

**MARIN COUNTY PLANNING DIVISION  
ADMINISTRATIVE DECISION  
Leshem Design Review**

**Decision:  
Date:**

**Approved  
February 22, 2021**

Project ID No: P2982  
Application No(s):

Applicant(s): Richard H. Perlstein,  
Architect  
Owner(s): Ran Leshem and Hilla  
Nattiv  
Assessor's Parcel No(s): 050-051-16  
Property Address: 129 Peralta Avenue, Mill  
Valley  
Project Planner: Immanuel Bereket,  
(415) 473-3615;  
[ibereket@marincounty.org](mailto:ibereket@marincounty.org)

Signature:

Countywide Plan Designation:  
Community Plan Area:  
Zoning District:  
Environmental Determination:

SF6 (Single-Family, 4-7 units per acre)  
Tamalpais Plan Area  
R-1-B1 (Residential, Single-Family 6,000 sq. ft. min.)  
Categorically Exempt, CEQA Guidelines §15301(I)  
Class 1, and 15303(a) Class 3

**PROJECT SUMMARY**

The applicant is requesting Design Review approval to demolish the existing 1,540-square-foot single-family residence and an attached 413-square-foot garage, and construct a new 3,988-square-foot, two-story single-family residence and 560-square-foot attached garage. The proposed development would result in a floor area ratio of 30 percent. The proposed building would reach a maximum height of 21 feet, ten inches above surrounding grade, and the exterior walls would have the following setbacks: 25 feet from the front (south) property line; five feet, five inches from the side (west) property line; ten feet, 11 inches from the side (east) property line; and over 50 feet from the rear (north) property line. Other improvements entailed in the proposed project include removing one Live Oak tree, construction of a swimming pool, deck, a driveway, grading and other general site improvements to facilitate the implementation of the proposed project.

Design Review approval is required under Marin County Development Code Section 22.42.020(B) because the project entails constructing a single-family residence on a lot that would contain more than 3,500 square feet of floor area.

## **KEY ISSUES**

A Notice and Referral of Planning Application for Design Review application was published on December 14, 2020, and the application was deemed incomplete pending installation of story-poles. At its meeting of January 6, 2021, the Tam Design Review Board reviewed the proposed project and recommended conditional approval. On January 13, 2021, the applicant installed story-poles and, upon confirmation, the application was deemed complete on January 21, 2021.

The County received a letter signed by multiple neighboring residents who raised concerns about the construction time, the size of the proposed residence, and its potential impacts on views, privacy, and access to sunlight. Staff also received several letters from neighboring property owners in support of the proposed project.

Neighborhood setting: The subject property is located within a developed residential neighborhood. The topography in the area slopes up from the south to north where properties south of Peralta Avenue are generally lower than the roadway, while those properties to the north are at a significantly higher elevation. The residences are constructed with varying setback patterns. The subject property is surrounded by single-family residences that are primarily single-story. Almost all of the homes in the neighborhood tend to have a ranch architectural style. While older residences in the neighborhood are generally one-story in height, the two-story residences are a combination of newer residences and older residences with recent additions. The surrounding lots along Peralta Avenue, the block between Wellesley Avenue to the west and Stanford Avenue to the east, range from approximately 3,150 square feet to upwards of 13,827 square feet in size. Because of the topography and due to existing mature trees, there are no up-slope and down-slope scenes, and any available view is distant in nature, does not include a view of skylines, bridges, distant cities, distinctive geologic features, hillside terrain, wooded canyons, ridges or bodies of water.

Applicable regulations: The property is subject to Tamalpais Planning Area Community Standards, which utilizes the concept of maximum adjusted Floor Area Ratio (FAR) to measure development sizes. As defined in the Tamalpais Planning Area Community Standards, Adjusted Floor Area is the gross enclosed floor area, which includes the following: Garage spaces exceeding 480 square feet on a lot larger than 6,000 square feet and the combined total of all detached accessory structures totaling 120 square feet or more, excluding garage space. The maximum permitted adjusted FAR on this lot is 30 percent (0.30) of lot area, unless modified through discretionary review under floor area guidelines contained in Appendix B of the Tamalpais Community Plan. In this case, the proposal includes an attached 560-square-foot garage, and a detached 120-square-foot pool equipment shed. When calculating the adjusted floor area, the proposal measures precisely 30 percent on the 13,543 square feet lot. Given that the project site is significantly larger than most of the lots in the neighborhood, any development on the site approaching the maximum allowable FAR will be larger than those on smaller lots. The proposal, nevertheless, is within the maximum permissible FAR.

Further, the proposed building would reach a maximum height of 21 feet, ten inches above the surrounding grade, where a maximum of 30 feet is permitted. The exterior walls would have the following setbacks: 25 feet from the front (south) property line where a minimum of 25 feet is required; five feet, five inches from the side (west) property line and ten feet, 11 inches from the

side (east) property line where a minimum of five feet is required; and over 50 feet from the rear (north) property line where 25 feet is required. The residence would be constructed closer to the street compared to the existing structure but would comply with the required setbacks. Therefore, as proposed, the project would meet or exceed all applicable zoning development standards.

Project compatibility: The proposed new contemporary-style home would feature veneer stone, stained cedar siding, stucco exterior finish with dark aluminum window and door trims, and a flat roof assembly. The house would be stepped up with the slope from front to rear on two levels, which would reduce building bulk as perceived from the street. Additionally, the applicant has designed the home such that each building elevation incorporates varied building planes, which add additional depth and shadows. The architectural details, color, and material variation (i.e., stacked veneer stone walls mixed with stucco exterior finish, decks, wood fascia, trellis, etc.) would be consistent with the contemporary design of the home. Further, the material palette would also serve to moderate the building bulk. The proposed home would conform to the 30-foot height limit required within the zoning district. The Tamalpias Design Review Board considered the projects plans, the architectural design, the proposed color, and material palette, and the zoning regulations, and concluded that the proposed contemporary design is compatible with the prevailing scale, character, existing pattern of development, and architectural styles in the neighborhood.

Construction Schedule: The applicant has submitted a construction plan, included in the project plans as Sheet A0.01. The construction schedule anticipates to commence in July of 2021 and conclude in September of 2022. The anticipated construction duration is not inconsistent with other similar residential projects.

Privacy Concerns: The project includes a second-floor balcony at the rear of the proposed residence, accessible from the master bedroom. The balcony is oriented to encourage views to the rear of the property. It would set back 78 feet away from the rear property line, thereby minimizing any impacts to the three neighbors to the rear at 476, 478, and 480 Wellesley Avenue. Further, views towards the rear are partially obstructed by the existing vegetation and existing fence. With the implementation of the proposed project, views to the adjoining properties from the ground level would be obstructed by the proposed six foot fence, while views from the proposed balcony will continue to be obstructed by a combination of the existing fence, existing vegetation, proposed landscaping, and the distance between the properties. In reviewing the project, the Tamalpias Design Review Board found that the second-floor deck would not adversely impact privacy and recommended that the project be approved.

## **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. The site is heavily graded, and vegetation is almost non-existent. With the development of the building area, one Oak tree is located within the disturbance area and is proposed for removal to accommodate the proposed project. The proposed conceptual landscape plan includes a plant palette consisting of evergreen and deciduous plants of various sizes and types. New landscaping will be installed along the project rear and side boundaries to replace the proposed removal of one Oak tree.

- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the project is located on a fully developed site, and features no habitat value for endangered, rare or threatened species
- 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 in any way alter 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 the 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 the 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 not hinder or degrade 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 the project would be compatible in scale (bulk, mass and height) and appearance (colors, materials, and design) of the surrounding neighborhood. Further, the project would not exceed the maximum height limits established in Programs 1.4b, 1.4c, and 1.4d. As proposed, the project is carefully sited to protect the sunlight, views and privacy enjoyed by adjacent homes.
- B. The project is consistent with the policies related to protecting habitats, wetlands, streams, and native vegetation, including Policies LU2.1c, LU2.2, LU10.2, LU10.3, LU11.1, LU11.2, LU12.1, and 17.1, because the project would not remove any native vegetation and the project site is not located near habitats for special-status species.

- C. The project is consistent with the access and parking policies, including Policy T2.4, T4.1, T8.2, T.11, because the proposed project would provide off-street parking. Further, the length of the proposed driveway would also provide additional off-street parking opportunities for guests and visitors. The Department of Public Works has reviewed and approved the proposed garage as well as the widening of the driveway.

## **DEVELOPMENT CODE CONSISTENCY**

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

- A. The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.**

There are no standards provided in Chapter 22.14 that apply to the project. The proposed project is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources or the local community's character. The project's consistency with the standards and guidelines most pertinent to the subject property is discussed below.

**SITE PREPARATION:** Development Standards J.1 through J.6; Design Guidelines A-1.2 through A-1.4

The subject property is an up-sloping lot developed with a single-family residence, a concrete driveway, patio area, non-native ground cover, and one Oak tree. The proposed improvement is planned to occur in a previously graded and disturbed area. It would cause the removal of one protected tree as defined in Marin County Code Chapter 22.27 (Native Tree Protection and Preservation). Removal of the protected tree is necessary to accommodate the proposed project.

Although the proposed project would result in additional impervious surface area, the project, as conditioned herein, would comply with all applicable requirements. The project would be subject to the preparation and submittal of an engineered grading and drainage plan per the standards outlined by the Department of Public Works, which will further ensure the project complies with all applicable codes.

**BUILDING LOCATION:** Development Standards D.1 through D.4; Design Guidelines D-1.6

The project site is not considered a visually-prominent ridgeline and is not encompassed within the mapped Ridge and Upland Greenbelt (RUG) area. Because of the topography and due to existing mature trees, there are no up-slope and down-slope scenes, and any available view is distant in nature, as opposed to short-range, does not include a view of skylines, bridges, distant cities, distinctive geologic features, hillside terrain, wooded canyons, ridges and bodies of water. Therefore, the project will not cause degradation to any scenic vista and ridgeline.

The proposed single-family dwelling is in conformance with the County's Single-Family Design Guidelines. The home would be stepped up the slope of the site from front to rear on two levels, which would reduce building bulk as perceived from the street. Building placement and setback patterns vary in this neighborhood, and the design submitted is consistent with the

existing range. Therefore, the proposed project is consistent with this finding because it minimizes tree removal and grading and is designed to preserve the inherent characteristics of the site.

**PROJECT DESIGN:** Development Standard I.1 and I.2; Design Guideline D-1.7

As proposed, the building will be lower than the maximum 30 feet height limit and located generally in the same location as the existing structure and entirely within the previously disturbed ground. The proposed new contemporary-style home would feature stone veneer, stained cedar siding, and a stucco exterior finish with dark aluminum window and door trims, and a flat roof assembly. The home would be stepped up the slope of the site from front to rear on two levels, which would reduce building bulk as perceived from the street. Additionally, the applicant has designed the home such that each building elevation incorporates varied building planes, which add additional depth and shadows. The architectural details, color, and material variation (i.e., veneer stone walls, decks, wood fascia, trellis, etc.) would be consistent with the contemporary design of the home, and would also serve to moderate the building bulk.

**MASS AND BULK:** Design Guidelines D-1.1 through D-1.5

As proposed, the project is designed to limit the appearance of mass and bulk through building articulation and contrasting materials, such as veneer stone, stained cedar siding, and a stucco exterior finish with a dark aluminum window and door trims, and a flat roof assembly. Additionally, the applicant has designed the home such that each building elevation incorporates varied building planes, which add additional depth and shadows and further moderate mass and bulk. The only large expansive wall is the east elevation. This elevation would feature window and door openings and contrasting colors and materials to minimize the appearance of mass. Therefore, the proposed mass and bulk are consistent with the site conditions and character of this property and neighborhood.

**EXTERIOR LIGHTING:** Development Standard G; Design Guideline C-1.11

As proposed, the selected exterior light fixtures will be shielded and downward facing, thereby minimizing possibilities of light flooding into the neighboring properties. The proposed fixtures will be reviewed to ensure they are shielded and the light is directed downward before issuing a Building Permit.

**LANDSCAPING AND VEGETATION REMOVAL:** Development Standard F; Design Guideline A-1.1

The site is heavily disturbed, and there is limited vegetation on the site. Removal of one Oak Tree is necessary to accommodate the proposed project. A conceptual landscaping plan has been submitted, showing a plant palette of both evergreen and deciduous plants of various sizes and types. New landscaping will be installed along the project's side and rear property lines to provide privacy and screening. Proposed tree species include: a 24 inch strawberry tree (*arbutus marina*), a Fruitless olive tree (*Olea swan hill*), a Japanese Blueberry (*Elaeocarpus decipiens*), and a variety of shrubs and ground cover are proposed in the planters and bio-retention areas. The proposed landscaping plan has been designed to match the existing development.

**ACCESS:** Development standard C; Design Guidelines A-1.5

Vehicular access to the property would continue to be from Peralta Avenue, which is a County maintained roadway. Construction of driveways and off-street parking requirements are regulated by the Department of Public Work's (DPW) standards. The DPW has reviewed the proposed project and preliminarily approved the design (see attachment #2). DPW will ensure the project is constructed in conformance with County standards, as verified during the review of the Building Permit application.

**NEIGHBORHOOD COMPATIBILITY:** Design Guidelines B-1.1, C-1.1 through C-1.3, C-1.7

The surrounding area is comprised of a mix of architectural styles with variety in the bulk, mass, and height amongst the single-family residences. The proposed project would maintain adequate space, light, and a sense of openness from surrounding residences in the neighborhood. The proposed building would reach a maximum height of 21 feet, ten inches above the surrounding grade, where a maximum of 30 feet is permitted. The exterior walls would have the following setbacks: 25 feet from the front (south) property line where a minimum of 25 feet is required; five feet, five inches from the side (west) property line and 10 feet, 11 inches from the side (east) property line where a minimum of five feet is required; and over 50 feet from the rear (north) property line where 25 feet is required. The residence would be constructed closer to the street compared to the existing structure but would comply with the required setbacks. Therefore, as proposed, the project would meet or exceed all applicable zoning development standards.

**B. The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.**

As discussed in section Key Issues above, the subject property is located within a developed single-family, residential neighborhood where lots are improved in varying setback patterns and architectural styles. The subject property is surrounded by single-family residences that are primarily single-story. Almost all of the residences in the neighborhood tend to have a ranch architectural style. While older residences in the neighborhood are generally one-story in height, the two-story residences are a combination of newer residences and older residences with recent additions. The surrounding lots along Peralta Avenue, the block between Wellesley Avenue to the west and Stanford Avenue to the east, range in size from approximately 3,150 square feet to upwards of 13,827 square feet. As such, the sizes of the houses are regulated by site-specific constraints in that the size of the residence is directly correlated to the size of the lot. Given that the project site is significantly larger than most of the lots in the neighborhood, any development on the site approaching the maximum allowable FAR will be larger than those on smaller lots. The proposal, nevertheless, is within the maximum permissible FAR.

Further, the project is situated solely on the subject property, and the proposed building will occur within the previously disturbed area. As such, the project results in a building of height, mass and bulk proportionately appropriate to the site. In accordance with the Marin County Single-Family Design Guidelines, the proposed project minimizes its visual prominence by incorporating design features and articulated building façades to disrupt and reduce the visual mass and bulk of the structure while also blending it into the surrounding natural site characteristics. As proposed, the project will not adversely impact sun and light exposure, views, vistas, and privacy to adjacent properties due to the site's location and siting of building on the site.

- C. The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.**

As discussed above, the project will result in a building that is oriented on the site in a manner that will not result in development that infringes upon the views, air, light, and privacy currently enjoyed by the surrounding neighbors. The building is designed and sited to minimize potential visual effects to adjoining neighbors, including locating the tallest portion of the building facing away from the neighboring properties. At a maximum height of 21 feet ten inches, the project would be well below the maximum height requirements for the relative zoning district (30-foot maximum for primary structure, 16 foot maximum for detached accessory structures).

- D. The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.**

The project site is located entirely within the owner's property and within previously improved areas on the site. Therefore, the project will not encroach onto adjoining private properties, public lands, public easements, trails and rights-of-way.

- E. The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.**

The proposed project will provide appropriate separation between buildings and development on adjacent properties by maintaining adequate setbacks. The proposed 6-foot fence along the rear and side property lines, coupled with the proposed landscaping, will provide further screening and soften views of the project from off-site locations, and will enhance the privacy of the occupants of the subject and surrounding properties. The project will remove one Live Oak tree to accommodate the proposed project and proposes several large replacement trees. The project would not impact any other natural features consistent with fire safety requirements. It will be reviewed during the Building Permit stage to ensure the structure meets all current fire and building code 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 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, water and sewer providers, Federal and State agencies.

## **CONDITIONS OF PROJECT APPROVAL**

### **CDA-Planning Division**

1. This Design Review approval authorizes the demolition of the existing 1,540-square-foot single-family residence and an attached 413-square-foot garage, and construction of a new 3,988-square-foot, two-story single-family residence and 560-square-foot attached garage. The proposed development would result in a floor area ratio of 30 percent. The proposed building would reach a maximum height of 21 feet, ten inches above surrounding grade, and the exterior walls would have the following setbacks: 25 feet from the front (south) property line; five feet, five inches from the side (west) property line; ten feet, 11 inches from the side (east) property line; and over 50 feet from the rear (north) property line. Other improvements entailed in the proposed project include removing one Live Oak tree, construction of a swimming pool, deck, grading, a driveway, and other general site improvements to facilitate the implementation of the proposed project.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Leshem/Nattiv Residence," consisting of 18 sheets prepared by Polsky Perlstein Architects, received in final form on February 10, 2021, 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 2021" with respect to all of the standard conditions of approval.

## **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**

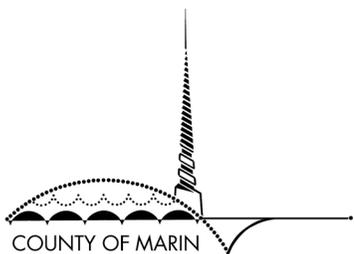
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision. Any party interested in filing a petition to appeal must make an appointment with the project planner to submit an appeal.

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

CDA – Assistant Director  
CDA – Planning Manager  
DPW – Land Development  
Tam Valley Design Review Board

### **Attachments:**

1. Marin County Uniformly Applied Conditions 2021
2. Southern Marin Fire Protectio District, memorandum dated January 14, 2021
3. Marin Water District, memorandum dated January 8, 2021
4. Tam Design Review Board Minutes from January 6, 2021 meeting
5. Department of Public Works, Inter-Office Memorandum, dated December 29, 2021
6. Correspondences



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

**2021**

**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.



BETTER  
TOGETHER

SOUTHERN MARIN FIRE PROTECTION DISTRICT  
MILL VALLEY FIRE DEPARTMENT



## FIRE PREVENTION DIVISION

28 Liberty Ship Way, Ste. 2800, Sausalito, CA 94965

Phone: (415) 380-1120 | Email: [prevention@smfd.org](mailto:prevention@smfd.org) | Web: [www.smfd.org](http://www.smfd.org)

January 14, 2021

Attn: Immanuel Bereket  
Marin County Community Development Agency  
[ibereket@marincounty.org](mailto:ibereket@marincounty.org)

Re: SMFD Conditions of Approval for planning project P2982 at 129 Peralta Avenue

The proposed plans for the above-listed project have been reviewed. Based on the plans as submitted, the items noted below shall be imposed by the Southern Marin Fire Protection District (SMFD) in accordance with current requirements of the California Fire Code and SMFD ordinance and standards.

**Please Note: This project is within the Wildland Urban Interface (WUI) Zone as determined by the Southern Marin Fire Protection District.**

### The following documents were reviewed:

- Drawings by Polsky Perlstein Architects titled "Leshem/Nattiv Residence," dated 12.07.2020

### Project Description:

Demo existing and construct a new 4018 sf SFD with attached garage; Landscape improvements

**This application was found to be complete and the following conditions should be noted for the project:**

### PRIOR TO PLANNING APPROVAL:

1. The fire plan review fee is required to be paid prior to final planning approval. The review fee can be paid by visiting the e-invoice at the link below:
  - a. <https://www.paypal.com/invoice/p/#994G8J59AEE3EF42>

### CONDITIONS OF APPROVAL:

1. WUI Requirements: This property is located within the Wildland Urban Interface (WUI) and shall be noted on the title sheet of the plans. The materials used in construction on the exterior of the structure shall comply with building standards in Chapter 7A of the California Building Code and/or section 337 of the California Residential Code.
2. A Vegetation Management Plan is required for this project as a deferred submittal. The Vegetation Management Plan shall be submitted directly to Southern Marin Fire District, along with \$494.00 payment, in order to allow for the rough hydro. inspection to be scheduled. The plan shall comply to the following:

**Prior to the start of framing**, a Vegetation Management Plan (VMP) shall be submitted for review and approval by the Fire District which includes:

- a. An electronic copy of the site plan, which includes the house, zone, plant type and spacing, shall be emailed to [prevention@smfd.org](mailto:prevention@smfd.org).
  - b. The entire plan content elements described in narrative form.
  - c. A description of long term maintenance and safety practices
  - d. The list of plants to be existing and/or used and materials consistent with the approval plant list.
    - i. Existing and proposed plants shall not be any of the species identified by FireSAFE Marin as fire-prone plants. The list can be found at <https://firesafemarin.org/plants>.
  - e. Prepared according to Southern Marin Fire District Standard 220 Vegetation/Fuel Management Plan, which can be found at <https://www.southernmarinfire.org/prevention/ordinances-standards/residential%20standards?limit=100>
3. Prior to submitting the vegetation management plan, the landscape concept plan will need to be revised to remove the proposed coast rosemary and replace with another plant species. The plan will also need to be revised to show adequate plant spacing. Regardless of species, shrubs shall be spaced a minimum of 1.5X the height at full maturity.
4. Fire Sprinkler Requirements: The current scope of work appears to be **in excess of 50%** of the existing structure and is being considered a substantial remodel as defined in SMFD Ordinance 2019/2020-01 and shall require the installation of fire sprinklers throughout the structure. However, if further review or change in scope reveals that the project is less than 50% of the existing structure, then the project will be re-evaluated.

A fire sprinkler system shall be provided for the following:

- a. All new construction.

Fire sprinkler coverage shall be provided through the entire structure according to Chapter 9 of the California Fire Code. Fire sprinkler system shall be installed according to NFPA standards and Southern Marin Fire Standard 401.

Plans for fire sprinkler system design and hydraulic calculations shall be completed by a licensed C-16 sprinkler contractor and submitted to the Southern Marin Fire District, Fire Prevention Bureau for approval prior to installation. Fire sprinkler system design and installation shall conform to the provisions of the Southern Marin Fire District Standard 401 and N.F.P.A. Standard(s) 13, 13D or 13R.

5. A vertical overhead clearance of 13' 6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.).
6. The property owner shall comply with California Fire Code Section 304.1.2 and Local Ordinance Section 109.3.2 Abatement of Clearance of Flammable Brush or Flammable Vegetative Growth from Structures.
  - a. A minimum clearance of 30 feet from the structure or to the property line, 10 feet from roads and property lines and any tree which extends within 10 feet of any chimney or stovepipe shall be kept clear of flammable brush, tree limbs and grasses.
  - b. A list of flammable (pyrophytic) plants and non-flammable (fire resistive) plants can be found on the University of California Cooperative Extension: Pyrophytic vs. Fire Resistive Plants list. This is available at [firesafemarin.org](https://firesafemarin.org)
  - c. Exception: Vegetation Management Plan for the property has been submitted and approved by the Fire Code Official.

7. The applicant shall comply with California Fire Code and Public Resource Code 4291 requirements relating to the clearance of flammable brush and weeds. A minimum clearance of 30' from structures and 10' from roads and property lines shall be maintained.
8. Wildland Urban Interface Vegetation Requirements: Any person who owns, leases, controls or maintains any building or structure, vacant lands, open space, and/or lands within specific Wildland Urban Interface areas of the jurisdiction of the Southern Marin Fire Protection District, shall comply with the following:
  - a. Cut and remove all fire prone vegetation within 30 feet of structures, up to 150 feet when topographic or combustible vegetative types necessitate removal as determined by the Fire Code Official.
  - b. Remove accumulated dead vegetation on the property.
  - c. Cut and remove tree limbs that overhang wood decks and roofs.
  - d. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe, roof surfaces and roof gutters
  - e. Clean any leaves and needles from roof and gutters.
  - f. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height.
  - g. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2018 International Wildland-Urban Interface Code, as amended by the Southern Marin Fire Protection District
  - h. Clearance of flammable brush or vegetative growth from fire access road or driveways. The fire code official is authorized to require, within 10 feet on each side and 15 feet in height of highways, streets, fire apparatus roads and driveways, to be abated of flammable vegetation and other combustible growth.

EXCEPTION 1: When approved by the Fire Code Official, single specimens of trees, ornamental shrubbery or similar plants, or plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.

EXCEPTION 2: When approved by the Fire Code Official, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize soil and prevent erosion.

9. Exterior Fire Feature: The proposed exterior fire feature shall be surrounded by hardscape one and a half times the height of the flame and located ten (10) feet from the structure. All exterior fire features shall be sourced by natural gas.
10. Vegetative Roof- Maintenance Agreement: Upon the approval of a rooftop garden or landscaped roof, the fire official shall require a signed memorandum, constructed by the District, as a Maintenance Agreement for the proposed roof. The agreement shall require that the vegetation selected does not display any fire-prone characteristics, including, but not limited to, oil secretion and debris retainment. The agreement shall require that in any instance the vegetation is deemed by the Fire Official as unmaintained, dead, or hazardous to life and safety standards, all vegetation shall be removed from the roof surface and a Class A roof covering shall be installed post-removal. The Maintenance Agreement is required to be returned to the Fire Official and shall be on record for the duration of the existence of the rooftop garden or landscaped roof.
  - a. In the building permit submittal, a list of all the vegetation being used on the roof is required to be submitted with a section detail of the roof.
11. Roof Deck Materials: The roof deck shall be a class-A roofing assembly. The material shall either cover the entire surface or have clearance to enable the undersurface to be cleaned of debris. The materials must be specified on the plans.

12. The address shall be posted in accordance with requirements of the California Fire Code and SMFD standard 205 (Premises Identification).
- a. Properties located within the Wildland Urban Interface are required to have an approved address marker visible from across the street in contrasting colors per CA Public Resource Code 4291. An address placard can be ordered by visiting <https://www.southernmarinfire.org/prevention/public-safety-education/address-visibility>.
  - b. Each dwelling unit shall have address numbers posted in a conspicuous place, clearly visible from the street. Numbers should be minimum 4" in height and contrasting in color to their background. Show location(s) on plan.
13. Non-combustible roofing is required. Noncombustible roofing shall be provided for:
- a. All new roofs shall be non-combustible.
  - b. Roof Repairs or replacement:
    - a. Less than 25% - no requirement
    - b. 25% to 50% - Class C minimum
    - c. 50% or more – Non Combustible
  - c. In no case shall the roofing material used be less fire resistive than the existing roof.
- NOTE: A "noncombustible" roof is a Class A roof (for other than Group R Occupancies, a Class A or Class A assembly) as defined in the California Building Code.
14. This project shall comply with California Fire Code Chapter 33 – *Fire Safety During Construction and Demolition*. These requirements include but are not limited to: Temporary Heating Equipment, Precautions Against Fire, Flammable and Combustible Liquids, Flammable Gases, Owners Responsibility for Fire Protection, Fire Reporting, Access for Fire Fighting, Means of Egress, Water Supply for Fire Protection, Standpipes, Automatic Fire Sprinkler Systems, Portable Fire Extinguishers, Motorized Construction Equipment, and Safeguarding Roofing Operations.
15. Fire access to the project as well as the other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner's expense.

**Any revisions that include additional floor area, reduction of floor area, or modifications to existing or new walls, floors, ceilings, or roofs shall be submitted as revised drawings to the District for further review.**

**All on-site improvements, such as water main extensions, hydrants and access roads, must be serviceable prior to framing the structure.**

**Final occupancy approval shall not be granted/released until authorization to the Community Development Agency has been received from the Fire District.**

Thank you,



McKenna Ramiro  
Fire Prevention Specialist  
[mramiro@smfd.org](mailto:mramiro@smfd.org)  
Office: (415)231-3849 | Cell: (415)720-4620



**MARIN  
WATER**

**VIA ELECTRONIC MAIL**

Immanuel Bereket  
Marin County Planning Dept.  
3501 Civic Center Dr. #308  
San Rafael, CA 94903

January 8, 2021  
Service No. 40776

RE: **WATER AVAILABILITY** – Single Family Residence  
Assessor's Parcel No.: 050-051-16  
Location: 129 Peralta Av., Mill Valley

**Project Description: Demo and rebuild existing single family dwelling.**

Dear Mr. Bereket:

The District has the following comments on this project:

- The proposed project will not impair the District's ability to continue service to this property.
- The purchase of additional water entitlement for the property is required.
- The installation of a new water service is required.
- Comply with Ordinance No. 429 requiring the installation of a gray water recycling system when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.
- The proposed project is not within the District's service area.

Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements. If you are pursuing a landscaping project subject to review by your local planning department and /or subject to a city permit, please contact the district water conservation department at 415-945-1497 or email to [plancheck@marinwater.org](mailto:plancheck@marinwater.org). More information about district water conservation requirements can be found online at [www.marinwater.org](http://www.marinwater.org)

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at 415-945-1558.

If you have any questions regarding this matter, please contact me at 415-945-1531.

Sincerely,

*Nicole Momsen*

Nicole Momsen  
Engineering Technician

NM

## **Tam Design Review Board Draft Notes Public Meeting – January 6, 2021**

**Meeting location:** Via Zoom.

**Call to order:** 7:00 PM, Logan Link, Chair

**Board members present:** Alan Jones (AJ), Logan Link (LL), Andrea Montalbano (AM), Douglas Wallace (DW).

Approximately 30 members of the public in attendance.

1. **Meeting minutes** from 12.02.20 and 12.16.20, approved 4-0.
2. **No public comments** on issues not on the agenda.
3. LL noted **correspondence** with Lee Burdich on Alta Way project plans, LL will inquire on status with Michelle Levenson, county planner.

4A. **129 Peralta Ave.**, Ran and Hilla Lesham, owners; Richard Perlstein and Jared Polsky architects; Brad Eigsti, landscape architect. No variances are requested for this project. The maximum roof height was corrected to 24'9" at the southwest corner. The proposed home will be fully electric, with photovoltaic roof panels and an electric heat pump for HVAC. Construction is to begin the summer of 2021. Rainwater will be directed to catchments in the front and back of the 13,338 sq. ft. lot; AM inquired about story poles; these will be erected after the application is complete. A green roof is proposed for the first floor roof outside the main bedroom.

AJ asked about native plant landscaping, Mr. Eigsti stated that plantings would be "natural," comprised mainly of Mediterranean species. DW expressed reservations about proposed artificial turf re: sustainability. Joe Amado asked about parking availability (no changes proposed) and relocating the catch basin at the front of the property; this will require input from Public Works. Mr. Amado also inquired if repaving of Peralta Ave. is included; Peralta Ave. is not county maintained and residents pay for upkeep.

Beverly Brown requested more detailed drawings from the north, west, and east sides, especially for window orientation. Richard Perlstein stated that these are available on the county website. AJ suggested that the applicants could share these with the neighbors, and LL proposed their hosting a walk-through when conditions allow. Ms. Brown expressed concern about construction impacts on the neighbors, especially elderly residents during the time of COVID, and on the Peralta Ave. pavement. She believed that the project exceeded the allowable FAR, and also stated that the square footage of the home should be closer to 3,200 sq. ft. However, the 3,988 sq.

ft. floor area is also within the FAR limit of 30%. She stated that the average home size in the neighborhood is 1,800 sq. ft., and the largest nearby house is 2,620 sq. ft. Ms. Brown inquired where the construction staging area will be; the project team will look into suitable offsite locations. She also believed that a 20,000-gallon pool is excessive.

Lynn Reid noted that homes of any size will have construction impacts.

AM inquired whether windows would look into neighbors' homes; Mr. Perlstein referred to drawings indicating minimal intrusion.

Adrienne Puech asked about the setbacks (5-6'?), which are in compliance with code. She also asked about the garage roofing material, which will be fire resistant granular material.

Maggie McDonough expressed concern about traffic and how construction vehicles will be managed, and also suggested more native plantings. AJ recommended a construction management plan and posting a bond for street impacts. LL noted support for the project from various neighbors.

Following board discussion, the Board approved the project 4-0 with the following merit comments:

- Double check the FAR calculation to ensure compliance
- Modify/soften the retaining walls in front for a less rectilinear appearance
- Retain the proposed green roof
- Use a darker palette for the front limestone
- Retain a bond for potential damage to street pavement
- Prepare a construction management plan for public review
- Investigate a trench drain and relocating the culvert
- Perform a shadow study
- Rely on more native plant species and consider alternatives to artificial turf.

**4B. 367 South Morning Sun Ave.**, Michael Pucci, applicant. AJ noted that the Board has no discretion over any elements except the retaining wall and the tree removal, due to new rules on ADUs.

Mr. Pucci stated that the trees in question are live oaks, with four protected (>6" diameter) and two heritage (>18" diameter) trees. On DW's inquiry, Mr. Pucci stated that the next-door neighbor is aware of the project. LL recommended an enclosure for the waste bins to be placed in the new parking area for esthetic purposes. She also suggested plantings along the retaining wall to soften the appearance; Mr. Pucci agreed to install pockets to provide for climbing vines.

AM recommended screening the lower side of the deck with vegetation, and asked about tree replacement. Tree replacement is required, and will be added to the plan. LL asked about drainage; Mr. Pucci stated that the plan has bioretention features with an overflow to the culvert.

The Board approved the proposal, 4-0, with the elements described above.

4C. **337 Marin Ave.**, Angel Moore, applicant. Informal review only. Ms. Moore requested input on her proposal to enclose two front porches and add a room on top of the existing garage. AM suggested flattening the outer lines of the house, and advised that design review might not be required. LL recommended that Ms. Moore speak to her neighbors. Ms. Moore noted that she will have to install sprinklers as a required element of the project, as more than 50% of the house is to be modified.

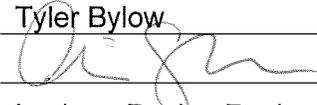
4D. **Signage violations at Tam Junction.** No Board discussion.

Meeting adjourned at 9:35 p.m.

# PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

DATE: 12/29/2020DUE: 12/30/2020TO: Immanuel Bereket**TYPE OF DOCUMENT**FROM: Tyler Bylow DESIGN REVIEWAPPROVED:  COASTAL PERMITRE: Leshem Design Review LAND DIVISIONProject ID P2982 VARIANCEAPN: 050-051-16 USE PERMITADDRESS: 129 Peralta Ave ADU PERMITMill Valley, CA ENVIRONMENTAL REV. OTHER:

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

**Comments Included (Inc.) or  
Attached (Att.) from other DPW  
Divisions:**

- Find it **COMPLETE**  
 Find it **INCOMPLETE**, please submit items listed below  
 Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

- Traffic  
 Flood Control  
 Other: \_\_\_\_\_

**Merit Comments****Prior to Issuance of a Building Permit:**

1. **Geotechnical Review and Acceptance:** 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.
2. **Site Retaining Walls:**
  - a. You will need to apply for a separate Building Permit for each site/driveway retaining wall greater than 4ft in height, or for any wall that is subject to a surcharge such as a sloped backfill or vehicular load. The total height shall be measured from the bottom of the footing to the top of the wall. If any walls are structurally tied to the dwelling, indicate this on the plans, as these walls will not require a separate permit.
  - b. For each retaining wall, provide a cross sectional reference on the site plan which corresponds to a structural detail provided in the plan set.
  - c. Submit design calculations for the retaining walls which are greater than 4ft in height, measured as described above in item a, or which are subject to a surcharge behind wall. Calculations shall be prepared, signed and stamped by the design engineer.
  - d. Add a note on the plans indicating that the Design Engineer shall inspect and certify in writing to DPW that each retaining wall was constructed per approved plan and field direction. Certification letters shall reference building permit number or numbers for specific work being certified, the address and the Assessor's Parcel Number (APN) for the project, and shall be signed and stamped by the certifying professional.

**Erosion & Sediment Control Plan:**

3. 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: <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/mcstoppp-erosion-and-sediment-control-plan-applicant-package.pdf?la=en>. Note the actual template begins on page 11 of the document.

**Stormwater Control Plans:**

4. Provide a Stormwater Control Plan as required by Marin County Code § 24.04.627 Permanent Stormwater Controls for New and Redevelopment. You may refer to the BASMAA Post Construction Manual which you can access at the County's website for post-construction stormwater management requirements, publications and resources at: <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects?panelnum=2> . **Direction for this project is in Appendix C of the BASMAA manual, Stormwater Control Plans for Small Projects / Single Family Homes.**
5. The plans shall provide details for the pool drainage and demonstrate that the drainage would comply with MCC 23.18 (Urban Runoff Pollution Prevention Code). Discharge into a watercourse is prohibited pursuant to MCC 23.18.094. You may refer to the Marin County Stormwater Pollution Prevention Program's website, [www.mcstoppp.org](http://www.mcstoppp.org), for more information.

-END-

Hilla Nattiv Leshem & Ran Leshem  
129 Peralta Ave.  
Mill Valley, CA 94941  
(415) 999 3893  
[nattiv@bayareaimmigration.com](mailto:nattiv@bayareaimmigration.com)

January 17, 2021

**Re: 129 Peralta Ave., Mill Valley, CA 94941**

Dear Neighbor,

We would like to take this opportunity to introduce ourselves and address any questions you may have about our plans for 129 Peralta Ave. My husband, Ran and I are the new owners of this property. We have lived in the neighborhood for over 10 years and love it. Our two children (Talia age 10 and Maya age 7) go to Tam Valley Elementary. We also have a 10lb dog named Benji who some of you may know. We have outgrown our current home and starting looking for a larger house. When we came across 129 Peralta we were very excited as many of our friends live nearby and the lot is flat and quite large. We plan to build within all setbacks, height limits, will adhere to all FAR requirements and we are not requesting a variance. A copy of the complete set of plans as submitted for approval can be found at [https://www.marincounty.org/depts/cd/divisions/planning/projects/tamalpais-valley/leshem\\_dr\\_p2982\\_mv](https://www.marincounty.org/depts/cd/divisions/planning/projects/tamalpais-valley/leshem_dr_p2982_mv) If you prefer, we are also happy to print the material for you to review as well.

We understand that construction of any kind can be a nuisance to neighbors and we want you to know that we will make every effort to minimize the disruption. Our architects and contractor will develop a detailed construction management plan to ensure roads are not blocked and roads are not damaged. If you would like to meet with us onsite to review our project plans and address any questions you may have, we would be happy to meet with you. Please also feel free to call us (415) 999-3893 or email ([nattiv@bayareaimmigration.com](mailto:nattiv@bayareaimmigration.com)) with any questions.

Best wishes,

Hilla and Ran Leshem

## Bereket, Immanuel

---

**From:** Rich Perlstein <rich@polskyarchitects.com>  
**Sent:** Tuesday, February 9, 2021 12:15 PM  
**To:** Bereket, Immanuel  
**Subject:** 129 Peralta- neighbor liason  
**Attachments:** Neighbor Intro letter 1-18-2021.docx; Design Review Plans as Submitted.pdf; Leshem 1-20-2021 updated landscape.pdf

Manny- the homeowners just forwarded this letter to a neighbor, on Wellesley on the opposite side of the street from the project (not contiguous). They had written an uninformed email (will block our sun etc) so Ran and Hilla wanted to reach out to her.

### **Richard H. Perlstein AIA**

Polsky Perlstein Architects  
469B Magnolia Ave.  
Larkspur, CA 94939  
415-927-1156 x302  
[rich@polskyarchitects.com](mailto:rich@polskyarchitects.com)

Begin forwarded message:

**From:** Hilla Nattiv <[nattiv@bayareaimmigration.com](mailto:nattiv@bayareaimmigration.com)>  
**Subject:** 129 Peralta  
**Date:** February 9, 2021 at 10:55:40 AM PST  
**To:** "[ruthalynch@comcast.net](mailto:ruthalynch@comcast.net)" <[ruthalynch@comcast.net](mailto:ruthalynch@comcast.net)>  
**Cc:** "[rleshem@aperiogroup.com](mailto:rleshem@aperiogroup.com)" <[rleshem@aperiogroup.com](mailto:rleshem@aperiogroup.com)>, Rich Perlstein <[rich@polskyarchitects.com](mailto:rich@polskyarchitects.com)>

Dear Ruth,

My name is Hilla, and my husband Ran and I are the new owners of 129 Peralta Ave. I am attaching a letter introducing our family and am attaching the plans for the property as well as revised landscape plan. I know there are some concerns about the project size. Please know that we are adhering to all setbacks, height and FAR limits and we are not requesting a variance. The property is similar in height to the many 2 level homes in the area and will not be any taller. It will not block any views and our immediate neighbors are supportive of the project. Any damage caused to the road by our project (I truly hope there is none) will be our responsibility to handle. As future neighbors, we will ensure that the construction will minimize disruption and will be done as quickly as possible. We will be good neighbors and are friendly and approachable and have lived in the neighborhood (Lowell Ave off of Cleveland) for over 10 years. Please do feel free to reach out to Ran or I with any questions (415) 999 3893. We are also happy to meet with you (socially distanced) on site to go over any questions you may have.

Best wishes,  
Hilla

Hilla R. Nattiv, Esq.

Carolyn B Kellogg  
Ralph P Kellogg  
135 Peralta Ave  
Mill Valley, CA 94941  
February 8, 2021

Immanuel Bereket  
[ibereket@marincounty.org](mailto:ibereket@marincounty.org)

Re: 129 Peralta Ave, Mill Valley

The current owner of 129 Peralta Ave, Hilla Nattiv, responded by email to my suggestion to move the structure back on the property by claiming that was not possible due to the location of a “heritage” oak tree. I inquired that if that tree is a designated heritage tree, why didn’t the architects design around it? Ms Nattiv did not respond. She had no reservation about cutting the three redwood trees the originals owner planted at the front of the property 59 years ago.

We bought our lot at 135 Peralta Ave 63 years ago when Peralta was a cow path with fresh cow leavings on it. There were no trees on this south side of the hill-only wild oats, scrub oak bushes and poison oak. As homes were built, trees and gardens planted changing the environment, oak tree began to volunteer - I have five on my property which I maintain. It is curious that there is a “heritage” oak on their lot.

The nearly 4000 square foot structure as it is located on the property now will be an overwhelming presence on a one block long street of modestly sized homes. It will not blend into the neighborhood, it will dominate it. There is nothing in the design to soften its appearance.

Ms Nattiv wrote that she was not asking for a variance over the 3500+ square foot ordinance. The Planning Dept. most recent notice lists the square footage as 3988.

I respectfully request that the overly large two story house and the garage be moved back on the property to lessen its impact on the neighborhood.

Carolyn B Kellogg

Ralph P Kellogg

## Bereket, Immanuel

---

**From:** ruth lynch <ruthalynch@comcast.net>  
**Sent:** Saturday, February 6, 2021 11:09 AM  
**To:** rich@polskyarchitects.com  
**Cc:** Bereket, Immanuel  
**Subject:** Peralta McMansion

What are you thinking? This McMansion is not only inappropriate for Collegiate Hill, but it will block everyone's morning sun...even mine on Wellesley.

Perhaps a smaller design?

ruth lynch  
ruthalynch@comcast.net

LETTER OF SUPPORT FOR LESHEM FAMILY CONSTRUCTION PLANS  
AT 129 PERALTA AVE

January 4, 2021

Tam Valley Design Review Board  
60 Tennessee Valley Road  
Mill Valley, CA 94941

To Whom It May Concern,

My wife Sarah and I reside at 125 Stanford Avenue, around the corner from 129 Peralta Ave.; we have lived in this neighborhood for nearly a decade. Ran Leshem and Hilla Nattive have been our close friends for over 20 years.

We have reviewed the Leshem family construction plans for 129 Peralta and we think that the new house is well designed and will be a major improvement to the look and feel of the neighborhood. The house will not impact the views of neighbors and will help increase value for the surrounding properties. The landscaping plans will also provide an esthetically pleasing façade to the house.

Ran and Hilla have lived in the neighborhood for over 10 years; they plan on raising their children and growing old in their new home.

We wanted to express our support for the project and look forward to living so close to our friends.

Best wishes,

Ognjen Todic and Sarah Eheart

## **Bereket, Immanuel**

---

**From:** Lynn Reid <lynnreid100@gmail.com>  
**Sent:** Wednesday, January 13, 2021 2:52 PM  
**To:** Bereket, Immanuel  
**Subject:** Leshem Project, 129 Peralta Ave, Mill Valley.

Good afternoon Mr. Bereket,

I am writing in support of Ran and Hilla's proposed new home at 129 Peralta Ave. in Mill Valley. I live in the neighborhood and have been their neighbor for many years. As such, I know them to be considerate, friendly, and a great addition to any neighborhood.

The house that they are proposing is very tastefully designed with staggered setbacks from the street. It will not block the views of any neighbors and respects the privacy of each neighbor. It will certainly not be the tallest house on the block and the property as it is now is one of the few single level homes on the street and it sits on essentially a double lot. They have paid thoughtful attention to maintaining the privacy of the neighboring properties by placing minimal windows on the sides of the home and have worked closely with a highly regarded landscape architect to provide quick-growing drought and deer-tolerant plants and trees along the borders.

While the house is larger than many of the surrounding properties, the lot is also bigger and as such can support the size of the proposed house. The house that is currently on the property is in a very bad state of repair and prior to Ran and Hilla purchasing the property, the lot was very overgrown and a fire risk. While some (primarily one non-immediate neighbor) may be worried about the scope of the project I believe that if they took the time to meet with Hilla and Ran in a Covid safe manner and look at the plans, not only would they see that this project will be a great enhancement to the neighborhood, increase the value of their homes and that Ran and Hilla are very reasonable, engaging and community-minded neighbors. They have reached out to most of the immediate neighbors and most all of them are supportive of the project. The two neighbors on either side of the property are in support of the project.

If you have any questions, please call me.

Sincerely,

Lynn Reid,

343 Lowell Ave, Mill Valley.

Carolyn B Kellogg  
Ralph P Kellogg  
135 Peralta Ave.  
Mill Valley, CA 94941  
January 15, 2021

Immanuel Bereket  
Planning Commission  
3501 Civic Center Drive #308  
San Rafael, CA 94903

Reference: 129 Peralta Ave, Mill Valley

Enclosed is a copy of a letter I sent to the Tamalpais Design Review Board. Since then, the story poles have gone up on the property in question. The structure is closer to the road than any other house on the upside of the street. I was shocked. That house will be the most prominent structure on the block, looming over the more modest homes. I suggest that they move the house and garage further back on the lot.

Respectfully,

Carolyn B Kellogg 415-847-2076, ckellogg2000@yahoo.com



Ralph P Kellogg



Carolyn B Kellogg  
Ralph P Kellogg  
135 Peralta Ave  
Mill Valley, CA 94941  
January 13, 2021

Tamalpais Design Review Board  
Attention: Alan Jones

Reference: 129 Peralta Ave, Mill Valley

We moved into our home at 135 Peralta Ave. 59 years ago, three months after the late owners of 129 Peralta Ave. The road was dirt, we had to fight to have water and a sewer line installed to service our homes. The houses were modest, middle-class structures, built in the late 1950s and early 1960s to accommodate young families.

We built onto our home at 135 to make room for our growing family. The square footage is just over 2000, under the allowable living space for our lot – larger than most on this block.

The proposed structure at 129 Peralta Ave is nearly twice the size of the homes on Peralta and would be out of character for this neighborhood.

Furthermore, Peralta Ave. was originally paved by the home owners in the early 1960s and it is maintained by the current owners. In the past, a contractor who was building homes in the area and used Peralta to move his equipment agreed to repave Peralta and Stanford when his project was complete. The owners of 129 should agree to repave as well. Many of the current home owners have lived on Peralta for 50 years and more are retired on limited incomes and should not be burdened with the added expense of road repairs caused by construction vehicles.

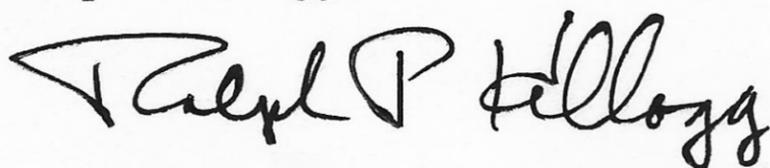
Please take these matters under consideration to uphold the square footage ordinance and provide for the repaving of Peralta Ave.

Respectfully,

Carolyn B Kellogg



Ralph P Kellogg



## **Tamalpais Design Review Board**

c/o Alan Jones, 304 Laurel Way, Mill Valley, CA 94941

SUBJECT: Lesham Design Review, 129 Peralta Ave, Mill Valley

Dear Peralta Ave. Neighbors,

As chair of the Tam Design Review Board I have received your letter dated January 13, 2021. As email addresses for those signing the letter were not provided, I am taking the liberty of sending this via snail mail to those who listed their addresses and will copy the County staff via email.

For the record, notice of our meeting was given more than 10 days prior to the meeting as required by County regulations. I sincerely regret if some were unable to attend. It is always our wish to include all neighbors who wish in our proceedings. That being said, I believe most if not all of you who signed the letter were in attendance. Because of Zoom conditions we did not collect a sign-up sheet, but nearly an hour of our meeting time was taken up by comments from neighbors in attendance. We cut off debate once because it had become argumentative, but otherwise repeatedly asked whether there were further comments. We listened, and we fully support and encourage your right to make your views known as the planning process unfolds.

Please be advised that our decision is advisory and that the scope of our review is limited by the questions raised in the referral that comes to us. This application was referred to us because the proposed house exceeds 3,500 sq. ft. which triggers design review. In other respects the project, as we understand it, follows all the rules and would be subject to ministerial review. Although we shared many of your concerns about building so large a house on a narrow street, we found no basis to rule against it solely for that reason. In fact we found that the design quite skillfully softened the impact of the house and allowed it to fit into the neighborhood gracefully.

We did choose to list as "merit comments" a number of suggestions which we hope the owners will comply with voluntarily and/or the County will require. These are:

- Double check the FAR calculation to ensure compliance
- Modify/soften the retaining walls in front for a less rectilinear appearance
- Retain the proposed green roof
- Use a darker palette for the front limestone
- Retain a bond for potential damage to street pavement
- Prepare a construction management plan for public review

- Investigate a trench drain and relocating the culvert
- Perform a shadow study
- Rely on more native plant species and consider alternatives to artificial turf.

Although I fully support your right to protest the approval of this project through the usual processes, I recommend, as was strongly suggested in our meeting, that you engage directly with the owners/applicants to see whether some of your concerns might be addressed voluntarily by them. They seem willing to engage in a dialog and apparently sincerely wish to be good neighbors. They are much more likely to be available to address your concerns than a developer who has no interest in the neighborhood and who might well be the most likely alternative buyer for this property.

In addition to the items described above in our merit comments, your conversations might include some of the issues you raise in your letter: the appropriateness of a swimming pool in these times of limited water resources, use of artificial turf, a request that neighbors have input into the construction management plan, and additional assurances regarding potential damage to the road during construction.

Very truly yours,

Alan Jones, Chair

cc. Immanuel Bereket, Stephanie Moulton-Peters

Residents of Peralta Avenue  
Mill Valley, California 94941

January 13, 2021

Tamalpais Design Review Board  
Attention: Alan Jones and Logan Link

Reference: 129 Peralta Avenue, Mill Valley – Parcel #: 050-051-16

The residents of Peralta Avenue received a notification by mail from the Tamalpais Design Review Board at the end of December during the holidays. The meeting for the above-mentioned property was scheduled for a Zoom meeting on January 6<sup>th</sup> at 7:00 p.m. Most of the residents on Peralta Avenue were not in attendance, some by not getting the notification, and others were not afforded enough time to be available. Most importantly, the neighbors immediately on either side of the proposed teardown of new construction were not in attendance.

Only a few from our street were present. In attendance were primarily members of the TDRB, the two architects from Polsky Perlstein and the Real Estate Agent, Lynn Reid from Compass. We listened to all the features of the proposed house from the architects for most of the meeting. We are concerned about overage of square footage, damage to the street and the elderly residents that were not available for their input.

Every extra square foot of this building will increase the time it will take to build the structure, and we do not approve of any overage whatsoever. The oversized garage is 560 sq.ft. that is 80 sq.ft. over the allowed 480 sq.ft. and should be added to the total square footage of the proposed build. We were given a timeframe of at least 15 months for the construction. This number is likely to extend beyond the 15 months due to daily Covid testing, the inability of more than one trade to work on the jobsite at one time, the number of individuals allowed to work on the premises simultaneously, illnesses that will stop production and a multitude of other inevitable delays. The timing of this non-essential construction is irresponsible due to Covid-19 pandemic, and the predominantly senior residents on this tiny street. Per the Geotechnical report, there is a need for difficult hard excavation in the bedrock to achieve the proposed grade. This will entail heavy ripping and or jack hammering. All while people are stuck in their homes due to Covid-19.

As your purpose and duties as a member of the Tam Design Review Board are to serve as an advisory and resource body and liaison to the Board of Supervisors, the Community Development Agency, the Planning Commission and the Community to review and comment on discretionary land use, your focus should include all the voices of the residents on Peralta and the landscape of the street. Peralta is so narrow as to only allow one car to pass, and even that is difficult in the best of times. There is little to no parking on the street. Keeping things in perspective, the square footage of the largest home on the block is 55% smaller than the proposed construction with the average home on Peralta only 1,800 sq.ft., and the original home on 129 Peralta being the smallest at 1,236 sq.ft.

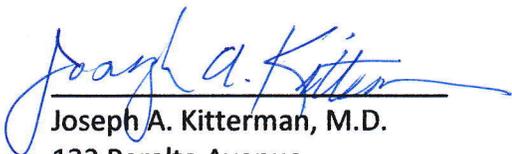
When we discussed concerns over the street damage we were told there is a bond that the construction company puts in place for any damage. This is insufficient. It will not be the responsibility of the residents of Peralta Avenue to go after the construction company. Many companies will contribute to the inevitable damage due to the constant, excessive traffic with construction equipment, demolitions equipment, construction trucks, supplier trucks and trade vehicles. The Owner must agree to be responsible for the construction damage to our street and be prepared to take on the pavement of our street after construction has ended. This street is maintained by the residents not the County.

Additionally, our County is attempting to reduce waste by 100% by 2025. The synthetic turf that is proposed on the property will soon disintegrate and become nothing more than landfill. We want this to be natural turf. The proposed 672 square foot swimming pool does not align with any of our severe drought problems that exist and will only continue to get worse with the dramatic changes in our climate due to environmental factors.

The Construction Management should be exact. Where will they store the materials? How many workers will be allowed for work? Who will be responsible for enforcement? It won't be the Sheriff's office so who can we call upon to support complicity with the rules? What are the hours that they will be allowed to work? We do not want them working at 7:00 a.m. to 7:00 p.m. and on weekends. We need these questions addressed and we need answers.

We are not confident that proper steps were taken to review our neighborhood on behalf of our residents. We need to protect our rights and our voices need to be heard. Those that needed to attend do not have a computer no less know how to attend a Zoom meeting. We want to be assured that our concerns are being addressed. We will be closely monitoring your reviews and comments and need the assurance that your Review Board is working for our best interest.

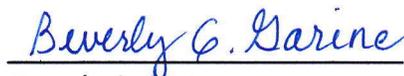
Respectfully,



Joseph A. Kitterman, M.D.  
132 Peralta Avenue  
Resident for 50+ years



Kathleen C. Kitterman  
132 Peralta Avenue  
Resident for 50+ years



Beverly C. Garine  
140 Peralta Avenue  
Resident for 46 years



Salvatore Paulangelo  
140 Peralta Avenue  
Resident for 7 years

Arthur Berger<sup>PB</sup>

Arthur Berger  
118 Peralta Avenue  
Resident for 50 years

Phyllis Berger

Phyllis Berger  
118 Peralta Avenue  
Resident for 50 years

Carolyn Kellogg

Carolyn Kellogg  
135 Peralta Avenue  
Resident for 59 years

Ralph Kellogg

Ralph Kellogg  
135 Peralta Avenue  
Resident for 59 years

signature on file

David Sobel  
120 Peralta Avenue  
Resident for 5.5 years, 16 in M.V.

signature on file

Allyson Sobel  
120 Peralta Avenue  
Resident for 5.5 years, 16 in Mill Valley

Inge Hvidsteen

Inge Hvidsteen  
131 Peralta Avenue  
Resident for 56 years

Joe Amato

Joe Amato  
126 Peralta Avenue  
Resident for 45 years

cc: Stephanie Moulton-Peters  
Room 329 Civic Center  
3501 Civic Center Drive  
San Rafael, California 94903  
(415) 473-7331

Project Planner:  
Immanuel Bereket  
(415) 473-2755  
[ibereket@marincounty.org](mailto:ibereket@marincounty.org)

Community Development Agency  
3501 Civic Center Drive  
San Rafael, California 94903

Planning Commission  
3501 Civic Center Drive  
Suite 308  
San Rafael, California 94903  
(415) 473-6269 Planning

January 18, 2021

Marin County  
Community Development Agency  
Attn: Immanuel Bereket  
[ibereket@marincounty.org](mailto:ibereket@marincounty.org)  
3501 Civic Center Drive  
San Rafael, CA 94903

**Re: 129 Peralta Ave., Mill Valley, CA 94941**  
**Letter of Support for Leshem-Nattiv Residential Project**

Dear Mr. Bereket:

I am a property owner and/or resident of the Mill Valley neighborhood of Almonte/Tamalpais Valley and a neighbor of the proposed Leshem-Nattiv Family Residence at 129 Peralta Ave. Mill Valley, CA.

This letter is intended to provide support for the building proposal made by the Leshem-Nattiv Family to demolish the existing building and build a new home. I have reviewed the proposed plans for the subject property- the proposed house will conform with all setbacks, height restrictions and FARs (Floor Area Ratio). The Leshem family is not requesting variance for this project.

I have no opposition to this project and support the County's approval for the proposed Leshem-Nattiv residence. Thank you.



Property Owner/ Resident

ESTHER "TIA" SMIRNOFF

1-18-21

Date

127 Peralta

Property Address

January 18, 2021

Marin County  
Community Development Agency  
Attn: Immanuel Bereket  
[ibereket@marincounty.org](mailto:ibereket@marincounty.org)  
3501 Civic Center Drive  
San Rafael, CA 94903

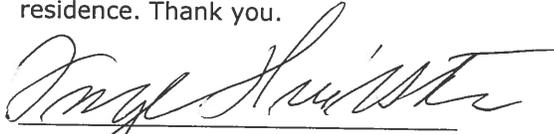
**Re: 129 Peralta Ave., Mill Valley, CA 94941**  
**Letter of Support for Leshem-Nattiv Residential Project**

Dear Mr. Bereket:

I am a property owner and/or resident of the Mill Valley neighborhood of Almonte/Tamalpais Valley and a neighbor of the proposed Leshem-Nattiv Family Residence at 129 Peralta Ave. Mill Valley, CA.

This letter is intended to provide support for the building proposal made by the Leshem-Nattiv Family to demolish the existing building and build a new home. I have reviewed the proposed plans for the subject property- the proposed house will conform with all setbacks, height restrictions and FARs (Floor Area Ratio). The Leshem family is not requesting variance for this project.

I have no opposition to this project and support the County's approval for the proposed Leshem-Nattiv residence. Thank you.



Property Owner/ Resident

INGE HUIDSTEEN

Date

1-18-21

131 PERALTA AVE

Property Address

## **Bereket, Immanuel**

---

**From:** Christine Hoelter <cthoelter@icloud.com>  
**Sent:** Friday, January 29, 2021 10:09 AM  
**To:** Bereket, Immanuel  
**Subject:** 129 Peralta Ave

Hello,

I'm a 20-year homeowner at 136 Peralta. I welcome the upgrade to 129 Peralta. Construction is always an inconvenience for the neighborhood, but I think it's a worthwhile project. I wish the family good luck in moving forward.

Christine Hoelter

## **Bereket, Immanuel**

---

**From:** tselix@yahoo.com  
**Sent:** Monday, February 8, 2021 3:45 PM  
**To:** Bereket, Immanuel  
**Subject:** 129 Peralta, Mill Valley

Mr. Bereket:

I am writing to voice my very strong support for the proposed plan at [129 Peralta Avenue in Mill Valley](#). I live just around the corner and believe the proposed plan would be a welcome addition to the neighborhood.

Todd Blankfort  
415.205.4861