

Strawberry Design Review Board
118 E. Strawberry Drive, Mill Valley, CA 94941
Strawberry Recreation Center
April 2, 2018

SUMMARY

The meeting was called to order at 7:40 by Joe Sherer, Chair

MEMBERS PRESENT

Joe Sherer, Chair (JS)
Julie Brown (JB)
Rebecca Lind (RL)
Matt Williams (MW)

MEMBERS ABSENT

Penna Omega (PO)

OPEN TIME / PUBLIC COMMENTS

A. Leanne Kruezer of Strawberry Recreation District stated that the Pool House has been submitted to the County. She asked if it was possible for the SDRB to hold a public meeting before the summer. Joe Sherer and she discussed it and Joe stated that he would hopefully put it on the Agenda for one of our meetings in May. If County Planning isn't prepared to send to SDRB in that timeframe, Joe suggested that it is possible for Strawberry Rec. to give a presentation to the Community via the SDRB.

MINUTES

The minutes from the 03.05.18 meeting were discussed. The minutes were approved without modification unanimously. M/S: RL /JB Vote: JS: yes, JB: yes, RL: yes, MW: yes (4-0)

AGENDA ITEMS

1. 102 Neider Lane: Deck replacement and deck additions.

Applicants (APP) Laura Kehrlein of Frederick Devine Associates Architects presented the project. Nick Drakulich (Owner) also discussed the project, as well as discussed the need for the parking deck to the east of the garage because the existing driveway is too short for two cars and the existing garage is too small for two cars and is small for a compact car. JS & JB noted the garage interior is 20' deep and 18' wide. JB noted that it was tight. Discussion ensued re: that no setbacks were indicated and needed in order to properly review any proposal. Owner stated that the setbacks were unclear and the County gave no direction and/or various answers. (see item 'c.' below)

JS opened the floor to public comments from neighbors:

a. Tim Bartow, attorney and son of Kay Brown, owner of 116 Reed, (directly below subject property) stated that the project had the following issues and provided photos from the rear yard (taken by neighbor):

- I. Privacy and Sunlight: the proposed lower deck will loom 20 ft. over and above her house. It will look down directly into her bedroom window. It will also shade her yard.
- II. Inconsistent with neighborhood character: the proposed decks don't match the neighborhood pattern and is dramatically different from other houses and specifically development on the hills.

b. Larry Wolf of 114 Reed read a section from the Strawberry Community Plan re: Strawberry Vista.

- I. Larry read from the Strawberry Master Plan (subsequent research found this to be on P.6 under "Design Guidelines" regarding "B. Watertank Hill" of the 1982 Amendments to the Strawberry Community Plan) written before Neider Lane was developed:

"Any development on the side slopes above Reed Boulevard or Ricardo Road should be cautiously reviewed to insure that proposed dwelling units do not require an extensive amount of grading. Development on these slopes should be family units so limited and sited as to minimize the impact on the privacy of existing dwellings on Ricardo Road, Milland Drive, Reed Boulevard, Carlota Circle, Clotilda Court, and Inez Place. The site plan should

incorporate a "green belt" setback of extensive landscaping to visually and physically separate proposed and existing development.”

- II. He alleged trees were removed in Sept. 2016 on 116 Reed by the applicant (unclear if extent was understood) that resulted in clear sight-lines between properties, i.e., 102 Neider looks down into the yards below. Landscaping was to happen to mitigate the impact, but cannot happen with proposed deck plan.
 - III. He stated that having a deck up to 3 ft. from the shared property line doesn't allow for any landscaping and has to be against code.
- c. Board discussed that the setbacks are not shown on the drawings and questioned if the neighbor's house outlines were to scale (JS & RL).
- I. Applicant stated outlines are interpreted from MarinMap and Google, not surveyed.
 - II. Discussion of setbacks. Applicant stated that getting preliminary information from County staff but since this was a Planned area, they couldn't get a clear answer (zoned RMP-2). RL stated setbacks are established through Design Review.
 1. Applicant stated they decided to submit the project as preliminary to get feedback.
 2. MW asked if they had the existing plans for the house (yes) and shouldn't they show the setbacks? Applicant stated
- d. John Batdorf of 106 Neider Lane (adjacent to west) is not fundamentally opposed to an upper and lower deck but had issues with size and scope:
- I. It doesn't fit with neighborhood.
 - II. The lower deck is larger than the footprint of the house.
 - III. Other decks follow the contour which is the neighborhood and hillside pattern.
 - IV. The height of the deck and fence on top is almost 20 ft above grade and results in loss of views and privacy.
 - V. The large stair on the west is entirely above his fence and would result in loss of privacy. He suggests he'd support a stair closer to the ground.
 - VI. Would like to understand more about lighting, noise, etc.
- e. The 3 neighbors above opposed the project; no speakers in support. The Board then discussed the project:
- I. RL: The project is out of scale and out of proportion with the neighborhood context.
 - II. JS: This is part of the Strawberry Vista Home Owners Association, so asked if they had reviewed it? APP stated Heidi Hugo (president of HOA) had no issue with it.
 1. JB asked APP if it was internally reviewed by them or what their procedure was? APP didn't know, but were asked by HH to send drawings to neighbors. That was done.
 - III. RL: since this is Residential Master Plan Zone, setbacks are defined by Design Review, but since APP didn't supply them we don't know what they are.
 1. The reason it is in Design Review is for us to do a contextual analysis to determine appropriate setback for this location and history of the property.
 2. Our Community Plan talks about retaining “the existing fine grain character of the Community” by eliminating large scale urban density development. This is not that, but is a large scale development for this particular lot and is out of scale.

3. Not certain what the County standards would be so that we could make recommendations how to modify to make it comply better.
 4. We need to give a strong signal to the County staff that this is too much development for the site and doesn't meet the overall consistency of the neighborhood. We wouldn't want this to happen to every house on that street.
- IV. JB: to the APP, we share your experience that you live on a hill, we have empathy and compassion with what you are trying to do for your situation.
1. Understands the two bold strokes to solve the problem, but it is not effective to you or your neighbors.
 2. This seems to be more of a landscape architectural solution instead of an architectural one. Conceptually, the house is driving you out, but there is no response to the land.
 3. From a design perspective, there is probably a solution that would make a better approach for you and your neighbors.
 4. The reality of the deck square footage being larger than the house is an issue, as well as structural concerns.
 5. To be 20 ft in the air 3 ft from the property line is asking too much. If someone did it to you, we would be looking out for your interests.
 6. Has concerns about the driveway down the east side to the back.
 1. Sympathetic with the parking issues, but there isn't a lot of traffic on Neider (dead end road), so it seems like it can be achieved another way. Neighbors on Reed, with less parking, wouldn't be allowed to do this.
 7. We understand that you've been working on this for awhile, and we sympathize that you have paid for these drawings, but there must be a better solution.
- V. MW: Given the history of this development, there must be somewhere established what the setbacks are. There was an original Design Review on this, and it isn't our job to interpret that. The APP has to find it out, they cannot come to us and say "Is this right?" without a setback shown.
1. APP stated that now the application is in and they have an assigned planner (Sabrina?), it is easier to get some answers.
 2. There is a deck within 3 ft. of the property line, so there must be a fire wall (rated assembly, i.e., a solid wall) to protect it.
 3. There is a 6 ft. high fence shown on top of the deck, that isn't allowed. Marin Co. code is specific about fence height, which is 6 ft. above grade (dirt).
 4. We understand this is preliminary, but the structure underneath will be more robust.
 5. There is a drainage ditch shown on the site plan, but not on the plan showing the grade beams, so how are they interacting with the ditch?
 6. Privacy and shading concerns.
 7. No west elevation drawing is inadequate – how does the fence
 8. Heights of retaining walls shouldn't be greater than 6 ft high, but the one under the parking area is dimensioned at 9'-6".
 9. We are disappointed with the County that they didn't give more guidance, and question why we are even looking at this? We're sensitive that this is publically disappointing to you and we'd like to provide you with some guidance.

10. The neighbors seem to have achieved outdoor space by terracing, and we cannot support a deck that is 15 ft in the air at the expense of your neighbors.
- VI. JS: There must be setbacks in Strawberry Vista. The neighbor at 106 Neider stated that they are 20 ft. in the rear (she later produced a copy of the 1995 Strawberry Vista Subdivision Covenants Conditions & Restrictions – pdf photos of cover and setback pages attached).
1. JB: We are in ongoing conversations with the County that they should have copies of these CC&R's and they should have them...
 2. We support you having a deck, but this is too far up in the air; it's too big.
 3. APP stated that they have planted a hedge 3 ft. on center and should get to 20 ft. high. JS: the deck would still not be covered.
 4. MW: topographical lines stop at the drainage ditch but it seems like it continues downhill, it needs to be shown.
 5. JS: The deck needs to be set further down at least another level to get something larger, so that it wouldn't be as high at the rear. It may be better to have the lower deck align with the existing retaining wall to extend that level. JS suggests at least 5ft lower or probably more to work off of it by terracing down with the slope. Utilize the deeper portion of the lot to have the larger portion of the deck to keep away and respect your neighbors.
 6. The APP was asked if they prefer a denial from us or a continuance? We discussed what the best & fastest procedure may be with the County. They stated they preferred a continuance; to take the feedback and come back.
 7. The upper deck seems logical but not the parking deck coming back to the rear. The stair on the west from the upper deck going north seems way too excessive and cannot be supported by the Board: it looks down on the neighbor. There should be another way to get down – it's not working for your neighbor.
 8. Provide context to support your design.
 9. The parking deck seems too large and seems aggressive at 5 ft. from the property line and will loom over your neighbor. We have concerns about the effect of car lights as you pull in. APP should investigate widening the driveway – check with the County.

MOTION TO CONTINUE 102 Neider Lane deck replacement with the following conditions and recommendations so that there is another review before the SDRB:

- The project as proposed is out of context and is too large and high.
- Investigate, provide and include reference to the Strawberry Vista CC&R's correct setbacks (specifically refer to Strawberry Vista CC&R's) and any others. Refer and abide by CC&R's for the property. Confirm that the Subject Property is Lot 43 and the setbacks are as follows:
 - Rear yard min. 20ft.
 - Side yard min 10ft: The sum of the two side yard setbacks shall equal at least 25 ft.
- Drawings need to at a minimum show all 3 elevations (west/north /east) and include a section. Provide photos of neighborhood context if necessary or applicable.
- Lower the lower deck approximately 1 story and/or follow the hillside with terracing.
- Reduce the impact of the west stairs on the neighbor.
- Reduce the depth of the east parking deck to minimize impact and protect the privacy of the neighbor below. 1 car maximum, no tandem 2 car parking.
- Increase specificity on the landscaping / planting for the sides and rear.

- The Board has little issue with the scale of the proposed upper deck (if the conditions above are addressed), but we have deep concerns with the scale of the lower deck.
- No fencing on elevated decks – follow County fencing regulations re: fencing at grade and guardrails at decks.
- Consider and anticipate impact on the neighbors' privacy and access to light (i.e. shading of neighbors from your deck).
- Show and provide cut sheets of any exterior lighting (see above re: impact on neighbors).
- Specify materials and present to Board at follow up meeting.

The Motion to Continue was approved unanimously. M/S: JB/RL Vote: JS: yes, JB: yes, RL: yes, MW: yes
Vote: 4-0

2. Discuss Previous Planning decisions contrary to SDRB recommendations

The 03.12.18 email from Jeremy Tejirian to the Board was discussed. He was responding to our wanting to understand the apparent lack of communication when Staff ignored our conditions on past projects.

We were disappointed in the lack of dialog in the response and that it seemed to be defending County staff while appearing to blame the SDRB for the lack of communication. Several seem to say there are no minutes or correspondence or is the issue that they couldn't find them?

Going forward, the Board would like to improve our working relationship by requesting the following from County Planning Staff to improve clarity regarding the process of projects that come before us:

- We recommend that receipt of Draft Meeting Minutes / Summary via email by Staff.
- We recommend notification to the Chair prior to findings or rulings contrary to SDRB recommendations.
 - We'd like a procedure to allow the Chair to request that a finding be held until the SDRB can again meet if necessary.
 - We'd like a procedure for the Chair to request that Staff to come to SDRB meeting if going to overrule and he feels it necessary.
- We request that the Notice of Decision be posted on the Alto Strawberry Design Review Board website for all projects we have reviewed.

RL shared “Section 22.110.055 – Design Review Board” and emphasized that we are not just to consider the Community Plan. Under “Duties and Authorities”,

“The Design Review Boards shall carry out the following functions and duties only in an advisory capacity:

- Advise the County about project compliance with the Countywide Plan, Community Plans and other specific plans, and the Development Code;
- Make recommendations to the Agency regarding the adequacy of an application, the appropriate level of environmental review, and the relative merit of development proposals: and
- Perform other appropriate responsibilities assigned by the Board of Supervisors and accepted by the Design Review Board.”

3. Discuss Marin County Administrator's Office Board and Commissions Biennial Report.

The Board discussed the Biennial Report language. RL will send her doc to JS . JS will incorporate her language and use MW's doc and send to Jeremy and cc Kate Sears and Maureen.

Goal #1 is fine as written. Use RL initiatives. Goal #2 add MW language. Use RL initiatives. Goal #3 per RL add provide affordable housing workshop from Planning.

The meeting was adjourned at 9:49

Notes prepared by Matt Williams