

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Shamash Design Review and Tree Removal**

Decision: Approved with Conditions
Date: February 8, 2020

| | | | |
|------------------------------|--|--------------------------|---|
| Project ID No: | P2997 | Applicant(s): | Micheal Pucci |
| | | Owner(s): | Elias and Oze Ezra Shamash |
| | | Assessor's Parcel No(s): | 050-092-05 |
| | | Property Address: | 367 S Morning Sun Avenue, Mill Valley |
| | | Project Planner: | Megan Alton (415) 473-6235 malton@marincounty.org |
| | | Signature: | <i>Megan Alton</i> |
| Countywide Plan Designation: | SF6 | | |
| Community Plan Area: | Tamalpais Community Plan | | |
| Zoning District: | R1 | | |
| Environmental Determination: | CEQA Guidelines section 15303, Class 3 and CEQA Guidelines section 15304, Class 4 | | |

PROJECT SUMMARY

The applicant requests Design Review approval for the construction of a 7-foot-tall retaining wall in the right-of-way of Tennessee Avenue and a Tree Removal Permit for the removal of four protected trees and two heritage trees to accommodate an Accessory Dwelling Unit. The proposed retaining wall would face Tennessee Avenue, holding back the existing slope. The retaining wall would encroach 3 to 16 feet within the undeveloped right-of-way and would provide two parking spaces. The proposed materials include a treated lagging in a natural finish with steel columns.

Design Review is required pursuant to Marin County Code section 22.20.052 for the retaining wall. A Tree Removal Permit is required because more than two protected trees are proposed to be removed.

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

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

DEVELOPMENT CODE CONSISTENCY

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

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

- A. The proposed development is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources and the character of the local community. Further, the exterior materials proposed for the development would complement the project design and the surrounding area. There are no standards provided in Chapter 22.14 that apply to the project.
- B. The proposed design, massing, and scale of the project are compatible with the site surroundings and the community. Further, a standard condition of approval requires that exterior lighting installed for the project be unobtrusive to surrounding properties.
- C. The proposed site layout and design avoids eliminating sunlight, blocking primary views, or invading the privacy enjoyed on surrounding properties.
- D. The proposed development would expand parking within the undeveloped right-of-way of Tennessee Avenue. To ensure the retaining wall would not detract from the appeal of the streetscape, a condition of approval has been added that requires planting along the retaining wall to soften its appearance.
- E. The proposed development would provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

Mandatory Findings for Tree Removal Permit (Marin County Code Section 22.62.050)

The project is consistent with the mandatory findings for Tree Removal Permit approval for the reasons discussed below.

- A. The tree removal would not be located in close proximity to streams, wetlands, shorelines, or habitats for special status species of plants or animals.
- B. The tree removal would not destabilize steep slopes or substantially decrease privacy, wind screening, or the aesthetic quality of the property.

- C. The tree removal is necessary for the full enjoyment of the property and the surrounding area would continue to support ample native vegetation, consistent with fire safety requirements.

ACTION

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

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Design Review approval authorizes the construction of a 7-foot-tall retaining wall and a Tree Removal Permit for the removal of four protected trees and two heritage trees to accommodate an Accessory Dwelling Unit. The retaining wall would encroach 3 to 16 feet within the undeveloped right-of-way.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Shamash Residence New ADU," consisting of 7 sheets prepared by Pucci Residential Design, received in final form on December 22, 2020, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

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

- a. Provide a landscape plan demonstrating tree replacement at a 2:1 ratio, if acceptable to the Southern Marin Fire District.
 - b. Provide a landscape plan demonstrating new planting along the retaining wall that helps soften its appearance.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2021" with respect to all of the standard conditions of approval and the following special conditions: 15.

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

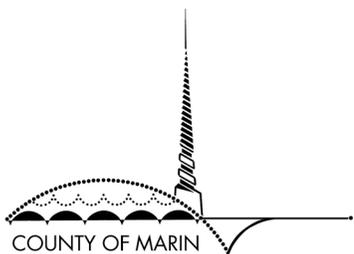
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (February 18, 2021).

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

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

Attachments:

1. Marin County Uniformly Applied Conditions 2021
2. Response from the Department of Public Works, January 12, 2021
3. Response from the Southern Marin Fire District, January 14, 2021
4. Response from the Marin Municipal Water District, January 21, 2021
5. Tam Valley Design Review Board Meeting Minutes, January 6, 2021



**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.

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - Second Transmittal

DATE: 1/12/2021

DUE: 1/06/2020

TO: Megan Alton

TYPE OF DOCUMENT

DESIGN REVIEW

FROM: Tyler Bylow

COASTAL PERMIT

APPROVED: _____

LAND DIVISION

RE: Shamash Accessory Dwelling Unit

VARIANCE

Project ID P2917

USE PERMIT

APN: 050-092-06

ADU PERMIT

ADDRESS: 367 S Morning Sun Ave

ENVIRONMENTAL REV.

Mill Valley, CA

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**

Traffic

Find it **INCOMPLETE**, please submit items listed below

Flood Control

Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

Other: _____

Merit Comments

Prior to Issuance of a Building Permit:

Parking:

1. Per Marin County Code § 24.04.380(a), head-in parking spaces shall be a minimum eight and one-half feet by eighteen feet. Parallel spaces shall be a minimum eight feet by twenty feet. For constrained locations such as garages serving single-family dwellings, spaces shall be a minimum nine feet by twenty feet. Demonstrate compliance.
2. Per Marin County Code § 24.04.400, the maximum cross-slope or grade of a parking area shall not be more than eight percent. Demonstrate compliance.
3. **Grading & Drainage Plans:** Provide the following information on the drainage and grading plan:
 - a. Plan shall provide existing and proposed topographic contours, or a sufficient number of spot elevations, to describe drainage patterns. The proposed project shall maintain existing drainage patterns.
 - b. Plan shall show and label all existing and proposed drainage features and improvements. Improvements may include down spouts, footing and foundation drains, area drains and catch basins, piping and out fall structures or means of dispersion. Note that 2016 California Plumbing Code (CPC) §1101.12.1 requires roof areas of buildings to be drained by roof drains and gutters. Note as well that CPC §1101.6.5(2) indicates that the point of discharge shall not be less than 10 feet from the property line.
 - c. Per 2016 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.

- d. The plan shall also incorporate any recommendations from the Geotechnical Engineer, if such a professional is involved in the project.
 - e. The plan shall tabulate the existing and proposed areas of impervious surface for the property, and demonstrate that there will be no net increase in runoff from the developed site compared to pre-existing development.
 - f. 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 to where off haul will be taken.
 - g. Indicate means of restoring all disturbed areas.
 - h. Add a note on the plans indicating that the plan preparer shall certify to the County in writing upon the completion of work that all grading and drainage improvements were installed in accordance with the approved plans and field direction. Be aware that a DPW Engineer will need to inspect and accept work after receipt of certification letter. Certification letters shall reference building permit number or numbers for specific work being certified, the address of the property and the Assessor's Parcel Number (APN), and shall be signed and stamped by the certifying professional.
4. **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.
5. **Site Retaining Walls:**
- a. Clarify the proposed heights for all site retaining walls. 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.

Best Management Practices:

6. Per Marin County Code § 24.04.625(a)(c)(g)(k), provide a plan indicating construction-phase best management practices (BMPs) include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. You may refer to the Marin County Stormwater Pollution Prevention Program's website, <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosionsediment-control-measures-for-small-construction-projects-2015.pdf?la=en>
7. **Utilities:** Plan shall show the location of all the existing utility laterals and indicate which, if any, will be upgraded or relocated with this project. Be certain to include water, sanitary sewer, gas, electric and telecommunications.

8. **Public Transportation Facilities Fees:** The project is in the **Tamalpais Community Plan Area**. As such, the applicant shall pay Public Transportation Facilities fees for a new Accessory Dwelling Unit in accordance with Marin County Code Chapter 15.07 prior to the issuance of the building permits for the new house.
9. **Encroachment Permit:** **Tennessee Avenue** is not a County maintained road. An Encroachment Permit from DPW is not required for any work within the Tennessee Avenue road right-of-way, however, because the proposed soldier pile retaining wall is located in the right-of-way a recorded Notice of Acknowledgement will be required to be recorded with the Recorder's Office associating all maintenance responsibilities to parcel number 050-092-05.

-END-



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 | Web: www.smfd.org

January 14, 2021

Attn: Megan Alton
Marin County Community Development Agency
malton@marincounty.org

CC: Michael Pucci
mpucci40@yahoo.com

Re: SMFD Conditions of Approval for P2997 at 367 S Morning Sun 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 Pucci Residential Design titled "Shamash Residence New ADU"

Project Description:

Construct new 1196 sf ADU w/deck

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

PRIOR TO FINAL 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/#PDH58UCPE75BT9YV>

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.
 - 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. Fire Sprinkler System Requirements: **The current scope of work appears to be less than 50% of the existing structure, and fire sprinklers are not required.** However, if further plan review, change in scope of work, or site visit reveals that the work is in excess of 50% of the existing structure, then the requirement for fire sprinklers will be re-evaluated, and sprinklers may be required as noted below.
 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.
 5. Fire Sprinkler Requirements: **Since the nearest hydrant exceeds the maximum distance from the proposed property, the accessory dwelling unit will be required to be equipped with a fire sprinkler system.**

A fire sprinkler system shall be provided for the following:

- a. In accessory dwelling units when the main structure is equipped with an existing fire sprinkler system, or fire department access and hydrant water supply does not meet the District's requirements.

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.

6. The current road width shall not be lessened. The proposed parking on Tennessee Avenue shall be located far enough off the road way as to not impede the roadway and to continue to allow access for emergency response vehicles.
7. A vertical overhead clearance of 13' 6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.).

8. 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
 - c. Exception: Vegetation Management Plan for the property has been submitted and approved by the Fire Code Official.
9. 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.
10. 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.

11. 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 (primary and ADU) 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.
 - c. The address shall reflect the roadway entrance point to the property.
12. 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.
13. 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
Office: (415)231-3849 | Cell: (415)720-4620



**MARIN
WATER**

VIA ELECTRONIC MAIL

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

January 21, 2021
Service No. 12535

RE: **WATER AVAILABILITY** – Single Family Residence w/ Accessory Dwelling Unit - Attached
Assessor's Parcel No.: 050-092-05
Location: 367 South Morning Sun Ave., Mill Valley

Dear Ms. Alton:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a single family dwelling. The proposed remodel and new construction a 1,196-square-foot detached Accessory Dwelling Unit (ADU) will not impair the District's ability to continue service to this property. However, there has not been a water entitlement established for the new detached ADU. Payment of a connection fee is required prior to granting (legalizing) water service to the ADU and the installation of a separate meter for the ADU is required. You may qualify for a waiver to some of these requirements, please contact Engineering at 415-945-1530.

Water service required for the attached Accessory Dwelling Unit will be available upon request and fulfillment of the requirements listed below.

- Complete a Standard Pressure Water Service Application.
- Submit a copy of the building permit.
- Pay appropriate fees and charges.
- Comply with the District's rules and regulations in effect at the time service is requested.
- Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. This may include verification of specific indoor fixture efficiency compliance.
- 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. More information about district water conservation requirements can be found online at www.marinwater.org
- Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
- Comply with Ordinance No. 429 requires the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

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 Notes Public Meeting – January 6, 2021

Meeting location: Via Zoom.

Call to order: 7:00 PM, Logan Link, Chair. Ms. Link then handed the gavel to Alan Jones, the Board Chair for 2021.

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 Buddish 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.