

Bereket, Immanuel

From: Barry Toranto <barrywigt@gmail.com>
Sent: Wednesday, June 24, 2020 11:23 AM
To: Bereket, Immanuel
Cc: Kimberly Jessup
Subject: Re: Trailhead LLC DR P2758 Decision
Attachments: ()13 IN2002-0105150, Campfield to Campfield, AP 048-011-08.pdf; ()2 RM003-008-ALL.pdf

Hello Manny,

I hope this finds you well. i wanted to confirm that you received my email on Monday.

The below notice i received said that the hearing would be scheduled in the near future and it was dated 6/5/20. Is there any progress on having it on the schedule? Are they doing in person hearings?

thank you,
Barry

Begin forwarded message:

From: noreply@marincounty.org
Subject: Campfield appeal-Trailhd P2758 Appeal Submitted
Date: June 5, 2020 at 11:09:36 AM PDT
To: barrywigt@gmail.com

This is to inform you that an appeal of the decision on the Campfield appeal-Trailhd P2758 project was received by the Marin County Planning Division on 6/5/2020. A public hearing on the appeal will be scheduled before the Planning Commission in the near future. For more information, please contact the planner for the project.

Project Information:

Site: Assessor's Parcel 048-011-18
Property Owner: TRAILHEAD LLC
Appellant: TRAILHEAD LLC
Total Fees Submitted: \$712.00

Hello Manny,

Do you know what the status is of this appeal? Our neighbor told us that he would pull the appeal if we give him a full and permanent easement to our property on his side of the fence, for many reason this is not something we can do and his idea of a mutually beneficial solution would only be that he gets his way completely. We did try to discuss a mutually agreeable resolution but have not succeeded. He is now also arguing that he does not agree with the signed, dated and filed survey that has been accepted and recorded by the County.

He has stated to us that he understands we have an approval and that the garage will be where indicated by the approval of the Planning Department, but he is trying to bully us with this appeal process.

After this appeal to the planning department can he appeal again to the board of supervisors? Apparently he will do whatever he can to hold up the project.

Please submit the below information to the appeal report.

In regard to the neighbors new appeal his deed shows his property as 40 feet across, it is now 40.4 feet across and from fence to fence it is 42 feet. He clearly has his property as shown being 40 feet by his recorded deed.
(See below)

In regards to the FAR, the new numbers are from the survey completed by Larry Stevens dated 1/8/20, before the survey our lot is noted as 9,970 square feet, our lot now is recorded by Larry as 10,200 square feet. The 9100 number we used on the 1st application, that we pulled because of this same neighbors complaints, was incorrect.

Please schedule the appeal as soon as you can so we can move forward.

thank you,
Barry Toranto

On Jun 5, 2020, at 10:16 AM, Bereket, Immanuel <IBereket@marincounty.org> wrote:

Hi Barry,

Per your request, here is the appeal that was submitted on-time.

With respect to timing, I do not know when this may occur. Once I find out, I will let you know.

Manny

From: Barry Toranto <barrywigt@gmail.com>
Sent: Thursday, June 4, 2020 2:55 PM
To: Bereket, Immanuel <IBereket@marincounty.org>
Cc: Kimberly Jessup <jessupinc@aol.com>
Subject: Re: Trailhead LLC DR P2758 Decision

Hello Manny,
Please send me a copy of my neighbors appeal so i can decide how to move forward?

From the letters below, it seems that my neighbor does not expect to win the appeal but is using it as leverage to force the issue of the fence. Am I the one who pays for the planning time for my neighbor to keep submitting the same grievances over and over?

Also do you know any more about what the time table might be if I can't come to an immediate resolution of where the fence will be after the garage is built?

thank you,
Barry

Begin forwarded message:

From: Peter Campfield <pjcampfield@gmail.com>
Subject: Re: Trailhead LLC DR P2758 Decision
Date: June 3, 2020 at 3:56:26 PM PDT
To: Barry Toranto <photo@barrytoranto.com>
Cc: Eva Shoshany <eva@quince-river.com>

I'm glad to hear you're open to discussing this. As I indicated in my email, an easement to run with our properties is the most practical means of achieving both of our objectives. If you concur, I will have a draft agreement prepared by my attorney for your review.

If we are able to resolve the property line issue quickly and amicably, I will happily withdrawal my appeal.

Pete

Sent from my iPhone

On Jun 3, 2020, at 1:12 PM, Barry Toranto <photo@barrytoranto.com> wrote:

Hello Peter,
Thank you, it would be great to move on and yes we would like to talk to you about the fence and property line. Per Manny it appears you appealed the decision from planning for the garage, and if so please advise why?
Barry

On May 26, 2020, at 9:52 AM, Peter Campfield <pjcampfield@gmail.com> wrote:

Hi Barry, Eva-
Congratulations on receiving approval on your plans. I'm sure we are all ready to put this phase behind us and move forward. I also want to let you know that we do appreciate the modifications you made to the original design to reduce the mass and impact to our home.

While we are accepting of the location of the garage, we are concerned about the potential implications of the revised property line. That said, I would like to discuss how to resolve that concern to our mutual satisfaction. One option is to agree on an easement that would acknowledge the new property line, but provide for our current use of the property along the fence line.

Let me know if you're open to this discussion so that we can all move forward.
Pete

Sent from my iPhone

Email Disclaimer: <https://www.marincounty.org/main/disclaimers> <20200605100838916.pdf>

63



2002-0105150

RECORDING REQUESTED BY:
Fidelity National Title Company
Escrow No. 310818-LR
Title Order No. 00310818

Recorded REC FEE 7.00
Official Records
County Of
Marin
JOAN C. THAYER
Recorder

When Recorded Mail Document
and Tax Statement To:
Peter Campfield
112 Evergreen Avenue
Mill Valley, CA 94941

08:00AM 19-Nov-2002 WL Page 1 of 1

APN: 048-011-08

GRANT DEED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned grantor(s) declare(s) *Transfer Between Husband and Wife*
Documentary transfer tax is \$ *0* City Transfer Tax is \$ *0*
[] computed on full value of property conveyed, or
[] computed on full value less value of liens or encumbrances remaining at time of sale,
[] Unincorporated Area City of Mill Valley

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Peter Campfield, a married man as his sole and separate property

hereby GRANT(S) to Peter Campfield and Julene Campfield, husband and wife, as Community Property

the following described real property in the City of Mill Valley,
County of Marin, State of California:

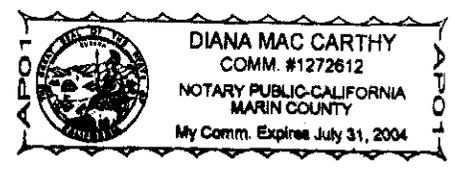
Lot 10, as shown upon that certain Map entitled, " Heckman Tract Subdivision of Lots 1, 2, and 3, Block 3, Tamalpais Land and Water Co., Map No. 7", filed for Record March 3, 1909 in Volume 3 of Maps, at Page 8, Marin County Records.

DATED: November 7, 2002

STATE OF CALIFORNIA
COUNTY OF Marin
ON November 9, 2002 before me,
Diana MacCarthy personally appeared
Peter Campfield

Peter Campfield

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.

Signature

MAIL TAX STATEMENTS AS DIRECTED ABOVE

RICHARDSON ST

ETHEL AVE

HECKMAN TRACT

KNOW ALL MEN BY THESE PRESENTS:
 THAT THE UNDERSIGNED DO HEREBY CERTIFY THAT THEY ARE THE OWNERS IN FEE SIMPLE ABSOLUTE OF THE TRACT OF LAND LAID OUT AND DESIGNATED ON THIS MAP: THAT THERE ARE NO LIENS FOR UNPAID STATE COUNTY OR OTHER TAXES - EXCEPT TAXES NOT YET PAYABLE AGAINST SAID TRACT OF LAND OR ANY PART THEREOF: THAT THE UNDERSIGNED DO HEREBY CONSENT TO THE MAKING OF THIS MAP, AND DO HEREBY DEDICATE TO PUBLIC USE FOR STREET PURPOSES THAT PORTION OF THE LAND SHOWN ON THIS MAP BY DOTTED LINE ON HECKMAN ST.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS - THIS 29th DAY OF February 1909
 Herman C Heckman
 STATE OF CALIFORNIA } S.S.
 COUNTY OF MARIN } Catherine Heckman

ON THIS 24th DAY OF January IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINE AD. BEFORE ME THIS 29th DAY OF February A NOTARY PUBLIC IN AND FOR SAID COUNTY, RESIDING THEREIN DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Herman C Heckman & Catherine Heckman (his wife) PERSONALLY KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS MAP AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN

NOTARY PUBLIC IN AND FOR THE COUNTY OF MARIN STATE OF CALIFORNIA (SEAL)

THIS IS TO CERTIFY THAT THERE ARE NO LIENS FOR UNPAID STATE COUNTY, TAXES OR OTHER TAXES EXCEPT, TAXES NOT YET PAYABLE AGAINST THE TRACT OF LAND SHOWN ON THIS MAP, OR ANY PART THEREOF.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 3 DAY OF February 1909.
 Auditor County of Marin.
 TAX COLLECTOR COUNTY OF MARIN

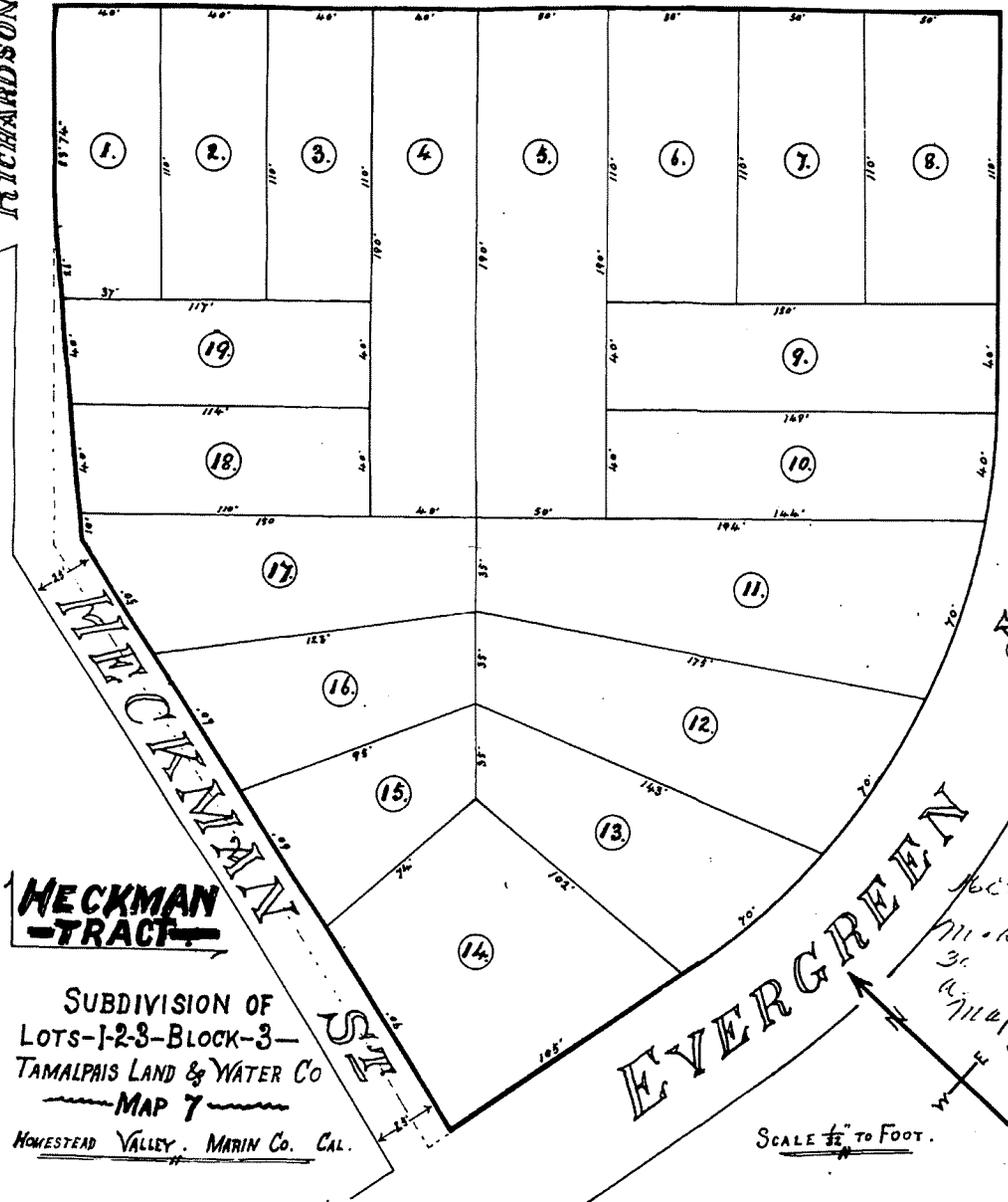
RESOLUTION

WHEREAS; AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN, HELD AT SAN RAFAEL, ON THE 2nd DAY OF March 1909, AT THE HOUR OF 10 O'CLOCK P.M. OR THAT DAY THERE WAS PRESENTED TO THE BOARD BY THE OWNERS THEREOF THE WITHIN MAP; AND, WHEREAS THIS BOARD HAS DETERMINED THAT IT IS NOT FOR THE PUBLIC INTEREST TO ACCEPT THE STRIP OF LAND DESIGNATED ON SAID MAP TO WIT: ON HECKMAN ST. AND OFFERED TO PUBLIC USE.

PASSED BY THE FOLLOWING VOTE:

I Robert S. Graham, COUNTY CLERK OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, AND EX OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF SAID COUNTY, DO HEREBY CERTIFY; THAT AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF SAID COUNTY OF MARIN THE FOREGOING RESOLUTION WAS ADOPTED BY SAID BOARD OF SUPERVISORS, AND THE SAME SPREAD UPON THE MINUTES OF THE BOARD

IN WITNESS WHEREOF; I HAVE HEREUNTO SET MY HAND, THIS 2nd DAY OF March 1909
 Robert S. Graham - Clerk VOL. 3-8



HECKMAN TRACT

SUBDIVISION OF
 LOTS-1-2-3-BLOCK-3-
 TAMALPAIS LAND & WATER CO
 MAP 7
 HOMESTEAD VALLEY, MARIN CO. CAL.

SCALE 1/4" TO FOOT.

From: Peter Campfield <pjcampfield@gmail.com>
Sent: Thursday, March 5, 2020 5:46 PM
To: Bereket, Immanuel <IBereket@marincounty.org>
Subject: Re: Trailhead LLC Design Review – Parcel 048-011-18 (116 Evergreen Ave, MV CA 94941)

Hi Manny -

I attended the TDRB meeting last night and I learned that my letter had not been forwarded to the Board for their review prior to the meeting.

Despite that fact, the Board determined that they would 'approve' the project without being fully informed of my position.

That said, I would like to meet to understand the next steps in this process. In addition, as the Project Planner, I want to gain a better understanding the various code applications/exceptions to this project.

Please let me know when it would be convenient to meet in person next week.

Regards,

Peter Campfield

Sent from my iPhone

On Mar 2, 2020, at 3:01 PM, Bereket, Immanuel <IBereket@marincounty.org> wrote:

Dear Mr. Campfield,

This is to acknowledge that Planning has received your comments. It will be entered into administrative record.

Regards,
Manny

<image001.jpg>

Immanuel Bereket | Senior Planner
County of Marin | Community Development Agency
3501 Civic Center Drive, Suite 308 | San Rafael, CA 94903
(415) 473-2755
ibereket@marincounty.org

Follow us on [Facebook](#) and [Twitter](#)

To: Tam Design Review Board

February 28, 2019

Re: Trailhead LLC Design Review – Parcel 048-011-18 (116 Evergreen Ave, MV CA 94941)

This letter is submitted in advance of the March 4, 2020 public hearing to express my opposition to the above reference application as presently designed.

The Tam Design Review Board's ("TDRB") challenge for this application is how to balance the obvious public benefit of providing off-street parking while safeguarding the character of the neighborhood and particularly the impact on immediately adjoining properties.

This project was first presented to TDRB on October 6, 2018, and ruled incomplete with TDRB guidance to consider an alternative plan (see Board Comments in attached meeting minutes). The revised plan to move the structure back 3 feet to an 8 foot setback from the property line does not reflect the constructive feedback provided by TDRB that the design does not match the character of the street, nor alleviate concerns regarding openness and access to light.

I am opposed to the proposed plan for the following reasons:

- 1) **Front yard setback:** R1-B1 zoning for a detached accessory structure states that a minimum setback from the front yard property line is 25 feet. Based on the plan provided, the southwest corner of the proposed structure is only 8 feet from the front property line, which means **Trailhead wants an a 17 foot exception** to the front yard setback provision.
- 2) **Encroaches on the view and aesthetic of my home:** When purchasing my home 25 years ago, I was made aware of county zoning/setback restrictions and remodeled accordingly. I also recognized these rules applied to others, and therefore provided some assurance that future projects by my neighbors would comply with the same regulations and therefore not negatively impact the view from my home, the charm of my neighborhood, or value of my property. The 15 foot tall garage structure is designed to 10 feet from my house and will block views and light from my front yard and southwest facing living room and kitchen.
- 3) **Out of character to the neighborhood:** There are only 2 garages on our street that are within the setback, and those were built many, many years ago or remodeled on an existing footprint. Our street is a friendly, open, walkable neighborhood. The proposed garage building located so close to the front property line would be completely out of character to the neighborhood.
- 4) **Precedent setting:** There is no "hardship" or compelling physical reason for an exception to be made. Trailhead can construct a one car garage that provides off street parking for 2 cars that complies with the required County setback provisions. If an exception is approved, this action will set an unwelcome precedent to the neighborhood and open opportunities for others to expect similar exceptions to be made.

Continuing concerns:

- We have a very large **Oregon Spruce** (approximately 65 feet tall and over 75 years old) in our front yard that is within 10 feet of the proposed garage structure. The roots of the tree extend to the area of the proposed structure. We are also concerned that the construction of this structure will negatively impact the life of this tree.
- **Drainage issues** currently exist as Trailhead pipes all run-off water to the Southeast corner of their property, consequently water flows like a river in front of my house during winter-spring. This drainage issue has not been addressed and would likely be exacerbated by the additional impervious surface introduced to the property.

I am in favor of off street parking, but the pursuit of that objective should not come at the detriment of the community and adjoining neighbors if an alternative exists that complies with the development standards that were established by the County to maintain adequate space, openness, access to light and privacy for neighbors.

Code Application

I understand that this application is being considered under 22.20.090(C)(1)(b) that reads "detached accessory structures may be located within a required setback with Design Review Approval. See Chapter 22.42 (Design Review)." The application, as designed, is in conflict with the articulated purpose of Design Review; specifically, the detached structure, along with associated landscaping is not compatible or harmonious with the design, scale, and context of the

surrounding properties. I encourage the board members to review aerial maps or walk the neighborhood to confirm this fact. See 22.42.010 (E).

It is unclear how the County, through review and a recommendation by TDRB, can make the necessary design review findings outlined under 22.42.060. Finding A reads in relevant part that “the proposed development complies with the Single-Family Residential Design Guidelines, the characteristics listed in 22.16, and any applicable standards of the special purpose combining district provided in 22.14.” Section C-1.1 of the Single-Family Design Guidelines state is titled “New development and remodel/additions should not be disharmonious with the existing street setback patters.” Again, it is very challenging to reconcile this statement with the project as designed. Separately, where the Code references objective and strict setback standards, it is unclear how those standards can be waived under an exceptional procedure instead of a variance procedure; it is readily apparent that this application would not qualify for a variance for the elective property improvements. I will not belabor the other challenges in making genuine findings for finding B, C, D, or E.

Finally, I encourage the TDRB to review and consider the Tamalpais Community Plan. In that guiding document, LU1.4 reads “the size, height, and building setbacks of all new or expanded residential development shall be carefully regulated to maintain the existing character of residential neighborhoods and to protect exposure to sun light, views and privacy of adjacent homes.” Tamalpais Community Plan p. 36.

In conclusion, I am concerned about the adverse impacts of the project and am writing to express my opposition to the current design. It is unclear how the TDRB or County staff could make genuine findings to recommend support of the project.

Respectfully,

Peter Campfield
112 Evergreen Ave
Mill Valley, CA 94941

cc: Immanuel Bereket – Marin Planning Dept.

Tamalpais Design Review Board Meeting Minutes

Regular Meeting: October 6th, 2018: 7:00 PM

Meeting Location: TCSD Cabin - 60 Tennessee Valley Road, Mill Valley

I) Call to Order: 7:00 PM – Doron Dreksler (Chair)

Board Members Present; Andrea Montalbano, Doron Dreksler, Logan Link, Alan Jones, Erin Alley

II) Approval of Meeting Minutes:

- Approval of Meeting Minutes dated 09-05-2018
- Motion to Approve; AJ. Second; LL. Approval; Unanimous.
- Approval of Meeting Minutes dated 09-20-2018
- Motion to Approve; EE. Second; LL. Approval; Unanimous.

III) Correspondence and Announcements: DD announces that the original developer involved with Marin Horizons School project is no longer involved. DD received several phone calls with questions on the role of the Board.

IV) Public Comment on Items not on the agenda:

- AJ reports that signage for 7-11 on Shoreline Highway may be coming to the Design Review Board soon.
- Informal review of upcoming project is requested by architect Benjamin Jones. He is working on extended stay units and apartments at an existing building at Tam Junction.

V) Agenda Items: P2121 Location: 116 Trailhead LLC: Evergreen Avenue Mill Valley, CA 94941
Parcel Number: 048-011-18

The applicant is requesting Design Review approval to construct a new 480 square-foot detached garage on a 9,100 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 3,462 square feet and a floor area of 2,982 square feet, resulting in a floor area ratio of 32.8 percent. The proposed building would reach a maximum height of 14 feet, 1 ½ inches above surrounding grade and is proposed to be located 5 feet from the southern front property line; 5 feet from the eastern side property line; 72 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: charging stations and a roof top garden and associated stairs above the proposed detached garage.

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.

- Barry Toronto - Applicant/Owner, presents project.
- He would like to have two enclosed parking spaces on his property with charging stations.
- The property shape pinches back at the house and it wouldn't allow for a full two car garage if the whole structure were pushed back behind the setback line.
- He would like to replace the garden area he would lose with the planting beds on the roof.
- He has mechanical equipment along the side of his house that he would need to move or relocate if

the garage were pushed back.

BOARD QUESTIONS:

- What is the distance between the garage and main house? There is a minimum of 6'. Answer: Unsure. It is not marked.
- Do you have an actual survey? Answer; No.
- Where does the rooftop drainage go? Is there a drainage plan? Answer; It is not defined.
- Are the lights you have shown approved as Dark sky? Answer; Not certain The Planner asked for specs.
- Are there any specifications or heights shown for the planter boxes or decking on the plans? Answer; No.
- Is this a request for a variance? Answer (from Board); No, this is a request for an exception. A variance is not needed.

PUBLIC COMMENTS & CONCERNS:

- Peter Campfield; next door neighbor (112 Evergreen Avenue) provides a printed letter explaining his concerns.
- Nearly all garages on the street are set back 25'. He asked for a 3' exception when he built his garage about 12 years ago and was denied.
- His living room window faces the front lawn and would be adjacent to the proposed garage.
- The stairs leading to the roof deck would be directly above his kitchen window.
- The terrace on the roof could be used in the future as entertaining space and would be an invasion of his privacy.
- The planter boxes could have tall plants grown in them and would obstruct his view of the sky and sun, even more than the building itself.
- The proposed building would block south and west light.
- There is a tree on his property that could be damaged from the construction.
- There is a drainage problem on the applicant's site that brings all of the water from his property to pour onto his property.
- If the proposed building were set further back on the property it would be much less impactful because there is already a tall thicket of bamboo along the property line.
- Even if the building were pulled back behind the setback line, the roof deck would still be a problem because of noise and privacy.
- If this proposed exception is approved it will set a precedent for everyone else on the street.

BOARD COMMENTS & DISCUSSION:

- The County encourages creating off street parking. Parking spaces could be provided without being covered. Future owners of the house may not use the garage for parking. The location of the proposed building does not allow for parking spaces in front of the garage.
- There is only one other garage on the whole street that has a similar setback as proposed here. The proposed location does not match the character of the street. Although there may be other houses in the neighborhood that have garages so close to the street, the character of this particular street should be taken into account.
- There are architectural solutions that could alleviate much of the problems the neighbor is concerned about.
- If there was a sloped roof on one side of the garage, next to the neighbor, it would shield the neighbor from the potential nuisance of the rooftop deck.

- There is a studio building in the rear of the property that may be converted in the future to an ADU. The proposed garage location could prohibit additional parking in the driveway for that potential future unit.
- Two on grade, uncovered parking spaces could be provided behind a gate, within the front setback, with no impact on the neighbor or neighborhood. There is no reason an electric vehicle charging station needs to be covered.
- There is no height called out for the planters on the roof deck. The solid walls the planter will be perceived as greater roof height and therefore should be called out.
- The applicant should consider a one car garage. It could fit within the setback.
- An attached garage would fit better on the site.
- Although the applicant may not be able to get a full two car garage behind the setback, there is precedent on the street for a partial exception to the setback rule with either a single car garage or a staggered two car garage.
- The applicant should provide on-site water retention through either a bio swale or other means.
- A shadow study would be very helpful, to understand the real impact of the garage on the adjacent property.
- A living roof would be attractive but would not create a potential nuisance.
- An arborist should definitely be required to give a recommendation on the tree on the adjacent property.

BOARD ACTIONS:

- AJ motions; The application should be ruled incomplete because there is no drainage plan, driveway plan or proper survey. AM seconds.
- Unanimous Approval
- Merit comment: The owner should talk with the neighbor to see if an alternative design can be created that will alleviate the neighbor's concerns.

MEETING ADJOURNED 9:03 PM

Thank you for taking the time at the last meeting. In response to that meeting, we have made the following changes to address the concerns of our neighbor and recommendations from the design review board.

- 1 Removed rooftop garden thus eliminating concept of 2 story structure
- 2 Removed Stairs to the roof deck
- 3 Reduced size of garage by 39 square feet from 23' x 22' to 21' x 21'
- 4 Reduced Bulk Height and Mass of Garage at the 5 foot set back. The total height has been reduced from 14.6 to 10.6
- 5 Hipped Roof structure minimizes visual impact to neighbors and street
- 6 Removal of 20 foot high shrubs at street will increase natural light to 112 Evergreen
- 7 Garage has been re-located on the property to reduce impact to 112 Evergreen kitchen window
- 8 Height of garage is more in alignment with eave height of 112 Evergreen house.
- 9 Drainage has been designed to comply and exceed DPW recommendations
- 10 Survey of property has been completed.
- 11 Arborist has been retained to consult re protection/preservation of 112 Evergreen tree
- 12 We hired an architect to help communicate with our neighbor and look for the compromises in their best interest.
- 13 Have met with other neighbors to discuss proposed project.
- 14 Documented neighborhood context and character with photos showing that many other structures are located in the front set back.
- 15 we have complied to all the current requirements for a garage within the 25 foot setback

The distance from the garage to the house is 9 feet

We do now have a survey

In the plans we have a 2 x 2 x 2 foot distribution catch drain at each corner of the garage. The county told us that we were only required to have the drain be 10 Feet from the road and it could drain into the yard but considering the design review suggestions we think we can improve the drainage

The lights are approved as dark sky

DELIVERED LUMENS	823
WATTS	26.1
VOLTAGE	120V, 277V
DIMMING	ELV
LIGHT DISTRIBUTION	Symmetric
MOUNTING OPTIONS	Downlight or Uplight
CCT	2700K, 3000K
CRI	80+
COLOR BINNING	3 Step
BUG RATING	B1-U0-G0
DARK SKY	Compliant (Downlight)
WET LISTED	IP65
GENERAL LISTING	ETL
CALIFORNIA TITLE 24	Can be used to comply with CEC 2016 Title 24 Part 6 for outdoor use. Registration with CEC Appliance Database not required.



PITCH SINGLE
shown in black



PITCH SINGLE
shown in charcoal



116 Evergreen



14 Linden lane

5 feet
from fence line



201 Hawthrone

12 feet
from fence line



201 Scott Street

11.9 feet
from edge of
payment

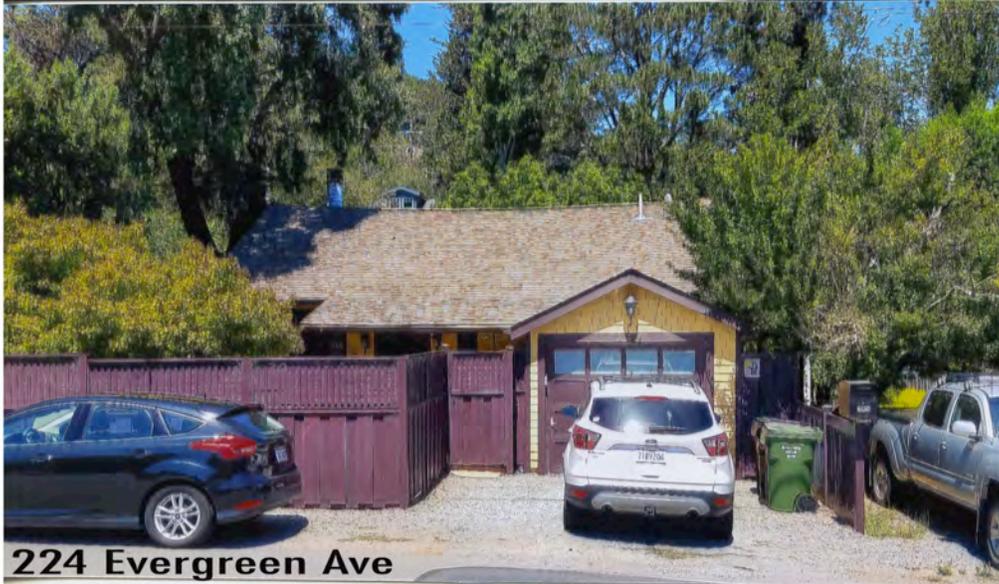


102 Evergreen Ave

4 feet
from fence line

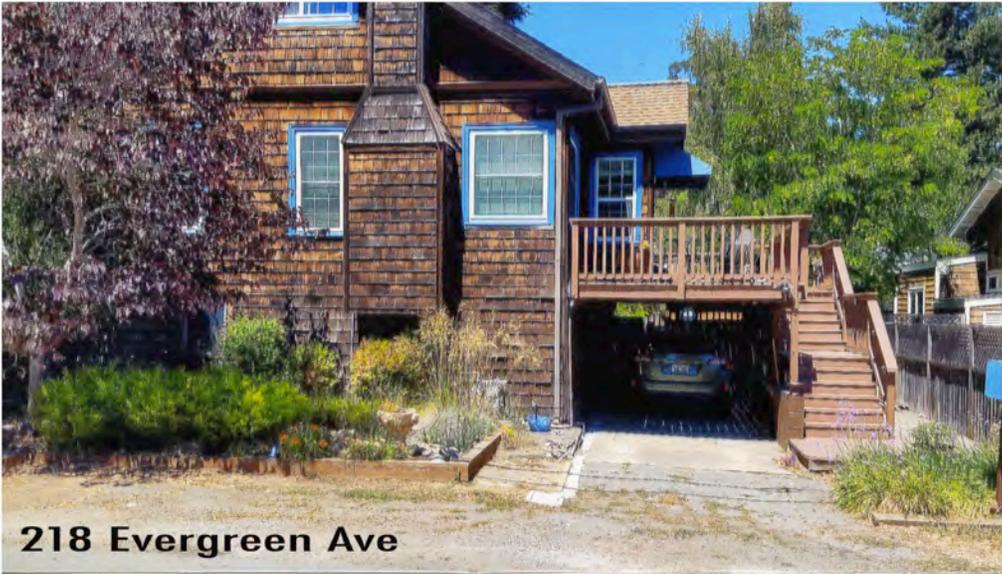


265 Evergreen Ave



224 Evergreen Ave

17 feet
from fence line



218 Evergreen Ave

11.9 feet
from edge of
payment



220 Evergreen Ave

17 feet
from fence line



222 Evergreen Ave

6 feet
from fence line





below
112 Evergreen
from
116 Evergreen





Blue Line shows 25 foot setback



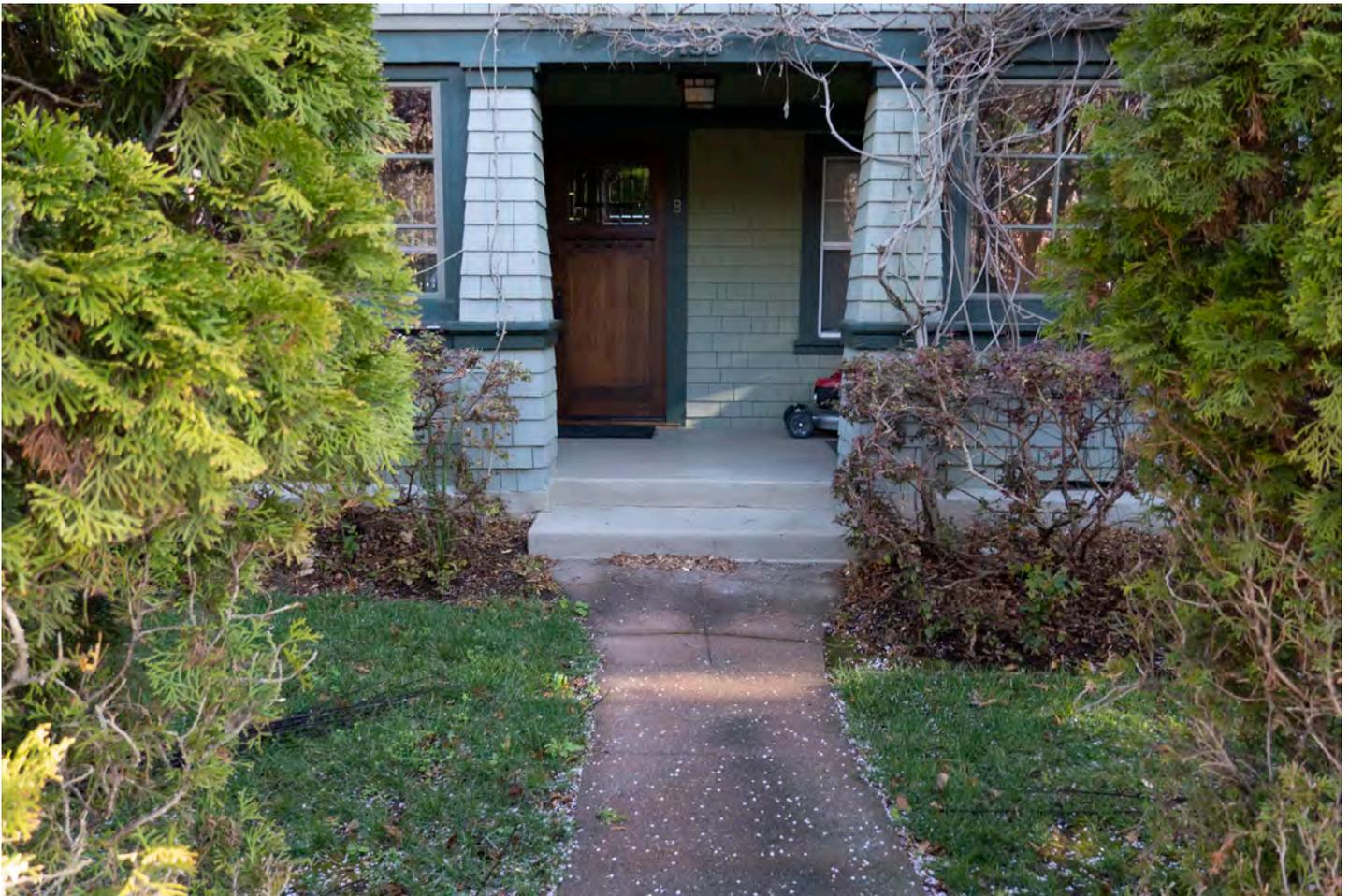
Character of the Neighborhood



112 Evergreen (neighbor Peter Campfield) house 19 feet from property line



115 Evergreen (House Directly across the street from 112 Evergreen) 5 feet from setback



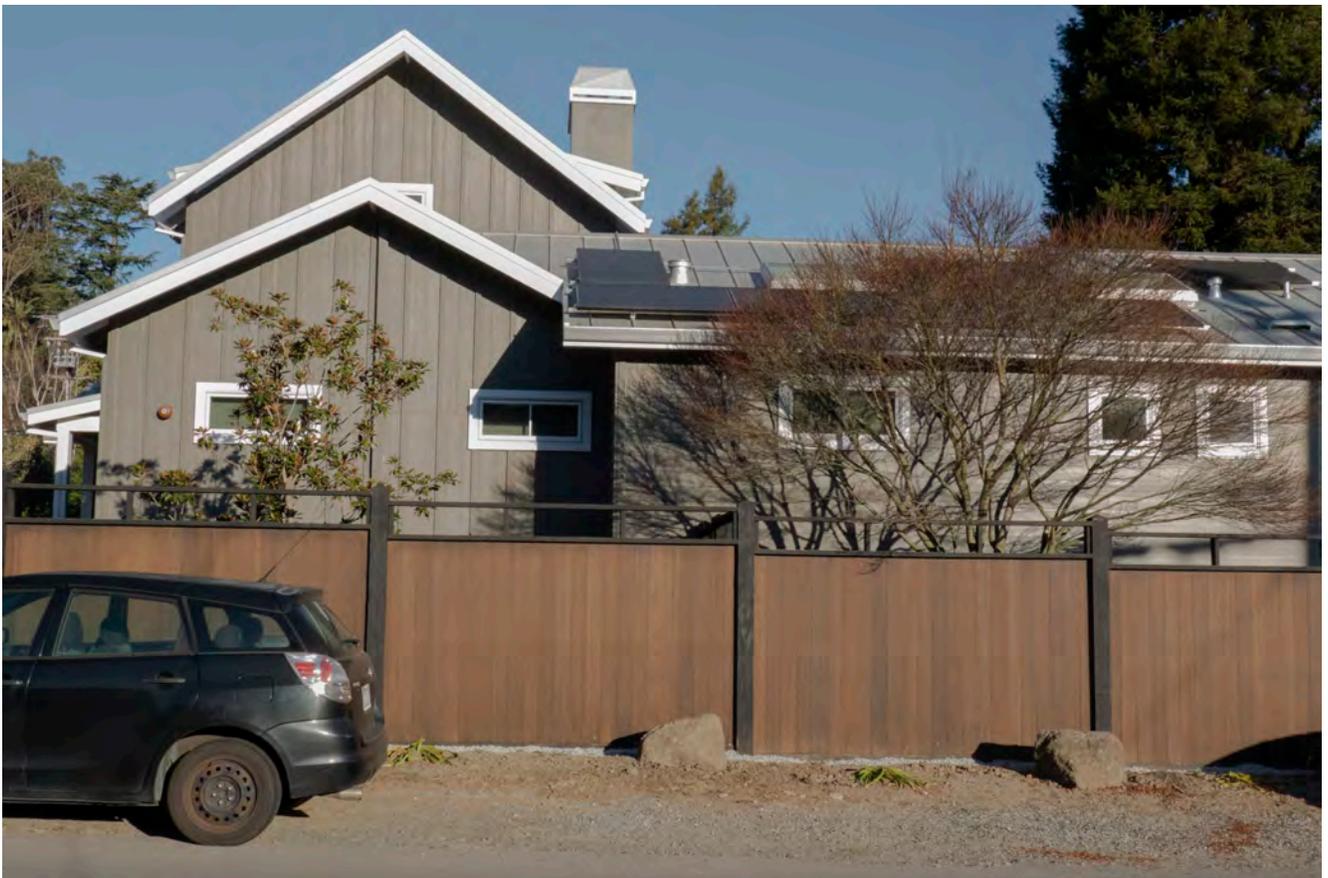
138 Evergreen House 21 feet from setback



Garage at 102 Evergreen 4 feet from setback



102 Evergreen front door 15 feet from setback side on Ethel 17 feet from setback



Across the street from 102 Evergreen 5 foot side setback, front of house on Ethel with 25 foot setback



20 Evergreen 20 feet from setback



next to 20 Evergreen basically, no setback



Linden Lane Properties 5 feet from sidewalk

5 Linden Lane - House 12 Feet from fence

KATY BUTLER AND BRIAN DONOHUE

~ 119 Evergreen Avenue ~ Mill Valley, California 94941 ~
415 383 1699 or 415 706 0761

To: The Tam Design Review Board
Re: 116 Evergreen Ave.
Request for exception to front yard setback to build 2-car garage with charging station.
(Request 5-8 feet setback instead of 25 feet.)

March 4, 2020

To Staff and Board Members of Tam Design Review Board:

We live directly across the street, opposite 116 Evergreen Ave, and have for many decades.

As close neighbors, we have no objection to a garage for 116 being built close to the right-of-way and the road (Evergreen Ave.) We do not think it will negatively affect the aesthetics of the street, as there are other garages and buildings nearby, some very pleasing, also built close to the street.

We are not concerned about whether this will "set a precedent." Historically, design review and zoning norms change over time. What was once considered important to a suburban neighborhood's feeling of privacy may be seen by later generations as ecologically wasteful and promotive of social isolation. We do not feel unfairly treated or inspired to follow suit. That is why the review board has some discretion.

We welcome the garage as it would provide one to two net extra parking spaces in a neighborhood where parking is scarce. It would also lead to the removal of a junked car (not owned by 116) in the right-of-way that is a blight on the neighborhood. We support the needed ecological transition to electric vehicles. We see that Mr. Toranto has made numerous reasonable design concessions to address concerns, including eliminating a roof garden, changing the roof design, and setting the garage back an additional three feet. If anything, we think the building of the garage will improve property values in our architecturally diverse neighborhood.

We support the granting of the exception. Thank you for your consideration and public service.



Very truly yours,



Katy Butler and Brian Donohue

Bereket, Immanuel

From: Louise Glasgow <chispa.sf@gmail.com>
Sent: Wednesday, March 4, 2020 3:52 PM
To: Bereket, Immanuel
Cc: Barry Toranto
Subject: 116 Evergreen Avenue, Mill Valley Assessor's Parcel 048-011-18

TO: Immanuel Bereket
IBereket@marincounty.org

RE: 116 Evergreen Avenue, Mill Valley
Assessor's Parcel 048-011-18

FR: Louise Glasgow, Owner
101 Evergreen Avenue, Mill Valley

Dear Mr. Bereket,

I am writing to advise you that I wholeheartedly support the plans to build a cottage style garage unit at 116 Evergreen within the 20 ft set back to the street. In fact, I wish that the consideration for roof top garden on top of this unit was still in consideration as it is these types of special touches that make our neighborhood so charming.

I earnestly feel that Barry Toranto has provided solid information to which I endorse for approval by the Design Review Board to move forward with the build. I have lived in this neighborhood since 2002 and have witnessed a lot of growth that is nothing as nice as what is destined for this plot of land.

Please know I have read through all documentation regarding this build and also written complaints and suggestions from one neighbor that would rather have a cement slab for parking, which is appalling and NOT IN LINE with our quaint neighborhood. This is not acceptable, nor should be considered a remedy for the desire for covered garage space.

I am not able to be at the Design Review this evening, however, I would like to make certain that you are aware that this is a project that is a sweet addition to our neighborhood and I kindly request your approval of this build as a member of the community.

Please do not hesitate to contact me should you have any further questions.

Respectfully,

Louise Glasgow

Louise Glasgow
Executive Producer
chispa.sf@gmail.com
louiseglasgow.com
415 381 5207 Direct
415 350 4090 Mobile

MR. & MRS. PAUL RECK
125 Evergreen Avenue
Mill Valley CA 94941
(415) 383-3046

February 28, 2020

RE: Barry and Eva Toranto Garage Addition
116 Evergreen Avenue
Mill Valley CA

To Whom It May Concern:

It is our understanding that Barry & Eva Toranto plan to build a garage on their property across the street from our house.

As long-time friends and neighbors of the Torantos, we have no objections whatever to this garage addition; in fact, we are pleased that it will provide them with off-street parking, which will mean less parking congestion in our immediate neighborhood.

Very truly yours,



Paul Reck



Nancy Reck

5/5/20

Hello Manny,

Having received a copy of Peter Campfield's 4-20-20 letter to the Planning Division, I respectfully submit this rebuttal. We have followed guidelines set by the county and have made many concessions to Mr. Campfield, the only person voicing opposition to the garage. We understand that his proximity puts him in a unique position and we have taken many steps to accommodate his objections, at great cost. The project has been dragging on for two years.

When we moved into our house (December of 1986), we could see the sunrise from our yard. Peter moved in next door, did an extensive remodel and added a second story. Besides blocking light, we now had an upper window from his house facing our yard. We did not contest his right to expand his house but we did plant a foliage screen to preserve a sense of privacy.

Peter mentions, in his letter to you of 4-20-20 that he expected certain protections of prevailing building codes. It seems unnecessary to note times change and neighborhoods inevitably become more dense; his lot is no exception. Off-street parking is now encouraged and we propose adding a garage to our property.

1) Front yard setback "EXCEPTION"

To the East (border with Campfields), the garage is, per current application, 23 feet from the street. (The County requires 20 feet and in tight situations will consider 18 feet.)

112 Evergreen is also within the 25 foot setback: 19 feet from the property line and 27 feet from the street; as also stated by Design Review, the front of the garage would line up close to Campfields' bay window.

Please note that directly across from 112 Evergreen, the house at 115 Evergreen is within 5 feet of the sidewalk. The document I sent to you and to Design Review shows a number of garages and houses that are within the 25 foot set back. I would say that *it is my neighbor asking for the County to make an exception* by turning down a project that meets all the requirements to build a garage with off street parking.

The bottom line is this: the County allows a detached garage within the 25 foot setback if approved by Design Review, which this project was—overwhelmingly.

2) "Encroaches on view and access to sunlight"; **neighbor requests garage not mirror his own property.**

We expect the PEAK of the garage to be lower than 15 feet but 15 feet is allowed and gives us play for beams etc. **We went with a hipped roof which will cost significantly more than flat or ridge to lessen visual impact and this was also supported strongly by Design Review.**

From inside Peter's house, as per photographs included with his letter of 4-20-20, what you see out the "front room" window is mostly the fence.

Looking to the East from our yard, we see Campfields' roof slanted away above the fence. It has never prompted complaints from us. We don't quite understand the hardship of the identical view seen from the West creates when seen from the East.

3) "PROPERTY LINE CHANGE"

We hired a licensed and reputable surveyor who found a gap between the two properties. My understanding is that it is not the property line at 112 Evergreen that is in question but that ours was calculated incorrectly. We were originally prepared to place the garage 6 feet 1 inch from the fence. Now, as result of the survey, it is closer.

4) "OUT OF CHARACTER WITH THE NEIGHBORHOOD"

To my count (per presentation I made to DTR on 3-4-20) **18 garages or houses within the 25 foot set back exist within our neighborhood, including all of Linden Lane around the corner (see areial photo attached).** The Campfields' is one of them. Our garage would mirror 112 Evergreen in height and distance to the street.

For your reference, I include the following:

Tam Design Review Board comments from meeting held 3-4-20 which approved design as submitted.

- 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 is still a balance of relieving the neighbors concerns. The building has been optimized and will be better than the existing conditions.
- LL – commented, great job, lots of information which is helpful, lots of neighborhood support, existing trees are very tall.

BOARD ACTIONS:

Board approved the 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 build behind the setback.

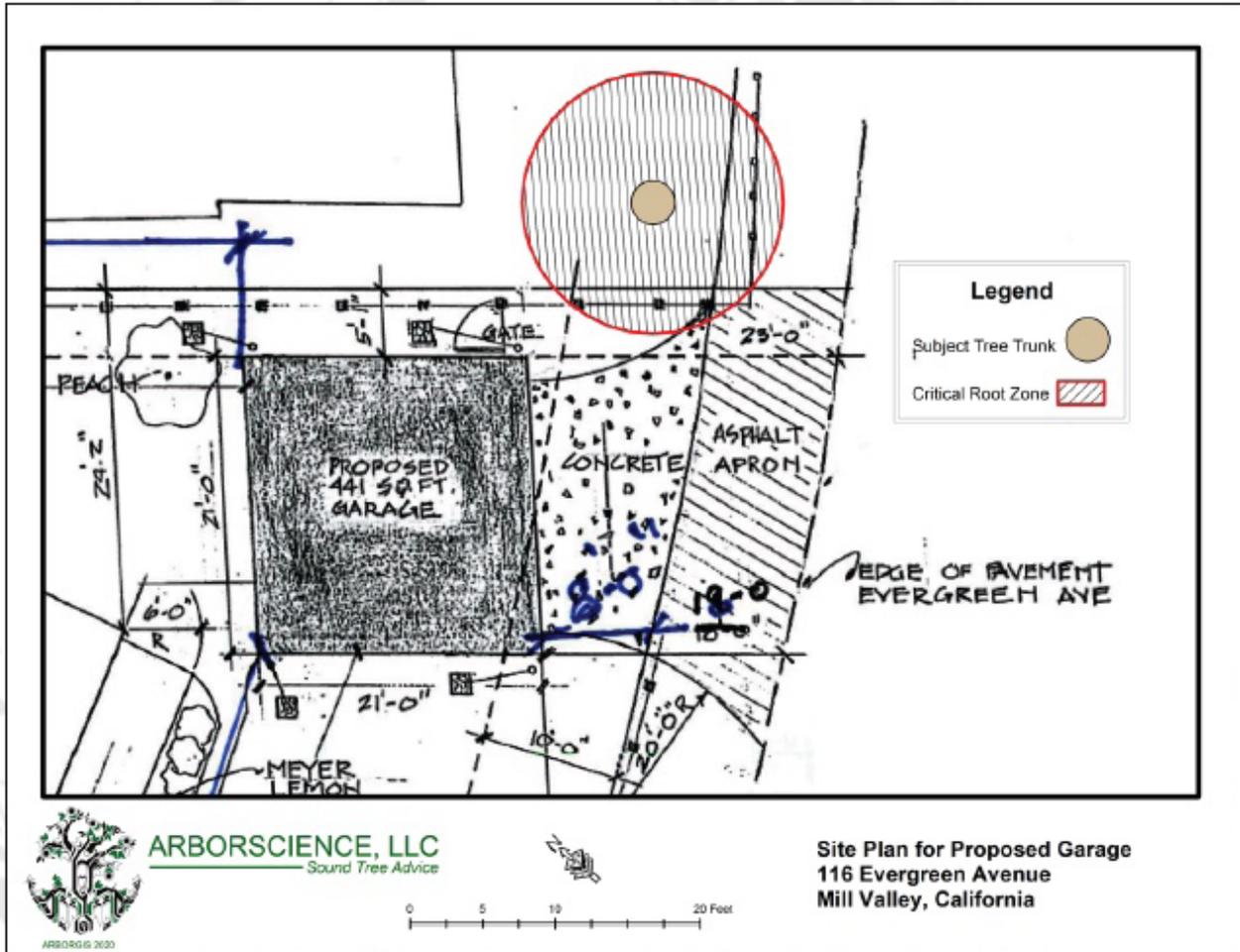
5) Mr. Campfield's "CONTINUING CONCERNS"

The Sitka Spruce Tree is 17 feet to the corner of the proposed garage. I gave you the report from a tree specialist who reported that the tree was not in danger and indicates a 10 foot diameter around the tree, the garage is outside of that area. (sketch included).

Regarding Mr. Campfield's drainage concern, his walkway blocks the flow of the rain water and creates a dam in front of his house with only approximately a 1 inch path for the water to go around his parking area. During a heavy rain most of the water is coming from up the street, not from 116 Evergreen. There is a sump pump directly west of our property that releases large amounts of water onto the pavement during a heavy rain. Water from Mr. Campfield's own yard also flows toward his parking area from under his own gate. (See photo attached)

PROJECT DESCRIPTION AND ATTENDANT IMPACTS

A new 441 square-foot garage with concrete driveway and asphalt apron are planned for the northeast corner of 116 Evergreen Avenue. This work would include excavation for the driveway and spread footings for the garage. All of this work is outside the critical root zone of the subject tree. Spruce trees are moderately tolerant to construction impacts. I expect that root loss will be minor and will not diminish the basic health or stability of the subject tree.



CONCLUSIONS AND RECOMMENDATIONS

Planned construction of the garage will damage neither the systemic health nor structural stability of the subject tree. I recommend that the driveway be excavated by hand equipment and that roots be severed with a clean, sharp saw.

Sincerely,
ARBORSCIENCE, LLC

Dr. Kent R. Julin
ISA Certified Arborist #WE-8733A



Above
Water blocked by Campfield walkway



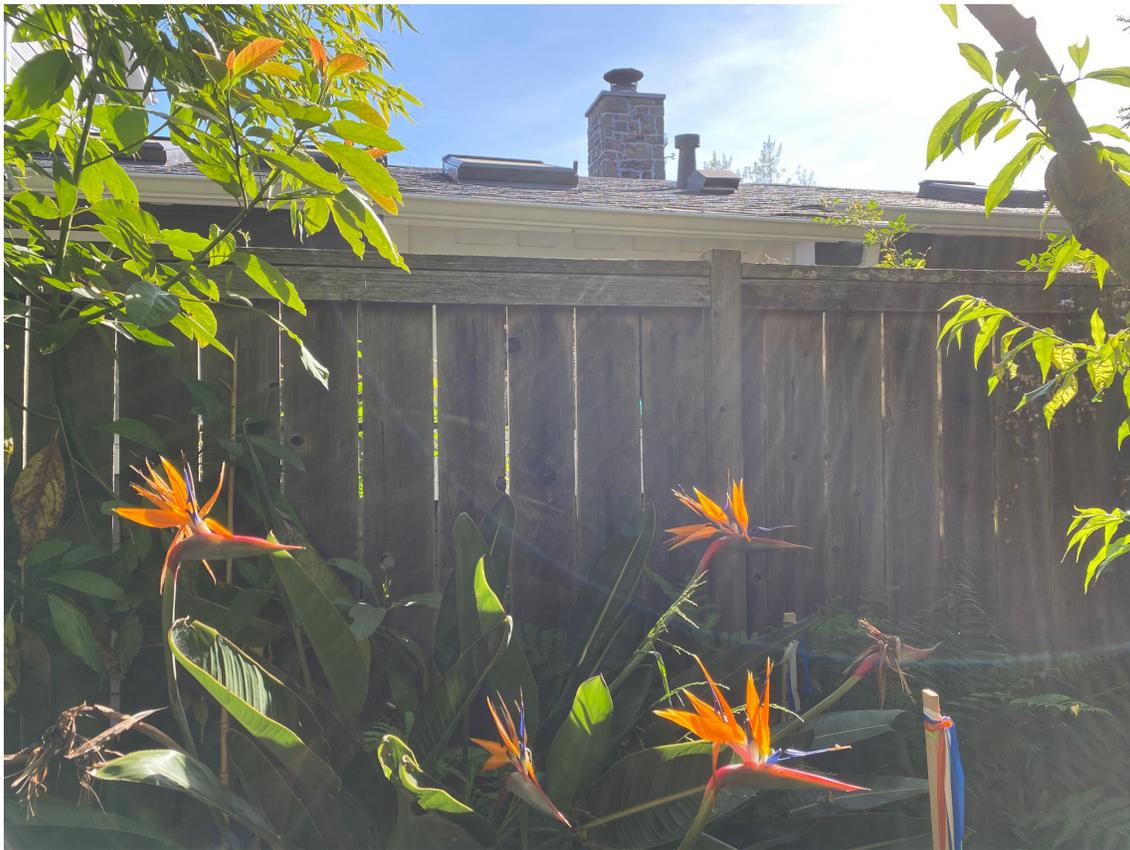
< Spigot that emits large amounts of water West of my house, but water is flowing downhill certainly not all from there.

Bottom
Water flowing in front of my house during rain





Eye level View from my yard of the Campfield house, I have never seen the blinds pulled up before before the photo my neighbor sent to Planning in opposition of the project.



Our house would mirror 112 Evergreen except for the hip roof instead of the full ridge. The photograph Peter submitted shows an angle where he can see a sliver of of our eve and roofline but what view or light is that blocking?

Nearby
Garages
& Houses
within the
25 foot
setback





Thank you for taking the time at the last meeting. In response to that meeting, we have made the following changes to address the concerns of our neighbor and recommendations from the design review board.

- 1 Removed rooftop garden thus eliminating concept of 2 story structure
- 2 Removed Stairs to the roof deck
- 3 Reduced size of garage by 39 square feet from 23' x 22' to 21' x 21'
- 4 Reduced Bulk Height and Mass of Garage at the 5 foot set back. The total height has been reduced from 14.6 to 10.6
- 5 Hipped Roof structure minimizes visual impact to neighbors and street
- 6 Removal of 20 foot high shrubs at street will increase natural light to 112 Evergreen
- 7 Garage has been re-located on the property to reduce impact to 112 Evergreen kitchen window
- 8 Height of garage is more in alignment with eave height of 112 Evergreen house.
- 9 Drainage has been designed to comply and exceed DPW recommendations
- 10 Survey of property has been completed.
- 11 Arborist has been retained to consult re protection/preservation of 112 Evergreen tree
- 12 We hired an architect to help communicate with our neighbor and look for the compromises in their best interest.
- 13 Have met with other neighbors to discuss proposed project.
- 14 Documented neighborhood context and character with photos showing that many other structures are located in the front set back.
- 15 we have complied to all the current requirements for a garage within the 25 foot setback

The distance from the garage to the house is 9 feet

We do now have a survey

In the plans we have a 2 x 2 x 2 foot distribution catch drain at each corner of the garage. The county told us that we were only required to have the drain be 10 Feet from the road and it could drain into the yard but considering the design review suggestions we think we can improve the drainage

The lights are approved as dark sky

DELIVERED LUMENS	823
WATTS	26.1
VOLTAGE	120V, 277V
DIMMING	ELV
LIGHT DISTRIBUTION	Symmetric
MOUNTING OPTIONS	Downlight or Uplight
CCT	2700K, 3000K
CRI	80+
COLOR BINNING	3 Step
BUG RATING	B1-U0-G0
DARK SKY	Compliant (Downlight)
WET LISTED	IP65
GENERAL LISTING	ETL
CALIFORNIA TITLE 24	Can be used to comply with CEC 2016 Title 24 Part 6 for outdoor use. Registration with CEC Appliance Database not required.



PITCH SINGLE
shown in black



PITCH SINGLE
shown in charcoal



116 Evergreen



14 Linden lane

5 feet
from fence line



201 Hawthrone

12 feet
from fence line



201 Scott Street

11.9 feet
from edge of
payment

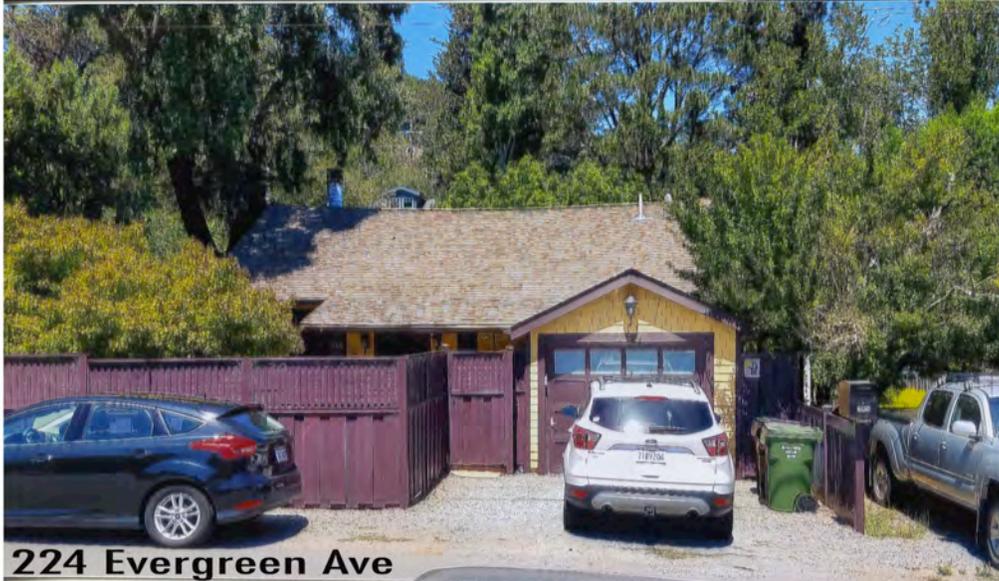


102 Evergreen Ave

4 feet
from fence line

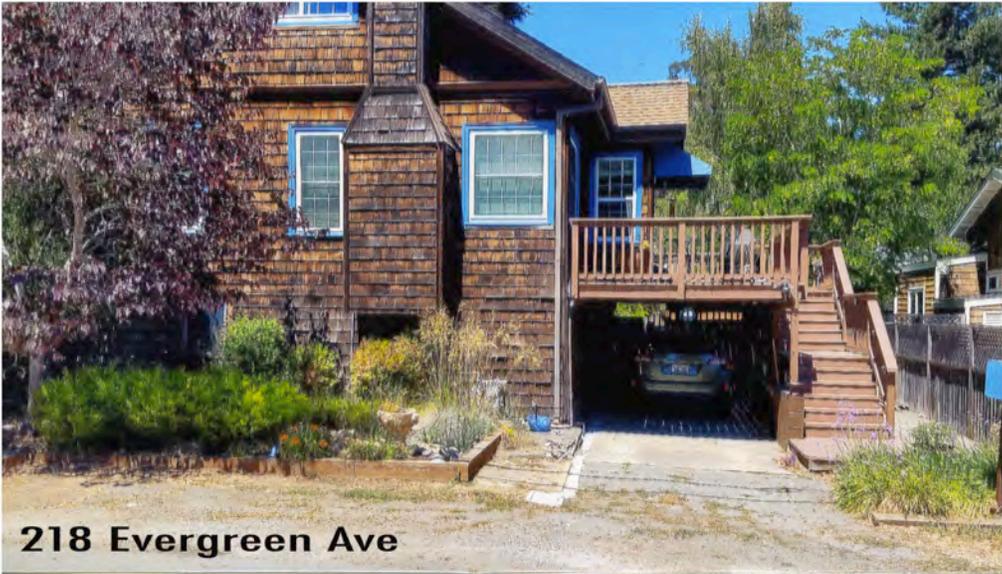


265 Evergreen Ave



224 Evergreen Ave

17 feet
from fence line



218 Evergreen Ave

11.9 feet
from edge of
payment



220 Evergreen Ave

17 feet
from fence line



222 Evergreen Ave

6 feet
from fence line





below
112 Evergreen
from
116 Evergreen





Blue Line shows 25 foot setback



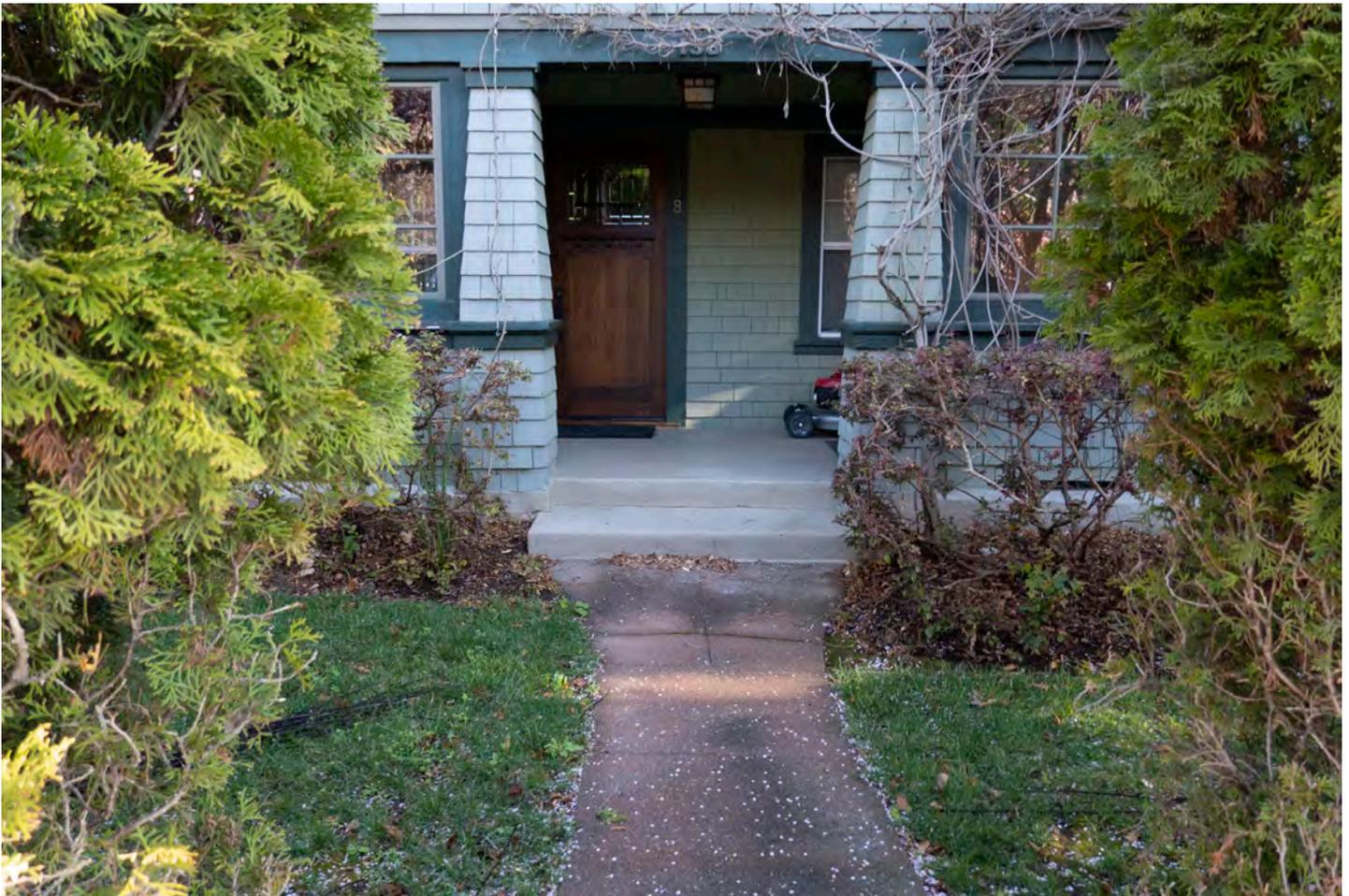
Character of the Neighborhood



112 Evergreen (neighbor Peter Campfield) house 19 feet from property line



115 Evergreen (House Directly across the street from 112 Evergreen) 5 feet from setback



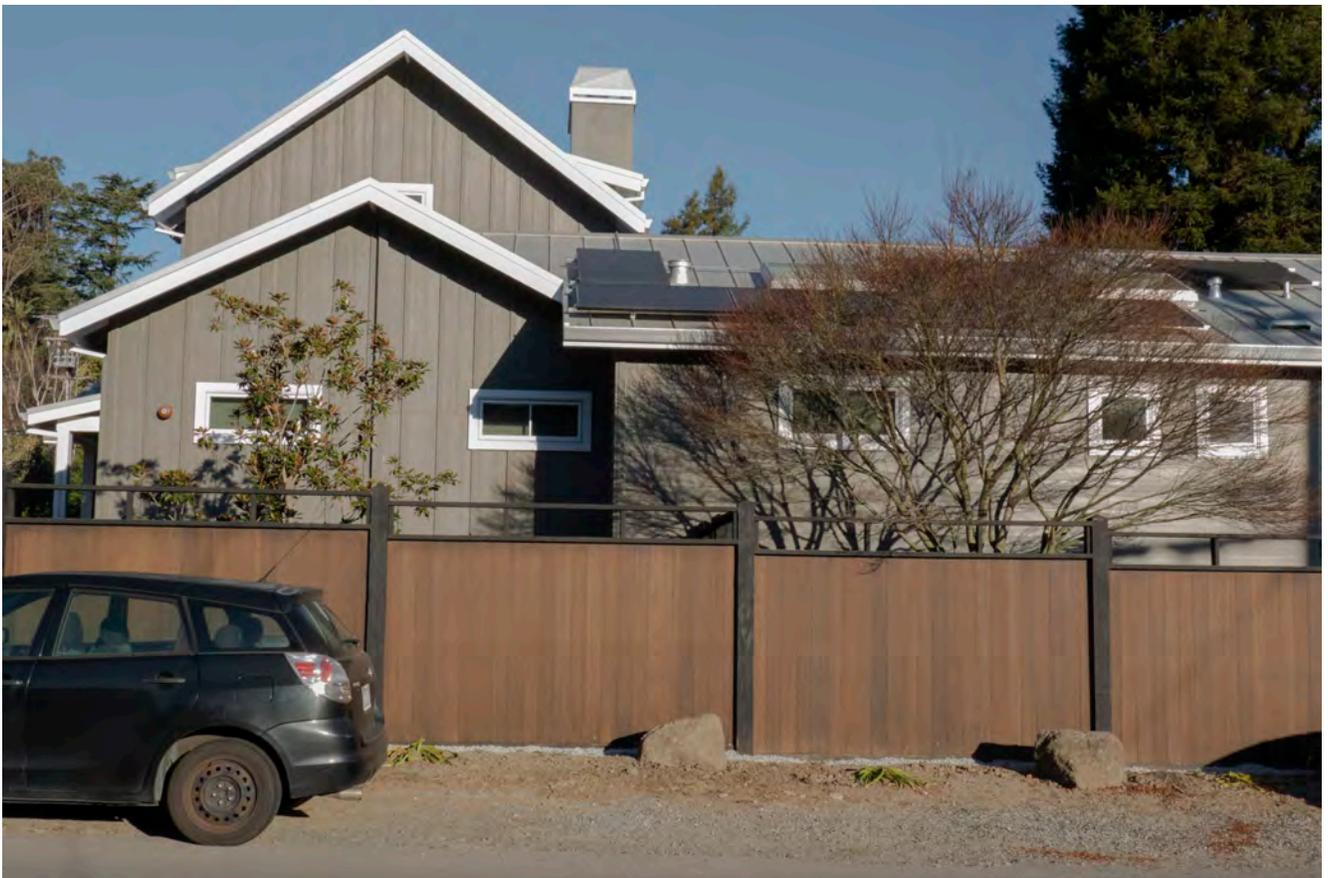
138 Evergreen House 21 feet from setback



Garage at 102 Evergreen 4 feet from setback



102 Evergreen front door 15 feet from setback side on Ethel 17 feet from setback



Across the street from 102 Evergreen 5 foot side setback, front of house on Ethel with 25 foot setback



20 Evergreen 20 feet from setback



next to 20 Evergreen basically, no setback



Linden Lane Properties 5 feet from sidewalk

5 Linden Lane - House 12 Feet from fence

We have received the letter from Peter Campfield, our neighbor at 112 Evergreen, and have done our best to address his stated concerns as shown in the revisions we have made to the design of the Garage and the below report that we have prepared for Design Review.

On all of our visits to the Planning Department we have been encouraged to add off street covered parking to our property. We have met all the current guidelines. The reason the project was previously marked incomplete by DPW was because we had not shown that we were a minimum of 20 feet from the street or, in confined spaces, a lesser distance of 18 feet would be considered as stated below.

Marin County Department of Public Works, Land Development Division (Tyler Bylow, (415) 473-7092)

4. Provide the western dimension from the edge of pavement to the corner of the garage. 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. A lesser length of eighteen feet may be approved for constrained sites. 18'-0"

Please also note that on the side of the Garage facing 112 Evergreen, we have located the front corner of the Garage 23.5 feet from the street. The gravel in front of the fence is 10 feet wide, which puts the SE corner of the Garage 13.5 feet behind the property line and only 4 feet forward of Peter's house. The front SW corner of the Campfield house actually sits within the 25 foot setback at 19 feet from the front property line. Per the Marin County Code 24.04.20, we pushed the Garage forward as much as possible thinking it would be better for both parties involved and present less of an impact to the Campfields.

I have attached our full report below addressing the concerns of the 1 neighbor who has objections

Thank you for your consideration of our project.