does not know the history of approvals; AJ recalls voting “no” on the project twice in 2015.
- No large change to front elevation.
- The goal of this proposal is add parking.
- Taking out the terrace is necessary to create additional space.
- The garage as outlined in approved plans was too narrow to fit two cars.
- The house itself was built correctly / in line with the approved plans.
- A garage and retaining wall have been completed but do not conform to the approved plans.
- HT did not know that the plans his crew was working off of for the garage and retaining wall were not approved; this was uncovered during the County building inspection.

Questions From the Board / Board Discussion With Applicant:

- AM asks what the height is of the top wall. Also states that she is not pleased with the wall; it is extremely tall and was meant to be terraced.

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- AJ adds that the wall that has been built would not have been approved; it is an extreme wall. Notes that the builder is building first and asking for forgiveness after the fact.
- HT reiterates that he was unaware that the plans were not approved.
- AM voices inclination to bring a motion to deny.
- HT shares that the wall as-is (even without terracing) only fits one car.
- AM observes that, per the plans, four cars should in fact fit (two in the garage and two in the new parking spaces). Also adds that this is more spaces than legally required.
- HT proposes further landscaping and the addition of creeping figs to soften the wall.
- LL notes that, although landscaping is helpful, neither the developer nor the board can predict whether or not future property owners would maintain this landscaping. Therefore the board must look at what is actually being built.
- LL also asks for clarity about how many cars could be parked with the wall terraced; HT says one car will fit per the plans.
- Further discussion ensues about how many cars currently fit vs should fit based upon the plans. In reality, the construction crew is only able to park one vehicle in the space currently.
- AM and DD observe that the edge of pavement and building do not line up.
- AM questions if the house was built closer in than intended; the drawings do not seem to match the building. Also notes that the plans state that there is more space between the garage and the retaining wall, which would make terracing no problem.
- HT feels confident that the house was built in the proper location on the lot.
- AJ would not be surprised if there are many issues with the way the house conforms to the plans.
- Board agrees that the wider garage is not a problem.
- LL reiterates that a main issue here is principal; it is very problematic if developers do things differently than outlined by the approved plans. This is also unfair to neighbors.
- HT shares that everything has been inspected.

Public Comments: no public comments.

Motion:

- DD makes a motion to deny based on the modifications to the previously approved plans; AJ 2nds; unanimous approval.
- Merit comments:
 - Board would like to see the applicant field verify the garage and retaining wall location in relation to the front property line.
 - Board would like to know the actual height of the current retaining wall.

3. Ghazanchyan Design Review

Location: 390 N. Ferndale Avenue Mill Valley, CA 94941 | Parcel Number:048-082-11 | Status: Incomplete | Project Planner: Kathleen Kilgariff 415.473.7173, KKilgariff@marincounty.org | Applicant: Jim Treman 415.806.7401

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Project Description: The applicant requests Design Review approval to amend a previous Design Review and Variance approval (02014-0332) to demolish an existing home and construct a 1,693 square foot new two-story single-family residence and 400 square foot detached garage on a developed lot in Mill Valley. Various approved site improvements entailed the construction of new deck space, access stairs, and retaining walls which extend to and across the southern and northern property lines. The proposed changes to the project include the removal of the 400 square foot garage and construction of a new driveway and parking area to the west of the residence. No changes to the approved residence are entailed. New retaining walls, which range from zero to 13 feet in height are proposed to accommodate the proposed site changes (driveway, parking area, and removal of the previously approved garage).

Design Review approval is required because the project is located on a property is at least 50% smaller in total area than required for new parcels under the applicable zoning district or slope regulations, in compliance with Section 22.82.050 of the Marin County Code.

Link to most recent project plans:

https://www.marincounty.org/depts/cd/divisions/planning/projects/tamalpais-valley/ghazanchyan_dr_p2545_mv

Neither the applicant nor a representative was present. Upon reviewing plans, Board felt a need to speak with the applicant in order to properly review.

Motion:

- AM makes a motion to postpone Design Review for this project; AJ seconds; unanimous approval.

VI) Correspondence:

TDRB project to address signage violations in the Tam Junction and Manzanita commercial areas:

- For the past several meeting the TDRB has been working on a project to address signage violations at Tam Junction; the Board's goal has been to have Tam Junction and Manzanita signage align with the guidelines outlined in the Tam Plan.
- AM had a meeting with the County to continue conversation.
- In attendance was Tom Lai, Brian Crawford, Michelle Levenson, and Cristy Stanley (Code Enforcement).
- AM received a summary of the three categories of signs.
- County does not enforce signage rules outlined by the Tam Plan, unless it is a condition of approval.
- Ministerial sign permits are approved without Design Review or consideration of the Tam Plan guidelines.

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- If there are objective qualitative differences in the Tam Plan and the County signage code, Tom Lai is willing to add these to the “bluesheet” and enforce them when issuing ministerial permits.
- Tom Lai sent to AM a list of new rules regarding what can and cannot be regulated.
- If signage is freestanding (ie, at the Tam Junction gas station), it is subject to Design Review.
- Code Enforcement will need to research whether or not a permit was issued for this freestanding signage before sending a non-compliance warning.
- AM agrees to add items to the bluesheet.
- For remaining Tam Plan guidelines deemed non-enforceable (if any), AM suggests that the TDRB sends letters to business owners urging compliance.

Additional Discussion from AM’s Meeting With County:

- Upon AM’s suggestion that County look at the Tam Plan for signage guidelines, Lai and Crawford expressed that the Tam Plan is old/dated.
- Board agrees that they would like to see plan updated; however, it is an important backbone to the community and cannot be disregarded in the meanwhile.
- AM expresses that it would be helpful if the Supervisors passed the Tam Plan as an ordinance; AJ will speak to Supervisor Sears about the matter.
- An additional issue facing the board is that projects that need to be added to the agenda are sent to the TDRB chair by paper mail only. AM brought up this issue to the County, expressing that it is very challenging – if a project become lost in the mail, etc, there is no additional notification method.
- County agreed that electronic notification would be favorable - Michele Damazyn will now send projects via email.
- County is also working on a feedback loop, which will allow the Board to know how comments are being handled as a project continues through the process.
- State law now mandates that, essentially, new builds can only be disapproved by planning for life safety reasons.
- Some changes to project can be made via the granting of concessions. Board feels that the TDRB should have the first say in which concessions are taken.
- The County is planning to meet with design review board chairs bi-annually to provide updates on new state laws and regulations.
- Senior Planner Michelle Levenson has been named the TDRB liaison. Board agreed that this is excellent and will be helpful.

TDRB Goal of Meeting with Senator Mike McGuire to Discuss New State Housing Bills:

- LL reached out to McGuire’s Marin County liaison several weeks ago and has since been connected with his scheduler.
- In late August, the scheduler confirmed that the TDRB meeting request is on the agenda for her next appointment with McGuire. LL checked in on Sept 11th and was told that they have not yet had an opportunity to meet.

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VII) Public in attendance: Robert Thomas, Park Way

VIII) Meeting adjourned: 9pm