



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION

BRAUN DESIGN REVIEW

Item No:	4	Application No:	DR 03-21
Applicants:	Hunt Hale Jones Architects	Owners:	Aaron Braun and Joan Dehovitz
Property Address:	310/314 Woodland Road, Kentfield	Assessor's Parcels:	074-241-04 and -05
Hearing Date:	February 23, 2004	Planner:	Megan Basinger

RECOMMENDATION:

Deny without Prejudice

APPEAL PERIOD:

Ten calendar days to the Marin County Board of Supervisors

LAST DATE FOR ACTION:

March 16, 2004

SUMMARY RECOMMENDATION:

Staff recommends that the Planning Commission deny the Braun Design Review application without prejudice and allow the applicant the opportunity to return to the Commission with a revised and downscaled project that addresses the issues of community character, size, and compliance with the Stream Conservation Area requirements, as discussed in the staff report.

PROJECT DESCRIPTION:

The proposal includes two residentially developed parcels that will be combined to create one 73,878 square foot building site. Currently, Assessor's Parcel 074-241-04 is a 32,900 square foot lot developed with a 2,112 square foot residence, 525 square foot garage, and a swimming pool. Assessor's Parcel 074-241-05 is a 41,418 square foot lot developed with a 3,643 square foot residence, 798 square foot garage, and a swimming pool. Both residences and site improvements, including swimming pools, will be removed. The applicant proposes to construct a 14,341 square foot residence that includes a 2,350 square foot basement that will be used as living space and a 1,076 square foot attached garage. Also included in the proposal is the construction of a 368 square foot detached cabana, a 40 foot by 20 foot in ground swimming pool, a refaced driveway bridge on Assessor's Parcel 074-241-04, and a 7.5 foot high wrought iron entry gate that is flanked by two 7.5 foot high stone columns. Development on the site will total 14,709 square feet resulting in a floor area ratio (FAR) of 19.9%. As proposed, the residence will attain a height of 29 feet above grade and will maintain the following setbacks to the nearest corresponding property lines: 74 feet from the southern front property line, 51 feet from the eastern side property line, 25 feet from the northern rear property line, and 168 feet from the western side property line. The detached 368 square foot cabana will attain a height of 21 feet above grade (measured from grade to the top of the cupola) and will be located 74 feet from the western side property line and 32 feet from the northern rear property. The proposed fireside terrace feature includes an outdoor fireplace and a 13.5-foot high trellis structure that will be located 52 feet from the southern front property line. One of the two existing driveways and crossings along the property's frontage on Tamalpais Creek will be abandoned and re-landscaped as part of a creek preservation plan that includes extensive re-vegetation of the stream conservation area along Tamalpais Creek and an un-named ephemeral stream along the rear of the property.

GENERAL INFORMATION:

Countywide Plan: SF3 (Single-family Residential, one unit per one to five acres maximum density)
Zoning: RSP-1.0 (Residential, Single-family Planned District, one unit per acre maximum density)
Lot size: 73,878 square foot (Assessor's Parcels 074-241-04 and -05)
Adjacent Land Uses: Single-family residential
Vegetation: Introduced landscaping consisting of trees and shrubs
Topography and Slope: Flat
Environmental Hazards: None identified

ENVIRONMENTAL REVIEW:

The Marin County Environmental Coordinator has determined that, pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guideline, CEQA does not apply to the projects that are disapproved.

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 accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. Staff has received correspondence from several property owners within Kent Woodlands and the Kent Woodlands Property Owner's Association (KWPOA) in response to the proposal. With the exception of four letters of support, all of the correspondence includes comments opposing the project and raises issues concerning community character impacts in relation to size, siting, and visual resources. All of the letters that have been received are included as attachments.

PROJECT ANALYSIS:

Background

As discussed in the project description, Assessor's Parcel 074-241-04 is a 32,900 square foot lot developed with a 2,112 square foot residence, 525 square foot garage, and a swimming pool. Assessor's Parcel 074-241-05 is a 41,418 square foot lot developed with a 3,643 square foot residence, 798 square foot garage, and a swimming pool. Both residences and associated site improvements would be removed and replaced with a new residence, sited in the center of the properties and accessory residential improvements. Tamalpais Creek, a blue line stream, runs along the property's frontage on Woodland Road, and connects with an un-named ephemeral stream, which runs along the rear property lines for both properties.

The applicant made his initial submittal on October 3, 2002 proposing to construct a 14,911 square foot residence including basement space, a 1,116 square foot garage, and a 368 square foot pool house on Assessor's Parcel 074-241-05, a 41,480 square foot lot. In response to the concerns raised by staff, neighbors, and the KWPOA, the applicant revised the proposal to include the contiguous parcel to the east, Assessor's Parcel 074-241-04. Under this first proposed revision, the existing residence on the contiguous parcel would be demolished and the proposed residence sited in the center of the two properties to allow yard area around the residence. The revised residence included 13,265 square feet with basement space, 1,076 square feet of garage space, and a 368 square foot pool house. Access to the residence would be provided by a circular driveway that would connect the two existing driveways and creek crossings. In response to concerns raised by staff and others, the applicant revised the proposal a second time, resulting in the current project. The revisions include the removal of the driveway and creek crossing located on

Assessor's Parcel 074-241-05, shifting of the residence to the center of the two properties, placements of structures outside the 50-foot SCA, restoration of Tamalpais Creek. Please refer to Table 1, below, for a comparison of the various submittals.

Table 1: Comparison of Submittals

	Submittal 1 (9/20/02)	Submittal 2 (5/21/03)	Submittal 3 – Current Proposal (8/11/03)
Lot Size	52,000	73,878	73,878
Residence (including basement space)	14,911	13,779	13,265
Cabana	368	368	368
Garage	1,116	1,200	1,076
Total	16,395	15,347	14,709
FAR	31.5%	20.7%	19.9%

Source: Submittal information provided by applicant

Proposal

The two properties are currently developed with a total of 7,078 square feet of building area, portions of which encroach into the 50-foot Stream Conservation Areas (SCA) including the existing residence, pool, and driveway on Assessor's Parcel 074-241-04 and the existing pool and driveway on Assessor's Parcel 074-241-05. The existing residences and associated site improvements are proposed to be removed and replaced with 14,709 square feet of development consisting of: 1) a 6,726 square foot main level; 2) a 5,571 square foot upper level; 3) a 2,614 square foot basement; 4) a 368 square foot detached cabana; and 5) a 1,116 square foot attached, four-car garage is also included. Because of the 2,614 square feet of subterranean living space, the visible bulk and mass of the residence would be 13,781 square feet.

An extensive site improvement plan has been submitted in connection with the proposed residence. The accessory improvements include a 20 foot by 40 foot in-ground swimming pool, patios, a fireside terrace with a trellis and outdoor fireplace, and an auto court. The following improvements would encroach into the SCA: 1) the auto count in the front will maintain a 5 foot setback from the top of bank of Tamalpais Creek; 2) the arbor attached to the residence will maintain a 47 foot setback from the top bank of Tamalpais Creek; and 3) the rear driveway and garage access will maintain a 21 foot setback from the top bank of the un-named ephemeral stream. These three areas of encroachment are currently improved with the existing residences and associated site improvements. The new pool is proposed outside of the SCA and will replace the two existing pools that are located within the SCA. The applicant has included an extensive planting proposal for the combined properties that includes mature species of trees and shrubs to screen the residence from off-site locations. The proposed landscape plan also incorporates restoration of Tamalpais Creek along the front property line using a plant palette of Poplars, fuchsias, privets, and laurels.

PLAN CONSISTENCY:

The proposed project is inconsistent with the goals and policies of the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report. The primary areas of inconsistency are discussed below.

Community Character

The project's impact on the existing community character is a primary area of concern. Due to its overall size, bulk and mass, the proposal is inconsistent with several policies that are found in the Countywide Plan and the Kent Woodlands Land Use Policy Report.

The aesthetics of the proposed residence are generally compatible with the community in terms of design, colors and materials consistent with KWLUPR Policy CD 1.3 that states new residences and additions should be compatible with the appearance (colors, materials, and design) of residences within the immediate neighborhood and should be subordinate to the natural setting of the surrounding area. The residence is proposed to be finished in a cedar shingle exterior and features landscape materials such as stone and pavers that are complimentary to the natural environment. However, the overall size and location of the residence is incompatible with the existing community character, as discussed below and in the section on zoning consistency.

The siting of the residence is inconsistent with the siting pattern of existing residences in the area due to its proposed location in the center of the two properties. The siting is in conflict with KWLUPR Policy CD 1.4 which states that the replacement or expansion of existing residences should maintain the compatibility of the pre-existing development and should not substantially increase the visibility of the structure from surrounding properties. By replacing two modest sized residences with a new residence that occupies a different area relative to the original building sites, the project violates one of the original design concept for the Kent Woodlands subdivision. Building sites were ideally suited to preserving significant vegetation, streams, and other natural features to afford open, spacious yards that maintain a substantial amount of privacy and visual separation between homes and outdoor activity areas. The proposed siting of the residence in the center of the two lots will alter the historical development pattern, by placing development in an area originally intended for yard areas. Consequently, the proposed location results in a residence with a substantial amount of length and mass, creating visual impacts from vantage points upslope of the property. The proposed development is inconsistent with this policy because of its visibility from uphill locations, as will be further discussed in the visual analysis section.

Overall, the size of the proposed residence is inconsistent with the existing character of the community. KWLUPR Policy CD 1.5 states that the size, height, and setbacks of all new or expanded residential development shall be carefully regulated to maintain the existing character of the community and to preserve the sun, light, air, and privacy of adjacent residences.

Visual Resources

The bulk of the residence results in visual impacts on properties that are located uphill from the subject property. KWLUPR Policy CD 1.6 states that new development should be carefully sited and designed to avoid highly visible ridgeline areas and minimize interference with existing views on surrounding properties, oriented towards major visual resources. Due to the massing of the proposed residence, visual impacts from uphill properties have been identified as a significant issue. Visual Impact Analysis prepared several photo simulations of the residence at different times of year to allow for an illustrative representation of the proposed residence after construction, with the installation of landscaping, and after the landscaping has become established. The photos were taken by staff, enhanced by the consultant and have been included as Attachment 8 b and 8c. The residence has been sited so that it is not visible from Woodland Road, but would be visible from the property located uphill, Assessor's Parcel 074-241-01, 21

North Ridgewood Road. In order to mitigate the visibility of the residence when viewed from the uphill locations, the applicant proposed the planting of full sized trees along the rear property line to screen the roofline of the residence as can be seen in Attachments 8 b and 8c (Photo Simulations) and Attachment 7 (Landscape Plan). Staff finds that the proposed landscaping would not be sufficient to mitigate the massive appearance of the residence, as confirmed by the photo simulation. The visible bulk and mass that is attributed to the 144 foot length of the residence and the 4,925 square foot second floor size, and the 29 foot height in connection with the placement of the residence would result in a development pattern that is not consistent with the prevailing community character.

Stream Conservation Areas and Natural Site Amenities

The proposed encroachments into the SCA are inconsistent with Countywide Plan Policy EQ 2.3 which establishes a 50 foot setback for development, including residences, from the top bank of the stream in the City-Centered Corridor, as well as Kent Woodlands Land Use Policy Report Policy EQ 3.1 which requires a 50-foot setback from the stream bank or the area situated 50 feet from the edge of the riparian vegetation existing along the stream bank. While the project would result in an overall reduction in the amount of encroachments into the SCA, as evidenced by Table 2 below, the project would still result in encroachments into the SCA.

The project includes the construction of new driveways within the SCA, which is inconsistent with policies cited above. To mitigate this, the applicant has proposed using sand set pavers, which would allow for air and water percolation. The proposed removal of the two existing residences and associated site improvements, which include driveways, pools, and accessory structures would reduce the amount of impervious surfaces on the properties by 58.8%. The existing development that currently encroaches into the SCA consists of 1) approximately 1,185 square feet of existing building area; 2) two swimming pools; 3) three small accessory structures; and 4) approximately 4,400 square feet of driveway area. Table 2, below, illustrates the existing and proposed amounts of hardscape and softscape, portions of which are located within the SCA.

Table 2: Lot Coverage Comparison

		Existing	Proposed	Difference	
Structure	(House + Garage)	7,078	7,434	356	+5%
Hardscape	Pool	1,156	800	-356	-44%
	Driveway/Roads	10,896	6,456	-4,440	
	Terraces	7,119	3,328	-3,791	
Softscape	Lawn	5,716	19,716	14,000	+20%
	Natural Area	26,543	30,291	3,748	
	General Landscape	14,214	5,853	-8,361	
Total		73,878	73,878		

All numbers are in square feet

Source: Applicant

KWLUPR Policy CD 1.1 states that all decisions should take into consideration the protection and preservation of unique natural site amenities including hillsides, ridges, watercourses, stands of trees, and other natural features. As was discussed in the background and project proposal sections, the applicant proposes substantial restoration of Tamalpais Creek through the planting of native vegetation and the removal of existing encroachments including a creek crossing. While the majority of the issues associated with the 50 foot SCA along Tamalpais Creek have been addressed, the SCA for the ephemeral stream in the rear yard remains an outstanding issue and the proposed improvements, driveway and terrace areas, within

the SCA are inconsistent with this policy. The applicant has included the retention of numerous trees on the project site to preserve the existing natural character of the property, which is consistent with this policy and has incorporated a variety of native plant materials into the proposal. The proposed landscape plan also includes the planting of native species that will enhance the site. A large oak tree straddles the property line of Assessor's Parcels 074-241-04 and -05 and was identified by staff and neighboring property owners as an important resource to the community. Policy EQ 4.1 encourages the protection of native trees and habitats. The efforts of the applicant to retain the tree and to enhance the properties by installing new plantings on the properties is consistent with this policy and KWLUPR Policy CD 1.10 (Landscaping), which encourages the utilization of native plant species which are compatible with the surrounding natural environment.

Finally, Policy EQ 7.1a (7) of the KWLUPR states that driveways should be designed to provide direct access to building sites and aligned with the natural contours to minimize grading. The property is flat and does not require re-contouring of the topography, but the proposed driveway and parking areas are in conflict with this policy because they will be sited within the SCA despite opportunities to relocate them outside the SCA, or at a minimum, reduce these encroachments.

ZONING CONSISTENCY

In addition to inconsistencies with policies contained in the CWP and KWLUPR, as discussed above, the project is inconsistent with some of the mandatory Design Review findings (Marin County Code (MCC) Section 22.42.024) and the design standards of the RSP zoning district, specifically MCC Section 22.4.024, which require development to maintain harmony with the surrounding neighborhood, maintain orderly development, and to avoid adverse visual effects. These findings cannot be made to approve the project due to issues relating to the size, mass and bulk, and siting of the proposed residence, and the potential for view impacts to neighboring properties as discussed below.

Size

In order to evaluate the existing building area (square footage of residence and garage space) in Kent Woodlands, a survey was taken of properties within the immediate vicinity. Table 3 consists of the properties within close proximity to the proposed residence including the development that currently occupies both of the subject properties that are involved in this application.

Table 3: Survey of Building Areas

Assessor's Parcel	Address	Building Area (including garage)	Parcel Size
074-241-01	21 N. Ridgewood	2,728	31,680
074-241-03	9 N. Ridgewood	3,447	45,675
074-241-02	15 N. Ridgewood	3,394	30,000
074-241-04	310 Woodland	2,637	32,900
074-241-05	314 Woodland	4,595	41,418
074-241-06	320 Woodland	2,602	27,531
074-241-07	10 Acorn	3,344	73,170
074-242-02	2 N. Ridgewood	3,550	33,462
074-242-01	224 Woodland	5,641	38,740
074-242-03	10 N. Ridgewood	2,496	52,640
Median Building Size		3,369	36,101
Average Building Size		3,443	40,721

Source: Marin County Assessor Records

The date provided in the table above does not take Design Review approvals that have been issued and are currently under construction. Table 4, below, includes a survey of properties in Kent Woodlands that have been granted approvals for substantial remodels or new construction.

Table 4: Design Review Approvals in Kent Woodlands

Assessor's Parcel Number	Address	Existing Residence Square footage	Approved Residence Square Footage	Date of Design Review Approval
075-031-03	221 Woodland	3,915	4,870	8/16/1995
074-232-09	414 Woodland	2,777	4,544	1/29/1997
075-041-02	6 Evergreen	4,568	5,725	1/26/1996
075-041-02	6 Evergreen	5,725	6,401	6/25/1999
075-031-12	233 Woodland	5,091	5,869	7/11/2000
075-031-04	215 Woodland	0	5,492	10/22/1999
075-031-03	221 Woodland	5,012	5,885	6/17/2003
075-021-07	4 S. Ridgewood	2,200	4,282	11/20/1998
075-242-01	224 Woodland	4,885	6,641	7/18/2002
074-231-06	423 Woodland	2,645	3,458	2/26/2001
075-041-01	205 Woodland	0	4,900	10/27/1987
075-031-03	221 Woodland	3,915	4,870	8/19/1995
074-242-03	10 N. Ridgewood	1,968	9,151	11/25/2003
074-252-07	141 Goodhill	n.a.	7,120	4/28/1998
074-171-03	40 Rock	na	7,675	4/22/1999
075-161-01 and -02	110 Crown	4,220	8,149	Under Review
074-272-01	351 Evergreen	n.a.	9,995	6/21/2001
074-181-07	100 Diablo	3,073	8,094	4/28/1998
075-031-10	135 S. Ridgewood	2,461	6,981	11/25/2003
Median Improved Residence in Square Feet			5,885	
Average Improved Residence in Square Feet			6,321	

Source: CDA – Planning Division Records

A survey of Design Review approvals in Kent Woodlands indicates that the median approved building area is 5,885 square feet and the average approved building area is 6,321 square feet, both of which include the residence, garage space, and accessory structures. Based on this analysis, staff concludes that a reasonable amount of development on each of the affected parcels is approximately 6,000 square feet, including garage space. Given the median existing residence in the immediate area is approximately 3,300 square feet and the median Design Review approval of approximately 5,900 square feet, 10,000 square feet of total building area, on both lots would be a reasonable amount of development. This figure factors in the likelihood that if left independent, each of the two lots could support about 5,000 square feet of building area each. Further discussion of how the project can be revised to reduce the square footage can be found in the section entitled “Recommended Revisions.” A reduction in the size of the residence would reduce the visual impacts created by the project. Size is not the only determinant of the appropriateness of a project. In this instance, the combination of a number of factors, including the size, SCA encroachments, visual impacts, and the incompatible siting of the residence contribute to the inconsistencies with the plan policies and Design Review criteria.

Consequently, Design Review Findings A and H cannot be made because the proposed project will not be in substantial harmony with its surrounding. The size of the proposed residential development is inconsistent with the character of the surrounding community.

Visual Impacts

Planning staff finds that Design Review Findings B and F cannot be made because the proposed project will not minimize or eliminate adverse visual effects within the surrounding neighborhood. Due to its size, bulk and mass, and siting, the proposed residence would be visible from certain locations in the neighboring area. Review by Planning staff of the story poles constructed on site, which represented the siting, height, and size of the proposed residence, indicates that while the proposed residence may not result in direct privacy impacts to adjacent properties or to Woodland Road, the residence would be visible from off-site locations including Assessor's Parcel 074-241-01, 21 North Ridgewood Road, given the existing site circumstances. The visibility of the proposed residence would detract from the natural aesthetics of the wooded hillside environment that characterizes Kent Woodlands. As indicated in the photo simulations provided by the applicant (*please refer to Attachments# 8 b and c*), the applicant is relying on existing and proposed vegetation to screen the residence from off-site views. As previously discussed, the extent of vegetation is not sufficient to fully mitigate the visual impacts stemming from a very large residence.

Coordination with the Kent Woodlands Property Owners Association

The applicant has submitted an application to the Kent Woodlands Property Owners Association(KWPOA) Architectural Review Committee (ARC) for their review and approval, in accordance with the Kent Woodlands CC& Rs. The ARC has denied the project based on its incompatibility with community character and has advocated that the project be deemed incomplete with the County because of the ARC's determination. Although County staff and the ARC have identified several common issues with respect to square footage, visual impacts, and the SCA, the County cannot enforce a community's CC&Rs. The Planning Division cannot incomplete a project because it has not been accepted by the KWPOA because the County is bound by the State Permit Streamlining Act to make completeness determinations based upon the published list of submittal requirements. The Planning Division does, however, advise applicants that any approvals granted by the County may not be acceptable to the KWPOA and may cause the need for future revisions and resubmittal of the project to the County should the KWPOA require significant changes to the project.

Recommended Revisions

Based on the foregoing analysis, staff recommends that the Commission direct the applicant to make substantial modifications to the project and to resubmit the application, along with new fees for review. The following are items that the redesign should take into consideration:

- 1) Reduction of total building area, including garage space, basement area, and detached accessory structures, to a maximum of 10,000 square feet.
- 2) Step back the upper story to reduce the massing of the residence and visual impacts created when the residence is viewed from uphill locations. The applicant should incorporate a second story step back to reduce the visual massing of the residence and to allow for visual continuity with neighboring one and two-story residences. The step back be would be appropriate in the rear of the proposed residence to alleviate visual impacts placed on properties located uphill from the site. The roof forms and rooflines can also be broken into smaller building components, to avoid long, linear unbroken rooflines. Incorporation of these concepts into a revised proposal can alleviate some of the visual massing of the residence as well create a residence that is compatible with the existing community character. As an effort to reduce the massing of the second story, it is recommended that the overall square footage of the second level be reduced and separate second story elements be created. The second level shall be limited in square footage to a maximum of 30% of the total square footage of the building area. For example, if the building area is reduced to 10,000 square feet, a maximum of 3,000 square feet may be

located on the upper level; the remaining 7,000 square feet must be located on the main and basement levels.

- 3) Eliminate all improvements located within the SCA buffer as measured from the top of bank or the edge of the riparian vegetation, whichever is more restrictive, which includes driveways and terraces. A driveway may be constructed within the SCA to provide access, but large areas such as the proposed auto court and rear driveway area must be located outside the SCA.

CONCLUSION:

In conclusion, staff finds that the project is inconsistent with the CWP and the KWLUPR and the mandatory findings for Design Review approval cannot be made based on the size and location of the project and the inconsistency with the SCA requirements.

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and move to adopt the attached resolution denying the Braun Design Review.

- Attachments:
1. Proposed Resolution Denying the Braun Design Review
 2. Location Map
 3. Assessor's Parcel Map
 4. Site Plan
 - a. Existing
 1. Assessor's Parcel 074-241-05 (314 Woodland Road)
 2. Assessor's Parcel 074-241-04 (310 Woodland Road)
 - b. Proposed
 5. Floor Plans
 - a. Basement Level
 - b. Main Level
 - c. Upper Level
 - d. Pool House
 6. Elevations
 - a. Residence
 1. Front Elevation
 2. Rear Elevation
 3. Right Elevation
 4. Left Elevation
 - b. Pool House
 - c. Fireside Terrace
 - d. Entry Gate and Site Improvements
 7. Landscape Plan
 8. Photo Simulations
 - a. Letter of explanation from Harry Benke, 1/28/04
 - b. November 21, 2003 Photo Simulations
 - c. Summertime Photo Simulations
 9. Department of Public Works memorandum, 1/8/04
 10. CDA – Green Building Program memorandum, 9/23/03
 11. Kent Woodlands Property Owners Association letter, 1/5/04
 - a. KWPOA, December 15, 2003 letter
 - b. Aaron Braun, October 16, 2003 letter
 - c. Hunt Hale Jones, October 15, 2003 letter
 12. Army Corps of Engineers letter, 11/13/03

13. Ross Valley Sanitary District letter, 9/9/03
14. Kentfield Fire Protection District memorandum, 9/3/03
15. Marin Municipal Water District letter, 10/16/02
16. Letters from Neighbors
 - a. Richard Moran, 11/4/03
 - b. Marita and Kevin Daly letter, 7/13/03
 - c. Caroline Spiller letter, 6/26/03
 - d. Mark Garwood letter, 2/5/03
 - e. Gary Shemano letter, 1/29/03
 - f. Peter Thigpen letter, 1/29/03
 - g. Wren Duffy letter, 11/10/02
 - h. Joyce Koster letter, 11/12/02
 - i. Calvin Plumhof letter, 11/12/02
 - j. John Niehbauer letter, 11/3/02
 - k. Richard Moran letter, 11/1/02
 - l. Karen Moran letter, 11/1/02

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION DENYING THE BRAUN DESIGN REVIEW
310/314 WOODLAND ROAD, KENTFIELD
ASSESSOR'S PARCELS 074-241-04 AND -05

SECTION I: FINDINGS

- I. WHEREAS the applicant has submitted a proposal consisting of two residentially developed parcels that will be combined to create one 73,878 square foot building site. Currently, Assessor's Parcel 074-241-04 is a 32,900 square foot lot developed with a 2,112 square foot residence, 525 square foot garage, and a swimming pool. Assessor's Parcel 074-241-05 is a 41,418 square foot lot developed with a 3,643 square foot residence, 798 square foot garage, and a swimming pool. Both residences and site improvements, including swimming pools, will be removed. The applicant proposes to construct a 14,341 square foot residence that includes a 2,350 square foot basement that will be used as living space and a 1,076 square foot attached garage. Also included in the proposal is the construction of a 368 square foot detached cabana, a 40 foot by 20 foot new pool, an improved driveway bridge on AP 074-241-04, and a 7.5 foot high wrought iron entry gate with 7.5 foot high stone columns. Development on the site will total 14,709 square feet resulting in a floor area ratio (FAR) of 19.9%. As proposed, the residence will attain a height of 29 feet above grade and will maintain the following setbacks to the nearest corresponding property lines: 74 feet from the southern front property line, 51 feet from the eastern side property line, 25 feet from the northern rear property line, and 168 feet from the western side property line. The detached 368 square foot cabana will attain a height of 21 feet above grade (measured from grade to the top of the cupola) and will be located 74 feet from the western side property line and 32 feet from the northern rear property. The proposed fireside terrace includes an outdoor fireplace and a 13.5-foot high trellis structure that will be located 52 feet from the southern front property line. The existing driveways and creek crossings will be abandoned and re-landscaped as part of a creek preservation plan that includes extensive re-vegetation of the stream conservation area along Tamalpais Creek (front property line) and an un-named ephemeral stream along the rear property line.. The subject properties are located at 310/314 Woodland Road, Kentfield and are further identified as Assessor's Parcels 074-241-04 and -05.
- II. WHEREAS the Marin County Planning Commission held a duly noticed public hearing February 23, 2004, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Planning Commission finds that, pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, CEQA does not apply to projects that are denied by a public agency.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed project is inconsistent with the Marin Countywide Plan because it is inconsistent with Policy EQ-2.3, Stream Conservation Areas, because of the proposed improvements that are located within the Stream Conservation Area.

- V. WHEREAS the Marin County Planning Commission finds that the proposed project is inconsistent with the following Countywide Plan and Kent Woodlands Land Use and Policy Report policies.
- A. The proposed residence is inconsistent with the siting pattern of existing residences in the area due to its proposed location in the center of the two properties. The siting is in conflict with KWLUPR Policy CD 1.4 which stated that the replacement or expansion of existing residences should maintain the compatibility of the pre-existing development and should not substantially increase the visibility of the structure from surrounding properties. The proposal consists of two lots that are developed with moderate sized, single story residences, and maintain the originally intended yard areas. The original design concept for Kent Woodlands featured building sites that were ideally suited to preserving significant vegetation, streams, and other natural features. The siting created open, spacious yards that afford a substantial amount of privacy between homes and outdoor activity areas. The proposed siting of the residence in the center of the two lots will alter the development pattern, placing development in an area intended for yard area, and lends itself to the creation of visual impacts on surrounding properties. The proposed development is inconsistent with this policy because of its visibility from uphill locations and will be further discussed in the visual analysis section.
 - B. The size of the proposed residence is inconsistent with the existing character of the community. KWLUPR Policy CD 1.5 states that the size, height, and setbacks of all new or expanded residential development shall be carefully regulated to maintain the existing character of the community and to preserve the sun, light, air, and privacy of adjacent residences. The proposed residence is inconsistent with this policy due to the square footage of the building area and the SCA setbacks for the accessory improvements.
 - C. The bulk of the residence creates visual impacts on properties that are located uphill from the subject property. KWLUPR Policy CD 1.6 states that new development should be carefully sited and designed to avoid highly visible ridgeline areas and minimize interference with existing views on surrounding properties, oriented towards major visual resources. Due to the massing of the proposed residence, visual impacts from uphill properties have been identified as a significant issue. Visual Impact Analysis prepared several images of the residence at different times of year to allow for a graphic representation of the proposed residence after construction, with the installation of landscaping, and after the landscaping has become established. The residence has been sited so that it is not visible from Woodland Road, but would be visible from the property located uphill, Assessor's Parcel 074-241-01. In order to mitigate the visibility of the residence when viewed from the uphill locations, the applicant has incorporated the planting of full sized trees along the rear property line to screen the roofline of the residence.
 - D. The proposed encroachments into the SCA are inconsistent with KWLUPR Policy EQ 3.1 which requires a 50-foot setback from the stream bank or the area situated 50 feet from the edge of the riparian vegetation existing along the stream bank. While a reduction of the encroachments into the SCA is being proposed, new development will be located within this area.
 - E. The locations and extern of the driveway areas are inconsistent with KWLUPR Policy EQ 7.1a (7) of the KWLUPR states that driveways should be designed to provide direct access to building sites and aligned with the natural contours to minimize grading. The property is flat and does not require re-contouring of the topography, but the proposed driveway and parking areas are in conflict with this policy because they will be sited within the SCA.

VI. WHEREAS the Marin County Planning Commission finds that the proposed project, is not consistent with all of the mandatory findings to approve the Braun Design Review application (Section 22.42.060 of the Marin County Code) as specified below.

- A. The proposed structure will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood.**

This finding cannot be made because the proposed project will not be in substantial harmony with its surrounding. The size of the proposed residential development will contribute to visible bulk that is out of character with the surrounding community. The strong design elements and depth of the residence do not diminish the apparent mass and bulk. While the structure would be well screened from Woodland Road by existing mature vegetation and proposed landscape improvements, its visible mass and bulk viewed from uphill locations would be detrimental to the community. Furthermore, the proposed building area is incompatible with the existing community character of Kent Woodlands. A survey of the square footage of existing residences as well as approvals that have been granted within the vicinity established a range of 3,443 square feet to 6,321 square feet. This range establishes an inconsistency with the proposed development and the prevailing residence size in the community. A significant reduction in the square footage would allow the residence to be compatible with the existing community character.

- B. It will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to light, air, privacy, and views, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way.**

This finding cannot be made because the proposed project will not minimize or eliminate adverse visual effects within the surrounding neighborhood. Due to its size, bulk and mass, and siting, the proposed residence would be visible from certain locations in the neighboring area. The visibility of the proposed residence would detract from the natural aesthetics of the wooded hillside environment that characterizes Kent Woodlands. As indicated in the photo simulations, the applicant is relying on existing and proposed vegetation to screen the residence from off-site views. Revisions to the proposal, which include a reduction in total square footage and a stepping of the second story to reduce the visual impacts on neighboring properties, could create a proposal that is consistent with the existing development pattern.

- C. It will not directly, or cumulative, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way, conserve non-renewable energy and natural resources.**

The proposed development may impair or inhibit the future investment in the vicinity by introducing development that is inconsistent with the community character of Kent Woodlands as was discussed in Findings A and B. The inconsistency with the existing development pattern is due to the proposed building area of 14,709 square feet, where development ranges from 3,000 to 6,000 square feet.

- D. It will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources.**

This finding cannot be made because the proposed project will place new development within the Stream Conservation Areas that are identified by CWP and KWLUPR policies. The restoration of the stream will improve the current condition on Tamalpais Creek, but the overall development will

place a burden on the creek and the ephemeral stream located in the rear of the properties. The applicant has provided an extensive landscape proposal that includes full size trees and shrubs to screen the residence from Woodland Road and uphill properties. The landscape proposal also includes restoration of Tamalpais Creek, which would enhance the natural resources of the area. The landscape plan provides consistency with the Kent Woodlands Land Use Policy Report Policy CD – 1.10, Landscaping.

E. It will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards) of the Marin County Development Code.

The proposed project is inconsistent with the design and locational characteristics found in the Development Code because of the proposed improvements in the SCA, the visual bulk and mass of the residence and the requirements for accessory structure height limits. The proposed encroachments are inconsistent with Countywide Plan Policy EQ 2.3, Stream Conservation Areas, and Kent Woodlands Land Use Policy Report Policy EQ 3.1, Stream Conservation Areas.

F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location of characteristics of the following:

1. The area, heights, mass, materials, and scale of structures;

This finding cannot be made. The proposed building area of 14,709 square feet will have adverse visual effects on properties with the vicinity and will result in development that is out of scale with neighboring properties. The incompatibility of the proposed residence is in conflict with Kent Woodlands Land Use Policy Report Policies CD 1.4 and 1.5 that require development to maintain the existing character of the community. Analysis of the square footage of existing residences has determined that a significant reduction in square footage would need to be accommodated to allow the residence to be compatible with existing development.

2. Drainage systems and appurtenant structures;

The proposed drainage systems have been reviewed and accepted by the Department of Public Works.

3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads);

The development is proposed on a flat parcel that will not require the construction of retaining walls or require reforming of the natural terrain beyond the proposed excavation. The proposal includes the removal of the two existing swimming pool and the construction of a new pool, as well as excavation of basement. The proposed amount of excavation is 1,200 cubic yards and fill is 400 cubic yards.

4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft; and

The proposal will not interfere with existing pathways or rights-of-way for persons, animals, vehicles, or watercraft.

5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.

This finding cannot be made. As proposed, the residence will result in a loss of views and vistas from properties located uphill from the project site. Due to the visual impacts on surrounding properties, the proposal is inconsistent with Kent Woodlands Land Use Policy Report Policy CD 1.6 Visual Resources, which discourages development that interferes with existing views. In order to alleviate this impact, the massing of the upper level, approximately 5,571 square feet, would need to be significantly reduced and of a stepped design.

G. It includes features which foster energy and natural resource conservation while maintaining the character of the community.

This finding cannot be made in entirety. While the project has incorporated green building principles that would allow it to obtain a minimum of a “Gold” rating, its total square footage, bulk and mass are inconsistent with the existing community character.

H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

This finding cannot be made because the proposed project will not be in substantial harmony with its surrounding including its location and size. The size of the proposed residential development will contribute to visible bulk that is out of character with the surrounding community. The project is inconsistent with the Countywide Plan because of the proposed encroachments in the Stream Conservation Areas. The proposal is also inconsistent with the following policies in the Kent Woodlands Land Use Policy Report.

SECTION III: DECISION

NOW, THEREFORE BE IT FURTHER RESOLVED that the Marin County Planning Commission hereby denies the Braun Design Review based on the inability to make all of the mandatory findings for grant of Design Review pursuant to Section 22.42.060 of the Marin County Code.

SECTION IV: APPEAL RIGHTS

NOW, THEREFORE BE IT 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 March 4, 2004.**

SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 23rd day of February, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLEN BERLAND, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary