



ZONING ADMINISTRATOR

AGENDA

COUNCIL CHAMBERS, CITY HALL

26 CORTE MADERA AVENUE, MILL VALLEY

REGULAR MEETING OF February 19, 2020

5:00PM

PUBLIC HEARINGS:

1. **590 E Blithedale Avenue – Tree Permit – PL19-4867 (Newman)**

A Tree Permit application to remove five (5) non-heritage trees along the property's Camino Alto frontage. The trees to be removed are large Blackwood Acacia and Red Ironbark species in poor health and causing damage to the public sidewalk. The project has been determined to be exempt from further environmental review under Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines.

2. **41 Nelson Avenue – Design Review, Accessory Dwelling Unit, Tree Permit – PL19-4864 (Newman)**

A Design Review application to remodel and expand the existing one-story house, construct a new 417 sq. ft. Accessory Dwelling Unit (ADU) that is permitted "by right" under State law with a Building Permit, and a Tree Permit application to remove five (5) non-heritage trees. New landscaping and five (5) replacement trees are also proposed. The project has been determined to be exempt from further environmental review under Section 15301(e) of the California Environmental Quality Act (CEQA) Guidelines.

3. **15 Heuters Lane – Tree Permit – PL20-0002 (Smith)**

A Tree Permit application for the removal of one Heritage Redwood tree.

4. **84 Hillside Avenue – Design Review – PL19-4856 (Smith)**

A Design Review application for site improvements including 568 square foot pool, 286 square foot trellis and outdoor patio, new retaining walls, irrigation, and landscaping are proposed. The proposed project has been determined to be exempt from further environmental review under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

Any decision made by the Zoning Administrator on the above items may be appealed to the Planning Commission by filing a letter with the Planning Department within 10 calendar days describing the basis for the appeal accompanied by a \$250 appeal fee.

The City of Mill Valley does not discriminate against any individual with a disability. Upon request, City publications will be made available in the appropriate format to persons with a disability. The accessible entrance and parking are located in the main parking area behind City Hall. If you require assistance or auxiliary aids in order to participate in this meeting, please contact the City Clerk at 388-4033 (TTY 711) at least 24 hours prior to the meeting.



STAFF REPORT

TO: Patrick Kelly, Zoning Administrator **DATE:** February 19, 2020
FROM: Lisa Newman, Senior Planner
SUBJECT: 590 E. Blithedale Avenue – Tree Removal Permit to Remove 5 Non-Heritage Trees – Fred Halpert, Applicant; Russel Keil/The Keil Company/Owner – APN: 030-044-15 – File PL19-4867

The application is for the removal of five (5) non-Heritage trees at the owner's residence. The trees are located on the commercial property's frontage along Camino Alto and at the corner of E. Blithedale Avenue. These large trees have caused damage to the public sidewalk, concrete patio adjacent to the restaurant building, and asphalt paving on the property driveway.

Blackwood Acacia and Red Ironbark (Eucalyptus) trees are not classified as Heritage trees, but due to the number of trees that are proposed for removal, a tree removal permit is required.

Section 20.67.075 of the MVMC, defines the process for tree-cutting on developed lots:

- Unless requested in writing by the City for vegetative management purposes, a tree removal permit shall be required to cut or otherwise damage or destroy four or more trees over 19-inch circumference (approximately six-inch diameter), measured at a point 4-1/2 feet above the ground, on any developed parcel in any 12-month period. (Ord. 1291 § 3, May 1, 2017),

STAFF ANALYSIS

According to the Arborist Report prepared by Bartlett Tree Experts (Attachment 1), dated July 15, 2019, the five trees are in various stages of declining health and in some cases present a hazard to public safety. The report evaluated a total of seven (7) trees at the site.

The Blackwood Acacia and Red Ironbark trees to be removed (Trees #1-5) are located along the Camino Alto frontage. Two additional Red Ironbark trees (Trees #6&7) are located on the northwest corner of the property on the E. Blithedale frontage, as shown below in Figure 1. Trees #6 & 7 are in relatively good health. The arborist report recommends that they be pruned and retained.

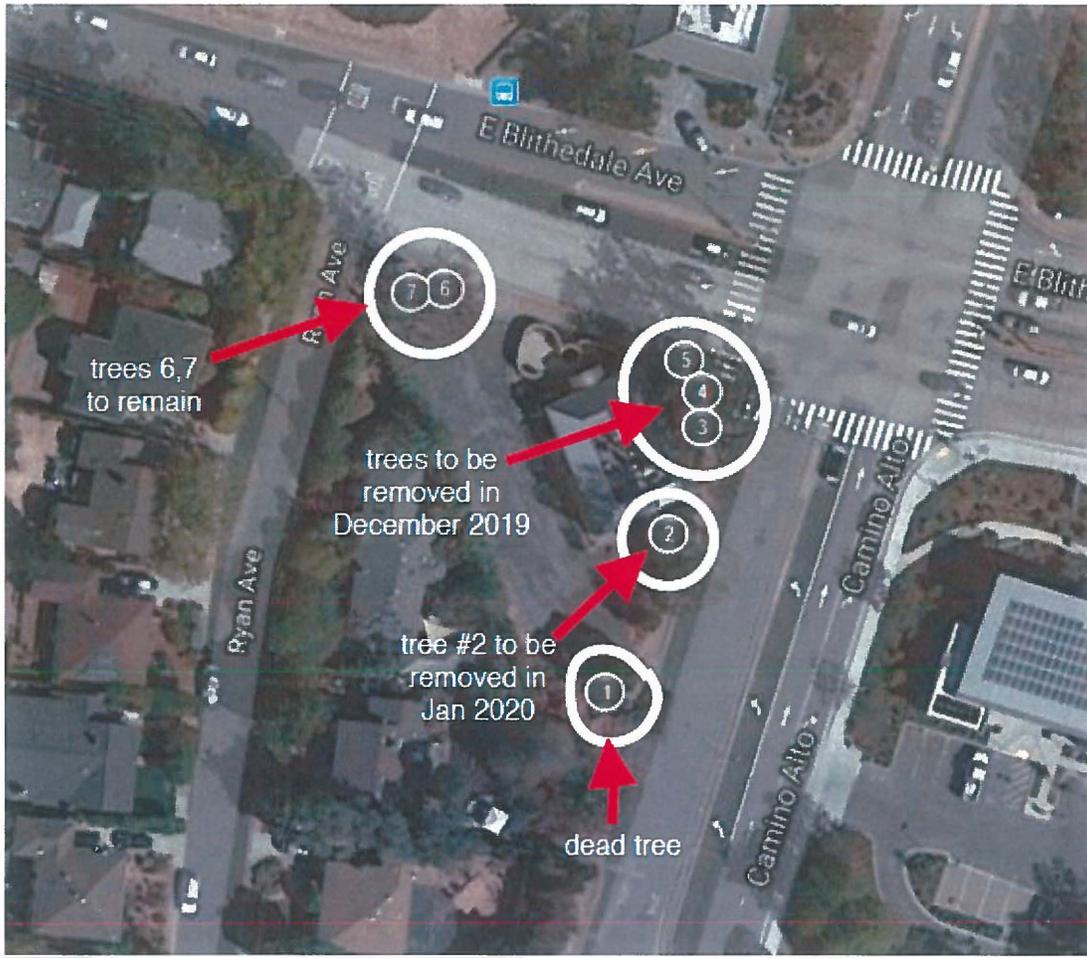


Figure 1. Map of tree locations

The arborist states “Remove five trees (#1, 2, 3, 4, and 5) to reduce risk posed by tree failure and to reduce property and sidewalk damage.” Staff notes that the Department of Public Works has raised concerns about these trees, particularly Trees #4 and 5 which have low-hanging branches, cause safety concern related to impaired sight distance for cars at the intersection of E. Blithedale and Camino Alto, as well as root damage to the public sidewalk that have increased hazards for pedestrians.

To mitigate the loss of these mature trees while recognizing the very limited area for replanting and need to protect public safety at this major intersection, the Preliminary Landscape Plan, Sheet L1, provides 11 mature size (20’ tall) Red Maple trees along the Camino Alto and E. Blithedale frontages of the site (**Attachment 2**). This exceeds the 1:1 tree replacement ratio for non-heritage trees, as provided in Mill Valley Municipal Code Section 20.67.150. The Landscape Plan is associated with the commercial redevelopment of the existing restaurant building and related site improvements for the APizza restaurant project (B-038114).

The Department of Public Works requires that the damaged sidewalk be repaired prior to issuance of the Building Permit for the project.

EXHIBITS

- A. RECOMMENDED FINDINGS FOR APPROVAL
- B. RECOMMENDED CONDITIONS OF APPROVAL

ATTACHMENT

- 1. BARTLETT TREE EXPERTS ARBORIST REPORT DATED JULY 15, 2020
- 2. LANDSCAPE IMPROVEMENT PLAN DATED DECEMBER 2, 2019

EXHIBIT A
RECOMMENDED FINDINGS FOR APPROVAL
590 E. Blithedale Avenue; APN: 030-044-15; File: PL19-4867

Based on the evidence in the public record, the Zoning Administrator finds that:

A. The project is Categorically Exempt from the CEQA requirement for the preparation of environmental documents under Section 15301 of the CEQA Guidelines.

The proposed project is exempt from CEQA Guidelines Sections 15301, Existing Facilities, and 15304, Minor Alterations to Land.

B. Make the findings that approval of the Tree Removal Permit to allow the removal of 5 non-Heritage trees. A permit may be granted upon a finding that the “tree removal” is necessary to accomplish any one or more of the following objectives:

a) To protect the public health and safety by reducing or eliminating fire danger and other potential hazards to persons or property.

The subject trees are located along the property frontage on Camino Alto and E. Blithedale Avenues. The trees are in declining health or are already dead. The large Eucalyptus and Acacia trees have damaged the public sidewalk and pose a safety risk to pedestrians. In addition, low hanging branches reduce sight distance for drivers at this busy intersection.

b) To prevent obstruction or interference with public utility facilities, sanitary sewer facilities, storm drains, or water supply facilities, or watercourses.

The tree removal mitigates potential tree failure, will prevent further damage to the public sidewalk, and enhance sight distance for cars.

c) To ensure reasonable preservation of views and sunlight.

N/A

d) To enhance the health of the subject tree or adjacent trees.

N/A

e) To allow the owner to reasonably develop and use the subject property.

Proposed tree removal will enhance the appearance of the remodeled restaurant by replacing the five overgrown and poorly maintained Acacia and Eucalyptus trees with 11 mature Maple trees.

c) That the proposed action is consistent with and conforms to the General Plan and Municipal Code.

The proposed tree removal is consistent with and conforms to the General Plan and Municipal Code.

EXHIBIT B
RECOMMENDED CONDITIONS OF APPROVAL
590 E. Blithedale Avenue; APN: 030-044-15; File: PL19-4867

Planning Department

1. The tree removal company shall obtain a business license from the City of Mill Valley prior to work within the City.
2. Applicant is responsible for ensuring that the tree removal will not create storm drain pollution. Applicant may be responsible for any environmental damage caused by his/her contractors or employees.
3. The 1 Blackwood Acacia tree and 4 Red Ironbark Eucalyptus trees shall be replaced by 11 mature size Red Maple trees, as specified on the Preliminary Landscape Plan prepared by Brandanini Associates and dated December 3, 2019.
4. All replacement trees shall be subject to the following provisions:
 - A. Replacement trees must be planted on the project site, unless the Director of Planning and Building determines that it is not feasible in relation to good forestry practices.
 - B. All replacement trees shall be of a species native to Marin County, and shall be determined by the Director of Planning and Building or the review body, with input from City staff and project arborist.
 - C. Replacement trees shall be a minimum of 24-inch box size.
 - D. All replacement trees shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous and healthy growth. Soil improvement measures may be required. Before planting, a tree's growth characteristics shall be considered to minimize conflicts with views, lighting, infrastructure, utilities, or signage.
 - E. If replacement trees are to be planted off-site, the City may accept an in-lieu payment of \$300.00 per 24-inch box replacement tree, or the actual cost to purchase and install the required tree, whichever is greater. All such payments shall be used for tree-related educational projects and/or planting programs of the City.
 - F. Replacement trees must be planted within 60 days of tree removal or before final inspection, pursuant to a valid building permit unless authorized by the Director of Planning and Building due to seasonal planting requirements consistent with good forestry practices.
 - G. Trees required to be kept on a building site and trees required to be planted as a condition of tree removal permit approval shall be maintained according to accepted arboricultural practices for a minimum of five years from the completion of construction or the date that the tree is planted. At no time shall these trees be moved without the issuance of a valid tree removal permit.
5. The tree removal company shall obtain a business license from the City of Mill Valley prior to work within the City.

6. Applicant is responsible for ensuring that the tree removal will not create storm drain pollution. Applicant may be responsible for any environmental damage caused by his/her contractors or employees.
7. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way. The fee for using the right-of-way for storage of construction materials or equipment is \$10.00 per day in residential areas, and \$20.00 per day in commercial areas. A minimum of 12' clearance shall be maintained at all times along the roadway. The placing of portable restroom facilities in the City right-of-way will not be permitted.

Department of Public Works

9. An Encroachment Permit will be required for any work occupying the public Right of Way including parking, loading, debris bin, equipment operation etc. Please contact the Department of Public Works or visit the website for application information. Please note that required insurance documentation, and traffic and pedestrian control plans (if required) are part of the Encroachment Permit process.
10. An Erosion/Sediment Control Plan shall be submitted with the Encroachment Permit application. The project is adjacent to an existing creek/roadside ditch which raises concerns that construction debris will enter and damage/pollute the waterway. The Plan shall specify whether stumps are being removed. Stump removal creates additional concerns about erosion and debris runoff and should be taken into account in the erosion control design. The Plan shall also include a work/phasing schedule showing all erosion control installed prior to any tree work being mobilized.
11. Contractor must contact the Department of Public Works to obtain a Lane Closure, Road Closure and/or a transportation permit if construction vehicles exceeding 26 feet in length are required during anytime during the construction period.
12. All cracked, broken or uplifted sidewalk fronting the property shall be replaced (MVMC 11.24.060).

590 E Blithedale Ave, Mill Valley, CA, 94941
Arborist Report | July 2019

Prepared for:

Echo Summit Construction
PO BOX 170346
San Francisco, CA 94117

Prepared by:

Adam Clarke, Local Manager
Local Manager, ISA Board Certified Master Arborist UI-1167B
QAL: #137253, CTSP, TRAQ



Bartlett Tree Experts
60 Hoag Ave.
San Rafael, CA
www.bartlett.com
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Submitted on July 15, 2019

ZONING ADMINISTRATOR MEETING
DATE: February 19, 2020
ATTACHMENT 1



Arborist Report

Address: 590 E Blithedale Ave., Mill Valley, CA 94941

I was contracted by Echo Summit Construction to inspect seven trees growing on the site of unoccupied restaurant site and provide recommendations for their future management.

Tree ID#	Species	Diameter at breast height (Inches)	Approximate height (feet)	Condition	Location	Observations	Recommendation
1	Blackwood Acacia (<i>Acacia melanoxylon</i>)	22	60	Poor	Southern part of site, next to small building and Camino Alto	The tree has two stems with a tight included bark union. The tree is in poor condition and has significant dieback (approx. 90% dead), the tree has been significantly reduced in height in the past. The tree stem is in contact with the building	Remove tree ASAP to reduce risk of
2	Red Ironbark (<i>Eucalyptus sideroxylon</i>)	31 (@ 3ft. from soil level)	60	Fair	South of building next to Camino Alto	The tree has two stems with a weak included bark union from approximately 5 ft. from soil level. One of the stems was cut approximately 2 ft. from the union. The tree has many over extended branches and sever branch angles due to aggressive pruning in the past. Damage to the sidewalk and asphalt parking area caused by root growth is present.	Remove tree to reduce damage to sidewalk and asphalt



3	Red Ironbark (<i>Eucalyptus sideroxylon</i>)	25 + 21 (@ 3ft. from soil level)	50	Fair	East of building next to Camino Alto	The tree has multiple leaders with weak included bark unions. The tree has many over extended branches and severe branch angles from aggressive pruning in the past. Damage to the concrete patio and sidewalk from root growth is present.	Remove tree to reduce damage to sidewalk
4	Red Ironbark (<i>Eucalyptus sideroxylon</i>)	18	50	Fair	East of building next to Camino Alto	The tree trunk is in contact with the retaining wall. The tree has many over extended branches and severe branch angles from aggressive pruning in the past.	Remove tree to reduce damage to sidewalk and wall
5	Red Ironbark (<i>Eucalyptus sideroxylon</i>)	26	50	Fair	East of building next to Camino Alto	The tree has many over extended branches and severe branch angles from aggressive pruning in the past. The tree canopy is imbalanced due to growing beneath other trees, damage to the sidewalk due to root growth is present.	Remove tree to reduce damage to sidewalk
6	Red Ironbark (<i>Eucalyptus sideroxylon</i>)	26	60	Fair	West of site by E Blithedale	A codominant union is present at approximately 8 ft. from soil level and minor dieback is present. Minor sidewalk damage is present near the tree.	Retain tree, prune to remove deadwood 1" and larger and inspect annually by an ISA certified arborist
7	Red Ironbark (<i>Eucalyptus sideroxylon</i>)	23	60	Fair	West of site by E Blithedale	A small area of decay is present at the base of the tree, minor sidewalk damage is present near the tree.	Retain tree, prune to remove deadwood 1" and larger and inspect annually by an ISA certified arborist



Summary of Recommendations:

1. Remove 5 trees (ID #'s 1,2,3,4 and 5) to reduce risk posed by tree failure and to reduce property and sidewalk damage.
2. Retain 2 trees (ID #'s 6 and 7).

Please do not hesitate to contact me if I can be of further assistance.

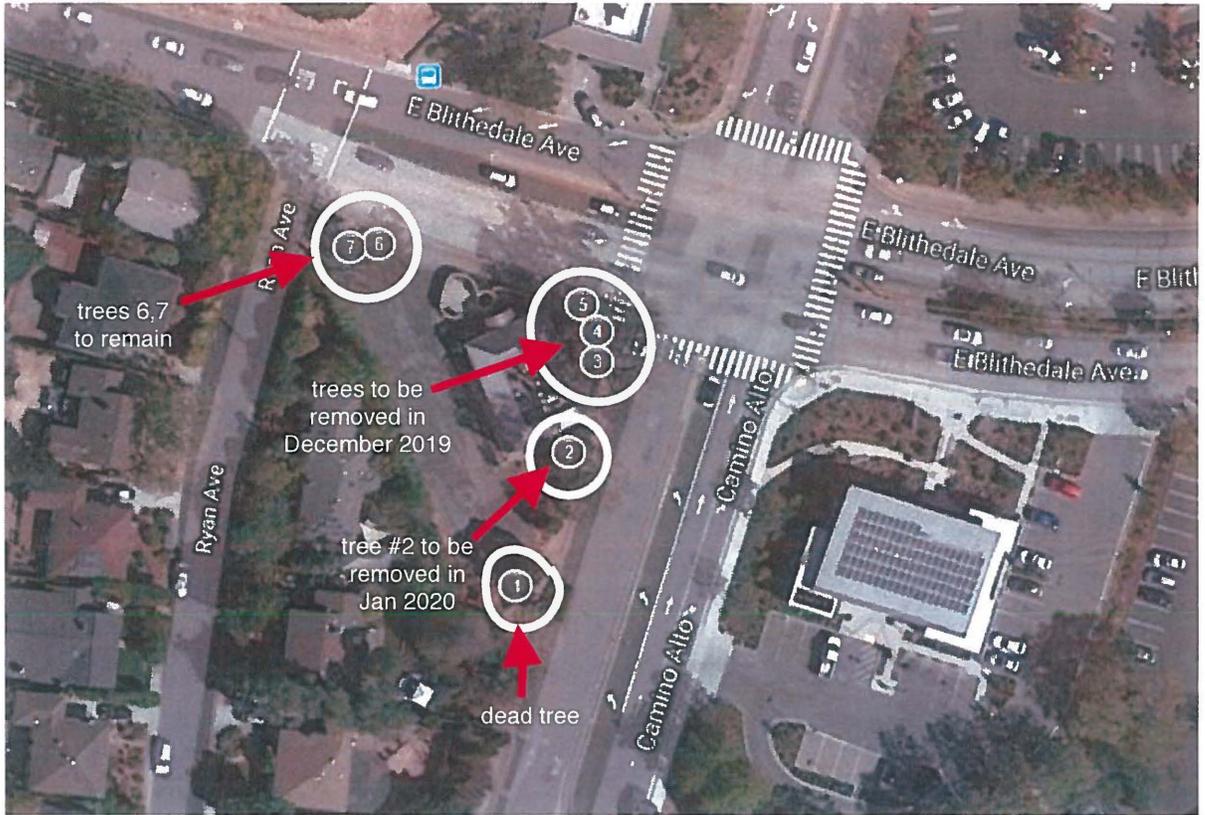
Sincerely,
Adam

Adam J Clarke
Local Manager, ISA Board Certified Master Arborist UI-1167B
QAL: #137253, CTSP, TRAQ

Bartlett Tree Experts, Division 10
60 Hoag Ave., San Rafael, CA 94901
415-472-4300 O | 415-472-8650 F | www.bartlett.com



Appendix 1: Site Map





Appendix 2: Photographs



Fig 1: Tree #1 illustrating the advanced decline, lean and co-dominant included union.



Fig 2 and 3: Tree #2 illustrating the severe branch angles from aggressive past pruning and sidewalk damage



Fig 4 and 5: Tree #3 illustrating the multiple trunks with included bark unions and damage to a patio from root growth.



Fig 6: Tree #4 illustrating the trunk in contact with a wall.





Fig 7: illustrating sidewalk damage caused by root growth from trees #'s 3, 4 and 5.



Fig 8: Tree #5 illustrating the imbalanced crown and over extended branches.



LANDSCAPE LEGEND

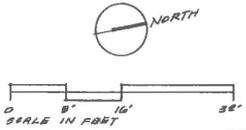
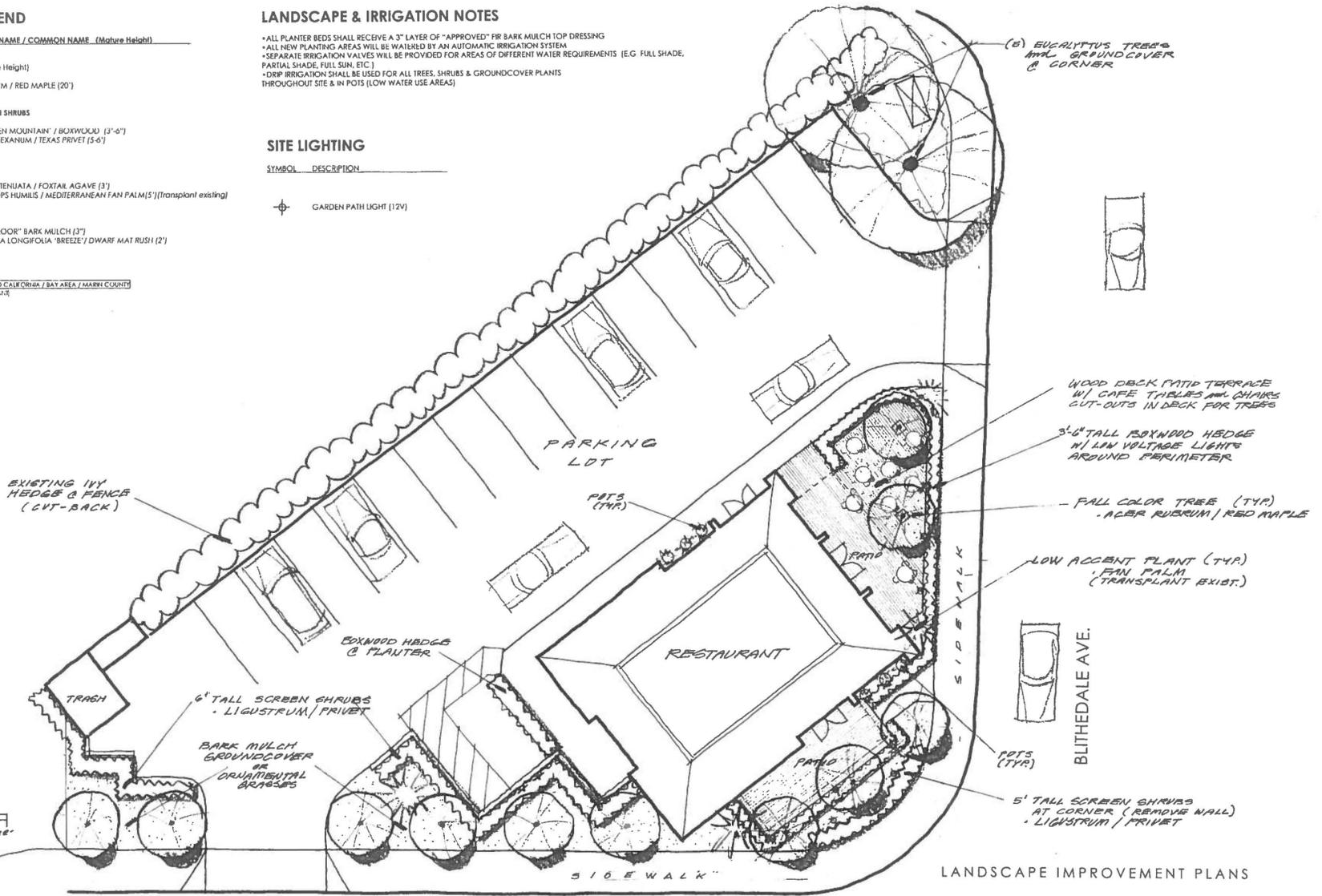
SYMBOL / KEY	BOTANICAL NAME / COMMON NAME (Mature Height)
	NEW TREES (Mature Height) • (W) ACER RUBRUM / RED MAPLE (20')
	HEDGING & SCREEN SHRUBS • (I) BUXUS 'GREEN MOUNTAIN' / BOXWOOD (3'-6') • (W) LIGUSTRUM TEXANUM / TEXAS PRIVET (5-6')
	ACCENT SHRUBS • (wr1) AGAVE ATTENUATA / FOXTAIL AGAVE (3') • (wr2) CHAMEROPS HUMILIS / MEDITERRANEAN FAN PALM(5') (transplant existing)
	GROUNDCOVER • (w1) "FOREST FLOOR" BARK MULCH (3") • (w2) LOMANDRA LONGIFOLIA "BREEZE" / DWARF MAT RUSH (2')
(w1) LOW WATER USE (w2) PLANTS HAVE TO CALIFORNIA / BAY AREA / MARIY COUNTY (I) FIRE RESISTANT PLANT	

LANDSCAPE & IRRIGATION NOTES

- ALL PLANTER BEDS SHALL RECEIVE A 3" LAYER OF "APPROVED" FIR BARK MULCH TOP DRESSING
- ALL NEW PLANTING AREAS WILL BE WATERED BY AN AUTOMATIC IRRIGATION SYSTEM
- SEPARATE IRRIGATION VALVES WILL BE PROVIDED FOR AREAS OF DIFFERENT WATER REQUIREMENTS (E.G. FULL SHADE, PARTIAL SHADE, FULL SUN, ETC.)
- DRIP IRRIGATION SHALL BE USED FOR ALL TREES, SHRUBS & GROUNDCOVER PLANTS THROUGHOUT SITE & IN POIS (LOW WATER USE AREAS)

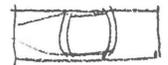
SITE LIGHTING

SYMBOL	DESCRIPTION
	GARDEN PATH LIGHT (1'2V)



PRELIMINARY LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"



CAMINO ALTO

LANDSCAPE IMPROVEMENT PLANS

APIZZA

590 E. BLITHEDALE AVE.
MILL VALLEY, CA

12/3/19



ZONING ADMINISTRATOR MEETING
 DATE: February 19, 2022
 ATTACHMENT 2

Bradani Associates
LANDSCAPE ARCHITECTURE

90 Brockmorton Avenue #16 Mill Valley, California 94941
 t: 415.383.9780 www.bradani.com
 f: 415.383.9782 m: jbradani@bradani.com



STAFF REPORT

SUBJECT: Zoning Administrator **DATE:** February 19, 2020

FROM: Lisa Newman, Senior Planner

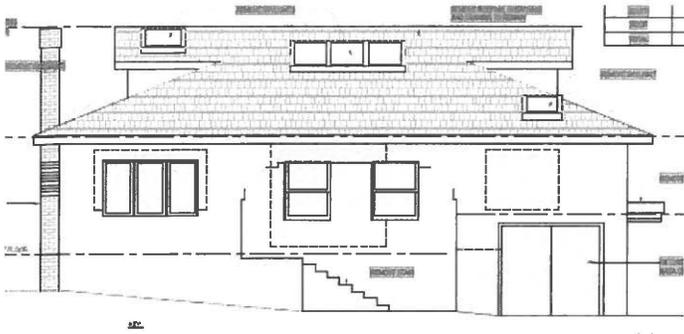
SUBJECT: **41 Nelson Avenue: Design Review, Accessory Dwelling Unit, and Tree Removal Permit** for remodel and expansion of a single-family residence and addition of a new Accessory Dwelling Unit. Tyler Eliopoulos, Applicant for 41 Nelson Avenue LLC, Owner – APN # 030-061-16/17 – File No. PL19-4864 .

The applicants propose to remodel the two-story residence and basement, add a single-story addition and a new Accessory Dwelling Unit (ADU) in the rear yard, as well as landscape and site improvements. The narrow and very long 8,847 square foot parcel contains a 2,138 square foot residence, an unimproved 1,138 square foot basement, a 224 square foot garage, and a 228 square foot accessory structure.

As noted in the Applicant’s Project Narrative, the existing residence is unoccupied and non-habitable (**Attachment 1**). Presently, the garage door has been permanently closed leaving no covered parking and the 14-foot driveway length does not meet the City’s off-street parking standards. Therefore, there is effectively no off-street parking. The building footprint encroaches into required front and side yard setbacks. A small accessory structure in the rear yard partially encroaches onto the neighboring property at 42 Amicita.

The interior remodel and expansion of the existing residence consists of regrading the driveway and foundation to provide a functional one-car garage and driveway parking. The plan raises the finished floor of the basement one foot to create habitable space for a laundry room, family room/office, bathroom, and mudroom. The former second level is decommissioned and the main living floor provides three bedrooms, 3.5 bathrooms with a 1,263 square foot, one-story expansion at the rear that includes a stairway to the lower level mudroom, a master bedroom, and kitchen/great room. The remodel achieves this within the 22’ height of and frame of the original house, preserving the structure’s massing along the streetscape.

The remodel of the existing nonconforming residence involves demolition below the 50% threshold established in MVMC section 20.60.150.A.1., as shown on Sheet A2.1.



42 Existing Front Elevation

41

Proposed Front Elevation

43 The existing nonconforming accessory structure located on the south side yard would be
 44 demolished and a new ADU is proposed at the rear, southern corner of the lot. Access to the
 45 ADU is via a new concrete paver walkway along the southern property line to the ADU. The
 46 ADU provides a simple gable design and materials that are consistent with the rear elevation of
 47 the remodeled home.

48 The landscape design includes new access pathways along the side yards that connect to the
 49 ADU at the far corner of the property, and patios adjacent to the residence and ADU. The main
 50 residence patio is bluestone pavers and the ADU patio is decomposed gravel. A large rectangle
 51 of artificial turf extends from the two patios to the rear of the property. The Landscape plan
 52 proposes to remove five existing non-heritage trees and several shrubs. New landscape materials
 53 include a variety of privacy shrubs planted along the perimeter of the property, six replacement
 54 trees along the south property line, and one olive tree in the front yard.

55 **ZONING COMPLIANCE**

56 Zoning: RS-6 (6,000 square foot minimum lot size)
 57 Site Size: 8,847 square feet
 58 Parking: 2 proposed spaces

59
 60 The proposed project conforms to Single Family Residential development standards for building
 61 height, lot coverage, maximum floor area, and parking. The one-story remodeled residence and
 62 addition have a maximum height of 22 feet which is below the 25-foot maximum, and the ADU
 63 height is 15 feet, which meets the requirement of Mill Valley Municipal Code (MVMC) section
 64 20.60.075.C. The adjusted floor area proposed is 2,803 square feet which is 97% of the
 65 maximum limit of 2,885 square feet for this property. This adjusted floor area proposal includes
 66 exemptions for basement improvements (959 square feet) consistent with Municipal Code
 67 section 20.16.040A.3., ADU exemption of 417 square feet, and garage exemption of 383 square
 68 feet.

69
 70 **STAFF ANALYSIS**

71
 72 As described above, the proposed project conforms to Zoning standards. With regards to the
 73 Single-family Residential Design Guidelines, the project maintains the existing modest scale of
 74 the residence along Nelson Avenue and expands to the rear with one-story structures that will

75 minimize privacy impacts upon adjacent properties. Proposed grading is focused on modest
76 excavation of the basement (less than 50 cubic yards), the driveway, the addition to the main
77 residence and the new ADU that is mostly balanced with fill on site. Total grading is 170 cubic
78 yards of cut and 145 cubic yards of fill that will require 25 cubic yards of offhaul.

79
80 Proposed materials and colors include grey painted shingles on the main residence with vertical
81 siding on the rear yard addition. A standing seam metal roof is proposed throughout to unify the
82 design.

83
84 Proposed landscaping is shown on Sheet L1 Preliminary Landscape Plan. Five existing trees are
85 to be removed, consisting of small oaks, plums, and a Sweetgum tree. A 12” Live oak tree is
86 proposed to be preserved at the northwest corner of the lot. Seven new trees are shown on the
87 plan, including California Redbud, Pacific /Wax Myrtle, and one Olive tree. This number of
88 replacement trees exceeds the requirements of the 1:1 tree replacement ratio provided in MVMC
89 20.60.150. A Tree Protection Plan for the 12-inch Oak will be required to be prepared and
90 submitted with the Building Permit application.

91
92 The proposed detached Accessory Dwelling Unit (ADU) conforms to State law requirements
93 related to maximum height, floor area and minimum side and rear yard setbacks, which allows it
94 to be approved “by right” and proceed to a Building Permit application. The proposed ADU does
95 not require approval of a discretionary Design Review permit because it meets local and State
96 requirements specified in MVMC section 20.90.040, as modified by Urgency Ordinance 1314U,
97 and Government Code section 65852.2(e)(1)(B)417. Specifically, the 417 square foot ADU has
98 floor area less than 800 square feet, the 15-foot building height that is less than the 16-foot
99 maximum height, and 4-foot side and rear yard setbacks conform to the minimum setback
100 requirement. No off-street parking is required for the ADU because the property is located within
101 0.5 miles of a transit corridor along Miller Avenue.

102
103 **PUBLIC COMMENT:**

104
105 Public comments received as of the time of this staff report are included as **Attachment 2**.

106
107 **RECOMMENDATION:**

108 Staff recommends the project be approved, based upon the recommended Findings in **Exhibit A**
109 and subject to the Conditions of Approval in **Exhibit B**.

110
111 **EXHIBITS**

- 112
113 A. RECOMMENDED FINDINGS FOR APPROVAL
114 B. RECOMMENDED SPECIFIC CONDITIONS OF PLANNING APPROVAL
115 C. STANDARD CONDITIONS OF PLANNING APPROVAL

116
117 **ATTACHMENTS**

- 118
119 1. PROJECT NARRATIVE DATED JANUARY 9, 2020
120 2. PUBLIC COMMENT LETTERS

**EXHIBIT A:
RECOMMENDED FINDINGS FOR APPROVAL
41 Nelson Avenue; APN: 030-061-16/17; PL19-4864**

Based on the evidence in the public record, the Zoning Administrator finds that:

- A. *The project is Categorical Exempt from the CEQA requirement for the preparation of environmental documents under Section 15303 (a) of the CEQA Guidelines.*

The proposed project is exempt from CEQA under Section 15303(a), which categorically exempts, “one single-family residence in a single-family zone.” This criterion is met.

- B. *The proposal is consistent with the General Plan and the Municipal Code.*

The remodel, expansion, and new ADU proposal is a single-family residential development project consistent with the single-family land use designation in the General Plan. The project meets the height, setback and floor area ratio requirements of the Municipal Code for single-family residences and ADUs. This criterion is met.

- C. *The proposal is consistent with the residential design guidelines adopted by the City.*

#2 - Grading: Grading has been minimized and largely balanced on site. Total earthworks are 315 cubic yards with 25 cubic yards of offhaul.

#6 – Driveways & #7 – Parking: Required off-street parking for two cars is provided on an improved driveway and one-car garage.

#8 – Fences: New fencing proposed for the front property line and intermittent places along the side and rear yards meet the Fence Guidelines for height.

#10 - Scale, Mass and Height: Maximum building height of the remodeled residence, expansion, and new detached ADU are within permitted limits.

#11 – Windows, Roofs: Window placement on the south elevation of the home expansion minimizes privacy impact with the adjacent property.

#13 – Materials and Color: The standing seam metal roof is a neutral, non-reflective color. Proposed siding includes shingles with semi-transparent olive stain on the main residence with a lighter contrast stain on soffit and garage door; with manufactured vertical siding painted “Pale Oak” on the extension to the home and ADU structure. Windows are dark bronze anodized metal.

#15 – Protection of Existing Vegetation and Habitat: The development proposal removes five non-heritage trees and replaces them with 7 new trees. As conditioned, a Tree Protection Plan shall be prepared with the building permit application to provide recommendations to protect the oak tree to be retained.

This criterion is met.

D. *The City has considered whether to apply any limitations on building, size, height and setbacks pursuant to Section 20.66.045.*

No limitations have been placed on the project pursuant to Section 20.66.045. This criterion is met.

EXHIBIT B
RECOMMENDED CONDITIONS OF APPROVAL
41 Nelson Avenue; APN: 030-061-16/17; PL19-4864

I. SPECIFIC CONDITIONS OF APPROVAL

Planning Department

1. Plans and elevations submitted for a Building Permit shall be in substantial conformance with plans prepared by OXB STUDIO date stamped January 9, 2019 received by the Mill Valley Planning Department and labeled “Exhibit A” on file with the Mill Valley Planning and Building Department except as modified below:
 - a. Sheet A0.2 shall be revised to be consistent with fence heights shown on Sheet L1 for the north and south side yards.
 - b. The south side fence location within the front yard shall be mutually agreed upon by the owner and adjacent property owner at 27 Nelson Avenue in order to provide reasonable access to utility meters.

2. A Tree Protection Plan shall be prepared by a Certified Arborist for the oak tree to be retained. The TPP shall be submitted with the Building Permit plans and all recommendations adhered to during project construction, as detailed in the Condition below.

3. Standard Tree Protection Conditions:
 - a. Recommendations regarding tree removal, tree planting, and the protection of existing trees outlined in the Tree Protection Plan shall apply unless otherwise modified by Staff.
 - b. The applicant shall follow these tree protection measures to preserve the trees shown to be maintained at the site.
 - c. The trees shall be properly fertilized to help the trees sustain the potential stress created by the construction;
 - d. No new impervious surface shall be installed within the dripline of the tree.
 - e. Paver stones or other surface that will not obstruct oxygen to the root system is permitted.
 - f. Orange plastic fencing, or other temporary fencing, shall be erected at the dripline of the trees (the “tree protection zone”) to protect the trees during construction activities. The location of the fencing shall be shown on the CMP. Fencing shall be installed prior to construction and shall be maintained throughout the construction period.
 - g. No soil shall be removed from the existing grade in the tree protection zone. No soil should be backfilled in the tree protection zone.
 - h. No construction materials shall be stored in the tree protection zone. Heavy equipment use shall be limited around the tree and its roots. No heavy equipment may be transported, stored or used on bare ground within the tree protection zone. A 6” layer of mulch and plywood must be placed under the path for access and egress, if necessary, in the tree protection zone.

- i. Any damage to trees due to construction activities shall be reported to the Project Arborist within 6 hours so that remedial action can be taken. Project Arborist shall visit the site and report recommendations to the Contractor and City of Mill Valley Planning Department within 24 hours. Recommendations shall be implemented by the Contractor as soon as possible and not more than 24 hours of receipt of recommendations.
 - j. Any trenching within the tree protection zone shall be done pneumatically or by hand.
 - k. The Project Arborist shall oversee all grading, trenching, tunneling or other excavation within the tree protection zone.
 - l. Any minor roots (less than 4”) encountered should be cut cleanly with a saw after excavation.
 - m. Any tree pruning shall be done in accordance with ISA standards and Project Arborist’s recommendations.
 - n. The City of Mill Valley reserves the right to request a replacement Project Arborist be assigned to the project if, in the opinion of the Planning and Building Director, implementation of tree protection measures are in question.
4. Prior to final inspection of the project, the owner(s) of the property shall record a deed restriction identifying the existence of an attached or detached residential second unit on the property and stating that the owners and all successors in interest in the subject property shall maintain the residential Accessory Dwelling Unit as approved in accordance with all applicable Accessory Dwelling Unit standards of the City of Mill Valley. This deed restriction shall be recorded with the County of Marin and a conformed copy of the recorded document shall be provided to the City of Mill Valley.
5. The Accessory Dwelling Unit shall be maintained in compliance with the following development standards or requirements pursuant to Section 20.90, including but not limited to, the following:
- a. That no more than one Accessory Dwelling Unit shall exist on any parcel.
 - b. That the Accessory Dwelling Unit shall be on the same parcel as the principal residence.
 - c. That all Accessory Dwelling Units shall have a separate entrance and contain a kitchen and bathroom facility.
 - d. That the applicant for the Accessory Dwelling Unit Permit shall pay all applicable sewer connection fees to the City of Mill Valley; water connection fees to the Marin Municipal Water District; and school impact fees to the Mill Valley School District in connection with the new Accessory Dwelling Unit.
 - e. That the Accessory Dwelling Unit shall be larger than the minimum 150 sq. ft. and shall not exceed 1,000 sq. ft. in size.
 - f. Lighting shall be shielded or directed so that it does not glare off-site or illuminate the primary residence or adjacent property.
 - g. The owner shall respond to the City’s ADU survey that will occur on a regular, on-going basis to better understand the use of ADUs in town.
 - h. Upon Final, the owner shall submit an Address Change application to the City for processing.

6. Exterior lighting, including on decks, shall be wall lights that have downward illumination. Soffit lights are not permitted.
7. All new homes and major remodels shall underground overhead utilities between the main line and the house. Requests to deviate from this requirement shall be subject to review and approval by Planning Staff.

Fire Department

8. A fire sprinkler system shall be provided for:

All new construction.

If the combination of the addition, alteration or remodeling exceeds 50% of the floor area of the existing structure, the project is considered a substantial remodel and the entire structure shall be retrofitted with a fire sprinkler system. A substantial remodel is defined as when alterations or renovation of any structure, which combined with any additions to the structure, affects a floor area, which exceeds fifty percent of the existing floor area of the structure or when any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

Plans for fire sprinkler system design and hydraulic calculations shall be completed by a licensed C-16 sprinkler contractor and submitted to the Mill Valley Fire Department for approval prior to installation. Fire sprinkler system design and installation shall conform to the provisions of the Mill Valley Fire Department and N. F. P. A. Standard 13D. (For further details, contact Tom Welch, Fire Marshal, at 389-4130.)

Public Works

9. The on-site drainage piping shall drain to a location within the street approved by the Public Works Director. The proposed option of tying into the existing City storm drain system is not a preferred option and may only be considered upon alternatives being evaluated and shown as unacceptable.
10. All efforts shall be made to tie the ADUs sewer lateral into the existing home system. Should a new lateral be required, an additional connection fee payment will be required.
11. Replace existing driveway with a new 18-24-foot wide driveway. Determine whether existing water meter will need to be relocated or use traffic cover if allowed by district engineering.
12. Project shall remove and replace curb, gutter and sidewalk to remedy a low spot where water ponds in front of house due to cracked and sunken curb/gutter. In addition, cracked

or displaced curb, gutter and sidewalk along street frontage will also be replaced by applicant at their cost.

13. Erosion control shall be installed prior to the commencement of any construction/grading/demolition on the project site.
14. This project is required by section E.12.b of the State Water Resources Control Board Water Quality Order 2013-001-DWQ to implement one or more of the stormwater runoff reduction design measures included in the section, which include: rooftop and impervious area disconnection from storm drain collection systems, porous pavement, green roofs, vegetated swales and rain barrels/cisterns. During the building permit application process, the applicant will be required to submit discussion of the infiltration potential of the site and shall review the volume/flow control mitigations proposed, addressing the potential for site soils to be saturated and result in limited infiltration. Mitigation designs shall demonstrate required and proposed storage/flow mitigation.
15. Post-project stormwater peak flows shall be metered on-site to match pre-development peak flows for at 10-year storm event. The method for metering stormwater flows shall be approved by the City Engineer. Applicant shall submit a Stormwater Control Exhibit as part of the building permit application. The design of stormwater control can have significant effects on site layout and project cost, especially if done in the later stages of design. Submittal requirements include:
 - a. The Stormwater Control Exhibit (separate sheet in the plan set) and shall include:
 - i. Site Plans for the existing and the proposed conditions including:
 1. building roof/footprints,
 2. drainage facilities (pipes, inlets, tanks etc.)
 3. landscape features,
 4. site contours,
 5. drainage tributary areas,
 6. overland drainage patterns including Q_{10} and Q_{100} at points where stormwater leaves the project site.
 - b. Table showing pre and post project pervious and impervious areas
 - c. Notes including project hydrologic soil type
 - d. Table for proposed project condition showing for each Drainage Management Area (DMA):
 - i. Area (SF),
 - ii. Surface material,
 - iii. Runoff coefficient,
 - iv. Effective area,
 - v. Destination Integrated Management Practice (IMP),
 - vi. Sizing factor (if applicable). Note: sizing factors for IMPs vary, and vary for a specific IMP based on treatment/hydromodification requirements.
 - vii. IMP size
 - e. Calculations and details for sizing of outflow/dissipation.
 - f. Erosion/Sediment Control Plan.
 - g. Work/Phasing Schedule

16. An Encroachment Permit will be required for any work occupying the public Right of Way including parking, loading, debris bin, equipment operation etc. Please contact the Department of Public Works or visit www.cityofmillvalley.org/gov/departments/publicworks for application information. Please note that required insurance documentation, and traffic and pedestrian control plans (if required) are part of the Encroachment Permit process.
17. Contractor must contact the Department of Public Works to obtain a Lane Closure, Road Closure and/or a transportation permit if construction vehicles exceeding 26 feet in length are required during anytime during the construction period.
18. Prior to Final Building Inspection, the Department of Public Works will inspect the site and require compliance with City of Mill Valley Codes regarding Frontage Improvements (MVMC 11.24), Encroachments (MVMC 11.24, 12.04 and 12.08), Sight Distance (MVMC 12.04), Vegetation Management (MVMC 11.24, 12.04, 12.08, and Fire Protection Standard 220), and Premises Identification (Fire Protection Standard 205).
19. All cracked, broken or uplifted sidewalk fronting the property shall be replaced (MVMC 11.24.060).
20. Project will require a sewer lateral inspection per MVMC 17.04.270 unless the applicant can demonstrate the lateral has been replaced within the last 20 years. Please contact the Department of Public Works or visit http://www.cityofmillvalley.org/gov/departments/publicworks/wastewater/sewer_lateral_ordinance.htm for more information.
21. A Construction Management Plan shall be included with construction drawings and must be a separate plan sheet including the following:
Notes:
 - a. **Job Site Rules:**
 - (a) All debris from day's activities will be picked up and the area broom swept, and properly disposed of or stockpiled.(b) Smoking is prohibited on site and within twenty-five feet of any building.
 - b. **Vehicle Parking:** Project vehicles shall park on the project site and carpool from an acceptable public lot such as the Manzanita Park and Ride. Any project-related workers, contractors or subcontractors unable to park on-site will carpool in an acceptable vehicle or shuttle to the site. Parking of project vehicles in the public right-of-way shall be by **SEPARATE, DATE SPECIFIC** approval of the Department of Public Works only. Approval will be given by separate ROAD IMPACT PERMIT only if project demonstrates that no on-site parking is feasible. Contact the Department of Public Works at 415-384-4800. **THE CITY OF MILL VALLEY DOES NOT ISSUE PARKING PLACARDS. VEHICLES PARKED IN THE PUBLIC RIGHT OF WAY WITHOUT A VALID ROAD IMPACT PERMIT DISPLAYED ON DASHBOARD WILL BE CITED AND/OR TOWED.** Road Impact Permits for parking require "No Parking" signs to be

- posted a minimum of 72 hours in advance.
- c. **Road Impacts:** (Road or Lane Closures, Lane Shift, Parking or Traffic Delay) Road Impacts shall only be permitted with prior authorization from the Department of Public Works consistent with the City's road impact policy.
 - d. Persons wanting to close the road are required to obtain an approved **DATE AND TIME SPECIFIC Road Impact Permit** from the Department of Public Works ten working days prior to date of impact.
 - e. Persons with an approved Road Impact Permit must provide written notification to affected property owners and neighbors, and post the road closure 48 hours in advance of work. A copy of the notification to neighbors must be received by the Department of Public Works 48 hours prior to the approved permit date, or the permit may be canceled.
 - f. Any unpermitted road impact will result in a **Stop Work Order** for violation of the Construction Management Plan. Work will not be permitted to resume until the project contractor and any involved subcontractor attend a construction management review meeting with City staff, including, but not limited to the Department of Public Works, Planning Department and Building Department and all applicable citation fees have been paid in full.
 - g. **Deliveries /Off Haul:**All deliveries will be made between 9:00 AM to 4:00 PM. All drivers shall be advised of the designated truck route, including approved turn around locations, prior to any deliveries or material removal. All open-bed trucks shall be tarped.
 - h. **Material Storage:** All construction materials, debris and equipment shall be stored on site.
 - i. **Truck Route:**From HWY 101 South: Take exit 447 For E Blithedale Ave, turn right on E Blithedale Ave, then *(site specific directions)*
 - j. **Portable Toilets:** Portable toilets and job sheds will not be permitted to be placed in the public right-of-way, or within creek setbacks. Portable toilets shall utilize a secondary containment system. A violation of the CMP with respect to the portable toilet shall result in a Notice of Violation, applicable fines, and may result in a Stop Work Order for the site.

II. STANDARD CONDITIONS OF APPROVAL

1. All plans shall include a brief description of the project on the cover sheet.
2. All conditions of approval shall be included on the first sheet after the cover sheet of the construction drawings submitted for a building permit.
3. Except as otherwise noted in these conditions of approval, the plans submitted to the Building Department for plan check shall be identical to those approved by the Planning Commission or Zoning Administrator. If any changes are made to the approved Design Review plans the applicant is responsible for clearly identifying all such changes and reviewing them with the Planning Department prior to submitting for a Building Permit or a revision to the Building and/or Grading Permit. All changes made to the Design Review Plans approved by the Planning Commission/Zoning Administrator and the Building Permit

construction document submittal must be clearly highlighted with a “bubble” or “cloud” on plans and marked with a “Delta ‘P’” at the time of initial Building Permit submittal. A list describing in detail all such changes shall be submitted and attached to these plans. Any changes that have not been clouded on the plans and noted in a transmittal memo and explicitly approved by Staff are not approved. Construction or demolition that does not conform to the Design Review approval is not valid and shall be subject to stop work orders and may require removal.

4. Site landscaping shall be generally consistent with the Landscape Plan included as part of “Exhibit A” on file with the Mill Valley Planning and Building Department. The final landscape plan shall be stamped by a licensed landscape architect and filed with the Planning Department prior to occupancy. Plans for any irrigation of the site shall be incorporated into the landscape plan. All planting shown on the approved plan shall be installed prior to occupancy of the proposed residence. Upon the request of an Applicant to receive a Temporary Certificate of Occupancy and at the discretion of the Director of Planning and Building, landscape installation may be suitably guaranteed by posting a cash bond equal to 100% of the cost and installation of any landscape improvements.
5. Acceptance of the construction drawings and specifications does not release the applicant and owner from correction of mistakes, errors, or omissions contained therein. If, during the course of construction, the public interest requires a modification or a departure from these accepted plans, the City shall have the authority to require such modifications or departure and specify the manner in which the same is to be made.
6. The applicant shall indemnify, defend and hold harmless the City, its officers, agents and employees (collectively “the City”) from any and all claims, actions, lawsuits, damages, losses and liabilities arising or resulting from the granting of this permit by the City, the performance of the use authorized by this permit or the exercise of the rights granted by this permit. The applicant’s obligation to indemnify, defend and hold harmless the City shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City’s choice in representing the City in connection with any such claims, actions or lawsuits, any expert fees, and any award of damages, judgments, verdicts, court costs or attorney fees in any such claim, action or lawsuit.
7. A Construction Management Plan (CMP) shall be submitted to the City as part of the Building Permit and/or Grading Permit and shall be incorporated into the plans. This plan shall be a binding document. Failure to adhere to the plan may result in a “Stop Work Notice” being placed on the project. An electronic copy of the APPROVED CMP shall be submitted to the City, and may be posted to the city’s website. This plan shall be updated as project conditions warrant. Updates to the plan shall be provided to the City for review and approval. The CMP shall include but not be limited to:
 - a. Work schedule (start of construction date, road or lane closure intent/dates, important milestones and proposed final dates).
 - b. Construction Hours
 - c. Construction Waste Management Plan

- d. Staging/storage type and location
- e. Travel routes and turn-around locations
- f. Road and/or lane closures (Applicant to provide information on how many anticipated road closures, and the reasons for each road closure).
- g. Worker auto parking space locations/construction parking
- h. Phasing (if applicable)
- i. If construction improvements are located in areas of steep slopes, the Contractor shall provide safe temporary hard surface stair access to the improvements. This access shall be shown on the CMP.

The CMP may be more stringent if the project is located close to schools or in impacted neighborhoods. A CMP may be required to be modified if a neighborhood becomes “impacted” during the course of the construction. Impacted neighborhoods are defined as areas in geographic proximity (i.e. using the same streets for access) with a significant number of simultaneous construction projects.

The hours of construction activity shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday. Construction is not allowed on Saturdays, Sunday or holidays. The use of power tools shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday. Delivery times shall be determined at the time of Building Permit review and included on the Construction Management Plan sign.

A **24 inch by 36 inch weatherproof copy** of the approved Construction Management Plan shall be posted on the site as part of a job site sign and located so as to be clearly readable from the public right-of-way. In addition to the approved Construction Management Plan, the sign shall include the following information:

- a. Address of the project site.
 - b. Permitted hours of construction and of deliveries/off-haul.
 - c. Name, e-mail address and direct phone number of the General Contractor.
 - d. Name, e-mail address and direct phone number of the person responsible for managing the project.
 - e. Name and direct phone number of the party to call in case of an emergency.
 - f. City of Mill Valley Code Enforcement Officer (415-389-4203).
8. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way. The fee for using the right-of-way for storage of construction materials or equipment is \$10.00 per day in residential areas, and \$20.00 per day in commercial areas. A minimum of 11’ passable auto traffic clearance (paved travel way) shall be maintained at all times along the roadway. The placing of portable restroom facilities in the City right-of-way will not be permitted.
9. All portions of the job site shall be maintained in an organized and professional condition. All trash, debris, construction scraps and broken/deteriorated machinery shall be removed

from the site by the end of each week. If off loaded construction materials are not used within 2 weeks, they shall be screened from public view. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each business day.

10. Prior to issuance of a building permit, a Construction Sign shall be posted in a location where the sign is clearly readable from the public right-of-way. The sign shall be 9 to 12 square feet in size. Information on the sign shall include:
 - a. Address of site.
 - b. Permitted hours of construction.
 - c. Name, address, and phone number of the contractor.
 - d. Name and phone number of the person responsible for the project.
 - e. Name and phone number of the private party to call in case of an emergency.
 - f. Requirement that workers carpool to the site.
 - g. The phone number of the City of Mill Valley Code Enforcement Officer.
11. **A Pre-Construction Meeting is required.** Prior to initiation of any work on the proposed project, the applicant shall arrange a pre-construction meeting that shall be attended by City of Mill Valley staff, the owner, general contractor, and sub-contractors responsible for demolition, foundation and excavations, framing, roofing and major deliveries to review these conditions of approval, permitted hours of operation, etc. Staff may require additional subcontractors depending on project scope. The general contractor is responsible for ensuring that all contractors adhere to the Construction Management Plan and all Conditions of Project Approval and Conditions of all permits (Building, Grading, Encroachment, etc.).
12. All required construction signage and any required tree-protection shall be posted and available for City inspection at the time of the Pre-construction meeting. **If these measures are not in place at the time of the pre-construction meeting, a re-inspection fee will be required and issuance of building permit will be delayed.**
13. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted.

Planning Department Standard Conditions of Approval:

14. **Design Review** approval shall expire two years after approval. Prior to the expiration of a Design Review approval, the applicant may apply to the Director of Planning and Building for a one-year extension from the date of expiration. The Director of Planning and Building may make minor modifications of the approved design at the time of extension if he/she finds that there has been a substantial change in the factual circumstances surrounding the originally approved design. This approval is effective from the date of approval until the Building Permit is issued and shall expire one year after approval should a Building Permit not be issued. If Building Permits are issued during the effective life of the Design Review approval, the expiration date of the Design Review approval shall be automatically extended to concur with the expiration date of the Building Permit.

15. The project shall be in compliance with all Energy Efficiency Regulations contained in the Mill Valley Municipal Code.
16. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Building Permit.
17. For any project that includes new foundations or retaining walls, property lines shall be physically identified (string line or equal), and the applicant shall submit a letter or certificate from a licensed surveyor that confirms that the structure complies with the approved setbacks prior to pouring the foundation.
18. For any project that includes new structures, a letter or certificate from a surveyor confirming that the height of the roof complies with the approved plans shall be submitted to the Planning Department prior to roofing (prior to roof nailing is recommended).

Department of Public Works Standard Conditions of Approval:

19. All projects with a construction value of \$10,000 or more are subject to a Road Impact Fee of 1% of the Building Permit value. This fee is calculated and collected, through the Building Department at the time of Building Permit issuance.
20. For all improvements within the public right of way, the applicant shall submit plans to adequately describe the work. Plans shall include but not be limited to drainage details, cross-sections, driveway/roadway grades and utility locations as necessary.
21. Any improvements, public or private, damaged during construction shall be replaced, by the applicant, in-kind or with new improvements. All cracked, broken, or uplifted sidewalk, driveway and/or curb and gutter fronting the property shall be replaced. Applicant shall coordinate with the Department of Public Works prior to the start of the project improvements to identify the extents and limits of replacement.
22. If a permeable paving system is to be used as a part of the site development strategy, the analysis shall include but not be limited to the following:
 - a. For drainage purposes, the underlying intent, either retention or detention, shall be fully quantified. If retention is to be used, a soils report, including percolation of the soils shall be submitted as a part of the plans. If detention is to be used, peak runoff quantities, storage capacity of the system, discharge rates, discharge points, impacts to existing facilities etc. shall be included.
 - b. The structural adequacy of the system that accommodates vehicle loading including emergency response vehicles (i.e. fire trucks) if the access to be designated for that purpose.
 - c. Provisions for ongoing maintenance of the pavers shall be included in the submittal package.
23. Drainage improvements shall implement Low Impact Development standards, including but

not limited to:

- a. No increase in stormwater runoff as compared to existing conditions
 - b. Maintain natural drainage patterns
 - c. No concentration of flows, allowing drainage to flow naturally and to percolate and mimic existing and sheet flow conditions.
 - d. Rock rip-rap outfalls shall be located as far from property lines as possible and shall be designed to mimic existing drainage conditions (i.e. sheet flow, velocity dissipater, etc.)
 - e. All stormwater runoff lines (such as building downspout lines, landscape drain lines, etc.) must be discharged in a manner that conforms to the current stormwater discharge practices in Marin County.
24. If the proposed project is located in or adjacent to a waterway, within an area designated as habitat for threatened or endangered species, or other special status area, it possibly falls under the jurisdiction of another agency such as the United States Army Corps of Engineers, the California Regional Water Quality Control, or the California Department of Fish & Wildlife, U. S. Fish & Wildlife Service, etc. These agencies shall be contacted to determine if the project lies within their respective jurisdictions. All necessary permits and/or approvals shall be obtained prior to the City issuing any permits. If permits are not required, a letter stating so shall be submitted to the City as part of the record.
25. Trees and vegetation shall be trimmed according to Section 11.24.090 of the Mill Valley Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide a clearance of not less than eight (8) feet. Bushes and other vegetation shall be trimmed so no portion hangs over the sidewalk or road. Trees and vegetation shall be trimmed according to Section 11.24.090 and 12.04.050 of the Mill Valley Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide a clearance of not less than eight (8) feet over sidewalks and not less than twelve (12) feet over streets.

Fire Dept. Standard Conditions of Approval:

The following condition(s) shall apply to this application based on City of Mill Valley Ordinance 1286 and the provisions of the 2016 California Fire Code, Ordinance 1228 and the provisions of the 2003 International Urban Wildland Interface Code and standards development and adopted by the Mill Valley Fire Department (Note Ordinances 1262 and 1228 and the City's Fire Prevention Standards are available on the City of Mill Valley web site at <http://www.cityofmillvalley.org> and can be located on the fire prevention portion of the Fire Department webpage):

26. The address shall be posted in accordance with requirements of the California Building Code, California Fire Code and Fire Department Standard 205. Final inspection and signoff of address posting shall be coordinated through Building Department.
27. Smoke and CO detectors shall be installed in accordance with the California Building Code. Final inspection and signoff of smoke detectors shall be coordinated through Building Department.

28. Noncombustible roofing shall be provided for:
 - a. All new roofs shall be non-combustible.
 - b. Roof Repairs or replacement:
 - i. Less than 25% - no requirement
 - ii. 25% to 50% - Class C minimum
 - iii. 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 Uniform Building Code and approved by the Building Department.

29. Prior to occupancy, a spark arrester shall be installed on the chimney(s) 3/8" mesh minimum.
30. Final occupancy approval shall not be granted by the Fire Department unless all conditions have been met.
31. Fire Department and City personnel shall be granted access to private driveways and private roadways in order to enforce applicable ordinances related to fire codes, municipal and penal codes pertaining to maintaining road access for emergency vehicles.

Building Department – Standard Conditions of Approval:

32. All construction shall comply with the California Building Code, Plumbing Code, Electrical Code, and Mechanical Code, and other applicable Title 24 Codes in effect at the time of building permit submittal.
33. It is the responsibility of the designer(s) to ensure that all of the above Title 24 codes, as well as any applicable Mill Valley Municipal Codes are incorporated into the design.

Marin Municipal Water District – Standard Conditions of Approval:

Note it is the applicant's responsibility to procure the necessary review/approval of the following items, which are required prior to issuance of a building permit. Evidence of compliance (compliance letter, etc.) shall be submitted to the Planning Department as part of the building permit review process:

34. All landscape and irrigation plans must be designed in accordance with the most current Marin Municipal Water District (MMWD) landscape requirements. Prior to providing water service for new landscape areas, or improved or modified landscape areas, MMWD must review and approve the project's working drawings for planting and irrigation systems. Any question regarding the MMWD's current water conservation and landscape Ordinance should be directed to (415) 945-1497 or plancheck@marinwater.org.

New construction and rehabilitated (renovations or changes made to sites with an existing irrigation system) landscape projects will be affected by these requirements if the altered landscape area is greater than 500 square feet.

35. Installation of a gray water recycling system is required for all projects that require installation of new water service and existing structures undergoing “substantial remodel” that necessitates an enlarged water service in compliance with Ordinance No. 429.

END OF STANDARD CONDITIONS OF APPROVAL

January 9, 2020

RECEIVED
Planning Department

JAN 09 2020

City of Mill Valley

Project Narrative (REVISED)
41 Nelson Avenue
Mill Valley

This design review application for 41 Nelson Avenue is submitted in consideration of a remodel and single-story rear yard addition to the existing residence alongside site improvements and creation of an accessory dwelling unit. The Owner and design team have carefully reviewed the existing property characteristics and designed around the framework of existing conditions to minimize off-site impacts to the neighbors while enhancing the form and function of the proposed single-story residence. This narrative supports the design materials and articulates the iterative internal design process that was undertaken to reach the design conclusions presented.

Background

41 Nelson is a uniquely long parcel in Sycamore Park neighborhood measuring 8,847 SF (appx 51-foot street frontage and 174 foot depth). The property includes a single-family residence, a substantial retaining wall along the common property line shared with the northern neighbor at 43 Nelson, older ornamental vegetation and ivy covered fencing along the southern property line, and an accessory structure that partially encroaches onto the neighboring property at 42 Amicita.

The residence is currently unoccupied and non-habitable since the previous owner was performing interior changes that were abandoned mid-construction. The overall floor area for all the existing improvements is measured at 3,728 SF. This is broken down as follow: Basement – 1,138 SF; First Fl – 1,416 SF; Second Fl – 722 SF; Accessory Structure – 228 SF. The existing garage door has been permanently closed and framed in such that there is no covered parking and only a single parking space in the existing driveway. The existing residence also partially encroaches into both front yard and side yard setbacks (north side yard – 4.8 ft; south

ZONING ADMINISTRATOR MEETING
DATE: February 19, 2020
ATTACHMENT 1





side yard 6.9 ft; east front yard – 14.5 ft). The house was originally constructed in about 1947, before the adoption of the municipal code, rendering these setbacks legal non-conforming.

Proposal

The overarching theme of the project is the upgrade the existing improvements while reducing property non-conformities. The net floor area for the proposed project is 834 SF larger than the existing with an adjusted floor area measuring 2,803 SF (max allowed is 2,885 SF). Each component of the project is broken down by category to narrate the design and explain the thought process.

I. Driveway/Parking

The driveway is designed on a 11% downslope so that covered parking can be accomplished underneath the first floor, in line with the basement elevation and finished floor. By designing functional on-site parking, it will alleviate the on-street parking demand. The design team looked at widening the driveway to a double wide garage, but the expanded curb cut would result in the elimination of an on-street parking space. Lastly, in surveying the surrounding neighborhood along Nelson, most of the properties are designed with single-wide driveway and garage parking, so we wanted to maintain that look and feel of the neighborhood. In summary, the proposed garage modifications will create two legal conforming parking spaces where none currently exist with no impact to on-street parking.

II. Interior Remodel

The interior space of the existing residence is inefficient with limited functionality. The design decommissions the second floor, raises the finished floor of the first floor by a foot, and improves the existing unconditioned basement space into habitable space as well as incorporates functional on-site parking as described above. This internal modification respects the height, bulk and mass of the existing improvements, which is consistent with 20.16.040(A)(3) floor area exemption for improvement to enclosed but undeveloped volumes. The improvement to this lower level is also accomplished with minimal excavation, as described



in detail by the civil engineer's grading plan and corresponding chart. This design approach also eliminates many of the interior circulation issues and substandard stairways in favor of a predominantly singular living level. The remodel includes a net reduction of 10 skylights and elimination of a second story bedroom balcony at the rear of the existing residence, both of which will have a material benefit to the adjoining neighboring properties.

III. Rear Addition

The project contemplates a single-story addition at the rear of the residence measuring 1,263 SF. The addition respects both the development standards as well as the height, bulk, and mass of the existing residence to facilitate the appearance of a cohesive residence. The addition's massing is shifted slightly towards the south for two reasons: (1) the southern neighbor is slightly elevated over the property at 41 Nelson; and (2) the residence to the north is built within approximately 3 feet of the common property line so the goal is to accommodate as much "breathing room" as possible between these two structures. Please note that the addition is sited 10'8" from the southern property line whereas the development standards only require 8'10". This purposeful siting comes at the detriment of the project since it is more desirable to have the outdoor space with southern exposure; however, it was more important to balance neighborhood harmony in the site layout.

IV. Accessory Dwelling Unit

The existing accessory structure is being decommissioned in favor of a functional ADU. The ADU is designed at 417 SF with its own independent entrance and graceful walkup along the southern property line. The landscape plan specifically uses different hardscape materials to give the ADU its own sense of existence and purpose at the southwestern corner of the property. The window number, size, and location at the southern side of the addition were designed in a way that minimized the privacy impact for both the primary resident as well as the ADU resident.



This rear corner of the property is unique in that grades have been historically manipulated in and around the area. Accordingly, the southwestern corner of 41 Nelson marks a highpoint for that property at just above 20-feet compared to the finished lawn elevation of 16.3-feet; the approximate finished rear yard elevation for 50 Amicita is 15 feet, but benefits from a substantial cut retaining wall that creates the level rear yard relative to its upslope neighbor at 42 Amicita. Accordingly, the ADU's southern and western walls have been designed as both a retaining wall and structural wall so that these façades can be bunkered into that elevation gain and reduce the perception of the unit from adjoining properties.

In accordance with recently enacted state law AB 68 (Government Code §65852.2(c)(C)), the ADU is designed with 4-foot setbacks to both the side and rear property line. It is understood that this development standard will go into force and effect on January 1, 2020 and it is reasonably anticipated that Mill Valley will accommodate this new accommodation for ADUs. As previously shared, the walls along these setbacks (south and west) also act as retaining walls and will have minimal windows and zero physical interaction with either of the adjoining rear property areas. The four feet setback will be functionally decommissioned space that is planted and not developed for circulation to further afford privacy and screening to the two adjoining neighbors' rear yard areas.

Demolition of legal non-conforming

Due to the legal non-conforming features of the home, the remodel component of the project is authorized under 20.60.150(A)(1) of the code. See Sheet A2.1 for the wall demolition calculation that quantifies the exterior wall area and roof area as 31% that is subject to the voluntary demolition in compliance with the 50% max allowed under the Code.

The follow pages demonstrate the project's compatibility with the single-family design review guidelines.



Single-Family Residential Design Guideline Compliance

1. Integration with Topography

41 Nelson is a relative flat lot. Like many surrounding properties, 41 Nelson benefits from historical terracing to create the level lot, with the exception of the raised elevation condition in the southwestern corner of the property. The residential addition is designed to sit on grade such that the addition's roof peak is lower than the existing residence. The ADU is designed to gently bunker into the raised elevation at the rear of the property. The existing accessory structure that appears to have been excavated out will be filled with the spoils from the creation of the new ADU.

2. Minimizing Grading, Offhaul, and Import

The project is designed to minimize offhaul and import material. Some minor grading is expected at the driveway to accommodate parking on a lower interior elevation in the garage. Grading is also expected at the backyard to balance the existing grade that will result from removing the accessory structure and creation of the new ADU.

Separately, in consultation with planning staff, the basement space that is being developed under 20.16.040(A)(3), less than 50 cubic yards is proposed to be excavated. Again, the purpose of this provision is to accommodate the reasonable development of existing space so long as the overall height, bulk, and mass of the structure is not increased, which applies here.

3. Minimize Land Terracing

Property line retaining walls, as designated on the plans, are incorporated to replace existing conditions. Since the property is relatively flat, no new significant walls are incorporated into the design.



5. Drainage

The project civil engineer, DVC Group, has designed a conceptual drainage plan that complies with state and local standards. The site improvements and material selections for property were designed in consideration of both performance, maintenance, and permeability. The project team evaluated whether the bluestone patio along the northern side of the property could be constructed differently to reduce the impervious surface. Specifically, we looked at incorporating a raised deck so as to maintain a consistent floor level with the interior space but would remain pervious with water passing underneath the deck boards. The net benefit for impervious surface was approximately 7% reduction of impervious surface (now 51%); however, the detriment would be an elevated deck adjacent to the northern neighbor. Additionally, the construction of the deck would result in additional excavation and offhaul from the piers necessary to build the deck. On balance, the minimal benefit from reducing the impervious surface was not believed to outweigh the potential detrimental impacts created from the alternative design.

6. Driveways and Walkways

The downslope driveway was designed in consideration of ease of functional use for both a low sports car and raised SUV. The 11% slope was identified as a comfortable condition that facilitated the garage on the lower level while at the same time affording reasonable driveway tandem parking. As discussed above, the driveway design was developed in consideration of maintaining on-street parking.

7. Parking

Again, the parking was consciously designed to maximize ease of use so that cars are parked in the garage and away from public view. The single-car garage is consistent with other adjacent properties along Nelson Avenue. Also, the garage and driveway are designed so that feature of the home does not unnecessary consume the attention of the public interaction with the street view. The garage is equipped with an automatic door.



8. Fences

A four-foot tall decorative wood fence is designed along the front property line to frame in the front yard. This fence is designed with both a primary entry as well as a separate side gate specifically for the ADU. A 4-foot tall fence is designed along the southern property line, just upslope of an existing retaining wall. The purpose of this fence is to provide additional privacy between the ADU entrance and the southern neighbor. At approximately the rear of the existing residence, and out of site of the public vantage point, a new 7-foot tall fence is proposed to mimic the existing fence conditions. The existing fence does not follow the true and correct property line (benefiting and burdening adjoining properties in different locations), so it is being relocated to align with the surveyed property line.

10. Scale, Mass, and Height

The project was designed as a single-story addition to avoid monumental massing relative to neighboring improvements; thus, harmonizing with the neighborhood setting. The southern elevation of the new addition is approximately 46 linear feet, which approaches the maximum linear massing recommended under the guidelines. However, since (1) this massing sits at a lower elevation than the adjoining southern neighbor, (2) activity is minimally designed along this elevation with only select bench seating windows and clerestory windows to accent the wall, and (3) the ADU enjoys a more private pathway, this massing should be deemed acceptable under the guidelines. Coupled with the 7-foot tall fence, this elevation will be largely imperceptible from any adjoining vantage point.

There is no increase in the height of the existing residence and the single-story rear addition sits lower at the peak compared to the existing condition. Although there was room under the development standards for designing a two-story remodel or addition, this was perceived to be out of scale with the neighboring properties and a single-story addition was pursued instead.

12. Decks, Porches, and Balconies

The property entrance is modified to encourage a front porch that promotes public interaction with the streetscape by creating a direct staircase and centered front door. The rear deck is minimal in nature to accommodate circulation around the perimeter of the rear building. The deck is elevated approximately 1 foot above finished grade to avoid any looming effect yet facilitate a gracious connection between interior finished floor and exterior yard space. An existing upper floor balcony is being decommissioned as part of the remodel.

13. Materials and Color

The project design incorporates two distinct exterior siding materials for both the existing residence and the single-story rear yard addition. The existing portion of the home will be clad in grey painted shingles. The rear yard addition will be clad with a manufactured vertical siding. A standing seam metal roof is proposed throughout to harmonize the look and feel of the existing and the single-story rear yard addition. Accents of shoi sugi ban (charred wood) are proposed throughout.

15. Protection of Existing Vegetation

The small property's existing landscaping is sparse. Most features are unhealthy, undesirable, or nearing the end of its life expectancy. Of the existing landscape conditions, only the mature oak tree at the northwest corner of the property is suitable for retention. The site plan was designed, in part, around preservation of the oak.

16. Landscaping to Maximize privacy and Views

The hedge along the street frontage is scheduled for removal to open up the residence to the engage more with the street. An ornamental tree will be planted in the front yard to accent the home's entrance and replace the aging specimen adjacent to the existing driveway. Hornbeam trees are scheduled along the southern property line to replace the existing ornamental trees. These will afford screening of the roof from the adjoining upslope neighbor to the south. Screening evergreen shrubs (podocarpus and pittosporum) are strategically proposed around





the southwest corner of the property and the northern portion of the property adjacent to the patio to facilitate privacy from the adjoining properties. A small garden is designed to break up the connection between the primary residence's outdoor dining and the ADU. While the ADU opens up to an approximately 500 SF lawn, it is designed to be enjoyed by both the ADU and the primary residence.

Lisa Newman

From: Steven Ross
Sent: Friday, December 06, 2019 10:14 AM
To: Ted Bonneau
Cc: 'Chad Stith'; Lisa Newman
Subject: RE: 41 Nelson

Hi Ted,

Thanks for this summary of your neighborhood outreach about the project. I think it is very beneficial to inform neighbors and solicit feedback very early in the planning process, rather than surprising neighbors toward the end of the review process when the City mails out public notices.

I'm copying Lisa Newman on the e-mail, as she's been assigned to work on this project.

STEVEN ROSS | SENIOR PLANNER
CITY OF MILL VALLEY | 26 CORTE MADERA AVENUE | 415-384-4805

PLANNING DEPARTMENT PUBLIC COUNTER HOURS:
MONDAY, TUESDAY, THURSDAY: 8:00-12:00 AND 1:00-5:00
AND WEDNESDAYS 1:00-5:00

From: Ted Bonneau <ted@oxbstudio.com>
Sent: Thursday, December 05, 2019 4:31 PM
To: Steven Ross <ross@cityofmillvalley.org>
Cc: 'Chad Stith' <chad@oxbstudio.com>
Subject: 41 Nelson

Hi Steven, I was out of town last week however Chad and Ira were able to submit our design review for 41 Nelson on Tuesday 11/26. I also want to inform you of neighbor meetings that we've had on this project.

We met with Mrs. Florence Garvie at 43 Nelson (she also owns 55 Nelson); Florence McLaughlin who is the tenant at 27 Nelson, the owner Mr. Orlandi was not there (I left my contact information for him with Ms. McLaughlin); Doug Vegel and Eve Lewis, the owners of 42 Amacita and their tenant (whose name I've forgotten); and we left a packet of drawings and a project description letter with contact information at 50 Amacita for Mr. and Mrs. Stone who were not home.

Our outreach was successful and the neighbor's responses were positive and productive. I would like to highlight everyone's appreciation of the following:

- the addition is only one story
- we are retaining the existing structure and not scraping and rebuilding
- we eliminating encroachments into neighbor's properties (such as fences and the accessory structure)
- we are revegetating the property with new landscaping

Please let me know if I should forward this email to anyone else in the Planning Department. Thank you,

Ted Bonneau
OXBSTUDIOARCHITECTS
99 east blithedale avenue
mill valley, california 94941
office 415.383.9001
mobile 415.652.4630

Lisa Newman

From: Michael Orlandi <orlandi.michael@gmail.com>
Sent: Tuesday, January 14, 2020 8:28 PM
To: Lisa Newman; Dick & Jane
Subject: 41 Nelson Ave, Mill Valley CA 94941 Proposal

Dear Ms. Newman & City of Mill Valley,

We are the property owners of 27 Nelson Avenue, Mill Valley CA 94941.

We are writing in support of the property remodel at 41 Nelson Avenue, Mill Valley, as a whole. We have seen the plans (Plans dated: November 25, 2019) for the proposed expansion of the building and the redevelopment of the property. We would like to address a few specific aspects of the current proposal that we find very attractive.

- * Maintaining current structure: We are happy to see that they will be utilizing much of the current structure to reduce the amount of waste that would be created by razing it. The new, proposed entryway is more attractive and inviting for the neighborhood.
- * Landscaping: By removing the tall hedges in front of the current structure and planting smaller shrubs it will show off the new facade and be more in-line with the design aesthetics of the community.
- * Decommissioning the top-floor living area and balcony: This will add to the privacy of the neighbors on all sides.
- * Single-Story Expansion: Again, this will help maintain everyone's privacy and views.
- * Set-back: We were very pleased to learn that the remodel would include the concept of keeping the structures further back than the minimum setback. Again, adding to privacy.

The only concerns that we have with the new proposal are as follows, as we have already discussed with Chris Skelton, Project Manager:

- * Retaining walls: The previous owner had removed many of the retaining walls around the property. These walls that were removed are critical to keep our property (up hill of 41) stable. We would like to make sure the hillside is stabilized and the appropriate retaining is installed.
- * Property line & fence: The survey has been completed and boundary stakes installed, but with the amount of vegetation and old fencing we cannot tell exactly where those lines are. In reading the blueprints and estimating where the property line actually sits we are concerned about a fence. The fence might be as close as 23-inches from the back corner of our building. Depending on the height of the fence installed, it might be like a wall right outside the window. In addition to the visual barrier, we might not be able to access our utilities or make repairs if necessary. Our gas, electrical and phone/CATV lines all are accessed on that side of the building. Historically, there has not been a fence in this location, and we would like to ensure that we will still be able to safely access and maintain our utilities.

Again, we support this project and are pleased with the planned remodel.

Best regards,

Richard & Jane Orlandi
60 Mountain View Avenue
Mill Valley, CA 94941
415.388.4233

Michael Orlandi
Property Manager
415.717.8399

ZONING ADMINISTRATOR MEETING
DATE: *January 19, 2020*
ATTACHMENT: *2*

P

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Lisa Newman

From: Brad Stone <brad.stone@gmail.com>
Sent: Wednesday, February 12, 2020 9:24 PM
To: Lisa Newman
Cc: Tiffany Fox
Subject: The project at 41 Nelson, PL19-4864

Dear Lisa,

I know you spoke with my wife Tiffany this afternoon. We live at 50 Amicita Avenue and are writing to address the construction plans at 41 Nelson Ave, the lot directly behind ours. We have a number of concerns that we discussed with the project managers last month, when we received the original notice, and this week, as the story poles went up. Unfortunately, they don't appear to be interested in addressing the most significant concerns that we raised.

1. Privacy. Although the plan is for a single story, because of the elevation and incline of their lot, the large, vertical windows at the back of the planned main addition will face our master bedroom and the bedroom of one of our pre-teen daughter's. **We would propose frosted windows or landscaping that creates a privacy barrier for those windows.**
2. Landscaping and fencing. We share a fence, which we learned yesterday they have plans to replace. We would like to see plans for the proposed fence and get mutual agreement on the design. Because their lot sits at a higher elevation than ours, the landscaping on our side of the fence is inadequate to create a privacy barrier; **we would propose that they consider a high and dense landscaping hedge alongside the new fence.**
3. Lastly, plans call for a proposed Accessory Dwelling Unit in the back of the lot, directly adjoining our lot. Windows on the unit will directly face our home, and have the potential for line of sight into our downstairs shower and daughter's bedroom. **We would propose that the ADU windows facing our house be frosted and obscured by landscaping elements.**

While we recognize that an ADU may generally be compliant under the new state law, it's our understanding that some local cities –Corte Madera, for example – are starting to ask for design changes when there are significant privacy issues that impact neighbors.

Thanks for your help with addressing our concerns. We will send some photographs tomorrow to supplement this letter.

Sincerely,

Brad and Tiffany Stone

