



May 28, 2021

Phil Richardson
418 Greenwood Beach Road
Tiburon, CA 94920

**RE: 575 East Blithedale Avenue (PL20-4916 – DR/ER/CUP/Tree) -- Project Consistency
Per Government Code Section 65589.5(j)(2)(A)**

Dear Phil,

Pursuant to our April 30, 2021 completeness review determination, the City of Mill Valley has begun evaluating your project application for merits review, including an evaluation of the project pursuant to the California Environmental Quality Act (CEQA).

In addition, the Housing Accountability Act (HAA), California Government Code Section 65589.5, requires City staff to determine if a proposed “housing development project” is consistent, compliant, and in conformity with the applicable, objective standards and criteria in the City’s general plan, zoning, and subdivision regulations, including design review standards, in effect at the time that the project’s application is determined to be complete. *See*, Gov. Code 65589.5(j)(1).

Pursuant to state law, staff has completed a review of the application materials submitted to date, and considers the project to be **inconsistent** with the specific objective standards stated below. As a courtesy, we have also identified the ways in which staff believes the proposed housing development project is inconsistent and not in compliance with other City standards that may not qualify as “objective.”

Objective Standards and Criteria

Mill Valley General Plan (MV 2040)

1. **Mobility Chapter, M.9 Traffic Management**

M.9-7 (p. 74): “Maintain a motor vehicle level of service (LOS) standard of “E+” at the intersection of East Blithedale Avenue and Camino Alto. LOS E+ means an average motorist delay of between 55 and 65 seconds during the morning (AM), after school, and evening (PM) one-hour peak periods on weekdays and during peak periods on weekends.”

M.9-8 (p. 74): “Maintain a motor vehicle level of service (LOS) standard of “D” at all other signalized intersections in the City of Mill Valley.”

Staff has determined that the project is potentially inconsistent with policies M.9-7 and M.9-8, above, pending the completion of the traffic study.

City of Mill Valley “Multi-Family Residential, Downtown Residential, & Mixed-Use Design Guidelines & Development Standards”

1. Building Privacy, Standard #E.2 (p. 67): “Locate windows away from, or screen windows from, direct views of private outdoor areas of neighboring properties.”

Staff notes that the balcony windows on the upper unit (E9) in the front building, on the west side of the proposed project and adjacent to a residential neighborhood of one-story homes, looks directly down onto the neighboring property’s private yard area. Due to the design of the proposed unit (E9), the project is inconsistent with the applicable objective design standard E.2.

In order to comply with this standard (and maintain compliance with other applicable standards), the project must be redesigned so that the windows in E9 do not have direct views of the private outdoor area of the neighboring residential property.

2. Transitional Guidelines, Standard #3.2 (p. 69): “Ensure that projects built adjacent to existing lower-scale residential development respect the scale of adjacent properties. Transitions can be made by varying the massing within a project, stepping back upper stories and varying sizes of elements to transition to smaller-scale buildings (see the Multi-Family Residential and Mixed-Use Development Standards regarding height, stepbacks, and setbacks).” **Compliance with this standard is illustrated by the “Do This, Not This” figure on page 69.**

Staff notes that the proposed building along the western property line does not step back upper stories or include varying sizes of elements to transition to the smaller-scale residential buildings to the west of the project site.

In order to be consistent with this standard, the project must be redesigned so that the upper unit (E9) steps back so that there is a proper transition to the residential property to the west, as explicitly illustrated in the “Do This, Not This” figure. As clearly demonstrated in that figure, the upper stories on the proposed building where E9 is located must be stepped back because it is adjacent to a lower-scale single-family home.

Subjective Standards and Criteria

Mill Valley General Plan (MV 2040)

Although all applicable policies contained in the General Plan shall be applied to this project, the following policies are highlighted for your information.

1. Land Use Chapter, LU.1 Residential Development
LU.1-2 (p. 28): “New residential development or remodels should avoid a design approach or architectural features that exaggerate height, bulk or mass and create

incompatibilities in relation to neighboring properties, distant public views from across a canyon or other parts of the City, or views from the public right-of-way.”

Staff notes that the proposed project is out of scale with the surrounding neighborhood including compatibility issues with regards to bulk mass, shade, shadow and general poor inter-relationship with neighborhood.

2. Civic Vitality Chapter, CV.4 Public/Commercial Space and Events

CV.4-3 (p. 101): “Encourage new development, particularly in infill areas, to provide small plazas, pocket parks, civic spaces, and other gathering places that are available to the public to help meet recreational demands.”

Staff notes that the proposed project does not include any pocket parks, civic spaces or other gathering places open to the public.

Zoning Ordinance – Mixed-Use Definition

1. Mill Valley Municipal Code Section 20.08.070: *As indicated below (emphasis underlined), the City’s definition of “mixed-use” describes an integrated development project with significant functional interrelationships and a coherent physical design. Staff is concerned that the project, as proposed, is inconsistent with this definition, specifically because the two architectural designs proposed to be included in the project are significantly different, do not relate to one another, and do not present a coherent physical design.*

“20.08.070 (C) MIXED-USE BUILDING. A ‘mixed-use building’ means any building containing one or more dwelling units, together with commercial and/or business and professional office use. Mixed-use buildings include, but are not limited to:

- i. **MIXED-USE.** ‘Mixed-use’ means a property on which various uses such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A ‘single site’ may include contiguous properties.”

Consistency with the definition above could be ensured by modifying the project design to bring the two architectural styles into a coherent physical design, such as by adding wood-like treatments to the Cavagnero designed buildings (e.g., trellises, window awnings) or matching the materials and colors of the two distinct styles in the project so that they complement each other. At present, the concrete façade and modern architecture of the Cavagnero designed buildings (at the front of the lot) do not have any relationship with, nor do they form a coherent physical design with, the other proposed buildings on the east side and back of the site.

City of Mill Valley “Multi-Family Residential, Downtown Residential, & Mixed-Use Design Guidelines & Development Standards”

1. Site Planning and Design - Standard #1.A (p. 53): “The design of multi-family and mixed-use developments shall be compatible with the natural and built character of the surrounding neighborhood. New development should also respect the characteristics of the specific site, including existing natural topography, vegetation, and drainage patterns on a site...

A. Neighborhood Context. Development proposals for both remodel and new multi-family residential and mixed-use projects should understand how the design fits into the neighborhood context, considering the massing, siting, landscaping and orientation of buildings. New project designs should complement surrounding residential and mixed-use areas.”

Staff notes that the mixed-use building (Cavagnero design) is not compatible with residential properties surrounding the project site. The proposed project should be redesigned with setbacks that are consistent with the prevailing setbacks along the block where the project is located, as well as the provisions in the City’s Zoning Code. This standard is illustrated in the figure on the upper right side of page 53. Staff notes that the residential properties along Blithedale (on either side of the project site) are set back approximately 30 feet from the face of the curb, while the proposed mixed-use building is setback only 15 feet from the face of the curb. This is inconsistent with prevailing setbacks along the block and inconsistent with the figure on page 53.

2. Site Planning and Design - Standard #1.A.2 (p. 53): “Locate new structures or additions in areas that minimize the impacts on neighboring structures and on mature trees (e.g., along Miller Avenue).” This standard is illustrated in the lower figure on page 53.

Staff notes that all of the trees on the property (including native coast live oaks) are proposed for removal, inconsistent with the figure. Clearly, removing all of the trees does not minimize impacts on mature trees. The site plan should be redesigned to address impacts to mature trees.

3. Site Planning and Design - Standard #1.A.4 (p. 53): “Design building heights and upper story step backs to reduce impact on neighboring properties and the public right-of-way and allow access to sun light and natural ventilation.”

Staff notes that the upper second story along the western property boundary does not include a step back and looks right down on the neighbor to the west of the proposed project. This also violates the objective standard in Design Guidelines 3.2 on page #69, as noted above. To comply with this standard, the project should be redesigned to step back the upper story on the west side of the property.

4. Building Design - Roof Forms, Standard #B.7 (p. 64): “Design roofs to incorporate pre-plumbing and pre-wiring of homes for easy installation of solar water heating and photovoltaic (PV) solar panels, where feasible. Solar panels should be incorporated into roof design and be low-profile where possible.”

Staff notes that the front residential units have flat roofs and should incorporate solar panels. This is not indicated in the project description or planning submittal. To comply with this standard, the project should incorporate solar panels on the front building.

5. Building Design - Roof Forms, Standard #B.8 (p. 64): “Consider green roofs (e.g., roof top gardens or living roofs) on flat roofs to reduce the heat-island effect and reduce stormwater runoff.”

Staff notes that the front residential units have flat roofs and should incorporate green building elements such as green/living roofs. This is not indicated in the project description or planning submittal. To comply with this standard, the project should incorporate green roofs on the front building.

6. Building Design - Building Privacy, Standard #E.3 (p. 67): “Locate or screen upper floor balconies and decks in areas that minimize the loss of privacy for neighboring properties.”

Staff notes that the balcony on the upper unit (E9) of the front building looks directly down on the neighboring property’s private yard area. The project needs to be redesigned to address objective Standard E.2 (as described above), but any such redesign also should address the other standards in Section E, including E.2.

7. Building Design - Building Privacy, Standard #E.5 (p. 67): “Design the height of the structure, its location on the site, and its architectural elements to avoid unreasonable impacts to the privacy of adjoining properties.”

Staff notes that the upper unit (E9) of the front building is a two-story element looking directly down into the neighboring property private yard area. The project needs to be redesigned to address objective Standard E.2 (as described above), but any such redesign also should address the other standards in Section E, including E.5.

8. Building Design - Materials and Colors, Standard #F.2 (p. 68): “Use materials and colors consistent with the desired architectural character of the building and neighborhood.”

Staff notes that the board-formed concrete design of the front buildings are in contrast with the neighborhood. In addition, the proposed project incorporates two starkly different architectural styles and the materials and colors are not consistent with each other or the neighborhood. The project should be redesigned to address these concerns.

9. Transitional Guidelines - Standard #3.1 (p. 69): “Consider how the style, massing, rhythm, setbacks, and materials of new construction may affect the character of adjacent development.”

Staff notes that the Cavagnero designed buildings along Blithedale Avenue are different in massing, rhythm, setbacks and materials choices than the residential properties surrounding the project site. Also, as described above, the massing of the proposed

buildings does not comply with both objective and subjective standards and will alter the privacy of the residential property to the west of the site.

Additional Comments

Although not part of the review for consistency with objective standards pursuant to Government Code Section 65589.5, comments from the Department of Public Works and Mill Valley Refuse Service are attached for your information:

1. Application Review memo from Jon Crawford, consulting engineer for Department of Public Works, dated January 9, 2021. *Please be advised that although this is the application completeness memo from January 2021, there are still issues contained in the letter that staff is concerned about with regards to design compatibility.*
2. Comments from Dave Biggio, Mill Valley Refuse dated May 24, 2021. *The Mill Valley Refuse Service is a private entity that manages solid waste collection within the City of Mill Valley – as such, we are providing this letter to inform you of their comments.*

Further review of your project may necessitate requests for additional clarification of the project application. Similarly, the City has engaged the services of Lamphier-Gregory to evaluate the proposed project pursuant to CEQA, which may require supplemental reports in the event that City staff determines that existing reports are inadequate for the purposes of application processing and evaluation for environmental review.

Accordingly, if you have questions, comments or concerns, we recommend scheduling a meeting with City staff at your convenience. Please do not hesitate to contact me at sean@lakassociates.com or 415-533-2111.

Best regards,



Sean Kennings
Contract Planner
(415) 533-2111

Attachments:

1. Application Review memo from Jon Crawford, consulting engineer for Department of Public Works, dated January 9, 2021
2. Comments from Dave Biggio, Mill Valley Refuse dated May 24, 2021.

Memorandum

Date: January 9, 2021
To: Planning Dept
From: DPW
Subject: 575 East Blithedale –PL20-4916
First Completeness Review (2nd review total)

Public Works find the application incomplete as a result of the following:

1. The Tentative Map does not provide for separate lots for the common areas. These areas are left undefined in ownership and should be designated at lettered lots or similar with final ownership defined on the tentative map.
2. The use of the term “Vesting Tentative Map” denotes a completeness of all plans for construction and/or all securities included within the application in accordance with the Subdivision Map Act. The Mill Valley Code also has very specific requirements for vesting maps. Staff is recommending that the term Vesting not be considered on this application because the application does not meet the residential only section of the code (Section 21.80.050.A).
3. The application does not provide recorded evidence nor calls out the encroachment of the neighbor’s driveway onto and through the applicant’s property as required by Code and Map Act on the Tentative Map.
4. Design calculations for the proposed Bioretention and treatment devices/swales need to be submitted to assure that the sizing submitted meets all the requirements of section E.12.b of the City’s State Water Resources Control Board Water Quality Order 2013-001-DWQ. cursory review by staff has the devices too small for the anticipated runoff of the site which could require the loss of area within common or buildable lots.
5. A Solid Waste Management Plan (SWMP) is needed to verify enough room has been set aside for on site pickup of waste. The current street configuration (merging of lane with NO curb lane/parking) does not provide for the placement of bins on the street. Also, the design of the Lot 1 waste bin within the parking structure will require haul out to street which, as stated above, creates a hazard. Relocate to internal common area or as otherwise approved within the submitted SWMP.
6. The existing site topography is not provided in accordance with the City’s subdivision ordinance (code). **Contour Lines.** Contour lines having the following intervals:
 1. Five foot contour interval for ground slopes between five percent and 15%.
 2. Ten foot contour interval for ground slopes exceeding 15%.
 3. One foot contour interval for ground slopes below five percent.

This format was designed to provide easier review of the impacts on sloped lots and the impacts especially on those slopes exceeding 15%.

Public Works has additional concerns that must be addressed (either include or explain why in wasn’t included) at the entitlement phase of the project in order to provide a thorough review and potentially place conditions on the project. They are:

- a. *A traffic study shall be provided that will not only look at the impact of this project on the adjacent intersections, including the Camino Alto intersection, but also the delay in ingress and egress from this proposed development. Staff is concerned that the only accesses to this project will need to be limited to right turns only.*
- b. *It is staff's opinion the existing neighbor's driveway and any proposed project driveway be combined for joint use. Elimination of the neighbor's driveway may also be an alternative*
- c. *There is only a single access to the townhouses. The city will require two points of access.*
- d. *Additional comments will be forthcoming upon submittal and receipt of a tentative map package that meets all of the submittal requirements of the City.*

Additionally, the following Conditions of Approval are anticipated to be included in any entitlement approvals for this item. Please contact me directly at jcrawford@cityofmillvalley.org with any questions or concerns.

1. This project is required by section E.12.b of the State Water Resources Control Board Water Quality Order 2013-001-DWQ to implement one or more of the stormwater runoff reduction design measures included in the section, which include: rooftop and impervious area disconnection from storm drain collection systems, porous pavement, green roofs, vegetated swales and rain barrels/cisterns. During the building permit application process, the applicant will be required to submit discussion of the infiltration potential of the site and shall review the volume/flow control mitigations proposed, addressing the potential for site soils to be saturated and result in limited infiltration. Mitigation designs shall demonstrate required and proposed storage/flow mitigation.
2. Post-project stormwater peak flows shall be metered on-site to match pre-development peak flows for at 10-year storm event. The method for metering stormwater flows shall be approved by the City Engineer. Applicant shall submit a Stormwater Control Exhibit as part of the building permit application. The design of stormwater control can have significant effects on site layout and project cost, especially if done in the later stages of design. Submittal requirements include:
 - a. The Stormwater Control Exhibit (separate sheet in the plan set) and shall include:
 - i. Site Plans for the existing and the proposed conditions including:
 1. building roof/footprints,
 2. drainage facilities (pipes, inlets, tanks etc.)
 3. landscape features,
 4. site contours,
 5. drainage tributary areas,
 6. overland drainage patterns including Q_{10} and Q_{100} at points where stormwater leaves the project site.
 - ii. Table showing pre and post project pervious and impervious areas
 - iii. Notes including project hydrologic soil type
 - iv. Table for proposed project condition showing for each Drainage Management Area (DMA):
 1. Area (SF),
 2. Surface material,
 3. Runoff coefficient,
 4. Effective area,

5. Destination Integrated Management Practice (IMP),
6. Sizing factor (if applicable). Note: sizing factors for IMPs vary, and vary for a specific IMP based on treatment/hydromodification requirements.
7. IMP size
 - b. Calculations and details for sizing of outflow/dissipation.
 - c. Erosion/Sediment Control Plan.
 - d. Work/Phasing Schedule
3. An Encroachment Permit will be required for any work occupying the public Right of Way including parking, loading, debris bin, equipment operation etc. Please contact the Department of Public Works or visit www.cityofmillvalley.org/gov/departments/publicworks for application information. Please note that required insurance documentation, and traffic and pedestrian control plans (if required) are part of the Encroachment Permit process.
4. Prior to Final Building Inspection, the Department of Public Works will inspect the site and require compliance with City of Mill Valley Codes regarding Frontage Improvements (MVMC 11.24), Encroachments (MVMC 11.24, 12.04 and 12.08), Sight Distance (MVMC 12.04), Vegetation Management (MVMC 11.24, 12.04, 12.08, and Fire Protection Standard 220), and Premises Identification (Fire Protection Standard 205).
5. All cracked, broken or uplifted sidewalk fronting the property shall be replaced (MVMC 11.24.060).
6. Contractor must contact the Department of Public Works to obtain a Lane Closure, Road Closure and/or a transportation permit if construction vehicles exceeding 26 feet in length are required during anytime during the construction period.
7. A Construction Management Plan shall be included with construction drawings and must be a separate plan sheet including the following:

Notes:

1. **Job Site Rules:**
 - (a) All debris from day's activities will be picked up and the area broom swept, and properly disposed of or stockpiled.
 - (b) Smoking is prohibited on site and within twenty-five feet of any building.
2. **Vehicle Parking:** Project vehicles shall park on the project site and carpool from an acceptable public lot such as the Manzanita Park and Ride. Any project-related workers, contractors or subcontractors unable to park on-site will carpool in an acceptable vehicle or shuttle to the site. Parking of project vehicles in the public right-of-way shall be by **SEPARATE, DATE SPECIFIC** approval of the Department of Public Works only. Approval will be given by separate ROAD IMPACT PERMIT only if project demonstrates that no on-site parking is feasible. Contact the Department of Public Works at 415-384-4800. **THE CITY OF MILL VALLEY DOES NOT ISSUE PARKING PLACARDS. VEHICLES PARKED IN THE PUBLIC RIGHT OF WAY WITHOUT A VALID ROAD IMPACT PERMIT DISPLAYED ON DASHBOARD WILL BE CITED AND/OR TOWED.** Road Impact Permits for parking require "No Parking" signs to be posted a minimum of 72 hours in advance.

3. **Road Impacts:** (Road or Lane Closures, Lane Shift, Parking or Traffic Delay) Road Impacts shall only be permitted with prior authorization from the Department of Public Works consistent with the City's road impact policy.
 - a. Persons wanting to close the road are required to obtain an approved **DATE AND TIME SPECIFIC Road Impact Permit** from the Department of Public Works ten working days prior to date of impact.
 - b. Persons with an approved Road Impact Permit must provide written notification to affected property owners and neighbors, and post the road closure 48 hours in advance of work. A copy of the notification to neighbors must be received by the Department of Public Works 48 hours prior to the approved permit date, or the permit may be canceled.
 - c. Any unpermitted road impact will result in a **Stop Work Order** for violation of the Construction Management Plan. Work will not be permitted to resume until the project contractor and any involved subcontractor attend a construction management review meeting with City staff, including, but not limited to the Department of Public Works, Planning Department and Building Department and all applicable citation fees have been paid in full.

4. **Deliveries /Off Haul:**

All deliveries will be made between 9:00 AM to 4:00 PM. All drivers shall be advised of the designated truck route, including approved turn around locations, prior to any deliveries or material removal. All open-bed trucks shall be tarped.

5. **Material Storage:** All construction materials, debris and equipment shall be stored on site.

6. **Truck Route:**

From HWY 101 South: Take exit 447 For E Blithedale Ave, turn right on E Blithedale Ave, then **(site specific directions)**

7. **Portable Toilets:** Portable toilets and job sheds will not be permitted to be placed in the public right-of-way, or within creek setbacks. Portable toilets shall utilize a secondary containment system. A violation of the CMP with respect to the portable toilet shall result in a Notice of Violation, applicable fines, and may result in a Stop Work Order for the site.



May 24, 2021

Hello Patrick

We have reviewed the plans and would like to offer our feedback.

Our goal would be, on pick up days, to be able to drive or back onto the property to avoid idling on E. Blithedale. Having the ability to get off the street would limit the impact on traffic. Because the high level of traffic, pickup will be first thing in the morning.

There are two options for account set up. The first option is an HOA where they have a communal area where the solid waste containers are shared. For this option, all commercial and residential units will cooperatively use all containers for their trash, recycling, and compost. This will save space and limit the total amount of cans throughout the property. The second option is single payer where each unit has its own account and is responsible for their cans. One thing to consider with this option is their cans will have to be stored in their garages when not on pick up days. Hopefully, this was taken into consideration for planning but each unit will need four separate containers (trash, compost, and two recycling) and have the space to store them. That brings up the question where are all these cans going to go on pickup day. I don't believe our trucks would be able to pass the first turn in the complex so the only realistic location is unit D.

That leaves one realistic solution. We feel the best way to move forward would be to eliminate unit D and build a trash enclosure that would be able to hold all containers for all three services where they are shared among all the residents. Hope this helps.

David Biggio
Mill Valley Refuse, Owner
P: (415) 457-9760 ex 14
F: (415) 457-3003

