

MEMORANDUM

TO: Marin County Planning Commission

FROM: Immanuel Bereket, Senior Planner

DATE: August 7, 2020

**RE: Planning Commission Hearing of August 10, 2020
Campfield Appeal of Trailhead LLC Design Review
Agenda Item: 4**

The purpose of this memorandum is to provide additional correspondence to the Planning Commission. The appellant, Mr. Peter Campfield, has submitted supplemental material in furtherance of his appeal petition. The additional material was submitted post-publication of the staff report.

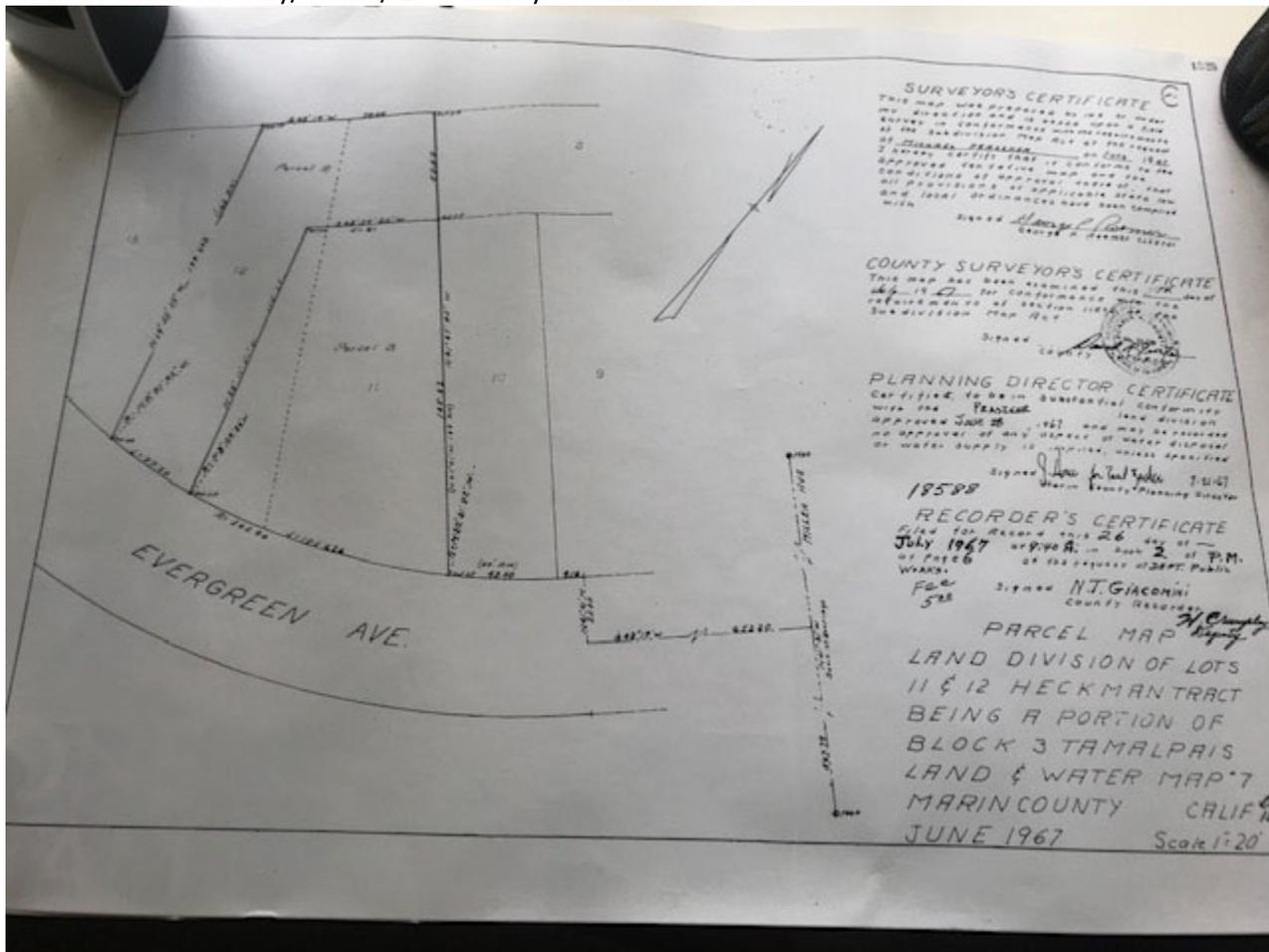
Bereket, Immanuel

From: Peter Campfield <pcampfield@gmail.com>
Sent: Monday, August 3, 2020 3:00 PM
To: Bereket, Immanuel; Mosher, Ana Hilda
Cc: John Fitzgerald
Subject: PC hearing Aug 10 -Trailhead Appeal
Attachments: Campfield--Ford Boundary Opinion Ltr 112 Evergreen Ave.pdf; attachment 1.pdf

Hi Manny

The attached materials are submitted as part of my appeal.

1. Previous 116 Evergreen property survey from 1967
2. LA Stevens Survey map 2020
3. Survey letter from Michael Ford in support of original property line survey / fence as property line.
4. PJC Letter in opposition to Trailhead Plans - in particular point #3 that building is within 5 foot-side yard setback based on alternative boundary/ fence / 1967 Survey and Michael Ford letter.





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July 30, 2020

Peter Campfield
112 Evergreen Avenue
Mill Valley, CA 94941

Re: Record of Survey filed in Book 2020 Maps Page 121, Marin County Records

Dear Mr. Campfield,

I am following up on your request for me to review the subject Record of Survey (Map) that purportedly surveyed the southwesterly boundary of your property located at 112 Evergreen Ave., Mill Valley, CA, Assessor Parcel No. 048-011-08. The Map is a survey of your neighbor's property at 116 Evergreen Ave., which shares a boundary with your property. The subject of this letter is the existing fence that is shown on the Map as being approximately 1.5 feet southwest of the common line between the two properties. The Map also shows an "Alternate Boundary" location being a few inches southwest of the aforementioned fence.

The Map appears to go into detail on how the surveyor, L.A. Stevens PLS 6649, resolved the location of the common line between the subject properties. The Map has notes explaining, in his opinion, the rationale for the boundary location being northeast of the existing fence line. Mr. Steven's appears to base his conclusions on the strength of the original subdivision map for the block that included both his client's parcel and your parcel. Your parcel is described as being Lot 10 on the original subdivision map. Your neighbor's parcel is a portion of Lot 11 and Lot 12 of the original subdivision.

Lot 11 and 12 were subsequently subdivided into two lots with a Parcel Map which is on file in the public records in Book 5 Official Surveys at Page 30. Your neighbor's parcel is Parcel B on the Parcel Map. The Parcel Map locates Lot 11 and 12 of the original subdivision relative to monuments in Miller Ave. Mr. Steven's survey measurements appear to agree with the location of Lot 11 and 12 which locates the subject property line very near the existing fence, as shown on the Parcel Map. The Steven's map holds the original subdivision as controlling the location of the lots within the block and rejects the Parcel Map as controlling the location of Lot 11 and 12.

My understanding in conversations with you is that the fence has been in place for many years, and both you and your neighbor have jointly maintained the fence and acquiesced to that location as the boundary between the two properties. The fence, in my opinion, based on the evidence presented on Mr. Steven's Map, is a monument to the Parcel Map that created your neighbor's lot. That being the case the fence should have been given more weight to locate the common boundary between the properties even though the location disagrees with the original subdivision Lot 11 and 12, as shown on Mr. Steven's map.



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I base my conclusions on the commonly accepted order of importance in the rules of construction for conflicting elements when retracing property boundaries. The first consideration in boundary determination is the unwritten rights of the parties. While the Parcel Map did not identify a fence as the property line it is clear the existing fence fits the survey location of the subject property line compared to the Parcel Map. Each of the property owners has accepted the fence as being at or near the property line for a time that exceeds the statutory period.

The Parcel Map is titled "A Land Division of Lot 11 & Lot 12 of the Heckman Tract," which is the map that subdivided the block that the subject parcels occupy. Each of the successor owners of both parcels relied on the Parcel Map for the location of their respective parcel boundaries. The existing fence reflects the property line location very near the Parcel Map location for the dividing line. Holding the Parcel Map as controlling the boundary between the two parcels honors the fence and does not upset the harmony in the neighborhood that has existed without interruption since both parcels were created.

Respectfully submitted,

A handwritten signature in black ink that reads "Michel E. Ford". The signature is written in a cursive style.

Michel E. Ford, PLS 7237
Michael Ford Inc. Land Surveying



Mr. Immanuel Bereket
Senior Planner
Marion County Planning Division
3501 Civic Center Drive
San Rafael, CA 94903

April 20, 2020

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

This letter is submitted to express my opposition to the above reference application as presently designed.

The Planning Department's challenge for this application is how to balance the obvious public benefit of providing off-street parking while minimizing the impact on immediately adjoining properties and safeguarding the character of the neighborhood.

While I am in favor of off street parking, 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.

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 access to sunlight:** 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 sit less than 10 feet from my house and will block views and light from my front yard and southwest facing living room and kitchen (see attached pictures).**
- 3) As part of the revised plan, a **Property Line change** was submitted with the application which places the structure only 4 feet from the existing fence line. Please note that the original property line was documented as early as 1955 and again with a survey was conducted in 1967 when the subject property was sub-divided into two properties. I find this new survey particularly disturbing as it changes long established property line coordinates and negatively impact my property. **Consequently, I intend to have my own survey conducted to dispute the one provided by the applicant that would encroach on the 5 foot setback.**
- 4) **Out of character to the neighborhood and precedent setting:** There is only 2 detached garages on Evergreen Ave that sit within the 25 foot setback, and those were built more than 25 years ago or remodeled on an existing footprint. There is no "hardship" or compelling physical reason for a front yard exception to be made. **The applicant 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.

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. 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 patterns.” 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.

Lastly, in the Tamalpais Community Plan (page 36), 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.”

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

Attachment: Photos

Photos taken from 112 Evergreen Ave (adjacent property):





Living Room (front room)





Kitchen (second room)



