

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Jonathan A Curtis Trust Design Review**

Decision: **Approved, as Conditioned**
Date: **June 3, 2024**

Project ID No: P4386 Applicant(s): Andrew Pribuss, Richardson
Pribuss Architects
Owner(s): Jonathan A Curtis Trust
Assessor's Parcel No(s): 048-233-73
Property Address: 27 Skyline Terrace, Mill Valley
Project Planner: Easton Ehlers, (415) 473-7023
easton.ehlers@marincounty.gov
Signature: *Easton Ehlers*

Countywide Plan Designation: SF3 (Rural/Residential)
Community Plan Area: Tamalpais
Zoning District: RSP-1 (Residential, Single-Family Planned District with a
Residential Density of 1 Unit Per Acre)
Environmental Determination: CEQA Guidelines section 15303, Class 3

PROJECT SUMMARY

The applicant requests Design Review approval to construct two attached decks on two separate levels of an existing primary residential structure located in an unincorporated area of Mill Valley. The 424 square feet of proposed development would not increase the floor area ratio on the 7,350-square-foot lot. The area, height, and setbacks of each deck is provided below.

The deck proposed at the upper level of the residence, would measure 270 square feet in area, reach a maximum height of 28 feet, 11 inches above surrounding grade, and observe the following minimum setbacks: 63 feet to the northern front property line; 21 feet, 10 inches to the eastern side property line; 10 feet, 8 inches to the western side property line; and 17 feet, 4 inches to the southern rear property line.

The deck proposed at the lower level of the residence, would measure 154 square feet in area, reach a maximum height of 19 feet, 1 inch above the surrounding grade, and have the following minimum setbacks: 64 feet, 5 inches to the northern front property line; 36 feet, 7 inches to the eastern side

property line; 10 feet, 7 inches to the western side property line; and 19 feet, 3 inches to the southern rear property line.

Various improvements would also be entailed in the proposed development including alterations to the structure's fenestration to facilitate interior layout changes.

Design Review approval is required pursuant to Marin County Code Section 22.42.020(A) because the project proposes decks within a Planned zoning district that exceed a maximum height of five feet above grade (excluding hand railings and other safety features) and, as such, cannot be exempt from the requirement to obtain Design Review approval.

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 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 would be 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.

TAMALPAIS AREA COMMUNITY PLAN CONSISTENCY

The proposed project is subject to the policies and programs contained in the Tamalpais Area Community Plan. The proposed project is consistent with those policies and programs that pertain to "Community-wide Issues" , in particular policies LU1.1, LU1.2, LU1.5 that relate to the protection and preservation of the natural environment as site disturbance would be the minimum needed to construct the project.

The Tamalpais Area Community Plan incorporates design compatibility and developmental characteristics to resolve the community-wide challenge of preserving its character and image within residential areas. The project is consistent LU1.4a, LU1.4b, and LU1.4d, as the floor area would remain unchanged with the project and is consistent with floor area ratio requirements, would be below the maximum height limit of 30 feet above grade for structures built on hillsides, and complies with the minimum setback requirements for the respective zoning district.

Policies LU1.3 and LU1.4 require residential development to be comparable and compatible with the scale (bulk, mass, and height) and appearance (colors, materials, and design) of the neighborhood, and that the development characteristics (size, height, and setbacks) of residential development shall be carefully regulated to maintain the character of the neighborhood. The project would utilize materials of a color and design that would harmonize with the overall surroundings. Several other properties contain similar deck arrangements to that proposed with the project.

THE WATERVIEW DRIVE/LATTIE LANE AREA DESIGN REVIEW GUIDELINES

The proposed project is subject to The Waterview Drive/Lattie Lane Area Design Review Guidelines. The Waterview Drive/Lattie Lane Area Design Review Guidelines were established by Marin County Planning Commission Resolution No. 4068, adopted on May 19, 1986.

The project is consistent with Waterview Drive/Lattie Lane Area Design Review Guidelines 7, 8, and 9, which address setback standards and related issues by maintaining a minimum 5-foot setback from all lot lines. Moreover, the project respects the qualities of existing residences by avoiding the obstruction of views, utilizing downlit lighting features, preserving access to air, and maintaining privacy. The project is consistent with Design Review Guidelines 12, 19, 20, 21, and 22 relative to appearance, wind protection measures, grading limits, and utilities.

Design Review Guideline 13 of The Waterview Drive/Lattie Lane Area Design Review Guidelines specifies that:

“Structures should be designed without long overhangs or unenclosed undersections. Downslope decks should be of cantilevered design without supporting posts. When compelling reasons are submitted to support the use of supporting posts or similar supporting structures, the supporting structures shall be enclosed with materials compatible with the exterior building materials. Such enclosed supporting structures shall be allowed only if the enclosures do not exceed a maximum height of 15 feet from grade to avoid excessive visual mass. Landscaping shall be used to screen enclosed supporting structures when seen from below....”

The applicant has provided supporting information regarding the necessity for the posts supporting the decks including weather and other environmental considerations as well as engineering constraints-these conditions make it infeasible to incorporate a cantilevered design for the decks. Existing, mature vegetation and trees would aid in screening the supporting posts as viewed from the downslope portion of the lot. Therefore, the project would be consistent with the Waterview Drive/Lattie Lane Area Design Review Guidelines.

DEVELOPMENT CODE CONSISTENCY

- A. The proposed development complies with either the Single-family Design Guidelines, as conditioned, and the characteristics listed in Chapter 22.16 (Discretionary Development Standards).
- B. The proposed development would result in architectural design, massing, materials, and scale that are compatible with the site surroundings and the 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.
- 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.
- 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.

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, 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 construction of two attached decks on two separate levels of an existing primary residential structure located in an unincorporated area of Mill Valley. The 424 square feet of authorized development would not increase the floor area ratio on the 7,350-square-foot lot. The area, height, and setbacks of each deck is provided below.

The authorized deck at the upper level of the residence, shall measure 270 square feet in area, reach a maximum height of 28 feet, 11 inches above surrounding grade, and observe the following minimum setbacks: 63 feet to the northern front property line; 21 feet, 10 inches to the eastern side property line; 10 feet, 8 inches to the western side property line; and 17 feet, 4 inches to the southern rear property line.

The authorized deck at the lower level of the residence, shall measure 154 square feet in area, reach a maximum height of 19 feet, 1 inch above the surrounding grade, and have the following minimum setbacks: 64 feet, 5 inches to the northern front property line; 36 feet, 7 inches to the eastern side property line; 10 feet, 7 inches to the western side property line; and 19 feet, 3 inches to the southern rear property line.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Curtis Residence," consisting of 12 sheets prepared by Richardson Pribuss Architects, received in final form on March 20, 2024, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

The project shall conform to the Planning Division's "Uniformly Applied Conditions 2024" with respect to all of the standard conditions of approval.

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.

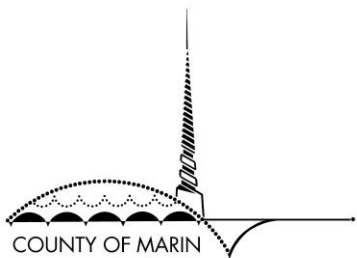
RIGHT TO APPEAL

This decision is final unless appealed to the Marin County 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 8 days from the date of this decision (June 13, 2023).

cc: *{Via email to County departments}*
DPW – Land Development

Attachment:

1. Marin County Uniformly Applied Conditions 2024



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

2024

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. If the project is subject to the affordable housing requirements of Development Code Chapter 22.22, the applicant shall provide a copy of the affordable housing plan required by Development Code section 22.22.110 to the CDA Planning Division following its approval by the CDA Housing Division.
3. 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.
4. 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.
5. 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.