MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Hartman Trust Variance

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<th>Decision:</th>
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<td>Date:</td>
<td>December 6, 2022</td>
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Project ID No: P3674  
Applicant(s): Donna Warrington, Architect  
Owner(s): David F. Hartman and Margaret L. Hartman Trust  
Assessor's Parcel No(s): 048-061-54  
Property Address: 22 Ethel Ln., Mill Valley, CA  
Project Planner: Joshua Bertain  
(415) 473-3171  
ibertain@marincounty.org  
Signature: Joshua Bertain

Countywide Plan Designation: SF6 (Low Density Residential)  
Community Plan Area: Tamalpais  
Zoning District: R1 (Residential Single Family)  
Environmental Determination: CEQA Guidelines section 15301, Class 1

PROJECT SUMMARY

The applicant requests Variance approval to construct an addition to the first floor of an existing two-story residence located in an unincorporated area of Mill Valley. In total, the project proposes 602 square feet of additions, including a 103 square foot addition that would conform to the setbacks established by the governing R1 zoning district, and a 499 square foot addition where 371.8 square feet of the addition would be located within the rear yard setback. The 602 square feet of proposed development would result in a floor area ratio of 13 percent on the 22,705 square foot lot. The portion of the addition subject to Variance approval would reach a maximum height of 17 feet, 4 inches above the surrounding grade and the exterior walls would have the following setbacks: 117 feet from the eastern front property line; 28 feet, 6 inches from the northern side property line; 96 feet from the southern side property line (44 feet from the mapped roadway and utility easement); and 7 feet from the western rear property line. Various site improvements would also be entailed in the proposed development, including a new deck that would provide an exterior connection to the area of proposed additions.

Variance approval is required pursuant to Section 22.54.020 of the Marin County Development Code because the project proposes an addition within a required setback.
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 a substantial number 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 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 entails an addition to an existing residence that was 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 addition would not be located in buffer areas surrounding wetlands, streams, or other drainage areas. The project does not entail the removal of native vegetation or trees.

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.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Variance (Marin County Code Section 22.54.050 and California Government Code Section 65906)

A. There are special circumstances unique to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

The project site consists of a square-shaped, 22,705 square-foot lot. The project plan set orients the site such that the front lot line is the eastern property line, the side property lines run along the northern and southern property lines, and the rear property line is the western property line. The site slopes upward from north to south with an average slope of 34 percent. The site is accessed by and bisected by Ethel Lane (not a through street) which connects to Reed Street, a County maintained roadway. At the northeast corner of the site, this mapped 40-foot roadway and utility easement (Ethel Lane) begins its path through the site where it then gently arches - concave up - from east to west through the southern side of the site before exiting the site at the southwest corner of the rear property line. The subject site is located near the terminus of the roadway and utility easement where it continues for a short distance, serving just two more developed, up-slope properties addressed as 24 Ethel Lane and 26 Ethel Lane.

While the mapped 40-foot roadway and utility easement provide access to this site and other sites in the vicinity, the easement itself occupies 7,079 square feet of the site and the easement’s path through the site effectively prevents development from occurring near the entire portion of the eastern front and southern side of the site and also limits development from occurring near the southwestern portion of the site along the western rear property line. Further, the northern side yard is undeveloped, steeply sloped, and unsuitable for development. Therefore, aside from the proposed location along the western rear property
line, there is no other suitable on-site location for the addition to occur that conforms to the setback requirements from property lines and the setback requirements from easements without requiring extensive site grading, site disturbance, or the removal of trees and vegetation.

The site’s slope as well as the location and area occupied by the mapped 40-foot access and utility easement create a special circumstance that is unique to this property because other sites in the vicinity, without easements of similar size, location, and scale, are more easily developed in conformance with the setbacks established by the governing R1 zoning district and Marin County Code Section 22.130.030 (Definitions – Lot Lines), regarding setbacks. All other aspects of the proposed improvements comply with the development standards established by the governing R1 zoning district related to floor area ratio and height.

B. **Granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.**

The subject property is currently developed with a single-family residence. The proposed project would enlarge the existing residence and maintain single-family residential use on the property, which is a principally permitted use within the governing R1 zoning district.

C. **Granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.**

Approval of the Variance will not constitute granting a special privilege because the slope of undeveloped portions of the site combined with the size and location of the mapped 40-foot access and utility easement encumber the subject site with setback constraints that other properties in the surrounding area do not encounter. The purpose of the development standards for the R1 zoning district is to minimize adverse effects on the surrounding area that would otherwise result from inappropriate development. The project design will ensure that the development will be consistent with the Single-family Residential Design Guidelines and be compatible with the suburban character of the local community.

D. **Granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.**

Granting the Variance to allow the expansion of the existing residence into the rear setback would not interfere with the use and enjoyment of adjacent developments, nor would it be detrimental to public health, safety, or welfare because the proposed residential addition would not change the principally permitted, residential use of the property, and would not impact roadway or utility easements. Further, the addition would be screened from, and located downslope from the nearest neighboring property. The proposal will be subject to review by the Building Division for compliance with the most current California Building Code during the building permit review process. Additionally, the project will meet all Department of Public Works requirements for parking, access, and construction management prior to the issuance of a building permit. Therefore, the project is consistent with this finding.

**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 Variance approval authorizes the construction of an addition to the first floor of an existing two-story residence located in an unincorporated area of Mill Valley. In total, this entitlement approves 602 square feet of additions including, a 103 square foot breakfast room addition that shall conform to the setbacks established by the governing R1 zoning district, and a 499 square foot family room addition where 372 square feet of the family room addition is located within the rear yard setback. The 602 square feet of approved development shall result in a floor area ratio of 13 percent on the 22,705 square foot lot.

The portion of the addition subject to Variance approval shall reach a maximum height of 17 feet, 4 inches above the surrounding grade and the exterior walls shall have the following setbacks: 117 feet from the eastern front property line; 28 feet, 6 inches from the northern side property line; 96 feet from the southern side property line (44 feet from the mapped roadway and utility easement); and 7 feet from the western rear property line. Various site improvements are also entailed in the approved development, including removing and relocating windows, and a new deck to provide an exterior connection to the approved addition.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled “Hartman Residence – Room Addition,” consisting of 18 sheets prepared by Donna Warrington, Architect, received in final form on September 15, 2022, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. The project shall conform to the Planning Division’s “Uniformly Applied Conditions 2022” with respect to all of the standard conditions of approval.

4. Before scheduling the Foundation Inspection, the applicant shall have a licensed Land Surveyor or Civil Engineer with license C 33965 or lower, perform a setback verification to verify that the approved addition is set back at least 7 feet from the western rear property line.

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 (December 16, 2022).

cc: {Via email to County departments and Design Review Board}
   CDA – Assistant Director
   CDA – Planning Manager
   DPW – Land Development
   Marin Water District
   Homestead Valley Sanitary District
   Southern Marin Fire Protection District
   Tamalpais Valley Design Review Board

Attachments:

1. Marin County Uniformly Applied Conditions 2022
2. Inter-office memorandum, Department of Public Works, Land Development Division, dated October 13, 2022
3. Draft minutes, Tamalpais Design Review Board, dated October 19, 2022
4. Letters from the public
MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS

2022

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.
PLANNING APPLICATION REVIEW
DEPARTMENT OF PUBLIC WORKS
Inter-office Memorandum - Second Transmittal

DATE: 10/13/22                                DUE: 10/10/22

TO: Joshua Bertain
FROM: Maurice Armstrong
APPROVED: LAND DIVISION
RE: Hartman Trust Variance
P3674
APN: 048-061-54
ADDRESS: 22 Ethel Ln, Mill Valley

Department of Public Works Land Use Division has reviewed this application for content and:

X Find it COMPLETE
___ Find it INCOMPLETE, please submit items listed below
___ Find it NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM

Comments Included (Inc.) or Attached (Att.) from other DPW Divisions:
___ Traffic
___ Flood Control
___ Other: ___________________

Merit Comments
Prior to Issuance of a Building Permit:

Grading & Drainage Plans: Provide the following information on the drainage and grading plan:
1. Per 2019 California Residential Code § R401.3, lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet. Where lot lines, walls, slopes, or other physical barriers prohibit 6 inches of fall within 10 feet, drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet of the building foundation shall be sloped a minimum 2 percent away from the building. Demonstrate compliance.
   a. Plan shall show and label the limit of disturbance. Provide the total area to be disturbed and the proposed cut and fill earthwork volumes. Indicate means of restoring all disturbed areas.

Geotechnical Review and Acceptance:
2. Provide a geotechnical report prepared by a registered civil engineer with soils engineering expertise or a registered geotechnical engineer. The report must attest to the suitability and geological feasibility of the proposed construction (cutting and filling) and identify any drainage or soils problems that the design of the project must accommodate.
3. The plans must be reviewed and approved by the soils engineer. Certification shall be either by his/her stamp and original signature on the plans or by a stamped and signed letter. Certification shall reference plans reviewed, specifying site, structural, and drainage plans with date of drawings, and verify that plans address any recommendations previously offered.

Erosion & Sediment Control Plan:
4. If over 250 CY of earth will be move for the drilling of the piers, Per Marin County Code § 24.04.625(b)(e), provide an Erosion and Sediment Control Plan (ESCP) which shall include information required in the most recent version of the MCSTOPPP ESCP Standard Template. The template can be found in the “Construction Erosion and Sediment Control Plan Applicant Package” available at the following link:

-END-
I) Call to Order: 7:00pm - Doug Wallace (Chair)  
Board Members Present: Doug Wallace (DW), Michael Wara (MW), Amy Kalish (AK), Logan Link (LL)

II) Approval of minutes: August 17th, 2022  
Motion to approve: MW; LL 2nd; unanimous approval

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

IV) Agenda Items:

1. Election of vice chairperson  
   
   DW makes a motion to elect LL as vice chairperson of the Tam Design Review Board; MW 2nd; unanimous approval

2. Hartman Trust Variance  
   
   22 Ethel Lane, Mill Valley  
   APN 048-061-54  
   Applicant: Donna Warrington  
   Project Planner: Joshua Bertain

   Project description: The applicant requests Variance approval to construct an addition to the first floor of an existing two-story residence located in an unincorporated area of Mill Valley. In total, the project proposes 602 square feet of additions, including a 103 square foot breakfast room addition that would conform to the setbacks established by the governing R1 zoning district, and a 499 square foot family room addition where 371.8 square feet of the family room addition would be located within the rear yard setback. The 602 square feet of proposed development would result in a floor area ratio of 13 percent on the 22,705 square foot lot. The addition would reach a maximum height of 17 feet, 4 inches above the surrounding grade and the exterior walls would have the following setbacks: 77 feet from the eastern front property line; 28 feet, 6 inches from the northern side property line; 26 feet from the southern side property line; and 7 feet from the western rear property line. Various site improvements would also be entailed in the proposed development, including a new deck that would provide an exterior connection to the area of proposed additions.

   Presentation by Donna Warrington, Architect
- Proposed area sits on a flat building pad
- Front setback is on Reed
- The topography of the site is challenging and determined the location of the addition. The Ethel Lane side of the property is a steep hillside. Other areas of the parcel would result in the addition looming over surrounding homes.
- The new deck is necessary for access and located over already impervious soil
- New breakfast room is within setbacks
- Home closest to the addition, 24 Ethel, is set slightly higher up that this property

Questions from the board:

- MW asks if a landscape plan has been prepared and expresses concern about defensible space, as the addition is close to a row of trees. Donna replies that there is not a landscape plan as landscaping will stay mostly unchanged. The trees closest to the house are privets
- Donna adds that the new portion of the building will not be closer to vegetation than the existing building. Fire safe materials can be used
- DW asks if any neighbors have submitted letters of support or opposition. Donna replies that several neighbors have written letters of support. These letters have been sent to planning

Questions from neighbors:

- Neighbor Steve Yarnell inquires about the plan for construction traffic management, as Ethel Lane is a no-though-traffic road with two homes located beyond the site. Donna replies that there is space on-site for construction vehicles. Crews will be small.

Board discussion:

- LL expresses a generally hesitancy to grant setback exceptions but feels that this is a unique situation
- MW agrees and states that he would be concerned if neighboring structures were nearby and impacted, but they are not
- DW notes that the floor area ratio is reasonable

Motion:

MW makes a motion to accept the project as presented; AK seconds; unanimous approval

V) Correspondence:

LL has been in contact with two architects as potential applicants for the vacant board position. Both are considering. She will share any updates with the board at the next meeting

VI) Public in attendance: Steve Yarnell
draft minutes – to be approved at future TDRB meeting

VII) Meeting adjourned: 8:15pm
Hi Joshua,

The following email was sent to Douglas Wallace yesterday. Our file should now include letters of support from the owners of 110 Lehman Lane, 26 Ethel Lane and the tenants of 24 Ethel Lane. 24 Ethel and 110 Lehman are the two properties that share a property line with us. 26 Ethel, while not an adjoining property, has easement rights. Hope this is helpful. Thank you so much.

Kind Regards,
Margaret Hartman

Marin County Planning Dept.

To Whom it May Concern,

We have received and reviewed a copy of the drawings and site plan of the proposed addition that requires a variance to go into the rear setback of 22 Ethel Lane. We have no objection to the proposed location of the addition and are comfortable with its placement in the flat area, directly behind the existing house and garage. The addition does not impact our privacy, as the roofline would be below the home's existing roofline and there are no windows that would face our house. As most of the remainder of the Hartman lot is steeply sloped this seems the most feasible location for the proposed addition.

Sincerely,

Bailey Busch + Sean Wales
Tenants of 24 Ethel Ln
August 1, 2022

Shawn Yarnell
26 Ethel Lane
Mill Valley, CA. 94941

Dear Margaret & David,

Per request, I am writing to let you / the county know that we discussed your project and as one of the neighbors on this hill, we are fine with your construction project as long as the road remains clear for through traffic & parking, and the construction workers refrain from using the easement between our homes. As discussed, I’m confident you will give us a heads up when this is not possible. I don’t see any problem with your final addition. Also as discussed previously, I hope you can keep the hedge between the properties as solid as possible, but understand if some of it has to go -- and hope a replacement grows quickly!

Best of luck with the process and the final new addition.

Shawn Yarnell