



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION  
THE ORONZI APPEAL OF THE RAABE DESIGN REVIEW APPROVAL**

Item No.:	6.	Application No.:	DR 03-22
Appellant:	Marilyn Oronzi	Owner:	Bruce Raabe
Property Address:	135 South Ridgewood	Assessor's Parcel:	075-031-10
Hearing Date:	August 4, 2003	Planner:	Jeremy Tejrjian

**RECOMMENDATION: Deny the appeal and sustain the Community Development Agency's conditional approval**

**APPEAL PERIOD: Five working days to the Marin County Board of Supervisors**

**LAST DATE FOR ACTION: September 6, 2003**

**APPEAL SUMMARY AND RECOMMENDATION:**

This is a public hearing to consider an appeal of the Marin County Community Development Agency's conditional approval of a new single-family residence in the Kent Woodlands area of Kentfield. The appellant, Marilyn Oronzi, has filed an appeal of the Design Review approval, asserting that the size, mass, bulk, siting, cut and fill, disturbance to landscaping and looming nature of the development are contrary to the mandatory findings for Design Review approval. Staff recommends that the Planning Commission deny the appeal because the proposed project would be consistent with the policies contained in the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report, as well as with the mandatory findings required for Design Review approval. As further discussed in the analysis section and the findings below, the proposed project would not result in substantial adverse affects to the appellant's property or the surrounding area because it would be substantially screened by existing trees and other landscaping that would be planted in connection with this project.

**PROJECT DESCRIPTION:**

The applicant, Stan Camiccia, on behalf of the owners, Bruce and Theresa Raabe, is requesting Design Review approval to demolish an existing single-family residence and associated accessory structures and construct a new 9,648 square foot residence and attached garage, a 336 square foot detached accessory structure, and associated site amenities. The proposed residence would attain a maximum height of 29 feet above existing grade and 36 feet above finished grade, and the detached accessory structure would attain a maximum height of 19.5 feet above existing grade. The exterior walls of the proposed residence would maintain the following minimum setbacks: 45.25 feet from the southeastern front property line; 51 feet from the northeastern side property line; 136.25 feet from the southwestern side property line; and 129.5 feet from the northwestern rear property line. The proposed project would result in a floor area ratio of 6.8 percent on the 77,943 square foot property. The residence would be a Mediterranean style home with earthtone exterior materials.

## **GENERAL INFORMATION:**

General Plan: SF3 (Single-family, 1 unit per 1 to 5 acres maximum density)  
Zoning: RSP-1.0 (Residential, Single-Family, Planned, 1 unit per acre maximum density).  
Lot size: 77,943 square feet  
Adjacent Land Uses: Residential  
Vegetation: Native and introduced landscaping  
Topography and Slope: Level to steeply sloping  
Environmental Hazards: None identified

## **ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3, of the CEQA Guidelines because it entails the construction of a single-family residence with no potentially significant impacts to the environment.

## **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accordance with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property and to public agencies and organizations having purview over the project.

## **PLAN CONSISTENCY:**

The proposed project is subject to the policies of the Marin Countywide Plan, which emphasize minimizing impacts to the surrounding natural and built environment, and the Kent Woodlands Land Use Policy Report, which emphasizes maintaining the character of the local community. As further discussed in the analysis section below and the attached recommended Resolution, the proposed project is consistent with the policies contained in the Countywide Plan and the Kent Woodlands Land Use Policy Report.

## **PROJECT ANALYSIS:**

### *Overview*

The proposed project would be located on a hillside with a spur, which was leveled for a building pad that faces north and west towards the valley of the Tamalpais Creek watershed. The slope descends steeply from the building pad and South Ridgewood Road, and is further characterized by an ephemeral drainage swale that channels water onto an adjacent property to the northwest. The property is densely wooded with mature Oak and Bay trees. The existing development on the property includes a 2,461 square foot single-story residence and a pool that would be demolished and replaced with the proposed development.

The applicant proposes to construct a new three-story residence with an attached garage and various site amenities including a pool and patio. There would be a dual-access driveway to South Ridgewood Road leading to an oval arrival court, and there would be a continuation of the driveway that would follow the easterly contours of the hillside down slope to a garage that would be sunken below existing grade. The applicant also proposes to construct a new pool and pool house in approximately the same area as the existing pool.

The project is subject to policies of the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report

(Land Use Report). In particular, the Countywide Plan's Environmental Quality Element contains policies for the built environment requiring project designs that are aesthetically appealing and that protect the visual quality of the natural environment (Marin Countywide Plan Policies EQ-3.8, EQ-3.11). The Kent Woodlands Land Use Policy Report emphasizes maintaining the rural character of the local community, including preserving wooded areas and open space, and developing residences that blend into the surrounding landscape. A link between the Community Development Agency and the Kent Woodlands Property Owner's Association (KWPOA) is established by the Land Use Report to facilitate cooperation between the community and the County with respect to land use decisions. The KWPOA recommendations to the Community Development Agency are advisory in nature and do not replace the decision making authority of the County. The consistency of the proposed project with respect to particular policies contained in the Land Use Report is discussed in detail below.

### ***Submittal and Review***

The applicant submitted a standard set of plans for the project, including a site section between the subject property and the adjoining property to the east, and samples of the exterior materials and colors for the development. The applicant also submitted a geotechnical report, an archaeologist's report, a tree survey, and a visual analysis that includes photo-simulations of the proposed project from two separate vantage points prior to the installation of the landscaping and with the proposed vegetation in approximately five years. Further, the applicant erected story poles that demonstrate the potential visual impacts of the proposed development.

The information submitted with the application was circulated to the Marin County Department of Public Works and the special districts in the area for their review, and these agencies responded with recommendations regarding conditions of project approval. The information was also circulated to the KWPOA, which considered the project during several meetings. During these meetings the public, including surrounding neighbors, had the opportunity to comment on the project. Staff received eight separate letters from members of the community expressing concern regarding the size and potential impacts of the proposed development. The KWPOA responded to the County that the project was not consistent with the Land Use Report, and identified several issues that needed to be addressed prior to receiving their recommendation for approval. Staff concurred with the KWPOA and provided preliminary merits comments to the applicant that recommended revising the project to conform with the Land Use Report policies and reduce the impacts that would result from the proposed development.

In response to the concerns raised by staff, the public, and the KWPOA, the applicant made several revisions to the proposal, including the following: The proposed floor area was reduced by approximately 1,400 square feet, from 11,412 square feet to 9,984 square feet to reduce the residence's scale; the residence was reconfigured and reoriented on the site to move it farther from the appellant's property; the residence and the pool were relocated farther to the west to keep outdoor living areas away from the appellant's property; and the area of terraced landscaping was reduced so that the development would be better integrated into the natural environment. Subsequent to the revisions to the proposal the applicant submitted signed letters of support from eight surrounding neighbors. However, the appellant continued to object to the proposed development based on concerns regarding the scale of the development and potential visual impacts to her property. The KWPOA also continued to express concerns regarding the increased mass and bulk of the residence and its compatibility with the character of the surrounding community. The County raised similar but more limited concerns regarding the development and identified several inconsistencies of the project with the policies contained in the Land Use Report. In response to these concerns, the applicant provided a visual analysis with photo-simulations prepared by a qualified consultant in accordance with the County's specifications.

The KWPOA conducted two separate meetings to consider the proposal after the visual simulations were prepared, but were unable to reach a decision to support or object to the proposed project due to a tie vote among the members of the KWPOA architectural review committee. The KWPOA did not express a desire to consider the project further; however, they submitted recommendations for conditions of approval that would not result in significant modifications to the project.

## ***Kent Woodlands Land Use Policy Report***

On July 11, 1995, the Marin County Board of Supervisors adopted a comprehensive update to the Kent Woodlands Land Use Policy Report, which establishes policies to guide the development of properties while protecting the natural resources and community character of Kent Woodlands. The policies contained in the Land Use Report provide a framework for decision-making that is consistent with the Countywide Plan and the mandatory findings for Design Review approval. The policies are applied within the context of a specific project through the Design Review process so that site-specific circumstances can be considered in making consistency determinations. The project's relationship to specific policy objectives in the Land Use Report are analyzed below.

### Tree Protection

Tree protection policies contained in the Land Use Report encourage the protection of native trees, including mature Oaks and Bays (E.Q. 4). The site was affected by Sudden Oak Death Syndrome prior to the current owners' purchase of the property. Subsequent to the purchase of the property, a substantial number of trees were removed by a licensed arborist to retard the spread of the disease to the surrounding area. Thinning the trees resulted in exposing the site to the surrounding area to a greater extent, but was justified to protect the health of other Oaks in the area and there are a significant number of mature trees remaining on the site. The proposed project would entail the removal of four native trees, of which three are in poor health. The applicant would remove a healthy 24-inch pine from the front yard to facilitate the construction of the wall along the front property line. As conditions of approval, the applicant is required to employ an arborist to provide recommendations for tree protection during construction, including the installation of tree protection fencing. As modified by the conditions of approval, the proposed project is consistent with the tree protection policies of the Land Use Report because it would minimize tree removal and a substantial number of replacement trees would be planted.

### Water Quality

Water quality policies contained in the Land Use Report encourage measures for the protection of water quality within the Tamalpais Creek watershed (E.Q. 6). The proposed project would increase the amount of impermeable surfaces on the property by 4,923 square feet, from 11,615 square feet to 16,589 square feet. However, a large proportion of this area consists of driveways and terraces, which can be paved with semi-permeable materials that would reduce storm water runoff. Further, a substantial amount of vegetation was removed from the drainage swale that descends to the west of the building pad, which should be replaced with native riparian vegetation that is acceptable to the Department of Public Work's Marin County Storm Water Pollution Prevention Program (MCSTPPP) section. The drainage swale is not identified as a creek, nor does it have other attributes that would require its protection with a streamside conservation area. As conditions of approval, the applicant is required to modify the landscaping plan to show that at least 25 percent of the exterior hard surfaces shall be paved with semi-permeable surfaces, and to show a revegetation plan for the drainage swale. As modified by the conditions of approval, the proposed project would be consistent with the water quality policies of the Land Use Report because it would not adversely affect water quality within the Tamalpais Creek watershed.

### Natural Topography

Natural topography preservation policies contained in the Land Use Report encourage integrating development with the existing terrain on a site (E.Q. 7). Specifically, the policies emphasize reducing grading, avoiding sharp angled banks and large graded terraces, aligning driveways to follow the existing contours, and utilizing existing building pads and benches for development. The proposed development would entail a total of 1,728 cubic yards of grading and excavation material, with 846 cubic yards of

material hauled off the site. A large proportion of the material would be excavated to create the garage area. The approximate edges of the existing building pad for the residence occurs between the 98 foot contour on the uphill side and the 90 foot contour on the downhill side. The approximate edges of the existing building pad for the pool area occurs between the 74 foot contour on the uphill side and the 68 foot contour on the downhill side.

The proposed residence would extend approximately 24 feet to the north beyond the existing building pad, and the terraces surrounding the residence would extend up to 26 feet beyond the existing building pad. The terraces would require retaining walls approximately 5 feet high in most areas, except in the northernmost and southernmost areas, where retaining walls exceeding 6 feet in height would be necessary. The proposed pool would be constructed in the same general location as the existing pool and utilize the lower building envelope on the site. The driveway leading to the garage underneath the residence would follow the natural contours of the slope, and would require retaining walls approximately five feet above existing grade.

The existing building pad would be expanded to accommodate the terraces and the northern wing of the proposed residence, and a large amount of material would be excavated. It should be noted that the existing building pad for the residence is not completely natural because grading occurred for the existing residence. Furthermore, the type of direct vertical excavation proposed by the project has less visual impact than grading characterized by cut and fill slopes because it only affects the topography within the immediate area of the buildings or other improvements rather than more expansive reforming or altering of natural terrain. Where the grading extends beyond the building envelope, retaining walls for the northern terrace would be stepped down the slope to break up its mass and bulk, avoid significant alterations to the hillside terrain, and provide areas for landscaping to screen the upper portion of the wall and maintain the natural appearance of the affected area. Although the project is not confined to the footprint of the existing development on the property, it would not run afoul of the policy objectives for reducing grading or utilizing existing building pads because most of the proposed improvements will be located within or in close proximity to the existing developed or previously graded areas on the property, and the natural terrain on the site would be largely preserved when considering the total size of the property.

The visual analysis includes a photo-simulation from a vantage point across the valley to the north to address the potential impact to the views from the surrounding area that would result from the proposed development. The photo-simulations demonstrate that the location and design of the project would not result in adverse effects to the hillside character of the surrounding area because existing and proposed vegetation would screen the development and assist in integrating it with the natural environment.

### Compatible Design

Compatible design policies in the Land Use Report encourage development that would conform with defined design criteria and be consistent with the character of the community (C.D. 1.3, C.D. 1.4, C.D. 1.5). The design policies emphasize the importance of ensuring that new development is compatible with the scale of other development in the area and integrated with the natural environment. Design criteria establish the setbacks required for the R-1:B-3 zoning district as the standard for comparison in the Kent Woodlands area, which require 30-foot setbacks in the front yard, 15-foot setbacks on the side yards and 25-foot setbacks in rear yards. A maximum height of 30 feet above natural grade is permitted in planned districts.

The proposed three-story 9,648 square foot residence is relatively large in comparison to other residences in the Kent Woodlands area and would attain a maximum height of 29 feet above existing grade and 36 feet above the finished grade in the garage area. The proposed development would maintain setbacks well exceeding the minimum required in R-1:B-3 zoning districts and more than 187 feet from the nearest residence to the east. Although the residence would be large, the development on the property would result

in a total floor area ratio of 6.8 percent on the 74,943 square foot property. The proposed project would be consistent with the compatible design criteria contained in the Land Use Report because it would exceed the setbacks required by the R-1:B-3 zoning district, would attain a maximum height of 29 feet above existing grade, and as discussed below would conform with applicable hillside design guidelines and result in a low floor area ratio on the property.

### Hillside Design

Hillside design policies in the Land Use Report encourage development that would conform to the environmental constraints in hillside areas (C.D. 1.7). The hillside design policies emphasize the importance of articulating facades, stepping building forms down slopes, and building roofs that are pitched and oriented to reflect the topography. The policies include criteria, which specify that low profile, one and two story buildings are appropriate for hillside areas. The criteria also specify that long, linear unbroken rooflines should be avoided, vertical building walls should not exceed 20 feet above finished grade unless they are stepped back from the adjacent lower walls by at least 10 feet, and horizontal walls that exceed a single story should not exceed a length of 25 feet.

It should be noted that the existing building pad for the residence is relatively level, and only the north wing of the residence, including the garage, would extend beyond the building pad down the slope. In this area the residence and garage are three stories in height and have a vertical wall that would be 31 feet above the finished grade of the garage level. However, the proposed development would not exceed a height of 29 feet above natural grade because the garage level would be sunken into the hillside. Further, the exterior wall forms are articulated with architectural features such as trellises and porches, and the areas of the residence that are two or three stories in height would not exceed a horizontal linear distance of 25 feet. The roofs are also articulated with various levels and building components, although the two main ridges would be approximately 55 feet in length.

The primary concern with respect to the hillside design policies contained in the Land Use Report is the three-story portion of the residence that extends beyond the building pad and presents a 31-foot high exterior façade towards the east. The visual analysis submitted by the applicant includes a photo-simulation from the adjacent property to the east to address the potential impact to that property that would result from the proposed development. The photo-simulations demonstrate that the project would not result in adverse affects to the character of the community because the existing and proposed vegetation would screen the development and assist in integrating it with the natural environment.

### Materials and Colors

Exterior building materials and colors policies in the Land Use Report encourage exterior materials and colors that would blend with the surrounding natural and built environment (C.D. 1.9). The design policies emphasize the importance of using natural materials with dark, unobtrusive earthtones for all buildings and accessory structures such as fences, site walls, and retaining walls. The applicant has submitted materials and colors samples that include dark tan stucco and brown tile roofing with wood details such as gates and doors. Further, the applicant has indicated that ivy would be trained up the walls. However, the landscaping plan refers to a salmon color for the terraces, which would be inconsistent with the materials and colors policies contained in the Land Use Report. As a condition of approval, the applicant would be required to submit a revised color board that consolidates the various samples previously submitted and approved and shows a darker color for the terrace paving. As modified by the conditions of approval, the proposed project would be consistent with the materials and colors policies contained in the Land Use Report.

### Visual Resources

Visual resource policies contained in the Land Use Report encourage development that is aesthetically appealing and would not impede views from scenic vistas. The visual resource policies emphasize avoiding ridgelines and using natural site features, such as mature trees, to screen development. The subject property is a visually prominent hillside that is clearly visible from across the valley and from the surrounding area. The spur of the building pad raises the base elevation of the development above many of the surrounding properties and the tree removal that was necessary to retard the spread of Sudden Oak Death Syndrome exposed the building area to the surrounding views. These circumstances create challenges for developing a large residence on the site that would not conflict with the visual resources policies contained in the Land Use Report. However, the subject property is relatively large in comparison to other properties in the area and the proposed development would maintain substantial setbacks from the property lines, which reduce potential impacts to adjacent neighbors. Further, the exterior colors of the development and the existing and proposed vegetation would screen the property from the adjacent properties

The applicant submitted a visual analysis that includes photo-simulations of the proposed development. The photo-simulations incorporate photographs from the vantage point from the adjacent property to the east and from the vicinity of 46 Rock Road across the valley. The photo-simulations are based on a Digital Terrain Model that accurately reflects the existing and proposed grades and shows the mass of the proposed residence and the location of the proposed driveway. A “normal” camera lens (42 to 50 millimeter) was used to produce the underlying images, and the representations of the proposed development are overlain to scale on the images. Two photo-simulations were prepared for each vantage point to show the impact of the development without the proposed landscaping and also to show the impact of the development with the proposed landscaping. The landscaping represented is based on the 5-year growth size projected by the landscape architect. The photo-simulations demonstrate that the proposed project would be consistent with the visual character of the surrounding area and would not result in substantial adverse visual affects to adjacent neighbors. Based on the submitted plans, story poles, and visual analysis, the proposed project would be consistent with the visual resource policies contained in the Land Use Report.

#### Landscaping and Lighting

Landscaping and lighting policies contained in the Land Use Report encourage landscaping that would integrate the development with the surrounding natural environment and lighting that is unobtrusive (C.D. 1.10 and C.D. 1.8). The policies emphasize that terraces should be designed with incremental steps down slopes or built on existing level areas. The proposed landscaping plan locates the majority of the primary yard area on the existing building pad and the new pool on the same building pad as the existing pool. The site walls and retaining walls would be constructed with materials and colors similar to the residence and covered with ivy. The terraced areas would expand the existing building pad by up to twenty-four feet, but would not require retaining walls exceeding 5 feet in height in most areas. The northern and southern extent of the terraces around the residence would require retaining walls exceeding 6 feet in height, and the terrace behind the kitchen would require two retaining walls that combined would raise the level of grade by approximately 13 feet.

The landscaping plan includes planting a significant number of trees to replace the trees that were previously removed. This would provide substantial screening for the proposed development, however, increasing the size of several of the trees downslope of the residence would reduce the visual impacts of the development in the near future, before the other trees grow to maturity. The visual analysis does not include a photo-simulation of the property immediately after the construction, when the development will be the most visible. Further, the landscaping plan indicates that lighting would be directed upwards into the trees, which would result in visual impacts from light pollution. Conditions of approval require increasing the types and sizes of several of the proposed trees to provide immediate screening to the development, and require a lighting plan that would consist of downward directed exterior lighting. As modified by the conditions of approval, the proposed project would be consistent with the landscaping and lighting policies

contained in the Land Use Report.

### ***Conclusion***

The policies contained in the Kent Woodlands Land Use Policy Report provide guidelines for reviewing development applications that are consistent with the Countywide Plan and the mandatory findings required for Design Review approval. Based on the analysis above, the proposed project is consistent with the relevant policies of the Land Use Report because it would not result in significant tree removal, and a substantial number of trees have and will be planted on the property, water quality and natural water courses would be maintained and preserved, the design of the house is compatible with the range of styles in the community and would reduce the visual massing of the structure, the materials and colors will assist in visually blending the residence into the surrounding natural and built environments, grading would not result in a visually apparent or conspicuous alteration of natural terrain as viewed from nearby or more distant vantage points, and introduced landscaping will assist in integrating the site development into the wooded hillside setting of the project.

### **APPEAL:**

#### Basis for appeal

*The appellant asserts that the development would result in adverse visual and privacy affects to her property, and that the size, mass, bulk, siting, cut and fill, disturbance to landscaping and looming nature of the project, as approved, all operate contrary to the mandatory findings for Design Review approval.*

The appeal of the Community Development Agency's conditional approval has been submitted by Marilyn Oronzi, who is the owner and resident of 141 South Ridgwood Road, which is the adjacent property to the east of the project site. A variety of concerns have been identified by the materials submitted by the appellant's representatives and during discussions between staff and the appellant. Many of these concerns have been addressed in the discussion regarding the consistency of the project with the policies contained in the Land Use Report. The appellant has primarily expressed concerns that the proposed development would be overwhelming in its scope from the perspective of the relative size of the residence in comparison to the appellant's, the amount of grading and excavation that will be entailed, and the proximity of the new driveway to her living areas. Finally, the appellant asserts that the visual impact analysis prepared for the project does not fully address the adverse affects to her property because the photographs were taken from a single vantage point on her property on an overcast day during the spring when the deciduous trees between the residences had full foliage.

#### Response to appeal

As discussed in the analysis section, the project would entail a substantial amount of development; however, the resulting residence and outdoor living areas would not adversely affect the appellant's property. While the residence would be large in comparison to other residences in the neighborhood, the impact of the residence's scale is not only a function of its total floor area, but also its proportion to the area of the property, the distance from which it is viewed, and the amount of screening between residences and outdoor activity areas. Irrespective of the existing and proposed vegetation that would provide screening for the development, the appellant's residence is 187 feet away from the proposed residence, which should assist in protecting the appellant's privacy and reduce its proportional scale. Further, although the residence would be large, the development on the property would result in a total floor area ratio of 6.8 percent on the 74,943 square foot property.

Several features of the design would reduce the adverse affects to the appellant's property. The driveway down to the garages would follow the natural contours of the site and the plan to excavate the hillside to build the garages would reduce the mass and bulk of the residence. The applicant has located the majority of the outdoor areas on the far side of the proposed residence from the appellant's property, and has indicated that a fence would be constructed



along the driveway to reduce nighttime glare from headlights of the cars entering the garages. Ivy would be trained up the exterior walls to provide a modulated green and dark tan exterior color scheme for the development that would blend into the natural surroundings. The eastern façade of the proposed residence facing the appellant's property would be articulated with design features including wooden garage doors, stonework on the garage level, trellises and porches, and building forms that step up the hillside away from the appellant's property.

The landscaping proposed by the applicant would integrate the development with the surrounding environment and screen the residence from the appellant's property. More than 50 Redwoods, Bays, and Oaks are currently growing between the proposed residence and the common property line, and more than 20 additional Redwoods and Acacia's would be planted in this area prior to the completion of the project. The topographical relationship of the two residences results in sightlines from the appellant's property up towards the proposed residence. This sightline angle is more easily obstructed by vegetation because it is not necessary for trees to grow to full maturity before they provide substantial screening between the two properties.

Finally, the visual analysis was produced by a method that accounts for existing and proposed grades, accurate plans of the development, and projections of the vegetation growth during a five-year period. The photo-simulations provide a tool for analysis of the impacts of the project, and were produced according to the criteria established by the County to assure accurate and objective results within the limits of the technology available. The greatest degree of uncertainty regarding these results lies in the growth projections for the proposed vegetation. Unfortunately, it is not possible to project exactly how a tree will grow; however, the landscape architect's estimates are reasonable and the landscape plan includes measures such as a drip irrigation system to assure the continued health of the trees. The proposed residence would be most visible from the appellant's property during the first winter after it's construction, because the deciduous trees would lose their foliage and the evergreens would not have grown up enough to screen the new residence. After the construction, the visibility of the new development would gradually decrease during subsequent years until the proposed residence would become virtually completely screened by vegetation.

## **CONCLUSION AND RECOMMENDATION**

Based on the analysis above and the attached recommended Resolution, staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and adopt the recommended Resolution denying the Oronzi appeal and approving the Raabe Design Review.

- Attachments:
1. Recommended Resolution denying the Oronzi appeal and conditionally approving the Raabe Design Review
  2. CEQA Exemption
  3. Location Map
  4. Assessor's Parcel Map
  5. Notice of Decision, issued June 27, 2003
  6. Petition for appeal, submitted July 8, 2003
  7. Letter from applicant in response to appeal, submitted 7-24-03
  8. Kent Woodlands Property Owner's Association comments, dated 6-18-03
  9. Marin Municipal Water District comments, dated 3-24-03
  10. Department of Public Works comments, dated 5-08-03
  11. Ross Valley Sanitation District comments, dated 3-19-03
  12. Kentfield Fire Protection District comments, dated 4-11-03
  13. Letter from applicant regarding energy conservation, submitted 6-20-03
  14. Letters in support of project, submitted on various dates
  15. Photo-simulations (only included in Planning Commission packets)

MARIN COUNTY PLANNING COMMISSION

A RESOLUTION DENYING THE ORONZI APPEAL OF THE COMMUNITY DEVELOPMENT AGENCY'S  
CONDITIONAL APPROVAL OF THE RAABE DESIGN REVIEW  
ASSESSOR'S PARCEL 075-031-10  
135 SOUTH RIDGEWOOD ROAD, KENTFIELD

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**SECTION I: FINDINGS**

- I. WHEREAS, the applicant, Stan Camiccia, on behalf of the owners, Bruce and Theresa Raabe, is requesting Design Review approval to demolish an existing single-family residence and associated accessory structures and construct a new 9,648 square foot residence and attached garage, a 336 square foot detached accessory structure, and associated site amenities. The proposed residence would attain a maximum height of 29 feet above existing grade and 36 feet above finished grade, and the detached accessory structure would attain a maximum height of 19.5 feet above existing grade. The exterior walls of the proposed residence would maintain the following minimum setbacks: 45.25 feet from the southeastern front property line; 51 feet from the northeastern side property line; 136.25 feet from the southwestern side property line; and 129.5 feet from the northwestern rear property line. The proposed project would result in a floor area ratio of 6.8 percent on the 77,943 square foot property. The residence would be a Mediterranean style home with earthtone exterior materials. The subject property is located at **135 South Ridgewood Road**, and is further identified as **Assessor's Parcel 075-031-10**.
- II. WHEREAS, the Marin County Community Development Agency Director conditionally approved the proposed project on June 27, 2003
- III. WHEREAS, on July 8, 2003, the appellant, Marilyn Oronzi, submitted a timely Petition for Appeal of the Community Development Agency Director's conditional approval of the Raabe Design Review, asserting that the size, mass, bulk, siting, cut and fill, disturbance to landscaping and looming nature of the development all operate contrary to the mandatory findings for Design Review approval.
- IV. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on August 4, 2003, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- V. WHEREAS, the bases of the Oronzi appeal does not provide a sufficient justification for overturning the Community Development Agency Director's conditional approval of the Raabe Design Review because the proposed project would be consistent with the policies contained in the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report, as well as with the mandatory findings required for Design Review approval. As further discussed in the analysis section and the findings below, the proposed project would not result in substantial adverse affects to the appellant's property or the surrounding area because it would be compatible with the character of the local community.
- VI. WHEREAS, the Marin County Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3, of the CEQA Guidelines because it entails the construction of a single-family residence with no potentially significant impacts to the environment.
- VII. WHEREAS, the Marin County Planning Commission finds that the proposed project is consistent with the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report, as follows:

### Tree Protection

Tree protection policies contained in the Land Use Report encourage the protection of native trees, including mature Oaks and Bays (E.Q 4). The site was affected by Sudden Oak Death Syndrome prior to the current owners' purchase of the property. Subsequent to the purchase of the property, a substantial number of trees were removed by a licensed arborist to retard the spread of the disease to the surrounding area. Thinning the trees resulted in exposing the site to the surrounding area to a greater extent, but was justified to protect the health of other Oaks in the area and there are a significant number of mature trees remaining on the site. The proposed project would entail the removal of four native trees, of which three are in poor health. The applicant would remove a healthy 24-inch pine from the front yard to facilitate the construction of the wall along the front property line. As conditions of approval, the applicant is required to employ an arborist to provide recommendations for tree protection during construction, including the installation of tree protection fencing. As modified by the conditions of approval, the proposed project is consistent with the tree protection policies of the Land Use Report because it would minimize tree removal and a substantial number of replacement trees would be planted.

### Water Quality

Water quality policies contained in the Land Use Report encourage measures for the protection of water quality within the Tamalpais Creek watershed (E.Q. 6). The proposed project would increase the amount of impermeable surfaces on the property by 4,923 square feet, from 11,615 square feet to 16,589 square feet. However, a large proportion of this area consists of driveways and terraces, which can be paved with semi-permeable materials that would reduce storm water runoff. Further, a substantial amount of vegetation was removed from the drainage swale that descends to the west of the building pad, which should be replaced with native riparian vegetation that is acceptable to the Department of Public Work's MCSTPPP section. The drainage swale is not identified as a creek, nor does it have other attributes that would require its protection with a streamside conservation area. As conditions of approval, the applicant is required to modify the landscaping plan to show that at least 25 percent of the exterior hard surfaces shall be paved with semi-permeable surfaces, and to show a revegetation plan for the drainage swale. As modified BY the conditions of approval, the proposed project would be consistent with the water quality policies of the Land Use Report because it would not adversely affect water quality within the Tamalpais Creek watershed.

### Natural Topography

Natural topography preservation policies contained in the Land Use Report encourage integrating development with the existing terrain on a site (E.Q. 7). Specifically, the policies emphasize reducing grading, avoiding sharp angled banks and large graded terraces, aligning driveways to follow the existing contours, and utilizing existing building pads and benches for development. The proposed development would entail a total of 1,728 cubic yards of grading and excavation material, with 846 cubic yards of material hauled off the site. A large proportion of the material would be excavated to create the garage area. The approximate edges of the existing building pad for the residence occurs between the 98 foot contour on the uphill side and the 90 foot contour on the downhill side. The approximate edges of the existing building pad for the pool area occurs between the 74 foot contour on the uphill side and the 68 foot contour on the downhill side.

The proposed residence would extend approximately 24 feet to the north beyond the existing building pad, and the terraces surrounding the residence would extend up to 26 feet beyond the existing building pad. The terraces would require retaining walls approximately 5 feet high in most areas, except in the northernmost and southernmost areas, where retaining walls exceeding 6 feet in height would be necessary. The proposed pool would be constructed in the same general location as the existing pool and utilize the lower building envelope on the site. The driveway leading to the garage underneath the residence would follow the natural contours of the slope, and would require retaining walls approximately

five feet above existing grade.

The existing building pad would be expanded to accommodate the terraces and the northern wing of the proposed residence, and a large amount of material would be excavated. It should be noted that the existing building pad for the residence is not completely natural because grading occurred for the existing residence. Furthermore, the type of direct vertical excavation proposed by the project has less visual impact than grading characterized by cut and fill slopes because it only affects the topography within the immediate area of the buildings or other improvements rather than more expansive reforming or altering of natural terrain. Where the grading extends beyond the building envelope, retaining walls for the northern terrace would be stepped down the slope to break up its mass and bulk, avoid significant alterations to the hillside terrain, and provide areas for landscaping to screen the upper portion of the wall and maintain the natural appearance of the affected area. Although the project is not confined to the footprint of the existing development on the property, it would not run afoul of the policy objectives for reducing grading or utilizing existing building pads because most of the proposed improvements will be located within or in close proximity to the existing developed or previously graded areas on the property, and the natural terrain on the site would be largely preserved when considering the total size of the property.

The visual analysis includes a photo-simulation from a vantage point across the valley to the north to address the potential impact to the views from the surrounding area that would result from the proposed development. The photo-simulations demonstrate that the location and design of the project would not result in adverse effects to the hillside character of the surrounding area because existing and proposed vegetation would screen the development and assist in integrating it with the natural environment.

#### Compatible Design

Compatible design policies in the Land Use Report encourage development that would conform with defined design criteria and be consistent with the character of the community (C.D. 1.3, C.D. 1.4, C.D. 1.5). The design policies emphasize the importance of ensuring that new development is compatible with the scale of other development in the area and integrated with the natural environment. Design criteria establish the setbacks required for the R-1:B-3 zoning district as the standard for comparison in the Kent Woodlands area, which require 30-foot setbacks in the front yard, 15-foot setbacks on the side yards and 25-foot setbacks in rear yards. A maximum height of 30 feet above natural grade is permitted in planned districts.

The proposed three-story 9,648 square foot residence is relatively large in comparison to other residences in the Kent Woodlands area and would attain a maximum height of 29 feet above existing grade and 36 feet above the finished grade in the garage area. The proposed development would maintain setbacks well exceeding the minimum required in R-1:B-3 zoning districts and more than 187 feet from the nearest residence to the east. Although the residence would be large, the development on the property would result in a total floor area ratio of 6.8 percent on the 74,943 square foot property. The proposed project would be consistent with the compatible design criteria contained in the Land Use Report because it would exceed the setbacks required by the R-1:B-3 zoning district, would attain a maximum height of 29 feet above existing grade, and as discussed below would conform with applicable hillside design guidelines and result in a low floor area ratio on the property.

#### Hillside Design

Hillside design policies in the Land Use Report encourage development that would conform to the environmental constraints in hillside areas (C.D. 1.7). The hillside design policies emphasize the importance of articulating facades, stepping building forms down slopes, and building roofs that are pitched and oriented to reflect the topography. The policies include criteria, which specify that low profile, one and two story buildings are appropriate for hillside areas. The criteria also specify that long,

linear unbroken rooflines should be avoided, vertical building walls should not exceed 20 feet above finished grade unless they are stepped back from the adjacent lower walls by at least 10 feet, and horizontal walls that exceed a single story should not exceed a length of 25 feet.

It should be noted that the existing building pad for the residence is relatively level, and only the north wing of the residence, including the garage, would extend beyond the building pad down the slope. In this area the residence and garage are three stories in height and have a vertical wall that would be 31 feet above the finished grade of the garage level. However, the proposed development would not exceed a height of 29 feet above natural grade because the garage level would be sunken into the hillside. Further, the exterior wall forms are articulated with architectural features such as trellises and porches, and the areas of the residence that are two or three stories in height would not exceed a horizontal linear distance of 25 feet. The roofs are also articulated with various levels and building components, although the two main ridges would be approximately 55 feet in length.

The primary concern with respect to the hillside design policies contained in the Land Use Report is the three-story portion of the residence that extends beyond the building pad and presents a 31-foot high exterior façade towards the east. The visual analysis submitted by the applicant includes a photo-simulation from the adjacent property to the east to address the potential impact to that property that would result from the proposed development. The photo-simulations demonstrate that the project would not result in adverse affects to the character of the community because the existing and proposed vegetation would screen the development and assist in integrating it with the natural environment.

#### Materials and Colors

Exterior building materials and colors policies in the Land Use Report encourage exterior materials and colors that would blend with the surrounding natural and built environment (C.D. 1.9). The design policies emphasize the importance of using natural materials with dark, unobtrusive earthtones for all buildings and accessory structures such as fences, site walls, and retaining walls. The applicant has submitted materials and colors samples that include dark tan stucco and brown tile roofing with wood details such as gates and doors. Further, the applicant has indicated that ivy would be trained up the walls. However, the landscaping plan refers to a salmon color for the terraces, which would be inconsistent with the materials and colors policies contained in the Land Use Report. As a condition of approval, the applicant would be required to submit a revised color board that consolidates the various samples previously submitted and approved and shows a darker color for the terrace paving. As modified by the conditions of approval, the proposed project would be consistent with the materials and colors policies contained in the Land Use Report.

#### Visual Resources

Visual resource policies contained in the Land Use Report encourage development that is aesthetically appealing and would not impede views from scenic vistas. The visual resource policies emphasize avoiding ridgelines and using natural site features, such as mature trees, to screen development. The subject property is a visually prominent hillside that is clearly visible from across the valley and from the surrounding area. The spur of the building pad raises the base elevation of the development above many of the surrounding properties and the tree removal that was necessary to retard the spread of Sudden Oak Death Syndrome exposed the building area to the surrounding views. These circumstances create challenges for developing a large residence on the site that would not conflict with the visual resources policies contained in the Land Use Report. However, the subject property is relatively large in comparison to other properties in the area and the proposed development would maintain substantial setbacks from the property lines, which reduce potential impacts to adjacent neighbors. Further, the exterior colors of the development and the existing and proposed vegetation would screen the property from the adjacent properties

The applicant submitted a visual analysis that includes photo-simulations of the proposed development. The photo-simulations incorporate photographs from the vantage point from the adjacent property to the east and from the vicinity of 46 Rock Road across the valley. The photo-simulations are based on a Digital Terrain Model that accurately reflects the existing and proposed grades and shows the mass of the proposed residence and the location of the proposed driveway. A “normal” camera lens (42 to 50 millimeter) was used to produce the underlying images, and the representations of the proposed development are overlain to scale on the images. Two photo-simulations were prepared for each vantage point to show the impact of the development without the proposed landscaping and also to show the impact of the development with the proposed landscaping. The landscaping represented is based on the 5-year growth size projected by the landscape architect. The photo-simulations demonstrate that the proposed project would be consistent with the visual character of the surrounding area and would not result in substantial adverse visual affects to adjacent neighbors. Based on the submitted plans, story poles, and visual analysis, the proposed project would be consistent with the visual resource policies contained in the Land Use Report.

### Landscaping and Lighting

Landscaping and lighting policies contained in the Land Use Report encourage landscaping that would integrate the development with the surrounding natural environment and lighting that is unobtrusive (C.D. 1.10 and C.D. 1.8). The policies emphasize that terraces should be designed with incremental steps down slopes or built on existing level areas. The proposed landscaping plan locates the majority of the primary yard area on the existing building pad and the new pool on the same building pad as the existing pool. The site walls and retaining walls would be constructed with materials and colors similar to the residence and covered with ivy. The terraced areas would expand the existing building pad by up to twenty-four feet, but would not require retaining walls exceeding 5 feet in height in most areas. The northern and southern extent of the terraces around the residence would require retaining walls exceeding 6 feet in height, and the terrace behind the kitchen would require two retaining walls that combined would raise the level of grade by approximately 13 feet.

The landscaping plan includes planting a significant number of trees to replace the trees that were previously removed. This would provide substantial screening for the proposed development, however, increasing the size of several of the trees downslope of the residence would reduce the visual impacts of the development in the near future, before the other trees grow to maturity. The visual analysis does not include a photo-simulation of the property immediately after the construction, when the development will be the most visible. Further, the landscaping plan indicates that lighting would be directed upwards into the trees, which would result in visual impacts from light pollution. Conditions of approval require increasing the types and sizes of several of the proposed trees to provide immediate screening to the development, and require a lighting plan that would consist of downward directed exterior lighting. As modified by the conditions of approval, the proposed project would be consistent with the landscaping and lighting policies contained in the Land Use Report.

VIII. WHEREAS, the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings for a Design Review (Section 22.82.040 of the Marin County Code).

The Community Development Agency Director has determined that the project complies with the mandatory Design Review findings to conditionally approve the proposed project for the reasons identified below.

As modified by the conditions of approval, the project would comply with all development standards applicable to the governing zoning district. Additionally, the project would utilize design features that break up the mass of the structure such as articulations in the building facades, porches, and fenestration.

As modified by the conditions of approval, the project would not limit or inhibit the use or enjoyment of other properties in the vicinity because the improvements are consistent with the uses permitted by the governing zoning district and would maintain adequate setbacks from all property lines and other buildings on the

subject and surrounding properties. The residence would meet the energy conservation objectives required by the Marin County Efficiency Ordinance (Ord. 3356) Additionally, the project has been designed to protect and preserve the existing views, light, air and privacy of surrounding residences.

As modified by the conditions of approval, the project would result in minimal adverse physical and visual impacts because it would be constructed of building materials and colors that compliment the surrounding natural and built environment and would be consistent with the Kent Woodlands community character. Further, the applicant proposes the installation of landscaping that would reduce and soften visual impacts of the new construction, stabilize and prevent the erosion of graded soils around the structure, and enhance the privacy of the occupants of the subject and surrounding properties.

The above findings for consistency with the Land Use Report also support these Design Review findings.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby denies the Oronzi appeal and approves the Raabe Design Review subject to the following conditions:

### Community Development Agency – Planning Division

1. Pursuant to Marin County Code Section 22.82.040, this Design Review approval authorizes the construction of a 9,648 square foot residence and attached garage, a 336 square foot detached accessory structure, and associated site amenities. The residence shall attain a maximum height of 29 feet above existing grade and 36 feet above finished grade, and the detached accessory structure shall attain a maximum height of 19.5 feet above existing grade. The exterior walls of the residence shall maintain the following minimum setbacks: 45.25 feet from the southeastern front property line; 51 feet from the northeastern side property line; 136.25 feet from the southwestern side property line; and 129.5 feet from the northwestern rear property line. The project shall result in a floor area ratio of 6.8 percent on the 77,943 square foot property. The subject property is located at 135 South Ridgewood Road, Kentfield and is further identified as Assessor's Parcel 075-031-10.
2. Except as modified by these conditions, the plans submitted for a Building Permit shall substantially conform to plans on file with the Marin County Community Development Agency identified as "Exhibit A," entitled, "Raabe Residence," consisting of 14 sheets prepared by Camiccia Construction Design Team, and dated February 24, 2003.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Design Review conditions of approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised colors and materials sample board for review and approval by the Director. The samples shall show colors and materials for the exterior of the residence and all retaining walls that are consistent with the colors submitted with the visual analysis and separate samples including "Ustile Old World Blend" roof tiles and "Benjamin Moore Jackson" for the stucco walls. The colors shall be subdued earthtones, and the materials for the retaining walls shall appear natural and consistent with the surrounding area.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscape plan that shows the location of exterior lighting, and details of the exterior lighting fixtures for the development shall be submitted. The lighting shall be minimized to the maximum extent feasible and fixtures shall be downward directed and hooded.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscaping plan which indicates that four of the proposed trees would be either 48-inch box redwoods or 60-inch box Olives, or a combination of both. The specific locations of these trees are marked on the landscaping plan contained in "Exhibit A." This condition may be modified by the Director at the written request of the applicant, if more advantageous types or locations of trees are recommended by the project landscape architect or arborist.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscaping plan, which indicates that at least 25 percent of the exterior hard surface materials shall be semi-pervious paving materials. The paving plan is subject to the review and approval of the MCSTPPP section of the Department of Public Works and the Director.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscaping plan that shows the location and types of the riparian plants that will be planted to revegetate the swale. The revegetation plan is subject to the review and approval of the MCSTPPP section of the Department of Public



Works and the Director.

9. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit revised plans which shows an elevation of the wall along the front property line with a detail of the method of training ivy up its front facade. The revised plans are subject to the review and approval of the Director.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit revised plans, which show that an additional window facing east from the kitchen shall be installed and that a 6-foot wide trellis shall be constructed above the path from the garage area to the rear yard.
11. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT for any of the work identified in Condition 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
12. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT, the applicant shall submit a report prepared by a licensed arborist which certifies the adequacy of the protective fencing installed and which identifies additional mitigation measures, if necessary, for review and approval by the Community Development Agency, prior to commencement of grading or construction.
13. The property owner shall be responsible for ensuring on-going maintenance and preservation of the existing and approved trees needed for screening the structures from off-site locations. Only those trees shown on the site plan as proposed for removal, if any, may be removed. No other existing trees on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent reasonably safety hazards to people and property.
14. The applicant shall retain the services of a licensed arborist or landscape architect to inspect the project site during construction activities. All site development construction practices shall be in accord with the recommend guidelines contained in the required arborist's report. The applicant shall comply with recommendations made by the licensed professional with respect to tree protection during construction activities, general tree care practices, and long-term vegetation management to ensure continued viability of the site's native vegetation.
15. If archaeological resources are discovered during construction, all work at the site shall cease and the applicant shall contact the Marin County Environmental Coordinator. A registered archaeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Director. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources.
16. Construction activity is only permitted between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sunday or Holidays. At the applicant's request, the Director may administratively authorize minor modifications for non-noise generating activities to these hours of construction.
17. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.

18. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
19. It shall be the responsibility of the applicant to store all construction materials and equipment at the site (or secured at an approved off-site location) in such a manner as to permit safe passage for vehicular traffic at all times. Every effort shall be made by the holder of the Building Permit to strictly limit the number of vehicles used to transport workers and materials to the site to the minimum amount necessary. No authorization to trespass upon other private property is granted or implied by this approval.
20. The development shall meet the requirements of the Marin County Energy Efficiency Ordinance (Ord. 3356).
21. BEFORE FINAL INSPECTION, the applicant shall submit a report by a qualified arborist that assesses the health of the existing trees on the project site that may have been impacted by construction. If damage has occurred, the report shall include recommendations, such as aeration and fertilization to compensate for any damage.
22. BEFORE FINAL INSPECTION, the applicant shall install all required landscaping, as shown in "Exhibit A," and a drip irrigation system to serve it. The applicant shall call for a Community Development Agency staff inspection of the landscaping and irrigation at least five working days before the anticipated completion of the project. All plantings shall be clearly and accurately labeled at the time of inspection. Failure to pass inspection will result in withholding of the occupancy and imposition of hourly fees for subsequent reinspections. Submitting financial assurances to satisfy this requirement shall not be permitted and occupancy shall not be approved until the landscaping has been inspected.
23. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval before the contemplated modifications may be initiated.

Marin County Department of Public Works - Land Use and Water Resources Division

24. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit the following information and details on the Building Permit plans:
  - a. The plans must be reviewed and approved by a Registered Soils Engineer. Certification shall be either by the engineer's wet stamp and original signature on the plans, or by wet stamp and signed letter.
  - b. A separate Building Permit is required for site/driveway retaining walls with a height of more than 4 feet (or 3 feet when backfill area is sloped or has a surcharge).
  - c. A Registered Civil Engineer or Architect shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's original signature and wet stamp.
  - d. An Encroachment Permit shall be required for construction within the road right-of-way. Include on plans that existing wood fence built within South Ridgewood Road right-of-way shall be removed.
  - e. Note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
  - f. A phased erosion and sediment control plan shall be submitted for all site disturbance between October 15 and April 15.

- g. Entrance driveway shall be a minimum of 14 feet wide in accordance with Fire Department requirements.
- h. The existing fence in the South Ridgewood Road right-of-way in front of the property shall be removed.

Ross Valley Sanitary District

- 25. A sewer connection permit is required for the new residence and may be issued upon payment of the applicable fees after the Building Permit is issued. Credit will be given for the fixture units in the demolished structure, provided that they are counted by a District Inspector prior to the demolition, or can otherwise be verified. Additionally, the rebuild is to be completed within six (6) months of the demolition.
- 26. If the existing sewer lateral is not used or replaced, it must be plugged off per District specifications.
- 27. In order to use the existing sewer lateral for the rebuild, the sewer lateral must be tested in the presence of a District Inspector. If the existing sewer lateral passes the test, it must be equipped with the appropriate backwater relief device. If it fails the test, it must be replaced with a new sewer lateral. Of course, the old side sewer can be replaced without being tested.
- 28. All alterations to the sewer lateral must meet District specifications and be inspected by a District Inspector before it is covered.

Marin Municipal Water District

- 29. All landscape and irrigation plans must be designed in accordance with District landscape Ordinance #385. Prior to issuing a new irrigation water service, the applicant must receive District approval regarding the project's working drawings for planting and irrigation systems.

Kentfield Fire Protection District

- 30. Extensive brush removal required prior to any construction.
- 31. Fire Flow: UFC App. IIIA, minimum 1100 gpm@ 20psi.
- 32. Class A roofing material required.
- 33. Green belt required.
- 34. Roadway Access: P.R.C. 4291. Provide minimum 14-foot driveway access from entry to exit.
- 35. Spark Arrestors: Wire or noncombustible mesh with maximum ½" openings.
- 36. Address clearly visible and legible from the street.
- 37. Entry System: 1997 UFC – KFD ord. 107
- 38. Construction Type. May be improved to mitigate fire flow requirements.

**SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT RESOLVED that the applicant must vest this Design Review approval by securing a Building Permit, performing substantial work, and incurring substantial liabilities in good faith reliance upon the permit by August 4, 2005 or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Director approves it. Design Review extensions for a total of not more than four years may be granted for cause pursuant to MCC Section 22.82.130.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the date of such permit. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. If the Building Permit lapses after the vesting date stipulated in the Design Review approval (and no extensions have been granted), the Building Permit and Design Review approvals may become null and void.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$675.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on the fifth working day following the date of the action from which the appeal is taken.

**SECTION IV: VOTE**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 4<sup>th</sup> day of August 2003, by the following vote to wit:

AYES:

NOES:

ABSENT:

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ROSS HERBERTSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Alex Morales  
Recording Secretary