

TAMLAPAIS DESIGN REVIEW BOARD (TDRB)

Approved Minutes

Public Meeting – Wednesday, October 20, 2021

Meeting location: Via Zoom.

Call to order: 7:30 p.m. by Alan Jones, Chair

Board members present: Alan Jones, Logan Link, Andrea Montalbano, and Doug Wallace.

Board members absent: Michael Wara

Other attendees: Anne Forell, Jocie Irish, Sean Kennings, Jack Krystal, Jack Liebster, Aline Tanielian, Leelee Thomas, Laura Viggiano, Roger Williams, Keala Wong, Jillian Zeiger, Marty Zwick, and Katherine Lehmann, note-taker.

Links:

Sustainability Assessment example recommended by Andrea Montalbano:
[JGB V8N3 a02 Austin.pdf \(collegepublishing.us\)](#)

Restrictive Covenants:
<https://www.marincounty.org/main/restrictive-covenants-project>

Housing and Safety website:
<https://www.marincounty.org/depts/cd/divisions/planning/housing-and-safety-elements>

Approval of the September 15 minutes postponed until the next meeting.

Comments from the public about any items not on tonight's agenda: None.

Next meeting on: November 3, 2021, to review two illuminated signs.

AGENDA ITEM #1:

Informal review of development options for 260 Redwood Highway Frontage Road, Mill Valley. Assessor's Parcel: 052-227-09 and adjacent parcels. Owner Jack Krystal will present some concepts for consideration.

- A. **Jack Krystal: Discussion re: Proposed Development at 260 Redwood Highway**
Enumerated a list of items affecting the conditions around the site, such as climate change, sea level rise, Highway 101, Richardson Bay Bridge, affordable housing needs, workers' housing needs, etc.

- Maintains that previously the DRB board approved a plan for 150 Shoreline. (Alan responded: We would probably have rejected it, but we were bypassed. It has been rejected by the Planning Commission and is currently under review by the Board of Supervisors) BOS.
- The project will create additional taxes and jobs for the local economy, reducing future local employee's commute time. The planning will include green buildings, solar power panels on rooftops or on the Bay, drip irrigation, local materials, and scenic views from the hotel balconies. Jack invited the participants to share any ideas to create a state-of-the-art community.

B. Discussion with the Board:

- **Alan Jones:**
 - It sounds like this development will have more impact than your (Jack Krystal's) previous development, which was rejected by the board.
 - Would it be fair to say that the intention is to use the State of California development laws to get away with even more?
- **Andrea Montalbano:**
 - In some communities, the approach is to buy out the property owners rather than shore up and repair and raise the roads. It would be better to return the property to its natural state of marshlands.
 - Are there any plans that the board can look at?
 - Are you planning to build as a pier, or movable foundations, floating, or raise the entire construction?
 - Do you have any plans?
- **Jack Krystal:**
 - Our objective is to do the necessary improvements.
 - Change in sea level on our site could be 3, 4, or 5 feet? There are unknowns.
 - There could be engineering solutions like those on the Thames, in the Netherlands, and Asia, such as a tidal gate under the Golden Gate Bridge.
- **Andrea Montalbano:**
 - The biggest obstacles are environmental concerns.
 - Your goal should be to build with the least environmental impact on this site.
 - Could you allow for more marshland?
 - In a project in Malmo, Sweden, for multi-family housing, they created new marshland around it. They brought back the marshland.
 - Here's the link again to the Swedish project:
[JGB V8N3 a02 Austin.pdf \(collegepublishing.us\)](#)
 - We want to know how your project can repair, and improve, ecological systems surrounding the marsh, not just increase tax dollars.
- **Doug Wallace:**
 - Your plan is proceeding on hope, rather than being in sync with Caltrans.

- It is without information on long-range flood control measures that are likely to be implemented.
- My input is just a caution: not to proceed on a notion of a tidal gate or rising of the roadbed, which many engineers think is not viable.
- **Alan Jones:**
 - Any high-density project in this area should have plans for sustainability.
 - The best use of that land would be to revert back to marsh.
 - Large-scale construction could do more damage than anything you could do to ameliorate it.
- **Jack Krystal:**
 - I appreciate what Andrea is saying.
 - Would you like us to bring plans to you as we progress?
- **Alan:**
 - Yes we would, and thank you very much.

C. **Andrea Montalbano:** Had to leave the meeting at this point because of a prior commitment.

AGENDA ITEM #2

Discussion and Review of the Williams Variance application located at: 842 Autumn Lane, Mill Valley. Assessor's Parcel: 049-211-09. Project ID: P3319. Senior Planner: Immanuel Bereket.

The applicant requests Variance approval to construct a 337 square-foot addition to an existing 1,600 square-foot single-family residence on a developed lot in Mill Valley. The proposed addition would result in a building area of 1,937 square feet and a floor area ratio (FAR) of 25.8 percent on the 7,500 square-foot lot. The proposed building would reach a maximum height of 29 feet, 10 ¾ inches above surrounding grade, and the exterior walls would have the following setbacks: 14 feet, ten inches from the northern front property line; 19 feet from the eastern side property line; 23 feet two inches from the western side property line; and over 100 feet from the southern rear property line.

Variance approval is required because the project does not meet the setback standards for the R1-B1 zoning district under the Marin County Development Code Section 22.54.020.

Zoning: R1-B1 (Residential Single Family, Combined District)

Countywide Plan Designation: SF6 (Residential, Single-family, 4-7 unit per 1 acre)

Community Plan: Tamalpais Community Plan

A. **Laura Viggiano:** We have been here 13 years. Since then, we have had two kids and we need extra space. The house is on a steep incline. Currently, there is one outside door, and we are adding one more to the outside because of safety concerns. The house is

pushed back on site to allow turnaround space for our cars (per the Fire Dept.), as we are the last house on a dead end road.

- B. **Roger Williams:** We are butting up against a space originally meant for a 40-foot easement for a dead end that is not likely to be built. Our neighbors have no objections.
- C. **Anne Forell (architect):** It is the last parcel on the development, but the actual road is not as shown on the development plan. Autumn Lane alignment is shifted, and it stops at their lot.
 - Front setback requirement is 25 feet, and back setback is 6 feet. The site has a 45-degree slope down on one side. Our proposal is to expand into the hill, at the second floor level. By the book, this is the front yard and requires a 25-foot setback. Currently the setback is at 21 feet and is non-conforming. The Fire Dept. wants to maintain the parking cutout area in our lot and keep it vertically unencumbered.
 - The revised plans: shown on a 3D drawing. Rear of the house is extended into the front yard area by about 20 feet. The turnaround is maintained as required by the Fire Dept. Also provided is the second means of egress from the kitchen at the back to outside.

D. Discussion:

- **Doug Wallace:** Are there any plans to build on the uphill site?
- **Anne Forell:** The answer is no. Also, the owners have spoken to uphill and other neighbors. They have no objections and we have signatures to that effect.
- **Alan Jones:** Any comments from the public. None.
- **Alan Jones:** Mandatory findings for a variance according to County Court 22.54.5050: There are four clauses for allowing variances, A B C D. This proposal complies with all those clauses. The property is in an unusual situation at the end of the road and development is unlikely to negatively impact other properties.

E. Motion for approval: Approved and Seconded. Motion was carried unanimously 3-0.

AGENDA ITEM # 3

Special Presentation from County housing planners with the Community Development Agency, who provided an overview of the County's upcoming Housing and Safety Elements Update.

Here's a link to most of the information that was presented at the meeting:

<https://www.marincounty.org/depts/cd/divisions/planning/housing-and-safety-elements>

The slides that were shared at the meeting will be posted on this website sometime after November 3rd.

There are three components of the presentation: **Safety Element** by Aline Tenelian, **Housing Element** by Leelee Thomas, and **Opportunities for Input** by Gillian Zeiger.

A. Aline Tanielian: The Safety Element

- a. **The Safety Element:** to prepare for, and protect the public, from the harmful impact of environmental hazards like wildfire, flooding, landslides, sea level rise, drought, and extreme heat.
- b. Safety elements are integrated throughout the plan. Not a standalone document. They are included in the plans and policies for built environment, natural systems, agricultural systems, and the socioeconomic elements.
- c. Safety and Housing elements are being updated together as per the state law requirements that connect these two elements.
- d. It includes adaptation to climate change and resiliency planning and focuses on the natural hazards mentioned above. Of course, resilient communities and resilient housing go hand in hand.
- e. Safety Element Policies and Implementation programs will be ready in Spring 2022.
- f. **Vulnerability Assessment** identifies the risks by natural environmental hazards, exacerbated by climate changes, such as: wildfires, sea level rise and flooding; and new hazards like extreme heat days. Once vulnerability is assessed, goals and objectives can be identified. Vulnerability Assessment to be ready by early November of 2021.

B. Leelee Thomas: The Housing Element

- g. The plan is for period 2023-2031. And is due to the State by January 2023.
- h. It is a plan that shows types of housing and where it can be built. To meet the current and future housing needs of all income levels, including the very low-income group.
- i. Housing Element for Marin County covers only the unincorporated areas.
- j. Every city and town is working on its own Housing Element.
- k. The significant sections of Housing Element are:
 1. Needs Assessment
 2. Previous Accomplishments
 3. Constraints to Housing Development
 4. Resources and Sites Inventory
 5. Affirmatively Furthering Fair Housing
- l. **RHNA - Regional Housing Needs Allocation:** The number of new homes is covered by this process. The State determines how many new homes are needed and assigns a share in each region and County.
- m. **Marin County:** has been assigned over fourteen thousand (14,000) spaces, and

- n. **For Unincorporated Marin County:** the number is 3,569 units. This is a significant increase, from 185 units last time.
- o. **Current Housing Stock:** Unincorporated Marin County has a population of 66,888 residents. 72% are single family homes.
- p. **Demography:** is changing significantly. Increase in Latin population, larger inter-generational households, more seniors, and more single family (25%).
- q. **Affordability:** is defined as someone paying 30% of their income, or less, on their housing. At present, a third of our households in Marin are cost burdened. Many of our essential workers are cost burdened. In Marin County, a family of four can have an income of \$146,000 per year, and still be considered as “low income,” and qualify for Affordable Housing.
- r. **AFFH:** The aim of Affirmation Furthering Fair Housing (AFFH) is to restructure the effects of restrictive covenants in the past that discriminated against non-white communities. It will inform the residents of the history of programs that helped to create segregated communities. They are illegal, but continue in property deeds throughout, (including Leelee’s home, which was built in 1959).
- s. The information on this project is on our website.

C. Gillian Zeiger: Opportunities for Input,

- t. **Community survey** It’s very short and has less than 15 questions. It is available online and in print, in a number of languages. Launched on our website today.
- u. **“Consider-It”**, an online discussion forum to be launched for suggestions and comments. It will enable community to weigh in on issues such as climate change with suggestions and comment.
- v. Go to the county website to look for *Consider It*:
<https://www.marincounty.org/depts/cd/divisions/planning/housing-and-safety-elements>
 1. Sign up for updates, notifications, community meetings., etc.
www.housingelementsmarin.org
 2. Members of the community can find out which jurisdiction they live in, and which process they should be following and opportunities for engagement in their jurisdiction, including the unincorporated Marin.
- w. Upcoming opportunities:
 1. Online survey called *Consider-It*. Keep an eye out for it on the affordable housing and safety website:
<https://www.marincounty.org/depts/cd/divisions/planning/housing-and-safety-elements>
 2. Second Community Workshop is on November 15, 2021, at 6:00 p.m. It will focus on the Vulnerability Assessment, which is part of the Safety Element. As well as to get feedback on housing element.
 3. Joint Planning Commission/Board of Supervisors Meeting on December 7, 2021. When they will present their findings.

- x. **Timeline for the planning process:**
 - 1. Meetings, Workshops and Surveys to receive input:
Fall 2021
 - 2. Identify Potential Housing Sites / Land Use Changes and Identify Hazard Risk Areas /Solutions:
Winter 2021
 - 3. Environmental Analysis:
Winter 2021 / Spring 2022
 - 4. Draft Housing & and Safety Elements & Zoning Amendments:
Spring 2022
 - 5. Public Review, CALFIRE Review and State HCD Review:
Summer 2022
 - 6. Planning Commission and Board of Supervisor Consideration:
Winter 2022
 - 7. Final Submission:
January 2023

- y. There will be a new Unincorporated Marin Housing and Safety website where folks can subscribe to get the latest developments.
 - 1. For any outreach ideas please send them to us at:
housingelement@marincounty.org

D. Board Discussion

- a. **Doug Wallace:** Only recently became aware of the Restrictive Covenants. What corrective measures are contemplated?
- b. **Leelee Thomas:** Only as an awareness exercise, reporting and recording only. Not a formal process. Propose to make maps to locate area with restrictive covenants, and to redline maps.
- c. **Aline Tanielian:** Project to acknowledge the laws that contribute to the history. Also to highlight the stories of those who were denied home ownership.
- d. **Doug Wallace:** Suggested a proactive approach of doing a title search and a big mailing to inform the community.
- e. **Alan Jones:** Sometimes State laws undermine local zoning regulations. How to deal with this? “Above-moderate” housing in Marin is sky high. We support Affordable Housing but not these sky-high units.
- f. **Alan:** We are concerned that if these regulations come into play then it makes our job irrelevant. If they can build whatever they want anyway, what is the point of design review? Like 150 Shoreline. It’s a hotel, but the Planning Commission weighed in and called it housing!
- g. **Doug Wallace:**

I am not opposed to densification to achieve these goals, but we should not sacrifice public safety. Topography of this area has to be recognized. It's good that the Housing Element and Safety Element are being considered together. It is not a trade off but important that both be considered together.

- h. Jack Krystal:** In our property, we do not have such restrictive covenants. We can provide housing for the local workers on the water. There seems to be a conflict in the policy, but we can provide that commodity.
- i. Leelee Thomas:** When there are conflicts we have to evaluate, and come up with a plan that balances those elements. There are strong preservation policies in County and State, and it's a challenge to find places for more housing outside of those constrained areas.
- j. Alan Jones:** We look forward to seeing how you reach out to people to provide this input.
- k. Leelee Thomas:** Let us know specific ideas for the outreach, and best way to outreach your community.
- l. Alan Jones:** One suggestion by Katherine is *NextDoor* (which was mentioned in previous presentations).
- m.** Thanks for coming. (End of Presentation)

E. Doug Wallace: Has the Board of Supervisors taken any action on 150 Shoreline? It does not appear on any of their agendas. (Alan: This item has not come to the Board.) I would be very interested in playing the role of presenting testimony again.

F. Future Agenda: Next meeting on November 3, 2021, two large signs, illuminated and larger than allowed by County code. Alan had sent an email to them, to please follow the county code before bringing it to the board. He has not yet received any feedback from the applicants.

G. Where to find the PowerPoint Presentation:

- The 26 slides from this PowerPoint will be posted on the county website at:
- <https://www.marincounty.org/depts/cd/divisions/planning/housing-and-safety-elements>
- Sign up for email updates at: www.MarinCounty.org/HousingSafetyElements.

The TDRB board members thanked the housing planners for their excellent presentation, and the meeting was adjourned at 8:48 p.m.