

MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Trailhead LLC Design Review

Decision: Approve
Date: May 19, 2020

Project ID No: P2758 Applicant(s): Barry Toranto
Application No(s):
Owner(s): Trailhead LLC
Assessor's Parcel No(s): 048-011-18
Property Address: 116 Evergreen Avenue, Mill Valley
Project Planner: Immanuel Bereket,
(415) 473-3615;
ibereket@marincounty.org

Signature:

Countywide Plan Designation: SF6 (Single-Family, 4-7 units per acre)
Community Plan Area: Tamalpais Plan Area
Zoning District: R1-B1 (Residential, Single-Family 6,000 sq. ft. min.)
Environmental Determination: Categorically Exempt, CEQA Guidelines §15301

PROJECT SUMMARY

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

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

KEY ISSUES

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

The subject property is located within a developed residential neighborhood. The surrounding area is generally flat, with residences constructed in varying setbacks and patterns. The subject property is surrounded by single-family residences that are primarily single-story. While older residences in the neighborhood are generally one-story in height, the two-story residences are a combination of newer residences and older residences with second-floor additions. Single-story residences in the neighborhood tend to have a ranch architectural style, while two-story residences tend to have a contemporary architectural style. The surrounding properties along Evergreen Avenue, the block between Linden Lane to the west and Ethel Avenue to the east, range in size from approximately 3,150 square feet to upwards of 13,827 square feet. Because of the flat terrain of the location and due to existing mature trees, there are no up-slope and down-slope views. Any available view is distant in nature, as opposed to short-range, does not include a view of skylines, bridges, distant cities, distinctive geologic features, hillside terrain, wooded canyons, ridges or bodies of water.

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

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

COUNTYWIDE PLAN CONSISTENCY

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the proposed detached garage would not entail the removal of protected or heritage trees as defined in Marin County Code Chapter 22.27 (Native Tree Protection and Preservation). The only tree scheduled for removal is a fruit tree. Therefore, the project would not result in the irreplaceable removal of any mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the project is located on a fully developed site, and features no habitat value for endangered, rare or threatened species
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not in any way alter riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during the review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during the review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would not hinder or degrade scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

COMMUNITY PLAN CONSISTENCY

The proposed project is consistent with the Tamalpais Area Community Plan for the following reasons:

- A. The project is consistent with the policies related to preserving community character, including Policies LU 1.1, LU 1.3, LU 1.4, and LU 1.5, because the project would be compatible in scale (bulk, mass and height) and appearance (colors, materials, and design) of the surrounding neighborhood. Further, the project would not exceed the maximum height limits established in Programs 1.4b, 1.4c, and 1.4d. As proposed, the project is carefully sited to protect the sunlight, views and privacy enjoyed by adjacent homes.
- B. The project is consistent with the policies related to protecting habitats, wetlands, streams, and native vegetation, including Policies LU2.1c, LU2.2, LU10.2, LU10.3, LU11.1, LU11.2, LU12.1, and 17.1, because the project would not remove any native vegetation and the project site is not located near habitats for special-status species.
- C. The project is consistent with the access and parking policies, including Policy T2.4, T4.1, T8.2, T.11, because vehicular access would be provided by the proposed driveway. Further, the proposed garage create off-street parking spaces would reduce street parking and would provide adequate parking as determined by the Department of Public Works.

DEVELOPMENT CODE CONSISTENCY

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

- A. The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.**

There are no standards provided in Chapter 22.14 that apply to the project. The proposed project is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources or the character of the local community. The project's consistency with the standards and guidelines most pertinent to the subject property is discussed below.

SITE PREPARATION: Development Standards J.1 through J.6; Design Guidelines A-1.2 through A-1.4

The subject property is developed with a single-family residence, and a detached accessory structure that contains an artist's studio. Landscaping consists of non-native annual grassland, fruit trees and a vegetable garden for domestic consumption. The proposed improvement would to occur in an area that is currently used for gardening and would not cause the removal of protected or heritage trees as defined in Marin County Code Chapter 22.27 (Native Tree Protection and Preservation). Although the proposed project would result in additional impervious surface area, the project, as conditioned herein, would comply with applicable requirements. The project would be subject to the preparation and submittal of an engineered grading and drainage plan per the standards outlined by the Department of Public Works, which will further ensure the project complies with all applicable codes.

BUILDING LOCATION: Development Standards D.1 through D.4; Design Guidelines D-1.6

The project site is not located within the Ridge and Upland Greenbelt; therefore, the project does not impact visually prominent ridgelines. The purpose of the project is to relocate street parking to off-street parking. The detached garage is placed on a location close to the street where vehicular egress can be established with the least amount of paving. Thus, the project, as proposed, is in keeping with the intent of the Design Guidelines to the maximum extent feasible and is consistent with this finding.

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

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

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

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

EXTERIOR LIGHTING: Development Standard G; Design Guideline C-1.11

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

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

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

ACCESS: Development standard C; Design Guidelines A-1.5

Because the subject property does not have off-street parking or an associated driveway, the project entails the construction of a new driveway composed of aggregate concrete. Vehicular access to the property would be from Evergreen Avenue, which is a County maintained road. Construction of driveways and off-street parking requirements are regulated by the Department of Public Work's (DPW) standards. The DPW has reviewed the proposed project and preliminarily approved the design (see attachment #2). DPW will ensure the project is constructed in conformance with County standards, as verified during the review of the Building Permit application.

NEIGHBORHOOD COMPATIBILITY: Design Guidelines B-1.1, C-1.1 through C-1.3, C-1.7

The surrounding area is comprised of a mix of architectural styles with variety in the bulk, massing, and height amongst the single-family residences. The proposed project would be consistent with the critical design principles of the Single-family Residential Design Guidelines as the color and material selected for the project would blend with the existing site development. The proposed project would maintain adequate space, light, and a sense of openness from surrounding residences in the neighborhood. Although the garage would be located closer to the street, it would provide a 5-foot side yard setback as required under the R1-B1 zoning district. Additionally, the proposed development would meet height standards for the applicable zoning district and does not include any new fences or retaining walls. Upon completion, the proposed detached garage would be compatible with the existing building on-site as well as the neighborhood where a variety of architectural styles prevail.

B. The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.

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

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

Likewise, the surrounding area is generally flat. Due to a combination of flat terrain and existing mature trees, there are no up-slope and down-slope scenes, and any available view is distant in nature, as opposed to short-range, and does not include a view of skylines,

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

- C. The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.**

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

- D. The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.**

The project would not entail the removal of any trees or native plants and would not impact any other natural features consistent with fire safety requirements. The project would maintain adequate separation between buildings for purposes of fire protection. Vegetation is maintained around the perimeter of the lot and will be reviewed by the Fire Department at the time of Building Permit submittal to ensure that the project is consistent with fire safety requirements.

ACTION

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

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

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Design Review approval authorizes the construction of a new 441-square-foot detached garage on a 10,200 square-foot developed lot in Mill Valley. The lot is developed with a 2,988-square-foot primary residence and a detached 683-square-foot artist studio, resulting in a floor area ratio of 36 percent where 30 percent is permitted. The proposed detached garage would reach a maximum height of 15 feet above surrounding grade and the exterior walls would have the following setbacks: eight feet from the southern front property line; five feet from the eastern side property line; 67 feet from the western side property line; and more than 100 feet from the northern rear property line. Other site improvements entailed in the proposed project include grading, construction of a driveway, other general site improvements to facilitate the implementation of the proposed project.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Trailhead LLC," consisting of five sheets prepared by Jim Labioda,

received in final form on February 6, 2020, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2020" with respect to all of the standard conditions of approval: 2, 6, and 8.

VESTING

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

RIGHT TO APPEAL

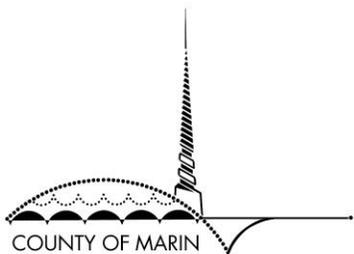
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (May 29, 2020). Any party interested in filing a petition to appeal must make an appointment with the project planner to submit an appeal.

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

CDA – Assistant Director
CDA – Planning Manager
DPW – Planning Manager

Attachments:

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



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

2020

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

RECEIVED

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

FEB 27 2020

Marin County
Department of Public Works

DATE: 2/26/2020

DUE: 2/20/2020

TYPE OF DOCUMENT

TO: Immanuel Bereket

DESIGN REVIEW

FROM: Tyler Bylow

COASTAL PERMIT

APPROVED: 

LAND DIVISION

RE: Trailhead LLC Design Review

VARIANCE

Project ID P2758

USE PERMIT

APN: 048-011-18

ADU PERMIT

ADDRESS: 116 Evergreen Avenue

ENVIRONMENTAL REV.

Mill Valley, CA

OTHER:

Department of Public Works Land Use Division
has reviewed this application for content and:

Comments Included (Inc.) or
Attached (Att.) from other DPW
Divisions:

- Find it **COMPLETE**
- Find it **INCOMPLETE**, please submit items listed below
- Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

- Traffic
- Flood Control
- Other: _____

Merit Comments

Prior to Issuance of a Building Permit:

Driveways:

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

Parking:

3. Per Marin County Code § 24.04.340(a), for detached single-family dwellings and duplexes, two parking spaces per unit are required. Demonstrate compliance.
4. Per Marin County Code § 24.04.380(a), head-in parking spaces shall be a minimum eight and one-half feet by eighteen feet. Parallel spaces shall be a minimum eight feet by twenty feet. For constrained locations such as garages serving single-family dwellings, spaces shall be a minimum nine feet by twenty feet. Demonstrate compliance.

5. Grading & Drainage Plans: Provide the following information on the drainage and grading plan:

- a. Plan shall provide existing and proposed topographic contours, or a sufficient number of spot elevations, to describe drainage patterns. The proposed project shall maintain existing drainage patterns.
- b. Plan shall show and label all existing and proposed drainage features and improvements. Improvements may include down spouts, footing and foundation drains, area drains and catch basins, piping and out fall structures or means of dispersion. Note that 2016 California Plumbing Code (CPC) §1101.12.1 requires roof areas of buildings to be drained by roof drains and gutters. Note as well that CPC §1101.6.5(2) indicates that the point of discharge shall not be less than 10 feet from the property line.

- c. Per 2016 California Residential Code § R401.3, lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet. Where lot lines, walls, slopes, or other physical barriers prohibit 6 inches of fall within 10 feet, drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet of the building foundation shall be sloped a minimum 2 percent away from the building. Demonstrate compliance.
- d. Add a note on the plans indicating that the plan preparer shall certify to the County in writing upon the completion of work that all grading and drainage improvements were installed in accordance with the approved plans and field direction. Be aware that a DPW Engineer will need to inspect and accept work after receipt of certification letter. Certification letters shall reference building permit number or numbers for specific work being certified, the address of the property and the Assessor's Parcel Number (APN), and shall be signed and stamped by the certifying professional.

Best Management Practices:

6. Per Marin County Code § 24.04.625(a)(c)(g)(k), provide a plan indicating construction-phase best management practices (BMPs) include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. You may refer to the Marin County Stormwater Pollution Prevention Program's website, <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosionsediment-control-measures-for-small-construction-projects-2015.pdf?la=en>
7. **Encroachment Permit:** Evergreen Avenue is a County maintained road. An Encroachment Permit from DPW is required for any work within the County's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron, curb and gutter. The plans shall clearly identify all proposed work in the right of way. If any work is proposed in the right of way, complete and submit an Encroachment Permit Application with your re-submittal.

-END-

SOUTHERN MARIN FIRE PROTECTION DISTRICT FIRE PREVENTION

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



February 26, 2020

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

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

Re: Conditions of Approval for 116 Evergreen Avenue

APN: 048-011-18

The proposed plans for the above-listed project have been reviewed. Based on the plans as submitted, the items noted below shall be imposed by the Southern Marin Fire Protection District (SMFD) in accordance with current requirements of the 2019 California Fire Code and SMFD ordinance and standards.

Please Note: This project is within the Wildland Urban Interface (WUI) Zone as determined by the Southern Marin Fire Protection District.

The following documents were reviewed:

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

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

PRIOR TO PERMIT SUBMITTAL:

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

CONDITIONS OF APPROVAL:

1. WUI Requirements:

This property is located within the Wildland Urban Interface (WUI) and shall be noted on the title sheet of the plans. The materials used in construction on the exterior of the structure shall comply with building standards in Chapter 7A of the California Building Code and/or section 337 of the California Residential Code.

2. Fire sprinkler system requirements:

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

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

4. The property owner shall comply with California Fire Code Section 304.1.2 and Local Ordinance Section 109.3.2 Abatement of Clearance of Flammable Brush or Flammable Vegetative Growth from Structures.
 - a. A minimum clearance of 30 feet from the structure or to the property line, 10 feet from roads and property lines and any tree which extends within 10 feet of any chimney or stovepipe shall be kept clear of flammable brush, tree limbs and grasses.
 - b. A list of flammable (pyrophytic) plants and non-flammable (fire resistive) plants can be found on the University of California Cooperative Extension: Pyrophytic vs. Fire Resistive Plants list. This is available at firesafemarin.org

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

5. The applicant shall comply with California Fire Code and Public Resource Code 4291 requirements relating to the clearance of flammable brush and weeds. A minimum clearance of 30' from structures and 10' from roads and property lines shall be maintained.
6. Wildland Urban Interface Vegetation Requirements: Any person who owns, leases, controls or maintains any building or structure, vacant lands, open space, and/or lands within specific Wildland Urban Interface areas of the jurisdiction of the Southern Marin Fire Protection District, shall comply with the following:
 - a. Cut and remove all fire prone vegetation within 30 feet of structures, up to 150 feet when topographic or combustible vegetative types necessitate removal as determined by the Fire Code Official.
 - b. Remove accumulated dead vegetation on the property.
 - c. Cut and remove tree limbs that overhang wood decks and roofs.
 - d. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe, roof surfaces and roof gutters
 - e. Clean any leaves and needles from roof and gutters.
 - f. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height.
 - g. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2018 International Wildland-Urban Interface Code, as amended by the Southern Marin Fire Protection District
 - h. Clearance of flammable brush or vegetative growth from fire access road or driveways. The fire code official is authorized to require, within 10 feet on each side and 15 feet in height of highways, streets, fire apparatus roads and driveways, to be abated of flammable vegetation and other combustible growth.

EXCEPTION 1: When approved by the Fire Code Official, single specimens of trees, ornamental shrubbery or similar plants, or plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.

EXCEPTION 2: When approved by the Fire Code Official, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize soil and prevent erosion.

7. The address shall be posted in accordance with requirements of the California Fire Code and SMFD standard 205 (Premises Identification).
 - a. Properties located within the Wildland Urban Interface are required to have an approved address marker visible from across the street in contrasting colors per CA Public Resource Code 4291. An address placard can be ordered by visiting <https://www.southernmarinfire.org/prevention/public-safety-education/address-visibility>.

8. Non-combustible roofing required:

Noncombustible roofing shall be provided for:

- a. All new roofs shall be non-combustible.
- b. Roof Repairs or replacement:
 - a. Less than 25% - no requirement
 - b. 25% to 50% - Class C minimum
 - c. 50% or more – Non Combustible
- c. In no case shall the roofing material used be less fire resistive than the existing roof.

NOTE: A "noncombustible" roof is a Class A roof (for other than Group R Occupancies, a Class A or Class A assembly) as defined in the California Building Code.

9. Fire access to the project as well as the other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner's expense.

Any revisions that include additional floor area, reduction of floor area, or modifications to existing or new walls, floors, ceilings, or roofs shall be submitted as revised drawings to the District for further review.

All on-site improvements, such as water main extensions, hydrants and access roads, must be serviceable prior to framing the structure.

Final occupancy approval shall not be granted/released until authorization to the Community Development Agency has been received from the Fire District.

Thank you,



McKenna Ramiro
Plans Examiner
Southern Marin Fire Protection District

DRAFT: Tamalpais Design Review Board Meeting Minutes

Regular Public Hearing : March 4, 2020

I. Meeting Location :

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

II. Call to Order :

7:01 PM Logan Link : chair

III. Board Members Present :

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

IV. Approval of Meeting Minutes :

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

V. Correspondence + Announcements:

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

VI. Public Comment on Items not on the agenda:

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

VII. Items on Agenda:

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

Project Description:

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

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

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

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

PROJECT PRESENTATION + SUPPORT DOCUMENTATION :

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

BOARD QUESTIONS, COMMENTS + CONCERNS :

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

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

PUBLIC QUESTIONS, COMMENTS + CONCERNS :

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

BOARD COMMENTS:

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

BOARD ACTIONS :

Board approved design as submitted:

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

MERIT COMMENTS :

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

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

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

VIII. Adjournment: 9:06 P.M.

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
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The lights are approved as dark sky

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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
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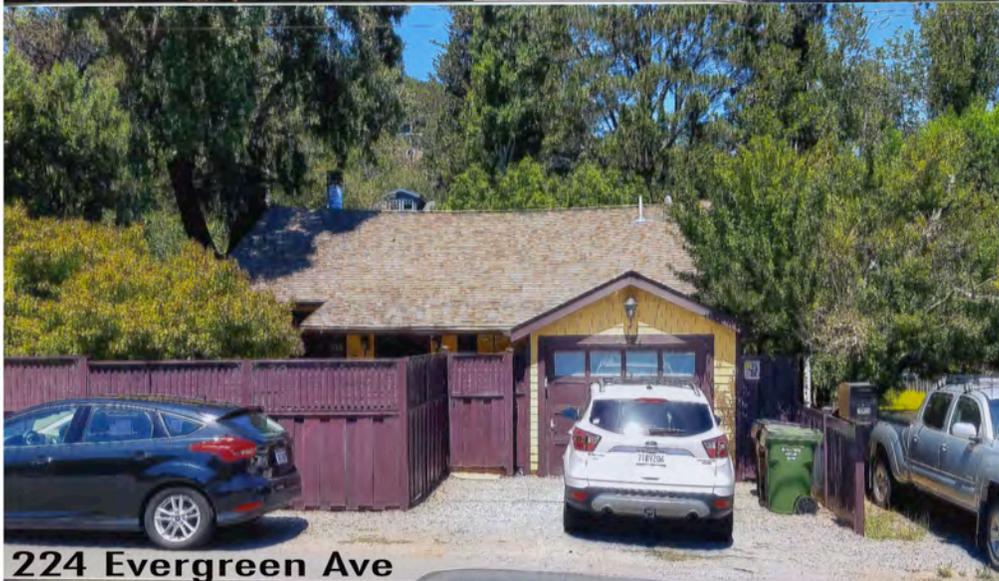


102 Evergreen Ave

4 feet
from fence line

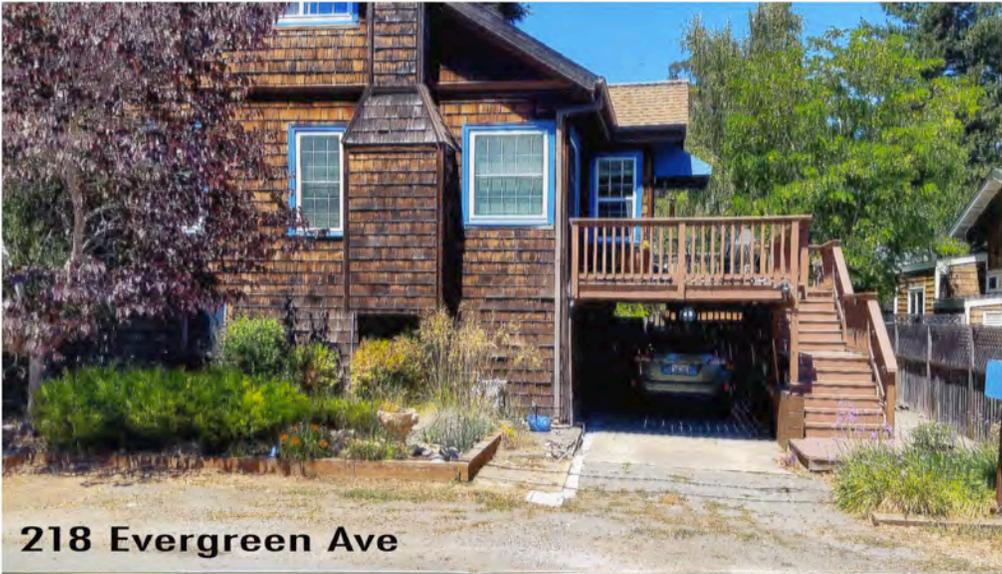


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17 feet
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payment



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6 feet
from fence line





below
112 Evergreen
from
116 Evergreen





Blue Line shows 25 foot setback



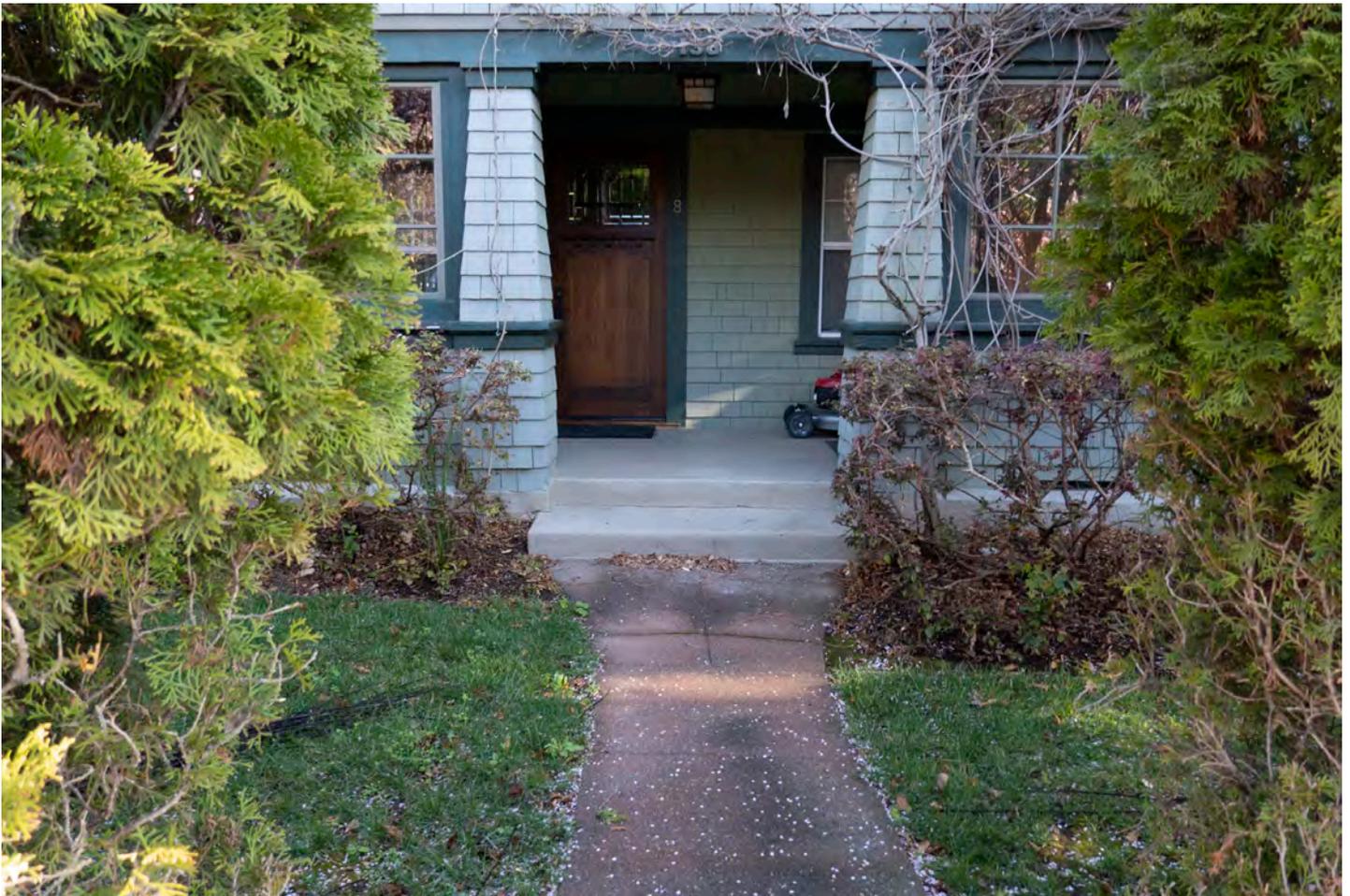
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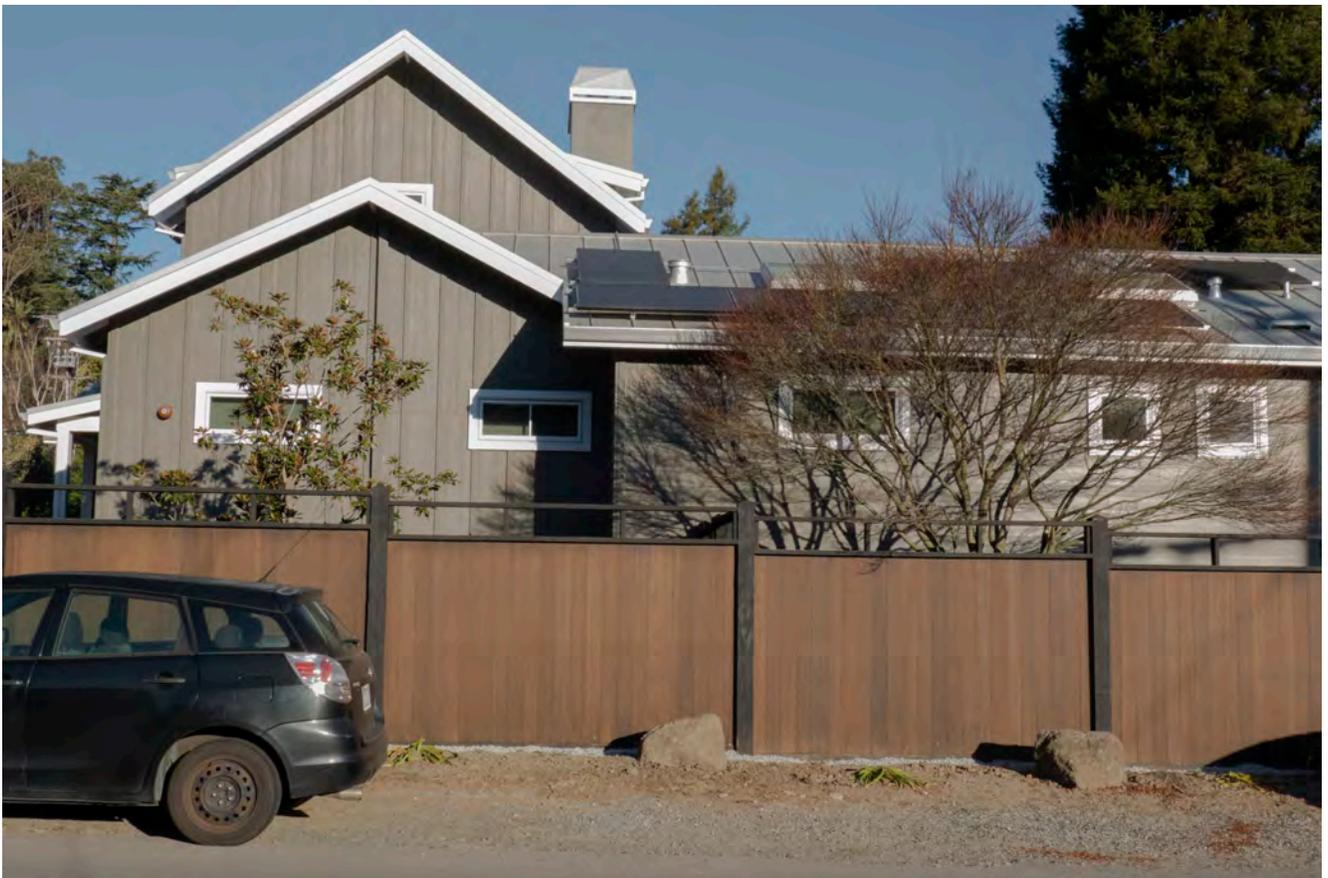
138 Evergreen House 21 feet from setback



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.

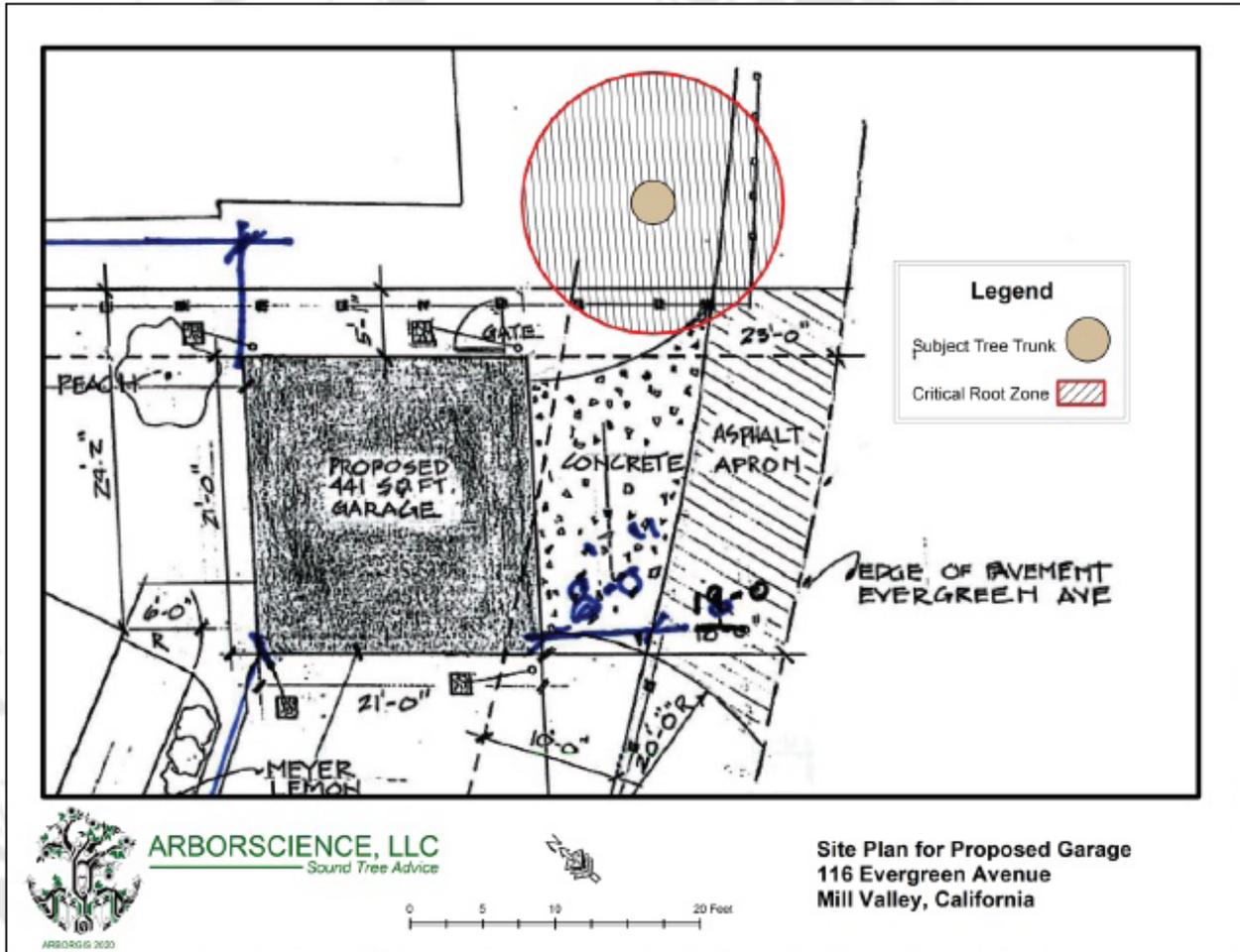
5) Mr. Campfield's "CONTINUING CONCERNS"

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



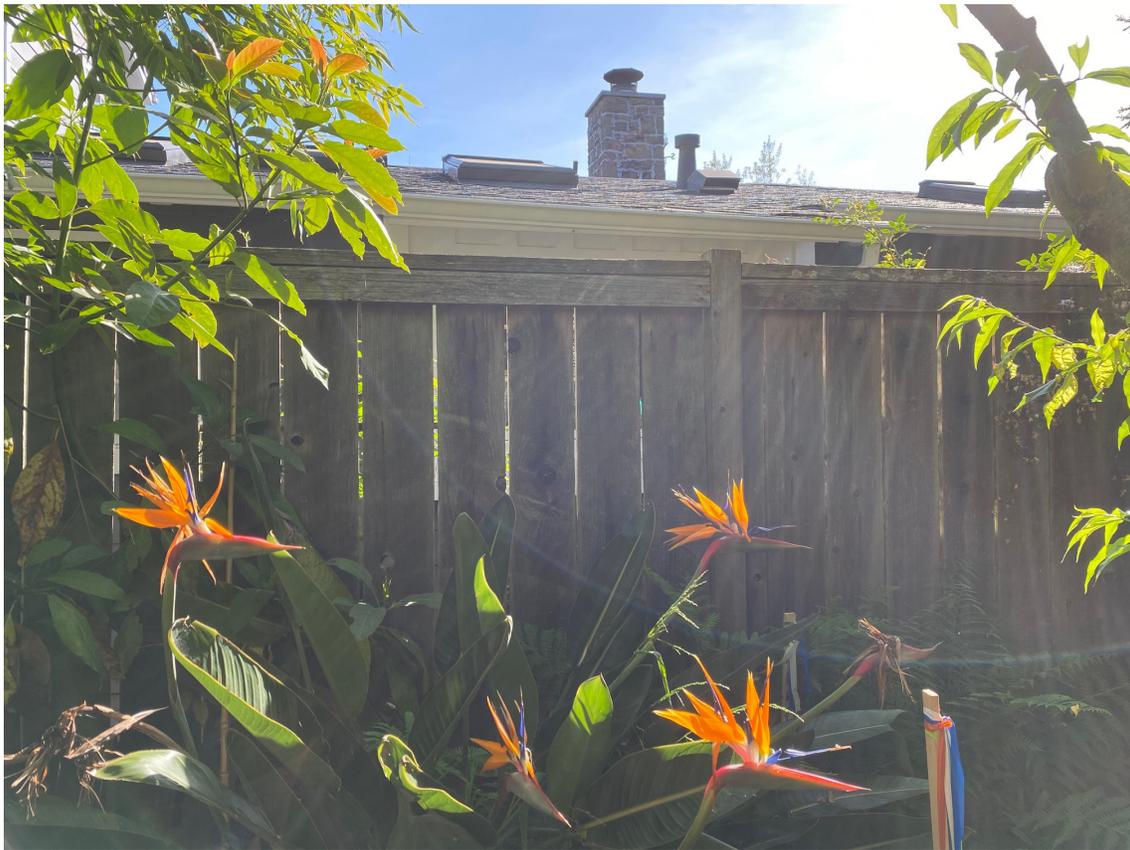
< Spigot that emits large amounts of water West of my house, but water is flowing downhill certainly not all from there.

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
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shown in black



PITCH SINGLE
shown in charcoal



116 Evergreen



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5 feet
from fence line



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12 feet
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201 Scott Street

11.9 feet
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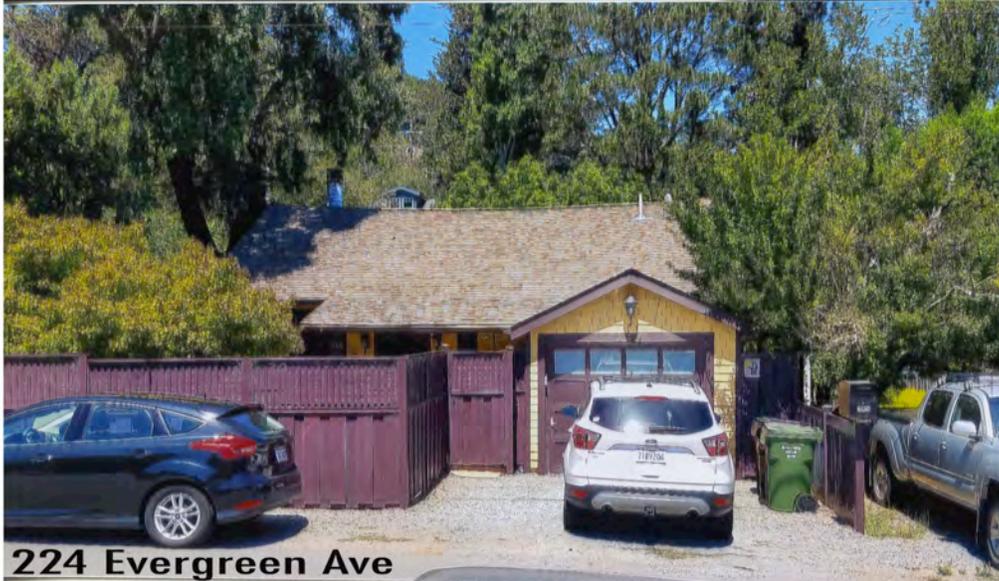


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4 feet
from fence line



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17 feet
from fence line



218 Evergreen Ave

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222 Evergreen Ave

6 feet
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below
112 Evergreen
from
116 Evergreen





Blue Line shows 25 foot setback



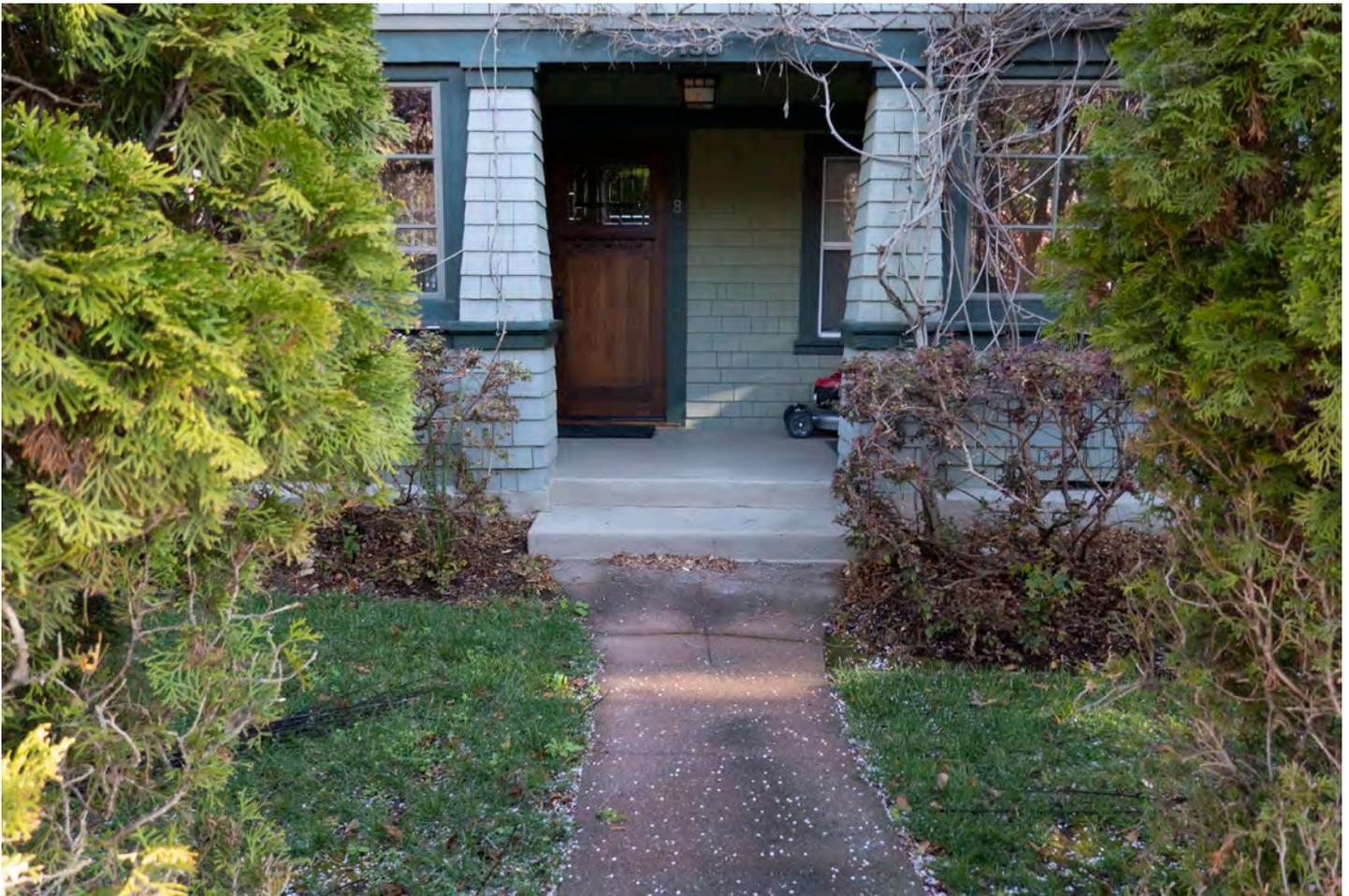
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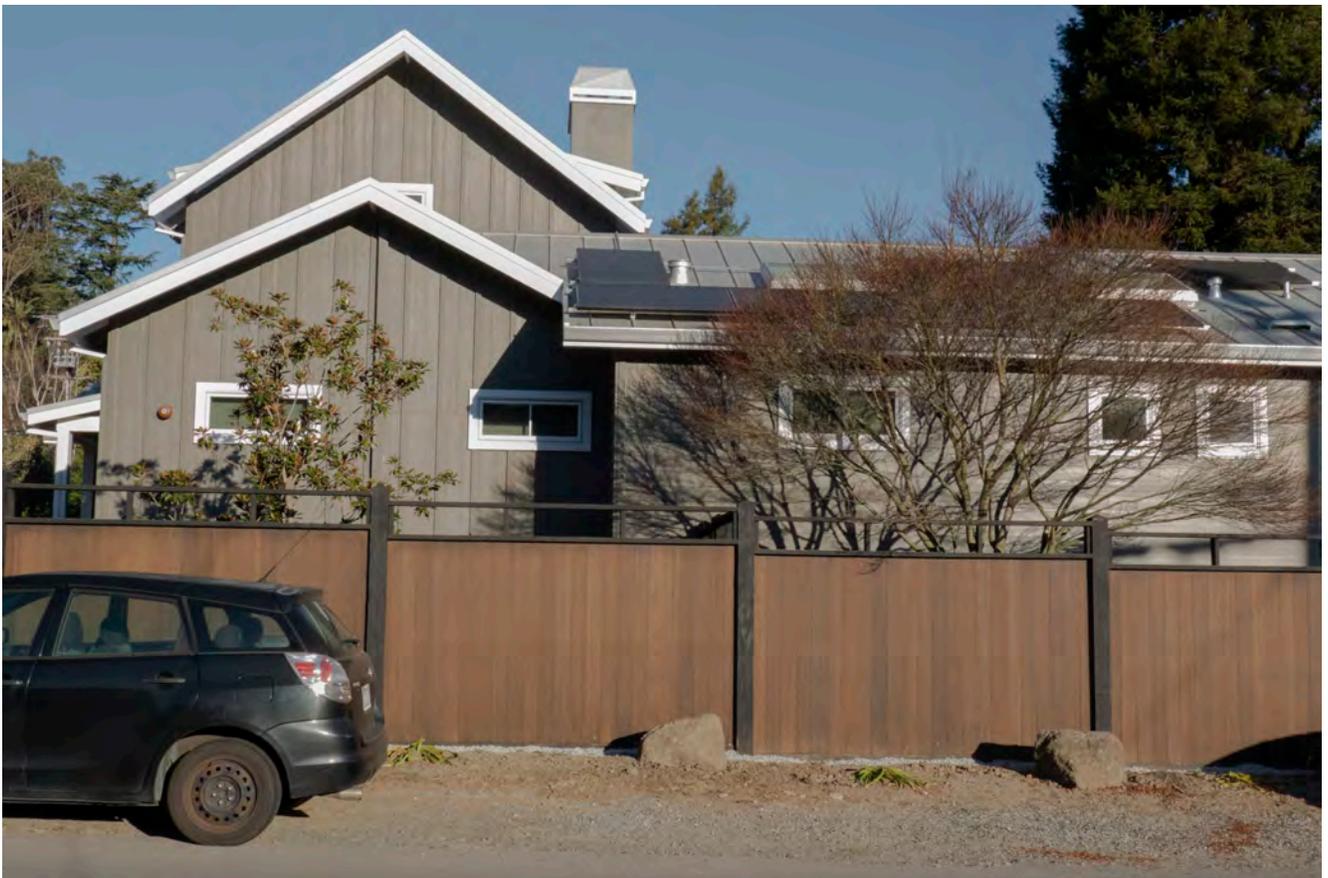
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20 Evergreen 20 feet from setback



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.