



**STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION
CAMPFIELD APPEAL OF TRAILHEAD LLC DESIGN REVIEW**

Recommendation: Deny the appeal and sustain the Agency Director's Decision to approve Trailhead LLC Design Review

Hearing Date: Monday, August 10, 2020

Application No(s): P2758
Agenda Item:
Last Date for Action: x/xx/2020

Owner(s): Trailhead LLC
Assessor's Parcel No(s): 048-011-18
Property Address: 116 Evergreen Avenue, Mill Valley

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

Signature:

Countywide Plan Designation: SF-6 (Single-Family, four to seven units per acre)
Community Plan Area: Tamalpais Plan Area
Zoning District: R1-B1 (Residential, Single-Family 6,000 sq. ft. min.)
Environmental Determination: Categorical Exemption, per CEQA Guidelines §15301

PROJECT SUMMARY

The applicant, Barry Toranto, on behalf of Trailhead LLC – property owners, is requesting a 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 2,305-square-foot primary residence and a detached 683-square-foot artist studio and office, resulting in a floor area ratio of 29.2 percent where 30 percent is normally allowed. 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.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Total Lot Area: 10,200 square foot

Adjacent Land Uses: Single-family residences to the north, west, and east.

Topography and Slope: The project site has an average of three percent.

Existing Vegetation: Vegetation consists of fruit and ornamental vegetation. There are two Live Oak trees (Oak Quercus Agrifolia) on the property.

Environmental Hazards: None identified.

The subject property is located within a developed residential neighborhood. The surrounding area is generally flat, with residences constructed with varying setbacks and patterns. The subject property is surrounded by single-family residences that are primarily single-story. While older homes 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 scenes, and any available view is distant in nature, as opposed to short-range, does not include a view of skylines, bridges, distant cities, distinctive geologic features, hillside terrain, wooded canyons, ridges and bodies of water.

BACKGROUND

A Design Review application was submitted on February 6, 2020. Upon receipt, the application was transmitted to the Department of Public Works (DPW), the Tamalpais Design Review Board, and the Southern Marin Fire Protection District. A notice was posted on the project site on February 7, 2020, identifying the applicants and describing the project and its location. A site visit was conducted on the same day the notice was posted, and subsequent site visits were made on March 20, 2020, to confirm story-poles were installed and May 13, 2020, to take additional pictures of the proposed facility from off-site locations.

On February 26, 2020, the DPW deemed the application was complete and recommended approval. At their regular hearing of March 4, 2020, the Tamalpais Design Review Board recommended approval of the project. On March 5, 2020, the application was deemed incomplete, and on March 25, 2020, the application was deemed complete.

On May 19, 2020, a Design Review approval was issued. Subsequent to the Agency Director's decision, Peter Campfield, a neighboring resident to the east at 112 Evergreen Avenue, filed a timely appeal (see attached appeal application dated May 29, 2020).

KEY ISSUES

The applicant previously sought to permit a proposal to construct a two-car garage with a rooftop garden that would encroach into the required front yard setback. The applicant was advised, amongst other concerns, that the proposal would likely be denied due to the rooftop garden/deck that would encroach into the neighboring property and due to lack of a boundary survey map. That application was expired.

The current proposal seeking approval to construct a two-car detached garage would be built closer to the street and lower in height than the existing residence to the east at 112 Evergreen Avenue. Unlike a previous proposal, the current project does not include a rooftop a garden. No window openings are proposed on the east elevation of the garage. The pattern of front yard setback 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.

PUBLIC COMMENT

During the project review process, the County 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 as a garage within the required front yard setback it 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.

RECOMMENDATION

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, consider all oral and written testimony received during the hearing and, deny the Campfield Appeal of Trailhead LLC Design Review approval.

Attachments:

1. Recommended resolution
2. Appeal petition, submitted June 9, 2020
3. Design Review decision, dated May 29, 2020
4. Department of Public Works, Inter-Office Memorandum, dated February 26, 2020
5. Southern Marin Fire Protection Distirct, dated February 26, 2020
6. Tamalpais Design Review Board Minutes of March 4, 2020
7. All correspondences received to date

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION DENYING THE CAMPFIELD APPEAL AND AFFIRMING THE AGENCY DIRECTOR'S DECISION TO APPROVE TRAILHEAD LLC DESIGN REVIEW APPLICATION ASSESSOR'S PARCEL: 048-011-18

SECTION I: FINDINGS

1. **WHEREAS**, the applicant, Barry Toranto, on behalf of Trailhead LLC – property owners, is requesting a 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 2,305-square-foot primary residence and a detached 683-square-foot artist studio and office, resulting in a floor area ratio of 29.2 percent where 30 percent is normally allowed. 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.

The property is located at 116 Evergreen Avenue, Mill Valley, further identified as Assessor's Parcel 048-011-18.

2. **WHEREAS**, on May 19, 2020, the Agency Director approved the project.

3. **WHEREAS**, on May 29, 2020, Peter Campfield submitted a timely appeal of the Trailhead LLC Design Review approval.

4. **WHEREAS**, on August 10, 2020, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project.

5. **WHEREAS**, the bases of appeal are insufficient to overturn the Agency Director's decision, for the reasons discussed below.

A. The appellant asserts that the boundary survey prepared by the applicant's state-licensed land surveyor is incorrect.

Property line disputes are disagreements between private parties and typically do not involve the County. Such conflicts are considered a civil matter, and the appropriate course of action is through the court system.

During the review of the application, the County requested the applicant to submit a boundary survey map prepared by a state-licensed land surveyor. The applicant engaged L.A. Stevens and Associated, Inc., a state-licensed professional land surveyor firm, to perform a boundary survey. The County's decision is based on substantial evidence on record, which includes the boundary survey map.

There are several options available for the appellant to resolve this dispute, none of which involve the County. The appellant may engage a state-licensed surveyor to perform a boundary survey. If there is a conflict in results, the surveyors can meet and mediate a resolution. Other methods for solving a boundary problem also involve the cooperation of both parties in the dispute. A description may be written on the property or on a portion of the property and recorded as an easement for a specific purpose to a specific party. Alternatively, both parties may choose to allow present ownership conditions to continue as it exists. The appellant may also resort to a court of law for a resolution.

The appellant has not submitted a boundary survey to contradict the applicant's boundary survey results, which clearly illustrates that the proposed detached structure would comply with the required five feet side yard setback. Because this is a private dispute between two neighbors, it is considered a civil matter and does not involve the County. Further, it is insufficient to disagree with a boundary line determined by a licensed surveyor without any legal evidence. Therefore, this ground for appeal is not valid, by itself, to overturn the Agency Director's decision.

- B. The appellant asserts that evidence to support that the boundary line runs along the existing fence line is documented in the Property Deed for 112 evergreen Avenue, Title Insurance, and building plans approved in 1995. The appellant also asserts that any further dispute over the property line is resolved through Adverse Possession and Prescriptive Easement, as the applicant and appellant have mutually maintained an understanding of the property line as evidenced by shared expenses to build and maintain the fence over the past 25 years.**

As noted above, private property disputes are considered a civil matter and do not involve the County. The land use regulation and policies of the County, including but not limited to the Countywide Plan, Development Code, and community area plans, regulate land use and development of properties and do not regulate private disagreements between two property owners. The County's interest is in issuing a decision based on substantial evidence in the record that the setback is adequate, which has been provided by the applicant in the form of a survey performed by a licensed surveyor. Therefore, this ground for appeal is not a sound basis to grant the appeal.

- C. The appellant asserts that the boundary survey map submitted by the applicant resulted in a 1,000-square-foot increase in lot area, which effectively remedied the FAR issue previously identified by the Tamalpais Design Review Board.**

In this appeal point, the appellant is referring to a previous application that did not include a boundary survey map, prepared by a state-licensed surveyor. Instead, the previous application relied on the County's publicly available GIS layers to approximate the property lines, lot size, and setback dimensions. For this reason, the County required the applicant to prepare and submit a boundary survey map.

Under the Tamalpais Area Community Plan LU Program 1.4(a), codified in Marin County Code Section 22.30.060, the maximum adjusted Floor Area Ratio (FAR) is 30 percent of the total lot area. The adjusted FAR is the gross enclosed floor area, but *excluding* garage spaces less than 400 square feet on a parcel 6,000 square feet or less and 480 square feet on a parcel larger than 6,000 square feet.

Although the lot is developed with a 2,305-square-foot primary residence and a detached 683-square-foot artist studio and office, resulting in a floor area ratio of 29.9 percent where 30 percent is normally allowed, the proposed 441-square-foot garage on the subject 10,200-square-foot lot is excluded from FAR calculations and does not affect the existing floor area ratio of the property. Further, whether the lot size is 9,100 square feet or 10,003 square feet, as the boundary survey map concluded, the lot size is irrelevant with respect to the FAR since the garage would be entirely excluded from FAR calculations.

Furthermore, the Tamalpais Design Review Board did note that the property contains FAR beyond the maximum allowable because it was assumed the property measured 9,100 square feet in area. The previous application did not expire because of the FAR issue, it expired due to the applicant's delay in submitting the boundary survey.

D. The appellant asserts that the justification for granting an exception to allow 441-square-foot detached structure eight feet from the front property line where a minimum of 25 feet is normally required, is not adequately supported by findings.

In considering a Design Review application for construction of a garage with a reduced setback, design elements such as bulk and mass, finished colors and materials, exterior lighting, impacts to light, views, neighborhood compatibility, amongst others, are accorded significant consideration in the decision making process. The appellant has not submitted any evidence to demonstrate the findings for approval have not been met. A mere statement of declaration to that end does not represent evidence. Therefore, this ground for appeal is not valid.

As discussed in the Design Review approval, the proposed project provides appropriate separation between the project site and the neighboring property by providing a 5 feet side yard setback. The project uses colors and materials that are consistent and compatible with the onsite development as well as the immediate surroundings. Further, 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. Furthermore, the proposed project would 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).

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. The pattern of front yard setbacks along Evergreen Avenue varies from approximately four to full compliance, with several properties lacking any off-street parking spaces, including the project site. Therefore, the construction of a detached garage close to the front property line would not be out of neighborhood character.

E. The appellant asserts that the project would their access to light and views

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 homes 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 in the area, 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 appellant's residence to the east at 112 Evergreen Avenue. The abutting property's ability to access sunlight would not be impacted because the proposed garage is lower in height than the appellants' residence, and would maintain the required setback, allowing for air and light to flow through. Therefore, no impacts to sunlight would occur due to the proposed garage.

F. The appellant asserts that the size and location of the garage is inconsistent with the neighborhood.

As stated in the staff report, the surrounding area is characterized by a mix of architectural styles with variety in the bulk, massing, and height amongst the single-family residences. 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. Further, the Tamalpais Design Review Board found the proposed building design is consistent with the character of the neighborhood and that allowing for the proposed setback exception is a better alternative to what could be built behind the setback. Therefore, the construction of a detached garage within the front property line would not be out of neighborhood character and would be similar to other properties in the neighborhood.

6. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 of the CEQA Guidelines because the project entails construction of a detached accessory structure on an existing residential property. The property is located in a residential zoning district and would not result in potentially significant impacts to the environment.

7. **WHEREAS**, 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.

8. **WHEREAS**, the project is consistent with the goals and policies of 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 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.

9. **WHEREAS**, the project is consistent with the goals and policies of the Mandatory Findings for Design Review (Marin County Code Section 22.42.060) for the following reasons:

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 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, the proposed architectural character, materials, and color are compatible with the area.

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.

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby denies the Campfield's appeal and affirms the Agency Director's approval of Trailhead LLC Design Review, subject to the conditions of project approval.

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

SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby partially approves the Trailhead LLC Design Review, subject to the conditions as specified below.

CDA-Planning Division

1. This Design Review approval authorizes 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 2,305-square-foot primary residence and a detached 683-square-foot artist studio and office, resulting in a floor area ratio of 29.2 percent where 30 percent is normally allowed. 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.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Trailhead LLC," consisting of 5 sheets prepared by Jim Labioda, received

in final form on February 2, 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 Standards 2020" with respect to all of the standard conditions of approval.

SECTION IV: VESTING

NOW, THEREFORE, BE IT RESOLVED that 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.

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. 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 (August 19, 2020).

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 10th day of August 2020 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

MARGARET CURRAN, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Ana Hilda Mosher
Planning Commission Recording Secretary