




**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION**

Z & R Felson Revocable Trust Design Review

Decision: Approved with conditions

Date: May 15, 2024

Project ID No:	P4381	Applicant(s):	Sean Bailey Design
		Owner(s):	Z & R Felson Revocable Trust
		Assessor's Parcel No(s):	033-071-42
		Property Address:	30 Shell Rd., Mill Valley, CA
		Project Planner:	Joshua Bertain (415) 473-3171 joshua.bertain@marincounty.gov
		Signature:	
Countywide Plan Designation:	SF5 (Low Density Residential)		
Community Plan Area:	Strawberry		
Zoning District:	RA-B2 (Residential Agriculture)		
Environmental Determination:	Categorically Exempt – CEQA Guidelines Section 15301, Class 1 and Section 15303, Class 3		

PROJECT SUMMARY

The applicant requests Design Review approval to demolish a 2,235-square-foot residence and a 695-square-foot outbuilding and approval to construct a 5,845-square-foot primary residence with an attached 540-square-foot garage, a pool equipment structure, and a sports court on a property located in an unincorporated area of Mill Valley (Strawberry). The proposed development also includes a new detached 971-square-foot Accessory Dwelling Unit (ADU) that would be approved by a ministerial ADU Permit. The proposed development would result in a building area of 7,356 square feet, a floor area of 6,816 square feet, and a floor area ratio of 34 percent on the 20,258 square foot lot.

The primary residence would reach a maximum height of 29 feet above the surrounding grade, and the exterior walls would have the following setbacks: 25 feet from the southern front property line, 10 feet from the eastern side property line, 10 feet from the western side property line, and 40 feet from the northern rear property line.

The pool equipment structure would be attached to the north side of the detached 971-square-foot ADU. The pool equipment structure would reach a maximum height of seven feet above the surrounding grade and would have the following setbacks: more than 100 feet from the southern front property line, 38 feet from the eastern side property line, 40 feet from the western side property line, and seven feet from the northern rear property line.

The outbuilding would reach a maximum height of 10 feet above the surrounding grade and would have the following setbacks: more than 100 feet from the southern front property line, 10 feet from the eastern side property line, 33 feet from the western side property line, and 13 feet, 2 inches from the northern rear property line.

The surface of the sports court would be made of concrete and located at grade along the western side of the outbuilding. The court itself would be a half-sized sports court primarily designed for basketball and other small-format outdoor sports and uses. The goal, hoop, or other similar structures associated with the sports court would not exceed a height of 16 feet above grade and would conform to the setbacks of the governing RA-B2 zoning district. The concrete surface of the sports court would have the following setbacks: more than 100 feet from the southern front property line, 68 feet from the eastern side property line, four feet from the western side property line, and 15 feet from the northern rear property line. The proposed development would also include various site improvements, including a new pool, site retaining walls, and landscaping.

Design Review approval is required pursuant to Sections 22.42.020.B and 22.32.130 of the Marin County Development Code because the project proposes the development of a primary residence with an attached garage on a property in a conventional zoning district that would contain more than 3,500 square feet of floor area and a sports court. The Accessory Dwelling Unit is not subject to Design Review or any other type of discretionary review.

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 project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- 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 substantially alter the margins along 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 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 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 protect 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 applicant presented the proposed project to members of the public and to members of the Strawberry Design Review Board during a duly noticed and publicly held meeting at the Strawberry Recreation Center on February 5, 2024. In summary, the Strawberry Design Review Board unanimously approved the project and provided the following recommendations and comments to the applicant: preserve the large oak tree in the northeastern corner of the property, retaining walls over six feet in height would require Design Review, limit lighting, and minimize sound impacts from proposed pool equipment.

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

- A. The project is consistent with the Natural Resource Conservation policies, including policies 1.1 and 1.2 because it would not result in any Bay or wetland fill or affect any protected historical or archeological resources.
- B. The project is consistent with the scale and character policies, including policies 2.1 and 2.2, because it would not be located on a slope exceeding 40 percent, interrupt a continuous view of a ridge crest, or interfere with a view of the Bay from any hilltop.
- C. The project is consistent with the safety policies, including policies 3.1 through 3.4, because it would be built in conformance with all safety standards related to slope stability, subsidence, and seismic activity.
- D. The project is consistent with the open space policies, including policies 4.1 through 4.35, because it would not adversely affect the access to or habitat quality of open space areas.

On February 23, 2024, the applicant resubmitted a revised plan set showing that the large oak tree in the northeastern corner of the property would be preserved. Additionally, the project does not propose retaining walls that exceed six feet in height above grade, and a standard condition of approval will require that all exterior lighting be shielded and downlit. On May 7, 2024, the applicant submitted an exhibit (“Exhibit B”) for the proposed enclosed pool equipment structure to visually block the equipment and reduce any potential noise associated with the equipment.

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 22.32.168 (Tidelands), as well as 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 and the development would not occur within a tidelands area. 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 site is developed with an existing 2,235-square-foot primary residence, a 695-square-foot outbuilding, and site improvements that would be demolished to construct a new 5,845-square-foot primary residence with an attached 540-square-foot garage, a sports court, a pool, and a pool equipment structure on the 20,258 square foot lot. While the site is already developed, the proposed project would require additional grading to accommodate the layout of a larger structure, excavation of the proposed pool, and leveling of those portions of the site proposed for the sports court and other outdoor landscaped areas.

The project would not entail the irreplaceable removal of a substantial number of mature, native trees and would not be located near streams or areas constrained by unusual geotechnical hazards. Lastly, The Department of Public Works will require the applicant to submit a final drainage and grading plan and other applicable technical reports during the Building Permit review process to ensure compliance with all County standards prior to the issuance of associated Building Permits.

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

The project would not be located on a visually prominent ridgeline and the primary residence would be developed to conform to the setbacks established by the governing RA-B2 (Residential Agriculture) zoning district on a property currently occupied by a single-family residence within a developed subdivision. The residence would not obstruct views from public rights-of-way, waterways, or other public open spaces.

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

The governing RA-B2 (Residential Agriculture) zoning district establishes a maximum height limit of 30 feet for primary structures, and the project would entail the construction of a new 29-foot-tall primary residence with an attached garage that would conform to the height limit. The pool equipment structure is a detached accessory structure, and in this zoning district, detached accessory structures may reach a maximum height of 16 feet above grade; however, the proposed structure would reach a maximum height of seven feet above the surrounding grade. The subject property has an average slope of 13 percent, and the floor level of the lowest floor would be located near the proposed grade and would not include excessive crawlspaces or attic spaces. The proposed materials would be in compliance with

the Strawberry Design Review Board guidance, incorporate earth tones compatible with the neighboring residences, and blend in with the surrounding landscape.

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

The site is developed with an existing 2,235-square-foot two-story single-family residence and a single-story 695-square-foot detached outbuilding that would be demolished to build a larger 5,845-square-foot two-story primary residence with an attached 540-square-foot garage, a sports court, pool, pool equipment structure, and a single-story 971 square foot outbuilding. While the square footage of the proposed development is greater than the square footage of the existing development, the project's design incorporates both vertical and horizontal exterior finishes on the structure's façade, and the exterior walls are designed to include offset planes, with building walls that are either projecting or recessed relative to one another, sensitively reducing the structure's overall sense of bulk, mass, and scale.

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

As conditioned, all proposed exterior light fixtures would be shielded, and the light would be directed downward.

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

The project would result in the removal of one 20-inch Coast redwood (*Sequoia sempervirens*) tree of a protected size and nine ornamental trees that are not subject to the County's Native Tree Protection and Preservation ordinance. The provided landscape plan proposes replacement trees and low-water chaparral plant species, a new lawn, and a mix of native and non-native perennials.

ACCESS: Development standard C; Design Guidelines A-1.5

The project site is located entirely within the legal boundaries of the subject property and outside of any access easements. The project would not encroach on adjoining properties, public lands, public easements and rights-of-way. Improvements to the existing driveway have been reviewed by the Department of Public Works and will require approval prior to the issuance of a building permit for the project.

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

The project would be consistent with the key design principles of the Single-family Residential Design Guidelines and conventional zoning district standards for the RA-B2 zoning district in that the residence would maintain the required setbacks from surrounding properties to preserve adequate space, light, and a sense of openness between neighboring lots. The materials proposed would be consistent with the recommendations from the Strawberry Design Review Board and would be aesthetically compatible with the residences in the surrounding neighborhood.

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

Overall, properties along Shell Road contain a mixture of one and two-story residences. While modest homes remain along Shell Road, several lots along this road have been significantly remodeled and redeveloped in recent years with larger additions and homes that exhibit a more modern design and aesthetic. Therefore, the project is consistent with this finding because it is of a size and scale that is compatible with the surrounding area and community.

C. The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.

The project would not eliminate significant sun and light exposure, eliminate primary views or vistas, or eliminate privacy on adjacent properties because it will be located on a gently sloped property, and the primary residence would be designed to reach a maximum height of 29 feet above the surrounding grade, and sited to conform to setbacks established by the RA-B2 zoning district. The project is also not located in a visually prominent setting or hillside location. Further, exterior lighting would be downlit and shielded to reduce glare and light emissions to adjacent properties and into the night sky.

D. 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.

The project site is located on private property. Therefore, the project would not encroach onto adjoining private properties, public lands, public easements, trails, and rights-of-way.

E. 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 result in the removal of one 20-inch Coast redwood (*Sequoia sempervirens*) tree of a protected size and nine ornamental trees that are not subject to the County's Native Tree Protection and Preservation ordinance. The project would maintain adequate separation between buildings for the purposes of fire protection. Lastly, the proposed project includes a detailed landscape plan to screen the development and provide privacy and greenery, and that would be subject to review and approval for fire safety requirements prior to the issuance of any Building Permits.

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 planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Design Review approval authorizes the demolition of a 2,235-square-foot residence, a 695-square-foot outbuilding, and authorizes the construction of a 5,845-square-foot primary residence with an attached 540-square-foot garage, a pool equipment structure, and a sports court on a property located in an unincorporated area of Mill Valley (Strawberry). The authorized development also includes a new detached 971-square-foot Accessory Dwelling Unit (ADU) that shall be approved by a ministerial ADU Permit. The authorized development shall result in a building area of 7,356 square feet, a floor area of 6,816 square feet, and a floor area ratio of 34 percent on the 20,258 square foot lot.

The primary residence shall reach a maximum height of 29 feet above the surrounding grade, and the exterior walls shall have the following setbacks: 25 feet from the southern front property line, 10 feet from the eastern side property line, 10 feet from the western side property line, and 40 feet from the northern rear property line.

The pool equipment structure shall be attached to the north side of the detached 971-square-foot ADU. The pool equipment structure shall reach a maximum height of seven feet above the surrounding grade and shall have the following setbacks: more than 100 feet from the southern front property line, 38 feet from the eastern side property line, 40 feet from the western side property line, and seven feet from the northern rear property line.

The outbuilding shall reach a maximum height of 10 feet above the surrounding grade and shall have the following setbacks: more than 100 feet from the southern front property line, 10 feet from the eastern side property line, 33 feet from the western side property line, and 13 feet, 2 inches from the northern rear property line.

The surface of the sports court shall be made of concrete and located at grade along the western side of the outbuilding. The court itself shall be a half-sized sports court primarily designed for basketball and other small-format outdoor sports and uses. The goal, hoop, or other similar structures associated with the sports court shall not exceed a height of 16 feet above grade and shall conform to the setbacks of the governing RA-B2 zoning district. The concrete surface of the sports court shall have the following setbacks: more than 100 feet from the southern front property line, 68 feet from the eastern side property line, four feet from the western side property line, and 15 feet from the northern rear property line. The authorized development includes various site improvements, including a new pool, sports court, site retaining walls and landscaping.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Felson Residence," consisting of 19 sheets prepared by Sean Bailey, Architect of Sean Bailey Design, received in final form on February 23, 2024. Additionally, plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit B, entitled "Pool Equipment Enclosure Exhibit" prepared by Tye Bailey or Sean Bailey Design, received in final form on May 7, 2024, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

- a. The trees identified for removal on the demolition plan shall conform to and be consistent with those identified for removal on the landscape plan.
 - b. Provide an elevation of the sports court demonstrating the goal, hoop, or other similar structures associated with the sports court do not exceed a height of 16 feet above grade and conform to the setbacks of the governing RA-B2 zoning district for detached accessory structures.
3. The project shall conform to the Planning Division’s “Uniformly Applied Conditions 2023” with respect to all of the standard conditions of approval and the following special conditions: 2, 3, 6, 7, 13, and 16.

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.

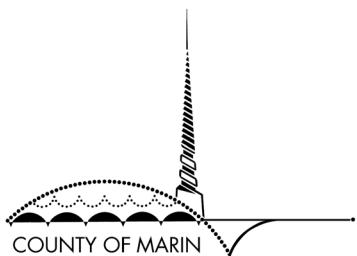
RIGHT TO APPEAL

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 28, 2024).

cc: *{Via email to County departments and Design Review boards}*
DPW – Land Development
Strawberry Design Review Board

Attachments:

1. Marin County Uniformly Applied Conditions 2023
2. Department of Public Works, Land Development Division, Inter-office memorandum, dated March 18, 2024
3. Strawberry Design Review Board, draft meeting notes, February 5, 2024



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

2023

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.

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

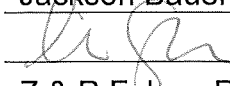
Inter-office Memorandum – Second Transmittal

DATE: March 18, 2024

DUE: March 12, 2024

TO: Joshua Bertain

FROM: Jackson Bauer

APPROVED: 

RE: Z & R Felson Revocable Trust

Design Review, P4381

APN: 033-071-42

ADDRESS: 30 Shell Rd, Mill Valley

TYPE OF DOCUMENT

- DESIGN REVIEW
- COASTAL PERMIT
- LAND DIVISION
- VARIANCE
- USE PERMIT
- ADU PERMIT
- ENVIRONMENTAL REV.
- OTHER: _____

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

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

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

- Traffic
- Flood Control
- Other: _____

Merit Comments

Prior to Issuance of a Building Permit:

Driveways:

1. Provide the driveway profile analysis that demonstrates a standard composite vehicle would not bottom-out when entering **and** exiting the proposed driveway. Such an analysis shall indicate the published source of the dimensions and specifications used, the slope(s) of the driveway, **and** the cross-slope(s) of Shell Rd. Refer to Uniform Construction Standard (UCS) drawing 140 for further specifications.
2. Per Marin County Code § 24.04.300, the driveway pavement section shall consist of a base course approved by the agency covered with a minimum thickness of two inches of A.C. or three and one half inches of P.C.C. Driveways over eighteen percent grade shall be surfaced with P.C.C. and given a broomed or otherwise roughened finish. Demonstrate conformance on the plans.
 - a. Coordinate with the presiding Fire District for other potential requirements. Kerf-cut concrete surfacing may be required for driveway slopes that are 15% or steeper.
3. **Grading & Drainage Plans:** Provide the following information on the grading and drainage plans:
 - a. The plans propose bubble boxes immediately adjacent to the property line fronting Shell Rd. Dimension the minimum distance between the existing curb and each proposed bubble box. The boxes or portions thereof shall not be placed in the County right-of-way.
 - b. Plan shall show and label all proposed drainage features and improvements. Improvements may include down spouts, footing and foundation drains, retaining

wall swales, area drains and catch basins, piping and out fall structures or means of dispersion.

- c. Plans shall demonstrate conformance to the following: Per 2022 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 (5% for 10 feet). Exceptions: 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% away from the building. Per 2022 California Building Code § 1804.4, the flowline for swales used for this purpose shall be sloped not less than 2%. Provide a minimum 5% slope (or 2% if impervious) from the building foundation to the swales, drains, or other features used for this purpose.
 - i. Show and label slopes for areas around the building foundation that have area drains or catch basins but do not currently have slopes indicated.
 - ii. Slopes of 1% or other slopes shown on the plans as shallower than 2% shall be modified to meet the requirements of 2022 CRC § R401.3.
 - iii. If plan set proposes splash blocks at downspout locations to disperse water away from the building foundation, then be sure the plan set and proposed site conditions conform to 2022 California Residential Code § R401.3 to disperse water away from the foundation.
 - d. Per 2022 California Plumbing Code § 1101.12.1, roof areas of a building shall be drained by roof drains or gutters. Demonstrate conformance.
 - e. Per 2022 California Plumbing Code § 1101.13.1, if downspouts are tightlined away from the building, then show and label cleanouts at the base of the downspouts before they connect to the horizontal drain.
 - f. Pursuant to 2022 California Plumbing Code § 1101.6, subdrains shall be provided around the perimeter of buildings having basements, cellars, crawl spaces, or floors below grade, unless otherwise recommended by the design professional. Demonstrate conformance.
 - g. The plan shall also incorporate any recommendations from the soils engineer, if such a professional is involved in the project.
 - h. Plan set shall indicate that off-haul must be taken to a legal disposal location.
 - i. Plan set shall indicate means of restoring and stabilizing all disturbed areas.
 - j. 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.
4. **Stormwater Control Plan:** Delineate which impervious surfaces drain to each bioretention facility. The stormwater control plan that was submitted lists total impervious surface area and total bioretention surface area, but it is unclear if typical sizing guidelines are met for each individual bioretention facility. Refer to the sizing factors in the BASMAA Post-Construction Manual for further information. The manual may be accessed via the County website at:
<https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/basmaa-postconstruction-manual.pdf?la=en>

5. **Utilities/Trenching:** Provide typical trench detail and specify clearance between utilities, such as sanitary sewer, and storm drain.
6. **Geotechnical Review and Acceptance:** The plans, including at a minimum any **grading, drainage, and foundation plans**, must be reviewed and approved by the soils engineer. Review shall be required when all significant changes to the plan set are implemented. Approval shall be either by the soils engineer's stamp and original signature on the plans or by a stamped and signed letter. The letter shall reference plans reviewed, specifying site, structural, and drainage plans with date of drawings, and verify that plans address any recommendations previously offered.
7. **Site Retaining Walls:**
 - a. Plan set shows some elevations for top and bottom of wall. Show the top and bottom of wall elevations at all retaining wall endpoints. You may need to apply for a separate Building Permit for each site/driveway retaining wall greater than 4 feet in height, or for any wall that is subject to a surcharge such as a sloped backfill or vehicular load, or as determined by the agency. The total height shall be measured from the bottom of the footing or grade beam to the top of the wall. For walls on piers with no grade beam, total height shall be measured from top of pier to top of wall.
 - b. For each retaining wall, including walls shorter than 4 feet in total height as described above, provide a cross sectional reference on the site plan which corresponds to a structural detail provided in the plan. You may refer to the appropriate Uniform Construction Standard (UCS) drawing for typical retaining wall designs less than 4 feet in height. The UCS drawings are available on the County website at: <https://publicworks.marincounty.org/uniform-construction-standards/>
8. **Erosion & Sediment Control Plan:** Per Marin County Code §§ 24.04.625(b)(e) and 23.08.025, provide a completed and signed Erosion and Sediment Control Plan document. The document shall describe the erosion, sediment, and pollutant control measures shown and labelled in the plans. The template for the document can be found in the "Construction Erosion and Sediment Control Plan Applicant Package" available at the following link (the actual form to fill out begins on page 11 of the document): <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/mcstoppp-erosion-and-sediment-control-plan-applicant-package.pdf?la=en>
9. **Pool and Spa:** The plans shall provide notes and/or other information for the post-construction pool drainage and demonstrate that it is the owner's responsibility to ensure that the pool drainage would comply with Marin County Code § 23.18 (Urban Runoff Pollution Prevention Code). Discharge into a watercourse is prohibited pursuant to MCC 23.18.094. You may refer to the handout on the Marin County Stormwater Pollution Prevention Program's website for more information: https://hx96b8.a2cdn1.secureserver.net/wp-content/uploads/2023/02/STC-2023-POOLS_MCSTOPPP.pdf
10. **Encroachment Permit:** Shell Rd is a County-maintained road. An Encroachment Permit from DPW is required for any work within the County's road right-of-way. **Shell Rd is also presently on the Open Excavations Moratorium list; any excavations into the road surface will require extensive pavement restoration.** The plans shall clearly identify all proposed work, if any, in the right-of-way. If any work is proposed in the right-of-way, the selected contractor must submit an Encroachment Permit Application and receive an approved Encroachment Permit prior to beginning the encroaching work. The application form and submittal requirements are found on the County website: <https://publicworks.marincounty.org/encroachment-permits/>
 - a. Add a note to the plans indicating that an Encroachment Permit is required from DPW before starting any work in the County right-of-way, including but not limited to

utility connections, lane closure, staging, storage, or modifications to the driveway apron, curb, and gutter.

11. **Construction Management:** Add a note to the plans that indicates the contractor shall legally park and maintain a minimum 12-foot clear travel width at all times for emergency vehicle access. Additionally, add notes for dust reduction.

-END-

Strawberry Design Review Board (SDRB)

Meeting Notes

Public Meeting – Monday, February 5, 2024, 7:00 p.m.

Meeting location: Strawberry Recreation Center Meeting Room – First Floor and via Zoom
Call to order: 7:01 p.m. by Matt Williams, Chair
Board members present: Matt Williams (MW), Chad Sparks (CS), and Penna Omega (PO)
Board members absent: Julie Brown (JB)
Other attendees: Naomi Friedland (The Ark), Sean Bailey (Architect), Rachel and Zak (Property Owners), Neighbors at 32 Shell Road

1. Any Comments from the Public for Non-agenda Items:

- Bruce Corcoran – Mr. Corcoran discussed the lawsuit he filed against the County of Marin regarding the Housing Element.

2. Review and approval of past minutes: None.

3. Project Presentation & Review

a. Z & R Felson Revocable Trust Design Review (P4381) – 30 Shell Road, Mill Valley

Chair MW called on Sean Bailey, Architect, to make his presentation. Mr. Bailey gave a brief overview of the project to demolish an existing 2,235-square-foot residence and construct a 5,845-square-foot primary residence with an attached 540-square-foot garage and a 971-square-foot.

Chair MW opened public comment.

Neighbors at 32 Shell Road stated concerns about possible noise and lights at night from the sport court, and the shrub/tree heights impacting their landscaping.

Chair MW closed the public hearing.

BOARD DISCUSSION:

There was some trepidation regarding the retaining wall on the east side of the house being too tall. Also discussed was the entrance to the ADU as well as the preservation of the large Oak tree.

Motion: To recommend approval of the application, contingent upon the following:

- A. Preserve the large Oak tree on the east near the northeast corner of the Living Room as it seems they are too close to it as designed.

- B. Clarify if retaining walls are required on the eastern side of the house as the sections do not accurately reflect the grade conditions. If the heights exceed 6 feet facing interior, it may need to come back for Design Review.
- C. Reduce the lantern effect at night of the large windows facing east in the Living Room.
- D. Clarify and note the separate entry path for the ADU.
- E. Locate the pool equipment to minimize sound impacts to neighbors, particularly the western neighbors as it appears it may go to the west.

Moved/seconded CS/PO to recommend approval including the afore-mentioned conditions. Motion was approved unanimously. (3-0, JB absent).

4. Communications and Future Agenda Items. None.

The meeting was adjourned at approximately 7:30 p.m.