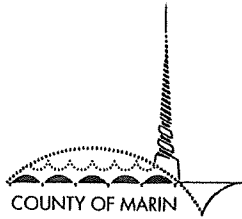


P2823



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

PETITION FOR APPEAL

TO: THE MARIN COUNTY Planning Commission
3501 Civic Center Drive (Planning Commission or Board of Supervisors)
San Rafael, CA 94903-4157


- 1. The undersigned, Peter Campfield, hereby files an appeal (Appellant/Petitioner) of the decision issued by the Planning Commission (Director, or Deputy Zoning Administrator, or Planning Commission) regarding the Trailhead LLC relating to property described and located as follows:
 - a) Assessor's Parcel Number Parcel #048-011-18
 - b) Street Address 116 Evergreen Ave, Mill Valley, CA 94941

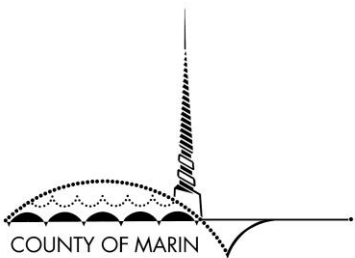
2. The basis of this appeal is:

- 1. The property line survey finding submitted with the Trailhead application is not consistent with the long established existing fence line and previous survey conducted for the same property in 1967. As a result, the garage structure placement is less than 4 feet from the historically established property line. Consequently, an exception should be required to build inside of the 5 foot side-yard set-back.
- 2. Evidence to support the existing fence line/property line is documented in the Property Deed for 112 evergreen Ave, Title Insurance, and building plans approved in 1995. Ultimately, any further dispute over the property line is achieved through Adverse Possession and Prescriptive Easement, as we have mutually maintained an understanding of the property line as evidenced by shared expense building and maintain the fence over the past 25 years.
- 3. The survey submitted by 116 Evergreen resulted in a 1000 square foot increase in to 10,000 sq. ft. from 9,000 sq. ft. that was submitted with their previous application in 2018. This change has effectively remedied the FAR issue previously identified by TDRB that the property exceeded the allowable 30% FAR.
- 4. The justification for granting an exception to allow a 440 sq. ft. Detached building to sit 8 feet from the front yard set-back, when 25 feet is required, is not adequately supported by the Project Planners findings.
 - a. Impact to 112 Evergreen access to light and views
 - b. Size and location of garage is inconsistent with neighborhood – only one detached single car garage structures within 25 foot set-back

(The pertinent facts and the basis for the appeal shall be provided to the Agency at the time the appeal is filed, but no later than the last date established for the appeal period – usually 10 days following the date of the decision. If more space is needed, please attach additional pages setting forth the bases for appeal.)


FROM Peter Campfield
(Print Name)
112 Evergreen Ave
(Address)
Mill Valley, CA 94941
(City/State/Zip Code)

 Dated: 5-29-2020
(Signature)
415/488-3317
(Telephone)
PJCampfield@gmail.com
(Email)



**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION**
Trailhead LLC Design Review

Decision: Approve
Date: May 19, 2020

Project ID No:	P2758	Applicant(s):	Barry Toranto
Application No(s):		Owner(s):	Trailhead LLC
		Assessor's Parcel No(s):	048-011-18
		Property Address:	116 Evergreen Avenue, Mill Valley
		Project Planner:	Immanuel Bereket, (415) 473-3615; ibereket@marincounty.org
		Signature:	
Countywide Plan Designation:	SF6 (Single-Family, 4-7 units per acre)		
Community Plan Area:	Tamalpais Plan Area		
Zoning District:	R1-B1 (Residential, Single-Family 6,000 sq. ft. min.)		
Environmental Determination:	Categorically Exempt, CEQA Guidelines §15301		

PROJECT SUMMARY

The applicant is requesting Design Review approval to construct a new 441-square-foot detached garage on a 10,200 square-foot developed lot in Mill Valley. The lot is developed with a 2,988-square-foot primary residence and a detached 800-square-foot artist studio and office, resulting in a floor area ratio of 37 percent where 30 percent is permitted. The proposed detached garage would reach a maximum height of 15 feet above surrounding grade and the exterior walls would have the following setbacks: eight feet from the southern front property line; five feet from the eastern side property line; 67 feet from the western side property line; and more than 100 feet from the northern rear property line. Other site improvements entailed in the proposed project include grading, construction of a driveway, and other general site improvements to facilitate the implementation of the proposed project.

Design Review approval is required under Marin County Development Code because the project entails the construction of a detached accessory structure within the required 25-foot front yard setback per the R1-B1 (Residential, Single-Family, 6,000 square feet minimum lot size) zoning district.

KEY ISSUES

A Notice and Referral of Planning Application for Design Review application was published on March 26, 2020. Staff received a letter from a neighboring resident to the east at 112 Evergreen Avenue who raised concerns related to potential impacts to views, privacy, access to sunlight and that the project would set a precedent in that a garage within the required front yard setback is not in keeping with the character of the neighborhood. Staff also received several letters from neighboring property owners in support of the proposed project.

The subject property is located within a developed residential neighborhood. The surrounding area is generally flat, with residences constructed in varying setbacks and patterns. The subject property is surrounded by single-family residences that are primarily single-story. 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 second-floor additions. Single-story residences in the neighborhood tend to have a ranch architectural style, while two-story residences tend to have a contemporary architectural style. The surrounding properties along Evergreen Avenue, the block between Linden Lane to the west and Ethel Avenue to the east, range in size from approximately 3,150 square feet to upwards of 13,827 square feet. Because of the flat terrain of the location and due to existing mature trees, there are no up-slope and down-slope views. 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 or bodies of water.

As proposed, the two-car detached garage would be constructed closer to the street and lower in height than the existing residence to the east at 112 Evergreen Avenue. No window openings are proposed on the east elevation of the garage. Unlike a previous proposal, the current proposal does not include a rooftop garden. There is no evidence on record to suggest the proposed detached garage would cause impacts to privacy. Therefore, concerns related to privacy are unsupported by evidence. Further, the abutting property's ability to access sunlight would not be impacted any more than would occur if the garage were to comply with the setback requirements of the underlying zoning district because the garage is located to the south of the existing dwelling and is far below the height of the dwelling. Therefore, no impacts to sunlight would occur due to the proposed garage.

As stated above, the pattern of front yard setbacks along Evergreen Avenue varies from approximately four feet (102, 115, 218, 220, 222, 224, 265 Evergreen Avenue) to full compliance, with several properties lacking any off-street parking spaces, including the project site. Therefore, the construction of a detached garage within the front property line would not be out of neighborhood character. Alternatives to the proposed setback reduction were explored by the applicant and staff, including relocating the proposed addition to the rear, reducing the size/extent of encroachment into the front setback, and reconfiguring the addition to extend west toward the rear yard. However, due to the siting of the primary residence on the lot, a one-car or a two-car garage cannot be constructed without a variance approval or partial demolition of the existing residence. The proposed site is the only location on the lot that would permit a two-car garage. Construction of a detached garage would not change the character of the neighborhood or negatively impact neighboring properties.

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 proposed detached garage would not entail the removal of protected or heritage trees as defined in Marin County Code Chapter 22.27 (Native Tree Protection and Preservation). The only tree scheduled for removal is a fruit tree. Therefore, the project would not result in the irreplaceable removal of any mature, native trees.
- 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 vehicular access would be provided by the proposed driveway. Further, the proposed garage create off-street parking spaces would reduce street parking and would provide adequate parking as determined by the Department of Public Works.

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 character of the local community. 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 developed with a single-family residence, and a detached accessory structure that contains an artist's studio. Landscaping consists of non-native annual grassland, fruit trees and a vegetable garden for domestic consumption. The proposed improvement would to occur in an area that is currently used for gardening and would not cause the removal of protected or heritage trees as defined in Marin County Code Chapter 22.27 (Native Tree Protection and Preservation). Although the proposed project would result in additional impervious surface area, the project, as conditioned herein, would comply with 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 located within the Ridge and Upland Greenbelt; therefore, the project does not impact visually prominent ridgelines. The purpose of the project is to relocate street parking to off-street parking. The detached garage is placed on a location close to the street where vehicular egress can be established with the least amount of paving. Thus, the project, as proposed, is in keeping with the intent of the Design Guidelines to the maximum extent feasible and is consistent with this finding.

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

The project entails the construction of a new 441 square-foot detached garage that is proposed to have a height of 15 feet above natural grade. The detached structure is designed in proportion to the existing residence, which is 2,988 square feet, as well as the property, which is 10,200 square feet. The project uses colors such as gray wood siding, aluminum garage panels in dark colors with translucent glass doors, and dark gray laminate architectural shingles, bronze metal roofing, and that would blend into the eclectic architectural environment of the neighborhood. Therefore, staff believes that the proposed architectural character, materials and color are compatible with the neighborhood.

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

As designed, the accessory structure is detached from the primary residence, which effectively breaks up the visual bulk and mass of the floor area on the site. The project is also designed to limit the appearance of mass and bulk through building articulation, such as gable roof forms with six inches overhang, and modern garage doors that match recent developments in the neighborhood. The project does not include any cantilevered elements and is not located on a hillside. 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

Several exterior wall sconces are proposed with the project that would be directed downward and shielded, minimizing glare and preserving the nightscape. The lighting fixtures would be metal and black in color. The proposed fixtures will be reviewed to ensure they are shielded, and the light directed downward before issuance of a Building Permit.

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

The project proposes no modifications to existing landscaping. The perimeter of the project site is lined with existing mature vegetation as a means to screen the structure from the surrounding properties. However, the project would displace raised vegetable gardens and one fruit tree, which is not classified as a protected or heritage tree under the Marin County Code Chapter 22.27 (Native Tree Protection and Preservation). Thus, the project would continue to maintain enough trees for visual screening of the house and to protect the surrounding wooded habitat. To protect existing trees within the project site, a condition of approval will be imposed on the project, requiring the installation of tree protection fencing throughout the building construction site to protect existing vegetation (Special Condition 6). The project is consistent with this finding.

ACCESS: Development standard C; Design Guidelines A-1.5

Because the subject property does not have off-street parking or an associated driveway, the project entails the construction of a new driveway composed of aggregate concrete. Vehicular access to the property would be from Evergreen Avenue, which is a County maintained road. 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, massing, and height amongst the single-family residences. The proposed project would be consistent with the critical design principles of the Single-family Residential Design Guidelines as the color and material selected for the project would blend with the existing site development. The proposed project would maintain adequate space, light, and a sense of openness from surrounding residences in the neighborhood. Although the garage would be located closer to the street, it would provide a 5-foot side yard setback as required under the R1-B1 zoning district. Additionally, the proposed development would meet height standards for the applicable zoning district and does not include any new fences or retaining walls. Upon completion, the proposed detached garage would be compatible with the existing building on-site as well as the neighborhood where a variety of architectural styles prevail.

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. The surrounding area is generally flat where lots are improved in varying setbacks and patterns. The subject property is surrounded by single-family residences that are primarily single-story. 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 second-floor additions. Single-story residences in the neighborhood tend to have a ranch architectural style, while two-story residences tend to have a contemporary architectural style. The pattern of front yard setbacks along Evergreen Avenue varies significantly from approximately four feet to full compliance, with several properties lacking any off-street parking spaces, including the project site. Therefore, the project is in harmony with the existing street setback patterns.

As proposed, the two-car detached garage would be constructed closer to the street and lower in height than the nearest residence to the east at 112 Evergreen Avenue. No window openings are proposed on the east elevation of the garage. Therefore, there will be no impact on privacy due to the project. Further, because of the proposed building height lower than the existing residence at 112 Evergreen Avenue, the abutting property's ability to access sunlight would not be impaired or in any way compromised by the project.

Likewise, the surrounding area is generally flat. Due to a combination of flat terrain and 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, and does not include a view of skylines,

bridges, distant cities, distinctive geologic features, hillside terrain, wooded canyons, ridges or bodies of water.

- C. 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.**

No impacts on the rights-of-way, streetscapes, and pathways for circulation are affected by the project. The construction of the garage will benefit the right-of-way by providing more on-street parking for the public.

- D. 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 project would not entail the removal of any trees or native plants and would not impact any other natural features consistent with fire safety requirements. The project would maintain adequate separation between buildings for purposes of fire protection. Vegetation is maintained around the perimeter of the lot and will be reviewed by the Fire Department at the time of Building Permit submittal to ensure that the project is 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, 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 new 441-square-foot detached garage on a 10,200 square-foot developed lot in Mill Valley. The lot is developed with a 2,988-square-foot primary residence and a detached 683-square-foot artist studio, resulting in a floor area ratio of 36 percent where 30 percent is permitted. The proposed detached garage would reach a maximum height of 15 feet above surrounding grade and the exterior walls would have the following setbacks: eight feet from the southern front property line; five feet from the eastern side property line; 67 feet from the western side property line; and more than 100 feet from the northern rear property line. Other site improvements entailed in the proposed project include grading, construction of a driveway, 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 "Trailhead LLC," consisting of five sheets prepared by Jim Labioda,

received in final form on February 6, 2020, 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 2020" with respect to all of the standard conditions of approval: 2, 6, and 8.

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 (May 29, 2020). 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 – Planning Manager

Attachments:

1. Marin County Uniformly Applied Conditions 2020
2. Department of Public Works, Inter-Office Memorandum, dated February 26, 2020
3. Southern Marin Fire Protection District, dated February 26, 2020
4. Tamalpais Design Review Board Meeting Minutes
5. Correspondences

RECEIVED

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

FEB 27 2020

Marin County
Department of Public Works

DATE: 2/26/2020

DUE: 2/20/2020

TO: Immanuel Bereket

FROM: Tyler Bylow

APPROVED: *[Signature]*

RE: Trailhead LLC Design Review

Project ID P2758

APN: 048-011-18

ADDRESS: 116 Evergreen Avenue

Mill Valley, CA

TYPE OF DOCUMENT

DESIGN REVIEW

COASTAL PERMIT

LAND DIVISION

VARIANCE

USE PERMIT

ADU PERMIT

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:

Driveways:

1. Per Marin County Code § 24.04.20, a minimum driveway length of twenty feet should be provided from the front of the garage or parking structure to the back of sidewalk or to the edge of pavement where no sidewalks exists. Demonstrate compliance.
2. Per Marin County Code § 24.04.260(a), the minimum improved width of a driveway serving a single dwelling unit is twelve feet. Demonstrate compliance.

Parking:

3. Per Marin County Code § 24.04.340(a), for detached single-family dwellings and duplexes, two parking spaces per unit are required. Demonstrate compliance.
4. 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.

5. 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.

PC ATTACHMENT 4

- 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. 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.

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. **Encroachment Permit:** Evergreen Avenue is a County maintained road. An Encroachment Permit from DPW is required for any work within the County's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron, curb and gutter. The plans shall clearly identify all proposed work in the right of way. If any work is proposed in the right of way, complete and submit an Encroachment Permit Application with your re-submittal.

-END-

SOUTHERN MARIN FIRE PROTECTION DISTRICT FIRE PREVENTION

28 Liberty Ship Way, Ste. 2800, Sausalito, CA 94965
Phone: (415) 380-1120 | Email: prevention@smfd.org | Web: www.smfd.org



February 26, 2020

Attn: Immanuel Bereket, *Senior Planner*
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94903-4157

CC: Barry Toranto, *Applicant*
116 Evergreen Avenue
Mill Valley, CA 94941

Re: Conditions of Approval for 116 Evergreen Avenue

APN: 048-011-18

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 2019 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 titled: "116 Evergreen Avenue" by J. Labioda, dated 01.20.2020

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

PRIOR TO PERMIT SUBMITTAL:

1. **Redlines required.** Please provide the following redlines to the plans prior to submitting any plans for the building permit:
 - a. Please redline sheet 1 to include the 2019 California Fire Code in the applicable code sections.

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. Fire sprinkler system requirements:

A fire sprinkler system is not required in a detached U occupancy structure.

3. A vertical overhead clearance of 13' 6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.).

4. 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

Exception: Vegetation Management Plan for the property has been submitted and approved by the Fire Code Official.

5. 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.
6. 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.

7. 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>.

8. Non-combustible roofing 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.

9. 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
Plans Examiner
Southern Marin Fire Protection District

DRAFT: Tamalpais Design Review Board Meeting Minutes

Regular Public Hearing : March 4, 2020

I. Meeting Location :

The Cabin, 60 Tennessee Valley Rd., near Hwy 1.

II. Call to Order :

7:01 PM Logan Link : chair

III. Board Members Present :

Logan Link (LL) : chair,
Doron Dreksler (DD): secretary
Alan Jones (AJ)
Andrea Montalbano (AM)

IV. Approval of Meeting Minutes :

- meeting minutes dated : 2.19.2020
- Motion to Approve as written: AJ 1st/ AM 2nd : 3-0 , DD abstained

V. Correspondence + Announcements:

- LL contacted Code Compliance to see how things are progressing with the Tam Junction signage violations the board brought to their attention last year. Code compliance specialist Erin Yattaw responded that a letter would be sent to the board in the coming week.

VI. Public Comment on Items not on the agenda:

- a) public member, Lee Budish, discussed "NRG" which is the acronym for "Neighborhood Response Group." NRGs are volunteer-led, grass-roots neighborhood groups which use the strategy of "Neighbors Helping Neighbors" to prepare as a community to support one another in the event of wildfire, flood, earthquake and Public Safety Power Shutoffs (PSPS.) for more information, please contact budishlee@gmail.com.
- b) public member in attendance asked about tam junction developments and if the board was aware of the current projects. board stated that most of those projects have not been reviewed by the board. board discussed that because of the impact and sensitivity of the area, that the board should be made aware of the projects and that it would allow a public forum to review.

VII. Items on Agenda:

A : Trailhead LLC Design Review : 116 Evergreen Avenue, Mill Valley
Assessor's Parcel Number: 048-011-18 | Project Planner: Immanuel Bereket, 415.473.2755 |
IBereket@marincounty.org | Applicant: Barry Toronto, 415.302.9563

Project Description:

The applicant is requesting Design Review approval to construct a new 441 square-foot detached garage on a 10,200 square-foot developed lot in Mill Valley. The existing residence is 2,982 square feet, and the proposed development would have a building area of 3,423 square feet and a floor area of 2,982 square feet, resulting in a floor area ratio of 29 percent. The proposed building would reach a maximum height of 15 feet above surrounding grade and the exterior walls would have the following setbacks: eight feet from the southern front property line; five feet from the eastern side property line; 67 feet from the western side property line; and more than 100 feet from the northern rear property line. The project includes the following proposed improvements: construction of a driveway, and general site grading to accommodate the proposed project.

Design Review approval is required pursuant to Marin County Development Code because the project entails the construction of a detached accessory structure in the required 25-foot front yard setback per the R1-B1 (Residential, Single-Family, 6,000 square feet minimum lot size) zoning district.

Zoning: R1-B1 | Countywide Plan Designation: SF6 (Single-Family, 4-7 units/acre) Community Plan: Tamalpais Valley Area Community Plan

Project plans can be found here: https://www.marincounty.org/depts/cd/divisions/planning/projects/tamalpais-valley/trailhead-llc-design-review_p2758_mv

PROJECT PRESENTATION + SUPPORT DOCUMENTATION :

- applicant + architect kimberly jessup presented proposed project documents including submitted plans, neighbors letters, and various support docs, images and graphics.

BOARD QUESTIONS, COMMENTS + CONCERNS :

- AJ - fence layout on site plan accurate ? applicant responded yes.
- AJ - how is roof drainage and additional site drainage imposed by the new structure being accomplished ? applicant responded, per department of public works approved 2x2x2 drainage basin at each corner of the garage at downspout.
- AJ + AM + LL- asked about impact to neighboring properties. client / architect responded that the mass/scale has been reduced because of the removal of the upper deck / stair and the minimal impact of the new hip roof design and minimized height of the eave line, smaller footprint and modified location.
- LL- asked if the applicant met with the neighbors ? client / applicant responded yes.
- AJ- the removal of the roof garden / deck is much more in keeping with the character of the neighborhood.
- LL + AM - why and how much of the building is in the setback ? applicant - it is impossible to provide for a 2 cars garage with building in the setback, setback is 25 ft and we are 8ft and 19 ft to the property line. the county code 24.04.20 for buildings in the setback has a minimum driveway depth of 18 ft which this project meets. that would allow 2 inside cars and 2 driveway vehicles off of the street
- AM- i still don't understand why you have to have a 2 car garage ? applicant: we want to provide a 2 car garage for both of our electric vehicles
- AM- do you have elevations ? applicant, yes and the eave line is 9 to 10 feet and a max height of 15 ft.

- LL- commented that the board had received 4 letters from neighbors. 3 in support and 1 letter expressed concerns about the project and its effect on neighborhood standards, asking for more time to review the design documents. (letters from 101, 119, 125 and 138 evergreen)

PUBLIC QUESTIONS, COMMENTS + CONCERNS :

- three neighbors expressed overwhelming support for the project and the efforts the applicant has gone through to improve the building design.
- one neighbor was concerned with building in the setback and if allowed would set a precedence for similar projects. and it should not be allowed. AJ- stated that the county encourages off street parking. AM- commented that the applicant could build a legal 1 car garage that would dramatically effect the view and light from the neighboring property. applicant responded that there are 2 houses with similar garages on the street. AM- responded that those garages feel a little out of character. AJ + DD- responded that this particular garage actually lines up with the neighboring property and is a different condition. additionally, the neighbor was concerned that the project is not in the character of the neighborhood. AM- stated that the tam plan specifically outlines that projects such as this must meet the character of the neighborhood and should not effect the privacy of the neighbors. and the neighbor commented that the bamboo on the fence blocks his light and view. applicant responded that the bamboo has been trimmed. AM- commented that the fire department does not recommend / allow bamboo to be used as a planting. finally, the neighbor commented that the project footprint has not changed much and should be denied. AM- asked if the applicant provided a shadow study and story poles to show the building height/location and mass, and it didn't impacted your view, would you approve the project ? neighbor respond : no.
- LL- asked if any significant landscaping would be added. applicant responded that there would be a reduction in plants. AM + DD + AJ- commented that the reduction in fence and plant/ hedge removal would add a lot more light and relief to the street facade.
- AM- asked the neighbor : if the applicant did a shadow study and it showed an increase in light and a reduction in massing, would you approve the project. neighbor responded: no ! you should not allow for any exceptions on this project. AM- continued to respond that if the applicant built a single car garage with a 25ft setback, that it would have a much bigger impact with the neighboring property and asked if the neighbor would be ok with that, neighbor responded, yes, because its legal and i would not be able to say anything for a legal building, built in the legal location.
- AJ- commented that the current design is sensitive and has significantly less impact vs. the initial design that was previously reviewed.
- LL- commented that the hedges are 20 to 25 ft tall and once removed and the garage is built, that it would have much less impact.
- AM + LL - asked owner if they would be willing to trim the existing trees + shrubs ? applicant said that they would not remove them until the project is approved. stating that they provide privacy.

BOARD COMMENTS:

- AM- stated that this project fits the scale, and character of the neighborhood.
- AJ + AM- agreed that the new building would provide more light on the site and to the neighboring property.
- AJ - commented that the project is better, with a fair balance between design and location. would visually encroach less but it is still a balance of relieving the neighbors concerns. the building has been optimized and will be better than the existing conditions.
- AM- commented that the issues could be easily demonstrated with both digital imagery, a shadow study and story poles
- LL- commented , great job, lots of information which is helpful, lots of neighboring support, existing trees are very tall.
- DD + AJ- commented that the tree across the street casts a big shadow on the site and neighboring properties.

BOARD ACTIONS :

Board approved design as submitted:

- AM motions 1st:/ AJ 2nd : 4-0 Unanimous

MERIT COMMENTS :

- the building design is consistent with the character of the neighborhood
- allowing for the proposed setback exception is a better alternative to what could be built behind the setback.
- the board suggests that story poles with eave line, roof line should be required.

B : Review and evaluate the impact of new state laws on the local design review process and consider possible recommendations to the planning staff about changes to the development code.

- board had general discussions regarding the development code and suggested objective standards as described : <https://www.marincounty.org/depts/cd/divisions/planning/long-range-planning-initiatives/objective-design-and-development-standards>
- also discussed ADU requirements , current bills and code changes and the potential impact to the tam valley region.
- it was agreed that at least one of us should attend the upcoming meetings and report back to the board.
- LL- questions the possibility that maybe one of the ODD meetings should be held in Southern Marin so that Tam Area, Strawberry, and unincorporated Sausalito and Tiburon residents can also be involved?

VIII. Adjournment: 9:06 P.M.

END OF DOCUMENT