

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Cho and Omar Design Review**

Decision: Approved, as conditioned
Date: January 5, 2024

Project ID No: P4224 Applicant(s): Kelly Condon Design
Owner(s): Chi Hea Cho and Zaki Omar
Assessor's Parcel No(s): 048-232-68
Property Address: 1251 Lattie Ln., Mill Valley, CA
Project Planner: Joshua Bertain
(415) 473-3171
joshua.bertain@marincounty.gov

Signature: *Joshua Bertain*

Countywide Plan Designation: SF3 (Rural/Residential)
Community Plan Area: Tamalpais
Zoning District: RSP - 1 (Residential Single Family Planned, 1 unit/acre)
Environmental Determination: Categorically Exempt - CEQA Guidelines Section 15301, Class 1

PROJECT SUMMARY

The applicant requests Design Review approval to construct a series of attached decks on three separate levels of an existing residence located in an unincorporated area of Mill Valley. The project would entail 1,092 square feet of new decks, and the residence's existing floor area of 3,717 square feet and floor area ratio of 53 percent would remain unchanged. The area, height, and setbacks of each deck subject to Design review are provided below.

1. The existing deck, stairs, and landings located near the front entrance of the residence would be replaced and reconfigured to result in a 575-square-foot deck identified as "Deck # 1" in the plan set. The proposed deck would be located at the entry level of the residence and provide access to the residence as well as access to a deck and patio located at lower levels on the western side of the residence. Deck # 1 would reach a maximum height of 15 feet above the surrounding grade and would have the following setbacks: nine feet, ten inches from the northern front property line; 27 feet from the eastern side property line; 24 feet, eight inches from the western side property line; and 47 feet from the southern rear property line.
2. The existing second-level deck located on the western side of the residence would be removed and replaced with a 127-square-foot deck identified as "Deck # 2" in the plan set.

The proposed second-level deck would provide access to the entry-level deck (discussed above) and patio located beneath. Deck # 2 would reach a maximum height of 10 feet, eight inches above the surrounding grade, and would have the following setbacks: 34 feet from the northern front property line; 56 feet, six inches from the eastern side property line; 10 feet, three inches from the western side property line; and 41 feet, six inches from the southern rear property line.

3. A new 96-square-foot deck identified as “Deck # 3” in the plan set would be located on the eastern side of the residence, where it would be accessed by Deck # 4 (discussed below) located on the second level of the residence. Deck # 3 would reach a maximum height of 12 feet, five inches above the surrounding grade, and would have the following setbacks: nine feet from the northern front property line; 10 inches from the eastern side property line; 79 feet from the western side property line; and 40 feet from the southern rear property line.
4. The existing second-level deck located on the eastern side of the residence would be replaced with a 158-square-foot deck identified as “Deck # 4” in the plan set. Deck # 4 would provide access to Deck # 3. Deck # 4 would reach a maximum height of 21 feet, eight inches above the surrounding grade, and would have the following setbacks: 33 feet from the northern front property line; five feet, nine inches from the eastern side property line; 62 feet, six inches from the western side property line; and 20 feet, six inches from the southern rear property line.
5. The existing first-level deck located on the eastern side of the residence would be removed and replaced with a 136-square-foot deck identified as “Deck # 5” in the plan set. Deck # 5 would reach a maximum height of 15 feet, five inches above the surrounding grade, and would have the following setbacks: 39 feet from the northern front property line; five feet, three inches from the eastern side property line; 62 feet, six inches from the western side property line; and 20 feet, six inches from the southern rear property line.

Various site improvements would also be entailed in the proposed development, including refinishing of the existing driveway, a new trash enclosure along the driveway, replacement of existing wood retaining walls with concrete retaining walls, new stairs and landings associated with the proposed decks, a new patio at grade on the western side of the residence’s first level, and voluntary seismic improvements.

Design Review approval is required pursuant to Section 22.42.020.A of the Marin County Development Code because the property is in a planned zoning district, and the project proposes new decks that would exceed a height of five feet above grade and/or have setbacks less than five feet from the nearest respective property line.

COUNTYWIDE PLAN CONSISTENCY

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of mature, native trees.

- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

COMMUNITY PLAN CONSISTENCY

The applicant presented the proposed project to members of the public and to members of the Tamalpais Design Review Board during a duly noticed and publicly held meeting at the Homestead Valley Community Center on November 1, 2023. In summary, the Tamalpais Design Review Board unanimously approved the project as presented, following the presentation and a brief discussion that characterized the proposal as a positive upgrade to the property.

The proposed project is consistent with the Tamalpais Area Community Plan for the following reasons:

- A. The project is consistent with the policies related to preserving community character, including Policies LU 1.1, LU 1.3, LU 1.4, and LU 1.5, because it would preserve and enhance the existing natural and built characteristics of the surrounding environment, while being compatible in scale (bulk, mass and height) and appearance (colors, materials, and design) of the surrounding neighborhood. The project would not exceed the floor area limits or maximum height guidelines established in Programs LU1.4a, 1.4b, 1.4c, and 1.4d. Further,

the project is carefully sited to protect the sunlight, views and privacy enjoyed by adjacent homes, and to preserve open space.

- B. The project is consistent with the policies related to protecting habitats, wetlands, streams, and native vegetation, including Policies LU2.1, LU2.2, LU10.2, LU10.3, LU11.1, LU11.2, LU12.1, and 17.1, because it would respect the environmental constraints of the site. There are no known habitats for special-status species in the area, and the development would not be located in buffer areas surrounding wetlands, streams or other drainage areas. Removal of native vegetation would be minimized, and native trees would be protected or replaced.
- C. The project is consistent with the access and parking policies, including Policy T2.4, T4.1, T8.2, T.11, because it would not take access from a new roadway or driveway connected directly to Shoreline Highway, would not reduce the existing levels of service on surrounding intersections, and would provide the required parking and adequate access as determined by the Department of Public Works.

WATERVIEW DRIVE/LATTIE LANE DESIGN REVIEW GUIDELINES CONSISTENCY

Resolution No. 4068 was adopted by the Marin County Planning Commission on May 19, 1986, which authorized additional Design Review guidelines for all development within the Waterview Drive/Lattie Lane area of Mill Valley to assist in implementing the goals of the community plan by providing better-defined development standards for floor area ratio, height, setbacks, parking, and design. The proposed project is consistent with the Waterview Drive/Lattie Lane Area Design Review Guidelines for the following reason:

The project proposes a series of five attached decks on three separate levels of an existing residence. Four out of the five proposed decks would conform to the setback standard for decks, which states, "side yard setbacks for all lots shall be 5 feet with cantilevered decks and roof overhangs allowed to project 30 inches into the 5-foot setback." To ensure consistency with the Waterview Drive/Lattie Lane Design Guidelines, a condition of approval will require that Deck #3 maintain a setback of at least two feet, six inches from the eastern side property line.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Design Review (Marin County Code Section 22.42.060)

The project is consistent with the mandatory findings for Design Review approval for the reasons discussed below.

- A. The proposed development is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources and the character of the local community. Further, the exterior materials proposed for the development would complement the project design and the surrounding area. There are no standards provided in Chapter 22.14 that apply to the project.
- B. The proposed architectural design, massing, and scale of the project are compatible with the site surroundings and the community. Further, a standard condition of approval requires that exterior lighting installed for the project be unobtrusive to surrounding properties.

- C. The proposed site layout and design avoids eliminating sunlight, blocking primary views, or invading the privacy enjoyed on surrounding properties.
- D. The proposed decks would not encroach into any streets or pathways and would not detract from the appeal of the streetscape however, the Department of Public Works, Land Development Division has indicated that portions of the project scope would occur within the right-of-way associated with Lattie Lane, a County-maintained Road and would require an Encroachment Permit from the Department to work within the right-of-way and to ensure the streetscape is restored to County standards.
- E. The proposed development would provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project’s conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Design Review approval authorizes the construction of a series of attached decks on three separate levels of an existing residence located in an unincorporated area of Mill Valley. The project shall entail 1,092 square feet of new decks, and the residence’s existing floor area of 3,717 square feet and floor area ratio of 53 percent shall remain unchanged. The area, height, and setbacks of each deck subject to Design review are provided below.

The existing deck, stairs, and landings located near the front entrance of the residence shall be replaced and reconfigured to result in a 575-square-foot deck identified as “Deck # 1” in the plan set. The authorized deck shall be located at the entry level of the residence and provide access to the residence as well as access to a deck and patio located at lower levels on the western side of the residence. Deck # 1 shall measure a maximum height of 15 feet above the surrounding grade and shall have the following setbacks: nine feet, ten inches from the northern front property line; 27 feet from the eastern side property line; 24 feet, eight inches from the western side property line; and 47 feet from the southern rear property line.

The existing second-level deck located on the western side of the residence shall be removed and replaced with a 127-square-foot deck identified as “Deck # 2” in the plan set. The authorized second-level deck shall provide access to the entry-level deck (discussed above) and patio located beneath. Deck # 2 shall measure a maximum height of 10 feet, eight inches above the surrounding grade, and shall have the following setbacks: 34 feet from the northern

front property line; 56 feet, six inches from the eastern side property line; 10 feet, three inches from the western side property line; and 41 feet, six inches from the southern rear property line.

A new 96-square-foot deck identified as “Deck # 3” in the plan set shall be located on the eastern side of the residence. Deck # 3 shall measure a maximum height of 12 feet, five inches above the surrounding grade, and shall have the following setbacks: nine feet from the northern front property line; two feet, six inches from the eastern side property line; 79 feet from the western side property line; and 40 feet from the southern rear property line.

The existing second-level deck located on the eastern side of the residence shall be replaced with a 158-square-foot deck identified as “Deck # 4” in the plan set. Deck # 4 shall provide access to Deck # 3. Deck # 4 shall measure a maximum height of 21 feet, eight inches above the surrounding grade, and shall have the following setbacks: 33 feet from the northern front property line; five feet, nine inches from the eastern side property line; 62 feet, six inches from the western side property line; and 20 feet, six inches from the southern rear property line.

The existing first-level deck located on the eastern side of the residence shall be removed and replaced with a 136-square-foot deck identified as “Deck # 5” in the plan set. Deck # 5 shall measure a maximum height of 15 feet, five inches above the surrounding grade, and shall have the following setbacks: 39 feet from the northern front property line; five feet, three inches from the eastern side property line; 62 feet, six inches from the western side property line; and 20 feet, six inches from the southern rear property line.

Various site improvements are also entailed in the authorized development, including refinishing of the existing driveway, a new trash enclosure along the driveway, replacement of existing wood retaining walls with concrete retaining walls, new stairs and landings associated with the proposed decks, a new patio at grade on the western side of the residence’s first level, and voluntary seismic improvements.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, consisting of 33 sheets prepared by Kelly Condon Design, received in final form on October 10, 2023, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

- a. The applicant shall submit a color sample for review and approval, which shows that the façade of the residence and any exposed, visible retaining walls are textured and finished with subdued earthtone colors.
 - b. To ensure consistency with the Waterview Drive/Lattie Lane Design Guidelines, the portion of Deck #3 that encroaches beyond the allowable limit shall be reduced such that it will maintain a setback of at least two feet, six inches from the eastern side property line.
 - c. All exposed sheet metal and flashings shall be painted to match surrounding materials.
3. The project shall conform to the Planning Division’s “Uniformly Applied Conditions 2024.”

VESTING

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

RIGHT TO APPEAL

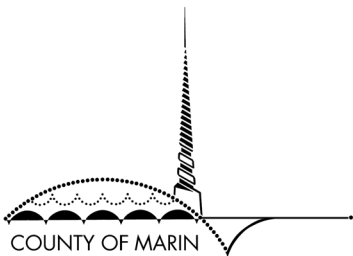
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (January 18, 2024).

cc: *{Via email to County departments and Design Review Board}*

CDA – Director of Planning Services
DPW – Land Development
Marin Water District
Tamalpais Community Services District
Southern Marin Fire Protection District
Tam Valley Design Review Board

Attachments:

1. Marin County Uniformly Applied Conditions 2024
2. Draft minutes from TDRB
3. Public comment



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

2024

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

Tamalpais Design Review Board Meeting Minutes

Regular Meeting: November 1, 2023, 7:00 PM

Meeting Location: Homestead Valley Community Center, 315 Montford, Mill Valley

Call to Order: 7:05pm – Doug Wallace (Chair)

Board Members Present: Douglas Wallace (DW), Logan Link (LL), Amy Kalish (AK and), Tom Lamar (TL)

Board Members Absent: Michael Wara (MW)

Members of Public Present: Candice Bozzard (Secretary)

Approval of minutes: 9/20/2023

Motion to approve: TL/AK second; Motion approved (4-0).

Correspondence and Notices:

Email received from Michelle Levenson, Planner, Marin County CDA to see if the Tam DR Board was interested in holding a third hearing regarding the Bindon Properties Design Review (P3991) revision submittal. The Board collectively felt it was unnecessary to hold another hearing as Mr. Hood indicated the previously stated concerns had been addressed and the neighbors had ample time for input.

Public comment on items not on the agenda: None

1. Cho and Omar Design Review P4224, 1251 Lattie Lane, Mill Valley

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located at lower levels on the western side of the residence. Deck # 1 would reach a maximum height of 15 feet above the surrounding grade and would have the following setbacks: nine feet, ten inches from the northern front property line; 27 feet from the eastern side property line; 24 feet, eight inches from the western side property line; and 47 feet from the southern rear property line.

- b) The existing second-level deck located on the western side of the residence would be removed and replaced with a 127-square-foot deck identified as "Deck # 2" in the plan set. The proposed second-level deck would provide access to the entry-level deck (discussed above) and patio located beneath. Deck # 2 would reach a maximum height of 10 feet, eight inches above the surrounding grade, and would have the following setbacks: 34 feet from the northern front property line; 56 feet, six inches from the eastern side property line; 10 feet, three inches from the western side property line; and 41 feet, six inches from the southern rear property line.
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- e) The existing first-level deck located on the eastern side of the residence would be removed and replaced with a 136-square-foot deck identified as "Deck # 5" in the plan set. Deck # 5 would reach a maximum height of 15 feet, five inches above the surrounding grade, and would have the following setbacks: 39 feet from the northern front property line; five feet, three inches from the eastern side property line; 62 feet, six inches from the western side property line; and 20 feet, six inches from the southern rear property line.

Various site improvements would also be entailed in the proposed development, including refinishing of the existing driveway, a new trash enclosure along the driveway, replacement of existing wood retaining walls with concrete retaining walls, new stairs and

landings associated with the proposed decks, a new patio at grade on the western side of the residence's first level, and voluntary seismic improvements.

Design Review approval is required pursuant to Section 22.42.020.A of the Marin County Development Code because the property is in a planned zoning district, and the project proposes new decks that would exceed a height of five feet above grade and/or have setbacks less than five feet from the nearest respective property line.

Zoning: RSP - 1 (Residential Single Family Planned, 1 unit/acre)

Countywide Plan Designation: SF3 (Rural/Residential)

Community Plan (if applicable): Tamalpais

DW called on Kelly Condon (KC) to make her presentation. KC gave a brief overview the project, added there were leaks and rot which warranted these revisions.

Several board members visited the property and felt the various site improvements would be positive upgrades. LL inquired about tree removal. KS responded two small Bay Trees would be removed to help with drainage and safety.

M/S AK/TL to recommend approval of the project as presented.

2. Update on Investigation of Signage Violations in Tam Junction, and potential Board referral to County.

Doug thanked AK and LL for compiling the list of signage violations in Tam Junction. AK created the report showing pictures and siting ordinances. Once the report has been finalized DW will send to Gil Sanchez at Marin County Code Enforcement.

3. Debriefing from the September 20, 2023, meeting on Marin County Housing Elements, Presentation by Community Development Agency, and Public Discussion.

...

4. Recruitment for Board vacancy.

LL will not be renewing her position on the board; however, she did have a person in mind to fill the seat. DW will reach out to Supervisors Rodoni and Moulton-Peters for possible referrals.

Meeting adjourned at 9:00PM

Joshua Bertain

From: Joshua Bertain
Sent: Monday, November 20, 2023 1:59 PM
To: Lisa Kirsten
Subject: RE: 1251 Lattie Ln/ follow up to our phone call on Monday

Hi Lisa,

I received your voicemail from Friday of last week. Thank you for confirming. I will include the original correspondence with comments about the project in the public record.

Thank you,

Joshua

-----Original Message-----

From: Lisa Kirsten <4kirstens@comcast.net>
Sent: Tuesday, November 14, 2023 12:52 PM
To: Joshua Bertain <Joshua.Bertain@MarinCounty.gov>
Subject: Re: 1251 Lattie Ln/ follow up to our phone call on Monday

Good afternoon, Joshua. Thank you so much for sending me the link to the County's Development Code for residential properties, well as a PDF of the Marin County Planning Commission Resolution No. 4068 that laid out the specific Design Review Board Guidelines for construction in the the Waterview/Lattie Lane neighborhood.

The Waterview/Lattie Lane resolution/guideline confirmed exactly what I had been told by Jeremy Tejirian at the County office when we spoke 2 days before the design review board meeting (11/01/23): the recommended guideline for setbacks in our neighborhood is that there can be up 30" of overhang into the setback. He had also kindly explained that it was a guideline and that a greater overhang could still be approved. It confirmed my understanding of the issue at the time.

Joshua, thank you for your time and help.

Regards,
Lisa Kirsten

> On Nov 8, 2023, at 12:54 PM, Joshua Bertain <Joshua.Bertain@marincounty.gov> wrote:

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> -----Original Message-----

> From: Joshua Bertain

> Sent: Tuesday, November 7, 2023 12:20 PM

> To: Lisa Kirsten <4kirstens@comcast.net>

> Cc: Doug Kirsten <doug.kirsten@yahoo.com>

> Subject: RE: 1251 Lattie Ln/ follow up to our phone call on Monday

>

> Hi Lisa,

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> I am happy we were able to discuss this project over the phone. As discussed, I have attached the Marin County Planning Commission Resolution No. 4068, approved on May 19, 1986.

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> Section 22.10.040 (link below) of the Marin County Development Code contains Residential District Development Standards. The standards for this area are found in Table 2-5, see the row for RSP.

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https://library.municode.com/ca/marin_county/codes/municipal_code?nodeId=TIT22DECO_ARTIIIZODIALLAUS_CH22.10REDI_22.10.040REDIDEST

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> Thank you,

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> -----Original Message-----

> From: Lisa Kirsten <4kirstens@comcast.net>

> Sent: Monday, November 6, 2023 4:34 PM

> To: Joshua Bertain <Joshua.Bertain@MarinCounty.gov>

> Cc: Doug Kirsten <doug.kirsten@yahoo.com>

> Subject: Re: 1251 Lattie Ln/ follow up to our phone call on Monday

>

> Hi, Joshua. We just spoke and here is the copy of the email I sent to Jeremy Tejirian. I look forward to getting an email back from you soon. Thank you so much for your time.

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>>>

>>> Good Morning, Jeremy. My name is Lisa Kirsten, and my family lives at 1247 Lattie Lane in Mill Valley. I spoke with you on the phone Monday afternoon regarding setback requirements for the Lattie Lane/Waterview Drive neighborhood, and you kindly explained to me that the setback guideline for our neighborhood was that there could be up to 2 1/2 feet of overhang be in the 5' setback. You also mentioned that it was a guideline and that that a larger overhang could end up being approved in some circumstances. I appreciated your input.

>>> I will jump to our concern first and then give you the pertinent background.

>>> Our concern is for the future integrity of our property line. We are concerned that in the longterm, a neighbor may find a way to lay claim to a small part of our property (particularly around the structure in the setback), or compromise any future plans we may have in that area solely because part of their house is only inches from the lot line.

>>> BACKGROUND

>>> We are referring to new plans for 1251 Lattie Lane (owned by Chi Cho and Zaki Omar) which we saw for the first time this past Sunday, October 29. We noticed that the plans had 2 areas where overhangs were planned that extended into setback area. The owner's architect, Kelly Condon, informed us that the only code requirement she had for planning construction in the setback was a state requirement that anything in that space needed to be constructed with fire safety requirements/materials and that it didn't matter how far into the setback an overhang extended. This was what prompted my call to you for clarification.

>>> In their plans, which we are told have been deemed up to code at Marin Planning, a new proposed overhang/deck extends across the outside of a room of the house. One end of the deck is fully in the setback and, due to the angle, comes to within only inches of the property line for the last several feet of the structure. The other feature, a trash station, is small but is completely in the setback and touches the corner of the property line.

>>> In the context of asking the architect and owners if they had considered any plans for the deck/balcony did not necessitate use of the setback area, I told them about the information that you had given me on the phone. They explained why it would not be feasible for the trash area to be moved to the county owned part of the driveway but gave no other option for that or for the deck.

>>> We are reasonable people and recognize that the deck only exceeds the 2 1/2 ft guideline for several feet.

>>> With that in mind, my husband and I went to the Design Review Board meeting last night in good faith to support the plan and ask a few questions about the longer term ramifications of having the setback come within 10 inches of our property (The question I am now posing to you). In the meeting, as I started to mention the setback guidelines as a lead in to my question, Kelly abruptly interrupted me saying that she had, in fact, called you yesterday and that you had not told me anything about a 2.5' setback guideline, and that you had even followed up and had sent me documentation of what the actual guideline was. This was surprising as we had not received anything, and you and I had not spoken about sending any documentation. Due to the confusion, we would actually like to confirm what the guideline is for the future.

>>> In any case, the plans were approved by the design board last night.

>>> In light of the fact that we had come on good faith as neighbors to support their plan, we did not object. This decision was also based on the information you had given us about the guidelines and we knew going in that it was a possibility that the design review board could end up deciding that it was ok to obstruct the setback.

>>> Our concern now is for the longterm integrity of the property line:

>>> 1) Might a future neighbor be able to find a way lay claim to part of our property? We are concerned particularly around the structure itself as there is no way around it without stepping on our property. A future owner might argue that that was not an acceptable decision.

>>> 2) Might any future plans we may have for that area be affected solely because part of their house is only inches from the lot line? We will likely not have the luxury of extra space afforded to them

>>> 3) We are aware that rules change but generally property lines do not. Is it fathomable that they could?

>>> You may believe that we have nothing to be concerned about.

>>> It has been a stressful few days getting up to speed on all of this. We would greatly appreciate your answers to our questions. We would additionally value any insights you may provide and hope you can get back to us soon.

>>> Thank you,

>>> Lisa and Doug Kirsten

>>> 1247 Lattie Lane

>>> Mill Valley, CA 94941

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> Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

> <Reso 4068 lattie lane waterview dr design guideline.pdf>

MARIN COUNTY PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 4068

A RESOLUTION OF THE MARIN COUNTY PLANNING DEPARTMENT
ADOPTING DESIGN REVIEW GUIDELINES FOR ALL DEVELOPMENT WITHIN
THE WATERVIEW DRIVE/LATTIE LANE AREA OF MILL VALLEY

- I. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on May 5, 1986 to consider the proposed Design Review Guidelines for the Waterview Drive/Lattie Lane area of Mill Valley; and
- II. WHEREAS, the Commission finds that the proposed Guidelines are consistent with the Policies of the adopted Tamalpais Planning Area Community Plan, the Marin Countywide Plan, and the Marin County Zoning Ordinance; and
- III. WHEREAS, the Commission finds that these Design Review Guidelines will assist in implementing the goals of the Tam Valley Community Plan by providing better defined development standards for the Waterview Drive/Lattie Lane area; and
- IV. WHEREAS, the Commission finds that the proposed Guidelines have been duly discussed and recommended for adoption by the Tamalpais Design Review Board.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission does hereby approve the following Design Review Guidelines for the Waterview Drive/Lattie Lane area of Mill Valley.

DESIGN REVIEW GUIDELINES

Floor Area Ratio

1. The maximum FAR for all parcels shall be 30%, except that in no case shall a floor area as defined in Section 22.02.285 of less than 1,250 square feet be required. A design bonus of up to 15% of the permitted square footage of the house can be granted for any structure on the basis of exceptional design. Design elements such as extra parking and scale, bulk, and mass of the structure shall be used in determining the merits of the design.
2. Unfinished enclosed areas constituting potential expandable living space within an otherwise conforming building envelope will not be approved.

Height

3. Maximum height of structure from natural grade to highest point of roof shall be limited to 30 feet, except that when a building site is on or adjacent to the ridgeline, the elevation of the highest point of the roof shall be no higher than 18 feet.
4. Strict adherence to a maximum of 10 feet from lowest finished floor elevation to lowest point of grade on downslope lots will be required. It is recognized that there is some flexibility to this guideline during the Design Review process.

5. In order to further implement the intent of Numbers 3 and 4 above to reduce the height of structures, the proposed structure shall conform to existing hillside grades and contours, roof slopes shall follow the lay of the land to the greatest extent possible, and driveways on downslope lots shall slope down to lower the height of buildings as viewed from below and protect the views of upslope parcels across the street.
6. Story poles and staking may be required through the Design Review process in cases where there is concern that the structure's height or location may impact views.

Setbacks

7. Minimum side yard setbacks for all lots shall be 5 feet with cantilevered decks and roof overhangs allowed to project 30 inches into the 5 ft. setback.
8. Views, light, air and privacy at the respective rear deck and side yard areas of existing and proposed structures shall be respected and protected.
9. Consistent with number 10 below, the alignment of front and rear faces of buildings on adjacent parcels should be offset from 5 to 10 feet in either direction to encourage variety in building massing.

Parking

10. Because of severe lack of on-street parking and turn-arounds, off-street parking in addition to that required by code shall be encouraged. Typically, this could be two additional spaces in the driveway of a two-car garage. A minimum dimension of 18 feet from face-of-garage to edge-of-pavement will be acceptable provided that a sectional roll-up door is provided. No enclosure of garages for expansion of living space will be permitted.
11. In those cases where driveways are intended to accommodate additional off-street parking, driveway slopes shall not exceed 10%.

Design

12. Subdued and earthtone colors and textured facades should be utilized for all residences and retaining walls. Where possible, retaining walls shall be of wood construction. If concrete is required, it shall receive an integral color or texture and planting. Shrubs and/or vines should be planted along the retaining walls to minimize adverse visual effect. All exposed sheet metal and flashings shall be painted to match surrounding materials.
13. Structures should be designed without long overhangs or unenclosed undersections. Downslope decks should be of cantilevered design without supporting posts. When compelling reasons are submitted to support the use of supporting posts or similar supporting structures, the supporting structures shall be enclosed with materials compatible with the exterior building materials. Such enclosed supporting structures shall be allowed only if the enclosures do not exceed a maximum height of 15 feet from grade to avoid excessive visual mass. Landscaping shall be used to screen enclosed supporting structures when seen from below.

Roof

14. Wooden shake or shingle roofs are not acceptable unless it can be demonstrated that they can achieve a fire resistance rating of class A or better. Tar and gravel roofs will not be acceptable.
15. Roof lines shall be in keeping with the character of the neighborhood.

Landscaping

16. A landscaping and irrigation plan for erosion and visual screening shall be submitted with each Design Review application. This shall ensure that all exposed slopes be replanted immediately after construction to reduce erosion and potential soil creep. Erosion controlling ground cover shall be planted and vegetation growth established prior to the rainy season as defined in Marin County Code Section 24.04.625. In addition, plant materials included in the landscape plan shall be drought-resistant and fire-resistant, and on downslopes shall visually screen structures, where necessary, when seen from below, while not obscuring views from above. Trees proposed for inclusion on landscaping plans shall be selected from varieties that can be demonstrated to not exceed 20 to 25 feet in height at maturity. Installation of erosion-resistant landscaping, screening materials, and irrigation systems shall be completed prior to final inspection and occupancy of the structure.
17. Hose bibs shall be installed in front and rear yards.
18. All Scotch and French broom and pampas grass shall be removed when found.

Wind Protection

19. Outdoor living areas such as decks or patios, should, whenever possible, be protected from prevailing southwesterly wind conditions by placement in locations protected from the winds.

Grading

20. No grading shall take place for construction of homes unless absolutely necessary. All grading shall be performed in accordance with Chapters 23.08 and 24.04 of the Marin County Code.

Utilities

21. Outdoor lighting should be low level.
22. Water and energy conservation measures shall be incorporated where applicable into each residence.

Exceptions

23. When compelling reasons, such as size, shape, topography, location, or surroundings of the lot are submitted to support an exception to any of the foregoing guidelines, an exception may be granted provided that the criteria contained in Section 22.82.040 of the Marin County Code can be met. Vacant lots between existing built

lots will be subject to consideration for exception to assure that new residences will be compatible with the existing building environment.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California on the 19th day of May, 1986, by the following vote to-wit:

AYES: Commissioners: Blackseth, Fuchs, Evans, Sands, Sessi, Wilson

NOES: Commissioners:

ABSENT: Commissioners: Garfien

1251 Lattie Lane – Proposed Remodel & Deck Additions

Planning Department & Board Members,

I have reviewed the design drawings for the remodel and deck additions proposed at 1251 Lattie Lane & would like to express my support of the project as designed.

Sincerely,

Jennyn + Dan Blunhardt

1248 Lattie Lane

Mill Valley, CA 94941

Neighbors of 1251 Lattie Ln

1251 Lattie Lane – Proposed Remodel & Deck Additions

Planning Department & Board Members,

I have reviewed the design drawings for the remodel and deck additions proposed at 1251 Lattie Lane & would like to express my support of the project as designed.

Sincerely,

Bessie Muldrey

1255 Lattie Lane

Mill Valley, CA 94941

Neighbors of 1251 Lattie Ln